

## CHARTER

[HISTORY: Adopted by the Town Council of the Town of Montville 11-7-1995. Amendments noted where applicable.]

### ARTICLE I Incorporation and General Powers

#### § C101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Montville, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Montville," hereinafter in this Charter 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 law of the State of Connecticut.

#### § C102. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said Town as of the date when this Charter shall take effect are continued in said Town and said Town shall continue to be liable for debts and obligations of every kind for which said Town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said 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 provisions that the same may be enforced by any office or agency therein named, which is hereby abolished, such contracts, bonds, or undertakings shall be in no manner impaired, but 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.

#### § C103. General grant of powers.

In addition to all powers granted to towns under the constitution and general law, 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, the 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 the general law 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.

## ARTICLE II Elections

### § C201. General.

Nomination and election of federal and state officers, including Registrars of Voters, and of such elective municipal officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the constitution and general laws of the State of Connecticut, except as hereinafter provided.

### § C202. Regular Town elections.

A meeting of the electors of the Town of Montville for the election of officers of the Town shall be held on the first Tuesday after the first Monday in November 1991 and biennially thereafter. All officials duly elected at such regular Town elections, upon qualification, shall take office on the first Monday following their election, and they shall hold office until their successors have been chosen and qualified. Except as otherwise provided in this Charter, all elective Town officers, boards and commissions shall have the powers and duties prescribed by law.

### § C203. Elective officers.

At regular elections there shall be elected, in accordance with the provisions of the General Statutes of the State of Connecticut and of this Charter, a Mayor and a Town Council consisting of seven members. At regular elections there shall also be elected a Board of Education consisting of nine members, a Zoning Board of Appeals consisting of five members, and a Board of Tax Review consisting of three members, each as hereinafter defined.

A. Mayor: To be elected in accordance with § C501 of this Charter.

B. Town Council: At the election of November 1977, there shall be elected three members to the Town Council for a term of two years, the four remaining members to complete their terms of office. At the election of November 1979, there shall be elected seven members to the Town Council for a term of two years. Thereafter there shall be elected seven members who shall hold office for two years to succeed those whose terms expire.

C. Board of Education:<sup>1</sup> At the first regular election following the adoption of this Charter, there shall be elected one member of the Board of Education for a term of two years and two members for a term of four years to replace the members whose terms expire. The remaining six members shall continue in office until their terms expire. At the election two years thereafter, there shall be elected four members of the Board of Education for terms of four years. Alternately thereafter,

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1. Editor's Note: See also Ch. 42, Education, Board of.

there shall be elected five members and then four members who shall hold office for four years to succeed those whose terms expire.

D. Zoning Board of Appeals:<sup>2</sup> At the first regular election following the adoption of this Charter, there shall be elected two members of the Zoning Board of Appeals for terms of four years, and three members for terms of two years. Alternatively thereafter, there shall be elected three members, and then two members, who shall hold office for a term of four years to succeed those whose terms expire.

E. Board of Tax Review: At the election of November 1977, there shall be elected two members of the Board of Tax Review for a term of four years and the remaining member for a term of two years. At the election of November 1979 there shall be elected one member to the Board of Tax Review for a four-year term. Alternately thereafter, there shall be elected two members and then one member who shall hold office for four years to succeed those whose terms expire.

### § C204. Minority representation.<sup>3</sup>

A. Minority representation on any elective or appointive board, commission, committee or similar body of the Town, with the exception of the Town Council, shall be determined in accordance with the provisions of the General Statutes of 1958 as amended.

B. Minority representation on the Town Council shall be determined as follows: The Town Clerk shall prepare a list of candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any such political party would be elected without regard to this section exceeds five, only the five candidates of such political party with the highest number of votes shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidate shall be elected up to the number of places to be filled at such election. At such time as the minority representation provisions of this section become applicable, vacancies thereafter occurring shall be filled by appointment of a member of the same political party as that of the vacating member. For the purposes of this section, a person shall be deemed to be a member of the political party on whose enrollment list his name appears on the date of his appointment to the Town Council, provided any person who has applied for erasure or transfer of his name from an enrollment list shall be considered a member of the party from whose list he has so applied for erasure or transfer for a period of six months from the date of filing of such application and provided further any person whose candidacy for election to office is solely as the candidate of a party other than the party with which he is enrolled shall be deemed to be a member of the party of which he is such a candidate.

### § C205. Independent and minority party candidates.

No name of any candidate shall be printed on any official ballot at any election, except the name of a candidate nominated by a major or minor party, unless a

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2. Editor's Note: See also Ch. 146, Zoning Board of Appeals, Art. I, Panel of Alternates.

3. Editor's Note: See C.G.S. § 9-167a.

nominating petition for such candidate, with his party designation, is filed with the Secretary of the State as provided in Section 9-453 to 9-458 inclusive of the General Statutes, as amended.

#### § C206. Voting districts.<sup>4</sup>

There shall continue to be five voting districts as the same existed on the effective date of this Charter, and the number of voting districts shall not be increased nor the boundaries altered, except by ordinance of the Town Council. The Town Council shall have authority to alter voting district boundaries by ordinance. The five voting districts shall be kept reasonably equal with respect to overall population as recorded by the most recent national census. No change in the boundaries of voting districts shall be made within 90 days prior to an election. The Registrars of Voters shall provide suitable polling places in the districts, and the Town Council shall define the boundaries of the area to be served by each polling place. The Town Clerk, Registrars of Voters and all other officers of the Town shall perform the duties required of them by law with respect to elections in the voting districts. All action taken under the provisions of this section shall be in accordance with Section 9-169 of the General Statutes, as amended.

#### § C207. Breaking a tie.

When any regular or special town 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 the General Statutes.

#### § C208. Vacancies.

If a vacancy should occur in the office of Mayor, the Chairman of the Town Council shall serve in the office during the interim until a successor to the Mayor can be decided in a special election to be held 90 to 120 days following the vacating of the office. Any vacancy in any other elective Town office from whatever cause arising shall be filled by appointment by the Town Council within 30 days for the unexpired portion of the term, or until the next biennial election at which the vacancy can be filled in accordance with Section 9-221 of the General Statutes, as amended, provided that when a person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party. When any office or position is vacated by a non-affiliated elector, that position shall be filled with another non-affiliated elector.

#### § C209. Eligibility.

No person shall be eligible for election to any Town office who is not at the time of election an elector of the Town, and any person ceasing to be an elector of the Town shall thereupon cease to hold elective office in the Town.

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4. Editor's Note: The number of voting districts has been increased; see Ch. 130, Voting Districts, for current information.

§ C210. (Reserved)

§ C211. Board for Admission of Electors.

As provided in Section 9-15a of the General Statutes, as amended, the Town Clerk and the two Registrars of Voters shall comprise the membership and quorum of the Board for Admission of Electors. The Board shall hold sessions for the admission of voters as provided in Section 9-16 of the General Statutes, as amended.

### ARTICLE III The Town Council

§ C301. Composition.

There shall be a Town Council consisting of seven Councilors, elected by the qualified electors of the Town as provided in §C203, Subsection B, of this Charter.

§ C302. Compensation; expenses.<sup>5</sup>

The Town Council may determine the annual salary of Councilors by ordinance in accordance with Section 7-460 of the General Statutes, as amended. No ordinance increasing such salary shall become effective until the date of commencement of the terms of the Councilors elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilors shall receive their actual and necessary expenses incurred in the performance of their duties of office.

§ C303. Organization.

Each newly elected Town Council shall meet for organization in the Town Hall at 8:00 p.m. on the Monday following its election. The meeting shall be called to order by the Town Clerk who shall administer the oath of office to all newly elected members. In the absence of the Town Clerk, the meeting may be called to order and the oath administered by any officer authorized by law to administer oaths. The Town Council shall elect one of its members an officer of the Town who shall have the title of Chairman of the Town Council and shall serve at the pleasure of the Town Council. The Chairman of the Town Council shall act as moderator at all Town Council meetings and Town meetings held under Article VIII of this Charter. The Chairman of the Town Council shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs shall become Mayor until his successor shall be elected in accordance with § C208 of this Charter. The Town Council shall also elect one of its members an officer of the Town who shall have the title of Deputy Chairman of the Town Council and shall serve at the pleasure of the Town Council during any period of absence or disability of the Chairman of the Town Council.

§ C304. General powers and duties.

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5. Editor's Note: See also Ch. 21, Compensation, Art. I, Town Council.

A. The Town Council shall constitute the legislative branch of government of the Town of Montville. The Town Council shall have the following enumerated powers:

(1) Subject to the provisions of Article VIII of this Charter, the Town Council shall have the exclusive power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the State of Connecticut.

(2) To create or abolish, by ordinance, boards, commissions, departments and offices, except that the Town Council shall not have the power to abolish any board, commission or office expressly authorized and constituted by this Charter.

(3) To incur indebtedness in the name of the Town and to provide for the due execution of contracts and evidence of indebtedness issued by the Town subject to the provisions of Article VII of this Charter.

(4) To accept as a public highway any street or highway situated in the Town after receipt of a report by the Planning and Zoning Commission under the provisions of Section 8-24 of the Connecticut General Statutes, as amended. Discontinuance of Town roads shall be in accordance with Section 13a-49 of the Connecticut General Statutes, as amended.

(5) To fulfill its obligations on the budget in accordance with Article VII of this Charter.

(6) To institute, prosecute, defend or compromise any legal action or proceeding by or against the Town.

(7) Subject to the provisions of Article VII of this Charter, to enter into contracts for any services and to purchase or contract to purchase any supplies, materials, equipment and other commodities required by any Town agency, except for those budgeted items of any Town board, commission or agency contained in the approved budget of the Town of Montville and further excepting the Board of Education. The Town Council may delegate any of its powers in this section to any Town agency, board or commission or the Mayor.

(8) Subject to the limitations contained in Article VII of this Charter, to purchase real estate.

(9) To fix the salaries and benefits of the Mayor, the Registrars of Voters and the officers and employees of the Town of Montville, except as provided in § C906 of this Charter.

(10) To accept gifts of real estate unless good cause is shown that the acceptance of the gift would be detrimental to the general welfare of the Town.

(11) To coordinate the activities of all agencies of the Town and to keep under review the present and future needs of the Town. The Town Council shall require such reports from and meetings with other Town agencies, boards, commissions and officers as may be useful to it in the performance of its duties.

(12) To constitute one of their members who shall serve as Chairman and one of their members who shall serve as Deputy Chairman in the absence of the Chairman.

(13) To maintain records and minutes of all of its proceedings which shall be maintained permanently by the Town Clerk.

(14) To mandate that any administrative office, including the office of the Mayor, implement any ordinance or resolution adopted by the Town Council within the time allocated for such implementation by the Town Council.

(15) To make appointments to any appointive boards, commission or agencies of the Town and to fill vacancies which arise in said appointive offices.

(16) To adopt policies which consider all administrative positions in the Town government, elected or appointed, where salary and/or benefits are provided. Policies shall define the personnel to be covered, the qualifications and method of appointment to each position, the duties, responsibilities and powers of such positions and the conditions, salary and benefits of employment in such positions.

(17) To override the veto of the Mayor of any ordinance or resolution adopted by the Town Council. The override shall require a two-thirds vote of the entire Council taken within 30 days of the date of delivery of said veto to the Town Clerk, except as specifically provided in this Charter.

B. The Town Council shall have such other powers and duties as are provided for legislative bodies of municipalities by the General Statutes of the State of Connecticut and this Charter. The Town Council may exercise any of the powers conferred on towns by the General Statutes of the State of Connecticut to the extent that such powers are not otherwise limited by or inconsistent with this Charter.

#### § C305. Prohibitions.

A. Holding other office: Except where authorized by law or otherwise specifically required by this Charter, no Councilor shall hold any other Town office or Town employment during the term for which he was elected to the Town Council, and no former Councilor shall hold any compensated appointive Town office or Town employment until one year after the expiration of the term for which he was elected to the Town Council.

B. Appointments and Removals: Neither the Town Council nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officer or employee whom the Mayor or any of his subordinates are empowered to appoint, except as provided in this Charter, but the Town Council may express its views and fully and freely discuss with the Mayor anything pertaining to appointment and removal of such officers and employees.

C. Interference with Administration: Except for the purpose of inquiries and investigations under Sections 308 and 902, the Town Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the Town Council

nor its member shall give orders to any such officer or employee, either publicly or privately

§ C306. Vacancies; forfeiture of office; filing of vacancies.

A. Vacancies: The office of a Councilor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

B. Forfeiture of Office: A Councilor shall forfeit his office if he:

(1) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law;

(2) Violates any express provision of this Charter; or

(3) Is convicted of a crime involving moral turpitude.

C. Filling of Vacancies: A vacancy in the Town Council shall be filled for the remainder of the unexpired term, if any, at the next biennial election at which the vacancy can be filled in accordance with Section 9-221 of the General Statutes, as amended, but the Town Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Town Council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by the provisions of Article II. Notwithstanding the requirements in § C310, Subsection C, that a quorum of the Town Council consists of four members, if at any time the membership is reduced to less than four, the remaining members may by majority action appoint additional members to raise the membership to four.

§ C307. Judge of qualifications.

The Town Council shall be the judge of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing. Decisions made by the Town Council under this section may be subject to review by the courts.

§ C308. Code of Ethics and investigations.<sup>6</sup>

The Town Council shall, within six months subsequent to the date of adoption of this Charter provision, adopt, by ordinance, a comprehensive code of ethics which shall govern the conduct of all municipal officials, both elected and appointed, and all municipal employees. The Town Council shall have the power to investigate any and all departments, offices and agencies of the Town to determine whether or not

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6. Editor's Note: See Ch. 49, Ethics, Code of.

there has been any violation of the Code of Ethics or any wrongdoing in such departments, offices and agencies; and, for such purposes, shall have the power to call witnesses to appear before the Town Council to testify on any matter under investigation. At the request of the Town Council, any proper authority may issue a subpoena for the appearance of witnesses and the production of evidence. Upon the determination, after a hearing held, of which hearing the respondent has had notice and at which hearing the respondent has had an opportunity to be heard, that a violation of the Code of Ethics has occurred, the Town Council shall have the right to take any disciplinary action allowed by applicable law.

§ C309. Fiscal year.

The fiscal year of the Town of Montville shall be from July 1 to June 30 unless otherwise mandated by the General Statutes, as amended.

§ C310. Procedure.

A. Meetings: The Town Council shall meet regularly at least once in every month at such time and places as the Town Council may prescribe by rule. The Town Council will set its own rules pertaining to the calling of special or emergency meetings. All meetings shall be public; however, the Town Council may recess for the purpose of discussion in a closed or executive session, pursuant to provisions of Section 1-21 of the General Statutes, as amended,<sup>7</sup> provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the Town Council until the matter is placed on the agenda.

B. Rules and Journals: The Town Council shall determine its own rules and order of business, except as provided in this Charter, and shall provide for keeping a journal of its proceedings. This journal shall be a public record and kept in the office of the Town Clerk.

C. Voting: Voting, except on procedural matters, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the Town Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to penalties prescribed by the rules of the Town Council. No action of the Town Council, except as otherwise provided in the preceding sentences and in § C306 of this Charter, shall be valid or binding unless adopted by the affirmative vote of four or more members of the Town Council.

§ C311. Action requiring an ordinance.

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the Town Council shall be by ordinance which:

A. Adopt or amend an administrative code;

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7. Editor's Note: Said Section 1-21 of the General Statutes has been transferred; see now C.G.S. § 1-225.

- B. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- C. Levy taxes, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget;
- D. Grant, renew, or extend a franchise;
- E. Convey or lease, or authorize the conveyance or lease of any lands of the Town;
- F. Adopt, with or without amendments, ordinances proposed under the initiative power;
- G. Amend or repeal any ordinance previously adopted;
- H. Establish, alter or abolish any Town department, office, agency, board, or commission, except as provided by this Charter.

§ C312. Ordinances in general.

A. Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enactment clause shall be: "The Town of Montville hereby ordains . . ." Any ordinance which repeals or amends part of an existing ordinance or part of the Town Code shall set out in full the ordinance, section or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.

B. Procedure: An ordinance may be introduced by any member at any regular or special meeting of the Town Council. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Mayor, shall file a reasonable number of copies in the office of the Town Clerk and such other public places as the Town Council may designate and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Town Council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special meeting of the Town Council, and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the Town Council may adopt the ordinance with or without amendment or reject it, but, if it is amended as to any matter of substance the Town Council may not adopt it until the ordinance or its amended sections have been subject to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the Town Clerk shall have it published again together with a notice of its adoption.

C. Effective Date: Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption [adoption being defined as the date of approval by the Town Council in the event that no veto power is exercised pursuant to § C505 of this Charter and the date of override of a mayoral veto by the Town Council in the event that a mayoral veto is

overridden in accordance with the provisions of §C304, Subsection A(17) of this Charter] or at a later date specified therein.

D. "Publish" Defined: As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the Town:

(1) The ordinance or a brief summary thereof, and

(2) The places where copies of it have been filed and the times when they are available for public inspection.

E. Authentication and Recording: The Town Clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all ordinances adopted by the Town Council.

#### § C313. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Town Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in § C706. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § C706 shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

### ARTICLE IV Officers, Boards and Commissions Appointed By and Responsible to the Town Council

#### § C401. Town Attorney.

The Town Council shall, not later than two months after each Town election, appoint a Town Attorney, who shall be an attorney-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 boards, officers, commissions or agencies. He shall be the legal advisor to all Town officers, boards, commissions or agencies 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 the power, with the approval of the Town Council, to compromise or

settle any claim by or against the Town. He shall be compensated on either a retainer plus fee basis, or on a fixed salary basis, as determined by the Town Council.

**§ C402. Auditor.**

The Town Council shall annually designate an independent public accountant, or firm of independent public accountants, in accordance with the provisions of the General Statutes, to audit and to certify to the financial records of the Town. The audit shall be made in accordance with provisions of Chapter 111 of the General Statutes, as amended.<sup>8</sup> Such accountant or accountant firm shall be retained at a compensation determined by the Town Council.

**§ C403. Planning and Zoning Commission.<sup>9</sup>**

The Zoning and Planning Commission as constituted on the effective date of this Charter shall continue in existence but shall be renamed the Planning and Zoning Commission. The Planning and Zoning Commission shall consist of nine members. Appointments and terms shall be as specified in §§ C410 and C411 of this Charter. This Commission shall have all the powers and duties as set forth for municipal zoning and planning commissions in Chapters 124 and 126 of the General Statutes, as amended, and except as otherwise provided in this Charter. The members shall serve without compensation. The Planning and Zoning Commission shall refer any application which it receives involving 50 acres of land, or more, to the Town of Montville Conservation Commission for its review and comment. The Planning and Zoning Commission shall not take any action on any such application until such time as it receives comments from the Conservation Commission or upon the expiration of 30 days, whichever is earlier. Any comments received from the Conservation Commission shall be given due consideration in any action taken on such application by the Planning and Zoning Commission.

**§ C404. Parks and Recreation Commission.<sup>10</sup>**

There shall be a Parks and Recreation Commission consisting of nine members who shall be appointed by the Town Council. Their successors shall be appointed and any vacancies filled in accordance with §§ C410 and C411 of this Charter. This Commission shall have the responsibility for the management, control and development of the Town's parks and recreation facilities. The Commission shall prepare the budget for the Recreation Department for submission to the Director of Finance in accordance with this Charter. The Commission shall prepare a plan of maintenance for the Town's parks and recreation facilities in conjunction with the Director of Public Works. The Mayor shall be responsible for the implementation of the maintenance plan. The Commission shall be responsible for approving plans and programs to fulfill the recreational needs of the residents of the Town of Montville and for overseeing the implementation of these plans and programs by

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8. Editor's Note: See C.G.S. § 7-391 et seq.

9. Editor's Note: See also Ch. 101, Planning and Zoning Commission, for terms of members and for the panel of alternates.

10. Editor's Note: See also Ch. 94, Parks and Recreation Commission; and Ch. 112, Recreation Department.

the Recreation Department. The Commission is empowered to approve agreements between the Recreation Department and the Board of Education for use of facilities under the control of the Board of Education. The Commission shall recommend not fewer than three candidates for any vacancy in the position of Parks and Recreation Director for selection by the Mayor and shall establish departmental policies. The members shall serve without compensation.

#### § C405. Conservation Commission.

There shall be established a Conservation Commission consisting of five members and two alternates. All members of the presently constituted Conservation Commission created by virtue of former Section 406 of the Charter of the Town of Montville shall continue in office until the expiration of their current terms. Upon expiration of such terms, all subsequent appointments to the Conservation Commission shall be for a term of two years. Appointments to the Conservation Commission shall be made by the Town Council of the Town of Montville. The Conservation Commission shall be responsible for the development, conservation, supervision and regulation of natural resources, including water resources, within the Town of Montville. The Conservation Commission shall develop and periodically update the open space and conservation goals to be accomplished in the Town of Montville and shall institute policies and make recommendations which shall advance the achievement of these goals. It shall keep an index of all open space areas, publicly or privately owned, including open marsh lands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas and may, from time to time, recommend to the Planning and Zoning Commission of the Town of Montville and the Inland Wetlands and Watercourses Commission of the Town of Montville programs for the development and use of such areas. The Conservation Commission may, with the approval of the Town Council, acquire land and easements in the name of the municipality and promulgate rules and regulations including, but not limited to, the establishment of reasonable charges for the use of land and easements for any purpose delineated in Connecticut General Statutes Section 7-131a. The Commission may receive gifts in the name of the municipality for any of its purposes (other than gifts of real property which shall require the consent of the Town Council before acceptance) and shall administer the same for such purposes subject to the terms of the gift. The Conservation Commission shall render comments to the Planning and Zoning Commission on any development occurring in the Town of Montville which exceeds 50 acres in size. Notwithstanding the foregoing, if the Conservation Commission fails to render comments to the Planning and Zoning Commission on any such development within 30 days of the date of referral thereof by the Planning and Zoning Commission to the Conservation Commission, the Planning and Zoning Commission shall not be required to consider any subsequent comments of the Conservation Commission. The Conservation Commission shall be responsible for the administration of the Montville nature center and for the preparation of a budget for submission to the Town Council for the operation of the nature center and other conservation activities in the Town of Montville.

#### § C406. Inland Wetlands and Watercourses Commission.<sup>11</sup>

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11. Editor's Note: See also Ch. 241, Inland Wetlands and Watercourses; Inland Wetlands and Watercourses Commission.

There shall be established an Inland Wetlands and Watercourses Commission. All members of the presently constituted Inland Wetlands and Watercourses Commission shall remain in office until the expiration of their current terms. Upon the expiration of such terms, all subsequent appointments shall terminate as of the latest expiration date of the last member or members appointed prior to January 1, 1996, resulting in the expiration of all of the members' terms on the same date. As of that date, a new Commission shall be appointed consisting of seven members and two alternates, with three members appointed for a three-year term, two members appointed for a two-year term, and two members appointed for a one-year term. One alternate shall be appointed for a one-year term, and one alternate shall be appointed for a three-year term. Upon the expiration of such terms, all subsequent appointments to the Inland Wetlands and Watercourses Commission shall be for a term of four years. The Inland Wetlands and Watercourses Commission shall perform all of the duties of an Inland Wetlands and Watercourses Commission as set forth in Connecticut General Statutes Sections 22a-36 to 22a-45 inclusive, as amended. Said Commission shall further have the powers conferred by Sections 3, 4, 5 and 6 of Ordinance No. O-B-1 adopted by the Board of Selectmen of the Town of Montville on April 4, 1974, as amended by Ordinance No. O-E-1 adopted by the Board of Selectmen of the Town of Montville on October 20, 1975.<sup>12</sup> The members shall serve without compensation. Their successors shall be appointed and any vacancies filled in accordance with §§ C410 and C411 of this Charter.

#### § C407. Water and Sewer Commission.

A. Commission established; general authority: There shall be established in the Town of Montville a public Water and Sewer Commission, with the authority to plan and direct the development, financing, construction and operation of such water and sewerage supply, disposal and distribution facilities as may be required to properly serve the needs of the Town. The Water and Sewer Commission shall designate one of its members a liaison to the Planning and Zoning Commission, and said liaison shall be responsible for meeting with the Planning and Zoning Commission not less often than semi-annually to coordinate policies. Said liaison to the Planning and Zoning Commission shall be a member of the Water and Sewer Commission other than the member who is also a member of the Town Council. The members shall serve without compensation. At such time as the Water and Sewer Commission created pursuant to this § C407 of the Montville Town Charter is empanelled, the Water and Water Pollution Control Authority of the Town of Montville, as presently constituted, shall cease to exist.

B. Members; appointment: The Water and Sewer Commission shall consist of five members. All members of the presently constituted Water and Water Pollution Control Authority created by virtue of Section 408 of the Montville Town Charter adopted in November 1990 shall continue in office as Commissioners of the Water and Sewer Commission until the expiration of their current terms. At all times, one and not more than one member of the Water and Sewer Commission shall be an elected member of the Town Council who shall be appointed by the Town Council as a voting member of the Water and Sewer Commission. Upon the expiration of the current term of each member of the Water and Sewer Commission, successor members shall be appointed for a term of four years. Notwithstanding the foregoing, if the Town Council designated member of the Water and Sewer Commission ceases to be a member of the Town Council for any reason, he shall,

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12. Editor's Note: See Ch. 241, Inland Wetlands and Watercourses; Inland Wetlands and Watercourses Commission.

upon such date, cease to be a member of the Water and Sewer Commission. In such event, the Town Council shall appoint a replacement member of the Town Council as a voting member of the Water and Sewer Commission for the remainder of such term. The Mayor of the Town of Montville shall be an ex officio non-voting member of the Water and Sewer Commission.

C. Powers with regard to sewers: The Water and Sewer Commission shall be designated the Water Pollution Control Authority for the Town of Montville and shall have all of the powers with regard to sewers as such authority pursuant to Chapter 103 of the Connecticut General Statutes.

D. Powers with regard to water: The Water and Sewer Commission shall exercise all powers of the Town with respect to water pursuant to Chapter 102 of the Connecticut General Statutes except those powers with respect to bonding and use rate establishment which are specifically reserved to the Town Council. With respect to water bonding and water use rates, the Water and Sewer Commission shall make recommendations for such bonding or the establishment of such rates to the legislative body.

E. Powers with regard to administration of the Water and Sewer Departments: The Water and Sewer Commission shall have jurisdiction and control over all facilities owned and operated by the Town of Montville for the supply and distribution of water to its residents and property owners and for the collection and treatment of sewerage and commercial and industrial wastes. The Commission shall establish all policies for the operation of the Water and Sewer Departments of the Town of Montville, and shall establish procedures for the collection and posting of fees and assessments consistent with recommendations of the Town Auditor.

F. Separate accounts and expenditures:

(1) A separate account shall be kept by the Commission for all funds derived from the sewerage system which account shall in all respects comply with the requirements of Connecticut General Statutes Section 7-268.

(2) A separate account shall be kept by the Commission for all funds derived from the water works system which account shall in all respects comply with the requirements of Connecticut General Statutes Section 7-240.

(3) The Commission shall be required to approve all expenditures, including the purchase of commodities and services, of the Water and Sewer Departments which exceed \$5,000 per expenditure and shall adopt purchasing policy rules and procedures.

G. Commission to cooperate with other agencies; accepting assistance: The Commission shall cooperate with and obtain available assistance from federal, state, regional and local agencies concerned with public water and sewerage problems.

#### § C408. Public Safety Commission.

There shall be a Public Safety Commission consisting of seven appointed members. Each regular member of the Public Safety Commission appointed prior to the date of adoption of this Charter shall continue to serve as a Commissioner for

the balance of his term. At the first meeting of the Town Council subsequent to the adoption of this section of the Montville Town Charter, two additional members shall be appointed to the Public Safety Commission to serve for a term which will expire in the same year as the year of expiration of the Commissioner appointed under original Section 409 for a one-year term. Upon the expiration of such terms, all subsequent appointments shall be for a term of three years. Their successors shall be appointed and any vacancies filled in accordance with §§ C410 and C411 of this Charter. The members shall serve without compensation. The purpose of this Commission is to develop, coordinate and maintain the Department of Public Safety which shall consist of the following: Police Department (if applicable), Town Constables, resident state trooper, Fire Department, Fire Marshal, Town of Montville emergency dispatchers, Dog Warden, Department of Civil Preparedness, Hazardous Material Committee, and the Building Department which is described in § C608 of this Charter. The Commission shall meet publicly not less than once each month. It shall prepare the annual budget of these departments for submission to the Director of Finance, and the administrative policy. The administrative policy shall be submitted to the Town Council for approval. The Public Safety Commission shall recommend to the office of the Mayor not fewer than three qualified candidates for each departmental vacancy. The Mayor shall fill the vacancy from the recommended candidates. For the purposes of this Charter, the following positions shall be considered department heads as of the date of adoption of this Charter: Fire Marshal, Dog Warden, Director of Civil Preparedness, and the Building Inspector. The Town Council may by ordinance designate additional positions as department heads as required by the needs of the Town. The Commission shall prepare and maintain a public safety coordination plan. The Mayor shall act as the Chief of Police until such time as the Town Council creates a Police Department. The Mayor shall be responsible for performing all duties customarily performed by a chief of police and shall be required to fulfill his duties in accordance with the administrative policy established by this Commission and adopted by the Town Council. The Mayor shall further act as the traffic authority for the Town of Montville.

#### § C409. Town engineer.

The Town of Montville shall, at all times, employ a Town engineer. This requirement may be satisfied by either (i) hiring a full-time employee of the Town or (ii) entering into a contractual agreement with an engineering consulting firm for the provision of engineering services to the Town of Montville on an as-needed basis. Any vacancy in this position shall be filled by the Town Council within 60 days. Qualifications for the Town Engineer shall be determined by the Town Council, which shall hire, establish the compensation for and have authority to remove the Town Engineer for cause. The Town Engineer shall be responsible for all engineering work for the Town and shall coordinate all activities with the Mayor. The Town Engineer shall be responsible for reviewing all plans, proposed developments and as-built drawings, including, but not limited to, water, sanitary sewers, storm sewers, building construction, repair and rebuilding of roads and bridges and all preliminary and final inspections of all engineering work. The Town Engineer will work for and be directly responsible to the Town Council. The Town shall be required to obtain engineering review of any capital project involving the Town's infrastructure, the cost of which exceeds \$10,000.

#### § C410. Appointments and removals.

In making appointments and removals, the Town Council shall act by the affirmative vote of at least a majority of all its members. All of the officers and members of boards and commissions contained in this article, or subsequently created under this Charter, except that of Auditor, Town Attorney, and Town Engineer, shall be electors of the Town at the time of their appointments and during their terms in office. Except as otherwise provided in this Charter, terms and number of members of boards and commissions shall be established by ordinance, except that no term shall exceed five years. Appointment of the same person to more than one board and/or commission at the same time shall be at the discretion of the Town Council. Except as otherwise provided in this Charter, the Town Council may remove for improper performance of his duties, for malfeasance or misfeasance in office or other proper cause, any officer or employee appointed by it, provided the officer or employee shall have been served with a written notice of intention of the Town Council to remove him, containing a clear statement of the grounds for such removal and of the time and place, not less than 10 nor more than 30 days after service of such notice, at which he shall be given an opportunity to be heard thereon. After such hearing, which shall be public at the option of the officer or employee, and at which he may be represented by counsel, at which time the Town Council shall render a decision.

§ C411. Vacancies.

Except as otherwise provided in this Charter, the Town Council may appoint members to fill vacancies as may occur on boards and commissions established by this Charter and by ordinance, and appoint members to such boards and commissions as may be created in the future.

§ C412. Establishment of other boards and commissions not provided by this Charter.

There shall be such other commissions, boards, departments and agencies as the Town Council may determine by ordinance, provided that the appointing authority for all employees in the classified service shall be the Mayor. Appointments made by the Town Council shall be for terms as specified in §§ C410 and C411 of this Charter, and upon such conditions as may be provided in the respective ordinances.

ARTICLE V  
The Mayor

§ C501. Election and qualifications.

At each quadrennial Town election commencing in November 1991, a Mayor shall be chosen by the electors of the Town. Such Mayor shall serve for a term of four years or until his successor shall be elected and qualified, and shall take office on the first Monday following the Town election. He shall be the full-time chief executive officer of such Town and shall receive such compensation as such officer as shall be fixed by the Town Council.

§ C502. Duties.

The Mayor shall be an ex officio nonvoting member of the Town Council and shall be required to attend meetings of the Town Council. The Mayor shall not act as chairman or moderator at any meetings of the Town Council or any Town meetings held under Article VIII of this Charter. The Mayor shall be recognized as the official head of the Town for ceremonial purposes and for military purposes. He shall keep himself informed on Town matters, and may make reports and recommendations to the Town Council and electors of the Town on matters of legislative concern and general Town policy. The Mayor may attend any meeting of any board, commission, or other governmental body of the Town and shall receive such advance notification of any such meeting as is given to the members of said bodies. He shall have the full right of participation in discussions but shall not have the right to vote. The Mayor shall be directly responsible for the administration of all departments, agencies and offices directed by persons or boards appointed by him, except as otherwise provided in this Charter, and shall supervise and direct the same. He shall see that all laws and ordinances governing the Town are faithfully executed within the limitations established by this Charter and any ordinance or resolution adopted by the Town Council; and shall be required to implement all ordinances and resolutions adopted by the Town Council within the time period specified by the Town Council in such ordinance or resolution; shall make monthly reports to the Town Council; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual Town report; shall recommend to the Town Council such measures as he may deem necessary or expedient; shall, with the assistance of the Director of Finance, keep the Town Council advised as to the financial condition of the Town; shall approve and submit to the Town Council an annual budget and prepare and submit a capital program as provided in Article VII of this Charter; and shall exercise such other powers and duties as may be authorized by ordinance or resolution of the Town Council not inconsistent with this Charter. The Town 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 Town Council under the provisions of this section. He shall make such other reports as the Town Council may require concerning the operations of Town departments, offices and agencies subject to his direction and supervision. He shall perform such other duties as are specified in this Charter or may be required by the Town Council.

#### § C503. Appointments and terms.

The Mayor shall appoint and may remove all employees of the Town, except as otherwise specifically provided by this Charter, and except employees in the offices of elected officers or boards and officers and boards appointed by the Town Council. The Mayor shall not appoint a member of his immediate family to a position wherein he has the power of appointment. In lieu of any appointment by the Mayor to any office under his jurisdiction, except as otherwise provided in this Charter, the Mayor may, subject to the approval of the Town Council, perform the duties of any office under his jurisdiction except that of the Town Treasurer and except as otherwise provided in this Charter, provided in case the Town Treasurer is absent or unable to act, the Mayor may countersign checks in accordance with the provisions of § C708 of this Charter for a period not to exceed 30 days. The foregoing powers to appoint, remove, and fill vacancies are subject to all provisions of this Charter to the contrary.

#### § C504. Absence, disability, vacancy.

A. The Chairman of the Town Council shall act as Mayor during the absence or disability of the Mayor. During any such period, the Chairman of the Town Council shall not participate in the proceedings of the Town Council except as an ex officio nonvoting member thereof. The office of the Mayor shall become vacant upon his death, resignation or removal from office in any manner authorized by law, or forfeiture of his office. A Mayor shall forfeit his office if he:

- (1) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law;
- (2) Violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude.

B. Forfeiture proceedings may be instituted by any member of the Town Council and forfeiture shall occur on the vote of three-quarters of all members of the Town Council taken after a public hearing held on the issue of such forfeiture. A vacancy shall be filled by the Chairman of the Town Council until a special election to fill the vacancy is called. No special election need be called if a regular election occurs within 60 days of the occurrence of the vacancy. The special election shall occur within 90 to 120 days of the occurrence of the vacancy.

#### § C505. Veto power of the Mayor.

Except as specifically provided in this Charter, the Mayor shall have the power to veto any ordinance or resolution adopted by the Town Council within 10 days of the date of adoption thereof. The veto shall be exercised by filing a written statement thereof, signed by the Mayor, with the Town Clerk within the time limits above set forth.

### ARTICLE VI Administrative Offices and Departments Under the Mayor

#### § C601. Administrative departments.

- A. There shall be the following administrative departments:
- (1) A Department of Finance;
  - (2) A Department of Public Works;
  - (3) A Health Department;
  - (4) A Department of Social Services; and
  - (5) Such other administrative departments as may from time to time be created by the Town Council.
- B. 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 Town Council.

§ C602. Town Clerk.

The Mayor shall appoint and may remove the Town Clerk and Assistant Town Clerk. The Town Clerk shall have all the powers and duties conferred or imposed by law on town clerks, may act as Clerk of the Town Council, and shall have such other powers and duties as are prescribed in this Charter or by the Mayor. The Town Clerk shall receive a compensation fixed by the Town Council, and all fees collected by the Town Clerk shall be paid into the Town treasury. The Town Clerk shall be empowered to accept the service of civil process on behalf of the Town.

§ C603. Department of Finance.

A. The Department of Finance shall be responsible for:

- (1) Keeping of accounts and financial records;
- (2) Assessment and collection of taxes;
- (3) Collection of special assessments and other revenues;
- (4) Maintaining custody of Town funds and making authorized disbursements;
- (5) Maintaining custody of all payment and performance bonds, procuring adequate fidelity bonds for all Town employees handling funds, and procuring revenue bonds which have been authorized by procedures established in this Charter;
- (6) Preparation of all financial data for the Town annual report.

B. The Department of Finance shall prepare a monthly financial report for submission to the Town Council. The Town Council may require performance of other financial powers and duties by ordinance or resolution.

§ C604. Director of Finance.

There shall be a Director of Finance of the Town of Montville. The qualifications for this office shall be established by the Town Council. The Mayor shall recommend not fewer than three candidates for the position of Director of Finance to the Town Council for selection. During any period of vacancy in the position of Director of Finance, the Mayor or his qualified appointee may act as the Director of Finance for a period not to exceed 90 days. The Director of Finance shall have direct supervision of the Town's financial affairs. The Director of Finance, with the approval of the Mayor, shall be responsible for Town investments. The Director of Finance shall hire, subject to the approval of the Mayor, and supervise the Assessor, Town Treasurer, Tax Collector and all other employees of the Department of Finance. The Director of Finance shall have the authority to establish procedures with respect to the collection of all revenues by any Town employee, agency, board or commission. The Director of Finance shall prepare the annual budget for the approval of the Mayor and subsequent submission to the Town Council. Subject to the approval of the Mayor, the Director of Finance may perform the duties of any office under his supervision, except that of Town Treasurer, for a period not to exceed 90 days. The

Director of Finance, subject to the approval of the Town Council, may consolidate one or more such offices under one person, provided the Town Treasurer shall not also be the Tax Collector or a purchasing agent, and the Director of Finance shall not be the Town Treasurer.

#### § C605. Department of Public Works.

The Department of Public Works shall have supervision and control of the maintenance of all Town-owned properties, except such properties as are under the control of the Board of Education, Water and Sewer Commission, and Housing Authority, and of the planning, surveying, construction and reconstruction, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, public and private drains, and other public improvements; Town buildings; and the preservation, care and removal of trees within highways or public places; and the collection and disposal of garbage, rubbish and ash. The Department shall have supervision and control of maintenance of all parks and grounds used for park purposes belonging to the Town, and of buildings, structures, apparatus and equipment used in connection therewith in accordance with the maintenance plan adopted pursuant to § C404 of this Charter; and shall have such other powers and duties as the Mayor may prescribe. (Any provision of this section to the contrary notwithstanding, the Department of Public Works may maintain and care for such properties as are under the control of the Board of Education, but only if and to the extent and for the period requested by the Board of Education and approved by the Town Council, provided the costs are charged against the Board of Education's appropriations.) The Director of Public Works shall obtain design specifications and construction approval from the Town Engineer on all construction projects and design changes in existing Town infrastructure.

A. The Director of Public Works: powers and duties. Except as provided in § C503 of this Charter, the Mayor shall appoint and may remove a Director of Public Works who shall be responsible for the efficiency, discipline and good conduct of the Department. He shall supervise assistants and employees and 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 manner as he shall deem most economical and efficient. He shall be the Tree Warden and shall have all the powers and duties thereof as provided in Chapter 451 of the General Statutes, as amended.<sup>13</sup>

#### § C606. Health Department.

The Health Department shall be responsible for the preservation and promotion of the public health, and shall perform such functions and shall have such powers and duties as are imposed by law. The Town may enter into a contractual agreement with another municipality or agency to obtain public health services, pursuant to the provisions of Section 19-96 of the General Statutes, as amended.<sup>14</sup>

#### § C607. Department of Social Services.

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13. Editor's Note: See C.G.S. § 23-85 et seq.

14. Editor's Note: Said Section 19-96 of the General Statutes has been transferred; see now C.G.S. § 19a-223.

The Department of Social Services shall have all the powers and duties relating to the poor and defective and dependent persons vested by law in the Councilors of the Town.

A. The Director of Social Services: powers and duties. The Mayor shall appoint and may remove a Director of Social Services, who shall also be the Director of Public Assistance. The Director of Social Services shall be responsible for the efficiency, discipline and good conduct of the Department, and shall supervise all other officers and employees of the Department. The Director of Social Services shall be in charge of the administration of all social services activities of the Town. The Director of Social Services shall have power to make all rules and regulations relating to the administration of the Department not inconsistent with the General Statutes and ordinances of the Town. The Director of Social Services shall have such other powers and duties as the Mayor may prescribe.

#### § C608. Building Department.

The Building Department shall administer all laws, ordinances, and regulations governing the construction of buildings and other structures, including all plumbing, electrical, mechanical, gas and oil burner installation therein.

A. The Building Inspector: powers and duties. In accordance with the provisions of § C408 of this Charter, the Mayor shall appoint and may remove the Building Inspector who shall be responsible for the efficiency, discipline and good conduct of the Building Department. He shall have such powers and duties as are bestowed on building inspectors by the General Statutes.

### ARTICLE VII Finance and Taxation

#### § C701. General form of budget preparation.

The Director of Finance 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, to set forth, in narrative or 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.

#### § C702. Departmental estimates.

The Director of Finance shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town shall, at least 100 days before the end of the fiscal year, file with the Director of Finance on forms prescribed and provided by him a detailed estimate of the expenditures to be made by his department, office or agency, and the revenue other than tax revenues to be collected thereby in the ensuing fiscal year, and such other information as may be required by the Town Council or the Mayor.

#### § C703. Duties of Mayor and Town Council on capital program.

A. Not later than 75 days before the end of the fiscal year, the Mayor shall present a capital program to the Town Council, which may add items to, delete items from or amend the proposed capital program. Thereafter, the capital program shall be submitted to the Planning and Zoning Commission in accordance with the General Statutes, as amended. After the capital program has been acted upon by the Planning and Zoning Commission or the Planning and Zoning Commission has failed to act in accordance with state statutes, the Town Council shall take final action on and adopt a capital program concerning municipal improvements and proposed capital projects for the ensuing fiscal year and for the four fiscal years thereafter. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity of such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvements; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

B. This information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### § C704. Duties of Mayor on budget.

Not later than 75 days before the end of the fiscal year, the Mayor shall present to the Town Council a budget consisting of:

A. 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;

B. Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts estimated to be collected during the current fiscal year, estimates of the receipts other than property tax to be collected in the ensuing year, and an estimate of available surplus;

C. Itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, 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 as estimated for the current fiscal year, and the Mayor's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items; and such other information as may be required by the Town Council. The Mayor shall present reasons for all his recommendations.

#### § C705. Duties of Town Council on budget.

A. The Town Council shall hold one or more public hearings on the budget not later than 60 days before the end of the fiscal year, at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. The Town Council may, through resolution, hold separate public hearings on the general government portion of the budget and the Board of Education portion of the budget. Following receipt of the proposed budget from the Director of Finance and the Mayor, the Town Council shall cause sufficient copies of said proposed budget to be made available for general distribution in the office of the Town Clerk and, at least five days prior to the aforementioned public hearing, the Town Council shall cause to be published in a newspaper having circulation in the Town of Montville a notice of such public hearing or hearings and a summary of the budget or budgets, showing anticipated revenues and the proposed expenditures by functions or departments in the same columnar form as prescribed for proposed budgets by § C704, and shall also indicate the anticipated amount to be raised by taxation. After the public hearing or hearings, the Town Council may, through resolution, adopt the general government portion and the Board of Education portion of the budget separately, with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of the estimated income. The budget shall not be considered adopted until both the general government portion and the Board of Education portion of the budget have been adopted. After the adoption of the budget, with or without amendment, the budget shall be returned to the Mayor who may, within two business days of action on said budget by the Town Council, veto one or more line items contained in the general government portion of the budget, and/or veto the Board of Education budget, as adopted. (In the event of a change in the General Statutes of the State of Connecticut, as amended, allowing line item vetoes of Board of Education budgets, the power of the Mayor to exercise a line item veto with respect to the Board of Education budget shall be immediately granted by this Charter). In the event that the Mayor exercises a veto, the budget shall thereafter be returned to the Town Council which may, by a two-thirds vote of the entire Council, override the veto of the Mayor with respect to any such veto within seven business days. Within three business days after taking final action on the budget, the Town Council shall file the same with the Town Clerk. The Town Council shall adopt a budget on or before 30 days prior to the end of the current fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

B. If the Town fails to adopt a budget on or before 30 days prior to the end of the current fiscal year, the amounts appropriated for current operations for the current fiscal year, including borrowing, bonding indebtedness and contractual obligations, shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, or as required by contract or law, until such time as the Town Council adopts a budget for the ensuing year. If the Town fails to adopt a budget on or before 30 days prior to the end of the current fiscal year, the Town Council shall establish a mill rate and levy taxes in addition to the other estimated yearly income of the Town, sufficient to pay current expenses of the Town including borrowing, bonding indebtedness and contractual obligations with said mill rate and tax levy not subject to a petition to overrule said resolution or resolutions pursuant to § C803 of this Charter. If a subsequent budget is adopted with expenditures less than the expenditures for the current fiscal year, including borrowing, bonding

indebtedness and contractual obligations, the difference shall be applied to offset taxes to be levied for the following budget year.

§ C705A. Financial powers.

A. Any resolution making a nonbudgeted appropriation of less than 1% of the current tax levy shall become effective after approval by the Town Council, provided that the Director of Finance certifies that there are available unappropriated general fund resources in excess of the proposed appropriation. Such appropriation shall not exceed accumulatively 2% of the current tax levy in the current fiscal year.

B. Any nonbudgeted appropriation in excess of the limitations in § C705A, Subsection A, above shall become effective only after it has been approved by resolution of the Town Council, provided that the Director of Finance certifies that there are available unappropriated general fund resources in excess of the proposed appropriation, and adopted at a Town meeting called for that purpose by a majority vote of the qualified voters present and voting. This provision shall not apply to any nonbudgeted appropriation which exceeds 5% of the current tax levy in the current fiscal year.

C. No Town meeting shall increase the amount of any bond issue or appropriation above the amount recommended by the Town Council or make any appropriations not recommended by the Town Council.

D. After the same has been approved by the Town Council, and after the Director of Finance certifies that there are available unappropriated general fund resources in excess of the proposed appropriation, any nonbudgeted appropriation of more than 5% of the current tax levy shall be submitted to the electors and eligible taxpayers of the Town of Montville at a referendum, the date of which shall be established by the Town Council. Approval of the appropriation at referendum shall require a simple majority of those voting in the referendum.

§ C706. Emergency appropriations.

For the purpose of meeting public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed 5% of the current tax levy in any one fiscal year, may be made upon the recommendation of the Mayor and by vote of not less than two-thirds of the entire membership of the Town Council, provided 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 appropriation, notice of which hearing shall be given in a newspaper having a circulation in the Town not more than 10 nor less than five days prior to such hearing. Such hearing and notice of hearing may be waived if the Town 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 an available unappropriated and unencumbered general fund cash balance to meet such appropriation, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Town Council.

**§ C707. Assessment and collection of taxes.**

Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the General Statutes of the state.

**§ C708. Expenditures and accounting.**

A. No purchase shall be made by any department, board, commission or officer of the Town, except the Board of Education, and the Water and Sewer Commission exercising its sewer function under § C407 of the Charter, except through the Director of Finance. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid. (Nothing herein shall be construed to prevent the Director of Finance from serving as a purchasing agent for the Board of Education or the Water and Sewer Commission.) Purchases shall be made under such rules and regulations as may be established by the Town Council, provided, if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity or service over a period of time, involves the expenditure of \$10,000 or more, the Director of Finance, unless it be determined on record by the Town Council to be against the best interests of the Town, shall invite sealed bids or proposals, giving 20 days' public notice thereof by publication at least once in a newspaper having a circulation in the Town, and shall let the purchase or contract to the lowest acceptable bidder thereon, or may reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly.

B. No voucher, claim or charge against the Town shall be paid until the same has been audited by the Director of Finance or his agent and approved by him for correctness and validity. Checks shall be drawn by the Director of Finance for the payment of approved claims, which shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the Director of Finance or Treasurer with respect to the above duty, the Mayor shall be authorized to substitute temporarily for either but not 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, boards and officers of the Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated to any such department, commission, board or officer until the matter has been approved by the Town Council and each order drawn upon the Treasurer shall state the department, commission, board or officer and the appropriation against which it is to be charged.

E. Unless otherwise directed by the Town Council, at any time during the fiscal year, transfers of part or all of the unencumbered appropriation balance in any line item to any other line item within a department, office or agency of the Town, except the Board of Education and Water and Sewer Commission exercising its sewer function under § C407 of this Charter, may be effected with the written approval of the department head and the Director of Finance, except that any such transfers by the Planning and Zoning Department and the Recreation Department shall require the consent and approval of a majority of a duly constituted quorum of

the Planning and Zoning Commission and Parks and Recreation Commission, respectively.

F. At any time during the fiscal year, the Town Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency of the Town, except the Board of Education and Water and Sewer Commission with respect to its sewer function pursuant to the provisions of § C407 of this Charter, to any other department, office or agency. No transfer shall be made from any appropriations for debt services and other statutory charges.

G. Additional appropriations over and above the total budget may be made from time to time by resolution of the Town Council.

H. Appropriations for construction or for other permanent improvements, including items in the capital program, shall be established in funds, created by resolution of the Town Council. Such funds shall carry over from year to year until the purpose for which the fund was established has been accomplished or abandoned as determined by the Town Council, provided that any appropriation remaining in the fund at its conclusion shall be transferred to the general funds surplus. Any portion of all other annual appropriations remaining unexpended or unencumbered at the close of the budget year shall lapse and be transferred to the general funds surplus.

I. Every payment 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.

J. If at any time during the fiscal year it appears probable to the Mayor that the revenues available will be insufficient to meet the amounts appropriated, he shall report to the Director of Finance without delay, indicating the estimated amount of the deficit and his recommendations as to the remedial action to be taken. The Town Council shall then take such further action as it deems necessary to prevent or minimize the deficit, and for that purpose it may by resolution reduce one or more appropriations, except of the Board of Education and the Water and Sewer Commission with respect to its sewer function under § C407 of this Charter.

#### § C709. Borrowing.

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by General Statutes, subject to the limitations thereof and the provisions of this section. The issuance of bonds and notes (except notes in anticipation of taxes to be paid within the fiscal year in which issued, and bonds or notes issued pursuant to the provisions of Chapter 110 of the General Statutes, as amended, entitled "Uniform Fiscal Year"<sup>15</sup>) shall be authorized upon recommendation of the Town Council and approval by the Town meeting in accordance with § C802 of this Charter. Any borrowing in excess of 5% of the

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15. Editor's Note: See C.G.S. § 7-381 et seq.

current tax levy of the Town of Montville shall be approved at a referendum at which all electors and eligible taxpayers of the Town of Montville shall be entitled to participate. A referendum for borrowings in excess of 5% of the current tax levy of the Town of Montville shall be called by the Town Council upon 30 days' notice published in a newspaper of general circulation in the Town of Montville. Approval of such borrowing at Town meeting or referendum shall require a simple majority of those voting.

#### § C710. Contributions.

The Town shall make no contributions to any organization or private corporations unless so authorized by General Statutes. No such contribution of more than \$1,000 shall be made to any such organization or corporation unless the Town is represented on its board by one or more members nominated thereto by the Town Council. No contribution shall be made in support of any function at which alcoholic beverages are served.

#### § C711. Official bonds.

The Mayor, Town Clerk, Director of Finance, Treasurer, Assistant Treasurer, Tax Collector, Director of Public Works and such other employees as may be required to do so by the Town Council shall, before entering upon their respective official duties, execute to the Town, in the form prescribed by the Town 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 Town Council, conditioned upon honesty and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Town Council, if it seems to be in the best interests of the Town, from prescribing a name schedule bond, schedule position bond, or blanket bond, or from prescribing which departments, offices, agencies, boards or commissions shall be covered by a specific type of aforementioned bond. Premiums for such bonds shall be paid by the Town.

### ARTICLE VIII The Town Meeting

#### § C801. Town meeting.

Town meetings shall be called by the Chairman of the Town Council only when required under the provisions of this Charter and in the manner provided by the General Statutes.

#### § C802. Procedure.

All Town meetings shall be called to order by the Chairman of the Town Council or the Deputy Chairman in his absence or inability to function, who shall act as moderator. All business shall be conducted in the manner provided by Chapter 90 of the General Statutes, as amended,<sup>16</sup> except as otherwise provided in this Charter.

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16. Editor's Note: See C.G.S. § 7-1 et seq.

The Town Clerk shall serve as Clerk of all Town meetings, but in his absence the Assistant Town Clerk shall serve as Clerk of said meeting.

§ C803. Petition for overrule of action of Town Council.

All ordinances and resolutions except emergency ordinances adopted in accordance with the provisions of § C313 of this Charter, shall be subject to overrule by a Town meeting as follows: If within 20 days after publication of any such ordinance or adoption of any resolutions, a petition conforming to the requirements of Section 7-9 of the General Statutes, as amended, and signed by not less than 5% of the voters of the Town, as determined from the latest official lists of the Registrars of Voters is filed with the Town Clerk requesting its reference to a Town meeting, the effective date of such ordinance or resolution shall be suspended and the Town Council shall fix the time and place of such meeting, which shall be within 20 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a Town meeting. The Town Council shall have the right to reconsider the ordinance or resolution in question and if, within the twenty-day period between the filing of the petition and time fixed for the Town meeting, the Town Council shall reverse its action, the Town meeting shall be canceled. An ordinance or resolution so referred shall take effect upon the conclusion of such meeting unless a majority of those voting shall have voted in favor of overruling.

§ C804. Petition for enactment of ordinances.

A. Subject to the provisions of § C312 of this Charter, not less than 5% of the voters of the Town, as determined from the latest official lists, may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the Town Clerk. The Chairman of the Town Council shall call a Town meeting, to be held within 30 days from the date of such filing, unless prior to such meeting such ordinance shall be enacted by the Town Council. The call for such meeting shall state the proposed ordinance in full and shall provide for a “yes” or “no” vote as to its enactment. If 250 voters, constituting a majority of the persons entitled to vote, voting at such meeting shall vote “yes,” then such ordinance shall take effect on the 10th day thereafter without further action of the Town Council.

B. Any such proposed ordinance shall be examined by the Town Attorney before being submitted to the Town meeting. The Town Attorney is authorized to correct the form of such ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not materially changing its meaning and effect.

ARTICLE IX  
Personnel Policies

§ C901. The classified service.

A. The classified service shall include all positions which are now or hereafter created, designated within a collective bargaining agreement; and any

other position designated and/or established by the Town Council, except positions under the control of the Board of Education, Water and Sewer Commission, and Housing Authority. The Mayor shall negotiate all such collective bargaining agreements on behalf of the Town, and shall employ a professional labor negotiator to provide assistance. All such agreements shall become effective upon ratification by resolution of the Town Council.

B. It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the Town, which shall become effective upon approval by resolution of the Town Council. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. New or additional positions in the classified service may be created, and changes in the duties and responsibilities of existing positions may be made by resolution of the Town Council.

#### § C902. Personnel rules.

The Mayor shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method for determining the merit and fitness of candidates for appointment or promotion, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, attendance regulations, provisional appointments, inservice training programs, grievance procedures, including procedures for the hearing of grievances by the Town Council which shall render final decisions based on its findings to the Mayor with a copy to the aggrieved employee; periodic supervisory performance valuation; removals; and such other rules as may be necessary to provide for the handling of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon approval by resolution of the Town Council. Copies of such rules and any amendments thereto shall be distributed to all employees of the Town. The said set of rules shall contain a provision for the adoption of the sexual harassment policies pursuant to the provisions of Section 46a-60 of the Connecticut General Statutes, as amended, and any other harassment policy authorized under the Connecticut General Statutes.

#### § C903. Conflict of interest.

Any elected or appointed Town official, or any Town employee, who has a financial interest, direct or indirect, in any matter to be acted upon or coming before his board, commission or office, shall make full record disclosure in writing of that interest which shall be incorporated in the minutes of the particular board, commission, or office, and a full copy of such minutes shall be filed in the office of the Town Clerk, and he shall be disqualified to act in any way upon such matter. Violation of this section with knowledge, express or implied, of any person or corporation participating in such matter or decision shall be an additional ground of appeal which will nullify the action of such board, commission, or office, upon appeal to the appropriate court under the statutes applicable to appeals from such boards, commissions, or offices. Violations of provisions of this section by any officer or employee shall constitute grounds for dismissal. Nothing contained herein shall be intended to limit the scope or applicability of the Code of Ethics to be adopted by ordinance of the Town Council pursuant to the provisions of § C308 of this Charter.

§ C904. Retirement.

The Town 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 fund from which such allowances shall be paid. The Town may enter into contract with any company or institution authorized to do business in this state for the purpose of insuring the whole or any part of its retirement plan; elect to participate in the Connecticut Municipal Employees' Retirement Fund; elect to participate in the old-age and survivors' insurance system under Title II of the Social Security Act, in accordance with provisions of Part II of Chapter 113 of the General Statutes, as amended<sup>17</sup>; or elect any combination thereof. The Town 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.

§ C905. Prohibitions.

No Town employee, appointed official, or applicant for employment by the Town shall be employed, promoted, reduced, removed, or in any way favored or discriminated against because of his race, religion, political affiliations, national origin, sex, marital status, or any other reason unconnected with the performance of the duties of the position.

§ C906. Salaries and benefits.

The Town Council shall approve all salaries and benefits and changes of salaries and benefits of all employees in the classified and nonclassified services of the Town of Montville. Boards and commissions may recommend to the Town Council for approval, salaries and benefits or changes of salaries and benefits for all administrative employees appointed by or directly responsible to said boards and commissions. The salaries and benefits must be in conformity with a systematic pay and benefit plan for the positions involved; provided nothing herein shall be construed to limit the power of the Board of Education to fix compensation of professional employees of the school system.

§ C907. Political activities of all classified service.

All members of the classified service shall have all of the political rights and shall be subject to all the political prohibitions as set out in Connecticut General Statutes § 7-421, as amended.

ARTICLE X  
Transition and Miscellaneous Provisions

§ C1001. Transfer of powers.

The powers which are conferred and the duties which are imposed upon any office, agency, board or commission under the General Statutes or special acts

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17. Editor's Note: See C.G.S. § 7-425 et seq.

concerning the Town, or any ordinance or regulation, in force at the time this Charter shall take effect, shall be exercised and discharged by the office, agency, board or commission upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All offices, agencies, boards and commissions abolished by this Charter shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such offices, agencies, boards and commissions and the performance of their duties by other offices, agencies, boards and commissions created under this Charter, and until the Town Clerk shall have notified the members of such offices, agencies, boards and commissions as are abolished that their successors have qualified. All powers which are conferred and the duties which are imposed upon the Board of Finance under the General Statutes or any ordinance or regulation concerning said Board, in force at the time this Charter shall take effect, shall thereafter be exercised and discharged by the Town Council, unless otherwise specifically provided in this Charter.

§ C1002. 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 not abolished by the provisions of this Charter, shall retain such positions pending action by the Town Council or the appropriate officer, board or commission charged by this Charter with powers of appointments and removals. Any provisions of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removals, 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. All persons holding positions in what shall be the classified service of the Town shall retain such positions without preliminary or working tests, and shall thereafter be subject in all respects to the provisions of this Charter.

§ C1003. Transfer of records and property.

All records, property and equipment whatsoever of any office, board, agency or commission, all the powers and duties of which are designated to any other office, board, agency or commission by this Charter, shall be transferred and delivered intact to the office, board, agency or commission to which such powers and duties are so assigned. If part of the powers and duties of any office, board, agency or commission are by this Charter assigned to another office, board, agency or commission, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the office, board, agency or commission to which such powers and duties are so assigned.

§ C1004. 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 office, agency, board or commission 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 continued notwithstanding that functions, powers and duties of any office, agency, board or

commission party thereto may, by or under this Charter, be assigned or transferred to another office, board, agency or commission, but, in that event, the same may be prosecuted or defended by the head of the office, agency, board or commission to which such functions, powers and duties have been assigned or transferred by or under this Charter.

§ C1005. Existing laws and ordinances.

All general laws of the State of Connecticut applicable to the Town and all ordinances of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter.

§ C1006. Amendment of charter.

This Charter may be amended in accordance with provisions of § 7-188 of the General Statutes, as amended.

§ C1007. Saving clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof 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.

§ C1008. Effective date.

If this Charter shall be adopted by the electors of the Town of Montville in accordance with § 7-191 of the Connecticut General Statutes, as amended, it shall become effective immediately, except as otherwise provided herein, upon the date of certification of the affirmative result of the election to adopt this Charter and the establishment of a Transition Committee in accordance with § C1009 of this Charter. Notwithstanding the foregoing, the adoption of this Charter shall not terminate the term of any and all Town officials elected prior to or contemporaneously with the adoption of this Charter.

§ C1009. Transition Committee.

In the event that this Charter shall be ratified by the electors of the Town in accordance with § C1006 hereof, a committee composed of the following will be requested to serve in an advisory and voluntary capacity to assist in the transition of the Town government to the form and procedure set forth in this Charter: the Mayor, the members of the Town Council, the Town Clerk, the Town Attorney, and those members of the Charter Revision Commission as of June 30, 1989. The organizational meeting of this Committee will be held no later than seven days following ratification of the Charter, and will be called to order by the Mayor. A Chairman will be elected at said organizational meeting from among the members. The term of this Committee will begin on the day following ratification of this

Charter and will end on the date that all changes contemplated by this Charter have been implemented.

§ C1010. Nondiscrimination clause.

Whenever the context shall require, the singular shall include the plural, the plural shall include the singular and words of any gender shall be deemed to include words of any other gender.

§ C1011. Rules and procedures; saving clause.

A. Each board, commission or authority of the Town of Montville created pursuant to the provisions of § C203, Subsection C, D or E, or Article IV of the Montville Town Charter or pursuant to ordinance adopted by the legislative body of the Town of Montville pursuant to § C412 of the Montville Town Charter shall, within 90 days subsequent to the date of the adoption of this provision; or 90 days subsequent to the empanelling of such board, commission or authority, as the case may be, adopt written rules of procedure which shall govern all further applications, appeals or proceedings before said board, commission or authority, the procedure pursuant to which such board, commission or authority conducts all business and which shall further govern the manner in which said board, commission or authority shall act upon any applications, petitions or appeals pending before it. Each such board, commission or authority of the Town of Montville shall, within 15 days subsequent to the date of adoption of said written rules of procedure, file a certified copy of the same with the Town Clerk of the Town of Montville, Connecticut.

B. In the event that any board, commission or authority created by this Charter or by any ordinance adopted by the legislative body of the Town of Montville pursuant to the provisions of § C412 of this Charter fails to meet with a duly constituted quorum for the transaction of business for any consecutive three-month period, said board, commission or authority shall, by operation of this Charter, be terminated, and all power and authority vested in such board, commission or authority by the laws of the State of Connecticut, by this Charter, by ordinance or otherwise shall immediately vest in the legislative body of the Town of Montville. Upon such termination, the secretary of such terminated board, commission or authority shall forthwith surrender all records of such board, commission or authority to the Montville Town Clerk. The legislative body shall, within 30 days subsequent to the date of termination of such board, commission or authority, hold a meeting to perform the functions and duties of such terminated board, commission or authority. The legislative body of the Town of Montville shall continue to perform the functions of such terminated board, commission or authority, as required by law, until such time as a new board, commission or authority is empanelled as hereinafter provided. In the event that any such board, commission or authority shall be terminated pursuant to the provisions hereof, the appointing authority of such board, commission or authority as provided by law shall empanel a new board, commission or authority within 60 days subsequent to the date of termination thereof and such empanelled board, commission or authority shall, from that date and thereafter, perform the duties and exercise the powers provided to such board, commission or authority by law.

C. Any board, commission or authority, whose sole purpose is to act in a quasi-judicial capacity, need not meet on a monthly basis if there is no business to be transacted before it. However, any such board, commission or authority shall be required to comply with the requirements of Subsection A of § C1011.