



TOWN OF CROMWELL LEGAL NOTICE

The Cromwell Charter Revision Commission has recommended certain changes to the Charter of the Town of Cromwell in accordance with its final report. The Cromwell Town Council voted on August 23, 2022 to submit those changes to the voters for approval in the form of three questions at the time of the State election on November 8, 2022. A complete copy of the proposed revised Cromwell Charter is set forth below. In addition, copies are available in the Town Clerk's Office and on the Town's website www.cromwellct.com.

Date at Cromwell, Connecticut this 12th day of September 2022.

Steve Fortenbach, Acting Mayor
For the Town Council

RECEIVED FOR RECORD
Sep 15, 2022 11:35A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

	TABLE OF CONTENTS				
	ARTICLE I				
	POWERS OF THE TOWN				
SECTION 1.01	INCORPORATION	SECTION 4.01	GENERAL PROVISIONS	SECTION 5.08	BOARD OF ASSESSMENT APPEALS
SECTION 1.02	RIGHTS AND OBLIGATIONS	SECTION 4.02	PERSONNEL SYSTEM	SECTION 5.09	ZONING BOARD OF APPEALS
SECTION 1.03	GENERAL GRANT OF POWERS	SECTION 4.03	ADMINISTRATIVE OFFICERS		ARTICLE VI
	ARTICLE II	SECTION 4.04	APPOINTMENT AND ELIGIBILITY		ELECTIONS, POWERS OF INITIATIVE AND OVERRULE
	TOWN COUNCIL AND MAYOR	SECTION 4.05	VACANCIES – ADMINISTRATIVE OFFICES	SECTION 6.01	TOWN ELECTIONS
SECTION 2.01	GENERAL POWERS AND DUTIES	SECTION 4.06	ASSESSOR	SECTION 6.02	MINORITY REPRESENTATION
SECTION 2.02	COMPOSITION, ELIGIBILITY, ELECTION	SECTION 4.07	FINANCE DIRECTOR/TOWN TREASURER	SECTION 6.03	BREAKING A TIE
	AND TERMS	SECTION 4.08	TAX COLLECTOR	SECTION 6.04	VACANCIES – ELECTED OFFICES
SECTION 2.03	MAYOR	SECTION 4.09	TOWN CLERK	SECTION 6.05	BOARD OF ADMISSION OF ELECTORS
SECTION 2.04	COMPENSATION; EXPENSES	SECTION 4.10	DIRECTOR OF EMERGENCY MANAGEMENT	SECTION 6.06	RIGHT TO PETITION FOR REFERENDUM
SECTION 2.05	PROHIBITIONS	SECTION 4.11	DIRECTOR OF HEALTH	SECTION 6.07	POWER OF INITIATIVE – ADOPTION AND
SECTION 2.06	DEPUTY MAYOR	SECTION 4.12	DIRECTOR OF RECREATION		REPEAL OF ORDINANCES
SECTION 2.07	VACANCIES; FORFEITURE OF OFFICE;	SECTION 4.13	DIRECTOR OF PUBLIC WORKS	SECTION 6.08	POWER OF OVERRULE
	FILLING OF VACANCIES	SECTION 4.14	BUILDING OFFICIAL		ARTICLE VII
SECTION 2.08	INVESTIGATIONS	SECTION 4.15	LIBRARY DIRECTOR		TOWN EMPLOYEES
SECTION 2.09	INDEPENDENT AUDIT	SECTION 4.16	TOWN ATTORNEY(S)	SECTION 7.01	TOWN EMPLOYEE PERSONNEL RULES
SECTION 2.10	PROCEDURE	SECTION 4.17	CHIEF OF POLICE	SECTION 7.02	SALARIES
SECTION 2.11	ORDINANCES	SECTION 4.18	TOWN PLANNER	SECTION 7.03	OFFICIAL BONDS
SECTION 2.12	EMERGENCY ORDINANCES	SECTION 4.19	SENIOR CENTER AND YOUTH AND HUMAN	SECTION 7.04	RETIREMENT OF TOWN EMPLOYEES
			SERVICES DIRECTOR	SECTION 7.05	APPOINTMENT AND REMOVAL OF TOWN
		SECTION 4.20	DIRECTOR OF ECONOMIC AND COMMUNITY		
			DEVELOPMENT		ARTICLE VIII
		SECTION 4.21	APPOINTED BOARDS AND COMMISSIONS		ANNUAL BUDGET AND FINANCIAL PROCEDURES
	ARTICLE III		ARTICLE V	SECTION 8.01	FISCAL YEAR
	TOWN MANAGER		ELECTED OFFICIALS	SECTION 8.02	SUBMISSION OF PRELIMINARY ESTIMATES
SECTION 3.01	APPOINTMENT; QUALIFICATIONS; TERM;	SECTION 5.01	GENERAL POWERS AND DUTIES		TO THE TOWN MANAGER AND BUDGET
	COMPENSATION	SECTION 5.02	ELECTION AND TERMS OF OFFICE: TOWN		MESSAGE
SECTION 3.02	REMOVAL		ELECTIONS	SECTION 8.03	PROPOSED BUDGET
SECTION 3.03	ACTING TOWN MANAGER	SECTION 5.03	ELECTION AND TERMS OF OFFICE:	SECTION 8.04	BOARD OF FINANCE ACTION ON BUDGET
SECTION 3.04	POWERS AND DUTIES OF THE TOWN		STATE ELECTIONS	SECTION 8.05	ANNUAL BUDGET REFERENDUM
	MANAGER	SECTION 5.04	INCOMPATIBLE OFFICES	SECTION 8.06	APPROPRIATION
	ARTICLE IV	SECTION 5.05	COMMENCEMENT OF TERM	SECTION 8.07	TAX RATE
	DEPARTMENTS, OFFICES AND AGENCIES	SECTION 5.06	BOARD OF FINANCE	SECTION 8.08	TAX BILLS
		SECTION 5.07	BOARD OF EDUCATION	SECTION 8.09	AMENDMENTS AFTER ADOPTION

SECTION 8.10	LAPSE OF APPROPRIATIONS
SECTION 8.11	EXPENDITURES AND ACCOUNTING
SECTION 8.12	CAPITAL IMPROVEMENT PROGRAM
SECTION 8.13	TOWN COUNCIL ACTION ON CAPITAL IMPROVEMENT PROGRAM
SECTION 8.14	PUBLIC RECORDS
SECTION 8.15	BORROWING
	ARTICLE IX
	CONFLICTS OF INTEREST
SECTION 9.01	CONFLICTS OF INTEREST
	ARTICLE X
	CHARTER AMENDMENT
SECTION 10.01	REVIEW AND AMENDMENT OF CHARTER
SECTION 10.02	EFFECTIVE DATE
	ARTICLE XI
	TRANSITION
SECTION 11.01	TRANSITION
SECTION 11.02	PENDING MATTERS, BONDS, DEBTS AND CONTRACTS
SECTION 11.03	PRESENT EMPLOYEES TO RETAIN POSITIONS
SECTION 11.04	STATE AND MUNICIPAL LAWS
SECTION 11.05	SAVINGS CLAUSE
SECTION 11.06	USEAGE

Article I POWERS OF THE TOWN

Section 1.01. Incorporation.

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

Section 1.02. Rights and Obligations.

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

Section 1.03. General Grant of Powers.

In addition to all powers granted to towns under the Constitution and Connecticut General Statutes, or which may hereafter be conferred, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Section 7-194 of the Connecticut General Statutes, as amended, and by any special acts of the General Assembly not inconsistent with this Charter, 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 Government or any branch thereof, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this or 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

TOWN COUNCIL AND MAYOR

Section 2.01. General Powers and Duties.

All powers of the Town shall be vested in the Town Council, except as otherwise provided by law or this Charter, and the Town Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town

by law. The Town Council shall be the legislative body of the Town, except as otherwise provided in this Charter. As provided herein, the Town Council shall have the power to appoint the Town Manager and all regular and special Town boards, commissions, committees and agencies.

Section 2.02. Composition, Eligibility, Election and Terms.

- (a) **Composition.** There shall be a Town Council consisting of seven (7) members, including the Mayor, elected by the voters of the Town at large.
- (b) **Eligibility.** Each Town Council member, including the Mayor, shall be a resident and an elector of the Town and if such member shall at any time cease to be either a resident of the Town or an elector of the Town his office shall thereupon be forfeited and vacated.
- (c) **Election and Terms.** The regular election of all Town Council members whose terms are expiring shall be held on the first Tuesday after the first Monday of November quadrennially in odd numbered years. The terms of Town Council members shall be four (4) years beginning the first Monday in November after the election.

Section 2.03 Mayor

- (a) A Mayor shall be elected by the voters of the Town at large and shall, subject to Section 2.07, serve until his successor shall be elected.
- (b) The Mayor shall be a full voting member of the Council and shall have in addition to all powers and duties specific to the Mayor, all the powers and duties applicable to regular members of the Council. The Mayor shall preside at all meetings of the Town Council, represent the Town in intergovernmental relationships, present an annual state of the Town message, and perform such other duties as may be specified by the Town Council. The Mayor shall be recognized as the chief elected official and head of the Town government for all ceremonial purposes and by the governor for the purposes of military law but shall have no administrative duties.

Section 2.04. Compensation; Expenses.

The members of the Town Council, including the Mayor, shall serve without compensation except that they shall be entitled to reimbursement for actual and reasonable expenses incurred in the performance of their official duties.

Section 2.05. Prohibitions.

- (a) **Holding Other Office.** Except where authorized by law, no Town Council member, including the Mayor, shall hold any other elected public office within the Town of Cromwell during the term for which the member was elected to the Town Council. No Town Council member shall hold any other Town office or employment with the Town during the term for which the member was elected to the Town Council. No former Town Council member shall hold any compensated appointive office or employment with the Town until one year after the expiration of the term for which the member was elected to the Town Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Town Council member to represent the Town on the governing board of any regional or other intergovernmental agency.
- (b) **Interference with Administration.** Except for the purpose of inquiries and investigations under Section 2.08, the Town Council and its members shall deal with all Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Town Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06. Deputy Mayor.

At its first regular meeting, after each municipal election where Town Council members are newly-elected, the Town Council shall elect from its membership a Deputy Mayor. Subject to Section 2.07 of this Charter, said Deputy Mayor shall perform the duties of the Mayor in his absence.

Section 2.07. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) **Vacancies.** The office of a Town Council member, including the Mayor, shall become vacant upon the member's death, incapacity, resignation, removal from office or forfeiture of office in any manner authorized by law.
- (b) **Forfeiture of Office.** A Town Council member, including the Mayor, shall forfeit that office if the Town Council

determines that the Town Council member:

1. Lacks, at any time during the term of office for which elected, any qualifications for the office prescribed by this Charter or by law, or
2. is convicted of a felony.

(c) Filling of Vacancies.

- (i) A vacancy on the Town Council shall be filled for the remaining term within 45 calendar days by a majority vote of all remaining Town Council members. In filling any vacancy, the Town Council shall select an eligible elector from the same political party as the former Town Council member, if any, or an elector nominated by that political party regardless of the nominee's political affiliation, provided that the obligation of minority representation is maintained. In the event that the remaining Town Council members cannot reach agreement on a replacement by a majority vote, there shall be a special election held within thirty (30) days after the initial 45-day deadline has expired.
- (ii) Notwithstanding the meeting requirements of Section 2.10, if at any time the membership of the Town Council, including the Mayor, is reduced to five (5) or less, the remaining members, including the Mayor, shall hold a special meeting within 30 days and shall, by majority vote, appoint additional members of the Town Council in order to increase its membership, including the Mayor, to seven (7) members.
- (iii) A vacancy in the office of the Mayor shall be filled within 30 days for the remainder of his or her term by a majority vote of the remaining Town Council members. In filling any vacancy, the Town Council shall select an eligible elector from the same political party as the former Mayor, if any, or an elector nominated by that political party regardless of the nominee's political affiliation, provided that the obligation of minority representation is maintained. In the event that the remaining Town Council members cannot reach agreement on a replacement by a majority vote, there shall be a special election held within thirty (30) days after the initial 30-day deadline has expired.

Section 2.08. Investigations.

The Town Council may conduct investigations into the affairs of the Town and the conduct of any Town department, office or agency and for this purpose has the power to call witnesses to appear before the Town Council on any matter under its investigation, may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

Section 2.09. Independent Audit.

The Board of Finance shall select a qualified independent auditor and shall provide for an independent annual audit of all Town accounts in compliance with the Municipal Auditing Act and may provide for more frequent audits as it deems necessary.

Section 2.10. Procedure.

- (a) **Meetings.** The Town Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of five (5) or more members of the Town Council and, whenever practicable, upon no less than twenty-four (24) hours notice to each member, or in accordance with notice provisions as may be required by applicable law. Except as allowed by state law, all meetings shall be open to the public. The Town Council may meet in executive session as allowed pursuant to applicable law.
- (b) **Rules and Record.** The Town Council shall determine its own rules and order of business and shall provide for keeping a record of its proceedings, in accordance with applicable laws.
- (c) **Voting and Quorum.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the record. The presence of five (5) members shall constitute a quorum, but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be adopted with less than four (4) affirmative votes.
- (d) **Secretary of the Town Council.** The Town Council shall appoint a qualified person, who is not a member of the Town Council, to serve as its Secretary. Said Secretary shall keep a public record of all proceedings of the Town Council, including all roll call votes, which shall be the official record of its proceedings. The compensation of the Secretary

shall be determined by the Town Council.

Section 2.11. Ordinances.

- (a) **Public Hearing.** Before any ordinance shall be adopted, amended or repealed, at least one (1) public hearing shall be held by the Town Council. Notice of such hearing shall be given to the public ten (10) days prior by publication in accordance with state laws governing the publication of municipal notices, and by posting in such public place or places as the Town Council shall, by ordinance, prescribe.
- (b) **Publication.** An ordinance adopted by the Town Council, or a summary description thereof, shall be published in accordance with state law requirements for the publication of municipal notices within ten (10) days after its adoption. Unless otherwise specified, said ordinance shall become effective thirty (30) days after such publication.
- (c) **Codification.** Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Town Council shall provide for the preparation of a general codification of all Town ordinances having the force and effect of law. The general codification shall be adopted by the Town Council by ordinance and shall be published promptly, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Connecticut, and such codes of technical regulations and other rules and regulations as the Town Council may specify. This compilation shall be known and cited officially as the Cromwell Town Code. Copies of the Code shall be furnished to Town officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Town Council.
- (d) **Printing of Ordinances and Publication of Other Materials.** All ordinances, after adoption, shall be filed with the Town Clerk and recorded, compiled and published by the Secretary of the Town Council as required by law.

Section 2.12. Emergency Ordinances.

To meet a public emergency affecting life, health, property, or the public peace, a public emergency ordinance, stating the facts constituting such public emergency, shall become effective upon enactment. No public hearing or notice of public hearing shall be required for any public emergency ordinance. An emergency ordinance adopted pursuant to this section shall be published to the public in accordance with state laws governing the publication of municipal notices within five (5) days after its adoption. Every public emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61st) day following adoption of said ordinance; provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Sec. 2.11 hereof prior to such sixty-first (61st) day, then such public emergency ordinance shall remain in full force and effect until final action is taken on said permanent ordinance.

Article III TOWN MANAGER

Section 3.01. Appointment; Qualifications; Term; Compensation.

- (a) The Town Council shall appoint a Town Manager. Prior to appointing a Town Manager, the Town Council shall appoint an individual or entity it deems qualified, to perform a search for qualified candidates, which individual or entity shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or with any of its officers. The Town Council may, without requiring competitive bids but through the use of a Request for Qualifications (RFQ) and Request for Proposal (RFP) process, select and designate such individual or entity for a term not to exceed one (1) year.
- (b) The Town Manager shall be appointed solely on the basis of executive and administrative qualifications, character, education, professional training, and experience. The Town Manager need not be a resident of the Town or state at the time of appointment but shall become a resident of the Town within six (6) months thereafter. The Town Manager may reside outside the Town while in office only with the approval of two-thirds of the entire Town Council.
- (c) The Town Manager shall serve a specified term not to exceed four (4) years pursuant to a contract between the Town Council and the Town Manager. There shall be no limitation on the number of times the Council may execute a new contract with any particular Town Manager. The contract

shall make provision for compensation, review procedures, its specific expiration date, and any other matters the Town Council deems appropriate and/or necessary. If a subsequent contract with any Town Manager is not duly executed at least sixty (60) days prior to the expiration of the contract, the Town Manager's employment by the Town shall terminate in accord with the contract's specified expiration date, except upon reconsideration by the Council of such termination.

- (d) The Town Council shall determine the compensation of the Town Manager.

Section 3.02. Removal.

- (a) In accordance with any applicable contract provision, the Town Council shall have the power to suspend or remove the Town Manager as provided herein.
- (b) The Town Council may approve the suspension or removal of the Town Manager by a resolution approved by five (5) affirmative votes of the Town Council which resolution shall set forth the reasons for suspension or removal. A copy of such resolution shall be delivered to the Town Manager.
- (c) Within fifteen (15) days of the resolution regarding the Town Manager's removal or suspension, the Town Manager shall reply to the resolution, in writing properly addressed to the Town Council, and shall request a public hearing before the Town Council. If the Town Manager fails to timely respond, the Town Council's suspension or removal shall be deemed final.
- (d) In the event the Town Manager timely responds and requests a public hearing, the Town Council shall hold such public hearing not earlier than ten (10) days and not later than fifteen (15) days after such hearing is requested.
- (e) After the public hearing, if timely requested, and after full consideration, the Town Council, by five (5) affirmative votes, may adopt a final resolution of suspension or removal. The decision of the Town Council shall be final.
- (f) The Town Manager shall continue to receive full salary and benefits until the effective date of a final resolution of removal in accordance with the operative contract between the Town Council and the Town Manager. However, upon the effective date of such removal as provided herein, the Town Manager shall no longer receive any salary and benefits, except benefits otherwise vested by law.

Section 3.03. Acting Town Manager.

The Town Manager shall designate by letter maintained on file with the secretary of the Town Council and the Town Clerk a qualified administrative officer of the Town to serve as Acting Town Manager in the event of his temporary absence or inability to serve. If the Town Manager fails to make such designation, the Town Council shall appoint an Acting Town Manager. If the Town Manager shall be absent from his duties for a period of more than thirty (30) consecutive days, the Town Council shall appoint an Acting Town Manager. The Acting Town Manager shall have all the powers and duties of the Town Manager with the exception of the powers of appointment, removal, suspension, and dismissal. Notwithstanding the foregoing provisions, the Town Council may at any time replace an Acting Town Manager. In the event of a vacancy in the office of Manager, from whatever cause arising, the Town Council shall have the power to designate a person, other than a member of the Town Council, to act as Town Manager, pending the filling of such vacancy.

Section 3.04. Powers and Duties of the Town Manager.

The Town Manager shall be the chief executive and administrative officer of the Town, responsible to the Town Council for the administration of all Town affairs placed in the Town Manager's charge by or under this Charter, or by the Town Council. The Town Manager's powers and duties shall not be diminished by ordinance or resolution. The Town Manager shall:

- (a) Upon the recommendation of the appropriate Department Head, appoint, suspend, or remove any Town employee provided for or under this Charter, except as otherwise provided by law, this Charter, collective bargaining agreements or personnel rules adopted pursuant to this Charter. The Town Manager may authorize any administrative officer subject to the Town Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Appoint, suspend or remove, each such action with the approval of the Town Council, any Department Head, except

as otherwise provided for in this Charter;

- (c) Direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law. The Town Manager may act as a department head of one or more Town departments;
- (d) Attend all Town Council meetings, unless excused by the Town Council, with the right to speak but not to vote;
- (e) See that all laws and ordinances governing the Town, are faithfully executed;
- (f) Prepare and submit the annual budget and capital program to the Town Council as provided by the Charter;
- (g) Within thirty (30) days after completion of the Town financial audit, submit to the Town Council and make available to the public, a complete Annual Town Report on the finances, accomplishments and administrative activities of the Town as of the end of each fiscal year;
- (h) Make such other reports as the Town Council may require concerning the operations of Town departments, offices and agencies;
- (i) Keep the Town Council fully advised as to the financial condition and all other matters affecting the welfare and future needs of the Town;
- (j) Make recommendations to the Town Council concerning the affairs of
- (k) the Town;
- (l) Create and periodically review and revise job descriptions of Town officers and employees and make recommendations to the Town Council for improving the organization and staffing of Town departments, offices and agencies;
- (m) Shall be authorized to make emergency expenditures provided that all such expenditures shall be reported to the Town Council and Board of Finance within 24 hours; and
- (n) Perform such other duties as are specified in this Charter or may be required by the Town Council.

Article IV

DEPARTMENTS, OFFICES AND AGENCIES

Section 4.01. General Provisions.

- (a) **Administrative Organization.** The administrative organization of the Town offices and departments, and their divisions and activities, including their functions and responsibilities, shall be recommended by the Town Manager, and shall, by resolution, be adopted, revised or amended by the Town Council.
- (b) **Direction by Town Manager.** All departments, offices and agencies under the direction and supervision of the Town Manager shall be administered by an officer appointed by the Town Manager as provided for herein and shall be subject to the direction and supervision of the Town Manager. With the consent of the Town Council, the Town Manager may act on either a permanent or temporary basis, as the head of one or more such departments, offices or agencies, or may appoint such person(s) as deemed appropriate as the head of two (2) or more of them.
- (c) All Departments, Offices and Agencies shall have all of the powers and obligations set forth in this Charter, the Town's ordinances and, to the extent not inconsistent herewith, the Connecticut General Statutes.

Section 4.02. Personnel System.

Consistent with all applicable federal and state laws and collective bargaining agreements, the Town Council shall provide for the establishment, regulation and maintenance of a system governing personnel policies necessary to effective administration of the employees of the Town's departments, offices and agencies, which may include, but is not limited to classifications and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances, and relationships with employee organizations.

Section 4.03. Administrative Officers.

There shall be the following administrative officers for the Town: Town Manager; Assessor; Finance Director/Town Treasurer; Tax Collector; Town Clerk; Director of Emergency Management; Director of Health; Director of Recreation and Youth Services; Director of Public Works; Building Official; Town Engineer; Library Director; Town Attorney; Chief of Police; Senior Center and Human Services Director; and Director of Planning and Development.

Section 4.04. Appointment and Eligibility.

Administrative officers and department heads shall be appointed in the manner hereinafter provided. No administrative officer or

department head shall serve as a voting member on any regular Town board or commission during his term of office and any such officer or department head elected to public office in the Town shall, upon such election, forfeit the position to which he had been appointed.

Section 4.05. Vacancies – Administrative Offices.

Any vacancy in any appointive administrative office, from whatever cause arising, shall be filled by the appointing authority to such office. Persons appointed to fill vacancies in said administrative offices shall serve for the unexpired portion of the term vacated if such office has a fixed term, or shall serve until his or her successor is appointed for an indefinite term in the event no fixed term is provided for such office.

Section 4.06. Assessor.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, an Assessor who shall be qualified by training and experience and who shall serve on a full-time basis and for an indefinite term. Said Assessor shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the Connecticut General Statutes on assessors, and such other powers and duties as may be prescribed by the Town Council. Said Assessor may appoint and may suspend or remove, subject to the approval of the Town Manager and subject to such rules and regulations concerning Town employees as may be adopted by the Town Council pursuant to this chapter, all deputies, assistants or employees in his office.

Section 4.07. Finance Director/Town Treasurer.

- (a) The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Finance Director who shall be qualified by training and experience and who shall serve on a full-time basis and for an indefinite term. Said Finance Director shall, under the direction of the Town Manager, plan, develop, coordinate and manage the Town's fiscal activities, including financial controls and activities which entail the application of budgeting and accounting principles and practices, cash management, purchasing, investment and grant management and shall have all the powers and duties not inconsistent with this Charter, as may be prescribed by the Town Council and the Connecticut General Statutes. Said Finance Director may appoint and may suspend or remove, subject to the approval of the Town Manager, all deputies, assistants or employees in said Director's office.
- (b) Said Finance Director shall serve as the Town Treasurer and agent of the Town deposit fund and all other Town funds, shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the Connecticut General Statutes on town treasurers and such other powers and duties as are prescribed in this Charter, and as may be prescribed by the Town Council.

Section 4.08. Tax Collector.

Commencing on January 1, 2023, the office of the Tax collector shall be an appointed position and the Town Manager shall appoint and may suspend or remove, each such action with approval of the Town Council, a Tax Collector who shall be qualified by training, and experience who shall serve on a full-time basis and for an indefinite term. The Tax Collector shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the Connecticut General Statutes on tax collectors and such other powers and duties as are prescribed in this Charter and as may be prescribed by the Town Council. Notwithstanding the foregoing, the Tax Collector last elected shall be appointed as Tax Collector effective January 1, 2023 and shall hold that office unless and until resigned, suspended or removed.

Section 4.09. Town Clerk.

Commencing on January 1, 2023, the office of the Town Clerk shall be an appointed position and the Town Manager shall appoint and may suspend or remove, each such action with approval of the Town Council, a Town Clerk who shall be qualified by training, and experience who shall serve on a full-time basis and for an indefinite term. The Town Clerk shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the Connecticut General Statutes on town clerks and such other powers and duties as are prescribed in this Charter and as may be prescribed by the Town Council. Notwithstanding the foregoing, the Town Clerk last elected shall be appointed as Town Clerk effective January 1, 2023 and shall hold that office unless and until resigned, suspended or

removed.

Section 4.10. Emergency Management Director.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, in accordance with the provisions of Section 28-7 of the General Statutes, as amended, a local Emergency Management Director who shall serve for a term of two (2) years. Said Emergency Management Director shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by Section 28-7 of the Connecticut General Statutes, as amended, on local directors of Emergency Management, and such other powers and duties as may be prescribed by the Town Manager.

Section 4.11. Director of Health.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council and in accordance with the provisions of Section 19a-200, et seq. of the Connecticut General Statutes as amended, a Director of Health who shall serve for a term of four (4) years. The Director of Health shall have all the powers and duties, not inconsistent with this Charter, conferred and imposed by the Connecticut General Statutes on local directors of health and such other powers and duties as may be prescribed by the Town Manager. Said Director of Health shall appoint and may suspend or remove, subject to the approval of the Town Manager and subject to such rules and regulations concerning Town employees as may be adopted by the Town Council pursuant to the provisions of this Charter, a Town Sanitarian and all deputies, assistants or employees in his office.

Section 4.12. Director of Recreation.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Director of Recreation who shall serve for an indefinite term. Said Director shall be in charge of the administration of the recreation program in the Town, and shall be responsible for the implementation of recreational policies approved by the Town Manager. Said Director may appoint and may suspend or remove, subject to the approval of the Town Manager and subject to such rules and regulations concerning Town employees as may be adopted by the Town Council pursuant to the provisions of this Charter, all deputies, assistants or employees in his office.

Section 4.13. Director of Public Works.

- (a) The Town Manager shall appoint and may suspend or remove, each such action with approval of the Town Council, a Director of Public Works who shall be qualified by training and experience and who shall serve on a full-time basis and for an indefinite term. Said Director shall be the administrative head of the Public Works Department and as such shall be responsible for the efficiency, discipline and good conduct of the public works operation of the Town. The Director of Public Works shall have supervision and control of the maintenance of all Town-owned structures, except such structures as are under the control of the Board of Education. Said Director shall be responsible for the planning, surveying, construction and reconstruction, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, bridges, sidewalks, and curbs, parks and other Town recreational areas, storm sewers, sewerage system, refuse disposal areas, public drains, and other public improvements. Upon the request of the Chairman of the Board of Education, the Director of Public Works may supervise and direct the exterior maintenance of school buildings and grounds, but only to the extent and for the period requested by the Board of Education and approved by the Town Council, provided the costs of such maintenance are charged against the Board of Education's appropriations. The Director of Public Works shall organize the public works operation in such manner as he shall deem most economical and efficient. The Director of Public Works shall serve as the Tree Warden and shall have the powers and duties, not inconsistent with this Charter, conferred or imposed on such officer by Chapter 451 of the Connecticut General Statutes, as amended, and such other powers and duties, as may be prescribed by the Town Council.

- (b) The Director of Public Works shall appoint and may suspend or remove, subject to approval of the Town Manager, all deputies, assistants or employees in his department.

- (c) Town Engineer. The Town Manager shall appoint and may suspend or remove a Town Engineer who shall serve for an indefinite term. Said Town Engineer shall be a

qualified professional civil engineer registered to practice in this state, in accordance with the provisions of Chapter 391 of the Connecticut General Statutes, as amended. The powers and duties of the Town Engineer shall be prescribed by the Town Manager.

Section 4.14. Building Official.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Building Official who shall serve for a term of four (4) years. Quadrennially thereafter, the Town Manager shall appoint said Building Official as provided herein. Said Building Official shall possess such qualifications as are required by the Connecticut General Statutes, as may be amended, and shall have all the powers and duties conferred by the Connecticut General Statutes that are not inconsistent with this Charter.

Section 4.15. Library Director.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Library Director who shall serve for an indefinite term. Said Director shall be responsible for the implementation of library policies approved by the Library Commission and the Town Council. Said Director may appoint and may suspend or remove, subject to the approval of the Town Manager and subject to such rules and regulations concerning Town employees as may be adopted by the Town Council, all employees of the Cromwell Belden Public Library.

Section 4.16. Town Attorney(s).

The Town Manager shall recommend and the Town Council shall appoint in its discretion, by resolution for an indeterminate term, an appropriately licensed individual, law firm or firms to act as Town Attorney. If in its discretion circumstances require, the Town Council may appoint additional legal counsel with such special expertise, qualifications, and/or responsibilities as it may deem appropriate. The provisions of this section shall not apply to the Board of Education who may separately retain its own legal counsel.

Section 4.17. Chief of Police.

The Town Manager shall appoint and may suspend or remove, each such action with approval of the Town Council, a Chief of Police who shall be qualified by training and experience and who shall serve on a full-time basis and for an indefinite term.

- (a) Powers and Duties: The Chief of Police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state, and the ordinances of the Town and all rules and regulations made in accordance therewith. Said Chief of Police shall assign all members of the Police Department to their respective posts, shifts, details, and duties. The Chief of Police shall, subject to the approval of the Town Council, make rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof. The Chief of Police shall be responsible for the efficiency, discipline and good conduct of the Department and for the care and custody of all property used by the Department. Disobedience to the lawful orders, rules and regulations of the Chief of Police shall be grounds for dismissal or for other appropriate disciplinary action.

- (b) Appointments: The Chief of Police shall appoint and may suspend or remove, with the approval of the Town Manager and subject to such rules and regulations concerning Town employees as may be adopted by the Town Council pursuant to the provisions of Article VII of this Charter, all other officers and employees of the Police Department including an animal control officer, whose powers and duties shall be as provided in Chapter 435 of the Connecticut General Statutes, as amended. All members of the Police Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the Connecticut General Statutes.

Section 4.18. Director of Planning and Development.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Director of Planning and Development who shall serve for an indefinite term. Said Director shall be responsible for overseeing the Town's planning objectives and land development. The Director of Planning and Development shall ensure the timely adoption of the Town's Plan of Conservation and Development

and shall serve as staff for all Town land use boards, commissions and agencies. The Director of Planning and Development shall also have such other powers and duties as are prescribed by the Town Manager with approval of the Town Council.

Section 4.19. Senior Center and Youth and Human Services Director.

The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Senior Center and Youth and Human Services Director who shall serve for an indefinite term. Said Director shall be responsible for planning, organizing, and directing a community social services program, including emergency assistance, information, and referral services, and working with the Senior Services Commission and the appropriate Town staff and others in order to plan and administer youth and elderly services and programs for the Town and to otherwise provide opportunities, new experiences, advocacy, and to promote dignity, personal growth, health, friendship, and an improved quality of life for all youth and older adults in the Cromwell community. Said Director shall supervise all operations of the Cromwell Senior Center and Transportation Division, including staff and volunteers.

Section 4.20. Director of Economic and Community Development.

The Town Manager may appoint and may suspend or remove, each such action with the approval of the Town Council, a Director of Economic and Community Development, who shall coordinate the activities of the Town with the view toward achieving economically, socially and aesthetically desirable development in the Town. The Director shall coordinate development opportunities in Town. The Director shall also assemble and convey information to representatives of business, industry and land development interests to assist their development decisions with respect to the Town.

Section 4.21. Appointed Boards and Commissions.

The Town Council shall appoint such regular and special boards and commissions as may serve the various purposes of the town and/or may be required by the laws of the State of Connecticut as amended. The functions and composition of such boards or commissions and terms of members so appointed shall be prescribed in the establishing ordinance. Those appointed to a board or commission shall serve until the expiration of their term or until a successor has been appointed. There shall be the following regular Town boards and commissions appointed by the Town Council:

1. **Recreation and Youth Services Commission**
2. **Inland Wetlands and Watercourse Agency**
3. **Water Pollution Control Authority**
4. **Library Commission**
5. **Conservation Commission**
6. **Economic Development Commission**
7. **Senior Services Commission**

(a) **Appointment and Eligibility.** All members of such boards and commissions shall be appointed by an affirmative vote of not fewer than five (5) members of the Town Council. No person shall be eligible for appointment to any regular Town board or commission who is not, at the time of his appointment, an elector of said Town and any person ceasing to be an elector of said Town shall thereupon forfeit his membership on said board or commission.

(b) **Removal.** Any member of any appointive Town board or commission may be removed by an affirmative vote of not fewer than four (4) members of the Town Council for cause. Cause for removal shall include, but is not limited to unexcused absences for more than fifty (50) percent of the meetings of such board or commission within one (1) year, as such unexcused absences are determined by the respective board or commission. Before any removal, charges shall be presented to such member in writing, and said person shall be given reasonable opportunity to be heard in his or her own defense.

(c) **Vacancies in Appointive Boards and Commissions.** Any vacancy on any appointive Town board or commission, from whatever cause arising, shall be filled by appointment by the Town Council to such office for the unexpired portion of the term vacated. Any such vacancy shall be filled by the appointment of a member recommended by the same political party as the person vacating the office in the event said person was affiliated with a political party unless the

person was not an enrolled member of a political party, in which case his successor shall be appointed by the Town Council in its discretion.

(d) **Regional and Interlocal Agencies.** The Town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the Connecticut General Statutes, as amended. Nothing in this section shall be construed as limiting the authority of the Town, by action of the Town Council, to continue such participation or join new regional programs, as authorized by the Connecticut General Statutes, as amended.

Article V

ELECTED OFFICIALS

Section 5.01. General Powers and Duties.

Except as otherwise provided in this Charter, all elected Town officers, board and commission members shall have the powers and duties prescribed for such officers in Connecticut General Statutes and this Charter. The Town Council shall not diminish the powers and duties of elected officers.

Section 5.02. Election and Terms of Office: Town Elections.

At a meeting of the electors of the Town of Cromwell to be held biennially on the first Tuesday after the first Monday of November in the odd numbered years, there shall be elected the following officers:

- (a) Mayor and the six (6) other members of the Town Council, all elected in accordance with the provisions of Article II of this Charter;
- (b) Board of Assessment Appeals consisting of three (3) members serving terms of four (4) years. Two (2) alternate members of the Board of Assessment Appeals shall be appointed and may be removed by the Town Council in accordance with Section 4.21 of this Charter;
- (c) Planning and Zoning Commission, consisting of nine (9) regular members for terms of six (6) years. Three (3) alternate members of the Planning and Zoning Commission shall be appointed and may be removed by the Town Council in accordance with Section 4.21 of this Charter;
- (d) Zoning Board of Appeals, consisting of five (5) regular members, for terms of four (4) years. Three (3) alternate members of the Zoning Board of Appeals shall be appointed and may be removed by the Town Council in accordance with Section 4.21 of this Charter;
- (e) The Board of Finance which shall be composed of six (6) members who shall serve terms of six (6) years;
- (f) The Board of Education consisting of nine (9) members. Biennially there shall be elected for terms of four (4) years each the same number of members of such Board as the number of those whose terms then expire. The Board of Education shall perform such duties and have such powers vested in them as are or may be imposed or vested by the Connecticut General Statutes upon boards of education in the several towns, and shall perform all acts required of said board by the Town or necessary to carry into effect the powers and duties imposed upon said board by law.

Each elected official shall be a resident and an elector of the Town and if such elected official shall at any time cease to be either a resident of the Town or an elector of the Town his office shall thereupon be vacated. The term of office of all elected Town officers, members of Town boards and commissions, and members of the board of education shall commence on the first Monday following the day of their election.

Section 5.03. Election and Terms of Office: State Elections.

At the state election to be held quadrennially on the first Tuesday after the first Monday of November, there shall be elected two (2) Registrar of Voters, in accordance with Section 9-189a of the Connecticut General Statutes, as amended, who shall serve for terms of four (4) years each. Also at such state election to be held biennially on the first Tuesday after the first Monday of November, there shall be elected fifteen (15) Justices of the Peace in accordance with Sections 9-183a and 9-184 of the Connecticut General Statutes, as amended, who shall serve for terms of four (4) years each. Said Registrars of Voters and Justices of the Peace shall perform the duties prescribed by the Connecticut General Statutes.

Section 5.04. Incompatible Offices.

No member of the Town Council shall serve as Town Clerk, Town Treasurer, or Tax Collector during the same official year. No Town

Treasurer shall serve as Tax Collector during the same official year; nor of that of Judge of Probate for the district within which the Town of Cromwell is located. No Town Clerk or member of the Town Council may be elected a Registrar of Voters. No Registrar of Voters shall serve as Town Clerk. No Assessor shall act as a member of the Board of Assessment Appeals. No member of the Board of Finance shall hold any salaried Town office unless otherwise provided by special act.

Section 5.05. Commencement of Term.

The term of office of all elected Town officers, member of Town boards and commissions, and members of the Board of Education shall commence on the first Monday following the day of their election.

Section 5.06. Board of Finance.

The Board of Finance at the regular November meeting in odd number years shall elect one (1) of its members to be Chairman and one (1) of its members Vice-Chairman for a two (2) year period. If said action is not taken within thirty (30) days, the Town Council shall make the appointment.

The Chairman shall cause to be prepared and filed with the Town Clerk a copy of the minutes and records of each meeting. In the absence of the Chairman, the Vice-Chairman will assume the responsibilities and duties of the Chairman.

Section 5.07. The Board of Education.

The Board of Education shall consist of nine (9) members who shall be elected and hold office as provided in Article V of this Charter. The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the Connecticut General Statutes upon boards of education in the several towns, and shall perform all acts required of said Board by the Town or necessary to carry into effect the powers and duties imposed upon said Board by law.

Section 5.08 Board of Assessment Appeals.

There shall be a Board of Assessment appeals consisting of three (3) regular members and (2) alternates which shall have all of the powers and duties now or hereafter conferred upon such boards by the Connecticut General Statutes.

Section 5.09 Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternates which shall have all of the powers and duties now or hereafter conferred upon such boards by the Connecticut General Statutes or by the zoning regulations.

Article VI

ELECTIONS,

POWERS OF INITIATIVE AND OVERRULE

Section 6.01. Town Elections.

- (a) **Regular Elections.** The regular Town election shall be held biennially on the first Tuesday after the first Monday of November in the odd numbered years.
- (b) **Registered Voter Defined.** No person shall be eligible for election to any Town office who is not at the time of his election an elector of said Town, as defined by Section 9-1 of the Connecticut General Statutes, as amended, and any person ceasing to be an elector of said Town shall thereupon cease to hold elective office in the Town.
- (c) **Conduct of Elections.** The provisions of the general election laws of the State of Connecticut shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of Town elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the Town Council may adopt ordinances which shall be consistent with law and this Charter. The elections authorities may adopt further regulations consistent with law and this Charter and the ordinances of the Council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of Town ordinances generally.

Section 6.02. Minority Representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the Town, except the Board of Education, shall be determined in accordance with the provisions of Section 9-167a and other relevant provisions of the Connecticut General Statutes as amended. Minority representation on the Board of Education shall be determined in accordance with the provisions of Section 9-204 of the Connecticut General Statutes as amended. An elector shall not vote for more candidates for the Town Council than a political party can elect pursuant to Section 9-167a of the

General Statutes, as amended, provided that the number of such candidates that an elector can vote for be deemed to include the Mayor.

Section 6.03. Breaking a Tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the Connecticut General Statutes, as amended, to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected, provided, however, that this provision shall not apply to questions at referendum which, under the provisions of this Charter or of the Connecticut General Statutes, require a minimum number of electors voting in favor of such questions in the event that the number of electors voting in favor of such question does not equal the said minimum number required by such provision.

Section 6.04. Vacancies – Elective Offices.

Any vacancy, from whatever cause arising, in any elective Town office other than Town Council or Mayor, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment, by the Town Council, for an unexpired portion of the term or until the next regular municipal election, as defined in Section 9-1 of the Connecticut General Statutes, as amended, whichever shall first occur. In filling any vacancy, the Town Council shall select an eligible elector from the same political party as the former official, if any, or an elector nominated by that political party regardless of the nominee's political affiliation, provided that the obligation of minority representation is maintained. Except as otherwise provided in this Charter, if there shall be a regular municipal election, as defined in Section 9-1 of the Connecticut General Statutes, as amended, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, such person to take office immediately upon his election.

Section 6.05. Board of Admission of Electors.

The Town Clerk and Registrar of Voters shall constitute the Board for Admission of Electors in accordance with the provisions of Section 9-15a of the Connecticut General Statutes, as amended.

Section 6.06. Right to Petition for Referendum.

Elector or voters shall have the right to petition the Council in accordance with the provisions of this Charter and Section 7-9 of the Connecticut General Statutes to hold a referendum only for the purposes of adopting or repealing ordinances passed by the Council.

Section 6.07. Power of Initiative – Adoption and Repeal of Ordinances.

The electors of the Town shall have the power to petition for the adoption or repeal of ordinances in the following manner:

- (a) a petition may be filed by any elector of the Town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the Connecticut General Statutes, as amended;
- (b) said petition shall contain the full text of the ordinance proposed or the ordinance proposed to be repealed and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least five (5) percent of the total electors of the Town as determined from the latest official lists of the registrars of voters;
- (c) said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9;
- (d) the Town Clerk shall determine whether said petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of said petition, and within five (5) days after receipt of the page bringing the number of valid signatures included in the petition to the number required by subsection (b) of this section, shall so certify to the Town Council; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as described herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect;
- (e) if the Town Council fails to adopt, without any substantive change, an ordinance so proposed, or fails to repeal an ordinance proposed for repeal within thirty (30) days after petition making such a proposal shall have been certified to

the Town Council as provided herein, a second petition may be filed within thirty (30) days of the end of the period in which the Town Council have to act on said proposed ordinance by any elector of the Town with the Town Clerk in accordance with the provisions outlined in subsections (a), (b), (c), and (d) of this section;

- (f) upon receipt of the certification by the town clerk of said second petition, the Town Council shall call a special Town referendum, at which referendum all electors of the Town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, to be held within sixty (60) days after said certification of such second petition provided, however, if a regular election, as defined by Section 9-1 of the Connecticut General Statutes, as amended, shall occur within ninety (90) days of the certification of such second petition, such proposed ordinance, shall be placed on the ballot at said regular election;

- (g) such proposed ordinance shall become effective, or such ordinance proposed for repeal shall be deemed repealed, upon approval by a majority of those electors voting thereon, provided such number of electors approving said ordinance is equal to at least ten (10) percent of the total electors of the Town, as determined from the latest official lists of the Registrars of Voters. Said ordinance shall become effective on the thirtieth (30th) day after publication, provided, however, that said ordinance shall be considered approved upon certification of the results of the voting thereon regardless of any defeat in the petition submitted in accordance with the provisions herein. No ordinance which shall have been adopted or repealed by referendum in accordance with the provisions of this section may be repealed, amended or reenacted by the Town Council during its then current term in office.

Section 6.08. Power of Overture.

All ordinances adopted by the Town Council pursuant to the provisions of this chapter, except emergency ordinances adopted in accordance with Section 2.12 of this Charter shall be subject to overrule by a special Town referendum in the following manner:

- (a) if, within fifteen (15) days after the publication of any such ordinance, a petition conforming to the requirements of Section 7-9 and 7-9a of the Connecticut General Statutes, as amended, and signed in ink or indelible pencil by qualified electors of the Town, equal in number to at least five (5) percent of the total electors 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 the Town voters at a special referendum, the effective date of such ordinance shall be suspended;
- (b) said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9;
- (c) the Town Clerk shall determine whether said petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of said petition, and within five (5) days after receipt of the page bringing the number of valid signatures included in the petition to the number required by subsection (a) of this section, shall so certify to the Town Council; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as described herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect;
- (d) if, within thirty (30) days of the certification of said petition by the Town Clerk, the Town Council fail to repeal such ordinance, they shall then fix the time and place of such special referendum, at which referendum all electors of the Town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held within forty-five (45) days of the end of the period in which the Town Council has to reconsider such ordinance, and notice thereof shall be given in the manner provided by law for the calling of a Town referendum provided, however, if a regular election as defined by Section 9-1 of the General Statutes, as amended, shall occur within ninety (90) days of the end of the period in which the Town Council has to reconsider said ordinance such proposed overrule action shall be placed on the ballot at said regular election. An ordinance so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, such majority being equal to at least ten percent

(10%) of the qualified electors of the Town as determined from the latest official lists of the Registrars of Voters, shall have voted in favor of overruling such ordinance and in such event said ordinance so referred shall be deemed null and void and repealed or revoked upon the conclusion of such referendum.

Article VII TOWN EMPLOYEES

Section 7.01. Town Employee Personnel Rules.

In accordance with Section 3.04 of this Charter, the Town Manager shall cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Town Council and filed by the Town Manager with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

Section 7.02. Salaries.

The salaries, wages, benefits or other compensation of all officers and all employees of the Town, shall be determined by the Town Council, in conformity with a systematic pay plan for the positions involved as prepared and recommended by the Town Manager. Once the systematic pay plan has been established, the Town Manager shall have the authority to place officers and all employees within the range described in the pay plan, except as otherwise limited by a collective bargaining agreement. The salaries, or other compensation of all elected officials of the Town shall, except as otherwise provided by law, be determined by the Town Council in accordance with the provisions of this Charter. For the purposes of Section 7-468(b) of the Connecticut General Statutes, as amended, the Town Manager shall have the sole authority to recognize the exclusive bargaining agent for any unit of Town employees.

Section 7.03. Official Bonds.

All officers and employees as may be required to do so by the Town Council shall, before entering on 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 the honest and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Town Council, if it deems to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

Section 7.04. Retirement of Town Employees.

The provisions of the pension plan for Town employees in force on the effective date of this Charter shall remain in full force and effect until such time as said plan is amended, by ordinance.

Section 7.05. Appointment and Removal of Town Employees.

Except as otherwise provided herein, all employees of the Town shall be appointed and may be suspended or removed by the appropriate department head with the approval of the Town Manager and subject to the terms of any collective bargaining agreements or personnel rules adopted pursuant to this Charter.

Article VIII ANNUAL BUDGET AND FINANCIAL PROCEDURES

Section 8.01. Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and end on the last day of June.

Section 8.02. Submission of Preliminary Estimates to the Town Manager.

On or before the first day of February of each year, the head of each Town office, department or agency supported wholly or in part from Town funds, except the Board of Education, shall submit to the Town Manager its preliminary estimate, consisting of a detailed statement of the expenditures to be made by his office or agency and the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year. The Town Manager shall recommend a proposed budget to the Town Council by March 1st.

Section 8.03. Proposed Budget.

Not later than the regular meeting of the Board of Finance in March of each year, the Town Council, with the assistance of the Town Manager, and the Board of Education, shall present to the Board of Finance a proposed 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 prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus;
- (c) itemized estimates of expenditures, including debt service, 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, appropriations as proposed by the Town Council, with the assistance of the Town Manager, and the Board of Education for all items for the ensuing fiscal year, and such other information as may be required by the Board of Finance.

Such proposed budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

The presentation shall also include proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditure. This section shall not apply to all special revenue funds, including without limitation, the Sewer Usage Fund, Sewer Assessment Fund, Dog Fund and Sidewalk Fund which shall be reviewed by the Board of Finance who shall provide a non-binding recommendation and then approved by the Town Council. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

Section 8.04. Board of Finance Action on Budget.

- (a) **Notice and Hearing.** The Board of Finance shall call a public hearing on the proposed budget to be held within twenty-one (21) days of the presentation of the proposed budget to the Board of Finance. At least seven (7) days prior to the hearing, the Board of Finance shall publish notice of such public hearing in accordance with state law requirements for publication of municipal notices:

1. the times and places where copies of the proposed budget are available for inspection by the public, and
2. the time and place for a public hearing on the budget.

- (b) **Amendment Before Adoption.** Within ten (10) business days after the public hearing on the proposed budget, the Board of Finance shall approve the proposed budget with or without amendment. In amending the proposed budget, the Board of Finance may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income. With respect to the proposed budget for the Board of Education, the Board of Finance may approve this proposed budget with or without amendment, however, consideration of the proposed budget for the Board of Education is limited to the authority to increase or decrease the total amount allocated to the Board of Education, subject to the requirements provided by law. The Board of Finance's vote to approve the budget shall be deemed its recommendation to approve such budget. Failure of the Board of Finance to act within ten business days of the public hearing shall be deemed to constitute approval by the Board of Finance for submission to the annual budget referendum.

Section 8.05. Annual Budget Referendum.

- (a) The Annual Budget Referendum shall be held on the first Tuesday of May at such place and time as the Council may determine. Individuals qualified to vote pursuant to Section 7-6 of the Connecticut General Statutes may vote to approve or reject the Bonded Debt, General Government and Board of Education Budgets, as separate questions, proposed by the Town Council and Board of Education and approved, or deemed approved, by the Board of Finance with the result(s) being determined by a simple majority of those voting at referendum. Additional referenda, as required, will be held every other week on Tuesday thereafter until a budget is approved. Notice of the referendum to be held on the first Tuesday of May shall be advertised at least five (5) days prior to such referendum in the manner provided by state law for publication of municipal notices to the general public; notice for subsequent referenda shall be published in accordance with state law governing publication of municipal notices at least three (3) days prior to each such referendum. In the event that no budget for the ensuing fiscal year shall be adopted by June 15 in any year, then the Tax Collector may send out interim tax bills for the same amount as in the previous year. When said budget is finally adopted, the Tax Collector may adjust the second tax bill to conform to the new rate as voted by the Board of Finance or send out additional tax bills.

- (b) **Rejection of Budget.** In any case in which the proposed budget is not approved at the budget referendum by a majority of those voting in the affirmative of those eligible to vote in referenda, the Board of Finance, shall determine modifications, if any, that it deems appropriate and recommend a revised budget for approval at a subsequent budget referendum in the manner provided above.

Section 8.06. Appropriation.

The adoption of a budget by the Annual Budget Referendum shall be deemed to constitute the appropriation to each department or when so indicated in the budget a major subdivision thereof and to each office, board, commission and agency separately listed in the budget of the sum estimated to be expended by such unit respectively.

Section 8.07. Tax Rate.

To implement the adopted budget, the Board of Finance shall, within five (5) days following the adoption of the budget at the Annual Budget Referendum, fix the tax rate in mills, which shall be levied on the taxable property in the Town for the ensuing fiscal year.

Section 8.08 Tax Bills.

It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill prepared in accordance with Chapter 204 of the Connecticut General Statutes, as amended. Except as otherwise specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on in accordance with the provisions of Chapter 203 and 204 of the Connecticut General Statutes, as amended.

Section 8.09. Amendments after Adoption.

- (a) **Supplemental Appropriations.** The Board of Finance shall have the power by resolution and only upon the recommendation of a majority of the entire Town Council, to make appropriations supplemental to those provided in the annual budget not to exceed a cumulative amount of one percent (1%) of the total annual appropriation in any one fiscal year. The Board of Finance shall also have the power, by resolution, to incur indebtedness for any specific purpose in order to finance said supplemental appropriations provided for in this section.

- (b) **Emergency Appropriations.** For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriation, the amount of which shall not exceed two percent (2%) of the current tax levy in any one fiscal year may be made upon the recommendation of at least five members of the Town Council and by an affirmative vote of not fewer than three members of the Board of Finance. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the Connecticut General Statutes and of this Charter, as may be determined by the Board of Finance.

- (c) **Reduction of Appropriations.** If at any time during the last three (3) months of the fiscal year it appears probable to the Town Manager that the revenues or fund balances

available will be insufficient to finance the expenditures for which appropriations have been authorized, the Town Manager shall report to the Town Council and Board of Finance without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The Town Council, upon the recommendation of the Board of Finance, shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by resolution reduce one (1) or more appropriations.

- (d) **Transfer of Appropriations.** At any time during the last three months of the fiscal year the Town Manager, upon the review and approval by both the Town Council and the Board of Finance, may transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units, provided this section shall not apply to the Board of Education. The Town Manager may at any time transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the Council in writing in a timely manner.
- (e) **Limitations; Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 8.10. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. The foregoing shall not apply to any non-lapsing accounts established in accordance with law.

Section 8.11 Expenditures and Accounting.

- (a) No purchase to be satisfied with Town funds shall be made by any department, board, commission or officer of the Town, other than the Board of Education except through procedures established by the Town Manager. The Town Manager shall cause the amount of authorized purchases and contracts for future purchases to be recorded as encumbrances against the appropriations from which they are to be paid.
- (b) No voucher, claim or charge against the Town shall be paid until the same has been audited by the Finance Director/Town Treasurer, and approved by him for correctness and validity. Payment of all approved claims against Board of Education accounts shall be authorized by the Superintendent of Schools, or his agent, which authorization shall be valid when countersigned by the Finance Director/Town Treasurer. Payment of all approved claims against all Town accounts shall be authorized by the Town Manager, which authorization shall be valid when countersigned by the Finance Director/Town Treasurer; provided, in the absence or inability to act of the Town Manager, the Acting Town Manager shall substitute temporarily for the Town Manager.
- (c) The Finance Director/Town Treasurer shall prescribe the time at which and the manner in which persons receiving money on behalf of the Town shall pay the same to him.
- (d) No expenditure and no commitment to make an expenditure shall be made, or authorized by any officer, agent or agency of the Town, or by any board or commission of the Town unless an appropriation shall have been made covering such expenditure or commitment in accordance with the provisions of this Charter.
- (e) Each order drawn upon the Town shall state the department, commission, board or officer and the appropriation against which it is to be charged.
- (f) 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 such payment shall be jointly and severally liable to the Town for the full amount

so paid or employee of the Town shall knowingly incur any obligation or shall authorize any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for his removal.

- (g) The Town Council may adopt, by resolution, such rules and regulations concerning expenditures, and bidding procedures, not inconsistent with the provisions of this section, as it may from time to time deem necessary and appropriate.

Section 8.12. Capital Improvement Program.

- (a) **Submission to Town Council.** The Town Manager shall prepare and submit to the Town Council a five (5) year capital improvement program no later than March 1st of each year.
- (b) **Contents.** The capital program shall include, but is not limited to:
1. a clear general summary of its contents;
 2. a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
 3. cost estimates and recommended time schedules for each improvement or other capital expenditure;
 4. method of financing, upon which each capital expenditure is to be reliant; and
 5. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
 6. in the Town Manager's discretion, capital projects that are recommended by the Plan of Conservation and Development.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 8.13. Town Council Action on Capital Improvement Program.

- (a) **Notice and Hearing.** The Town Council shall hold a public hearing on the Capital Improvement Program before March 15th. The Town Council shall publish in accordance with state laws governing the publication of municipal notices, the general summary of the capital improvement program and a notice stating:
1. The times and places where copies of the capital program are available for inspection by the public, and
 2. The time and place, not less than one week after such publication, for a public hearing on the capital program.
- (b) **Adoption.** The Town Council, by resolution, shall adopt the capital improvement program, with or without amendment, after the public hearing thereon and prior to the regular meeting of the Board of Finance in March. The Town Council shall submit its adopted Capital Improvement Program to the Board of Finance with the presentation of its proposed budget.

Section 8.14. Public Records.

Copies of the budget, capital improvement program, and appropriations and revenue estimates shall be public records and shall be made available to the public at the Town Clerk's Office and other suitable places in the Town, as determined by the Town Council.

Section 8.15. Borrowing.

The Town shall have the power to incur indebtedness by issuing bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this Charter. The Board of Finance may authorize the Town to incur indebtedness by issuing bonds, notes or other forms of financing. Any proposal to incur bonded debt, except emergency expenditures, in an amount equal to or greater than ten per cent (10%) of the operating budget for that fiscal year shall be subject to a referendum vote.

Article IX

CONFLICTS OF INTEREST

Section 9.01. Conflicts of Interest.

It is hereby declared to be the policy of the Town that any elected or appointed officer, any member of any board or commission, or any employee of the Town who has a financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board or commission, shall disclose that interest to the Town Council which shall record such disclosure upon the official record of its meeting. Such disclosure of a financial interest, direct or indirect, in any contract, transaction

or decision of any officer or agent of the Town or of any board or commission shall disqualify such elected or appointed official or such member of a board or commission or such Town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his removal. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction or decisions shall render the same voidable by the Town Council or by a court of competent jurisdiction. Nothing in this section shall limit the power of the Town Council to adopt ordinances, regulations, and policies regarding Town employees and elected and appointed officials regarding conflicts of interest and ethics consistent with state and federal law.

Article X

CHARTER AMENDMENT

Section 10.01. Review and Amendment of Charter.

The Town Council shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, but not less often than once every five (5) years, said review to be published as part of the annual Town report. The amendment of this Charter may be initiated;

1. by a two-thirds (2/3) vote of the entire Town Council; or
2. by a petition signed by not less than five (5) percent of the electors of the Town as determined by the last completed registry list of the Town.

Such initiation in either instance to result in the appointment by the Town Council of a Charter revision commission, said commission to consider any proposed amendments to the then existing Charter. Such proposed amendments shall not become effective until and unless the same shall have been approved by a majority of the Town electors voting thereon at a regular election or if approved at a special election by a majority equal to at least fifteen (15) percent of the electors of the Town, as determined by the last completed registry list of the Town. The applicable provisions of the Connecticut General Statutes, as amended, as may now or hereafter apply to the manner of amending said Charter shall prevail in the event of any conflict with the provisions of this section of the Charter.

Section 10.02. Effective Date.

This Charter, as amended, if adopted in accordance with Section 10.01, shall become effective on January 1, 2023.

Article XI

TRANSITION

Section 11.01. Transition.

- (a) Upon its effective date, this Charter shall supersede all prior Charter provisions but the rights and duties of the municipality known as the Town of Cromwell pursuant to this Charter and the Connecticut General Statutes shall otherwise remain inviolate to the extent not inconsistent with this Charter.
- (b) Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Town officers, employees, or Town board, agency or commission members upon the effective date of this Charter.

Section 11.02. Pending Matters, Bonds, Debts, and Contracts.

All rights, claims, actions, orders, contracts and legal administrative proceedings, whether in law or in equity, shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Charter. The bonds, debts, contracts entered into by the Town by duly authorized individuals, as well as the Town, shall continue as if this Charter had not been adopted.

Section 11.03. Present Employees to Retain Positions.

All employees of the Town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Town Council or the appropriate officer charged by this Charter with powers of appointment, suspension or removal. 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, appointments, 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 to be in effect, until or unless amended or repealed in accordance with

the provision of this Charter.

Section 11.04. State and Municipal Laws.

Those Town ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed only to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the State of Connecticut permit, all laws relating to or affecting this Town or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Section 11.05 Savings Clause.

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby, 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 the section to which such ruling shall apply. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 11.06 Usage.

As used in this Charter, the masculine gender shall include all genders, and the singular shall include the plural, and the plural the singular.