CHARTER

Town of Newington

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[HISTORY]: Adopted by the Town of Newington at a regular election on 11-5-1985, effective 1-1-1986. **Editor's Note: The 1985 Charter supersedes the original Charter, effective September 27, 1966, and readopted and amended effective November 3, 1970, and January 1, 1977.** Amendments noted where applicable.]

Article I. INCORPORATION AND GENERAL POWERS

§ C-101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Newington, as heretofore constituted, shall continue forever hereafter to be a body politic and corporate under the name "Town of Newington," hereinafter called "the Town," and as such shall have perpetual succession and may hold and exercise all the powers and privileges heretofore exercised by the 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 laws of the State of Connecticut.

§ C-102. Rights and Obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens, vested or inchoate, in the Town as of the effective date of this Charter, are continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind, whether or not accrued, for which the Town shall be liable on said date. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. Any contract that has been entered into by the Town prior to the effective date of this revision, or any bond or undertaking that has been given by or in favor of the Town, which contains provision that the same be enforced by any commission, board, department or office therein named but abolished by the provisions of this Charter, shall be in no manner impaired, but said contract, bond, or undertaking shall continue in full force and effect, with reference to the same upon any such commission, board, department or office shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Council.

§ C-103. General Grant of Powers.

In addition to all powers granted to towns under the Constitution of the State of Connecticut, Connecticut General Statutes and Special Acts, the Town shall have all powers specifically granted by this Charter, all power fairly implied in or incident to the powers expressly granted, and all other powers relating to the property, government and affairs of the Town, the exercise of which is not in conflict with the Constitution and Connecticut General Statutes. The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

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Article II. ELECTION

§ C-201. Regular Town Elections.

Regular Town elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. All officials duly elected at such regular Town elections, upon qualification, shall take office on the Tuesday following their election and they shall hold offices until their successors have been chosen and qualified. All elected Town officials and all members of boards and commissions shall have the powers and duties prescribed by law except as otherwise provided in this Charter.

§ C-202. Elected Officials.

At each regular Town election there shall be elected in accordance with the provisions of the Connecticut General Statutes for a term of two years the following: a Mayor, eight Councilors, two Constables, and as hereinafter defined, a Board of Education and a Board of Fire Commissioners.

A. **Board of Education.** The Board of Education shall continue to have such powers and duties as are or may be imposed or vested by the Connecticut General Statutes upon boards of education in the several towns, which statutes shall prevail over any provisions of this Charter in event of conflict, and it shall have the power to appoint and remove its nonprofessional employees in accordance with Article IX of this Charter. There shall be nine members of the Board of Education. Members in office on the effective date of this revision shall continue in office until their terms expire. At each regular biennial Town election, nine members of the Board of Education shall be elected for a term of two years and until their successors are chosen and qualified, in accordance with provisions of Section 9-204 of the Connecticut General Statutes.

B. **Board of Fire Commissioners.** There shall be a Board of Fire Commissioners consisting of three members who shall have the powers and duties vested in it by this Charter and such as have been or may hereafter be conferred on it by the Connecticut General Statutes or by ordinance. The Board is specifically authorized to delegate authority to the Fire Chief(s). Members shall serve for four-year staggered terms and until their successors are chosen and qualified.

1. The Board of Fire Commissioners shall supervise, maintain and care for all Fire Department buildings and fire equipment of said Department; shall appoint fire chief(s) and such other officers and personnel as it deems necessary; shall recommend the purchase of additional apparatus and equipment when needed; shall purchase additional apparatus and equipment when duly authorized; and shall annually prepare and submit to the Manager a budget for the maintenance and care of the equipment and buildings of said Fire Department. The Board of Fire Commissioners' role

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shall include acting as final board of appeal for personnel matters from within the Fire Department. This function shall not be delegated.

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2. The members of said Commission shall make inspections of the Department at least twice a year and shall make an annual report to the Town of the Department's operations during the preceding year, and shall include in such report a statement of the operative status condition of the Fire Department as determined by such inspections.

3. The members of said Commission, when possible, should attend all fires that occur in Town, to observe the condition of the apparatus and the efficiency of said Department. They shall have no authority, other than that specifically provided herein, to direct the operation of the Department at any time. The Fire Department may take apparatus out of Town with approval of at least one Commissioner. The Board may delegate this authority to the Fire Chief.

§ C-203. Minority Representation.

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A. At each regular Town election no political party shall nominate and no elector shall vote for more than the Mayor, five members of Council, and the number of members of the Board of Education and of the Board of Fire Commissioners as shall be determined by the provisions of this Charter and the Connecticut General Statutes. Each political party shall nominate 1/2 of the total number of Constables as are to be elected and no elector shall vote for more than one Constable, and, unless there are independent candidates for these offices, one vote shall be sufficient to elect them.

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B. Election of all officials mentioned in this section, except the Mayor, shall be determined in accordance with minority representation provisions of the Connecticut General Statutes.

§ C-204. Vacancies in Elective Offices.

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Vacancies in elective offices, except in the Board of Education, from whatever cause arising, shall be filled by the Council for the period until the end of the vacated term. Vacancies in the Board of Education shall be filled by the Board of Education for the period until the end of the vacated term. In filling any vacancy the Council, and the Board of Education, shall select a person of the same political party as that of the former incumbent. If said former incumbent was elected as an independent candidate, the vacancy shall be filled by an elector not enrolled in any political party except as provided otherwise by the Connecticut General Statutes. Any member of the Board of Fire Commissioners elected to fill a vacancy at a regular Town election shall serve for the remaining term of the former incumbent and until the successor has been chosen and qualified.

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§ C-205. Independent Candidates.

In addition to the procedure for the nomination of candidates provided for in this Charter and the Connecticut General Statutes, any elector of the Town may have his or her name appear on the ballot in a line designated "Independent" provided the elector follows the requirements for such candidates as set forth in the Connecticut General Statutes.

§ C-206. Qualifications.

Each candidate for elective office shall be a resident and an elector of the Town, and if any elected official at any time shall cease to be a resident of the Town said elected official shall be deemed to have vacated the office.

§ C-207. Voting Districts.

The Council shall determine by ordinance the number and geographical boundaries of the districts. ***Editor's Note: See Ch. 121, Voting Districts, of the Town Code, and its accompanying Voting Districts Map.***

Article III. THE MAYOR

§ C-301. Election and Qualification.

At each regular Town election a Mayor shall be separately elected by the electors and shall serve until a successor shall be chosen and qualified. The Mayor shall take office on the Tuesday following the Town election.

§ C-302. Duties.

The Mayor shall be a member and the presiding official of the Council and shall have one vote, but only one vote, on each matter voted upon by the Council. The Mayor shall be recognized as the official head of the Town for ceremonial purposes and for military purposes. The Mayor shall keep informed on Town matters and may make reports and recommendations to the Council and electors of the Town on matters of legislative concern and general Town policy. The Mayor may attend any meeting of any board, commission or other governmental body of the Town and shall receive such advance notification of any such meeting as is given to the members of said bodies and shall have the full right of participation in discussions but shall not have the right to vote.

§ C-303. Appointments.

A. **Salaried Officials.** The Mayor shall appoint the Town Attorney and the Clerk of the Council and both shall serve at the pleasure of the Mayor.

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Deleted: be nominated for any elective office except that of Registrar of Voters and be entitled to have the elector's name appear on the voting machines in a line designated "Independent," provided the elector shall file with the Town Clerk, not less than 30 nor more than 45 days preceding the Town election, an individual petition signed by qualified electors of the Town in number equal to 5% of the total number of electors in the Town whose names appear upon the last completed Registry List and further provided that the Town Clerk, after examining such petition, shall certify to the Secretary of the State that the petition contains the required number of valid signatures. The Town Clerk shall notify each elector filing a petition, within seven days after said filing, whether or not the elector has qualified to have his/her name appear on the voting machines. No elector shall be permitted to sign the petition of more candidates for any office than the number for whom an elector will be entitled to vote at the next Town election. If any elector signs more than the authorized number of petitions, his/her signature shall be counted only on such petitions as are first filed, up to the authorized number.

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1. **Town Attorney.** There shall be a Town Attorney, appointed by the Mayor, who shall be an attorney at law admitted to practice in this State. The Town Attorney shall be paid an annual retainer under terms and conditions as set by the Council. The Town Attorney shall be the legal advisor to the Council, Manager, and all commissions, boards, departments and offices of the Town; shall represent the Town in any action or proceeding in which the Town or any commission, board, department or office is a party or has an interest; and shall prepare, on written request of the Manager, the Council, or any member thereof, ordinances and resolutions for consideration by the Council. If the Town Attorney is a member of a law firm, other members of that firm may, with the written approval of the Mayor, perform any legal services for the Town. The Town Attorney shall have such assistants as the Mayor may determine. All nonprofessional assistants shall be appointed by the Manager in accordance with and subject to the provisions of Article IX of this Charter. The Mayor shall appoint all professional assistants and shall appoint substitute attorneys to serve in any case where the Town Attorney has a conflict of interest. In the event there shall be a dispute, except one involving suspension or removal, between the Council and any board, commission or office, as shall require that each side of the dispute shall have legal representation, the Town Attorney shall represent the Council, and the board, commission or office shall have the power to retain an attorney to represent it. In the event there shall be a dispute, except one involving suspension or removal, between or among the boards, commissions, or offices of the Town as shall, in the opinion of the Council, require that each side of the dispute shall have legal representation, the Council shall assign the Town Attorney to represent one of the boards, commissions or offices and retain an attorney to represent the other board, commission or office. In either event the Council shall provide for the payment of all such fees.

The Town Attorney shall not be required to give full time to his/her duties unless the Council by ordinance shall determine otherwise.

2. **Clerk of the Council.** The Mayor shall appoint a Clerk of the Council who shall be responsible for maintaining a record of all regular and special meetings of the Council. The Clerk shall receive such compensation as the Council may determine and shall have such assignments as set forth by the Council.

B. **Subcommittees of the Council.** The Mayor, as directed by the Council, shall appoint such special subcommittees of the Council as are required but shall in no way have the power to make appointments which are the responsibility of the Council or the Manager.

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Deleted: **Director of Health. The Mayor shall appoint a Director of Health in accordance with the provisions of the Connecticut General Statutes. The Director of Health shall perform such functions and have such powers and duties as are prescribed by the Council and imposed by law on directors of public health. He/she shall have the duty of enforcing the laws, ordinances and regulations concerning public health. He/she shall receive such compensation as the Council may determine and shall have such assistance as the Council may determine. All nonprofessional and nonmedical professional assistance shall be appointed by the Manager in accordance with and subject to the provisions of Article IX of this Charter. All medical professional assistants shall be appointed by the Mayor.¶**

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Article IV. THE COUNCIL

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§ C-401. Composition.

The Council shall consist of the Mayor and eight members who shall be elected from the Town at large at each regular Town election for terms of two years as provided herein.

§ C-402. Powers.

The Council shall be the governing and legislative body of the Town and shall have, exercise and perform all the rights, powers, duties and obligations which are conferred by law or may hereafter be conferred by the Connecticut General Statutes. The Council shall adopt the budget and fix the tax rate except as otherwise provided in this Charter. It shall further have the power to make, alter and repeal ordinances or resolutions not inconsistent with this Charter and the general laws of the State for the execution of the powers vested in the Town, for the government of the Town and the management of its business, and for the preservation of good order, peace, health and safety of the Town and its inhabitants.

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§ C-403. Organization.

Each newly elected Council shall meet in the Town Hall at 8:00 p.m. on the Tuesday following its election. The meeting shall be called to order by the Town Clerk who shall administer the oath of office to all members. In the absence of the Town Clerk the meeting may be called to order and the oath administered by any elector of Newington authorized by law to administer oaths. The newly elected Mayor shall then assume the chair as presiding official of the Council and shall designate a Deputy Mayor from among the members of the Council to preside in the absence of the Mayor. In the event that both the Mayor and the Deputy Mayor are absent or unable to perform their duties, such duties shall be performed during the period of their absence or disability by a member chosen by the Council. The presiding official, whether the Mayor, Deputy Mayor, or member chosen by the Council, shall have one vote, but only one vote, on each matter voted by the Council. The rules adopted by the preceding Council shall be the rules of the newly elected Council until the adoption of permanent rules.

§ C-404. Procedures.

A. The Council shall fix the time and place of its regular meetings and provide a method for calling special meetings. Only business, notice of which has been included in the call for such special meeting, shall be acted upon at any special meeting. The Council shall adopt its own rules of procedure except as specifically provided in this Charter. The presence of five members shall constitute a quorum, and no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five affirmative votes. The Council shall keep for public inspection a journal, which shall be the official record of its meetings, a copy of which

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shall be filed in the office of the Town Clerk in accordance with the provisions of the Connecticut General Statutes. The journal shall also contain the rules of procedure of the Council. No ordinances or resolutions shall be adopted except at a regular or special meeting of the Council open to the public.

B. The Council may call at its discretion "work session" meetings to discuss and review pending legislation and may consider other items of concern to the Town or its citizenry. The Council's rules of procedure will determine the conduct of these meetings. No votes may be taken at a work session meeting except to adjourn or to go into executive session.

§ C-405. Introduction of Ordinances.

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All ordinances, together with a written statement of purpose, shall be introduced at a regular or special meeting of the Council in written form by a member of the Council. It shall be the duty of the Clerk of the Council immediately upon each introduction to file a copy of such proposed ordinance with the Town Clerk. It shall be the duty of the Town Clerk or his/her designee immediately upon receipt of such proposed ordinance to prepare sufficient copies of such ordinance, one copy of which shall be retained in the Town Clerk's office for public inspection, one copy posted on the Town bulletin board and website, and one copy distributed to each member of the Council and to the Manager. No discussion shall be had upon a proposed ordinance at the meeting at which it is introduced, except for an explanation by the Councilor moving such ordinance.

§ C-406. Public hearings and Passage of Ordinance.

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Before an ordinance, except an emergency ordinance, shall be voted upon, the Council shall hold at least one public hearing, five days notice of which shall be given by publishing the notice and the proposed ordinance in full at least once in a newspaper having circulation in the Town and by posting the notice and the proposed ordinance in full on the Town bulletin board and website with the full proposed ordinance also available in the Town Clerk's office. After such public hearing, the Council may make such changes as it considers advisable before voting upon said ordinance. Notice of the passage of an ordinance, described by title or subject matter and statement of purpose, together with such changes in the proposed ordinance, shall be published at least once in a newspaper having a circulation in the Town, and an ordinance, except an emergency ordinance, shall become effective 15 days after such notice is published, provided that, if a petition for a referendum is filed with the Town Clerk within the time specified in § C-410, the ordinance shall not become effective except in accordance with the provisions of § C-410. All adopted ordinances shall be filed with the Town Clerk and kept as a public record in the form of a suitably indexed volume or volumes of ordinances.

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§ C-407. Borrowing.

The Town shall have the power to incur indebtedness by issuing its bonds and notes as provided by Connecticut General Statutes and the provisions of this Charter. The

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issuance of bonds and notes shall be authorized by resolution adopted in the same manner as provided by § C-406 of this Charter, insofar as § C-406 relates to public hearings.

§ C-408. Obligatory Referendum and Ordinance.

No resolution authorizing the issuance of bonds or notes, other than notes in the amount of $375,000 or less, and no resolution making a special appropriation in excess of $975,000, shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a regular election or referendum called by the Council for that purpose. Any special appropriation of $975,000 or less but in excess of $375,000 shall be passed by ordinance. A referendum shall not be mandatory when such bond or note authorization, or such special appropriation, shall be for an emergency purpose to protect the public peace, health and safety, or shall be to finance a street, sewer or other improvement to be paid for by a special assessment and not by general taxation; provided however, that such bond or note authorization or special appropriation for emergency purposes shall require not less than six affirmative votes of the Council.

§ C-409. Emergency Ordinance.

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety; shall contain an explicit statement of the nature of the emergency; shall be adopted by not less than six affirmative votes in the Council; and shall take effect immediately. Every such emergency ordinance including any amendment thereto shall automatically stand repealed at the termination of the 61st day following the passage of said ordinance unless sooner repealed. In no event shall the annual budget constitute an emergency appropriation.

§ C-410. Right of Referendum on Ordinances.

Electors shall have the right to petition for a referendum in accordance with the Connecticut General Statutes on any ordinance passed by the Council, except an emergency ordinance, or a special appropriation in the amount of $375,000 or more. A referendum must be held when there shall be filed with the Town Clerk, within 15 days of the published notice of the passage of the ordinance, a petition signed by qualified electors in number equal to 5% or more of the total number of electors whose names appear upon the last completed Registry List, which petition shall be filed with the Town Clerk who shall within 10 days determine whether or not the petition contains a sufficient number of valid signatures, and if it does, shall so certify to the Council. The ordinance shall not then take effect until the Council has submitted it to a referendum, which shall be held not less than 20 nor more than 30 days after the filing of such petition, except this referendum may be held at a Town election or general election if the same occurs not less than 10 days nor more than 30 days after the filing of the petition. The ordinance shall be null and void in the event that a majority of the electors voting thereon, such majority consisting of at least 10% of the qualified electors of the Town, shall vote in opposition to the ordinance. Otherwise it shall take effect immediately following the referendum.

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§ C-411. Initiative.

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The electors shall have the power to propose to the Council any ordinance, except an ordinance appointing or removing officials, specifying the compensation or hours of work officials and employees, adopting the annual budget, authorizing the levy of taxes, or fixing the tax rate. The ordinance shall be proposed by a petition to the Council, in accordance with and subject to the provisions of the Connecticut General Statutes, setting forth the proposed ordinance and requesting its adoption, which petition shall be signed by qualified electors of the Town, in number equal to 5% or more of the total number of qualified electors whose names appear upon the last completed Registry List. The petition shall be filed with the Town Clerk who shall within 10 days determine whether or not the petition contains the required number of valid signatures, and if it does, the Town Clerk shall so certify to the Council at its next regular meeting. The Council shall within 60 days after certification either adopt the proposed ordinance after a public hearing or submit the same to the electors at a special election to be held within 90 days from the date of the Town Clerk's certification, provided that if a general election or a Town election is to occur within four months of such certification, the ordinance may be submitted at such election. The ordinance shall be adopted if a majority of those voting vote in the affirmative and such majority consists of 10% or more of the total number of qualified electors whose names appear upon the last completed Registry List. Such adopted ordinance shall take effect immediately following the referendum. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended by the Council except by vote of the electors.

§ C-412. Removals and Suspensions.

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A. The Council shall have the power with not less than six affirmative votes by resolution, in its sole discretion with or without cause, to remove or suspend the Manager and shall have the power, for cause, to remove or suspend any person appointed to any other office or position by the Council.

B. The Council shall act first by suspending such person and promptly serving such person with a copy of the resolution of suspension together with the reasons that constitute cause where required in Subsection A. If within 10 days after service of said resolution such person shall file a request in writing with the Town Clerk for a public or private hearing before the Council, the hearing requested shall be held at a time and place set by the Council, not less than five days nor more than 15 days after the filing of the request. At such hearing the person may be represented by counsel. If no hearing is requested, or at the conclusion of the hearing, the Council shall promptly, by resolution, terminate the suspension and either restore the person to or remove him/her from the office or employment. During the period of suspension any such person shall be ineligible to perform the duties of the office or employment. Compensation, if any, shall be continued during the period of suspension or for 30 days from the date of suspension, whichever is longer. There shall be no appeal from the decision of the Council.

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§ C-413. Investigation.

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The Council shall have the power to investigate any and all Town officials, commissions, boards, departments and offices. The Council shall have the power, for the purposes of such investigation, to issue subpoenas.

§ C-414. Compensation.

The members of the Council shall serve without compensation, but shall be entitled to reimbursement for their legitimate expenses incurred in the performance of their official duties, with the approval of the Council.

§ C-415. Concurrent Offices.

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Neither the Mayor nor any member of the Council or Board of Education shall hold any elective office, appointive office, or serve on any board or commission pursuant to Article VI as a voting member thereof, unless specifically authorized to hold such office or serve under this Charter or unless specifically authorized to do so by resolution of the Council for a board or commission created pursuant to Article VI, §610. This section shall not be construed to prevent the Mayor or members of the Council or Board of Education from representing the Town as members of intertown or regional bodies or agencies or from serving in a position pursuant to the Connecticut General Statutes that contemplates such service.

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Article V. THE MANAGER

§ C-501. Appointment, Qualification and Tenure.

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The Town Manager, hereinafter referred to as the Manager, shall be appointed and may be removed or suspended by the Council. Said appointment, removal or suspension shall be with no less than six affirmative votes by resolution. The Manager shall be chosen on the basis of professional experience, training, and executive and administrative qualifications. The Manager shall serve for an indefinite term at the pleasure of the Council. At the time of appointment the Manager need not be a resident of the Town or State, but while in office shall reside within the Town within a period of no more than six months from the first date of work as Manager with the possibility of an extension of up to six months at the discretion of the Council. The Manager shall devote full time to the duties of the office.

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§ C-502. Powers and Duties.

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A. The Manager shall be the chief executive of the Town and shall have the powers and duties conferred upon chief executive officers of towns by the Connecticut General Statutes, except such powers as may be delegated to others by this Charter. The Manager shall be directly responsible to the Council for the supervision and

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administration of all commissions, boards, departments, offices and agencies of the Town except those elected by the people, appointed by the Council, appointed by the Mayor, or appointed by regional, state or federal authority, unless such responsibility is expressly delegated by the appointing authority. The Manager shall perform the duties of any office over which he/she has a power of appointment until he/she has made such appointment. The Manager shall see that all laws and ordinances governing the Town are executed faithfully; shall make periodic reports to the Council and shall attend its meetings with full right of participation in its discussions but without the right to vote; shall prepare and cause to be printed an annual report at the close of the fiscal year; shall recommend to the Council such measures as may be deemed necessary or expedient and shall keep the Council fully advised as to the financial condition of the Town.

B. The Manager shall prepare and submit to the Council an annual budget and shall exercise such other powers and perform such other duties as may be required by ordinance, resolution or vote of the Council, unless inconsistent with this Charter. The Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Manager granted by this Charter.

§ C-503. Appointments.

The Manager, except as otherwise specifically provided in this Charter, shall appoint all department heads and all employees of the Town and may remove all those over whom the Manager has the power of appointment. The Manager shall not appoint an immediate relative to any position. All appointments and removals of classified service employees shall be in accordance with the provisions of Article IX of this Charter.

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§ C-504. Acting Manager.

A. During the period of a vacancy or a suspension in the office of Manager, the Council shall appoint by resolution a person, other than a Council member, as Acting Manager, for a period not to exceed 90 days. He/She shall have all powers and duties of the Manager provided for herein.

B. The Manager may designate a Town employee to serve as temporary Acting Manager during the period of the Manager's temporary absence or disability. In the event that the Council shall determine that it is reasonably probable that the absence or disability shall be longer than one month, the Council shall by resolution appoint a Town employee to perform the duties of the temporary Acting Manager, for a period not to exceed 90 days. Said temporary Acting Manager shall have all the powers and duties of the Manager.

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§ C-505. Compensation.

The Council shall fix the compensation of the Manager and of any acting or temporary Acting Manager. The compensation of the Manager may be decreased with not less than six affirmative votes by resolution, such vote being taken at least 30 days prior to the beginning of the fiscal year.

Article VI. OFFICIALS AND BOARDS RESPONSIBLE TO THE COUNCIL

§ C-601. Town Plan and Zoning Commission.

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There shall be a Town Plan and Zoning Commission consisting of seven regular members and three alternate members which shall have the powers and duties conferred upon it by the Connecticut General Statutes or by ordinance. Members and alternates of the Town Plan and Zoning Commission shall be appointed by the Council for staggered terms of four years. The Town Plan and Zoning Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed in accordance with the provisions of Article IX of this Charter.

§ C-602. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of five regular members and three alternate members which shall have all the powers and duties conferred upon it by the Connecticut General Statutes or by ordinance. Members and alternates of the Zoning Board of Appeals shall be appointed by the Council for staggered terms of five years. The Zoning Board of Appeals shall have such professional, technical and clerical assistance as the Council may determine, to be appointed in accordance with provisions of Article IX of this Charter.

§ C-603. Library Trustees.

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The six members of the Board of Trustees of Lucy Robbins Welles Library, Inc., selected by the Town shall have the powers and duties prescribed for library trustees by the Connecticut General Statutes or by the Council as per agreement of August 16, 1939, between Lucy Robbins Welles Library, Inc. and the Town of Newington. Members shall be appointed by the Council for terms of six years. The Library Director shall be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter and with the concurrence of a majority of the full Board of Trustees.

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§ C-604. Board of Assessment Appeals.

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There shall be a Board of Assessment Appeals consisting of three members which shall have all the powers and duties conferred upon it by the Connecticut General Statutes or

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by ordinance. Members shall be appointed by the Council for staggered terms of four years. The members of the Board of Assessment Appeals shall receive such per diem compensation as the Council may determine consistent with the Connecticut General Statutes.

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§ C-605. Board of Parks and Recreation.

There shall be a Board of Parks and Recreation consisting of 11 members which shall determine the uses of Town parks and public greens, and such other public grounds as the Council may direct; shall recommend to the Council the acquisition and development of new parks and recreational places; shall plan and arrange recreational facilities and programs for the Town; and shall have such other powers and duties as may be conferred upon it by ordinance. Members shall be appointed by the Council for staggered terms of four years.

§ C-606. Development Commission.

There shall be a Development Commission consisting of nine regular members and three alternate members which shall have the powers and duties conferred upon it by the Connecticut General Statutes or by ordinance. Members shall be appointed by the Council for staggered terms of three years. The Development Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed by the Manager in accordance with Article IX of this Charter.

§ C-607. Conservation/Inland Wetlands Commission.

There shall be a Conservation/Inland Wetlands Commission consisting of seven regular members and three alternate members appointed by the Council for staggered terms of four years. This Commission shall have the powers and duties conferred upon it by Connecticut General Statutes and the Council. This Commission shall advise and make recommendations to the Manager, the Council and other boards and commissions of the Town regarding conservation and inland wetlands issues. This Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed by the Manager in accordance with Article IX of this Charter.

Deleted: There shall be a Conservation Commission consisting of seven regular members and three alternate members appointed by the Council for staggered terms of four years. The Conservation Commission shall advise and make recommendation to the Manager, the Council and other boards and commissions of the Town regarding the development and conservation of natural resources, including water resources within the territorial limits of the Town, and shall have such powers and perform such other duties as are conferred upon it by the Connecticut General Statutes and the Council. The Conservation Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed by the Manager in accordance with Article IX of this Charter. ¶

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§ C-608. Commission on Aging and Disabled.

There shall be a Commission on Aging and Disabled consisting of nine members whom shall have the powers and duties conferred upon it by ordinance. The Commission on Aging and Disabled shall have such clerical assistance as the Council may determine, to be appointed in accordance with the provisions of Article IX of this Charter.

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§ C-609. Auditor.

The Council shall annually appoint an independent public accountant or firm of independent public accountants to examine and certify the financial records of the Town in accordance with the provisions of the Connecticut General Statutes. The independent public accountant or firm of independent public accountants shall receive such compensation and shall perform such other duties and render such other reports as the Council may determine.

§ C-610. Other Commissions, Boards, Departments, Agencies and Offices.

There shall be such other commissions, boards, departments, agencies, offices and alternate members of boards and commissions as the Council may create by ordinance. Any professional, technical and clerical assistance as the Council may determine shall be appointed by the Manager in accordance with Article IX of this Charter.

§ C-611. Terms of Office and Vacancies.

A. The terms of members of the Town Plan and Zoning Commission, Zoning Board of Appeals, Library Trustees, Board of Assessment Appeals, Board of Parks and Recreation, Development Commission and Conservation/Inland Wetlands Commission shall run from the first of December in the year of appointment to the 30th of November in the year of expiration. Such members shall hold offices until their successors have been chosen and qualified. Vacancies on boards, commissions or any similar bodies shall be filled by the Council in accordance with the Connecticut General Statutes for the balance of unexpired terms. Members of these boards and commissions, with the exception of the members of the Board of Assessment Appeals, shall receive no compensation.

B. The terms of office of members of such other commissions, boards, departments, agencies, or offices as the Council may create in accordance with this Charter shall also be from the first of December in the year of appointment to the 30th of November in the year of expiration.

C. No person shall serve more than eight consecutive years as chairperson of any appointed board, commission or similar body.

§ C-612. Consultant Services.

The Council may retain such technical and professional consultant services as it shall deem necessary to obtain expert opinion and recommendations.

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Article VII. ADMINISTRATIVE OFFICES AND DEPARTMENTS UNDER MANAGER

§ C-701. Appointment and Removal by Manager

All positions enumerated in this article, including but not limited to, the Town Clerk, the Town Planner, the Superintendent of Highways, the Town Engineer, the Tree Warden, the Superintendent of Parks and Recreation, the Building Official, the Director of Human Services, the Director of Senior and Disabled Center Services, the Chief of Police, the Director of Finance, the Revenue Collector, the Assessor, the Purchasing Agent and all other employees who are employed pursuant to Article VII of this Charter shall be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter. Any positions added to Article VII of this Charter subsequent to the adoption of this section shall also be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter, and where applicable, by Connecticut General Statutes. Any positions, departments, agencies and/or offices created by the Council subsequent to the adoption of this section shall also be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter.

§ C-702. Town Clerk.

The Town Clerk shall have the powers and duties conferred or imposed by law on town clerks generally and shall have such other powers and duties that are prescribed by the Council or by the Manager. The Town Clerk shall have such deputies, clerks, and other assistants to be appointed in accordance with the provisions of Article IX of this Charter. All fees collected by the Town Clerk shall be paid into the Town treasury.

§ C-703. Town Planner.

There shall be a Town Planner with professional qualifications for the position. The Town Planner shall be the administrative officer for the Town Plan and Zoning Commission until the Council shall determine otherwise. The Town Planner shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-704 Highway Department.

There shall be a Highway Department consisting of the Superintendent of Highways and such other employees as the Council may determine. The Highway Department shall have such powers and duties as are inherent in a Highway Department relating to the construction, maintenance and repair of Town streets and shall perform such other duties that are prescribed by the Council or by the Manager.

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There shall be a Highway Department headed by the Superintendent of Highways, and an Engineering Department headed by the Town Engineer, and such other employees in each department as the Council may determine. The Manager shall appoint both the Superintendent of Highways and the Town Engineer. The Manager may remove the Superintendent of Highways or the Town Engineer in accordance with and subject to the provisions of Article IX of this Charter. The Manager shall appoint and may remove employees of these departments in accordance with and subject to the provisions of this Charter. The Highway Department shall have such powers and duties as are inherent in a highway department relating to the construction, maintenance and repairing of Town streets and shall perform such other duties as may be prescribed by the Council or by the Manager. The Town Engineer shall have such powers and duties as are prescribed by the Council or by the Manager. ¶

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§ C-704. Department of Building Inspection. [Amended effective 1-1-1992]

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§ C-705. Engineering Department.

There shall be an Engineering Department consisting of the Town Engineer and such other employees as the Council may determine. The Engineering Department shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-706. Tree Warden.

There shall be a Tree Warden who shall have all the powers and duties that are or may be conferred upon tree wardens by the Connecticut General Statutes, the Council or the Manager.

§ C-707. Department of Parks and Recreation.

There shall be a Department of Parks and Recreation consisting of a Superintendent and such other employees as the Council may determine, and shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-708. Department of Building Inspection.

There shall be a Department of Building Inspection consisting of the Building Official and such other employees as the Council may determine. The Building Official shall be the administrative officer of the Zoning Board of Appeals until the Council shall determine otherwise. The Building Official shall enforce the provisions and perform the duties of the Building Code and Zoning Regulations and shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-709. Department of Human Services.

There shall be a Department of Human Services consisting of the Director of Human Services and such other employees as the Council may determine. The Department of Human Services shall administer and coordinate all forms of public assistance, social and youth services, except those which the Council determines shall be administered by other commissions, boards or agencies. The Director of Human Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager.

§ C-710. Department of Senior and Disabled Center Services.

There shall be a Department of Senior and Disabled Center Services consisting of the Director of Senior and Disabled Center Services and such other employees as the Council may determine. The Director of Senior and Disabled Center Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of Senior and Disabled Center Services

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shall be responsible for the overall administration of a senior and disabled citizens center and the programs, services and staff provided at or by the Department of Senior and Disabled Center Services. The Director of Senior and Disabled Center Services shall be the Town's municipal agent for elderly persons.

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§ C-711. Department of Police.

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A. There shall be a Department of Police. The Manager shall be the Director of the Department of Police until the Council shall determine otherwise and shall be the traffic authority as defined in the Connecticut General Statutes.

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B. The Department of Police shall consist of the Chief of Police and such other officers and employees of such rank and grades as the Council may determine. The Department of Police shall be responsible for: the preservation of the public peace; prevention of crime; apprehension of criminals; regulation of traffic; protection of rights of persons and property; and enforcement of laws of the State, the ordinances of the Town and all rules and regulations made in accordance therewith.

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C. All police officers of the Department 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. The duties of Dog Warden as provided in the Connecticut General Statutes shall be under the jurisdiction of the Department of Police. The Chief of Police shall appoint and may remove the Dog Warden in accordance with the provisions of the Connecticut General Statutes. The Chief of Police shall be the executive officer of the Department of Police; with the approval of the Manager he/she shall appoint and may remove, in accordance with and subject to the provisions of Article IX of this Charter, all other officers and employees of the Department and make rules and regulations concerning the operation of the Department and the discipline and the conduct of all officers and employees thereof.

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§ C-712. Department of Finance.

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There shall be a Department of Finance consisting of the Director of Finance, the Revenue Collector, the Assessor and such other employees as the Council may determine. The Department of Finance shall be responsible for the keeping of accounts and financial records, for the assessment and collection of taxes, special assessments and other revenues and for the administration of the financial affairs of the Town, and shall have such other powers and duties relating to finance as may be prescribed by the Council.

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A. **Director of Finance.** The Director of Finance shall have direct supervision over the Department of Finance. The Director of Finance shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of

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Finance shall also serve as the Town Treasurer as prescribed by the Connecticut General Statutes.

B. **Revenue Collector.** The Revenue Collector shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager.

C. **Assessor.** The Assessor shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager.

§ C-713. Purchasing Agent

All supplies, materials, equipment and services required by all commissions, boards, departments and offices of the Town, except the Board of Education, and except the Library Board with respect to the purchase of books and other materials peculiar to libraries, shall be purchased by the Purchasing Agent. The Board of Education and the Library Board may avail themselves of the Purchasing Agent's services in purchasing any commodity or service. The Purchasing Agent shall have such additional powers and duties that are prescribed by the Council or by the Manager.

Article VIII. FINANCIAL PROVISIONS

§ C-801. Fiscal Year.

The fiscal year of the Town shall be the Uniform Fiscal Year as defined by the Connecticut General Statutes.

§ C-802. General Form of Budget Preparation.

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

§ C-803. Departmental Estimates.

The Manager shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town as described in § C-802 shall, at least 150 days before the end of the fiscal year, except the Board of Education which shall, at least 120 days before the end of the fiscal year, file with the Manager on forms prescribed and provided by the Manager's office a detailed estimate of the expenditures to be made by said department, office or agency and the revenue, other than tax revenues, to be

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collected thereby in the ensuing fiscal year and such other information as may be required by the Council or by the Manager. Each commission, board, department and office shall be entitled to an opportunity to be heard by the Manager with respect to its estimates.

§ C-804. Duties of the Manager on the Budget.

Not later than 105 days before the end of the fiscal year, the Manager shall present to the Council the proposed budget for the ensuing fiscal year for all commissions, boards, departments and offices, including the Board of Education, such budget hereinafter referred to as the Manager's Proposed Budget. At the time of its submission to the Council, the Manager shall file a copy in the office of the Town Clerk as a public record and a copy on the website and within 10 days thereafter shall cause sufficient copies of the proposed budget, including the Board of Education budget, to be prepared in order that they may be available to interested persons.

§ C-805. Duties of the Council on the Budget.

A. The Council shall hold two public hearings at which any elector or taxpayer may have the opportunity to be heard regarding appropriations for the ensuing fiscal year. The first such hearing shall be held not later than 15 days following the presentation of the proposed budget of the Manager. The Council, at least five days prior to the aforementioned first public hearing, shall cause to be published on the website and in a newspaper having circulation in the Town a notice of such public hearing and a summary of said Manager's Proposed Budget showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same form as prescribed for the budget estimates in § C-803, and shall also show the amount proposed to be raised by taxation. After consideration of the budget and within 30 days after holding the first public hearing, the Council shall hold the second public hearing. The Council, at least five days prior to the aforementioned second public hearing, shall cause to be published on the website and in a newspaper having circulation in the Town, a notice of such public hearing and summary of the tentative Town budget which it proposed to adopt in the same form as prescribed herein for publication of the Manager's Proposed Budget. Within 20 days after holding such second public hearing, the Council shall complete its consideration of the budget, and after making such modifications and amendments to said budget as it may deem advisable, it shall adopt the Town budget by a majority vote of all its members. The Council shall simultaneously fix the tax rate in mills which shall be levied on taxable property in the Town for the ensuing fiscal year. In the event the Council shall fail to adopt the Town budget on or prior to the date provided, the Manager's Proposed Budget as submitted to the Council shall be deemed to have been finally adopted by the Council as the Town budget, and thereafter expenditures shall be in accordance with said budget. In the event the Council shall fail to fix the tax rate on or prior to the date prescribed, the Manager shall fix said tax rate in mills.

B. In accordance with the Connecticut General Statutes, the Council shall be deemed to be the budget-making authority and the legislative body of the Town and shall have

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all the powers and duties contained in said statutes for the creation of a "Reserve Fund for Capital and Nonrecurring Expenditures."

§ C-806. Effect of Adoption of Town Budget.

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The adoption of the Town budget shall constitute the appropriation to each commission, board, office and department, or major subdivision thereof when so indicated in the budget, of the sum estimated in the budget to be expended by each unit respectively, except that the Board of Education shall have the authority to expend the total sum appropriated to it in accordance with the Connecticut General Statutes.

§ C-807. Special Appropriations.

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The Council may appropriate subject to the limitations imposed in Article IV, § C-408, of this Charter, any unappropriated and unencumbered balance in the Town treasury, provided there shall be attached to the resolution or ordinance making such appropriation the certificate of the Director of Finance that such balance actually exists free from encumbrances.

§ C-808. Transfer of Appropriation.

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The Manager may at any time transfer any unencumbered appropriation balance or portion thereof from one classification to another within the same department, office or agency, except within the Board of Education. The Council may transfer the whole or any part of the unencumbered balance of any appropriation, except the appropriation of the Board of Education, to any other purpose which the Council may legally appropriate money, provided that such a transfer may be made from budget appropriations only in the last six months of the fiscal year and that there shall be attached to the resolution making the transfer the certificate of the Director of Finance that such balance exists free from encumbrances. Transfers among any capital project funds may occur at any time and are not subject to the six-month limitation stated above.

§ C-809. Effect of Appropriation

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No money from any Town fund, including but not limited to the general fund, shall be expended or obligated for any expenditure incurred by any commission, board, department or office of the Town except in accordance with an appropriation by the Council. No contract, work order, purchase order or other authorization to spend money by any commission, board, department or office, except the Board of Education, shall be valid until the Director of Finance certifies in writing that there is an unexpended and unencumbered balance of an appropriation sufficient to meet the estimated cost thereof. The Director of Finance after such certification shall immediately encumber the appropriation with the estimated cost. The Board of Education shall set up its own system of budgetary control and certification of the sufficiency of unexpended and unencumbered balance of an appropriation.

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§ C-810. Lapse of Appropriation.

The unencumbered balance of all general fund appropriations shall lapse at the end of the fiscal year for which they were made, and any such balance shall be credited to the general fund.

§ C-811. Borrowing to Meet Emergency Appropriations.

In the absence of unappropriated funds to meet emergency appropriations under the provisions of Article IV, § C-408, of this Charter, the Council may by resolution authorize the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.

§ C-812. Notes redeemable Prior to Maturity.

No notes shall be made payable upon demand. Any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

§ C-813. Competitive Bidding.

A. The Council, the Board of Education, and the Library Board shall each establish rules and regulations covering purchases of goods and services for the Town, schools, and library respectively. Sealed bids or proposals shall be invited by the respective purchasing authority for any purchase or contract for purchasing, including a continuing order for contract for the purchase of the same commodity or services over a period of one year involving the expenditure of $30,000 or more. Invitation for sealed bids or proposals shall be by giving 10 days public notice thereof by publication at least once in one newspaper having a circulation in the Town and by posting on the Town bulletin board and on the website.

B. Sealed bids or proposals shall not be required for professional services when professional requirements or ethics prohibit such bidding, or when the Council, the Board of Education, or the Library Board shall determine, for reasons expressly stated, that sealed bids or proposals for a matter before that body are unnecessary or not in the best interests of the Town.

C. The purchase or contract shall be let to the lowest responsible bidder, or all bids or proposals shall be rejected. All sealed bids or proposals shall be opened publicly and shall be kept for a period of one year thereafter in the office of the Purchasing Agent or the Board of Education or the Library Board, as applicable, where they shall be available for public inspection.

D. During a state of emergency, the procurement of a competitive bid may be waived by the Town Manager to address issues of public health, safety and welfare.

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Deleted: *§ C-812. Borrowing in anticipation of taxes.*

The Council may by resolution authorize the borrowing of money in anticipation of the collection of taxes for any fiscal year by the issuance of negotiable notes of the Town.

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§ C-814. Contracts for Public Works.

Contracts for the construction of streets, sewers, Town and school buildings and other public works with any private contractor shall be made in accordance with relevant provisions of the Connecticut General Statutes and under such rules and regulations as may be established by the Council or the Board of Education, whichever has jurisdiction. However, on any contract involving the expenditures of $30,000 or more, sealed bids or proposals shall be invited and 10 days public notice given thereof by publication at least once in one newspaper having circulation in the Town, and by posting on the Town bulletin board and on the website, unless the Council or the Board of Education or Project Building Committee, whichever has jurisdiction, shall determine for reasons which it shall expressly state that sealed bids are not in the best interest of the Town. The purchase or contract shall be let to the lowest responsible bidder, or all bids or proposals shall be rejected. All sealed bids or proposals shall be opened publicly and shall be kept for a period of one year thereafter in the office of the Purchasing Agent or the Board of Education where they shall be available for public inspection.

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§ C-815. Payments of Claims.

Payrolls, bills or other claims against the Town, except those of the Board of Education, shall not be paid until the same have been verified for correctness and legality by the Director of Finance, and all payments shall be made by check drawn on a Town bank account signed by the Town Treasurer and countersigned by the Manager. All payrolls, bills or other claims against the Board of Education shall be verified as such Board may provide, and payment shall be made by check signed by an agent designated by the Board of Education and countersigned by the Town Treasurer who shall only serve in this role to verify the amount of funds to cover such payments. The Manager and the Treasurer, on approval of the Council and the Board of Education shall each designate a deputy or deputy agent covered by the bond of said principal, who may sign or countersign certificates, payrolls, bills, claims and checks.

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§ C-816. Fees Collected by Town Officials and Employees.

All fees collected by officials and employees of the Town in their official capacities shall be paid into the Town treasury, except witness fees payable to police officers and fees payable to Constables and Justices of the Peace.

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§ C-817. Official Bonds.

The Manager, Town Clerk, Director of Finance, agent of the Town deposit fund, Revenue Collector, Building Official and persons authorized to sign and countersign Town checks and such other officials and employees as may be determined by the Council, shall before entering on their respective duties, execute to the Town, in the form prescribed by the Council and approved by the Town Attorney, and file with the Town Clerk, a surety bond or other adequate insurance to be fixed by the Council, conditioned

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upon the honest and faithful performance of such official duties. The Council, if it deems it to be in the best interest of the Town, may prescribe a name schedule bond, schedule position bond or blanket bond, or may designate which commissions, boards, departments, offices and agencies shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

§ C-818. Penalties for Violation of any Provision of this Charter.

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Any person or persons who make or cause to be made any payment from Town monies in violation of the provisions of this Charter, or who receive such payment shall be jointly and severally liable to the Town for the full amount of such payment. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any person or employee of the Town who violates any of the provisions of this Charter shall be subject to a penalty in such amount as shall be determined by ordinance, and such a violation may be grounds for removal.

§ C-819. Annual Audit.

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The Council shall cause an audit of the Town accounts, including those of the Board of Education, to be made once a year, or more often if deemed necessary, by the Town Auditor as provided for in Article VI, § C-609. The report of such audit shall be public record and available for public inspection.

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Article IX. PERSONNEL

§ C-901. Merit System.

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Officials and employees in the classified services of the Town as described in § C-902 below shall be appointed, promoted and removed solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The Council shall, by ordinance, establish a classified service system, including a grievance procedure, for all Town employees, except the following: elected officials and persons appointed to fill vacancies in elective offices; members of boards and commissions and other officials appointed by the Council; certified employees of the Board of Education; persons employed in professional capacity to make or conduct a temporary or special inquiry, study or investigation; part-time personnel and persons employed for a temporary period not exceeding three months.

§ C-902. Classified Service.

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The classified service shall include appointees to all positions now or hereafter created except those noted in § C-901. It shall be the duty of the Personnel Director to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointments to such positions. These statements shall comprise the classification plan of the Town, which shall become

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effective upon approval by resolution of the Council and which may be amended, upon recommendation of the Personnel Director, by resolution of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Council upon recommendation of the Personnel Director. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The Personnel Director shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leave and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the Town. Such rules and amendments thereto become effective upon being filed by the Personnel Director with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.

§ C-903. Personnel Director.

The Personnel Director shall be the Manager or, when the Council shall so determine, a person qualified in personnel administration shall be appointed by the Manager, in accordance with this article. The Personnel Director shall be responsible for administering the personnel affairs of the Town and for making recommendations respecting personnel matters to the Council and the Manager.

§ C-904. Prohibitions.

Except in the case of a bona fide occupational qualification or need, no Town employee or applicant for employment by the Town shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against for reasons set forth in Connecticut General Statutes or because of any reason unconnected with the performance of the duties of the position.

Deleted: Any employee in the classified service shall take a leave of absence from the service of the Town after becoming elected to any public office in the Town of Newington in accordance with Connecticut General Statutes.

§ C-905. Retirement.

The Council may provide by ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contributions by employees and the Town to a fund from which such allowances shall be paid. The Town may: enter into contract with any company or institution authorized to do business in this State for the purpose of insuring the whole or any part of this retirement plan; elect to participate in the Connecticut Municipal Employees Retirement Fund; elect to participate in the old-age and survivors insurance system under Title II of the Social Security Act, in accordance with the provisions of the Connecticut General Statutes; or elect any combination thereof. The Council may authorize the transfer of the management and investment of the Town's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the Connecticut General Statutes.

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§ C-906. Conflict of Interest.

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Any elected or appointed Town official, or any Town employee, who has a personal or financial interest in any matter to be acted upon or coming before his/her board, commission, or office shall make full record disclosure in writing of that interest which shall be incorporated in the minutes of the particular board, commission or office, and a full copy of such minutes shall be filed in the office of the Town Clerk, and such person shall be disqualified to act in any way upon such matter. Violation of this section with knowledge, expressed or implied, will make said decision voidable. ***Editor's Note: See §*** 32-5, ***Conflict of interest.***

Article X. MISCELLANEOUS

§ C-1001. Effective Date.

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In the event that this Charter shall be ratified by the electors of the Town, it shall become effective 60 days thereafter.

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§ C-1002. Existing Laws, Ordinances, Rules and Regulations and Special Acts.

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As of the effective date of this Charter, all general laws and special acts applying to the Town, all ordinances and bylaws of the Town, and all rules and regulations of commissions, boards, departments and agencies of the Town shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or are repealed.

§ C-1003. Existing Office Holders.

The Mayor, Manager, members of the Council, as well as all members of boards and commissions, and any other public official holding office as of the date of the adoption of this Charter, shall continue to hold such office until the expiration of their previously authorized term, and until their successors have been chosen and qualified, except insofar as the holding of such office is inconsistent with the provisions of this Charter.

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§ C-1004. Transfer of Records and Property.

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

§ C-1005. Amendment.

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This Charter may be amended in the manner prescribed by the Connecticut General Statutes.

§ C-1006. Severability.

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If any portion of this Charter shall be found inconsistent with the Constitution of the United States, the Constitution of the State of Connecticut or the Connecticut General Statutes by a court of competent jurisdiction, such finding shall not affect the remainder of this Charter, and the remainder of this Charter shall remain in full force and effect until amended or repealed.

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