

# CHARTER

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TOWN OF

## NEWINGTON, CONNECTICUT

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This pamphlet is a reprint of the Charter as contained in the Code of Ordinances of the Town of Newington, Connecticut, published by order of the Town Council.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

1976





## CHARTER\*

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### ARTICLE I. INCORPORATION AND GENERAL POWERS

#### Section 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

**\*Editor's note**—The charter of the town was adopted pursuant to home rule procedures effective September 27, 1966, and readopted and amended effective November 3, 1970. Subsequent amendments have been worked into their proper places and amended or repealed provisions deleted. The effective dates of amendments are cited in parentheses following the provision amended. The absence of such a citation indicates that the provision is as contained in the 1970 amended version.

The editors have added words and phrases in brackets where necessary for clarity.

**Op. town atty.**—In reference to the charter amendments approved at the general election held Nov. 2, 1976, the timing of the public hearing was not incorrect and does not have the effect of invalidating the work of the Charter Revision Commission and the question of the ballot on Nov. 2, 1976. The actions of said commission were in conformance with the enabling statute, and the changes approved by the voters on Nov. 2, 1976, should take effect in the manner provided in the amendments, Shipman No. 28.

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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.

### **Section 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, and the rights and powers conferred and the duties imposed 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 of the town.

### **Section 103. General grant of powers.**

In addition to all powers granted to towns under the constitution, general statutes and special acts, the town shall have all powers specifically granted by this charter, all powers 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 general statutes of the State of Connecticut. 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.



**ARTICLE II. ELECTIONS\*****Section 202. 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 office until their successors have been chosen and qualified. Except as otherwise provided in this charter, all elective town officers, boards and commissions shall have the powers and duties prescribed by law. (Amend. eff. 1-1-77)

**Section 203. Elective officers.**

At each regular town election there shall be elected, in accordance with the provisions of the general statutes of the State of Connecticut, for a term of two (2) years the following: A mayor, eight (8) councilmen, two (2) 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 general statutes of Connecticut 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 (9) members of the board of education. Members in office on the effective date of this revision shall be continued in office until their terms expire. At each regular biennial town election, nine (9) members of the board of education shall be elected for a term of two (2) years and until their successors are elected and qualified, in accordance with provisions of Section 9-204 of the general statutes.

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\*Op. town atty.—Discussion of effect of uniform municipal election dates law on elections in Newington, Trantolo No. 101, 8-1-69.  
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- (B) *Board of Fire Commissioners.* There shall be a board of fire commissioners consisting of three (3) members which 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 general statutes, by ordinance, or by special act. Members shall serve for a term of four (4) years and until their successors are elected and qualify. (Amend. eff. 1-1-77)

#### **Section 204. Minority representation.**

At each regular election no political party shall nominate and no elector shall vote for more than the mayor, five (5) members of the council, two (2) constables, and the number of members of the board of education and of fire commissioners as shall be determined by the provisions of this charter and the general statutes. Each political party shall nominate one-half of the total number of constables as are to be elected and, unless there are independent candidates for these offices, one vote shall be sufficient to elect them.

Election of all officers mentioned in this section, except the office of mayor, shall be determined in accordance with the minority representation provisions of the general statutes of Connecticut. (Amend. eff. 1-1-77)

#### **Section 205. Vacancies in elective offices.**

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 next regular election. Vacancies in the board of education shall be filled by the board of education for the period until the next regular town election. 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 in which case his successor shall be a member of the political party in which said former incumbent was enrolled or in case the former incumbent was not enrolled in a political party the vacancy shall be filled by an elector not enrolled in any political party. Any member of the board of fire commissioners

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elected to fill a vacancy at a regular town election shall serve for the remaining term of the former incumbent and until his successor has been elected and qualified.

**Op. town atty.**—Charter prevails over contrary provisions of General Statutes re appointments, and vacancies in board of selectmen should be filled by council, Lach No. 4, 10-12-66.

### **Section 206. Independent candidates.**

In addition to the procedure for the nomination of candidates provided for in the charter and the general statutes, any elector of the town may be nominated for any elective office except that of registrar of voters and be entitled to have his name appear on the voting machines in a line designated "Independent," provided he shall file with the town clerk, not less than thirty (30) nor more than forty-five (45) days preceding the town election, an individual petition signed by qualified electors of the town in number equal to five (5) per cent of the total number of electors in the town as determined by the last effective list of registrars of voters, 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 person filing a petition within seven (7) days after said filing whether or not he has qualified to have his name appear on the voting machines. No elector shall be permitted to sign petitions on behalf of more candidates for any office than the number for whom he will be entitled to vote at the next town election. If any elector signs more than the authorized number of petitions his signature shall be counted only on such petitions as are first filed, up to the authorized number.

### **Section 207. Qualifications.**

Each nominee for elective office shall be a resident and an elector of the town, and if any elected officer at any time shall cease to be a resident of the town he shall at that time and because of that act be deemed to have vacated his office.

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**Section 208. Voting districts.**

There shall be eight (8) voting districts, as the same existed on the effective date of this charter, but the number of [such] voting districts may be increased or decreased and the geographical boundaries of said districts may be changed by town ordinance. (Amend. eff. 1-1-77)

**ARTICLE III. THE MAYOR****Section 301. Election and qualification.**

At each regular town election a mayor shall be separately elected by the electors and shall serve until his successor shall be elected and qualified. He shall take office on the Tuesday following the town election. (Amend. eff. 1-1-77)

**Section 302. Duties.**

The mayor shall be a member and the presiding officer 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. He shall keep himself 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. He shall have the full right of participation in discussions but shall not have the right to vote.

**Section 303. Appointments.**

(A) *Salaried Officials.* The mayor shall appoint the town attorney and director of health.

- (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. He shall serve for the term of the mayor appointing him. 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 [the] 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 council 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, commission, 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 duties unless the council by ordinance shall determine otherwise.

- (2) *Director of health.* The mayor shall appoint a director of health in accordance with the provisions of the 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 shall have the duty of enforcing the laws, ordinances and regulations concerning public health. He 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.

**Op. town atty.**—Appointment to fill vacancy in office of director of health is for unexpired term and not for a new full term, under section 19-74 of the General Statutes, Lach No. 114, 9-23-69.

(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. (Amend. eff. 1-1-77)

## ARTICLE IV. THE COUNCIL\*

### Section 401. Composition.

The council shall consist of the mayor and eight (8) members who shall be elected from the town at large at each regular town election for terms of two (2) years as provided therein.

### Section 402. Powers.

The council shall be the governing and legislative body of the town and shall have, exercise and perform all the

**\*Op. town atty.**—In exercising powers granted to council under section 413 of the old charter, council is exercising its authority in meeting assembled, whether convened at a duly called regular or special meeting, but council may not adjourn to an executive session without a resolution to that effect which must state the reason for the adjournment and town manager may not be excluded from executive session, Lach No. 50, 6-17-68.

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rights, powers, duties and obligations which on the effective date of this charter were conferred by law or may hereafter be conferred by the general statutes upon the town meeting and upon town commissions, boards, departments and offices existing immediately prior to such date, except as the same may be assigned by this charter, and except as may be inconsistent with the laws of the state. The council shall choose a clerk. The council shall adopt the budget and fix the tax rate except as otherwise provided in this charter. It shall further have 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 the good order, peace, health and safety of the town and its inhabitants.

#### **Section 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 officer of the council and shall designate a chairman pro tempore from among the members of the council to preside in his absence. In the event that both the mayor and the chairman pro tempore 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 officer, whether the mayor or any chairman pro tempore, 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. (Amend. eff. 1-1-77)



**Section 404. Procedure.**

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 (5) 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 (5) affirmative votes. The council shall keep for public inspection a journal which shall be the official record of its meetings, a copy of which shall be filed in the office of the town clerk in accordance with the provisions of the general statutes. The journal shall also contain the rules of procedure of the council. No ordinances or resolutions shall be adopted except at a meeting of the council open to the public. (Amend. eff. 1-1-77)

**Op. town atty.**—The rules of procedure of chapter 90 of the General Statutes, including the meeting warning requirements of section 7-3, apply to public town meetings and do not apply to the council in a council-manager form of government, Dworski No. 66A, 2-11-72.

**Section 405. Introduction of ordinances.**

All ordinances, together with a written statement of purpose, shall be introduced at a meeting of the council in written form by a member of the council. It shall be the duty of the council clerk 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 immediately upon receipt of such proposed ordinance to prepare at least fifteen (15) copies of such ordinance, one copy of which shall be retained in his office for public inspection, one copy posted on the town bulletin board 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 councilman moving such ordinance. (Amend. eff. 1-1-77)

**Op. town atty.**—There is no particular formality required in the enactment of an ordinance, other than the requirements of the charter, and

any procedure which clearly signifies the corporate will that the particular ordinance be enacted and become effective, and plainly indicates its terms and purpose is sufficient, Dworski No. 12, 2-11-70; council may read an ordinance at the time of its introduction, Scoler No. 30, 11-4-74.

#### **Section 406. Public hearings and passage of ordinances.**

Before an ordinance, except an emergency ordinance, shall be passed the council shall hold at least one public hearing, five (5) days' notice of which shall be given by publishing the notice and the proposed ordinance in full at least once in each of two (2) newspapers having a circulation in the town and by posting the notice and the proposed ordinance on the town bulletin board. After such public hearing, the council may make such changes as it considers advisable before passing said ordinance. Notice of the passage of an ordinance, described by title or subject matter, together with such changes in the proposed ordinance, shall be published at least once in each of two (2) newspapers having a circulation in the town, and an ordinance, except an emergency ordinance, shall become effective fifteen (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 Section 410, the ordinance shall not become effective except in accordance with the provisions of Section 410. All adopted ordinances shall be filed with the town clerk and kept by him as a public record in the form of a suitably indexed volume or volumes of ordinances.

#### **Section 407. Borrowing.**

The town shall have the power to incur indebtedness by issuing its bonds and notes as provided by general statutes and the provisions of this charter. The issuance of bonds and notes shall be authorized by resolution of the council adopted in the same manner as provided by Section 406 of this charter, insofar as Section 406 relates to public hearings. Tax anticipation notes shall be issued in accordance with Section 812 without public hearing. (Amend. eff. 1-1-77)  
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**Section 408. Obligatory referendum.**

No resolution authorizing the issuance of bonds or notes, other than notes in anticipation of taxes and other than notes in the amount of fifty thousand dollars (\$50,000.00) or less and no resolution making a special appropriation in excess of one hundred thousand dollars (\$100,000.00), shall become effective until the same has been approved by a majority of the qualified voters voting thereon at a regular election or special election called by the council for the purpose. 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 (6) affirmative votes of the council.

**Section 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 (6) 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 sixty-first day following the passage of said ordinance unless sooner repealed. In no event shall the annual budget constitute an emergency appropriation. (Amend. eff. 1-1-77)

**Section 410. Right of referendum on ordinances and certain resolutions.**

Electors or voters shall have the right to petition for a referendum in accordance with the provisions of Section 7-9 of the general statutes on any ordinance passed by the council except an emergency ordinance, or on a special appropriation in the amount of fifty thousand dollars (\$50,000.00) or more. A referendum must be held when there

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shall be filed with the town clerk, within fifteen (15) days of the published notice of the passage of the ordinance, a petition signed by qualified electors in number equal to five (5) per cent or more of the total number of electors of the town as determined by the last effective list of the registrars of voters, which petition shall be filed with the town clerk who shall within ten (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 twenty (20) nor more than thirty (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 ten (10) days nor more than thirty (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 ten (10) per cent of the qualified voters of the town, shall vote in the negative. Otherwise it shall take effect immediately following the referendum.

#### **Section 411. Initiative.**

The electors or voters 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 of 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 Section 7-9 of the general statutes, setting forth the proposed ordinance and requesting its adoption, which petition shall be signed by qualified electors or voters of the town, in number equal to five (5) per cent or more of the total number of qualified electors or voters of the town as determined by the last effective list of the registrars of voters.

The petition shall be filed with the town clerk who shall within ten (10) days determine whether or not the petition contains the required number of valid signatures and if it

does, he shall so certify to the council at its next regular meeting. The council shall within sixty (60) days after certification either adopt the proposed ordinance after a public hearing or submit the same to the electors or voters at a special election to be held within ninety (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 (4) 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 ten (10) per cent or more of the total number of qualified electors or voters of the town as determined by the last effective list of the registrars of voters. 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 or voters.

#### **Section 412. Removals and suspensions.**

(A) The council shall have the power, 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, by resolution, any person appointed to any other office or position by the council.

(B) The council shall act first by suspending such person and promptly serve him with a copy of the resolution of suspension together with the reasons therefor, if any. If within ten (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 (5) days nor more than fifteen (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 from his office or employment. During the period of suspension any such person shall be

ineligible to perform the duties of his office or employment. Compensation if any, shall be continued during the period of suspension or for thirty (30) days from the date of suspension, whichever is longer. There shall be no appeal from the decision of the council. (Amend. eff. 1-1-77)

#### **Section 413. Investigation.**

The council shall have the power to investigate any and all town officers, commissions, boards, departments and offices. The council shall have the power, for the purposes of such investigation, to issue subpoenas. (Amend. eff. 1-1-77)

#### **Section 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.

#### **Section 415. Concurrent offices.**

During the term for which he is elected, no member of the council shall hold any employment or elective or appointive office in or under the town government or elective office in or under the state government, except the office of justice of the peace. This section shall not be construed to prevent members of the council from representing the town as members of intertown or regional bodies or agencies. (Amend. eff. 1-1-77)

### **ARTICLE V. THE MANAGER**

#### **Section 501. Appointment, qualification and tenure.**

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 by at least a two-thirds vote of the full

membership of the council. The manager shall be chosen on the basis of professional experience, training, and executive and administrative qualifications. He shall serve for an indefinite term at the pleasure of the council. At the time of his appointment he need not be a resident of the town or state, but during his tenure of office he shall reside within the town. He shall devote his full time to the duties of his office.

### **Section 502. Powers and duties.**

The manager shall be the chief executive of the town. He shall have the powers and duties conferred upon chief executive officers of towns by the general statutes, except such powers as may be delegated to others by this charter, and shall have the powers and duties conferred on selectmen pursuant to Section 45-70 of general statutes. He shall be directly responsible to the council for the supervision and 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 a regional state or federal authority, unless such responsibility is expressly delegated to him by the appointing authority. He shall perform the duties of any office over which he has a power of appointment until he makes such appointment. He shall see that all laws and ordinances governing the town are faithfully executed. He 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. He shall prepare and cause to be printed an annual report at the close of the fiscal year. He shall recommend to the council such measures as he may deem necessary or expedient and shall keep the council fully advised as to the financial conditions of the town.

He 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 of him 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 to him by this charter. (Amend. eff. 1-1-77)

**Op. town atty.**—Town manager under sections 502 and 708 of the charter has the authority to appoint a police chief based on such qualifications as he finds reasonable and proper, Lach No. 32, 11-21-67.

### **Section 503. Appointments.**

The manager, except as otherwise specifically provided in this charter, shall appoint all department heads and other officers and full-time employees of the town and may remove all those over whom he has the power of appointment. The manager shall not appoint a relative to any position. All appointments and removals shall be in accordance with the provisions of Article IX of this charter.

**Op. town atty.**—Under section 503 of the charter a salaried full-time fire chief must be appointed by the manager, not by the board of fire commissioners, and would be within the classified service under sections 901 and 902 of the charter, Dworski No. 97, 3-29-73.

### **Section 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 ninety (90) days. He 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 of a duration 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 ninety (90) days. Said temporary acting manager shall have all the powers and duties of the manager. (Amend. eff. 1-1-77)

### **Section 505. Compensation.**

The council shall fix the compensation of the manager and of any acting or temporary acting manager. The Supp. No. 8

compensation of the town manager shall not be decreased except by two-thirds vote of the full membership of the council taken at least thirty (30) days prior to the beginning of the fiscal year.

#### **Section 506. Suspension and removal.**

The manager may be suspended or may be removed by a resolution of at least a two-thirds majority of the full membership of the council in the manner provided in Sections 412 and 501 of this charter. The acting manager or temporary acting manager may be removed at any time by majority vote of the full membership of the council.

### **ARTICLE VI. OFFICERS AND BOARDS RESPONSIBLE TO THE COUNCIL\***

#### **Section 601. Town plan and zoning commission, zoning board of appeals.**

The town plan and zoning commission, zoning board of appeals as constituted on the effective date of this amended charter shall continue in existence. Except as otherwise herein provided, each of these bodies shall have all the powers and duties pertaining to it on the effective date of this amended charter or as are or may thereafter be conferred on it by the general statutes or by ordinance. Members of the town plan and zoning commission shall be appointed by the council for terms of four (4) years, and members of the zoning board of appeals shall be appointed by the council for terms of five (5) years. The town plan and zoning commission and the zoning board of appeals shall have such

**\*Op. town atty.**—It is not required that vacancies on appointed commissions be filled by persons who are members of the same political party as the persons previously holding the vacated position, Lach No. 22, 7-12-67; regularly scheduled meeting of a commission may be adjourned, a public session may be adjourned to an executive session, not necessarily at a regular date, but date and time of executive session must be announced, Lach No. 44, 3-19-68.

**Code references**—Plan commission and zoning commission consolidated, § 13-1; for provisions pertaining to the zoning board of appeals, see § 13-31 et seq. and App. A, art. VI, §§ 4, 5.  
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professional, technical and clerical assistance as the council may determine, to be appointed in accordance with the provisions of Article IX of this charter. (Amend. eff. 1-1-77)

#### **Section 602. Library directors.**

The six (6) members of the board of directors of Lucy Robbins Wells Library, Incorporated, elected by the town and in office on the effective date of this charter, shall continue for the unexpired portion of the terms for which they were elected. They shall have the powers and duties prescribed for library directors by the general statutes or by the council. Members shall be appointed by the council for terms of six (6) years.

#### **Section 603. Board of tax review.**

There shall continue to be a board of tax review consisting of three (3) members which shall have all the powers and duties vested in it on the effective date of this charter or as may hereafter be conferred on it by the general statutes or by ordinance. Members shall be appointed by the council for terms of four (4) years. The members of the board of tax review shall receive such per diem compensation as the council may determine consistent with the general statutes.

#### **Section 604. Board of parks and recreation.**

There shall continue to be a board of parks and recreation consisting of eleven (11) members which shall determine the uses of the town parks and public greens, and such other public grounds as the council may direct, recommend to the council the acquisition and development of new parks and recreational places, plan and arrange recreational facilities and programs for the town, and have such other powers and duties as may be conferred on it by ordinance. Members shall be appointed by the council for terms of four (4) years. The manager shall appoint, with the concurrence of the board, a superintendent of parks and recreation and such other full-time employees as the council may determine in accordance with Article IX of this charter. (Amend. eff. 1-1-77)



**Op. town atty.**—Council may by ordinance authorize parks and recreation board to set up rules and regulations governing conduct in parks, Lach No. 88, 4-22-69; when charter section 604 assigns power to determine the uses of town parks and public greens to board of parks and recreation, it removes this power from the council, Dworski No. 45, 5-10-71.

### **Section 605. Development commission.**

There shall continue to be a development commission consisting of nine (9) members which shall have the powers and duties vested in it on the effective date of this charter or as may be conferred on it by ordinance. Members shall be appointed by the council for terms of three (3) years. The manager shall appoint in accordance with and subject to the provisions of Article IX of this charter, such employees of the development commission as the council may determine.

**Op. town atty.**—Development agency has the power and duties described in sections 8-188—8-200b of the General Statutes, including the power of eminent domain set forth in section 8-193, Dworski No. 80, 6-6-72.

### **Section 606. Conservation commission.**

There shall be a conservation committee consisting of seven (7) members appointed by the council for terms of four (4) years. The commission shall advise and make recommendations 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 general statutes, the council and the manager. 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.

**Op. town atty.**—Conservation commission does not have authority to take action against owners of land upon which litter collects, Dworski No. 30, 12-11-70.

### **Section 607. Town treasurer.**

There shall be a town treasurer appointed by the council for a term of two (2) years, who shall have the powers and duties prescribed by the general statutes. The treasurer shall

receive such compensation and shall have such duties and other assistants as the council may determine, to be appointed in accordance with the provisions of Article IX of this charter. The council shall designate a deputy treasurer, who, in the absence or inability of the treasurer to act, may perform all the duties of the treasurer. The town treasurer in office upon the effective date of this amended charter shall continue in office until November 30, 1977 in accordance with Section 612 of this amended charter. (Amend. eff. 1-1-77)

#### **Section 608. Auditor.**

The council shall annually appoint an auditor in accordance with the provisions of the general statutes. He shall examine and certify to the financial records of the town. He shall receive such compensation as the council may determine and shall perform such other duties and render such other reports as the council may determine which are consistent with his office.

#### **Section 609. Town planner.**

There shall be a town planner, with professional qualifications for the position. The town planner shall be appointed by the council for an indefinite term to serve at the pleasure of the council. The council shall prescribe his duties and compensation.

#### **Section 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 determine by ordinance, provided that the appointing authority for all salaried employees shall be the manager, and in accordance with and subject to the provisions of Article IX of this charter. (Amend. eff. 1-1-77)

**Op. town atty.**—Council has authority under charter section 610 to establish an aesthetic and environment commission so long as said commission is purely advisory, Dworski No. 63, 12-27-71.

**Section 611. Selectmen.**

The council shall appoint a three-member board of selectmen which shall have and exercise only such duties as are related to elections, including the making of electors, and the duties conferred by the general statutes relating to boundary fences and obstructions to drainage. Members shall serve for a term of two (2) years and be appointed in accordance with Section 612. Members of the board of selectmen in this office upon the effective date of this amended charter shall continue in office until November 30, 1977 in accordance with Section 612. (Amend. eff. 1-1-77)

**Editor's note**—The charter amendments adopted Nov. 2, 1976 and effective Jan. 1, 1977, provided for the repeal of former § 611 and adoption in lieu thereof a new § 611 as hereinabove set out. Formerly, § 611 had pertained to special commissions and had been contained in the charter revision ratified Nov. 3, 1970, effective Nov. 3, 1970.

**Section 612. Terms of office and vacancies.**

The terms of members of the town plan and zoning commission, board of selectmen, zoning board of appeals, library directors, board of tax review, board of parks and recreation, development, conservation commission and town treasurer shall run from the first of December in the year of appointment to the thirtieth of November in the year of expiration. Vacancies shall be filled by the council in accordance with the general statutes for the balance of unexpired terms. Members of these boards and commissions, with the exception of the members of the board of tax review, shall receive no compensation. (Amend. eff. 1-1-77)

**ARTICLE VII. ADMINISTRATIVE OFFICERS AND DEPARTMENTS UNDER MANAGER****Section 701. Town clerk.**

The town clerk shall be appointed and may be removed by the manager in accordance with the provisions of Article IX of this charter. The town clerk, hereafter referred to in this charter, shall have the powers and duties conferred or imposed by law on town clerks, may act as clerk of the



council, and shall have such other powers and duties as are prescribed in this charter or by the council or by the manager. He shall receive such compensation as the council may determine and shall have such deputies, clerks, and other assistants as the council may determine, 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. (Amend. eff. 1-1-77)

### **Section 702. Purchasing agent.**

All supplies, materials and equipment 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 other duties as may be prescribed by the council or the manager. The manager shall be the purchasing agent until the council shall determine otherwise. When the council shall determine that someone other than the manager shall be the purchasing agent then he shall be appointed and may be removed by the manager in accordance with the provisions of Article IX of this charter.

### **Section 703. Tax collector and assessor.**

The tax collector and the assessor shall each be appointed by the manager and each may be removed by the manager in accordance with and subject to the provisions of Article IX of this charter. The tax collector shall at all times be an elector of the town. The tax collector and the assessor shall respectively have all the powers and duties conferred upon tax collectors, assessors and board of assessors by the general statutes of the State of Connecticut and such other duties as may be assigned to them by the council or the manager.

**Section 704. Highway department and engineering department.**

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.

**Section 705. Tree warden.**

The tree warden shall be appointed and may be removed by the manager, and shall have all the powers and duties conferred upon tree wardens by the general statutes of the State of Connecticut, and shall have such duties and powers as may be prescribed by the council or the manager.

**Section 706. Building inspector.**

There shall be an office of building inspector consisting of the building inspector and such other employees as the council may determine. The manager shall appoint the building inspector and such other employees as the council may determine. The manager may remove the building inspector and other employees of the office of building inspection in accordance with and subject to Article IX of this charter. The building inspector shall be the administrative officer of the town plan commission, the zoning

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commission and the zoning board of appeals until the council shall determine otherwise. The building inspector shall enforce the provisions and perform the duties of the building code and zoning regulations and perform such other duties as may be assigned to him by the council or the manager.





**Section 707. Department of social service.**

There shall be a department of social service consisting of the director and such other employees as the council may determine. The department of social service shall administer all forms of public assistance and other welfare activities. The director of social service shall supervise the department and shall have such powers and duties as the council may prescribe and as are vested by law in the boards of selectmen of towns relative to poor, defective and dependent persons. The manager shall be the director of social service until the council shall determine otherwise. When the council shall determine that someone other than the manager shall be the director of social service, he shall be appointed and may be removed by the manager in accordance with and subject to the provisions of Article IX of this charter. Subject to the approval of the manager, the director of social service shall have the power to make all rules and regulations relating to the administration of the department not inconsistent with the general statutes of Connecticut and ordinances of the town. The manager shall appoint and may remove the employees of the department in accordance with and subject to the provisions of Article IX of this charter.

**Section 708. Department of police.**

There shall be a department of police. The manager shall be the director until the council shall determine otherwise and shall be the traffic authority as defined in the general statutes of the State of Connecticut.

- (A) 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 the laws of the state, the ordinances of the town and all rules and regulations made in accordance therewith.

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 general statutes. The duties of dog warden as provided in the general statutes shall be under the jurisdiction of the department of police. The manager shall appoint and may remove the chief of police in accordance with and subject to the provisions of Article IX of this charter and the general statutes of the State of Connecticut. The chief of police shall appoint and may remove the dog warden in accordance with the provisions of the general statutes. The chief of police shall be the executive officer of the department of police; with the approval of the manager he 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.

**Op. town atty.**—Town manager under sections 502 and 708 of the charter has the authority to appoint a police chief based on such qualifications as he finds reasonable and proper, Lach No. 32, 11-21-67.

## **Section 709. Department of finance.**

There shall be a department of finance consisting of the director of finance, the tax collector, the assessor, the purchasing agent, 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.

- (A) *Director of Finance.* The director of finance shall have direct supervision over the department of finance. The

manager shall be the director of finance until the council shall determine otherwise. When the council shall determine that someone other than the manager shall be the director of finance he shall be appointed and may be removed by the manager in accordance with and subject to the provisions of Article IX of this charter. The director of finance shall have the duty:

- (1) To install, maintain and operate for the town an accounting system showing the current condition of all funds, appropriations and expenditures;
- (2) To file with the manager and the council such financial reports for such periods, in such forms, and with such regularity as may be specified in this charter, prescribed by the council or ordered by the manager;
- (3) To prescribe the forms of account to be kept by each commission, board, department and office of the town, except the board of education, and the times at which and the manner in which moneys collected on the town's account by any such commission, board, department and office shall be paid to the town treasurer;
- (4) To appoint and remove, with the approval of the manager and in accordance with Article IX of this charter, all employees of the department, other than the tax collector, the assessor and the purchasing agent;
- (5) To perform the duties of any office under his supervision, subject to the approval of the manager, and to consolidate one or more such offices under one person, except the tax collector, the assessor and the purchasing agent; and
- (6) To perform such other duties as may be prescribed by the council or the manager.



**ARTICLE VIII. FINANCIAL PROVISIONS\*****Section 801. Fiscal year.**

The fiscal year of the town shall be the fiscal year in effect on the effective date of this charter. The council, by ordinance, may establish a different fiscal year at any time.

**Section 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 year.

**Section 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 Section 802, including the board of education, shall, at least one hundred and fifty (150) days before the end of the fiscal year, file with the manager on forms prescribed and provided by him a detailed estimate of the expenditures to be made by his department, office or agency and the revenue other than tax revenues, to be collected thereby in the ensuing fiscal year and such other information as may be required by the council or the manager. Each commission, board, department and office shall be entitled to an opportunity to be heard by the manager in respect to its estimates.

**Section 804. Duties of the manager on the budget.**

(A) Not later than one hundred five (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

**\*Op. town atty.**—Council has authority to abate special assessments, Lach. No. 53, 7-19-68.

commissions, boards, departments and offices, 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 within ten (10) days thereafter shall cause sufficient copies of his proposed budget to be prepared in order that they may be available to interested persons.

(B) The board of education shall prepare a proposed budget for the care, maintenance and operation of the public schools in a form prescribed by the council, such budget hereinafter referred to as the proposed school budget. Not later than one hundred five (105) days before the end of the fiscal year, the board of education shall file the proposed school budget for the ensuing year with the council and with the office of the town clerk as a public record. Within ten (10) days thereafter the board of education shall cause sufficient copies of the proposed school budget to be prepared in order that they may be available to interested persons. (Amend. eff. 1-1-77)

#### **Section 805. Duties of the council on the budget.**

The council shall hold two (2) 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 fifteen (15) days following the presentation of the proposed budget of the town manager. The council, at least five (5) days prior to the aforementioned first public hearing, shall cause to be published 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 Section 803, and shall also show the amount proposed to be raised by taxation. After consideration of the budget and within thirty (30) days after holding the first public hearing, the council shall hold the second public hearing. The council, at least five (5) days prior to the aforementioned second public hearing, shall cause to be published 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 ten (10) 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. For the purpose of Chapter 108 of the general statutes, revision of 1958, as amended, the council shall be deemed to be the budget-making authority and the legislative body of the town and shall have all the powers and duties contained in said Chapter 108 for the creation of a "Reserve Fund for Capital and Nonrecurring Expenditures." (Amend. eff. 1-1-77)

#### **Section 806. Effect of adoption of town budget.**

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 general statutes.

#### **Section 807. Special appropriations.**

The council may appropriate, subject to the limitations imposed in Article IV, Section 408 of this charter, any unappropriated and unencumbered balance in the town

treasury, provided there shall be attached to the resolution making such appropriation the certificate of the director of finance that such balance actually exists free from encumbrances. (Amend. eff. 1-1-77)

#### **Section 808. Transfer of appropriation.**

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 (6) 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.

#### **Section 809. Effect of appropriation.**

No money from any town fund, including but not limited to the general fund, shall be expended or obligation 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 and applicable thereto sufficient to meet the estimated cost thereof. The director of finance after such certification shall immediately encumber the appropriation in question 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.



**Section 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.

**Section 811. Borrowing to meet emergency appropriations.**

In the absence of unappropriated funds to meet emergency appropriations under the provisions of Article IV, Section 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.

**Section 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.

**Section 813. 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.

**Section 814. Competitive bidding.**

The council, the board of education, and the library board shall each establish rules and regulations covering purchases for goods and services for town, for school, and for library purposes 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 two thousand five hundred dollars (\$2,500.00) or more.

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Invitation for sealed bids or proposals shall be by giving ten (10) days public notice thereof by publication at least once in two (2) newspapers having a circulation in the town and by posting on the town bulletin board. However, sealed bids or proposals shall not be required for professional services where professional requirements or ethics prohibit such bidding, or when either the council, the board of education, or the library board shall determine, for reasons expressly stated, that said sealed bids or proposals are unnecessary or not for the best interests of the town. The purchase or contract shall be let to the lowest responsible bidder or all such bids or proposals shall be rejected. All such 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 where they shall be available for public inspection. (Amend. eff. 1-1-77)

#### **Section 815. 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 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 expenditure of two thousand five hundred dollars (\$2,500.00) or more, sealed bids or proposals shall be invited and ten (10) days' public notice given thereof by publication at least once in two (2) newspapers having a circulation in the town, and by posting on the town bulletin board, unless the council or the board of education or public building committee, whichever has jurisdiction, shall determine for reasons which it shall expressly state that sealed bids are against the best interest of the town. The purchase or contract shall be let to the lowest responsible bidder thereon, or all bids and proposals shall be rejected. All such sealed bids or proposals shall be opened publicly and shall be kept for a period of one year

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thereafter in the office of the purchasing agent or the board of education where they shall be available for public inspection.

#### **Section 816. Payment of claims.**

No payroll, bills or other claim against the town, except those of the board of education, shall be paid until the same has been audited 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 director of finance and countersigned by the town treasurer as provided in Article VI, Section 607 of this charter. All payrolls, bills or other claims against the board of education shall be audited 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 as provided in Article VI, Section 607. The director of finance 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 his principal, who may sign or countersign certificates, payrolls, bills, claims and checks.

#### **Section 817. Fees collected by town officers and employees.**

All fees collected by officers 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.

#### **Section 818. Official bonds.**

The manager, town clerk, director of finance, treasurer and agent of the town deposit fund, tax collector, building inspector and persons authorized to sign and countersign town checks and such other officers 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 in a penal sum to be fixed by the council, conditioned 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.

**Section 819. Penalties for violation of the provision of this charter.**

Any person or persons who make or cause to be made any payment from town moneys 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 ground for his removal.

**Section 820. Annual audit.**

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, Section 608. The report of such audit shall be a public record and available for public inspection.

**ARTICLE IX. PERSONNEL\***

**Section 901. Merit system.**

Officers and employees in the classified services of the town as described in Section 902 below shall be appointed, promoted and removed solely on the basis of merit and

**\*Op. town atty.**—The particular board, agency or supervisor of the activity involved has the authority to appoint part-time employees, Lach No. 41, 2-26-68; where collective bargaining contract is in effect between town and employees, interference by municipal employer is not permitted except through recognized bargaining agent, Lach No. 50, 6-17-68; under section 503 of the charter a salaried full-time fire chief must be appointed by the manager, not by the board of fire commissioners, and would be within the classified service under sections 901 and 902 of the charter, Dworski No. 97, 3-29-73.

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: Elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions and other officers appointed by the council; certified employees of the board of education and library board; persons employed in professional capacity to make or conduct a temporary or special inquiry, study or investigation; and persons employed for a temporary period not exceeding three (3) months.

### **Section 902. Classified service.**

The classified service shall include appointees to all positions now or hereafter created except those noted in Section 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 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 any 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.

**Op. town atty.**—Under section 503 of the charter a salaried full-time fire chief must be appointed by the manager, not by the board of fire commissioners, and would be within the classified service under sections 901 and 902 of the charter, Dworski No. 97, 3-29-73.

### **Section 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. He shall be responsible for administering the personnel affairs of the town and for making recommendations respecting personnel matters to the council and the manager.

### **Section 904. Prohibitions.**

No town employee or applicant for employment by the town shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of his race, religion, political affiliations, national origin, sex, marital status, or any other reason unconnected with the performance of the duties of the position. No employee in the classified service shall continue in the service of the town after becoming a candidate for nomination or election to any public office in the Town of Newington, nor shall he participate in any manner in any political activity on behalf of any political candidate or party for election, but he may cast his vote in any election, register as a member of a political party, and express his opinion as a citizen with relation to any political issue before the electorate.

**Op. town atty.**—Full-time employee in classified service may not attend political testimonial nor purchase tickets therefor, Barron No. 94, 6-16-69.

### **Section 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 its retirement plan; elect to participate in the Connecticut Municipal Employees' Retirement Fund; elect to participate in the old-age and survivors insurance system under Title II of the Social Security Act, in accordance with the provisions of the general statutes of the State of Connecticut; 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 general statutes, Revision of 1958, as amended.

#### **Section 906. Status of present employees.**

All persons on the effective date of this charter, whose positions are not abolished by the provisions of this charter, shall retain such positions, pending action by the council or the appropriate officer charged by this charter with the powers of appointment and removal, and shall not be removed except as provided in this article. All persons holding positions in what shall be the classified service of the town on the effective date of this charter shall retain such position without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this charter.

#### **Section 907. Conflict of interest.**

Any elected or appointed town official, or any town employee, who has a financial interest in any matter to be acted upon or coming before his board, commission or office shall make full record disclosure in writing of that interest which shall be incorporated in the minutes of the particular board, commission or office, and a full copy of such minutes shall be filed in the office of the town clerk, and he shall be disqualified to act in any way upon such matter. Violation of this section with knowledge, express or implied, will make said decision voidable.

**ARTICLE X. MISCELLANEOUS****Section 1001. Effective date.**

In the event that this charter, as amended, shall be ratified by the electors of the town in accordance with Section 1006 hereof, this charter, as amended, shall become effective on the first day of January, 1977. (Amend. eff. 1-1-77)

**Section 1002. Existing laws, ordinances, rules and regulations and special acts.**

As of the effective date of this charter, all general laws and special acts applying to the town, all ordinances and by-laws 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.

**Section 1003. Transfer of records and property.**

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.

**Section 1004. Amendment.**

This charter may be amended in the manner prescribed by the general statutes.

**Section 1005. Constitutionality.**

If any portion of this charter shall be found unconstitutional 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.

**Section 1006. Ratification.**

The question of the ratification of this charter as amended, shall be submitted to the electors of the Town of Newington at the regular election to be held on November 2, 1976. (Amend. eff. 1-1-77)

## CHARTER COMPARATIVE TABLE

The Home Rule Charter is set out in this volume as adopted at an election held on November 3, 1970. The following table shows the disposition of amendments to the charter.

### Effective Date

1- 1-77

### Disposition

Art. II, §§ 202—  
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**This pamphlet index is set up to conform to the index in  
the Code of Ordinances for future amendatory purposes.**



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