

Amendments to Charter

[Except for Amendment I Code of Ethics, section numbers refer to 1985 Charter;
Red colored font represents proposed changes to 1985 Charter sections]

Amendment I Code of Ethics

(1) Code of Ethics (New chapter to be added to the Charter)

CHAPTER - CODE OF ETHICS

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Section 10-1 Legislative Intent

The proper operation of government requires that public officials and public employees be independent, impartial and responsible to the people; that governmental decisions and policies be made free from undue influence and in the proper channels of governmental structure; that governmental office and employment not be used for unauthorized personal gain; that governmental officials and employees strive to avoid the appearance of impropriety; and that the public have confidence in the integrity of its government. The purpose of this Code of Ethics is to

set forth standards of ethical conduct to guide elected officials, employees, board and commission members of the Town of Marlborough in the conduct of their public responsibilities and to develop and maintain a tradition of responsible and effective public service. In recognition of these goals, this Code of Ethics is established pursuant to authority granted to the Town by Connecticut General Statutes Section 7-148h, as amended.

Section 10-2 Office of Ethics (OE)

- A. Establishment.** As authorized by Chapter X of the Charter of the Town of Marlborough and Section 7-148h, as amended, of the Connecticut General Statutes, the Board of Selectmen (BOS) shall establish an Office of Ethics (OE) consisting of two members, regardless of party affiliation, and a clerical position. Selection of the members will be based on “best qualified” and shall serve at the pleasure of the Board of Selectmen, with no designated term limit. Members must be residents of the Town of Marlborough. Except for the clerical position, no member of the OE shall be employed by the Town; have been employed by the town for a period of two years prior to being appointed to the OE; hold or seek any Town office; have campaigned for any other person seeking a Town office within the past two years; have held any State or Town office for a period of two years prior to being appointed to the OE; serve as a member of another board or commission; hold office in a political party or political committee; or have been found in violation of any State, local or professional code of ethics.
- B. Organization and Procedure.** The OE shall designate a Chairman and Vice Chairman and shall establish its own rules and procedures, which shall be available to any elector of the Town upon request to the OE. The first rules and procedures shall be established within three months of the date this chapter becomes effective. The need to maintain confidentiality to protect the privacy of public officials, employees and consultants shall be considered when establishing the rules and procedures. It shall keep records of its meetings and shall hold meetings at the call of the Chairman and at such other times as it may determine.
- C. Powers and Duties.**
- (1)** The OE shall render advisory opinions with respect to the applicability of the Code of Ethics to specific situations to any agency or any official, employee or consultant/contractor pursuant to a written request or upon its own initiative. The OE may also issue guidelines. Such opinions and guidelines, until amended or revoked, shall be binding on the OE, and reliance upon them

in good faith is an absolute defense in any action brought under the provisions of this chapter. Any request or opinion, the disclosure of which invades the personal privacy of any individual [as that term is used in Connecticut General Statutes Section 1-19(b)(2), as amended, by the Connecticut Freedom of Information Commission and the courts], shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The OE may make available to the public any advisory opinions that do not invade an individual's privacy and may take other appropriate steps to increase public awareness of this Code of Ethics.

(2) The public may initiate complaints alleging a violation of this Code of Ethics using the Town of Marlborough Ethics Complaint Form (Attachment 1). The OE itself may also initiate such a complaint. The OE shall have the power to investigate alleged violations concerning the application of this Code. As required by Section 7-148h(a) of the Connecticut General Statutes, as amended, the provisions of Section 1-82(a) through (c) of the Connecticut General Statutes, as amended, shall apply to all investigations held under this chapter (see Attachment 2). If the OE determines that there is probable cause, it shall inform the respondent by certified mail of a pending investigation and continue the investigation and hold such further interviews as may be necessary. If the OE determines that the respondent has, in fact, violated the provisions of this Code based on a preponderance of evidence (rather than beyond a reasonable doubt), it shall file a Memorandum of Findings with the Board of Selectmen, except with respect to individuals under the jurisdiction of the appropriate Board of Education*, in which case, the Memorandum of Findings shall be filed with that Board of Education. In the case of a consultant, it shall also be filed with the contracting agency.

(3) If an official, employee or consultant who is the subject of a complaint under investigation leaves office or employment after filing of the complaint against them, but before resolution of the complaint, the OE shall have the power to continue investigation of the complaint. If an ethics complaint is filed against a former Town of Marlborough official, employee, board member, commission member or consultant within 90 days after he/she has left employment for the Town, the OE shall have the power to initiate an investigation.

(4) A substantiated violation of the Code shall be presented in a Memorandum of Findings to the respondent and the Board of Selectmen or Board of Education for action they may deem appropriate in accordance with their respective responsibilities under the law. Such actions may include, but are not limited to, public censure, reprimand, suspension, demotion, removal, or

dismissal of officials, employees and consultants as applicable. No such recommendation shall limit the authority of the Board of Selectmen or the Board of Education under the Charter of the Town of Marlborough or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the Board of Selectmen or Board of Education has under any ordinance, statute or any other law. Any discussion by the Board of Selectmen, Board of Education or contracting agency of an individual affected by said Memorandum of Findings shall be in executive session, unless the individual affected requests that such discussion be held in open session.

Section 10-3 Definitions

For the purpose of this chapter, the following terms shall have the indicated meanings:

AGENCY

All boards, commissions, authorities and committees of the Town of Marlborough, including the Board of Education, but not including a Town Meeting.

BENEFICIAL INTEREST

Any nonfinancial interest or special treatment that is not common to other citizens of the Town. An individual's beneficial interests shall include the beneficial interests of all members of his/her family.

***BOARD of EDUCATION**

The Town of Marlborough has a local Board of Education and four participant members on the Regional Board of Education.

CONFIDENTIAL INFORMATION

Information, whether transmitted orally or in writing, that is obtained by an official or employee by reason of his/her public position and is of such nature that, at the time of transmission, it is not a matter of public record.

CONSULTANT

Any independent contractor or professional person or firm that is engaged by and receives compensation from any agency for the purpose of providing scientific, technical or other specialized opinion to such agency and is in a position to influence any decision of an agency, official or employee.

EMPLOYEE

Includes all persons, including but not limited to officers and supervisors, employed by the Town and encompasses all persons, including but not limited to officers and supervisors, employed by the Board of Education.

FINANCIAL INTEREST

Any interest that has a monetary value of \$100 or more or generates a financial gain or loss of \$100 or more in a calendar year; and is not common to the other citizens of the Town. An individual's financial interests shall include the financial interests of all members of his/her family but shall not include any duly authorized compensation from the Town.

OFFICIAL

Includes Town employees and all persons who are members of a board(s), commission(s) or any other agencies pertaining to or in collaboration with the Town of Marlborough.

Section 10-4 Consultants

A. This Code of Ethics shall be incorporated into all contracts entered into by an agency and/or a consultant.

B. Persons or firms who are engaged by and receive compensation from other entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official or employee shall be guided by this Code of Ethics. The Office of Ethics, upon complaint or its own motion, may make recommendations to the entity employing such persons.

Section 10-5 Confidential Information

Except as otherwise required by law, no official, employee or consultant shall disclose, without proper authorization, confidential information, nor shall he/she use such information to advance his/her financial or beneficial interests or the financial or beneficial interests of others. This section shall not be used to restrict the release of information that is properly available to the public.

Section 10-6 Use of Influence

No official, employee or consultant may inappropriately use his/her position to influence a decision affecting a financial interest or a beneficial interest in his/her favor or in favor of any other person, to include family members, or entity.

Section 10-7 Gifts and Favors (see Attachment 3)

A. No official, employee or consultant or any member of his/her immediate family nor any agency, employee organization or group of employees shall solicit or accept any valuable gift (reference 10-7B), whether in the form of a service, a loan at a less than a commercially reasonable rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transactions or pending matters that are within the purview of such prospective recipient's official responsibilities. No official or employee shall accept any special favor, treatment, consideration or advantage beyond that which is generally available to citizens of the Town from any person who, to the official or employee's knowledge, is interested directly or indirectly in any business transactions or pending matters that are within his/her official responsibilities. For purposes of this section, pending matters include, but are not limited to, applications to agencies, bids for work to be performed, applications for employment and bids for the furnishing of supplies, equipment or other items.

B. The Office of Ethics shall formulate guidelines for delineating gifts and favors deemed not to be of value in order to avoid de minimis situations. Such guidelines shall become effective upon adoption by the Board of Selectmen.

C. This section shall not apply to a political contribution otherwise reported as required by law.

Section 10-8 Equal Treatment

Without proper authorization, no official, employee or consultant shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Section 10-9 Conflict of Interest

A. An official or employee or consultant has a conflict of interest when he/she engages in or participates in any transaction, including private employment and the rendering of private services, that is incompatible with the proper discharge of his/her official responsibilities in the public interest or would tend to impair his/her independent judgment or action in the performance of his official responsibilities.

B. An official or employee or consultant has a financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if he/she has reason to believe or expect that he/she will derive such interest by reason of his/her performance of his/her official responsibilities.

C. An official or employee or consultant does not have a financial or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if any such interest accrues to him/her as a member of a business, profession, occupation or group to no greater extent than it accrues to any other member of the business, profession, occupation or group that he/she represents. This does not relieve an individual from his/her obligation to refrain from voting on any matter that would directly benefit his/her business, profession, occupation, group or family as required by this Code of Ethics of the Charter of the Town of Marlborough and General Statutes Section 7-148h(b), as amended.

Section 10-10 Disclosure

A. Any official, employee or consultant who has a financial or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that interest in writing to the OE. Such disclosure also shall be provided, in the case of an official, to the agency of which the official is a member, and, in the case of an employee or consultant, to the agency by which he/she is employed or has been retained. Such disclosure may disqualify the official, employee or consultant from participation in the matter, and violation of this section may be grounds for removal by the appropriate agency in accordance with applicable law.

B. No official, employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which he/she has a financial or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding. The Secretary or Clerk of said agency shall notify the Selectmen-Chair and, in the case of an official or employee of the Board of Education, the Chairman of the Board of Education, and the Office of Ethics in writing of such disclosure within three business days.

Section 10-11 Incompatible Employment and Activities

A. No official or employee shall engage in self-employment or accept private employment or render services for private interest when the employment or services are incompatible with the proper discharge of his/her official duties; or would tend to impair his/her independence of judgment or action in the performance of his/her official duty. No consultant shall engage in employment or render services for interests other than the Town when such employment or

services: are incompatible with the proper discharge of his/her consulting duties; or would tend to impair the independence of his/her judgment or action on the matter for which he/she has been engaged by the Town.

B. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency with which he/she previously was employed or affiliated for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of his/her duty to refrain from such appearance upon written application to the Office of Ethics, which Office shall review the written application and relevant facts.

C. Subsections **B, C and D** of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf or on behalf of members of his/her family. To avoid the appearance of impropriety, officials are strongly discouraged from appearing before their own agency unless extenuating circumstances exist. When in doubt, an official should seek an opinion from the Office of Ethics prior to appearing before his/her own agency.

D. An official should not appear before, or participate in the proceeding of, another agency in violation of Connecticut General Statutes Section 8-11 or 8-21, as amended, or any other provision of the General Statutes.

E. To avoid the appearance of impropriety, an official, not otherwise prohibited, shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.

Section 10-12 Acknowledgment Form (Attachment 4)

A. Every official shall sign by the authority of the Board of Selectmen and file with the Town Clerk an acknowledgement form, supplied by the Town Clerk, indicating his/her awareness of the provisions of this Code of Ethics and the guidelines issued thereunder of the Charter of the Town of Marlborough before being sworn into office and again thereafter every two years as per Section 10-12C below. The OE shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

B. On or before being retained by an agency, every consultant shall sign and file with the agency by which he/she is retained an acknowledgment form, supplied by the Town Clerk, indicating his/her awareness of the provisions of this Code of Ethics, the guidelines thereunder and Section 10-9 of this Code of Ethics of the Charter of the Town of Marlborough and General Statutes Section

7-148h(b), as amended. The OE shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

C. Employees.

(1) The OE shall adopt and implement a plan for making all employees, other than persons who are employed by the Board of Education, aware of the provisions of this Code of Ethics, the guidelines issued thereunder Section 10-9 of this Code of Ethics of the Charter of the Town of Marlborough and General Statutes Section 7-148h(b), as amended. The plan adopted by the OE shall contain a provision requiring that department heads review such provisions with all such employees at an interval to be determined by the Board of Selectmen. The plan shall be completed within 90 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Office of Ethics upon its adoption.

(2) Every employee, other than persons employed by the Board of Education, shall execute an acknowledgment form, supplied by the Town Clerk, indicating the employee's awareness of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 10-9 of this Code of Ethics of the Charter of the Town of Marlborough and General Statutes Section 7-148h(b), as amended as follows:

(a) New employees shall execute the form at the time of employment and thereafter in accordance with Section 10-12, Subsections **C(2)** and **(b)** below.

(b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection **C(1)** above and thereafter at intervals specified by the (OE), but in no event shall such intervals be less frequent than a period of two years from the date of signing the last acknowledgement form.

CODE OF ETHICS

Chapter IX Attachment 1 Town of Marlborough CT Office of Ethics Complaint Form

In accordance with Connecticut General Statutes, Chapter 10, Section 1-82 et seq.

Note: A complaint must be filed in confidence pursuant to Connecticut General Statutes Section 1-82a.

Explain the conduct that you believe violated the Marlborough Code of Ethics and identify the person who you believe committed the violation:

Which sections of the Marlborough Code of Ethics do you believe were violated? Please be specific (e.g., Section 9-2).

Is there any additional information or evidence that may be helpful in addressing this complaint?

Your Name (printed):

Address:

Telephone number:

E-mail address:

I understand that I must keep this complaint confidential. Otherwise, the complaint may be dismissed.

Signature: _____ Date: _____

Send to: Town of Marlborough Office of Ethics PO Box _____, 26 North Main St, Marlborough, CT 06447 or [hyperlink ????????????](#)

CODE OF ETHICS

Chapter IX Attachment 2 Town of Marlborough CT Office of Ethics Complaint and Hearing Procedures

In accordance with Section 10-2, (C.2-4) of the Town of Marlborough Code of Ethics, The following rules and procedures for the filing of complaints and the conduct of hearings in connection with such complaints have been adopted by the Office of Ethics, hear in referred to as the “Office”, as of [\(date\)](#)

1) All complaints alleging a violation of the Code of Ethics shall be in writing, conforming to the Office of Ethics Complaint Form, and must be signed and dated by all complainants. Anonymous complaints will be reviewed and acted upon accordingly. In accordance with Connecticut General Statutes Section 1-82a, as amended, all such complaints shall be confidential unless made public by the person against whom the complaint is made (herein referred to as the “respondent”). Failure by the complainant to observe the confidentiality required by the statute may result in summary dismissal of the complaint. Complaints shall address specific provisions of the Marlborough Code of Ethics and/or contain sufficient detail to permit the OE to identify the appropriate section of the Code that is the subject of the complaint.

2) Complaints shall be submitted in writing on the Office of Ethics Complaint Form which can be obtained from the Town Clerk or downloaded from the Town Of Marlborough website under the Office of Ethics tab. If written, the complaint form may be hand-delivered in a sealed envelope to the Marlborough Town Clerk or mailed to the Office of Ethics (herein referred to as the “Office”) [at PO Box ??, 26 North Main St, Marlborough, CT, 06447](#). Otherwise, the complaint may be electronically sent to the Office of Ethics on the secure link located on the Town of Marlborough website under the Office of Ethics tab.

3) Upon receipt of a complaint, the Office will promptly inform the respondent by Certified mail that a complaint has been filed against him/her. Within fourteen (14) Business days, the Office shall conduct a preliminary review of the complaint to determine whether there is probable cause to initiate an investigation. If the

complaint fails to provide sufficient information, upon which the Office can take appropriate action or fails to fall within the Office's purview, the Office may dismiss the complaint without further proceedings and send a Letter of Dismissal to the complainant by certified mail and file a copy of the letter in the OE confidential file.

4) If the Office determines that the complaint warrants an investigation, the Office will initiate such. As part of the investigation, the respondent shall have the right to be heard. The investigation shall render a finding of substantiation or unsubstantiation of the complaint and a confidential report in the form of a Memorandum of Findings shall be presented to the respondent and the Board of Selectmen or, as is the case, the Board of Education.

5) In accordance with Connecticut General Statutes Section 1-82a, as amended, not later than three days after the termination of the investigation, the Office shall inform, by certified mail, the complainant and respondent of its finding and provide them a summary of its reasons for making that finding. If the Office does not substantiate a complaint, the complaint and the record of its investigation shall remain confidential, except upon request of the respondent, and except further that some or all of the record may be used in subsequent proceedings. If the Office substantiates the complaint, such finding shall be forwarded, not later than three days after the termination of the investigation, to the Board of Selectmen with respect to respondents under its jurisdiction or to the Board of Education with respect to respondents under its jurisdiction. In the case of a consultant, the finding shall also be sent to the contracting agency. The finding shall also be made public, except as set forth in Section 1-82a.

6) Upon receipt of a Memorandum of Findings which substantiate the complaint, the Board of Selectmen shall set a date for a hearing, upon request of the respondent, on the complaint which is not less than 10 days nor more than 30 days after notice has been given to the respondent.

7) All hearings by the Board of Selectmen shall be conducted in executive session in accordance with Connecticut General Statutes Section 1-82a, as amended, with confidentiality rules strictly adhered to; provided, however, in the case of a nonpublic hearing, the respondent shall have the right to a public hearing. All parties shall have the right to legal counsel at their own expense. All parties are permitted to produce witnesses and to cross-examine witnesses. The Board of Selectmen reserves the right to call additional witnesses. Witnesses shall testify under oath. All parties shall have the right to be fully heard; provided, however, that the Board of Selectmen or Board of Education, as the case may be, reserves the right to remove any person from the hearing room for cause shown. Any party to the proceeding may introduce relevant documentary evidence. In nonpublic hearings, evidentiary documents shall be subject to the confidentiality rules.

8) Aside from the hearing process, the Board of Selectmen may conduct such other investigations as it deems necessary to reach a conclusion on a complaint, and the results of any such investigation shall be disclosed to the parties.

9) Upon conclusion of a hearing, the Board of Selectmen or the Board of Education, as the case may be, shall dismiss the complaint or, if not dismissed, that the respondent be: a) reprimanded, b) publicly censured or c) terminated in accordance with Code of Ethics Section 10-2 (C) (4) and other applicable law. The Board of Selectmen or the Board of Education, as the case may be, shall notify the respondent of its decision in a Memorandum of Decision by certified mail.

10) By agreement of the Board of Selectmen or the Board of Education, as the case may be, and the parties in any proceeding conducted under the Code of Ethics and these rules, rules and procedures may be modified to accommodate a particular circumstance, provided that any such modification shall be in accordance with applicable law.

CODE OF ETHICS

Chapter IX Attachment 3 Town of Marlborough CT Office of Ethics Guidelines for Gifts and Favors

The following guidelines are issued to delineate gifts and favors deemed to be of no substantial value and permissible under the provisions of Section 10-7 of the Town of Marlborough Code of Ethics:

1. The acceptance of a small gift, the denial of which would appear discourteous, provided the value of the gift does not exceed approximately \$50 from a single donor or \$100 per calendar year from a single donor, is permitted.
2. If a gift is received which is of such insignificant consequence that the cost of its return exceeds the value of the gratuity, it may be accepted.
3. Inexpensive advertising novelties, such as pens, calendars, and other such items customarily distributed to both the public and private sector, may be accepted.
4. An occasional meal or entertainment event may be accepted if it is in the ordinary course of business, but under no circumstances shall a meal or other event be accepted if the value exceeds approximately \$50. Occasional means: infrequent, without regularity, and generally not to exceed six or eight occasions per year.
5. Any other offer for travel, meals or entertainment is prohibited unless:
 - (a) it is part of an event related to the Town's business in which the employee or public officials from other municipalities are also offered the same benefit; and
 - (b) the event is approved in advance by the Selectmen Chair in the case of Town officials and employees, or the Superintendent of Schools in the case of Board of Education officials and employees. Any such approvals by the Selectmen Chair or Superintendent of Schools which exceed \$50 in value shall be reported in writing to the Chair of the Office of Ethics within ten (10) business days following the date of approval giving a description of the event, the approximate dollar amount involved, and the reason for the approval.
6. Acceptance of a gift, meal, entertainment event or other gratuity from a family member or person having a close relationship who would ordinarily be giving or exchanging gifts for special occasions such as religious holidays,

birthdays, birth or adoption of a child are allowed unless the donor has a matter pending where the recipient of the gift has decision making authority.

CODE OF ETHICS
Chapter IX Attachment 4
Town of Marlborough CT
Office of Ethics

ACKNOWLEDGMENT FORM

I have read the Code of Ethics of the Charter of the Town of Marlborough and the Guidelines issued thereunder. I understand my responsibilities as a member of

_____, an employee of the Town or a consultant

retained by _____, and I am in compliance with the Charter and the Code of Ethics. I have indicated in the space below any areas of possible conflict, should that arise in matters before our board, commission, agency or department, and I agree to report any future conflicts under the provisions of Chapter X of the Charter.

Possible areas of conflict:

Signature: _____ Date: _____

Amendment II Annual Town Budget / Town Meeting

Old Language 1985 Charter (6.55, 6.5.6, 6.5.6.1, 7.3)

6.5.5 PUBLIC HEARING ON THE PROPOSED ANNUAL BUDGET Old Language 1985 Charter 1985 Charter 1985 Charter

At least fourteen (14) days before the Annual Budget Meeting, the Board of Finance shall hold its final Public Hearing on the proposed Annual Budget. The following itemized information shall be presented:

- (a) A statement of actual receipts from all sources during the last Fiscal Year;
- (b) A statement by classification of all actual expenditures during the last Fiscal Year;
- (c) An estimate of anticipated revenues during the next Fiscal Year from each source other than from local property taxes and an estimate of the amount which should be raised by local property taxation for the next Fiscal Year;
- (d) An estimate of expenditures for the next Fiscal Year;
- (e) The amount of revenue surplus or deficit of the Town at the beginning of the Fiscal Year for which estimates are being prepared;
- (f) A statement of the actual and anticipated receipts and expenditures through June 30 of the current Fiscal Year;
- (g) A statement of the financial resources of the Town including a listing of all indebtedness;
- (h) A line entry of the Regional District #8 Board of Education's assessment on the Town for the next Fiscal Year;
- (i) An amount in a contingency fund not to exceed two (2) percent of the total estimated expenditure for the current Fiscal Year. After the hearing (s), the Board of Finance shall then revise the estimate and prepare a proposed Annual Budget for submission to the Annual Budget Meeting.

6.5.6 ANNUAL BUDGET MEETING Old Language 1985 Charter 1985 Charter

The Annual Budget Meeting, which shall also be the Annual Town Meeting, shall be held on the first Monday in May. Sufficient copies of the proposed Annual Budget shall be made available for general distribution in the office of the Town Clerk at least five (5) days prior to the Annual Budget Meeting.

The budget portion of the meeting shall be limited to a presentation of the Town of Marlborough Budget by the Board of Selectmen and Board of Finance with an opportunity for public participation by comments and questions. After reasonable discussion, the moderator shall adjourn the budget portion of the meeting to a referendum on the voting machines. The Annual Town Meeting may consider and act upon additional items which are the proper subject of a town meeting.

6.5.6.1 ANNUAL TOWN BUDGET REFERENDUM Old Language 1985 Charter

The Annual Town Budget, including budgets for both Town Operations and Local Board of Education, and Capital Improvement Plan Budget shall be acted upon by a machine vote of all those persons qualified to vote in a town meeting by referendum which shall take place on the first Tuesday after the first Monday in May. The referendum shall be conducted from the hours of 6:00 am until 8:00 pm.

At least five (5) days prior to such referendum, the Board of Selectmen shall publish in a newspaper having a general circulation in the town a notice of such referendum, setting forth the date on which, the hours during which, and the location at which the referendum will be held and the text of the question(s) as it will appear on the ballot. The text shall provide for approval/disapproval of the Budget of the Town of Marlborough and shall be as follows:

1. Shall the budget for the fiscal year July 1, ____ to June 30, ____ as recommended by the Board of Finance, be adopted? Yes _____ No _____

Absentee ballots shall be made available in advance to any qualified voter who is unable to present himself/herself at the polling place on the day of the Annual Town Budget Referendum in the manner prescribed by the Office of the Secretary of State.

Approval of the Annual Budget shall constitute appropriation of funds up to the amount authorized, beginning with the next fiscal year starting on July 1. The expenditure of funds from this budget shall be administered by the Selectmen in accordance with Section 3.4.16.

SECTION 7.3 SPECIAL TOWN MEETING Old Language 1985 Charter

Special Town Meetings shall be called by the Selectmen in accordance with the CGS. These meetings shall be called for the following purposes:

- (f) Act on a recommendation to sell real estate used or reserved for Town purposes. Approvals from the Board of Finance, the Planning Commission and the Inland Wetlands Agency are required before consideration of this action;
- (g) Act on codification of Ordinances per [Section 8.8](#);
- (h) Act on any proposal deemed of sufficient importance.

New Language 6.5.5, 6.5.6, 6.5.6.1, 7.3)

6.5.5 PUBLIC HEARING ON THE PROPOSED ANNUAL TOWN BUDGET New Language

Following the receipt of estimates from the Board of Selectmen and the Board of Education and prior to a public hearing required by this section, the Board of Finance may make such revisions in the budget estimates as it deems desirable and shall recommend such revised budget to the Town to be voted on in accordance with Section 6.5.2. Copies of the proposed Annual Budget shall be made available for general distribution in the office of the Town Clerk, and other locations and media as deemed appropriate by the Board of Selectmen, at least five (5) days prior to a public hearing on the proposed Annual Budget. Copies of any revisions in the budget recommended by the Board of Finance following the public hearing, together with copies of the original proposed annual budget, shall likewise be available for general distribution at the same locations and other locations and media as deemed appropriate by the Board of Selectmen.

On or before the third Monday in April The Board of Finance will hold a public hearing on the proposed Annual Town Budget. The purpose of this meeting shall be to present the proposed Annual Town Budget and to address any potential changes as may be discussed. After the hearing, the Board of Finance shall then revise the estimate and prepare a revised proposed Annual Town Budget.

On the first Monday in May the Board of Finance, with the Board of Selectmen, will hold a second public hearing for the purpose of presenting the final proposed Annual Town Budget that will be voted on by referendum on the first Tuesday after the first Monday in May.

The following itemized information shall be presented:

- (a) A statement of actual receipts from all sources during the last Fiscal Year;
- (b) A statement by classification of all actual expenditures during the last Fiscal Year;
- (c) An estimate of anticipated revenues during the next Fiscal Year from each source other than from local property taxes and an estimate of the amount which should be raised by local property taxation for the next Fiscal Year;
- (d) An estimate of expenditures for the next Fiscal Year;
- (e) The amount of revenue surplus or deficit of the Town at the beginning of the Fiscal Year for which estimates are being prepared;
- (f) A statement of the actual and anticipated receipts and expenditures through June 30 of the current Fiscal Year;
- (g) A statement of the financial resources of the Town including a listing of all indebtedness;
- (h) A line entry of the Regional District #8 Board of Education's assessment on the Town for the next Fiscal Year;
- (i) An amount in a contingency fund not to exceed two (2) percent of the total estimated expenditure for the current Fiscal Year.

6.5.6 ANNUAL TOWN BUDGET PUBLIC HEARING New Language

On the first Monday in May the Board of Finance, with the Board of Selectmen, will hold a public hearing for the purpose of presenting the final proposed Annual Town Budget that will be voted on by referendum on the first Tuesday after the first Monday in May (Sections 6.55).

6.5.6.1 MACHINE VOTE ON THE ANNUAL TOWN BUDGET REFERENDUM New Language

A referendum by machine vote shall be held on the proposed Annual Town Budget, including budgets for both Town Operations and Local Board of Education, and Capital Improvement Plan Budgets **on the first Tuesday after the first Monday in May**. The referendum shall be conducted during the hours of 6:00 AM until 8:00 PM.

At least five (5) days prior to such referendum, the Board of Selectmen shall publish in a newspaper having a general circulation in the town a notice of such referendum, setting forth the date on which, the hours during which, and the location at which the referendum will be held and the text of the question(s) as it will appear on the ballot. The text shall provide for approval/disapproval of the Budget of the Town of Marlborough and shall be as follows:

1. Shall the budget for the fiscal year July 1, _____ to June 30, ____ as recommended by the Board of Finance, be adopted?
Yes _____ No _____

Absentee ballots shall be made available in advance to any qualified voter who is unable to present himself/herself at the polling place on the day of the Annual Town Budget Referendum in the manner prescribed by the Office of the Secretary of State.

Approval of the Annual Town Budget shall be adopted by a majority of those voting and shall constitute appropriation of funds up to the amount authorized, beginning with the next fiscal year starting on July 1. The expenditure of funds from this budget shall be administered by the Board of Selectmen in accordance with Section 3.4.16

SECTION 7.3 TOWN MEETING New Language

Town Meetings shall be called by the Board of Selectmen for the following purposes:

- (a) Act on a recommendation to sell real estate used or reserved for Town purposes. A recommendation from the Board of Finance, and the Planning Commission are required before consideration of this action.
- (b) The issuance of Bonds and all other forms of financing as per charter Section 6.12
- (c) All requests for special appropriations over 2% of the Town Operations Budget as per charter Section 6.6.2.
- (d) The acceptance of any federal, state or private grant which participation shall require the Town to contribute funds in excess of 2% of the Town Operations Budget
- (e) Petition to overrule ordinances, except emergency ordinances
- (f) Such other matters or proposals as the Board of Selectmen, in their discretion shall deem of sufficient importance to be submitted to a Town Meeting, or as otherwise may be required by this Charter

Amendment III Appropriations

Old Language 1985 Charter (6.6.2, 6.6.3, 6.9)

A) 6.6.2 APPROPRIATION LIMIT Old Language 1985 Charter

The Board of Finance may make such special appropriations up to and including ten thousand dollars (\$10,000) per department budget in any one Fiscal Year from an approved contingency fund.

B) 6.6.3 REQUEST ABOVE APPROPRIATION LIMIT Old Language 1985 Charter

All requests for special appropriations over ten thousand dollars (\$10,000) shall require a public hearing called by the Board of Finance. After such hearing the Board of Finance shall submit the request with its recommendation, including any financing considerations, to a duly warned Special Town Meeting to be held no later than thirty (30) days after receiving such requests.

C) SECTION 6.9 EMERGENCY APPROPRIATIONS Old Language 1985 Charter

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, or of property of the Town, or the proper functioning or operation of the Town, emergency appropriations, the total amount of which shall not exceed ten thousand dollars (\$10,000) for any one occurrence in any one Fiscal Year, may be made by a vote of not less than two-thirds of the entire membership of the Selectmen, provided that the Selectmen shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens, or the property of the Town. In the absence of an available unappropriated and unencumbered General Fund cash balance to meet any such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the CGS and of this Charter, as may be determined by the Selectmen with the advice of the Treasurer and the Board of Finance.

New Language 6.6.2, 6.6.3, 6.9)

6.6.2 APPROPRIATION LIMIT New Language

The Board of Finance may make such special appropriations up to and including a dollar limit of 2% of the Town Operations Budget, per department budget in any one Fiscal Year from an approved contingency fund without the need for a public hearing

6.6.3 REQUEST ABOVE APPROPRIATION LIMIT New Language

All requests for special appropriations over 2% of the Town Operations Budget shall require a public hearing called by the Board of Finance. After such hearing the Board of Finance shall submit the request with its recommendation, including any financing considerations, to a duly warned Town Meeting to be held no later than thirty (30) days after receiving such requests.

SECTION 6.9 EMERGENCY APPROPRIATIONS New Language

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, or of property of the Town, or the proper functioning or operation of the Town, emergency appropriations, the total amount of which shall not exceed 2% of the Town Operations Budget, shall be made by the Chief Executive Officer (CEO), or his designee, with the consent of the Board of Selectmen, provided that the same, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens, or the property of the Town. In the absence of an available unappropriated and unencumbered General Fund cash balance to meet any such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the CGS and of this Charter, as may be determined by the Board of Selectmen with the advice of the CEO, Finance Director, Treasurer and the Board of Finance.

Amendment IV Public Bid

3.4.15 PUBLIC BID Old Language 1985 Charter

Unless otherwise specified by the CGS, Charter, Ordinance or Resolution voted at Town Meeting or Referendum, the Selectmen shall execute the Public Bidding or the purchase of any item with an estimated cost in excess of ten thousand dollars (\$10,000). Appropriate bid specifications and forms shall be made available. Items

for purchase with an estimated cost of one thousand dollars (\$1,000) to ten thousand dollars (\$10,000) may be let by invitation to bid. Items for purchase with an estimated cost of less than one thousand dollars (\$1,000) do not require bidding. The contract for purchase shall be awarded to the lowest qualified bidder.

3.4.15 PUBLIC BID New Language

Unless otherwise specified by the CGS, Charter, Ordinance or Resolution voted at a Town Meeting or Referendum, the Board of Selectmen shall execute the Public Bidding on the purchase of any item with an estimated cost in excess 1% of the Town Operations Budget. Appropriate bid specifications and forms shall be made available. Items for purchase with an estimated cost of 0.5% to 1% of the Town Operations Budget may be let by invitation to bid. Items for purchase with an estimated cost of less than 0.5% of the Town Operations Budget do not require bidding.

Amendment V Appointed Town Clerk and Tax Collector

Old Language 1985 Charter 2.2.8, 2.2.9, 2.2.3

A) 2.2.8 TOWN CLERK Old Language 1985 Charter Delete this entire section

~~Quadrennially there shall be elected a Town Clerk in the manner prescribed in the CGS (Section 9-189a).~~

B) 2.2.9 COLLECTOR OF TAXES Old Language 1985 Charter Delete this entire section

~~Quadrennially there shall be elected a Collector of Taxes in a manner prescribed in the CGS (Section 9-189).~~

C) 2.2.3 TERMS OF OFFICE (Elected) Old Language 1985 Charter

Terms of office of all elective municipal officers, except the Town Clerk, shall commence on the first Monday following their election. The term of office of the Town Clerk shall commence from the first Monday of January succeeding election (Section 9-1 89a). All officers shall hold office until their successors have been elected and qualified. The Town Clerk shall be responsible for verifying the start, end and proper overlap or each term or office.

New Sections 5.11, 5.12, New Language 2.2.3

5.11 TOWN CLERK New Section

The office of the Town Clerk shall be an appointed position. The current Town Clerk shall remain in office until their successor is appointed and duly qualified. The Town Clerk shall be appointed by the Board of Selectmen with no residency requirement, and may be removed by the Board of Selectmen at their discretion. The Town Clerk shall be chosen exclusively on the basis of administrative qualifications, character and experience. The Town Clerk shall have all the powers, duties and requirements imposed and conferred by general law and the terms of this Charter. All fees collected by the Town Clerk in the performance of the duties of the office shall be paid into the town treasury. The Town Clerk shall be compensated on a salary basis only as per CGS §7-34b

5.12 COLLECTOR OF TAXES New Section

The office of the Tax Collector shall be an appointed position. The current Tax Collector shall remain in office until a successor is appointed and duly qualified. The Tax Collector shall be appointed by the Board of Selectmen with no residency requirement, and may be removed by the Board of Selectmen at their discretion. The Tax Collector shall be chosen exclusively on the basis of administrative qualifications, character and experience. The Tax Collector shall have all the powers, duties and requirements imposed and conferred by general law and the terms of this Charter. All fees collected by the Tax Collector in the performance of the duties of the office shall be paid into the town treasury. The Tax Collector shall be compensated on a salary basis only.

2.2.3 TERMS OF OFFICE (Elected) New Language

Terms of office of all elected municipal officers shall commence on the first Monday following their election. All officers shall hold office until their successors have been elected and qualified (CGS Section 9-189a). The Town Clerk shall be responsible for verifying the start, end and proper overlap or each term or office.

Amendment VI Board Members

2.2.5 BOARD OF EDUCATION Old Language 1985 Charter

There shall be a nine (9) member Board of Education. There shall be four (4) year overlapping terms of office in the manner prescribed in the CGS (Section 9-204). When four (4) members of this Board are to be elected, each party may nominate three (3) candidates to be placed on the ballot and the electors may vote for three (3) candidates. Successful candidates shall be declared elected subject to minority representation on the Board.

2.2.5 BOARD OF EDUCATION New Language

There shall be a seven (7) member Board of Education with no more than four (4) members from the same political party. There shall be four (4) year overlapping terms of office. There may be alternate members under provisions of the CGS 7-340a. At the November 2023 election following adoption of this charter, three (3) members will be elected to join the four (4) members then holding office under the prior charter to form

the seven (7) person board. Four (4) members will be elected at the election held two (2) years later. When four (4) members of this Board are to be elected in a single election, each party may nominate three (3) candidates to be placed on the ballot and the electors may vote for three (3) candidates for office. Successful candidates shall be declared elected subject to the minority representation on the Board required by this Section.

2.2.6 BOARD OF FINANCE Old Language 1985 Charter

There shall be a six (6) member Board of Finance. Members of the Board shall be elected to serve four (4) year overlapping terms in a manner prescribed in the CGS (Section 9-202). There may be alternate members under the provisions of the CGS Section 7-340a. Transition to four (4) year terms or office shall occur upon the regular expiration of terms existing on the effective date of this Charter.

2.2.6 BOARD OF FINANCE New Language

There shall be a five (5) member Board of Finance and three (3) alternate members, each of whom shall be elected to serve four (4) year overlapping terms of office without compensation. At the November 2023 election following adoption of this charter, three (3) members and one (1) alternate member, will be elected to join the two (2) members then holding office under the prior charter to form the five (5) person board. Two (2) members and two (2) alternate members will be elected at the election held two (2) years later.

No member of the Board of Finance shall hold any other office of the Town Government, elected or appointed. Expenses incurred by the members in the performance of their duties may be reimbursed from an appropriation authorized for that purpose.

2.2.7 BOARD OF TAX REVIEW Old Language 1985 Charter

There shall be a three (3) member Board of Tax Review. There shall be four (4) year overlapping terms of office in the manner prescribed in the CGS (Section 9-199). Each party may nominate the total number of members to be elected and the electors may vote for the total number to be elected. Successful candidates shall be declared elected subject to minority representation on the Board.

2.2.7 BOARD OF ASSESSMENT APPEALS New Language

There shall be a five (5) member Board of Assessment Appeals with no more than three (3) members from the same political party. There shall be four (4) year overlapping terms of office in the manner prescribed in the CGS (Section 9-199). At

the November 2023 election following adoption of this charter, three (3) members will be elected to join the two (2) members then holding office under the prior charter to form the five (5) person board. Two (2) members will be elected at the election held two (2) years later. Each party may nominate the total number of members to be elected and the electors may vote for the total number to be elected. Successful candidates shall be declared elected subject to minority representation on the Board as per charter Section 2.3.

Amendment VII Fire Commissioners

SECTION 4.9 FIRE COMMISSIONERS Old Language 1985 Charter

There shall be established a Board of Fire Commissioners consisting of three (3) members, none or whom shall be active members of the Fire Department, to serve for four (4) year overlapping terms. Their powers and duties shall be established by Ordinance. The Town, through the Fire Commissioners, shall obtain fire protection for the Town by entering into an agreement with a Volunteer Fire Company. The Board of Fire Commissioners shall appoint a Town Fire Marshal and Town Deputy Fire Marshal for four (4) year terms under the provisions of [Section 4.1.3](#),

SECTION 4.9 FIRE COMMISSIONERS AND FIRE MARSHAL New Language

There shall be established a Board of Fire Commissioners, whose purpose is to obtain fire protection for the Town by entering into an agreement with a Volunteer Fire

Department. The Board of Fire Commissioners, shall be appointed by the Board of Selectmen, and consist of five (5) electors from the Town of Marlborough, to serve for four (4) year overlapping terms. The Board of Fire Commissioners shall be comprised of three (3) members with Fire Service experience and two (2) members without Fire Service experience, subject to minority representation as per Section 2.3 of this charter. No member shall be an active member of the Fire Department. Three (3) members of the entire Board of Fire Commissioners shall constitute a quorum. No action shall be adopted without a quorum present. Their powers and duties shall be established by ordinance.

Upon the permanent vacancy of the Fire Marshall or Deputy Fire Marshal, the position shall be filled by the Board of Selectmen upon the recommendation from the Board of Fire Commissioners, to four (4) year terms under the provisions of Section 7.1.3. The Fire Marshal and Deputy Fire Marshal shall serve both, the Board of Selectmen on administrative matters, and the Board of Fire Commissioners on technical / operational matters. The Fire Marshal and Deputy Fire Marshal shall receive compensation as may be approved in the annual budget.

Amendment VIII Miscellaneous Charter Changes

SECTION 2.3 MINORITY REPRESENTATION Old Language 1985 Charter

Minority representation of a political party on any board or commission shall be in accordance with the CGS Section 9-167a.

SECTION 2.3 MINORITY REPRESENTATION New Language

Except as expressly modified by the provisions of this Charter, minority representation on any board, commission, committee or similar body of the Town appointed by the Board of Selectmen shall be determined in accordance with the provisions of section 9-167a of the general statutes as amended except in the case of a five-member board, committee, commission or similar body where the maximum number of any such board, committee, commission or similar body from the same political party shall be three. As provided in said section, the maximum number of

any such board, commission, committee or similar body who may be members of the same political party shall be as specified in the following table”

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

Amendment VIII Miscellaneous Charter Changes (Continued)

SECTION 2.6 VACANCIES Old Language 1985 Charter

Any vacancy in any elective Town office shall be filled by appointment of the Selectmen for the balance of the term for which the person vacating the office had been elected. Such vacancy shall be filled by the appointment of a member of the same political party and take office as provided for in the Charter.

SECTION 2.6 VACANCIES New Language

Any vacancy in any elective Town office shall be filled by appointment of the Board of Selectmen for the balance of the term for which the person vacating the office had been elected. The party from which the vacancy occurred, and unaffiliated candidates, will have priority appointment status, assuming they are equally or more qualified

for the role. The town political committees have 30 days from the vacancy occurring to submit candidates to the Board of Selectmen. The Board of Selectmen will also provide public notice to town residents that any interested electable candidate can apply directly to them, no matter their party affiliation or non-affiliation. The Board of Selectmen will discuss the candidacy of all nominees, vote and make transparent the reason for their choice in a public meeting. Such vacancy shall be filled by the Board of Selectmen appointment of the most qualified candidate and take office as provided for in the Charter and in accordance with Minority Representation Section 2.3

~~2.6.1 VACANCY TERM EXCEPTION~~ Delete this entire section

~~The Planning Commission shall fill its own vacancies. Should the Planning Commission fail to fill its vacancies per the CGS, the Selectmen shall fill the vacancies according to the provisions of this Charter.~~

Section 3.4.1 FILLING OF VACANCIES Old Language 1985 Charter

The Selectmen shall fill vacancies in elective offices according to the provisions of Section 2.7. The Selectmen shall be the Legislative Body (Section 7.1.1) designated to fill vacancies on the Regional District #8 Board of Education. The Selectmen shall fill vacancies in appointive offices as provided in Section 4.1.3 and Section 5.9 of this Charter.

Amendment VIII Miscellaneous Charter Changes **(Continued)**

Section 3.4.1 FILLING OF VACANCIES New Language

The Board of Selectmen shall fill vacancies in elective offices according to the provisions of Section 2.6. The Board of Selectmen shall be the Legislative Body designated to fill vacancies on the Regional District #8 Board of Education. The Board of Selectmen shall fill vacancies in appointive offices as provided in Chapter IV of the Charter.

With respect to any such appointments the party from which the vacancy occurred, and unaffiliated candidates, will have priority appointment status, assuming they are equally or more qualified for the role. The town political committees have 30 days from the vacancy occurring to submit candidates to the Board of Selectmen. The Board of Selectmen will also provide public notice to town residents that any interested appointable candidate can apply directly to them, no matter their party

affiliation or non-affiliation. The Board of Selectmen will discuss the candidacy of all nominees, vote and make transparent the reason for their choice in a public meeting. Such vacancy shall be filled by the Board of Selectmen appointment of the most qualified candidate and take office as provided for in the Charter and in accordance with Minority Representation Section 2.3.

3.4.3 ACCEPTANCE OF ROADS AND OTHER MUNICIPAL IMPROVEMENTS Old Language 1985 Charter

In order for roads and other municipal improvements to be considered for acceptance, they must be approved by the Planning Commission and their completion approved by the Town Engineer. The Selectmen may accept the above provided all the following conditions are satisfied: (1) Written approval of the Town Engineer is on file. (2) Written approval of the Planning Commission is on file. (3) A duly warned Public Hearing has been held. Should the Selectmen fail to accept a road or other municipal improvements and the above conditions have been satisfied, acceptance shall be referred to a Town Meeting for action.

Amendment VIII Miscellaneous Charter Changes (Continued)

3.4.3 ACCEPTANCE OR ABANDONMENT OF ROADS AND OTHER MUNICIPAL IMPROVEMENTS New Language and new title

In order for roads and other municipal improvements to be considered for acceptance, the Board of Selectmen must be provided the following: (1) Written approval by the Town Engineer is on file. (2) Receipt of the recommended approval or denial by the Planning Commission in accordance with CGS 8-24. The Planning Commission must respond to the request for approval within thirty-five (35) days. Failure to act shall constitute a recommendation for approval.

The abandonment of roads or municipal improvements cannot be approved by the Board of Selectmen unless it is in receipt of the recommended approval or denial by the Planning Commission in accordance with CGS 8-24. The Planning Commission must respond to the request for approval within thirty-five (35) days. Failure to act shall constitute a recommendation for approval.

~~3.4.4 MAINTENANCE BOND PROTECTION FOR EXISTING ROADS~~ Delete this entire section

~~The Board of Selectmen may require the posting of maintenance bonds on existing Town accepted roads to cover damage caused by the process of construction.~~

3.4.6 PURCHASE OR EXCHANGE OF REAL ESTATE Old Language 1985 Charter

The Selectmen with the approval of the Planning Commission and Inland Wetlands Agency, may purchase or exchange real estate for a specific Town use. Any appropriation required shall be subject to the conditions of Section 6.6.

3.4.6 PURCHASE OR EXCHANGE OF REAL ESTATE New Language

The Board of Selectmen, may purchase or exchange real estate for a specific Town use provided it has received the recommended approval or denial by the Planning Commission in accordance with CGS 8-24. The Planning Commission must respond to the request for approval within thirty-five (35) days. Failure to act shall constitute a recommendation for approval. Any appropriation required shall be subject to the conditions of Section 6.6.

Amendment VIII Miscellaneous Charter Changes
(Continued)

3.4.6.1 EASEMENTS Old Language 1985 Charter Add language in red to existing section

The Board of Selectmen, without further municipal approval, shall have the authority to procure necessary easements from private property owners to provide for appropriate **storm** water ~~supply~~ **management, pedestrian & vehicular sight line, and water supply** for fire prevention purposes. Any appropriation required shall be subject to the conditions of Section 6.6.

3.4.7 ACCEPTANCE OF REAL ESTATE Old Language 1985 Charter

The Selectmen may accept real estate, subject to the approval of the Planning Commission and Inland Wetlands Agency. Commissions must respond to the request for approval within thirty-five (35) days. Failure to act shall constitute approval.

3.4.7 ACCEPTANCE OF REAL ESTATE **New Language**

The Board of Selectmen may accept real estate, after receipt of the recommended approval or denial by the Planning Commission in accordance with CGS 8-24. The Planning Commission must respond to the request for approval within thirty-five (35) days. Failure to act shall constitute a recommendation for approval. Any appropriation required shall be subject to the conditions of Section 6.6.

3.4.12 MAINTENANCE OF TOWN PROPERTIES **Old Language 1985 Charter**

The Selectmen shall employ the services of custodial or maintenance work for any public park, building, playground, road or other facility under the care of any officer, board, commission or, committee of the Town. Facilities under the care of the Board of Education are exempted from this coverage except in those areas agreed upon.

3.4.12 MAINTENANCE OF TOWN PROPERTIES **New Language**

The Board of Selectmen shall, budget for, and maintain all town owned facilities including buildings, public parks, playgrounds, road or other facilities under the care of any officer, board, commission or committee of the Town. The budget shall include funds necessary to be appropriated by the Town for the maintenance of the local public school(s), and grounds and shall be accounted for in the Board of Education budget for such purpose as per CGS 10-222. The Board of Selectmen shall prepare an annual Capital Improvement and Maintenance Plan for all town owned facilities.

Amendment VIII Miscellaneous Charter Changes
(Continued)

SECTION 4.1 GENERAL **Old Language 1985 Charter**

The Selectmen shall appoint the members or all boards, commissions, agencies and committees authorized by Chapter IV of this Charter, hereinafter referred to as "appointive boards".

SECTION 4.1 GENERAL **New Language**

The Board of Selectmen shall appoint the members of all boards, commissions, agencies and committees authorized by Chapter IV of this Charter, hereinafter

referred to as "appointive boards" according to the process described in sections 2.6 and 3.4.1 of this Charter.

4.1.1 QUALIFICATION OF MEMBERS Old Language 1985 Charter

All members and appointive boards shall be qualified electors of the Town and shall vacate their positions upon ceasing to be electors of the Town.

4.1.1 Qualification of Members New Language

All members and appointive boards shall be qualified electors of the Town and shall vacate their positions upon ceasing to be electors of the Town. The Board of Selectmen shall regard the qualifications of candidates to all Boards and Commissions to be the highest priority in their selection, and party affiliation will be secondary to that. In the case of comparable qualifications, candidates from the party from which the vacancy occurred, and unaffiliated candidates, have priority subject to Minority Representation Section 2.3 of the Charter.

Amendment VIII Miscellaneous Charter Changes **(Continued)**

4.1.2 OATH OF OFFICE Old Language 1985 Charter

They shall be sworn in before taking office and the officer administering the oath shall record such fact in the office of the Town Clerk.

4.1.2 Oath of Office New Language

Appointed members of Boards, Commission, Agencies and Committees shall be sworn in before taking office and the officer administering the oath shall record such fact in the office of the Town Clerk.

In addition to the Oath of Office, appointive Boards and Commissions will establish and have on record a signed Membership Expectations agreement from each of its members which outline minimum attendance, participation and conduct expectations

of its membership. The objective is to promote standardization across all Boards and Commissions. A standard template shall be available from the office of the Town Clerk

Any changes or additions to the Membership Expectations template shall be voted in by the individual Board or Commission, and submitted to the Board of Selectmen for final approval prior to being executed. The signed and dated Membership Expectations agreement will be valid for the duration of the appointment to a Board or Commission, or until updated. Any updates or changes to the Membership Expectations template, upon approval by the Board of Selectmen, will be (re)signed by all Board or Commission members, so that all members of a given Board or Commission operate according to the same, approved Minimum Expectations. The Chairperson of the Board or Commission shall maintain the original signed Membership Expectations agreement document.

Failure to adhere to the rules may result in a warning, or action by the Board or Commission, asking for the resignation of a member who is unable or unwilling to fulfil their obligation in a manner that advances the best interests of the Board or Commission, and the Town of Marlborough.

Amendment VIII Miscellaneous Charter Changes (Continued)

4.1.3 TERMS OF OFFICE (Appointed) Old Language 1985 Charter

The appointed members shall serve until their respective successors have been appointed and qualified. Unless otherwise provided by the CGS or agreement, the terms of office shall commence on the third Monday of January following a regular Town Election. The length of terms shall be as hereinafter specified upon acceptance or a resignation by the Selectmen all vacancies on appointive boards shall be filled within sixty (60) days for the unexpired term.

4.1.3 Terms of Office (Appointed) New Language

The length of terms shall be as hereinafter specified upon appointment by the Board of Selectmen. All vacancies on appointive boards shall be filled within sixty (60) days for the unexpired term.

~~**SECTION 4.3 ECONOMIC DEVELOPMENT AGENCY**~~ Old Language 1985 Charter **Delete this entire section** The Economic Development Commission shall be designated as the Development Agency for the Town pursuant to Section 8-188 and have all the powers as set forth in Chapter 132 of the CGS.

SECTION 4.6 CIVIL PREPAREDNESS ADVISORY COUNCIL Old Language 1985 Charter

There shall be established a Civil Preparedness Advisory Council consisting of not less than seven (7) members nor more than fifteen (15) members to be appointed representing the fire, police, public health nursing committee, business and service groups. One (1) member shall be appointed Coordinator. The Civil Preparedness Coordinator and the Council shall have the powers and duties granted under Section 28-7 of the CGS.

SECTION 4.6 OFFICE OF EMERGENCY MANAGEMENT New Language

There shall be established an Office of Emergency Management, with an Emergency Management Director to be appointed by the Board of Selectmen. The Office of

Emergency Management shall have the powers and duties granted under CGS Section 28-7.

Amendment VIII Miscellaneous Charter Changes (Continued)

~~**SECTION 4.7 MUNICIPAL HEALTH SERVICE COMMITTEE**~~ Old Language 1985 Charter **Delete this entire section**

~~There shall be established a Municipal Health Service Committee consisting of nine (9) members appointed with the recommendation of the Director or Health. Their terms shall be for three (3) years and may be followed by two (2) successive terms but shall allow for a one (1) year lapse before beginning a fourth term. Their powers and duties shall be as specified under Chapter 334, Section 19-71a of the CGS.~~

~~**SECTION 4.8 JURY COMMISSION**~~ Old Language 1985 Charter **Delete this entire section**

~~There shall be established a Jury Commission consisting of three (3) members appointed according to, and have powers and duties as specified under Chapter 884 (Section 51-221) of the CGS.~~

SECTION 5.3 POLICE Old Language 1985 Charter

The Selectmen may utilize the services of a Resident state Trooper per Section 29-5 of the CGS or organize a local Police Department by Ordinance (Reference Section 7-274 of the CGS)

SECTION 5.3 POLICE SERVICES New Language

The Board of Selectmen may utilize the services of the resident state trooper program as per CGS 29-5 and 7-274, supplemented with local police officers or constables or organize a local police department by ordinance. Such police service shall provide 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 and the ordinances of the Town and all rules and regulations made in accordance therewith.

~~SECTION 5.4 CONSTABLES~~ Old Language 1985 Charter ~~Delete this entire Section~~

~~The Selectmen shall appoint a sufficient number of Constables who shall serve at the direction of the Selectmen.~~

Amendment VIII Miscellaneous Charter Changes (Continued)

SECTION 5.6 TOWN COUNSEL Old Language 1985 Charter **Add changes in Red**

The **Board of Selectmen** shall appoint a Town Counsel who shall be an attorney-at-law or a firm of attorneys-at-law, admitted to practice in this State. The **Town** Counsel shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against the Town or any of its officers or agencies in all matters affecting the Town and shall, upon written request, submitted to him through the **Chief Executive Officer**, furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request the Counsel shall prepare or approve forms of contracts or other instruments to which the Town is a part. The Counsel shall have the power, with the approval of the Selectmen, to compromise or settle any claims by or against the Town. **His/her** presence shall be required at Town Meetings upon request of the Selectmen.

6.2.1 ORGANIZATION Old Language 1985 Charter

The Board of Finance shall meet within fourteen (14) days after taking office per [Section 2.2.3](#) for organizational purposes. The Board shall elect from its membership a chairman, vice-chairman and a clerk. A regular meeting schedule and a procedure for calling special meetings shall be established. Any other business of an organizational nature may be accomplished four (4) members shall constitute a quorum. Four (4) members voting affirmatively shall be required to transact business except to adjourn or set a meeting date and time. Minutes of all meetings shall be recorded and filed in accordance with Section 1-19 of the CGS.

6.2.1 ORGANIZATION New Language

The Board of Finance shall meet within fourteen (14) days after taking office per [Section 2.2.3](#) for organizational purposes. The Board shall elect from its membership a chair, vice-chair and a secretary. A regular meeting schedule and a procedure for calling special meetings shall be established. Four (4) members of the Board of Finance shall constitute a quorum. Three (3) members voting in the affirmative shall be required to transact business except to adjourn or set a meeting date and time. Minutes of all meetings shall be recorded and filed in accordance with Section 1-210 of the CGS.

6.5.3 DUTIES OF THE BOARD OF EDUCATION ON BUDGET Old Language 1985 Charter

At least sixty (60) days before the Annual Budget Meeting, the Chairman of the Board of Education shall present to the Board of Finance an itemized estimate of the proposed public school budget and of all educational revenue other than Town appropriations to be received and used toward educational expenses during the next Fiscal Year. The recommended final budget shall be submitted by the Board of Education thirty (30) days before the Annual Budget Meeting

6.5.3 DUTIES OF THE BOARD OF EDUCATION ON BUDGET New Language

Board of Education Budget Preparation (Kickoff) Meeting:

At least seven (7) months before the Annual Town Budget Public Hearing is conducted the Board of Education shall hold a meeting to discuss the upcoming budget process with the local Superintendent of School(s), the Board of Selectmen, Board of Finance, and RHAM Board of Education for the purpose of establishing goals and objectives.

Budget Development:

- (a) The Board of Education shall review for changes and approve an itemized estimate of the proposed school budget developed by the school Superintendent for the ensuing year.

- (b) At least sixty (60) days before the **Annual Town Budget Public Hearing**, the Chair of the Board of Education shall present to the Board of Finance their proposed itemized school budget including the cost of maintenance of public school(s) and grounds for the ensuing year. In addition the Board of Education shall prepare an annual Capital Improvement and Maintenance Plan. The Board of Finance may only request a dollar amount change to the total proposed school budget. Changes to line items in the public school budget can only be made by the Board of Education. The proposed school budget shall include all education revenue other than Town appropriations to be received and used toward education expenses during the next fiscal year.

- (c) The recommended final budget shall be submitted by the Board of Education to the Board of Finance thirty (30) days before the Annual Town Budget Public Hearing

6.5.6.2 REJECTION OF THE PROPOSED ANNUAL BUDGET Old Language
1985 Charter

Should the budget fail to be approved by a majority of those voting thereon, the Board of Finance shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget to a referendum not later than three (3) weeks following the date the initial budget referendum was defeated.

The Board of Finance shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget for consideration. This process shall be repeated in at least three (3) week succeeding intervals until such time as the budget is adopted.

In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

6.5.6.2 BOARD OF FINANCE ACTION ON REJECTION OF THE PROPOSED ANNUAL TOWN BUDGET New Language

Should the budget fail to be approved by a majority of those voting thereon, the Board of Finance shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget to a referendum not later than three (3) weeks following the date the initial budget referendum was defeated.

The Board of Finance shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget for consideration. This process shall be repeated in at least three (3) week succeeding intervals until such time as the budget is adopted.

In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

Amendment VIII Miscellaneous Charter
Changes (Continued)

SECTION 6.7 TRANSFER OF UNEXPENDED FUNDS Old Language 1985
Charter

The Board of Finance, when requested by the Selectmen, may transfer unexpended balances from one line appropriation to another in accordance with Section 7-347 of the CGS.

6.7.1 TRANSFER LIMITS

The Board of Selectmen may transfer line item amounts up to two thousand dollars (\$2,000) within any account except for salary accounts, and shall notify the Board of Finance of such transfer within fourteen (14) days after said transfer.

SECTION 6.7 TRANSFER OF UNEXPENDED FUNDS New Language

6.7.1 INTRADEPARTMENTAL TRANSFERS New Language

The Chief Executive Officer (CEO) of the Town, upon written request from a department head, excluding the local and Regional Boards of Education, may approve intradepartmental transfers of unencumbered or unexpended appropriation funds up to and including 10% of a department's budget, throughout the fiscal year. All written requests for intradepartmental transfers in excess of 10% of a department's budget shall require approval by the Board of Selectmen. All approved transfers shall be reported to the Board of Finance, and the Board of Selectmen and the CEO on a monthly basis.

6.7.2 INTERDEPARTMENTAL TRANSFERS New Language

The Chief Executive Officer (CEO), with the approval of the Board of Selectmen may approve during the fiscal year the transfer of unencumbered or unexpended appropriation funds up to and including 1% of the Town Operations Budget, from one department, office or agency to another in accordance, with CGS 7-347. Interdepartmental transfers in excess of 1% of the Town Operations Budget shall require approvals of the Board of Selectmen and the Board of Finance.

The CEO shall provide to the Board of Finance a statement certifying that the balance to be transferred is available for transfer from the department, office or agency from which such transfer is being made. Interdepartmental transfers shall be guided by Generally Accepted Accounting Principles. All transfers shall be reported in writing to the Board of Finance and the Board of Selectmen and the CEO on a monthly basis.

This section shall not affect the local or Regional Boards of Education which shall have the power to make its own transfers provided that such transfers are reported to the Board of Selectmen and the Board of Finance when so made.

SECTION 6.12 BORROWING Old Language 1985 Charter

The Town shall have the power to incur indebtedness by issuing its bonds and/or notes as provided by the CGS and subject to the following limitations. The issuance of bonds and/or notes totaling not more than ten (10) percent of the current tax levy for any single purpose in any one Fiscal Year may, after consideration by the Board

of Finance, be authorized by majority vote at a duly warned Town Meeting. Any resolution authorizing the issuance of bonds and/or notes for any amount over ten (10) percent of the current tax levy shall, after a Public Hearing and consideration by the Board of Finance, be submitted for approval by referendum vote at a general or special election. An affirmative referendum vote shall consist of a majority or more in the affirmative and such majority shall consist of not less than fifteen (15) percent of the eligible voters. The Town may, however, without such referendum vote, borrow in anticipation of taxes by resolution an amount not to exceed such taxes, after consideration of the Board of Finance and adoption by a majority vote of qualified voters present and voting at a duly warned Town Meeting. Any amount borrowed in anticipation of taxes shall be repaid within the same Fiscal Year.

SECTION 6.12: BORROWING New Language

The Town shall have the power to incur indebtedness by issuing its bonds and/or notes as provided by the CGS and subject to the following limitations. The issuance of bonds and/or notes totaling not more than ten (10) percent of the current tax levy for any single purpose in any one Fiscal Year may, after consideration by the Board of Finance, be authorized by majority vote at a duly warned Town Meeting. Any resolution authorizing the issuance of bonds and/or notes for any amount over ten (10) percent of the current tax levy shall, after a Public Hearing and consideration by the Board of Finance, be submitted for approval by referendum vote. An affirmative

Amendment VIII Miscellaneous Charter
Changes (Continued)

referendum vote shall consist of a majority or more in the affirmative and such majority shall consist of not less than fifteen (15) percent of the eligible voters. The Town may, however, without such referendum vote, borrow in anticipation of taxes by resolution an amount not to exceed such taxes, after consideration of the Board of Finance and adoption by a majority vote of qualified voters present and voting at a duly warned Town Meeting. Any amount borrowed in anticipation of taxes shall be repaid within the same Fiscal Year.

7.1.2 PERSONS QUALIFIED TO VOTE Old Language 1985 Charter

Persons qualified to vote in the Annual and Special Town Meeting shall be electors of the Town or property owners with qualifications provided by the CGS.

7.1.2 PERSONS QUALIFIED TO VOTE **New Language**

Persons qualified to vote in Town Meetings shall be electors of the Town or property owners with qualifications as provided by the CGS.

~~**SECTION 7.2 ANNUAL TOWN MEETING...**~~ Old Language 1985 Charter Delete this Section

~~The Annual Town Meeting shall be held on the first Monday in May for action on the proposed Annual Town Budget, and other business duly warned for the meeting. The Annual Town Meeting is also known as the Annual Budget Meeting.~~

SECTION 7.4 TOWN MEETING PROCEDURE Old Language 1985 Charter

All Town Meetings shall be called to order by the First Selectman or his delegate. A moderator shall be elected and all business conducted shall be in accordance with Roberts' Rules of Order, as amended, and with the provisions of Chapter 90 of the CGS. The Town Clerk shall serve as Clerk of all Town Meetings. In the absence of the Town Clerk, an acting clerk may be designated by the Town Meeting.

Amendment VIII Miscellaneous Charter Changes
(Continued)

SECTION 7.4 TOWN MEETING PROCEDURE **New Language**

All Town Meetings shall be called pursuant to CGS 7-3 by resolution of the Board of Selectmen, fixing a time and place of said meeting, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town, and by posting in a public place.

All Town Meetings shall be called to order by the Selectmen Chair, or his delegate. A moderator shall be elected, and all business conducted shall be in accordance with Roberts' Rules of Order, as amended, and with the provisions of Chapter 90 of the CGS. The Town Clerk shall serve as Clerk of all Town Meetings. In the absence of the Town Clerk, an acting clerk may be designated by the Town Meeting.

SECTION 7.7 PETITION FOR SPECIAL TOWN MEETING Old Language
1985 Charter

7.7.1 PETITION Old Language 1985 Charter

Two hundred (200) persons qualified to vote in a Town Meeting may at any time petition over their signatures on a form provided by the Town Clerk for the enactment of any proposed lawful Ordinance, overrule of action taken by the Board of Finance under Section 6.6.2, or other action by filing such petition, including the complete text of such Ordinance of, other proposed action, with the Town Clerk.

SECTION 7.7 PETITION FOR TOWN MEETING New Language

7.7.1 PETITION New Language

Two hundred (200) persons qualified to vote in a Town Meeting may at any time petition for a Town Meeting, over their signatures on a form provided by the Town Clerk, for the enactment of any proposed lawful Ordinance in accordance with Section 3.4 or overrule of action taken by the Board of Finance under Section 6.6 or other action by filing such petition, including the complete text of such Ordinance or, other proposed action with the Town Clerk.

Amendment VIII Miscellaneous Charter Changes
(Continued)

7.7.5 EFFECTIVE DATE (Proposed Ordinance) Old Language 1985 Charter...add word in red “day”

If the majority of those voting shall vote "yes" then such Ordinance or other action shall take effect on the tenth (10th) day thereafter. Such a majority must equal or exceed five (5) percent of the eligible electors of the Town, as determined by the last completed registry list of the Town.

SECTION 8.6 EFFECTIVE DATE Old Language 1985 Charter

This Charter shall become effective November 6, 1985. Wherever a change in the composition of a board or term of office is called for by this Charter, that change shall

be effected by appointment or election, wherever appropriate, but no later than the next regular election affecting said board or office.

SECTION 8.6 EFFECTIVE DATE New Language

This Charter shall become effective, _____ **Month date Year 2021.** Wherever a change in the composition of a board or term of office is called for by this Charter, that change shall be effected by appointment or election, wherever appropriate, but no later than the next regular election affecting said board or office.

SECTION 8.8 CODIFICATION AND RECODIFICATION OF ORDINANCES

Old Language 1985 Charter

As soon as practicable after the adoption of this Charter there shall be prepared by a committee to be appointed by the Selectmen a codification of all Ordinances in force eliminating all obsolete and conflicting provisions. Said codification shall be passed by the Town Meeting as a single Ordinance and without prior publication. Upon its passage, it shall be published in such form and made available at such price as may be determined by the Town Meeting. A similar recodification shall be prepared, passed and published periodically at the direction of the Selectmen but not less frequently than every ten (10) years.

Amendment VIII Miscellaneous Charter Changes
(Continued)

SECTION 8.8 CODIFICATION AND RECODIFICATION OF ORDINANCES

New Language

New or amended ordinances shall be periodically codified. They shall be codified at least once every ten years.

SECTION 8.10 TERMINOLOGY

Old Language 1985 Charter

Wherever appropriate in this Charter, masculine terms shall be read as the feminine or neuter equivalent, singular terms as the plural equivalent, and vice versa, all as the sense may require.

SECTION 8.10 TERMINOLOGY New Language

Whenever used in the context of this Charter, the following words and phrases shall have the following meanings:

1. Masculine gender terms shall be read as the feminine or neuter equivalent.
2. Selectmen shall mean Board of Selectmen.
3. Town Agency shall mean all of the elected and appointed boards, agencies, commissions, authorities and committees of the Town, including the local Board of Education.
4. Supplemental Appropriation shall mean an appropriation that is in addition to the total amount of the budget at any given point in time. It is not a transfer within or between departments.
5. Special Appropriation shall mean an appropriation of funds not previously included in the approved Annual Town Budget.
6. Department shall mean a unit of administration for budgetary purposes. There need not be a director of a department.
7. Town Officer shall mean a member of a Town Agency.
8. CGS or General Statutes shall mean the Connecticut General Statutes as may be revised from time to time.
9. Singular shall include the plural and the plural shall include the singular unless the context otherwise requires.
10. Day shall mean a calendar day unless otherwise specified in the Town Charter.

Amendment VIII Miscellaneous Charter Changes (Continued)

Amendments to the Marlborough Town Charter were published in full in the River East a newspaper having circulation in the Town of **Marlborough on the __ day of , 2021**. The question of approval or disapproval by the electorate on the voting machines was approved on _____November ~~5, 1985~~ at the municipal election.

ADDITIONS TO CHARTER SECTIONS

SECTION 4.15: LAKE ADVISORY COMMISSION New Charter Section

There shall be established a Lake Advisory Commission consisting of seven (7) members and three (3) alternate members to be appointed by the Board of Selectmen and with the powers and duties prescribed by Ordinance.

SECTION 4.16: NATURE TRAILS AND SIDEWALK COMMISSION New Charter Section

There shall be established a Nature Trails and Sidewalk Commission consisting of five (5) members and three (3) alternate members to be appointed by the Board of Selectmen and with the powers and duties prescribed by Ordinance.

SECTION 4.17: WATER POLLUTION CONTROL AUTHORITY COMMISSION
New Charter Section

There shall be established a Water Pollution Control Authority Commission consisting of five (5) members and three (3) alternate members to be appointed by the Board of Selectmen and with the powers and duties prescribed by Ordinance.

SECTION 4.18: COMMISSION ON AGING New Charter Section

There shall be established a Commission on Aging consisting of five (5) members and three (3) alternate members to be appointed by the Board of Selectmen and with the powers and duties prescribed by Ordinance.

SECTION 4.19: CEMETERY COMMITTEE New Charter Section

There shall be established a Cemetery Committee consisting of five (5) members and one (1) alternate member to be appointed by the Board of Selectmen and with the powers and duties prescribed by Ordinance.

SECTION 5.13 EMERGENCY MANAGEMENT DIRECTOR New Charter Section

The Board of Selectmen shall appoint an Emergency Management Director to the Office of Emergency Management. The Office of Emergency Management shall have the powers and duties granted under CGS Section 28-7.