

Town of East Haven, Connecticut Approved Charter



Effective January 1, 1995
Passed at the November 8, 1994, Election

CHARTER FOR THE TOWN OF EAST HAVEN

MAYOR Henry J. Luzzi

CHARTER REVISION COMMISSION

John E. Leary, Jr., Chairman
Fred A. Marotti, Vice-Chairman
John J. Antonucci
Frederick W. Brow
John R. Celotto
Lee W. Link
Walter W. Lynn, Jr.
Patrick J. O'Leary
William F. Day (resigned April, 1993)

EAST HAVEN TOWN COUNCIL

Merelyn Criscuolo, Chairperson
Carl Ruggiero, Vice-Chairman
Vincent Corso
Joseph Maturo, Jr.
Fred Parlato
Mariam Amendola
Frank Gravino
Carmen Savo
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CHARTER

TOWN OF EAST HAVEN, CONNECTICUT

This pamphlet pdf is a scan and ocr of the reprint of the Charter of the Town of East Haven,



MUNICIPAL CODE CORPORATION
Tallahassee, Florida

2000

PART I
CHARTER

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Editor's note—This Part contains the charter of the town, approved by the electors of the town at the election of November 8, 1994, effective January 1, 1995. The charter is set out as adopted, except that obviously misspelled words have been corrected without notation.

WE, THE ELECTORS OF THE TOWN OF EAST HAVEN, PURSUANT TO THE PROVISIONS OF CHAPTER 99 OF THE GENERAL STATUTES, AS AMENDED, DO APPROVE THIS CHARTER FOR EAST HAVEN, CONNECTICUT.

CHAPTER I. INCORPORATION AND GENERAL POWERS

Section 1. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of East Haven as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of East Haven", hereinafter called "the Town" and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the general laws of the State of Connecticut.

Section 2. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town which contains provision that the same may be enforced by any office or agency therein named, which is abolished, such contracts, bonds, or undertakings shall continue in full force and effect, and the powers conferred and the

duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said Town.

Section 3. General grant of powers.

In addition to all powers granted to towns under the constitution and general laws of the State of Connecticut, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the Town including the power to enter into contracts with the United States or any federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and general laws of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

CHAPTER II. ELECTIONS AND APPOINTMENTS

Section 1.

(a) General.

- a. The municipal election shall be held on the first Tuesday following the first Monday in November, 1995 and every two years thereafter. At such municipal election, the electors of the town shall elect a mayor, members of the Town Council, the Town Clerk, the Board of Education and the Board of Finance.
- b. The Town Council shall be elected by districts, which districts shall be determined from time to time by the Town Council. For Town Council district election, each party may nominate three (3) candidates who are from each district and any elector may vote for three (3) candidates. The three (3) candidates from each district receiving the highest number of votes shall be elected for a term of two (2) years. The number and boundaries of Town Council Districts existing on the effective date of the Charter shall remain in effect until otherwise determined by the Town Council.
- c. For Board of Finance, each party may nominate four (4) candidates and any elector may vote for four candidates. The six (6) candidates receiving the highest number of votes shall be elected for a term of two (2) years.
- d. For Board of Education, each party may nominate six (6) candidates, and any elector may vote for six (6) candidates. The nine (9) candidates receiving the highest number of votes shall be elected for a term of two (2) years.
- e. The Mayor shall be elected for a term of two (2) years.
- f. The Town Clerk shall assume office on the first Monday in January following the election for a term of two (2) years.

- g. The Registrars of Voters shall be elected for two (2) year terms at the State election of 1996 and biennially thereafter and their terms shall begin on the Wednesday following the first Monday of January 1996 and biennially thereafter.
- h. Except as provided herein, each elected officer shall assume office on the second Saturday following election at 12:00 o'clock noon *and* shall hold office until their successors have been chosen and qualified. Provided, however, that the terms of all elected officials shall not be diminished by this Charter. The terms of all officials except the Town Clerk elected in November 1995, shall commence on the second Saturday of December, 1995 and end on the second Saturday following the 1997 election.

(b) *Board of education*

The Board of Education, consisting of nine (9) members, as in existence prior to the effective date of this Charter, shall continue to exist and shall have all the powers and duties conferred and imposed on Boards of Education by the general laws as amended, of the State of Connecticut. During the term for which he is elected no member of the Board of Education shall hold any other elected office of the Town, State, or Federal Government. Vacancies of said Board of Education shall be filled by the Mayor until the next Town election, with the person so appointed to have the same party affiliation as the person vacating said position.

Section 2. Majority representation.

Majority representation on any elective or appointive Board, Council, Commission Committee or similar body of the Town shall be determined in accordance with the provisions of Chapter 146 as amended; of the General Statutes, except the Legislative Town Council including all boards or commissions whether created by charter or ordinance, including such boards and commissions created by ordinance prior to the effective date of the new charter. The maximum number of any Board, Commission, Committee or similar body who may be members of the same political party shall be as specified in the following table:

<i>Column I</i>	<i>Column II</i>
Total Membership	Maximum From One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

Section 3. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Chapter 149 of the General Statutes, as amend-

Section 4. Vacancies.

Any vacancy in any elective Town office, except the Board of Finance and the Board of Education which shall be filled by the Mayor, shall be filled by appointment by the Council for the unexpired portion of the term, provided that when the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office. A vacancy in any elective town office which occurs from a cause arising between the date of the election and the commencement of the term shall be filled in the same manner as set forth in this Section. Any vacancy in an appointive Board, Commission, etc. shall be filled by the same authority originally making said appointment, for the unexpired portion of the term.

Section 5. Eligibility.

No person shall be eligible for election to any town office who is not at the time of his nomination an elector of said town or district and any person ceasing to be an elector of said town or district shall thereupon cease to hold office in the town.

Section 6. Terms of appointments.

Except as specifically provided in this Charter or by ordinance, all appointments to Boards, Commissions and Agencies shall be for a term of three (3) years expiring February 1; provided that said appointee shall serve until his successor is appointed and qualified.

CHAPTER III. THE LEGISLATIVE TOWN COUNCIL**Section 1. The council.**

There shall be a Town Council, consisting of three (3) members from each district. No member of the Council shall hold elective office of salaried position under the government of the Town of East Haven, nor shall he, during the term of office for which he is elected, be appointed or elected to any other office or serve on any Board, or Commission of the Town, excepting that Council persons may also serve on other boards and commissions, etc., where State or Federal programs mandate Council membership.

Section 2. Presiding officer.

At its first meeting the newly elected Council shall elect a Chairperson, to preside at all meetings, but such office shall not deprive such Chairperson of a vote on any matter. In the event of absence or disability of the Mayor, the Chairperson of the Council shall assume the responsibility of the office of the Mayor at a rate of compensation to be set by the Council but not to exceed the daily rate of compensation of the Mayor's office. In the event of the death or resignation of the Mayor, the Chairperson of the Council shall assume temporarily the duties of the office of Mayor for a period not to exceed thirty (30) days within which time the Council shall elect one of its members of the same political party as the Mayor to fill permanently the unexpired term of the Mayor at a rate of compensation to be set by the Council, but not to

exceed the rate of compensation that was paid to the previous Mayor if no selection is made from within the Council, or in the event of an unaffiliated Mayor having no representation in the Council, the Chairperson of the Council shall remain in the office temporarily for a period not to exceed ninety (90) days, during which time a special election shall be held to determine a permanent successor to the Mayor for the unexpired portion of his term. No such election shall be required within ninety (90) days prior to any regularly scheduled election of the Mayor. If any Councilperson shall so assume permanently the duties of the Mayor, he shall resign his office on said Council. His replacement shall be chosen from his political party and from his district by a majority vote of the Council.

Any Councilperson so assuming temporarily the duties of the Mayor shall not continue to serve on the Council and shall lose all the privileges and powers of a Councilperson, but shall be reinstated to his position on the Council upon expiration of his temporary tenure as Mayor.

Section 3. Procedure.

At the first meeting of the Town Council following each biennial town election, said Council shall, by resolution, fix the time and place of its regular monthly meetings and provide a method of calling special meetings. The Council shall, by resolution, determine its own rules or procedure which shall be consistent with provisions of this Charter.

Any item which falls within the jurisdiction of the Council excepting ordinances, shall be placed on the Agenda of the Council by a petition signed at least one (1) percent of the electors, as shown by those registered by the last municipal election, and filed at the Town Clerk's Office at least ten (10) days prior to a regular or special meeting of the Council. Prior to the gathering of signatures for the petition, the matter sought to be placed on the Agenda shall be submitted by an elector of the Town, in writing, to the Administrative Services Committee of the Town Council. In the event that said Committee shall not act on said request or fail to satisfy the elector within forty (40) days of its submission to the Committee, said petition shall cause the Town Council to place the matter on the agenda for consideration at its next regular meeting.

Section 4. Clerk of the council.

The Town Council shall by majority vote appoint a Clerk of the Town Council for a term to run concurrently with that of the Town Council. Said Clerk shall not be a member of the Town Council. He shall be sworn to the faithful performance of his duties and shall give such bond and receive such compensation as the Town Council shall prescribe.

Section 5. General powers and duties.

The Town Council shall have the powers and duties which, on the effective date of this Charter, were conferred by law upon officers, boards and commissions of said town existing immediately prior to such date except as otherwise specifically provided in this Charter. All legislative enactments of the Town Council dealing with creating and abolishing departments, offices, boards and commissions, adopting the budget and mill rate, and amending and repealing ordinances, shall be by ordinance. Said legislative power of the town shall be vested

exclusively in the Council, except as otherwise provided in this Charter. The Council may contract for services and the use of the facilities of the United States or any Federal agency, the State of Connecticut and any political subdivision thereof, or may by agreement, join with any such political subdivision to provide services and facilities. The Council is authorized, in the adoption of ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form or any code officially adopted by any administrative agency or the State, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public. The Council may by resolution, upon recommendation of the Board of Finance, authorize or reject inter- and infra-departmental transfers of funds in excess of \$25,000.00 but not to exceed \$50,000.00. Transfers in excess of \$50,000.00 may be authorized only by Ordinance. No transfers shall be made from any appropriations for debt service and other statutory charges. Said Council may by resolution regulate the internal operation of boards, commissions and offices which it fills by appointment, and fix the compensation of the officers and employees not in the classified service as hereinafter provided in this Charter. The Council shall either by resolution or by inclusion in the annual budget, approve the creation of any new job position or the salary for any position which is not governed by a collective bargaining agreement. However, all such boards and commissions shall elect a Chairperson from their own membership. Said Council may fix the Charges, if any, to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter.

Section 6. Public hearing on and publication of ordinance.

At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a circulation in said Town, and by posting a notice in a public place, shall be held by the Town Council before any Ordinance, excepting Emergency Ordinances, shall be passed. Every Ordinance, after passage, shall be filed with the Town Clerk. The Clerk of said Council shall record, compile and publish said Ordinances as required by law and this Charter.

Within ten (10) days after final passage, all Ordinances shall be published once in their entirety, or a summary thereof, in a newspaper having a circulation within the Town. Every Ordinance unless it shall specify a later date, shall become effective on the twenty-first (21st) day following its final passage. The annual budget shall be effective on its passage subject to the right of referendum hereinafter provided.

Section 7. Emergency ordinances.

An ordinance stated to be a public emergency by the Mayor or the Council and stating the facts constituting such public emergency shall become effective immediately after passage, and no public hearing or notice of public hearing shall be required for any public emergency

ordinance. Every such emergency ordinance including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61st) day following final passage of said ordinance.

Section 8. Annual audit.

The Council shall annually, on the recommendation of the Mayor, designate an independent certified public accountant or firm of independent certified public accountants to audit the books and accounts of the Town in accordance with the provisions of Chapter One Hundred Eleven (111) of the General Statutes, as amended. Said appointment shall be made during April or May for the purpose of auditing the books of the Town for the fiscal year terminating on June 30. Within thirty (30) days of the publication of the annual audit, the Director of Finance shall in writing respond to the Mayor and the Town Council to any recommendations of the Town Auditors with comments on the recommendations and the intended procedures responsive to said recommendations.

Section 9. Approval of ordinances and appropriation by the mayor.

Every ordinance except an emergency ordinance, or an ordinance relating to the Council or the procedure of the Council shall, before it becomes effective, be certified to the Mayor for his approval. The Mayor shall sign the proposed ordinance, within five (5) days if he approves it, whereupon, subject to the provisions of Section Six (6) of the Charter, it shall become effective. If he disapproves a proposed ordinance, he shall within five (5) days return it to the Clerk of the Council with a statement of the reasons for his disapproval which statement shall be transmitted by said Clerk to the Council at its next meeting. If the Council shall pass the proposed ordinance by an affirmative vote of at least two thirds (2/3) of the total membership of the Council Within seven (7) days after such ordinance has been received by the Council with the Mayor's disapproval, it shall become effective without his approval subject to Sections 6 and 10A of this Chapter. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without his approval subject to said Sections 6 and 10A of this Chapter.

The Mayor may disapprove or reduce any item or items in any ordinance, whereupon the approved portion of the ordinance shall become effective unless the disapproved or reduced portion thereof is passed by the Council over the Mayor's veto in the manner herein provided, in which case the entire ordinance shall become effective as finally passed, subject to the provisions of Sections 6 and 10A of this Chapter.

Section 10A. A power of referendum.

The electors of the Town shall have the power to approve or reject at a referendum, as herein provided, any ordinance adopted by the Council, except an emergency ordinance adopted in accordance with the provisions of Section Seven (7) of this Chapter or the annual budget ordinance. Ordinances submitted to the Council by initiative petition as provided in this Chapter and adopted by the Council shall be subject to a referendum in the same manner as other ordinances. Within twenty (20) days after the publication of any ordinance as provided

in Section Six (6) of this Chapter, which ordinance may be subject to referendum as provided herein, a petition requesting that such ordinance be either repealed or submitted to a vote of the electors may be filed by any elector of the Town with the Town Clerk. Any such petition shall conform to the requirements of Section 7-9 of the General Statutes, as amended. Said petition shall contain a summary of the ordinance to be repealed or submitted to referendum on a form prescribed or approved by the Town Clerk and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least fifteen (15) percent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9 of the General Statutes, as amended. The Town Clerk shall, within ten (10) days after receipt of said petition within the time provided herein, determine the petition and affidavits to be sufficient or insufficient, as the case may be, in the manner prescribed in the General Statutes, as amended, and certify said fact to the Council upon the filing of such petition with the Town Clerk, the effective date of such ordinance shall be postponed, if necessary, to the certification by said Clerk that the petition is not sufficient or to the certification of the results of such referendum. If the Council fails to repeal such ordinance, the question of repeal thereof shall be submitted to the electors at a referendum called by the Council and held pursuant to Section 7-9C of the General Statutes, as amended, after the petition for referendum has been certified to the Council. A majority vote of the electors to repeal such ordinances shall not become effective unless a total of at least fifteen (15) percent of the electors entitled to vote on the question shall have voted in favor of the repeal, excepting the budget referendum.

[Section] 10B. Referendum on the budget.

The electors of the Town shall have the power to approve or reject at a referendum, as hereinafter provided, the mill rate adopted by the Council. In the event that the proposed mill rate would increase more than five (5) mills or ten (10) percent over the previous year's total appropriated budget, the electors by petition conforming to Section 7-9 of the General Statutes, as amended, with at least signatures of fifteen (15) percent of the electors, to be filed with the Town Clerk within fifteen (15) days of the date of the adoption of the mill rate by the Council, shall cause the question of the mill rate to be placed on the ballot for a special vote to be held within twenty-five (25) days of the filing of said petition with the Town Clerk. In the event that a majority of at least twenty-five (25) percent of the voters shall vote negatively on the mill rate, the Town Council, within three (3) days shall adopt a budget reflecting "a lower mill rate than the one originally adopted. There shall be only one (1) referendum on the mill rate in any one (1) year- If the Council fails to so act within the three (3) day period, then the Mayor shall within three (3) days adopt a lower mill rate.

Suggested Budget Timetable

<i>Date</i>	<i>Action</i>	<i>Days to next action</i>
February 3	All Departments submit budget request to Mayor (including education)	28 days

<i>Date</i>	<i>Action</i>	<i>Days to next action</i>
March 3	Mayor submits his budget recommendations to the Board of Finance (including education).	20 days
March 23	Board of Finance returns budget to Mayor with their recommendations	8 days
March 31	Mayor submits budget to Council	14 days
April 14-21	Council Public Hearings on the Budget	14 days
April 28	Council must adopt the Budget	15 days
May 13	By this date petitions must be filed with the Town Clerk IF referendum is to be held on the budget	5 days
May 23	Last day for Town Clerk to certify validity of names on petitions and certify to Council	15 days
June 7	By this date a referendum must be held on the question of approving the Budget as adopted by the Council	5 days
June 10	By this day. Council must re-adopt a Budget that is lower than the one originally, IF the referendum is successful	3 days
June 13	If the Council has not acted by this date, the Mayor is empowered to adopt a lower budget which shall be the budget for the ensuing year.	

Section 11. Power of initiative.

The electors of the Town shall have the Power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance within thirty (30) days after a petition making such a proposal shall have been certified to the Council as provided herein, the electors may adopt or reject the same at a referendum that shall be called by the Council and held within ninety (90) days after such proposed ordinance has been certified to the Council. Any such petition, which shall be on a form prescribed or approved by the Town Clerk, may be filed by any elector of the Town with the Town Clerk and, except as provided herein, such petition shall conform to the requirements of Section 7-9 of the General Statutes, as amended. Such petition shall contain a summary of the ordinance proposed and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least fifteen (15) percent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9. The Town Clerk shall, within ten (10) days after receipt of said petition within the time provided herein, determine the petition and the affidavits to be sufficient or insufficient as the case may be, in the manner prescribed in Chapter III of this

Charter and certify said fact to the Council. A majority of vote of the electors to adopt the proposed ordinance shall not become effective unless a total of at least fifteen (15) percent of the electors entitled to vote on the question shall have voted in favor of said ordinance. Said ordinance shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended except by the electors or within not less than two (2) years of the adoption of said ordinance. Thereafter, the Council may vote by at least two thirds (2/3) of its members voting affirmatively to repeal said ordinance.

CHAPTER IV. APPOINTMENTS BY THE TOWN COUNCIL

Section 1. Board of tax review.

There shall continue to be a Board of Tax Review, consisting of three members, in the Town of East Haven, as existed prior to the effective date of this Charter. Said Board shall have all the powers and duties, not inconsistent with this Charter conferred and imposed by the General Statutes, as amended, on Boards of Tax Review. The Council shall annually appoint a member of the Board of Tax Review for a term of three (3) years or until his successor has been appointed and qualified, and whose term shall expire at twelve o'clock noon on the first Wednesday following the first Tuesday of January, to succeed that member whose term has expired.

Section 2. Board of zoning appeals.

There shall continue to be a Board of Zoning Appeals, consisting of five (5) members and three (3) alternates who shall have all the powers and duties as prescribed by the General Statutes, as amended. The Council shall annually appoint a member or members and alternates, sufficient in number to fill the term expiring, for terms of three (3) years expiring on the first day of February at twelve o'clock noon in accordance with Chapter 2, Section 6 of this Chapter.

Section 3. Board of ethics.

There shall be a Board of Ethics, consisting of three (3) members. Said Board shall have all the powers conferred and imposed by ordinance of the Town except as hereinafter provided. The Council shall annually appoint a member for a term of three (3) years to succeed the member whose term has expired or until his successor has been appointed and qualified in accordance with Chapter II Section 6 of this Charter.

Section 4. Personnel appeals board.

There shall be a Personnel Appeals Board consisting of five (5) members. Said Board shall have the duty of hearing and determining appeals from any employee covered by the classified service who is dismissed, demoted, suspended or fined by the application of the rules and regulations promulgated under this Charter. It shall have other duties and powers as may be

prescribed by the Council. Any employee who is covered by the classified service who is dismissed, demoted, suspended or otherwise aggrieved as a result of the interpretation of said rules and regulations, and is removed from his position, may if he feels aggrieved by his removal, demotion, or suspension, appeal to the Personnel Appeals Board. The Personnel Appeals Board may reinstate any employee if it finds that his or her removal, dismissal demotion or suspension was for insufficient cause. Said Board may order the reimbursement of salary for any lost time. The Council shall, annually appoint to said Board a successor for the member or members whose term has expired in accordance with Chapter II, Section 6 of this Charter.

Section 5. Urban renewal agency.

There shall continue to be an Urban Renewal Agency consisting of five members- The Council shall appoint annually a member or members in accordance with Chapter II, Section 6 of this Charter. All members of said Agencies shall serve without compensation but may be reimbursed for necessary expenses. The Redevelopment Agency, also known as the Urban Renewal Agency, shall have all the powers and duties relating to redevelopment and urban renewal as imposed by Chapter 130 of the Connecticut General Statutes, as amended, and for community development activities.

Section 6. Housing authority.

There shall continue to be a Housing Authority consisting of five members. The Housing Authority shall have all the respective powers and duties relating to housing authorities as imposed by Chapter 128 of the Connecticut General Statutes, as amended. The Council shall annually appoint a member or members in accordance with Chapter II, Section 6 of this Charter. Said agency shall serve as liaison and coordinate bodies between the Town Federal and State Agencies and private enterprise and shall have such powers and duties as the Council, by ordinance, may prescribe. They shall select from their membership a Chairman and Vice Chairman and may appoint and remove by resolution subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter 8 of this Charter, a director and other such officers and employees as they may require.

Section 7. Board of selectmen.

There shall continue to be a Board of Selectmen.

As soon as practicable, the newly elected Town Council shall appoint three (3) members to serve for a term concurrent with that of the Council and said appointments shall comply with the provisions of Chapter II, Section 2 of this Charter.

Section 8. Constables.

As soon as practicable, the newly elected Town Council shall appoint seven (7) constables to serve for a term concurrent with that of the Council, not more than four (4) of which shall be from the same political party.

CHAPTER V. THE MAYOR**Section 1. Election and qualifications.**

At each Town election a Mayor shall be chosen by the electors of the Town. Said Mayor shall devote full time to the duties of his office and shall serve for a term of two (2) years or until his successor shall be elected and qualified. No provision herein shall diminish the term of the office of any Mayor previously elected. From the date following said election until the commencement of the term of said Mayor, the newly elected Mayor shall be afforded at the expense of the Town, a clerk and an area in which to work commensurate with his office and access to all Town records and facilities. Notwithstanding the foregoing provision, a Mayor who is re-elected shall not incur any further expense to the Town for any of the foregoing provisions.

Section 2. Duties.

The Mayor shall be directly responsible for the administration of all departments, agencies, and offices. He shall see that all laws and ordinances governing the Town are faithfully executed; shall make semi-annual reports to the Town Council and may attend its meetings; shall prepare and cause to be printed; as soon as practicable after the close of the fiscal year an annual town report; shall recommend to the Council such measures as he may deem necessary or expedient; and shall have power to convene the Council in special session- shall keep the Council fully advised as to the financial condition of the Town; shall prepare and submit to the Council an annual budget as provided in Chapter VII of this Charter and shall exercise such other powers and duties as may be authorized by ordinances or resolution of the Council not inconsistent with this Charter. The Council shall not diminish by Ordinance, vote or otherwise the powers and duties of the Mayor, except those powers and duties imposed on him by the Council under the provisions of this Charter. A mayor who is not reelected shall not extend the term of any member of a Board or Commission nor shall he enter into any contract except in a public emergency. In the event that the incumbent Mayor shall be re-elected, the foregoing provision shall not apply. The Mayor shall not appoint anyone to a Board or Commission before thirty days prior to the effective date of such appointment.

Section 3. Appointment and terms.

The Mayor shall appoint all department heads and other officers subject to the provisions of Chapter VIII, and employees of the Town, except as otherwise specifically provided by this Charter or collective bargaining agreements. The terms, subject to the provisions hereinabove, of all such appointees shall terminate on the same date as the term of the Mayor except such appointees may continue to serve until their successors are appointed and qualified. In lieu of any appointment by the Mayor of any appointees to any office under his jurisdiction, the Mayor may, subject to the approval of the Council, perform the duties of any office under his jurisdiction, except those of the Town Treasurer. Notwithstanding any other requirements in this Charter relative to qualifications of department heads, the Mayor shall be able to perform the

duties of any office under his jurisdiction without his meeting the professional requirements of that office for a period no more than sixty (60) days with the understanding that he shall receive no additional compensation therefor.

CHAPTER VI. OFFICES AND DEPARTMENTS

Section 1. Legal services department.

There shall be a Legal Services Department in the Town of East Haven. The Mayor shall appoint a Town Attorney and such Assistant Town Attorneys, as shall be necessary, who shall be Attorneys at law admitted to practice in this State. He shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies. Boards or Commissions. He shall be the legal advisor of the Town Council, the Mayor, and all Town Officers, Boards and Commissions in all matters affecting the Town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. He shall have power, with approval of the Mayor, to appeal from orders, decisions and judgments and, subject to approval of the Mayor, to compromise or settle any claims by or against the Town. If in special circumstances, the Council deems it advisable, it, by resolution, may provide, in addition, for the temporary employment of counsel other than the Town Attorney. Any board or commission having approved funds may retain an attorney to represent such board or commission. The Town Attorney shall not be a member of any other Board or Commission, nor shall he be an officer of the Town except his position as the Town Attorney.

Section 2. Director of emergency management.

The Mayor shall appoint and may remove a local Director of Emergency Management who shall have those powers and duties pursuant to State Statute.

Section 3. Administrative departments.

There shall be the following administrative departments: A Department of Finance, Department of Public Service, Building Department, Police Department, Fire Department, Health Department, Recreation and Athletic Complex Authority, Welfare Department, an Urban Renewal Agency, Housing Authority, and such other administrative departments as provided herein or as may from time to time be created by the Town Council by ordinance. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolution of said Council.

Section 4. Department of finance.

(A) General.

The Department of Finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of special assessments and other revenues, the custody

and disbursement of town funds and money, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the Town Council. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the Town. Forms for such accounts shall be prescribed by the Director Finance with the approval of the Mayor. Financial reports shall be prepared for each quarter for each fiscal year and for such other periods as may be required by law.

(B) The Director of Finance: Powers and Duties.

Except as provided in Chapter V, Section 3 of this Charter, the Mayor shall appoint, subject to the provisions of Chapter DC, Section 6, and may remove a Director of Finance who shall have direct supervision over the Department of Finance and the administration of the financial affairs of the Town. He shall not be subject to the provisions of Chapter VIII of this Charter and the Mayor may enter into a contract with the Director Finance for his services for a period not to exceed the term of the Mayor, subject to the provision that the Town Council shall approve the salary therein.

Subject to the provisions of any collective bargaining, the Mayor shall appoint and may remove the Tax Collector, Assessor and Town Treasurer. Subject to approval of the Mayor, the Director of Finance may perform the duties of any office under his supervision except that of the Town Treasurer and may consolidate one or more such offices under one person, provided the Town Treasurer, who shall serve without compensation, shall not also be the Tax Collector or the purchasing agent.

The Tax Collector, Assessor and Town Treasurer shall have the powers and duties imposed by law on such officers, and shall have such other powers and duties as the Council may prescribe, provided that the Town Treasurer shall in addition, be the agent of the Town deposit fund.

The Finance Department shall purchase all supplies, materials, equipment and other commodities required by any department, agency board or commission of the Town on prescribed forms signed by the head of the department, office or agency or Chairman of the board or commission, or a responsible representative appointed by him. Purchases shall be made under such rules and regulations as may be established by the Council. The Finance Department shall be authorized and empowered to make all purchases to be paid from bonded debt or capital improvement funds.

(C) Bidding requirements.

It is provided, however, that all purchases of and contracts for the purchase of personal property, including a continuing order or contract for more than one fiscal year, supplies, materials, equipment or contractual services, with the exception of professional services, and all sales of personal property, and contractual services, which shall be made by or on behalf of the Town of East Haven, shall be made upon the basis of competitive bids when in the opinion of the Director of Finance said purchases or contracts to purchase or sales or contracts for sale shall involve the expenditures or receipt of more than \$4,000.00. Bidding requirement of the Charter shall be satisfied by the use of any State approved bid. All sales of real estate shall be

by bid. All real estate estimated by the Assessor to be valued at more than \$10,000.00 shall also require a written appraisal by an independent real estate appraiser. All properties estimated by the Assessor to be valued at less than \$10,000.00 shall not require an independent appraisal. Where the demolition of a structure by the Town is deemed by the Building Official to have created an emergency threatening the health or safety to persons or property in the Town contracts for demolition shall be made directly by the Director of Finance or his designee. He shall obtain written bids in any manner deemed most expeditious to him from at least two contractors for the demolition of such structures.

The Town Council may waive the aforementioned bid requirement by 2/3rd's of the members present and voting and upon the recommendation of the Director of Finance

Except as hereinabove provided, the Director of Finance shall invite sealed bids or proposals giving ten (10) days public notice thereof by publication at least once in the newspaper having circulation in the Town. All such sealed bids or proposals shall be opened publicly. With respect to purchases, the Director of Finance may accept the lowest responsible bid submitted or may reject all or any part of such bid or proposal. With respect to sales, the Director of Finance may accept the highest bid submitted or may reject all or any part of such bid or proposal.

Contracts with the Federal Government, or its Agencies, the State of Connecticut or political subdivisions thereof, shall not be subject to the bidding provisions of this Section except that such contracts shall be subject to approval by the Council. Notwithstanding the above, in the event of an emergency as defined by the Mayor, the purchase of such personal property, materials, equipment or services shall not require the bidding procedure set forth herein; provided, however, that the Director of Finance shall inform both the Board of Finance and the Town Council of such purchase at their next regular scheduled meeting. The Town Council shall have the power by ordinance to increase or decrease the amount set forth in this Charter for bidding requirements.

Section 5. Department of public services.

The Department of Public Services shall have supervision and control of the maintenance of all Town owned structures, except such structures and properties as are under the control of the Board of Education, and of the planning, surveying, constructing and reconstructing altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways side' walks and curbs, public and private drains, and other public improvements, town buildings all engineering works of the Town and the collection and disposal of garbage, rubbish and ash. The department shall have supervision and control of all parks and grounds used for park purposes belonging to the Town, and of buildings, structures, apparatus and equipment used in connection therewith; and shall have such other powers and duties as the Town Council may prescribe. Any provision of this section to the contrary notwithstanding, the Department of Public Services may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the Board of Education and approved by the Council. Notwithstanding the foregoing, in the event that the Board of Education shall request any

repairs, maintenance or new construction from the Public Service Department at an amount to be agreed upon by the Board of Education and Public Service Department the said Public Service Department shall be enabled to perform said work and may accordingly so bill for said services and said monies so billed shall be paid by the Board of Education.

The Director of Public Services: Powers and Duties

Except as provided in Chapter V, Section 3 of this Charter, the Mayor, subject to Chapter DC, Section 6 of this Charter may appoint and may remove a Director of Public Services who shall be responsible for the efficiency, discipline, and good conduct of the department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Chapter VIII of this Charter and applicable collective bargaining agreements, shall appoint and may remove such deputies, assistants and employees as he may deem necessary and shall prescribe their duties. He shall exercise his powers and discharge his duties under the supervision of the Mayor. He shall organize the work of the department in such a manner as he shall deem most economical and efficient. He shall have all the powers and duties thereof as provided in Chapter 451 of the General Statutes, as amended.

Section 6. Building department.

(A) General

The Mayor shall appoint and may remove subject to the provisions of the General Statutes and any collective bargaining agreements; as amended, a building official and such other necessary deputy or assistant inspectors, as are provided in the General Statutes, as amended. The Building Department shall have all the powers and duties provided in the General Statutes, as amended, and such other powers and duties as from time to time may be prescribed by ordinance of the Town Council.

(B) Building Official

The Building Official of the Town shall be responsible for the administration and enforcement of Chapter 354, State Building Code, and Chapter 354a, State Demolition Code, both of the General Statutes, as amended-

Section 7. Police department.

(A) Police Commission.

There shall continue to be a Police Commission, consisting of five (5) members in the Town of East Haven as existed prior to the effective date of this Charter, except as provided in this section. The Mayor shall annually appoint a member of members in accordance with Chapter II, Section 6 of this Charter. The Police Commission, shall have jurisdiction and general control of the Police Department and may make such rules and regulations that are not inconsistent with this Section. The Board of Police Commissioners shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter VIII of this Charter and applicable collective bargaining agreements, all Officers and Employees of the Police Department excepting the Police Chief. The Municipal Animal Control

Officer shall be appointed and may be removed by the Mayor subject to the provisions of applicable collective bargaining agreements. He need not be a member of the Police Department.

(B) Police Department.

The Police Department shall be responsible for the preservation of the public peace prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the State, and the ordinances of the Town and all rules and regulations made in accordance therewith. All members of the department except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes, as amended, and all powers and duties imposed by law on constables except as otherwise provided by departmental rules and regulations.

(C) The Chief of Police.

The Chief of Police shall be appointed and removed by the Mayor in accordance with State Statutes. The Chief of Police shall assign all members of the department to their respective posts, shifts, details and duties. He shall enforce rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience by any member of the Police Department to the lawful orders, rules and regulations of the Police Commission shall be grounds for dismissal or for other appropriate disciplinary action.

Section 8. The fire commission.

(A) Fire Commission.

There shall continue to be a Fire Commission, consisting of five (5) members, in the Town of East Haven as existed prior to the effective date of this Charter, except as provided in this section. The Mayor shall appoint, annually, a member or members in accordance with Chapter II, Section 6 of the Charter. The Fire Commission shall have jurisdiction of, and general control of the Fire Department, and may make such rules and regulations that are not inconsistent with this section. The Board of Fire Commissioners shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter VIII of this Charter, subject to the provisions of applicable collective bargaining agreements, all officers and employees of the Fire Department, as hereinafter provided, excepting the Fire Chief.

(B) Fire Department.

The Fire Department shall be responsible for the protection of life and property within the Town and for compliance with all laws, ordinances and regulations relating to fire prevention and fire safety.

(C) The Fire Chief.

The Fire Chief shall be appointed and removed by the Mayor in accordance with State Statutes. The Fire Chief shall assign all members of the department to their respective posts, shifts, details and duties. He shall enforce rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department.

Disobedience by any member of the Fire Department to the lawful orders, rules and regulations of the Fire Commission shall be grounds for dismissal or for other appropriate disciplinary action.

(D) Fire Marshal.

The Fire Commission shall appoint and may remove a Fire Marshal, subject to the provisions of Section 29-45 of the General Statutes as amended. The Fire Marshal shall have all the powers and duties as are prescribed by the General Statutes, as amended.

Section 9. Health department.**(A) East Shore District Health Department.**

The Town of East Haven, as provided by Ordinance, may be a member of the East Shore District Health Department. East Haven's representatives to the Board of Directors of said East Shore District Health Department shall be appointed by the Town Council in accordance with the General Statutes, as amended in accordance with Chapter II, Section 6 of this Charter.

(B) Enforcement Officer of Housing Code.

There shall continue to be a Housing Code in the Town of East Haven as provided by Ordinance, as amended. The Enforcement Officer of the Housing Code shall be appointed and removed by the Mayor. Said Officer shall be charged with the administration and enforcement of the Housing Code.

Section 10. Welfare department.

There shall be a Welfare Department in the Town of East Haven and it shall be vested with all the powers and duties prescribed in the General Statutes, as amended; As provided in Chapter V, Section 3, of this Charter the Mayor shall appoint and may remove a Director of Welfare, who shall also be the Director of Public Assistance subject to the provision of applicable collective bargaining agreements. He shall have the power to administer the Department in accordance with the General Statutes, as amended, and Ordinances of the Town.

Section 11. Library board.

There shall be a Library Board consisting of nine (9) members. The Library Board shall have general control and jurisdiction of all libraries supported in whole or in part by funds

appropriated by the Town. The Library Board shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes, as amended, on the Board of Directors of the Librarians and shall have such other powers and duties as may be prescribed by this Charter or by the Council. It shall appoint all employees of the libraries subject to the provisions of Chapter VIII of this Charter. The Mayor shall annually appoint, for a term of three (3) years, members sufficient in number to fill the vacancies occurring on the Library Board to succeed the member or members whose terms have expired who shall serve until their successors have been appointed and qualified. The term of the member or members so appointed shall expire on the first day of February at twelve o'clock noon. All real and personal property controlled by the Library Association is to be construed as property of the Town except as in conflict with any trusts or agreements that may have been initiated for the Library Association.

Section 12. Recreation and athletic complex commission.

(A) Recreation and Athletic Complex Commission.

There shall be a Recreation and Athletic Complex Commission, consisting of five (5) members, in the Town of East Haven. The Mayor shall appoint member or members in accordance with Chapter II, Section 6 of this Charter.

(B) Powers and Duties of the Recreation and Athletic Complex Commission.

The Recreation and Athletic Complex Commission shall have jurisdiction and general control of the Recreation Department and Athletic Complex and may make such rules and regulations for the use thereof that are not inconsistent with this section. The Authority shall have general management, supervision and control of all recreational activities and sporting events and contests on public parks and beaches, the public green, playgrounds and recreational fields, other than those connected with school facilities which may be utilized with the consent of the Board of Education, and control of all recreational apparatus and equipment located on same and shall make all necessary rules and regulations for the proper use thereof. All fees charged for use of the Recreation and Athletic Complex Commission facilities shall be set by the Recreation and Athletic Complex Commission. The Authority shall be empowered to make any further rules and regulations that will improve the services or facilities under its control, not inconsistent with this Charter.

(C) Director of Recreation and Athletic Complex Commission.

The Director of Recreation and Athletic Complex Commission shall be appointed and may be removed the Mayor subject to the provisions of any collective bargaining agreements. He shall be charged with the responsibilities of formulating and supervising a program for said department. The Director of Recreation and Athletic Complex Commission shall, with the advice and consent of the Recreation and Athletic Complex Commission, hire all employees subject to the provisions of Chapter VIII of this Charter and applicable collective bargaining agreements.

(D) Reserved.

(E) *Maintenance.*

The maintenance of all parks and public grounds, the public green, and all recreational fields shall be the responsibility of the Department of Public Services.

Section 13. Board of finance.

(A) *General.*

There shall continue to be a Board of Finance in the Town of East Haven, consisting of the Mayor and six (6) members. The Mayor shall be Chairman, ex officio of said Board, but shall have no vote upon any matter before such Board except in case of a tie. At all meetings of the Board four (4) members shall constitute a quorum. The Mayor and three other members or four members without the Mayor shall constitute a quorum. Members of the Board of Finance shall hold no other salaried, appointed or elected position of the Town of East Haven.

(B) *Election and Terms.*

Said Board shall consist of six (6) electors who shall constitute the Board of Finance. Biennially, the Town shall elect six (6) individuals of such Town as members of such Board of Finance to serve for two (2) years; provided however, that each political party in such election shall nominate no more than four (4) candidates.

(C) *Filling of Vacancies.*

If any member of said Board ceases to be an elector of said Town, or resigns or in any other way ceases to be a member of said Board, the vacancy shall be filled by an appointment by the Mayor, which appointee shall be a member of the political party to which the former member belonged, who shall serve until the next Town election and until his successor is elected and has qualified.

(D) *Powers and Duties.*

The Board of Finance, except as provided in this Charter, shall have all the powers and duties as provided in the General Statutes, as amended. They, and the Director of Finance, shall be the financial advisors to the Mayor and the Council. The Board shall have power to transfer appropriations not to exceed \$25,000.00 from one department to another, and create a new line item for such purpose, and to transfer appropriations, not to exceed \$25,000.00 within a department, provided, however that the Director of Finance may make transfers within a Department of amounts not to exceed \$2,500.00 in any one account in any one fiscal year. The Board shall have the power to recommend transfer of amounts over \$25,000.00, both inter- and intra-departmental, for the approval by the Town Council, as provided in Chapter III, Section 5.

Section 14. Planning and zoning commission.

There shall be a Planning and Zoning Commission in the Town of East Haven consisting of five (5) members, who shall have all the powers and duties as prescribed by the General Statutes, as amended. The Mayor shall annually appoint a member or members in accordance

with Chapter II, Section 6. The term of said member, so appointed, shall expire on the first day of February at twelve o'clock noon. The Mayor shall annually appoint an alternate or alternates sufficient in number to fill the terms expiring, not exceeding three in total number whose terms shall be for three years, or until their successors have been appointed and qualified, and whose terms shall expire on the first of February at twelve o'clock noon.

Section 15. Economic development commission.

There shall be an Economic Development Commission consisting of five (5) members, who shall have all the powers and duties as prescribed by the General Statutes, as amended, with all of the powers as were conferred by Ordinance upon the Industrial Development Commission in the Town of East Haven. The Mayor shall annually appoint a member or members in accordance with Chapter II, Section 6. Said term shall expire on the first day of February at twelve o'clock noon.

Section 16. Water pollution control authority.

There shall be a Water Pollution Control Authority in the Town of East Haven consisting of five (5) members. The Mayor shall appoint annually a member or members in accordance with Chapter II, Section 6. The term of the member so appointed, shall expire on the first day of February at twelve o'clock noon. The Water Pollution Control Authority shall be responsible for the operation and maintenance of all Sanitary Sewer Systems, including trunk lines, pump stations, lift stations and appurtenances in the Town of East Haven, and shall have all the powers and duties that are prescribed in the General Statutes as amended for the Water Pollution Control Authority.

Section 17. Community counseling and services bureau.

There shall be a Community Counseling and Services Bureau in the Town of East Haven consisting of five (5) members, who shall have all the powers and duties as prescribed by the General Statutes, as amended. The Mayor shall annually appoint a member or members in accordance with Chapter II, Section 6. The term of said member, so appointed, shall expire on the first day of February at twelve o'clock noon. The Mayor shall annually appoint an alternate or alternates sufficient in number to fill the terms expiring, not exceeding three in total number whose terms shall be for three years, or until their successors have been appointed and qualified, and whose terms shall expire on the first of February at twelve o'clock noon.

Section 18. Flood and erosion control board.

There shall be a Flood and Erosion Control Board in the Town of East Haven consisting of five (5) members, who shall have all the powers and duties as prescribed by the General Statutes, as amended. The Mayor shall annually appoint a member or members in accordance with Chapter II, Section 6. The term of said member, so appointed, shall expire on the first day of February at twelve o'clock noon. The Mayor shall annually appoint an alternate or alter-

nates sufficient in number to fill the terms expiring, not exceeding three in total number whose terms shall be for three years, or until their successors have been appointed and qualified, and whose terms shall expire on the first of February at twelve o'clock noon.

Section 19. Inland wetlands commission.

There shall be an Inland Wetlands Commission in the Town of East Haven consisting of five (5) members, who shall have all the powers and duties as prescribed by the General Statutes, as amended. The Mayor shall annually appoint a member or members in accordance with Chapter II. Section 6. The term of said member, so appointed, shall expire on the first day of February at twelve o'clock noon. The Mayor shall annually appoint an alternate or alternates sufficient in number to fill the terms expiring, not exceeding three in total number whose terms shall be for three years, or until their successors have been appointed and qualified, and whose terms shall expire on the first of February at twelve o'clock noon.

Section 20. Official bonds.

The Mayor, Town Clerk, Director of Finance, Treasurer, Agent of the Town Deposit Fund, Tax Collector Director of Public Service, Building Official and such other officers and employees as may be required to do so by the Council shall, before entering on their respective official duties, execute to the Town in the form prescribed by the Council and approved by the Town Attorney and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Council, conditioned upon honesty and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interest of the Town from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, officers, agencies. Boards or Commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

Section 21. Salaries.

The salaries of all employees of the Town of East Haven who are not covered by collective bargaining agreements shall be set by the Town Council.

CHAPTER VII. FINANCE AND TAXATION

Section 1. General form of budget presentation.

The Mayor shall require each department, office or agency of the Town supported wholly or in part by Town funds, or for which a specific Town appropriation is made, including the Board of Education, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities and work accomplished during the current year, and to be accomplished during the ensuing year. The Director of Finance and the Board

of Education shall submit to the Mayor, Town Council and Board of Finance quarterly financial reports, in a form prescribed by the Director of Finance, indicating revenues from all sources and disbursements.

Section 2. Departmental estimates.

The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town described in Section 1 of this Chapter, including the Board of Education, shall by February 3rd, file with the Mayor on forms ascribed and provided by the Director of Finance, a detailed estimate of the expenditures to be made by such department, office or agency and the revenue other than tax revenues, to be collected hereby in the ensuing fiscal year and such other information as may be required by the Council, the Mayor, or the Board of Finance.

Section 3. Duties of the mayor on the budget.

Not later than March 3rd of each year the Mayor shall present to the Board of Finance, recommendations for the budget, consisting of;

- (A) Estimate of Revenue, including the itemized receipts collected the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of

preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimate of the receipts to be collected in the ensuing fiscal year, and an estimate of available surplus or deficit.

- (B) Itemized estimates of expenditures, including the actual expenditures for each department, office, Board, Commission, Agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures, including any under expenditures or over expenditures, as estimated for the current fiscal year, and the Mayor's recommendations of the amount to be appropriated for the ensuing fiscal year, for all items and such other information as may be required by the Board of Finance and the Council.

On or before March 31st, the Mayor shall present to the Council, a Town budget, consisting of a budget message outlining the financial policy of the Town government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes and containing a clear general summary of its contents. The Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as required of the Mayor in this Chapter in regard to presenting the budget of the Board of Education to the Council. As part of the budget the Mayor shall

present

a program, previously considered and acted upon by the Planning and Zoning Commission in accordance with Section 8-24 of the General Statutes, as amended, concerning municipal improvements, of proposed capital projects for the ensuing fiscal year and for the five fiscal years thereafter. Estimates of the costs of such projects

shall be submitted by each department, office or agency annually in the form and manner prescribed by the Mayor. The Mayor shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

Section 4. Duties of the board of finance on the budget.

After receiving the recommendations of the Mayor on the Town budget, the Board of Finance shall hold consultations with each department, agency or office, review the budget as recommended, and on or before March 23rd, return the budget to the Mayor with its recommendations.

Section 5. Duties of the council on the budget.

The Council shall hold two or more public hearings not later than April 21st at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates from the Mayor, the Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the Town Clerk and, at least five (5) days prior to the aforementioned public hearing, the Council shall cause to be published in a newspaper having circulation in the Town, a notice of such public hearing and a summary of said budget estimates showing anticipated revenues by major sources, and proposed expenditures and the amount to be raised by taxation. The Council shall by the twenty-eighth day of April adopt a budget either higher, lower or the same as the Mayor's budget, and file the same with the Town Clerk. The Ordinance adopting the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function. At the time when the Council shall finally adopt the budget, it shall also fix the tax rate in mills which shall be levied on the taxable property in the Town as shown by the last assessment date. Should the Council fail to adopt a budget by the twenty-eighth day of April the proposed Town budget as transmitted by the Mayor, in accordance with provisions of Section 3 of this Chapter shall be deemed to have been finally adopted by said Council. The tax rate shall forthwith be fixed by the Mayor and thereafter expenditures shall be made in accordance with the budget so adopted. For the purposes of Chapter 108 and all of the General Statutes, as amended, the Council shall be deemed to be the budget-making authority and the legislative body of the Town and shall have all the powers and duties contained in said Chapter 108 for the creation of a "Reserve Fund for Capital and Non-Recurring Expenditures."

Section 6. Emergency appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed one (1) percent of the current tax levy in any one (1) fiscal year, may be made upon the recommendation of the Mayor, approval of the Board of Finance and by a vote of not less than two-thirds of the entire membership of the Council. A public hearing, at which any elector, or taxpayer of, the Town shall have an opportunity to be heard, shall be held prior to making such appropri-

ation, notice of which hearing shall be given in a newspaper having circulation in the Town, not more than ten (10), nor less than five (5) days, prior to the hearing. Such hearing and notice of hearing may be waived if the Council, by at least two-thirds of its entire membership, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. In the absence of sufficient general fund resources to meet such appropriation, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes, as amended, and of this Charter, as may be determined by the Council.

Section 7. Expenditures and accounting.

- (A) No purchase shall be made by any department, board, commission, or officer of the Town, except through the Finance Department. The Director of Finance shall record the amount of purchase and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.
- (B) No voucher, or charge against the Town shall be paid until the same has been approved by the Director of Finance or delegated authority.
All vouchers, claims or charges shall be approved by the Director of Finance which approval shall be valid when signed by the Treasurer and countersigned by the Mayor, provided, in the absence of inability to act of either the Mayor or Treasurer, the Director of Finance may be authorized to substitute temporarily for either, but not for both, of them.
- (C) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the Town shall pay the same to the Town Treasurer.
- (D) The several departments, commissions, officers and boards of Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefore until the matter has been approved by the Council. No appointment to any new position shall be made until the matter has been approved by the Town Council and funding has been provided therefor.
- (E) Additional appropriations over and above the total budget may be made from time to time by ordinance of the Council, upon recommendation of the Mayor, approval of the Board of Finance, and certification from the Director of Finance that there are available unappropriated general fund resources in excess of the proposed additional appropriations.
- (F) Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall lapse without any expenditure from or encumbrance of the appropriation therefore. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.
- (G) Every payment knowingly made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and

severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for his removal.

Section 8. Borrowing.

(A) The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by General Statutes, as amended, subject to the limitations thereof and the provisions of this Section. The Mayor and Treasurer shall be empowered to execute said notes and bonds on behalf of the Town. The issuance of bonds and notes shall be authorized by Ordinance of the Council adopted in the same manner as provided in this Charter for the adoption of Ordinances.

(B) *Limitation of borrowing.*

Any proposal by the Mayor to the Council for the borrowing of money by the Town of East Haven, for any purpose whatsoever, shall first be referred to the Board of Finance for approval. The Board of Finance shall determine the outstanding balance of all obligations of the Town for bonds, and notes of more than one year's duration, add to this balance so determined the total amount of the Mayor's request for borrowing, compare the amount so determined with the statutory limit on bonding, as expressed in the General Statutes, as amended, and arrive at a percentage thereof. If the percentage of the amount of borrowing so requested by the Mayor plus the balance of the obligations of the Town, shall exceed fifty (50) percent of the statutory limit on bonding by the Town of East Haven and the Board of Finance approves said request of the Mayor for borrowing then the Council shall not approve said request of the Mayor for borrowing, but shall refer the question of the Mayor's request for borrowing to a referendum as provided in Chapter III, Section 10A for approval or disapproval as the case may be.

Section 9. Salaries of elected officials.

The Mayor shall prepare a salary schedule for each elected official for the budget next preceding such official's election and such schedule shall provide for appropriate increases. This salary schedule shall, for each elected official, upon approval by the Council and subject to the provisions of Chapter III, Section 10A become effective when each elected official has been elected and qualified. The salary of such elected officials as determined heretofore, shall not be increased or diminished during that elected term of office.

CHAPTER VIII. PERSONNEL

Section 1. The civil service commission.

(A) The Civil Service Commission of the Town shall have the powers and duties which are conferred by Chapter 113 of the Connecticut General Statutes, as amended.

(B) The Commission shall define which positions are to be considered those of the classified service, subject to provisions of Chapter DC of this Charter.

(C) The hiring and promotion of all classified town employees shall be pursuant to the Commission Rules and Regulations.

Section 2. Civil service commissioners.

Pursuant to Connecticut General Statutes, as amended, the Mayor shall appoint, and may remove, three (3) persons as Civil Service Commissioners, which Commissioners shall constitute the Civil Service Board. The Mayor shall annually appoint a member or members sufficient in number to fill the terms expiring for a term of three (3) years, or until his successor has been appointed and qualified, and whose term shall expire on the first day of February at twelve o'clock noon. All appointments to said Board shall be made so that not more than two (2) members, shall, at the time of appointment, be members of the same political party, and no such commissioner shall, during his term of office hold any other lucrative office or employment under the United States or the State or any political subdivision thereof having employees classified under the merit system. In case of any vacancy, the unexpired portion of the term shall be filled by appointment of the Mayor of a person of the same political affiliation as the former member.

Section 3. Civil service board; president and chief examiner.

The Board shall select one of its members as president and shall, after holding a competitive test therefore, employ a chief examiner whose duty it shall be, under the Director of the Board, to superintend tests. The Chief Examiner shall be, ex officio, secretary of the board and shall under the direction of the board, keep the minutes of all its proceedings, preserve all reports made to it, keep a record and index of all tests held under its direction and perform such other like duties as the board prescribes. The files and records of the board shall be open at all reasonable hours to inspection by the public. The board may incur necessary expenses for travel, compensation of secretary, clerk hire, stationery and other incidental expenses.

Section 4. Classification of officers and employees.

Such Civil Service Board shall classify all the officers and departments for which the merit system has been adopted, except elective officers, and the board may also, in its discretion, exempt from test and competition the officer responsible for the policy of any department, and one deputy, private secretary, or other confidential employee of such officer. The officers' and employees so classified by such board shall constitute the classified civil service, and no appointment of any such officer or employment of any such employee shall be made except in accordance with the rules of the board.

Section 5. Municipal employees' benefits and personnel policies.

The Council may provide by Ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contributions by employees and the Town to a fond

from which such allowances shall be paid and said Council may authorize the transfer of the management and investment of the Town's pension funds to any fiduciary institution chartered or licensed to operate, in the State of Connecticut under the provisions of the General Statutes as amended. The Town may enter into a contract with any insurance company authorized to do business in this State for the purpose of insuring the whole or part of its retirement plan, may elect to participate in the Connecticut Municipal Employees' Retirement fund, or elect to participate in the old-age and survivors' insurance system, under Title II of the Social Security Act in accordance with the provisions of Part II of Chapter 113 of the General Statutes, as amended or may elect any combination thereof. The Council may by ordinance provide for compulsory retirement at any age to be determined, except as contrary to state and federal guidelines. The Mayor shall administer or may assign and reassign the administration of this section and personnel policies involving hours of work, vacations, sick leaves and other leaves of absences of all employees in the classified services.

CHAPTER IX TRANSITION AND MISCELLANEOUS PROVISIONS

Section 1. Transfer of powers.

The powers which are conferred and the duties which are imposed upon any Commission, Board, Department or Office under the General Statutes, as amended, or any Ordinance or regulation, in force at the time this Charter shall take effect, if such Commission, Board, Department or Office is abolished by this Charter, shall be thereafter exercised and discharged by the Commission, Board, Department or Office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All Commissions, Boards, Departments or Offices abolished by this Charter, whether elective or appointive shall continue in the performance of their duties unless expressly provided in this Charter until provision shall have been made for the discontinuance of such Commission, Boards, Departments or Offices created under this Charter and until the Clerk of the Council shall have notified the members of such Commissions, Boards, Departments or Offices as are abolished by this Charter or that their successors have qualified. All appointive powers now or hereafter conferred by the General Statutes, as amended, upon Boards of Selectmen shall be exercised by the Council unless otherwise specifically provided in this Charter. The powers of the Board of Selectmen in the Town, shall hereafter be limited to the admission of electors as provided by the General Statutes, as amended.

Section 2. Present employees to retain positions.

All persons holding permanent positions in the service of the Town on the effective date of this Charter, whose positions are included in the classified service by the terms of this Charter, shall continue as members of the classified service and retain such positions until promoted, transferred, reduced in rank, or removed in accordance with the provisions of this Charter. All other employees of the Town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Council or the appropriate officer charged by this Charter with powers of appointment and

removal. Such removal from positions during transition need not require the showing of good cause for removal in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof, shall continue in effect until or unless amended or repealed in accordance with the provisions of this Charter.

Section 3. Conflicts of interests.

Any elected or appointed officer or any employee of the Town who has financial interest direct or indirect, in any contract, transaction or decision of any Board or Commission to which the Town is a party, shall disclose that interest to the Council who shall record such disclosure upon the official record of their meetings. Violation by any such officer or employee of the provisions of this section shall be grounds for his removal. When any elected or appointed officer or any employee of the Town shall be charged with a violation of this Section, he shall appear before the Board of Ethics within thirty (30) days of the date of said written charges having been made by any member of the Council, or by any taxpayer initiating said action through a sworn notarized affidavit. The Board of Ethics shall within ten (10) days of its meeting, file with the Council a report of its meeting and recommendations. The Council at any regular or special meeting, may remove any such person that it finds to have violated the requirements of this section. Violation of this section with the knowledge, express or implied of any person or corporation participating in such contract transaction or decision shall render the same voidable by the Council or by a Court of competent jurisdiction.

Section 4. *Ira-aster* of records and property.

All records, property and equipment whatsoever of any Commission, Board, Department or Office or part thereof, all the powers and duties of which are assigned to any other Commission, Board, Department or Office by this Charter, shall be transferred and delivered intact to the Commission, Board, Department or Office to which such powers and duties are so assigned on or before the effective date of the successor Commission, Board, Department or Office. If part of the powers and duties of any Commission, Board, Department or Office or part thereof are by this Charter assigned to another Commission, Board, Department or Office all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the Commission, Board, Department or Office to which such powers and duties are so assigned.

Section 5. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any Commission, Board, Department or Office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be contained notwithstanding that functions, powers and duties of any Commission, Board, Department or Office party thereto may, by or under this Charter, be assigned or transferred to another Commission, Board, Department, or Office but

in that event the same may be prosecuted or defended by the head of the Commission, Board, Department or Office to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 6. Qualifications.

(A) Examinations.

All new candidates for the position of Zoning Enforcement Officer, Director of Recreation and Athletic Complex Authority, Director of Welfare and Water Pollution Control Authority Director may be required to take a written qualifying examination to be administered by the Civil Service Commission. The appointed person shall not be entitled to the benefits under Chapter VIII of this Charter. The results of said examination shall be forthwith forwarded to the appointing authority, which authority may select and recommend a person or persons from the top three qualifying applicants.

(B) Special Qualifications.

All applicants for the following positions shall possess minimum qualifications and experience for the positions for which they are applying, as follows:

1. Director of Finance.

Thorough knowledge of accounting and auditing principles and practices; considerable knowledge of governmental accounting procedures and practices and their application to municipal finances; supervisory ability; considerable ability in concise written and oral expression; considerable ability to establish and maintain effective working relationships with associates and the public.

Not less than eight (8) years experience in accounting, auditing, or fiscal management of which two (2) years must have been in a supervisory capacity in public administration or graduation from college (graduation shall be considered successful completion of a four year college course or its equivalent), with major concentration in accounting, business or public administration and four (4) years of the above experience of which two (2) years shall have been in a supervisory capacity in public administration or an equivalent combination of experience and training specified above including two (2) years which shall have been in a supervisory capacity in public administration.

2. Assessor.

Graduation from college (graduation from college shall be interpreted as completion of a four year college course or its equivalent), and one (1) year's employment in the appraisal or assessment of real or personal property including at least two (2) years employment in municipal assessment, or any combination of the above training and experience including the two (2) years employment in municipal assessment, or Certification by the Connecticut Association of Assessing Officers as a Certified Connecticut Assessor or Certification by the International Association of Assessment Officers as a Certified Assessment Evaluator, or Certification pursuant to standards as may be set by the General Assembly.

3. Tax Collector.

Successful completion of two years of college majoring in accounting or five (5) years of office bookkeeping experience, at least two of which shall be in responsible charge.

4. Public Service Director.

Considerable knowledge of the principles and practices of civil engineering, preferably in the field of municipal engineering and public works problems; considerable knowledge of methods, materials, equipment and practices usual to highway, storm and sanitary sewerage construction and maintenance and to building construction and maintenance- knowledge of collection and disposal of garbage and refuse, of street cleaning, lighting, snow removal and the elimination of related hazards; familiarity with budgeting practices and procedures; considerable ability to plan large scale operations and to plan and coordinate the activities of workers engaged in such operations; considerable ability to analyze problems and recommend corrective action; ability to develop and maintain effective working relation with subordinates, associates and the public; ability in clear and concise written and oral expression.

Graduation from college, (graduation shall be considered successful completion of a four year college course or its equivalent), in civil engineering and four (4) years employment in highway public works or related construction and maintenance operations including two (2) years in a responsible supervisory capacity dealing with municipal civil engineering problems and activities, or equivalent experience.

Section 7. Town clerk.

The Town Clerk shall have all powers and duties as prescribed by the General Statutes as amended, and this Charter. The Town Clerk shall be the custodian of the Town Seal.

Section 8. Existing laws and ordinances.

All general and special laws in their application of the Town and all Ordinances and by-laws of the Town shall continue in full force and effect except insofar as they are inconsistent with the provisions of this Charter, and to the extent of such inconsistency they are replaced.

Section 9. Amendment of charter.

This Charter may be amended in the manner prescribed by law.

Section 10. Saving clause.

If any section of this Charter shall be held invalid by a Court of competent jurisdiction, such holdings shall not affect the remainder of this Charter nor the context in which a section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply. In the event of such invalidity of any

Section, then the said Section of the former Charter that was revised shall be deemed to be applicable. Any references herein to the masculine shall include the feminine and any references to the singular shall include the plural.

Section 11. Effective date.

This Charter shall become effective on the first day of January following its adoption by the voters of the Town. The term of office of any official, Board or Commission member, elected or appointed prior to the effective date of this Charter shall not be diminished by this Charter.

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