

CHAPTER I. INCORPORATION AND POWERS

Sec. 1.1. Incorporation.

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

Sec. 1.2. Rights and obligations.

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

Sec. 1.3. General grant of powers.

The town shall have in addition to the powers specifically granted by this Charter all powers granted to it under any general statute or special act now or hereinafter enacted by the General Assembly and all powers fairly implied or incident to the management of the property, government and

affairs of the town, including the power to enter into contracts with the federal government or with the State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and general statutes of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

(11-4-86)

Sec. 1.4. Specific powers.

The town shall have the following specific powers in addition to all powers that are now or may hereafter be granted to towns and cities under the constitution and general statutes of the State of Connecticut, such powers to be exercised by the town through the enactment and enforcement of ordinances, bylaws or otherwise: 1. To contract, to sue and be sued, and to institute, prosecute, maintain and defend any action or proceeding in any court of competent jurisdiction; 2. to make, have and use and, from time to time to alter a common seal; 3. to take, purchase, hold, condemn in the manner provided by the general statutes, lease, sell and convey such real and personal property as the purposes of the town may require; 4. to provide for the authentication, execution and delivery of deeds, grants and releases of town property; 5. to take by gift, grant, bequest and devise and to hold real and personal estate absolutely or in trust for any public use including that of education, art, ornament, health, charity or amusement, for cemeteries, parks or gardens, or for the erection or maintenance of statues, monuments, buildings or structures, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said town and to provide for the proper administration of the same; 6. to manage, regulate and control the finances and property, real and personal, of the town and to regulate and provide for the sale, conveyance, transfer and release of the town property and to provide for the due execution of contracts and evidences of indebtedness issued by the town; 7. to provide public entertainments and amusements for the people of the town; 8. to lay out, construct, reconstruct, alter, maintain, repair, control and operate streets, alleys, boulevards, bridges, underpasses, sidewalks, curbs, gutters, public walks, garbage and refuse disposal

facilities, cemeteries, parks, parkways, playgrounds, playfields, field houses, recreation centers, swimming pools, beaches, bath houses, markets, comfort stations, hospitals, clinics, institutions for children, the aged, infirm and chronically ill, bus terminals, parking lots, other off-street parking facilities, airports, and their accessories, docks, wharves, school houses, libraries, and any and all buildings necessary or convenient for carrying on the government of the town; 9. to create, provide for, construct, regulate and maintain all things, in the nature of public works and improvements; 10. to enter into or upon any land for the purpose of making necessary surveys or mapping in connection with any public improvement and to take by eminent domain any lands, rights, easements, privileges, franchises or structures which may be necessary for the purpose of establishing, constructing or maintaining any public work, within the town limits, or for any municipal purpose, in the manner prescribed by the general statutes; 11. to lay out, construct, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants; 12. to provide for lighting the streets, highways, and other public places of the town and for the care and preservation of public lamps and lamp posts and fixtures; 13. to provide for the planting, rearing and preserving of shade and ornamental trees in the streets and public grounds; 14. to provide for and regulate the collection and disposal of all garbage, trash, waste and ashes, either by contract or otherwise, and prohibit and regulate the depositing of the same within the town; 15. to keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks, and public places in said town; 16. to require owners or occupants of land adjacent to any sidewalk or public work to remove snow, ice, sleet, debris or any other obstruction there from, to provide penalties upon their failure to do so and to cause such snow, ice, sleet, debris or other obstruction to be removed and to make the cost of such removal a lien on such property; 17. to regulate and prohibit the excavation, altering, use or opening of streets, sidewalks, highways, public places and grounds for public and private purposes and the locating of any work or things therein, whether temporary or permanent, upon or under the surface thereof; 18. to regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the town; 19. to prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets, or other public places of the town or into sanitary sewers; 20. to

keep the streets, sidewalks and public places free from undue noises and nuisances and prohibit loitering thereon; 21. to regulate and prohibit the operation of vehicles on town streets and highways; 22. to regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles, and of animals, and the driving or leading of animals through the streets; 23. to permit, regulate and prohibit games, coasting, sliding and the use of velocipedes, bicycles and tricycles on the streets of the town; 24. to provide for the policing of the town and to regulate and prescribe the duties of the police force in respect to criminal matters within the limits of the town and to maintain and regulate a suitable place of detention within the town limits for the safekeeping of all persons arrested and awaiting trial; 25. to preserve the public peace and good order, to prevent and quell riots and disorderly assemblages and to prevent disturbing noises; 26. to make and enforce police, sanitary and other similar regulations and to protect or promote the peace, safety, good government and welfare of the town and its inhabitants; 27. to prevent trespassing on public and private lands and in buildings in said town; 28. to secure the safety of persons passing through or in the town by regulation of shows, parades, processions and music; 29. to define, prohibit and abate within the town all nuisances and causes thereof and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and to cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists; 30. to prevent vice, suppress gambling houses, houses of ill fame and disorderly houses and to punish for gambling and policy making; 31. to prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played; 32. to regulate and prohibit swimming or bathing in the public or exposed places within said town; 33. to regulate and prohibit the going at large of dogs and other animals in the streets and public places of the town and to prevent cruelty to animals and all inhuman sports; 34. to prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers; 35. to regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the town; 36. to regulate and prohibit the keeping of swine, cattle, poultry and other animals within the town limits or portions thereof; 37. to regulate the mode of using any buildings when such regulations seem expedient for the

purpose of promoting the safety, health, morals and general welfare of the inhabitants of the town; 38. to establish lines beyond which no building, steps, stoop, veranda, billboard, advertising sign or device or other structure or obstruction may be erected; 39. to regulate and prohibit the placing, erecting of signs, awnings or other things upon or over the sidewalks, streets and other public places of the town; 40. to regulate and prohibit the carrying on within said town of any trade, manufacture, business or profession which is or may be so carried on as to become prejudicial to public health and welfare, conducive to fraud and cheating or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity; 41. to regulate the construction, reconstruction, demolition, removal, altering or repairing of buildings of any kind and materials used in, and the location, height, maintenance, use and occupancy of buildings, and generally to regulate all building operations within said town and to regulate plumbing and the installation of heating apparatus, electrical wiring and all other construction work in any building in said town; 42. to regulate and prohibit the moving of buildings upon or through the streets or other public places of the town and to cause the removal and demolition of unsafe buildings or structures; 43. to provide, organize, maintain and regulate a fire department, provide the necessary apparatus for extinguishing fires and to do all other things necessary or desirable to protect the town from fire; 44. to provide for the health of the inhabitants of said town and to do all things necessary or desirable to secure and promote the public health; 45. to regulate and prohibit the erection or use and require the removal of sinks, cesspools, drains, sewers, privies, barns and outhouses, poultry pens and houses; 46. to regulate the removing of any offensive manure or other substance or dead animals through the streets of the town and to provide for disposal of the same; 47. to preserve and care for public burial grounds and to regulate the burial or disposal of the dead; 48. to regulate the emission of smoke from any chimney, smokestack or other source within the limits of the town; 49. to require any officer or employee of the town to furnish a bond or undertaking conditioned upon his honesty and faithful performance of duty and to determine the amount, form and sufficiency of the sureties thereof; 50. to prescribe the salaries and compensation of all officers of the town and the duties of such officers not expressly defined by law; 51. to provide for the auditing, examination and investigation of the accounts and records of the town maintained by any of its departments, commissions, boards,

agencies or officers; 52. to prescribe the form of proceedings and mode of assessing benefits and appraising damages in taking land for public use, or in making public improvements to be paid for in whole or in part by special assessments, and to prescribe the time when and the manner in which all benefits assessed shall be collected, when not specifically prescribed by law or in this Charter; 53. to assess, levy, and collect taxes for general or special purposes on all property, subjects or objects which may be lawfully taxed and regulate the mode of assessment and collection of taxes and assessment not otherwise herein provided for; 54. to regulate the method of borrowing money for any purpose for which taxes may be levied and to borrow on the faith and credit of the town by the issuance and sale of bonds or notes of the town for such general or special purposes and to the extent authorized by law or herein provided; 55. to appropriate funds for the purpose of meeting a public emergency threatening either the lives, health or property of citizens without reference to other provisions of this Charter excepting section 8.6; 56. to appropriate in the annual budget, for a contingency account, not more than two per cent of the total estimated expenditures contained in the budget; 57. to establish pension systems for municipal employees and to establish a system of qualifications for the tenure in office for municipal employees; 58. to make all lawful regulations, bylaws, and orders in furtherance of any of said powers and to prescribe penalties and forfeitures for the violation of the same.

(11-8-60; 11-8-66; 9-12-69)

Sec. 1.5. Reaffirming the authority of the subdivision.

Nothing contained in this Charter shall be construed to supersede, repeal, amend, impair or affect any provision of the charter of any subdivision of the town, or any other special act or parts of special acts, or any ordinance or bylaw relating to such subdivisions, or any general statute relating to cities, boroughs or fire districts, all as heretofore or hereafter enacted, except as such legislation may be altered by the act of consolidation of a subdivision with the town, pursuant to the provisions of section 1.6 of this Charter.

(11-8-66)

Sec. 1.6. Authority for consolidation.

1.6.1. *General enabling ordinance.* Upon request of not less than a two-thirds majority of the governing body of any city, fire district or borough within the Town of Groton, or on petition of ten (10) percent of the qualified electors residing in such subdivision, the town council shall draft and the representative town meeting shall adopt an enabling ordinance providing for the consolidation of the town and any subdivision thereof. Such enabling ordinance shall include, among other things:

1.6.1.1. A draft of a consolidation ordinance, which shall include provisions for an equitable apportionment of the subdivision's assets and liabilities and which shall assure the rights and benefits of the employees of the subdivision at the time of consolidation;

1.6.1.2. Provision for holding hearings on the proposed consolidation; and

1.6.1.3. A statement of the manner in which a referendum on the proposed consolidation shall be conducted.

1.6.2. *Voting procedures.* Any ordinance containing the foregoing provisions shall not become effective unless approved by:

1.6.2.1. *Subdivision referendum.* A majority as defined in the general statutes, as now or hereafter amended, of the qualified electors of the subdivision, voting at a referendum called for that purpose, and

1.6.2.2. *Town-wide referendum.* A majority as defined in the general statutes, as now or hereafter amended, of the qualified electors of the town, voting at a town-wide referendum called for that purpose.

(11-8-60; 11-8-66)

CHAPTER II. OFFICERS AND ELECTIONS

Sec. 2.1. Election of state and federal officers.

Nomination and election of state and federal officers, state senators (and representatives), judges of probate, two (2) registrars of voters and twenty (20) justices of the peace shall be conducted, and the registrars of voters

shall prepare lists of electors qualified to vote thereon, in the manner prescribed by the Constitution and the general statutes, as amended. The two (2) registrars of voters shall be elected as prescribed by statute and as stipulated by ordinance.

(11-8-66; 9-12-69; 11-8-77; 11-4-86)

Sec. 2.2. General town elections.

A general election shall be held on the first Tuesday after the first Monday of November 1987 and biennially thereafter. Said general election shall be for the purpose of electing the following town officers for the terms indicated. In addition to the powers and duties set forth in this Charter, all town officers shall have all the powers and duties granted by the Connecticut General Statutes. The terms of all elected officers shall commence on the day following their election, except for the town clerk, and they shall hold office until their successors have been elected and qualified. The term of the town clerk shall commence as prescribed by ordinance. All town officers shall be nominated and elected as provided for in the Connecticut General Statutes.

2.2.1. *Representative town meeting.* Not more than forty-five (45) members of the representative town meeting each for a term of two (2) years consistent with sections 3.2 and 3.3 of this Charter; and

2.2.2. *Town council.* Nine (9) members of the town council each for a term of two (2) years; and

2.2.3. *Town clerk.* A town clerk for a term of four (4) years; and

2.2.4. *Board of education.* Nine (9) members of the board of education each for a four (4) year staggered term consistent with section 2.3 of this Charter as follows: on the date of the general election in 1987 as determined above, five (5) such members shall be elected for a four (4) year term, not more than four (4) of such members shall be from the same political party, and four (4) members shall be elected for a two (2) year term. On the date of the general election in 1991 and thereafter there shall be elected a number of such members as are necessary to maintain a nine (9) member board of education with each member serving a four (4)

year term. At no time shall there be more than six (6) members on the board from the same political party.

(11-8-66; 9-12-69; 11-8-77; 11-4-86)

Sec. 2.3. Minority representation.

The maximum number of members of any board, commission, committee, or similar body of the town, whether elective or appointive who may be members of the same political party, shall be as provided by the general statutes and as such may be amended from time to time.

(11-8-66)

Sec. 2.4. Reserved.

Editor's note--An amendment approved Nov. 4, 1975, repealed section 2.4, pertaining to independent candidates.

Sec. 2.5. Determination of sufficiency.

2.5.1. *Sufficiency of signatures.* The town clerk shall, upon the filing of any petition, certify the number of signers thereon who are on the latest official registry list.

2.5.2. *Insufficiency.* If the town clerk finds the petition insufficient he shall notify the candidate and the council in writing forthwith and no further proceedings shall be had thereon except in accordance with an order of a judge of the Superior Court for the judicial district of New London, to which court an appeal may be taken from the decision of the town clerk, or of a judge thereof, if said court is in vacation; provided nothing in this section shall be construed as preventing, in the case of petitions found to be insufficient, the obtaining of additional valid signatures and the refiling of the petition within the time limits prescribed for the presentation of the original petition. Any such petition shall be recorded as of the time it is refiled.

(11-8-60; 11-4-86)

Sec. 2.6. Breaking a tie.

2.6.1. *General.* When, as a result of any general municipal or special election held under the provisions of this Charter, it is necessary to break a tie, a special election confined to the tied candidates shall be called by the town council on the seventh day after such election to determine which candidate is elected. All voting machines concerning the returns from which there is no disagreement may be unlocked, and paper ballots may be used in such election if voting machines are not available in sufficient numbers.

2.6.2. *Representative town meeting.* In case of a tie in the election of a member of the representative town meeting, the other members of that district in which the tie vote occurs shall, by ballot, determine which of the tied candidates shall serve as members.

(11-8-66)

Sec. 2.7. Eligibility.

2.7.1. *Residence.* No person shall be eligible for election to any office in the town government, including the representative town meeting members, who is not at the time of his election a resident elector of said town, and any person ceasing to be a resident or elector of said town shall thereupon cease to hold elective office in the town.

2.7.2. *Holding another office.* No person shall accept election or appointment to any town elective office or appointment to a town board, agency, authority or commission while serving on a town board, agency, authority or commission or holding town elective office, except as may otherwise be provided in this Charter or by any general statute that may specifically authorize dual office-holding.

(11-4-86)

2.7.3. *Conflict of interest.* Any elected official, appointed member of any board, commission or committee, or any employee of the town who has a financial interest, direct or indirect, in any contract, any transaction, or any decision of any board or commission or other public body of the town to which the town is a party shall disclose that interest to the appropriate body, which shall record such disclosure upon the official record of its

meetings.

(11-8-66; 9-12-69)

Sec. 2.8. Vacancies.

2.8.1. *General.* Any vacancy in any elective town office, except that of town meeting representative member or member of the board of education, from whatever cause arising, shall be filled by appointment by the town council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner. If there shall be a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person for the unexpired portion of the term; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment or election of a member of the same political party. If such vacancy is not so filled by the council within forty-five (45) days from the time of its happening, the representative town meeting shall fill the same.

2.8.2. *Vacancies in the representative town meeting.* Any vacancy in the membership of the representative town meeting from any district, whether arising from a failure of the electors thereof to elect, or from any other cause, shall be filled by the remaining representatives of the district from among the electors thereof; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the election of a member of the same political party. Notice of any such vacancy shall promptly be given by the town clerk to the remaining representatives from the district in which the vacancy or vacancies exist, and he shall call a special meeting of such representatives for the purpose of filling any vacancy. He shall cause to be mailed to every such representative, not less than five (5) days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At such meeting, a majority of the representatives from such district shall constitute a quorum, and they shall elect from their number a chairman and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices. The election to fill any vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a

certificate of the result and forthwith file the same with the town clerk, together with a written acceptance by the representative or representatives so chosen, who shall thereupon be deemed elected and qualified as a town meeting representative or representatives.

2.8.3. *Vacancies in the board of education.* Any vacancy in the board of education, from whatever cause arising, shall be filled until the next biennial election by appointment by the remaining members of the board of education; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

(11-8-66)

Sec. 2.9. Voting districts.

All officers of the Town of Groton, except town meeting representatives, who are chosen by election, shall be elected at large. The voting district shall continue to be as established on the effective date of this Charter provided the town council may, from time to time, by ordinance, redivide the town into voting districts for the establishment of polling places therein. Meetings of the electors of the several districts so established for the election of town meeting representatives shall be held on the same day and at the same hours and at such place or places within the district as the council shall, in the call for such meetings, direct. Notice of such meetings shall be given as prescribed by the general statutes with respect to warnings of town meetings for the election of officers.

(11-8-66; 11-2-71)

CHAPTER III. REPRESENTATIVE TOWN MEETING

Sec. 3.1. Membership; powers.

3.1.1. *General.* There shall be a representative town meeting of not more than forty-five (45) members, hereinafter referred to as the town meeting.

3.1.2. *Powers.* The town meeting shall exercise exclusively, except as otherwise specifically provided by law, all powers previously vested in the town meeting. Action in conformity with all provisions of law, now or

hereafter applicable to the transaction of town affairs in meeting, shall, when taken by a representative town meeting in accordance with the provisions of this Charter, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town. The town meeting shall have the power to veto any ordinance passed by the town council as hereinafter specified in section 3.8 of this Charter.

(11-8-66; 11-3-81)

Sec. 3.2. Representation; reapportionment.

3.2.1. *Representation.* Representation shall be by voting district proportional to the number of electors residing in such district and shall be determined by the town clerk in the following manner: The total number of electors in the town on the date of the adoption of this Charter shall be divided by forty-five (45) and the number so obtained minus any fraction shall be used to divide the number of electors in each district. The whole number, regardless of fractions, nearest to the figure so obtained shall be the number of representatives from that district, who shall serve for two (2) years from the date of their election or until their successors shall have been elected and qualified.

3.2.2. *Reapportionment.* Within thirty (30) days after each presidential election the total number of electors shall be certified by the town clerk and representation in the different districts shall be again determined in the manner described above and approved by the town council.

(11-8-66)

Sec. 3.3. Minority representation.

Each political party shall nominate in each voting district the whole number nearest to two-thirds of the representatives allotted to that district. Each voter shall vote for two-thirds of the allotted number. Independent candidates may be chosen in the manner described in section 2.4 of this Charter provided the nominating petitions shall be signed by at least five (5) percent of the voters in that district. That number of candidates in each district sufficient to fill the number of representative town meeting members to which a district may be entitled, who have polled the highest number of

votes, shall be elected.

(11-8-66)

Editor's note--In reading the above section, it should be noted that section 2.4, pertaining to independent candidates, was repealed by an amendment of Nov. 4, 1975.

Sec. 3.4. Reserved.

Editor's note--An amendment approved Nov. 4, 1986, repealed section 3.4, pertaining to reelection.

Sec. 3.5. Composition and procedure.

Any town meeting under the provisions of this Charter, except as otherwise provided herein, shall be limited to the town meeting representatives. The manager, the town clerk, the chairman of the board of education, the town attorney, and the members of the council shall be ex officio members, and shall have all the rights and privileges of the town meeting representatives except the right to vote. Fifty (50) percent of the town meeting representatives entitled to vote shall constitute a quorum for doing business. All town meetings shall be open to the public. No elected town meeting representative shall receive any compensation from the town, nor hold any town office or be employed by the town or be a member of any town board or commission having administrative responsibility. Upon written request presented at any town meeting by any elector of the town, a quorum being present at such meeting, requesting that a vote upon any question under consideration be taken by roll call, such request shall be placed before the meeting for action and, if supported by ten (10) percent of the representatives present, the vote upon the question contained in such written request shall be taken by roll call. The town meeting shall determine its own rules of procedure, which rules shall provide for petitions by citizens. A town meeting representative may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting representative who shall remove from the town shall cease to be a town meeting representative, but a town meeting representative who shall remove from the district from which he was elected to another district may serve until the next election of the town

meeting members. The first town meeting shall be called by the town clerk, all others by the moderator or in his absence by the manager or in the absence of both by the chairman of the council. A moderator shall be elected for a term of two (2) years, and all business shall be conducted in the manner now and hereafter provided by the general statutes, except as otherwise provided in this Charter. It shall be the duty of the town clerk to serve as clerk of all town meetings, but in his absence an acting clerk may be designated by the meeting.

(11-8-66)

Sec. 3.6. Meetings.

Regular town meetings shall be held at least once a month on a regular meeting day decided upon by the town meeting members except that, whenever there shall be no business to be acted upon at a regular meeting, the meeting may be dispensed with upon direction of the moderator and upon notice to the members. Special meetings may be held on the call of the moderator and must be held after submission to the town clerk of a petition signed by ten (10) percent of the qualified electors of the town.

Sec. 3.7. Power of initiative.

The town meeting, upon a majority vote of its total membership, shall have the power to propose to the town council any ordinance or other measure, except an ordinance or resolution appointing or removing officials or specifying the compensation or hours of work of officials or employees. Ordinances or other measures submitted to the town council by power of initiative of the town meeting and passed by the town council without change shall not be subject to a referendum of electors in the town. If the town council fails to adopt such ordinance or other measure without change within forty-five (45) days after such proposed ordinance or measure shall have been filed with the town council, it shall be submitted to the electors, who may adopt or reject the same at an election held within ninety (90) days after such proposed ordinance or measure was originally filed with the town council.

(11-8-66; 11-2-71)

Sec. 3.8. Power of veto.

The town meeting, upon a two-thirds vote of its total membership, shall have the power to reject any ordinance passed by the town council, except an ordinance or resolution appointing or removing officials, or specifying the compensation or hours of work of officials and employees, or approving an ordinance of consolidation. Such veto shall be filed with the town clerk within forty-five (45) days after the enactment of such ordinance by the town council.

(11-3-81; 11-4-86)

Sec. 3.9. Voting and election districts.

Meetings of the electors of the several districts as established for the election of the town meeting representatives shall be held on the same day and at the same hours at such place or places within the district as the council shall, in the call for such meetings, direct. Notice of such meetings shall be given as prescribed by the general statutes with respect to warnings of town meetings for the election of officers.

(11-8-66)

CHAPTER IV. THE TOWN COUNCIL

Sec. 4.1. Membership; qualifications and compensation of members.

There shall be a town council consisting of nine (9) members, hereinafter referred to as the council, the members of which shall serve without compensation except for the reimbursement of actual expenses incurred in the performance of official duties. No member of the council shall be a member of the governing body of any subdivision or hold any office of profit under any subdivision of the town.

(11-8-66)

Sec. 4.2. Election, duties and term of office of chairman; performance of chairman's duties in his absence.

The town council shall meet at 7:30 p.m. on the day following the general town elections as provided for in section 2.2 of this Charter, and shall choose one of the members to be chairman of the council, to be known as the mayor, but such office shall not deprive such mayor of his vote on any question. The mayor shall preside over all meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be recognized as the official head of the town for all ceremonial purposes, for military purposes and for the purpose of receiving civil process directed against the town. During his absence or disability his duties shall be performed by a member chosen by the council, unless otherwise specified herein. The mayor's term of office shall be identical to that of the council which selects him.

(11-8-60)

Sec. 4.3. Reserved.

Editor's note--An amendment approved Nov. 4, 1986, repealed section 4.3, pertaining to town clerks acting as clerk of council, town clerk keeping public records of council meetings.

Sec. 4.4. Meetings; quorum; ordinances and resolutions to be confined to one subject; records.

At the first meeting of the council following the general town election the council shall fix the time and place of its regular meetings and shall provide a method for the calling of special meetings. It shall determine its own rules of procedure, which rules shall provide for petitions by citizens. All meetings of the council for the transaction of business shall be open to the public. Six (6) members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or to fix the time and place of the next meetings, shall be adopted by less than five (5) affirmative votes. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title; provided, however, that nothing herein shall prevent the enactment of an ordinance of codification. The council shall keep for public inspection a journal which shall be the official record of its meetings. The record so kept shall be authenticated for each meeting by the signature of the chairman or the clerk, or of both.

(11-8-66)

Sec. 4.5. Powers and duties.

4.5.1. *General.* The town council shall have the powers and duties which, on the effective date of this Charter, were conferred by law upon the selectmen, except as to the admission of electors, and upon any other officers, boards and commissions of said town existing immediately prior to such date except as otherwise specifically provided in this Charter. The legislative power of the town shall be vested in the council, subject only to the initiative and power of veto of the town meeting as set forth in this Charter.

(11-4-86)

4.5.2. *Ordinances.* Said town council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or pre-empted by the general statutes of the state, to create or abolish boards, commissions, departments and offices and to define the powers, duties and responsibilities thereof, provided the same are not inconsistent with this Charter or pre-empted by the general statutes, and to provide for the preservation of order, peace, safety and health of the town and its inhabitants; and the council may contract for services and the use of facilities of the state or any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities, in which case departments and offices created by this Charter, the functions of which are transferred under the terms of such a contract or agreement, may, by ordinance, be abolished.

(11-4-86)

4.5.3. *Recognized codes made part of an ordinance.* The town council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules and regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein any such code, rules and regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules and

regulations in the office of the town clerk for examination by the public.

4.5.4. *Regulation of boards and commissions.* Said town council is responsible for the proper function and operation of all offices, boards and commissions which it fills by appointment, and shall fix the compensation of the registrars of voters and the officers and employees appointed by it and the charges made by the town either for services furnished by the town or for the execution of powers vested in the town for its government and business as provided in Chapter I of this Charter.

(11-4-86)

4.5.5. *Penalty for violation of laws.* The town council may fix the penalty for the violation of any of the ordinances and enactments made by it under this Charter, not to exceed a fine of five hundred dollars (\$500.00) or imprisonment for six (6) months, or both.

4.5.6. *Taxing districts.* The town council may establish taxing districts within the limits of the town and may change the boundaries of such taxing districts. The boundaries of any such taxing district shall be defined and clearly outlined. No establishment or change in the boundaries of any taxing district shall be made until after public notice in a newspaper having circulation in the town shall have been given to the property owners in that portion of the town to be affected by the proposed taxing district and a public hearing held thereon. The town council shall have the power to determine and prescribe the rate of taxation to be levied and collected in each taxing district, but such rates shall be fairly apportioned and be dependent upon the number and kind of municipal improvements or special municipal privileges furnished by the town for each taxing district.

4.5.6.1. *Assessor.* The assessor of the Town of Groton shall make separate lists of the property taxable within each such taxing district in the manner and at the time prescribed by law.

4.5.7. *Coordination of services.* The town council shall be empowered to enter into negotiations with subdivisions of the town or other existing agencies or adjoining towns, with a view to more efficient management of townwide services; provided, the ordinance shall be valid only after agreement between the town council and the other contracting parties.

(11-4-86)

4.5.8. *Removal; term of office; vacancies; compensation.* The council may remove any appointed officer, commission member, or board member for cause by a seven-ninths vote of its members, but only after the charges against such member have been presented to him in writing and after he shall have been given a reasonable opportunity to be heard in his own defense. With the above exceptions, all appointed officers, commission members, and board members shall serve until their successors have been appointed and qualified. Such vacancies as may occur in appointive offices shall be filled by appointment by the official or body normally responsible for regular appointments to the office. Commission and board members shall serve without pay.

4.5.9. *Delegation of authority.* The council may provide by resolution for the exercise by the town manager or some other town officer, board, agency or employee of any administrative power assigned to the council by this Charter, state statute or in any other way.

(11-8-66; 11-2-71)

Sec. 4.6. Public hearing and publication of ordinances.

4.6.1. *General.* At least one public hearing, notice of which shall be given at least five (5) days in advance by publication of the proposed ordinance in a daily newspaper having circulation within said town, shall be held by the town council before any ordinance shall be passed, except an ordinance relating to appointments or designations of officers or to the town council or its procedures. Every ordinance, after passage, shall be given a serial number and be recorded by the town clerk in a book to be kept for that purpose, which shall be properly indexed. Notice of the passage of an ordinance shall be published once in a daily newspaper having circulation in the town. Said notice shall include the title, serial number and complete text of the ordinance, except that if so directed by the town council a description of the ordinance prepared by the town attorney may be substituted for the complete text. Every ordinance, unless it shall specify a later date, shall become effective on the forty-fourth day after publication of the aforesaid notice of passage except any ordinance which requires for passage affirmative action by both the town council and the representative

town meeting shall become effective on publication of the aforesaid notice. A referendum ordinance passed by the town council and the representative town meeting shall become effective upon approval by a majority of the qualified voters of the town voting at a referendum election. Upon a petition of not less than five (5) percent of the electors of said Town of Groton, filed with the town clerk within forty-four (44) days after publication of any ordinance, asking that the same be submitted to the electors of said Town of Groton at its next regular election or at a special election, it shall be so submitted. Such ordinance shall remain effective unless a majority of the electors voting on such ordinance equal to at least fifteen (15) percent of the electors listed on the last registry list vote against such ordinance. This section shall not apply to any ordinance for which a referendum right exists under any other provision of the Groton Town Charter. The town council shall require the town clerk to mail to each member of the representative town meeting a copy of each ordinance as proposed or adopted by the town council within five (5) business days after filing with the town clerk's office.

(11-8-77; 11-4-86)

4.6.2. *Emergency ordinance.* No ordinance, except as provided for in [section] 4.6.1 above, shall go into effect sooner than twenty-nine (29) days after its passage by the town council unless it is declared an emergency measure on the ground of urgent public need for the preservation of the public health, safety or property, the facts showing such emergency need being specifically stated in the measure itself. Such ordinance shall become effective immediately after publication and no public hearing or notice of public hearing shall be required for any public emergency measure. No ordinance shall be passed as an emergency measure except by the affirmative votes of not less than six (6) members of the town council, and no ordinance or resolution granting, amending, renewing or extending any public utility franchise or other special privilege or permitting the leasing or sale of any real property of the town, or regulating or fixing rates to be charged for public utility services or creating bonds, shall ever be so passed.

(11-8-66; 11-4-70)

Sec. 4.7. Investigation.

The town council shall have the power to investigate any and all departments, offices and agencies of the town, and for such purposes shall have the power to issue subpoenas. At the request of the town council, any judge may issue a *capias* for the appearance of witnesses and the production of books and papers.

Sec. 4.8. Relative to administrative services.

Neither the town council nor any of its members shall direct or request the appointment of any person to an office or employment or direct or request the removal of any person from any office or employment which office or employment, by the provisions of this Charter, the town manager or any of his appointees are empowered to fill by appointment; provided the town manager may seek advice from the town council regarding appointment. The town council and its members shall deal with the administrative service solely through the town manager and neither the town council nor any member thereof shall give orders to any of the subordinates of the town manager either publicly or privately, provided a properly constituted meeting of the town council, which the town manager has been invited to attend, may call before it any employee or officer for the purpose of investigation. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall, upon determination thereof by the council, cease to be a member of the town council.

(11-8-66)

Sec. 4.9. Powers and duties of town clerk; compensation of town clerk.

The town clerk shall have all powers and duties conferred or imposed by law on town clerks, shall act as clerk of the town council and the town meeting, shall keep a public record of all meetings of the council and town meeting, including all roll call votes, and shall have such other powers and duties as are prescribed in this Charter or by the town council. The clerk shall appoint and remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter, all deputies, assistants or employees in the office of the town clerk. The clerk shall receive a compensation fixed by the town council and

all fees collected shall be paid into the town treasury.

(11-4-86)

Sec. 4.10. Official bonds.

The town manager, town clerk, director of finance, treasurer, agent of the town deposit fund, tax collector, director of public works, building official, and such other officers and employees as may be required to do so by the town council or the general statutes shall, before entering on their respective official duties, execute to the town in the form prescribed by the town council and approved by the town attorney and file with the town clerk a surety company bond in a penal sum to be fixed by the town council conditioned upon honesty and the faithful performance of such duties. Nothing herein shall be construed to prevent the town council, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which department, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

(11-8-60; 11-4-86)

Editor's note--Prior to an amendment approved Nov. 4, 1986, the above section was codified as section 7.8. Former section 4.10 was redesignated as the second paragraph of section 8.1 by said amendment.

Sec. 4.11. Salaries.

Salaries of all directors and other employees of the classified or unclassified service of the town, except those of the board of education, shall be determined by the town council, in conformity with a systematic pay plan for the positions involved, upon recommendation of the town manager, provided nothing herein shall be construed to limit the power of the board of education to fix the compensation of employees of the school system.¹

¹ **Editor's note**--An amendment approved Nov. 4, 1986, redesignated section 7.9 as section 4.11, as set out above.

(11-8-60; 11-4-86)

CHAPTER V. APPOINTIVE OFFICERS--BOARDS AND COMMISSIONS

Sec. 5.1. Town attorney.

The town council shall by majority vote at a meeting held not later than sixty (60) days after the general town election, appoint a town attorney to serve until the next regular town election or until his successor shall be appointed and qualified. The town attorney shall be an attorney-at-law admitted to the practice before all the courts of the State of Connecticut and the Federal District Court of Connecticut. He shall appear for and protect the rights of the town in all actions, suits or proceedings at law including administrative proceedings brought against the town or any of its departments, officers, agencies, boards, or commissions, including the board of education and any boards, commissions or agencies of the town which may hereinafter be created by the legislative action of the State of Connecticut or by the legislative action of the town. He shall be the legal advisor to the town council, representative town meeting, town manager, town clerk, and all department directors, boards and commissions including the board of education and any agencies, boards and commissions which may hereinafter be created as set forth above.

The town attorney may render legal opinions concerning any legal question affecting the town directly to the town council upon his own authority as the legal officer of the town; or at the request of any town councilor, moderator of the representative town meeting, town manager, town clerk, chairperson of any board and commission, including the chairperson of the board of education and the superintendent of schools, he shall furnish them with an opinion upon any question of law affecting the Town of Groton or their respective powers and duties, which opinion shall, if requested, be in writing.

The town attorney shall have the authority to prepare or approve the form of all legal documents, and the legality of ordinances, contracts and any other instruments to which the town is a party or in which it has a legal interest. He shall have the power, with the approval of the town council, to

appeal from court orders, decisions and/or judgments affecting the town or any of its boards, agencies or commissions, and subject to the approval of the town council, to compromise or settle any claim by or against the town. He shall have the powers, subject to approval of the town council, to appoint attorneys to perform services in a specialized area of the law or to assist him in the regular performance of his duties. It shall be the duty of the town attorney to recommend to the town council the terms of employment of said attorney(s).

Upon the resignation, removal, death or permanent disability of the town attorney, the town council shall appoint a successor town attorney for the unexpired portion of the term remaining; in the case of temporary incapacity the town council may appoint an interim town attorney until such time as the regular town attorney is able to resume the duties required of him.

(9-12-69; 11-4-86)

Sec. 5.2. Town auditor.

The council shall appoint annually a town auditor or auditors to audit all records of all town funds appropriated, nonappropriated or held in town trust.

Sec. 5.3. Zoning commission.

The town shall continue to exercise by its zoning commission the zoning powers adopted by it at a town meeting held on June 14, 1956, and as may thereafter be granted to it by the general statutes. The zoning commission shall consist of five (5) regular members and three (3) alternate members all of whom shall be resident electors of the town and appointed by a majority vote of the town council. The zoning commission shall have all the powers and duties prescribed for such commissions by the general statutes and its alternate members shall have all the powers and duties conferred on alternate members of a zoning commission by the general statutes.

The present terms of office of regular and alternate members shall continue until their expiration date. Thereafter the town council shall appoint or

reappoint regular and alternate members for terms of five (5) years. Such vacancies as may occur shall be filled by the town council for the unexpired portion of any term.

(11-8-66; 11-4-86)

Sec. 5.4. Board of tax review.

The board of tax review shall consist of three (3) members who shall be appointed by the town council for terms of three (3) years. The present members of the board shall continue in office until the end of the term for which they were appointed. Said board shall have all powers and duties conferred or imposed by the general statutes on boards of tax review.

(11-4-86)

Cross reference(s)--Finance and taxation, Ch. VIII.

Sec. 5.5. Retirement board.

A retirement board consisting of six (6) members shall be appointed by the town council and shall consist of the town manager and five (5) members at large, at least two of whom shall be participants in the retirement system either as active or retired employees. All voting members of said board, except participants in the plan, must be residents of the Town of Groton. The terms of the three at-large members in 1986 shall continue until the expiration dates thereof. The town council shall, by a majority vote at a meeting held not later than January 1, 1987, appoint two (2) members at large to three-year terms and one (1) member at large to a two-year term. Thereafter, not later than January 1st of the year subsequent to expiration of terms of members, the town council shall appoint or reappoint at large members for terms of three (3) years. The chairman of the retirement board shall be a voting member of the board and shall report quarterly as to the financial condition of the fund to the town council. Said board shall be entrusted with the management of the retirement system of the town.

(11-4-75; 11-4-86)

Sec. 5.6. Reserved.

Editor's note--Section 5.6, which pertained to civil defense and had been amended by referendum on Nov. 8, 1960, was deleted by Charter amendment passed by referendum on Nov. 3, 1981.

Sec. 5.7. Zoning board of appeals.

There shall be a zoning board of appeals consisting of five (5) regular members and three (3) alternate members all of whom shall be resident electors of the town and appointed by a majority vote of the town council. The zoning board of appeals shall have all the powers and duties prescribed for such boards by the general statutes and its alternate members shall have all the powers and duties conferred on alternate members of such boards by the general statutes. The present terms of office of regular and alternate members shall continue until their expiration date. Thereafter the town council shall appoint regular and alternate members for terms of five (5) years. Such vacancies as may occur shall be filled by the town council for the unexpired portion of any term.

(11-8-66; 11-4-86)

Sec. 5.8. Planning commission.

There shall be a planning commission consisting of five (5) regular members and three (3) alternate members all of whom shall be resident electors of the town and appointed by a majority vote of the town council. The planning commission shall have all the powers and duties prescribed for such commissions by the general statutes and its alternate members shall have all the powers and duties conferred on alternate members of the planning commission by the general statutes. The present terms of office of regular and alternate members shall continue until their expiration date. Thereafter the town council shall appoint regular and alternate members for terms of five (5) years. Such vacancies as may occur shall be filled by the town council for the unexpired portion of any term.

(11-8-66; 11-4-75; 11-4-86)

Cross reference(s)--Department of planning, § 7.9.

Sec. 5.9. Library board.

5.9.1. *Appointment.* The library board shall consist of nine (9) members who shall be appointed by the town council for terms of three (3) years. The present members of the board shall continue in office until the end of the terms for which they were appointed.

5.9.2. *Powers and duties.* Members of the library board shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties. Expenses must be approved by the board prior to being incurred. The library board shall manage and control the free public libraries of the town and may act as trustee for all property other than real property, or income designated for public library purposes and perform such duties and have such powers as are or may be imposed upon or vested in library boards by the general statutes. In addition, the library board shall have such duties, responsibilities and authority as may be assigned it by ordinance not inconsistent with this Charter or the general statutes.

5.9.3. *Specific duties.* The duties of the library board shall include the formulation of desirable standards of library service for the town and direction of town action toward this standard of service.

(11-8-60; 11-4-74; 11-4-86)

Cross reference(s)--Department of library services, § 7.8.

Sec. 5.10. Town parks and recreation commission.

5.10.1. *Appointment.* There shall be a parks and recreation commission consisting of five (5) resident electors of the town who shall be appointed by the town council for terms of five (5) years. The present members of the commission shall continue in office until the end of the terms for which they were appointed.

(11-4-86)

5.10.2. *Duties.* The commission shall make all rules and regulations, subject to the approval of the town council, for the care, operation and government of all recreational facilities, parks, playgrounds and beaches, now or hereafter established by the town, and shall have such other powers and duties as shall be specifically prescribed by the town council.

(11-8-66; 11-3-81)

Cross reference(s)--Department of parks and recreation, § 7.7.

Sec. 5.11. Town fire marshal.

Town council shall appoint and may remove, subject to the provisions of the general statutes, a town fire marshal and also such deputy fire marshals as the town council may find necessary, who shall have the duties and powers conferred by general statutes.

(11-8-66)

Sec. 5.12. Personnel appeals board.

There shall be a personnel appeals board consisting of five (5) resident electors of the town who shall be appointed by the town council for terms of five (5) years. The present members of the board shall continue in office until the end of the terms for which they were appointed. Annually thereafter during the month of January one member shall be appointed for a term of five (5) years. Not more than three (3) members shall be members of the same political party. Three (3) members shall constitute a quorum and the affirmative vote of three (3) members is required for any action taken by the board. Said board shall have the duty of hearing and determining appeals from any member of the classified service who is dismissed as a result of the interpretation and application of the rules and regulations promulgated under Chapter IX of this Charter. They shall have such other duties and powers as may be prescribed by the council. They shall adopt rules of procedure which shall insure any dismissed employee a prompt and fair hearing and an opportunity to be heard in person or by a representative of his choosing. Any hearing requested by a terminated employee shall be public or private at the option of said employee. The decision of said board may be appealed to the Superior Court for the Judicial District of New London within ninety (90) days from the date the decision is rendered by a writ, summons and complaint in the usual form served personally upon the chairperson of the board or upon the town clerk.

(11-4-75; 11-4-86)

CHAPTER VI. THE TOWN MANAGER

Sec. 6.1. Appointment and removal.

6.1.1. *Appointment.* The town manager shall be chosen by the town council solely on the basis of his character and his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He shall devote his full time to the duties of his office. At the time of his appointment, he need not be a resident of the town or the state, but during his tenure of office he shall reside within the town. The compensation of the town manager shall be fixed by the town council and shall not be decreased except at the beginning of a fiscal year of the town by a vote of the town council taken at least one month prior to that date.

6.1.2. *Removal.* The town manager may be removed by a seven-ninths vote of the members of the town council as herein provided. At least thirty (30) days before the proposed removal of the town manager, the town council shall adopt a resolution stating its intention to remove him and the reasons therefor, a copy of which shall be served forthwith on the town manager who may, within ten (10) days, demand a public hearing, in which event the town manager shall not be removed until such public hearing has been held. Upon the passage of such a resolution, the town council may suspend said town manager from duty, provided the salary of said town manager shall continue until his removal from office; and in the event of such removal, he shall be given termination pay equivalent to one month's salary. Upon any such suspension, the town council may appoint an acting manager to serve at the pleasure of the council for not more than ninety (90) days. The action of the town council in removing the town manager shall be final.

6.1.3. *Acting town manager.* The town manager shall have the power to designate in writing with the approval of the town council, a qualified officer of the town who shall act as manager, except in matters of appointment and removal, during any temporary absence or disability of the town manager, and if the town manager is unable for any reason to make such designation, the town council may do so. The council may appoint an acting town manager to serve during the period when the position of town

manager is vacant from any cause. An acting town manager appointed by the council either because of the temporary absence or disability of the town manager or because of a vacancy in that office shall have the powers, duties and responsibilities imposed by the Charter on the office of town manager, including matters of appointment and removal.

(11-8-66; 9-12-69)

Sec. 6.2. Powers and duties.

The town manager is the chief executive officer of the town and shall be directly responsible to the town council for the administration of all departments, agencies and offices in charge of persons appointed by him and shall supervise and direct the same. He shall see that all laws and ordinances governing the town are faithfully executed; he shall make periodic reports to the town council and shall attend meetings with full right of participation in its discussions but without vote; he shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual town report, which report shall include all the information required by the general statutes; and such other information as the town manager in his discretion deems advisable together with such information as the town council may direct be included in said annual report; he shall recommend to the town council such measures as he deems necessary or expedient; he shall keep the town council fully advised as to the financial condition of the town; he shall prepare and submit to the town council an annual budget and shall exercise such other powers and perform such other duties as may be required of him by ordinances or resolution of the town council not inconsistent with this Charter. The town council shall not diminish by ordinance, vote or otherwise the powers and duties of the town manager, except those powers and duties imposed on him by the town council under the provisions of this section.

(11-8-66; 9-12-69)

Cross reference(s)--Duties of the town manager on the budget, § 8.3.

Sec. 6.3. Appointment of officers and department heads.

The town manager shall appoint and may remove, subject to the provisions

of Chapter IX of this Charter, all department heads and other officers and employees of the town except as otherwise specifically provided for by this Charter and except employees in the office of elected officers or boards and officers and boards appointed by the town council. In lieu of any appointment by the town manager or any of his appointees to any office under his jurisdiction the town manager may, subject to the approval of the town council, perform the duties of any office under his jurisdiction except those of the town treasurer.

(11-8-60)

Sec. 6.4. Appointment of boards and commissions.

6.4.1. Conservation commission.

Appointment. There shall be a conservation commission for the development, conservation, supervision and regulation of natural resources within the town, including water, air and open space lands, pursuant to C.G.S. § 7-131a and it shall undertake the duties of liaison within the town and between the town, state and the federal government in matters of environmental quality and control. Said commission shall consist of seven (7) members who shall be resident electors appointed by the town manager for terms of four (4) years. The present members of this commission shall continue in office until the end of the term for which they were appointed. Such vacancies as may occur shall be filled at any time by the town manager for the balance of the vacated term.

(11-4-86)

Powers. Said commission shall have all the powers and duties conferred or imposed by the general statutes on conservation commissions and shall have such other powers and duties as may be prescribed by the town council.

(11-8-66; 11-2-71)

CHAPTER VII. DEPARTMENTS

Sec. 7.1. Administrative departments.

There shall be the following administrative departments; a department of finance, a department of public works, a department of public safety, a department of health, a department of social services, and a department of parks and recreation. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolution of the town council.

(11-8-60; 11-8-77; 11-3-81)

Sec. 7.2. Department of finance.

7.2.1. *General.* The department of finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of town funds and moneys, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the town council. Accounts shall be kept by the department of finance showing the financial transactions for all departments and agencies of the town. Forms for such accounts shall be prescribed by the director of finance with the approval of the town manager. Financial reports shall be prepared for each month and for each fiscal year and for such other periods as may be required by the town manager.

7.2.2. *Director of finance.* The town manager shall appoint and may remove a director of finance who shall have direct supervision over the department of finance and the administration of the financial affairs of the town. The director of finance shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter, a tax collector, an assessor, a town treasurer, a purchasing agent and all other employees of the department of finance. Subject to the approval of the town manager, the director of finance may perform the duties of any office under his supervision except that of treasurer and may consolidate one or more offices under one person, provided the town treasurer shall not also be the tax collector or purchasing agent. The director of finance shall be the agent of the town deposit fund.

(11-4-86)

7.2.3. *Town treasurer; tax collector; assessor.* The treasurer, tax collector and assessor shall have the powers and duties imposed by law on such officers and shall have such other powers and duties as the town council may prescribe.

7.2.4. *Purchasing agent.*

7.2.4.1. *General.* The purchasing agent of the town shall purchase all supplies, materials, equipment and other commodities required by all departments, agencies, boards or commissions of the town, except the board of education, the library board, probate court, and political subdivisions on requisition authorized by the head of the department, office or agency or chairman of the board or commission. Nothing herein contained shall be construed to prevent the town purchasing agent from serving to the extent requested as the purchasing agent for the board of education, the library board or the probate court upon request of the chairman of the board or the judge of such court. The purchasing agent may also serve as purchasing agent for any of the political subdivisions upon their request.

7.2.4.2. *Restrictions on purchasing.* Purchases shall be made under such rules and regulations as may be established by the town council, subject to the following procedure: if any purchase or contract involves the expenditure of five thousand dollars (\$5,000.00) or more, the purchasing agent, unless it shall be determined by the town council to be against the best interest of the town, shall invite sealed bids or proposals, giving ten (10) days' public notice thereof by publication at least once in a daily newspaper having wide circulation in the town and shall let the purchase or contract to purchase to the lowest responsible bidder thereon or may reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly.

(11-8-66; 11-3-81; 11-4-86)

Sec. 7.3. Department of public works.

7.3.1. *General.* The department of public works shall have supervision and control of the maintenance of all town owned structures, except such structures as are under the control of the board of education, of the

planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting, and inspecting of highways, sidewalks and curbs, sewers, sewage disposal, public and private drains, and other public improvements, town buildings, and the preservation, care and removal of trees within highways or public places, all engineering work of the town, and garbage, rubbish and ash collection. The department shall have the responsibility for construction and maintenance of all parks and grounds used for park purposes belonging to the town and of the buildings, structures, apparatus and equipment used in connection therewith; it shall have all the powers and perform all the duties imposed on the tree wardens by the general statutes, and shall have such other powers and duties as the town council may prescribe. Any provision of this section to the contrary notwithstanding, the department of public works may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the board of education and approved by the town council, and the costs of such service shall be charged against the board of education's appropriations.

7.3.2. Director of public works. The town manager shall appoint and may remove a director of public works who shall be responsible for the efficiency, discipline, and good conduct of the department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Chapter IX of this Charter, shall appoint and may remove such deputies, assistants and employees as he may deem necessary and shall prescribe their duties. He shall exercise his powers and discharge his duties under the supervision of the town manager. He shall organize the work of the department in such manner as he shall deem most economical and efficient.

(11-4-86)

7.3.3. Building official. The director of public works shall appoint and may remove subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter, a building official who shall be the enforcement officer for the zoning commission and perform such other duties as may be prescribed by the town council or required by the director of public works, provided the director of public works may perform the duties of the building official.

(11-8-60; 11-4-86)

Sec. 7.4. Department of public safety.

7.4.1. Police department.

7.4.1.1. General. The police department 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, and the ordinances of the town and all rules and regulations made in accordance therewith. All members 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. All powers and duties imposed by law on constables are also vested in the police department. The duties of the canine control officer as provided in general statutes shall be supervised by the police department.

7.4.1.2. Chief of police. The town manager shall appoint and may remove subject to the provisions of the general statutes, a chief of police who shall appoint and may remove subject to such rules and regulations as may be adopted pursuant to Chapter IX of this Charter, all other officers and employees of the department. The chief of police shall assign all members of the department, including a canine control officer, to their respective posts, shifts, details and duties. He shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the chief shall be grounds for dismissal or for other appropriate disciplinary action.

(11-8-66; 11-4-86)

Sec. 7.5. Department of health.

7.5.1. General. The health department shall be responsible for the preservation and promotion of the public health and shall perform such functions and shall have such powers and duties as are imposed by law on

health officers and such other powers and duties as the town council may prescribe.

7.5.2. Director of health. The town manager, subject to the provisions of the general statutes relating to the appointment of health officers, shall appoint a director of health who shall be administrative head of the health department. The director of health shall organize the work of said department in such manner as he shall deem most efficient and economical. Subject to the provisions of the general statutes and in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Chapter IX of this Charter, he may appoint and may remove assistants and employees. He shall be charged with the enforcement of all laws, ordinances, rules and regulations in respect to the public health.

(11-8-60; 11-4-86)

Sec. 7.6. Department of social services.

7.6.1. General. The department of social services shall have all the powers and duties relating to the poor, neglected and dependent persons vested by law in the selectmen of towns.

7.6.2. Director of social services. The town manager shall appoint and may remove a director of social services who shall be responsible for the efficiency, discipline and good conduct of the department and who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter, assistants and employees of the department. The director of social services shall be in charge of the administration of all social service activities of the town. He shall have power to make all rules and regulations relating to the administration of the department not inconsistent with the general statutes and ordinances of the town. He shall have such other powers and duties as the town council may prescribe.

(11-8-60; 11-8-77; 11-4-86)

Sec. 7.7. Department of parks and recreation.

7.7.1. General. The department shall be responsible for the planning,

conducting and supervision of recreation programs and activities; shall administer the budget for the operation, maintenance, and management of recreational facilities; shall assist in the development of plans and coordinate the design of parks and recreational facilities and shall be responsible for the maintenance of parks, recreational facilities and, as designated by the town council, public burial grounds.

(11-4-86)

7.7.2. Director of parks and recreation. The town manager shall appoint and may remove a director of parks and recreation who shall be in full charge of the administration of all town recreational facilities and programs established by the town recreation commission. The director shall be responsible for the efficiency, discipline and good conduct of the department and shall appoint and may remove, subject to rules and regulations of the merit system provisions of Chapter IX of this Charter, assistants and employees of the department.

(11-8-66; 11-4-75; 11-3-81)

Cross reference(s)--Parks and recreation commission, § 5.10.

Sec. 7.8. Department of library services.

7.8.1. General. The department of library services shall be responsible for operating and supervising the free public libraries of the town providing the varied materials and information necessary to serve the individual, group and municipal needs and acting in a manner consistent with section 5.9. of this Charter.

7.8.2. Library director. The library board shall recommend to the town manager a candidate for appointment as library director, said recommendation to be made from a list of names prepared pursuant to section 9.2.4 of this Charter, the appointment to be made by the town manager. In the event that the town manager does not appoint the candidate recommended by the library board, the board shall recommend another candidate either from the original list or from an additional list prepared pursuant to section 9.2.4 of this Charter. The library director shall carry out policies and guidelines established by the board, and shall be in

charge of the administration of the department of library services. Subject to such rules and regulations as may be adopted pursuant to the merit system provisions contained in Chapter IX of this Charter, said director shall have the right to appoint and remove all other employees in the library and shall prescribe their duties. Said director shall exercise his powers and discharge his duties under the supervision of the town manager.²

(11-4-86)

Sec. 7.9. Department of planning.

7.9.1. *General.* The department of planning shall be responsible for assisting the planning and zoning commissions in the development and maintenance of a comprehensive plan of development for the town. The department shall make studies and prepare recommendations and reports for orderly community development in the areas of zoning, subdivision regulations, land use and other phases of municipal development. The department shall have such other powers and duties as the council may prescribe.

7.9.2. *Director of planning.* The town manager shall appoint and may remove the director of planning who shall be responsible for the efficiency of the department and who in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter shall appoint and may remove such assistants and employees as he may deem necessary and shall prescribe their duties. He shall exercise these powers and discharge his duties under the supervision of the town manager.³

(11-4-86)

Cross reference(s)--Zoning commission, § 5.3.; planning commission, § 5.8.

² **Editor's note**--Section 7.8.2 was formerly designated as section 5.9.4.

³ **Editor's note**--Sections 7.9.1 and 7.9.2 were formerly designated as sections 5.8.2 and 5.8.3, respectively.

CHAPTER VIII. FINANCE AND TAXATION

Sec. 8.1. General form of budget presentation.

The town manager may, or at the request of the town council shall require each department, office or agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the board of education, to set forth, in narrative or such other form as the town 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.

(11-8-60)

The fiscal year of the Town of Groton which now coincides with the tax year as provided in C.G.S. ch. 40, beginning July 1st and ending June 30th, shall continue to be the fiscal year of the Town of Groton unless changed by the general statutes.

(11-4-86)

Editor's note--The second paragraph of section 8.1 formerly comprised section 4.10.

Sec. 8.2. Budget estimates.

8.2.1. The town manager shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the town as described in section 8.1 of this Charter shall, at least one hundred sixty-seven (167) days before the end of the fiscal year, file with the town manager on forms prescribed and provided by him a detailed estimate of the expenditures to be incurred by his department or agency and the revenue, other than tax revenues, to be earned thereby in the ensuing fiscal year and such other information as may be required by the town council or the town manager.

8.2.2. The chairman of the board of education shall submit a similar report prior to one hundred twenty-two (122) days before the end of the fiscal year.

8.2.3. The governing body of any political subdivision within the town requesting town appropriations shall submit a similar report prior to one hundred twenty-two (122) days before the end of the fiscal year.

(11-8-66; 11-4-86)

Sec. 8.3. Duties of the town manager on the budget.

8.3.1. *General.* Not later than one hundred seven (107) days before the end of the fiscal year the town manager shall present to the town council a budget consisting of:

8.3.2. *Budget.*

8.3.2.1. *Message.* A budget message outlining the financial policy of the town government and describing in connection therewith the important features of the budget plan;

8.3.2.2. *Estimates.* Estimates of revenue, presenting in parallel columns the itemized receipts earned in the last completed fiscal year, total revenue estimated to be earned during the current fiscal year, and estimates of the revenue, other than from the property tax, to be earned in ensuing fiscal year;

8.3.2.3. *Itemized expenditures.* Itemized estimates of expenditures, presenting in parallel columns the following information:

0. The expenditures incurred by each department, office, agency or activity for the last completed fiscal year;
0. Total expenditures as estimated for the current fiscal year;
0. The requests of the several departments, offices and agencies of the town and the board of education, and any political subdivision within the town for the ensuing fiscal year;
0. The town manager's recommendations of the amounts to be appropriated for the several departments, offices and agencies of the town (but not for the board of education or any political subdivision within the town whose estimates he shall submit to the council as submitted to him) for the ensuing fiscal year for all items. The town manager shall present reasons for all his recommendations with such other information as may be required by the town council. The board of

education shall have the same duties and follow a similar form or procedure with respect to the budget of the board of education as provided for departmental estimates.

(11-4-86)

8.3.2.4. *Proposed capital projects.* As part of the annual budget or as a separate report attached thereto, the town manager shall present a program, previously considered and acted upon by the town planning commission in accordance with the general statutes concerning municipal improvements, of proposed capital projects for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually in the form and manner prescribed by the town manager. The town manager shall recommend to the town council those projects to be undertaken during the ensuing fiscal year and the methods of financing the same.

(11-8-66)

Sec. 8.4. Duties of the town council on the budget.

8.4.1. *General.* Following receipt of the estimates from the town manager and the chairman of the board of education, and not later than eighty-five (85) days before the end of the fiscal year, the town council shall hold at least one public hearing at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least ten (10) days prior to the aforementioned public hearing, the town council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the town clerk and shall cause to be published in a newspaper having circulation in the town, a notice of such public hearing and a summary of said proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same columnar form as prescribed for budget estimates in section 8.3 of this Charter; and shall also show the amount to be raised by taxation. After holding such hearing and not less than sixty-three (63) days prior to the end of the fiscal year, the council shall approve a budget (which need not to be limited in total or in any particular by the estimates of the town manager, the board of

education, nor any political subdivision within the town), present the same to the representative town meeting, and set a date for a budget meeting.

(11-3-81)

8.4.2. *Tax rate.* At the time when the council shall approve the budget, it shall also compute the tax rate in mills which would be levied on the taxable property in the town for the ensuing fiscal year if the town meeting adopts the budget. Such tax shall be sufficient, in addition to the other estimated yearly income of the town for such current year and in addition to such revenue surplus if any, as may be appropriated, not only to pay the expenses of the town for such current year but also to absorb the revenue deficit of the town, if any, at the beginning of such current year.

8.4.3. *Annual budget meeting.* An annual budget meeting of the representative town meeting for the consideration of the budget and the transaction of other business shall be held at least fifty-eight (58) days before the end of the fiscal year at such hour and at such place as the council may determine. It may be adjourned from time to time, provided, that final action be taken on the budget not later than thirty-six (36) days before the close of the fiscal year, and that the council lay the tax rate in mills not later than twenty-one (21) days before the end of the fiscal year.

(11-3-81; 11-4-86)

8.4.4. *Failure to adopt budget.* Should the town council fail to approve a budget on or before the sixty-third day prior to the end of the fiscal year, the budget as transmitted by the town manager in accordance with the provisions of section 8.3 of this Charter, shall be presented to the town meeting. Should the town meeting fail to adopt a budget at the annual budget meeting as specified in subsection 8.4.3 of this Charter, the budget as transmitted by the council shall be deemed to have been finally adopted, and expenditures shall be made in accordance therewith; provided, should both the council and the town meeting fail to adopt a budget thirty-six (36) days prior to the end of the fiscal year as specified in this Charter, the budget as transmitted by the manager in accordance with the provisions of section 8.3 of this Charter shall be deemed to have been finally adopted and expenditures shall be made in accordance therewith in which case the tax rate shall be laid by the manager.

(11-3-81)

8.4.5. *Encumbered appropriations.* Appropriations for construction or for other permanent improvements from whatever source derived shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three (3) fiscal years lapse without any expenditure from or encumbrance of the appropriation therefor, and provided further that any such appropriation which has not been completely expended at the end of five (5) years from the date thereof shall thereupon lapse. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.

(11-8-66)

Sec. 8.5. Financial powers of the representative town meeting.

Any appropriation of two thousand dollars (\$2,000.00) or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, and any resolution providing for the sale of real estate of the town valued in excess of two thousand dollars (\$2,000.00) used or reserved for town purposes or the purchase of real estate valued in excess of two thousand dollars (\$2,000.00) for such purposes, shall become effective, except as otherwise specifically provided in this Charter, only after it has been adopted at a town meeting by the vote of the majority of those present and voting at such meeting. The town meeting shall not act upon any proposal for the sale or purchase of real estate or the issuance of bonds or other borrowing except upon recommendation of the council nor act upon any appropriation which has not been acted upon by the council. The town meeting may cut appropriations recommended in the budget and may, by a two-thirds vote of the members of the town meeting present and voting, restore cuts made in a department appropriation by the council; provided, that in no case can the final total of the budget or of any bond issue be greater than that proposed by the manager (including the board of education budget) or by the town council, whichever is greater.

(11-8-66; 11-2-71; 11-3-81)

Sec. 8.6. Emergency appropriations.

Emergency appropriations not exceeding fifty thousand dollars (\$50,000.00) in any one fiscal year may be made upon the recommendation of the town manager and by a vote of not less than seven (7) members of the town council for the purpose of meeting a public emergency threatening either the lives, health or property of citizens; provided a public hearing, at which any elector or taxpayer of the town shall have an opportunity to be heard, shall be held prior to making such appropriations, notice of which hearing shall be given in a local daily newspaper having circulation in the town not more than ten (10) days nor less than five (5) days prior to such hearing. Such hearing and notice of hearing may be waived if the council by an affirmative vote of not less than eight (8) of its members shall decide that a delay in making the emergency appropriation would jeopardize either the lives, health or property of citizens.

In addition to the above appropriation upon the recommendation of the town manager the council may also make an emergency appropriation for similar purposes not exceeding five thousand dollars (\$5,000.00) without any such hearing and notice upon the affirmative vote of not less than six (6) of its members. In the absence of an available unappropriated and unencumbered surplus in the general fund to meet such appropriations, additional means of financing shall be provided in such a manner, consistent with the provisions of the general statutes and of this Charter, as may be determined by the council.

(11-8-66; 9-12-69)

Sec. 8.7. Tax bills.

It shall be the duty of the tax collector to prepare and mail to each taxpayer, before the date when taxes are due and payable, a tax bill the form of which shall be acceptable to the state tax commissioner.

(11-8-60)

Sec. 8.8. Assessment and collection of taxes.

Except as specifically provided in this Charter, the assessment of property

for taxation and the collection of taxes shall be carried on as provided in the general statutes.

Sec. 8.9. Expenditures and accounting.

8.9.1. *General.* No purchase shall be made by any department, board, commission, or officer of the town other than the board of education, the library board and the probate court, except through the purchasing agent and such purchases shall be made under such rules and regulations as may be established by the town council. The director of finance shall record the amounts of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

8.9.2. *Approval by director of finance.* No voucher, claim or charge against the town shall be paid until the same has been audited by the director of finance or his agent and approved by him for correctness and legality. Checks shall be drawn by the director of finance for the payment of approved claims which shall be valid only when countersigned by the treasurer. The council may make provision, by resolution, for other town officials or town employees to sign and countersign checks in the absence or inability to act of either the director of finance or the treasurer, or both, subject to such conditions as the council may impose.

8.9.3. *Method of making payments.* The director of finance shall prescribe the time at which and the manner in which persons receiving money on account of the town shall pay the same to the town treasurer.

8.9.4. *Council approval before exceeding budgetary item.* The several departments, commissions, officers and boards of the town shall not involve the town in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved and voted by the council and each order drawn upon the treasurer shall state the department, commission, board or officer or the appropriation against which it is to be charged. When any department, commission, board or officer shall desire to secure a transfer of funds in its or his appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefor, such department, commission, board or officer shall make application to the manager whose

duty it shall be to examine into the matter, and upon approval of the council such transfer may be made but not otherwise.

8.9.5. *Council authority for transfer of funds.* Upon the request of the manager, but only within the last three (3) months of the fiscal year, the council may be resolution transfer any unencumbered appropriations, balance or portion thereof from one department, commission, board or office to another. No transfer shall be made from any appropriations for debt service and other statutory charges. Transfers of two thousand dollars (\$2,000.00) or more shall become effective only after they have been adopted at a meeting of the representative town meeting by the vote of the majority of those present and entitled to vote at such meeting.

(11-3-81)

8.9.6. *Supplemental appropriations.* Additional appropriations over and above the total budget may be made from time to time by the town council, except as otherwise provided in Chapter VIII of this Charter, upon recommendation of the town manager and certification from the director of finance or his agent as approved by the town manager that there is available an unappropriated and unencumbered surplus in general fund to meet such appropriations.

8.9.7. *Contingency account.* No expenditure may be charged to the contingency account, but the council may transfer funds in the contingency account to any other account. Transfers of two thousand dollars (\$2,000.00) or more shall become effective only after they have been adopted at a meeting of the representative town meeting by the vote of the majority of those present and entitled to vote at such meeting.

(11-3-81)

8.9.8. *Penalties for violations.* Every payment made in violation of the provision of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the town for the full amount so paid or received. If any officer or employee of the town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of the

Charter or take any part therein, such action shall be cause for his removal.

(11-8-66; 9-12-69)

Sec. 8.10. Contributions.

No contributions by the town of more than five hundred dollars (\$500.00) shall be made to any organization or private corporation unless the town is represented on its board by one or more members nominated thereto by the town council.

Sec. 8.11. Annual audit.

The council shall require an annual audit of all accounts of record and all town funds appropriated, nonappropriated and held in trust in accordance with the general statutes, as now or hereafter amended.

(11-8-60)

Sec. 8.12. Borrowing.

The town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the general statutes subject to the limitations thereof and the provisions of this section. The issuance of bonds and notes shall be authorized by ordinance and if any such bond issue or issuance of notes, except notes in anticipation of taxes to be paid or other revenue to be received within the fiscal year in which issued, shall exceed when authorized the sum of seven hundred fifty thousand dollars (\$750,000.00) or which shall, when added to all other bond issues or issuance of notes previously authorized in the same fiscal year bring the total of such bond issues or issuance of notes authorized for that fiscal year to a sum in excess of seven hundred fifty thousand dollars (\$750,000.00), said bond issue or issuance of notes shall be approved by a referendum vote on voting machines at any regular town, state or special election or at a referendum called for that purpose.

(11-8-66; 11-2-71)

CHAPTER IX. THE MERIT SYSTEM

Sec. 9.1. Established.

All appointments and promotions to positions in the classified service of the town as described in [section] 9.2 of this Charter, shall be made solely on the basis of merit and fitness to be ascertained by competitive examinations wherever practicable.

(11-8-60)

Sec. 9.2. The classified service.

9.2.1. *General.* The classified service shall comprise all positions now or hereafter created except the following: Town manager, town attorney, town auditor, local director of civil preparedness, elective officers and persons appointed to fill vacancies in elective offices; members of all boards and commissions, persons employed in a professional capacity to conduct a temporary and special inquiry, study or investigation provided such inquiry, study or investigation is for a period of not more than one year, judges, clerks and all other personnel of the probate court, persons employed for a temporary period not exceeding five (5) months, and superintendents, principals, teachers and all noncertificated employees in the school system of the town. All noncertificated employees in the school system may be included in the classified service by request of the board of education to the town council. No persons may be employed for temporary periods totaling more than five (5) months in any one calendar year.

(11-3-81)

9.2.2. *Job classification.* The town manager shall cause to be prepared a statement of the duties and responsibilities of each position in the classified service, of the minimum qualifications for appointment to, and of the pay ranges for, such positions. These statements shall comprise the classification plan of the town which shall become effective upon approval by resolution of the town council and which may be amended, upon recommendation of the town manager, by resolution of the town council.

9.2.3. *New or additional positions.* New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the

town council upon the recommendation of the town manager.

9.2.4. *Personnel rules.* The town manager 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 leaves and other leaves of absence, personnel record procedure, 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; and the designation of positions for which noncompetitive examinations may be held. The personnel rules shall also provide that an individual who is a relative of an appointing authority shall not be eligible for appointment, employment, or promotion or recommendation for appointment, employment, or promotion by such appointing authority; and such appointment shall be made solely by the town manager pursuant to section 9.1 of this Charter, and in accordance with the personnel rules, which shall define the degree of relationship which would cause such ineligibility. Such rules and any amendments thereto shall become effective upon approval by resolution of the town council. If the town council fails to take action within thirty (30) days, the proposed rules and any amendments shall be deemed approved. Copies of such rules and any amendments thereto shall be filed with the town clerk and distributed to all members of the classified service.

(11-8-66; 9-12-69; 11-3-81)

Sec. 9.3. Political activity.

No person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or candidate for public office or take any part in the management, affairs, or campaign of any political party further than in the exercise of his rights as a citizen, to register as a member of a political party, to express his opinion privately and to vote.

Sec. 9.4. Removal.

Any appointing officer may suspend or dismiss a subordinate for any cause which will promote the efficiency of the service, upon filing with the

town manager written reasons for such action and giving the person whose removal is sought reasonable notice of the same, and of any charges preferred against him, and an opportunity to answer the same in writing, and to file with the town manager affidavits in support of such answer. No person shall be discharged except for just cause, which cause shall not be political, racial or religious. Any person dismissed may appeal said decision within fifteen (15) days of the date of dismissal either through binding arbitration or the personnel appeals board.

(9-12-69; 11-4-75)

Sec. 9.5. Retirement of town employees.

The town council may provide by ordinance a system of retirement allowances for the town's regular full-time paid employees and for contribution by employees and the town to a fund from which such allowance shall be paid. The town may operate its own retirement plan, may enter into a contract with any insurance company authorized to do business in this state for the purpose of insuring the whole or any part of its retirement plan, may elect to participate in the Connecticut Municipal Employees' Retirement Fund in the manner provided in the general statutes, or may elect to participate in the old age and survivor insurance system under Title II of the Federal Social Security Act in accordance with the provisions of the general statutes, and any amendments thereto.⁴

(11-8-60)

CHAPTER X. TRANSITION AND MISCELLANEOUS PROVISIONS

Sec. 10.1. Transfer of powers.

10.1.1. *Reserved.*

(11-4-86)

⁴ **Editor's note**--Section 9.5 was formerly designated as section 9.6, and redesignated by an amendment approval Nov. 4, 1986, which said amendment repealed former section 9.5, pertaining to status of present employees.

10.1.2. *Continuity of functions.* All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive shall continue in the performance of their duties until provision shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this Charter and until the town clerk shall have notified the members of such commissions, boards, departments or officers as are abolished by this Charter that their successors have been appointed.

Sec. 10.2. Transfer of records and property.

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

Sec. 10.3. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter, brought by or against the town or any commission, board, department or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or officer party thereto may by or under this Charter be assigned or transferred to another commission, board, department or officer; but in that event such action may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 10.4. Existing laws and ordinances.

All general laws in their application to the town and all ordinances and

bylaws of the town shall continue in full force and effect except so far as they are inconsistent with the provisions of this Charter. All special acts or parts of special acts relating to the Town of Groton, inconsistent with the provisions of this Charter are repealed.

Sec. 10.5. Amendment of the Charter.

This Charter may be amended in the manner prescribed in the general statutes for local action on charters and special acts as the same may be from time to time amended.

CHAPTER XI. ADOPTION OF CHARTER

Sec. 11.1. Approval of the Charter.

This Charter was originally submitted for approval to the electors of the Town of Groton on June 4, 1957. Voting was in accordance with the laws applicable to general or special elections in the town, other than with respect to absentee voting, being duly warned and held for that purpose within thirty (30) days from the date of passage of this act.

(11-4-86)

Sec. 11.2. Effective date.

This Charter became effective immediately upon approval by the state legislature on May 10, 1957, for the purpose of nominating and electing members of the town council, a town clerk and members of the town meeting who were elected on the first Monday of October 1957 and upon the election of said members for all other purposes when the Charter was approved on June 4, 1957, by a majority of the qualified electors voting thereon. A certified copy of such Charter was filed in the office of the town clerk and three (3) such certified copies were filed in the office of the secretary of the state.

(11-4-86)