

## PART I - CHARTER

We, the electors of the Town of Plymouth, pursuant to the provisions of the General Statutes, as amended, do approve this Charter for Plymouth.

### CHAPTER I. - INCORPORATION AND GENERAL POWERS

#### Section 1. - Incorporation.

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

#### Section 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 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 undertakings shall be in no manner impaired but continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any commission, board, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said town.

#### Section 3. - General grant of Powers.

In addition to all powers granted to towns under the constitution and general law, the town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the management of the property, government and affairs of the town, including the power to enter into contracts with the United States or any federal agency, 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 law 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.

### CHAPTER II. - ELECTIONS

#### Section 1. - General.

- (a) Nomination and election of federal and state officers, including registrars of voters, and of such elective municipal officers, boards and commissions as are provided for in this Charter shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the constitution and general laws of the State of Connecticut, except as hereinafter provided.
- (b) A meeting of the electors of the Town of Plymouth for the election of municipal officers shall be held on the first Tuesday after the first Monday of November 2021, and biennially thereafter. At such meeting there shall be elected a Mayor, five (5) members of the Council to be elected town wide at large, and seven (7) constables, all for terms of two (2) years. Also, to be elected are a Town Clerk and a Tax Collector, both for terms of four (4) years. There shall continue to be a Board of Finance consisting of six (6) members elected for a term of six (6) years with two (2) members shall be elected biennially to succeed those whose terms expire. There shall continue to be boards of tax review consisting of three (3) members. Also, at such meeting to be held in said year, there shall be elected

two (2) members of the Board of Tax review for a term of four (4) years. Alternately thereafter at each biennial election there shall be elected one (1) member and then two (2) members for terms of four (4) years to succeed those whose terms expire. No political party shall nominate more than five (5) candidates for a council election. Also, at such meeting there shall be elected three (3) members of the Library Board for terms of six (6) years, to fill the expired terms. Also, at such meeting to be held in said year there shall be elected four (4) members of the Board of Education for terms of four (4) years and two (2) members for terms of two (2) years. Alternately thereafter at each biennial election there shall be elected five (5) members and then four (4) members who shall hold office for a term of four (4) years to succeed those whose terms expire.

- (c) *Registrars of Voters.* The Registrars of Voters shall be elected for a term of four (4) years.
- (d) The terms of all municipal officers, except as otherwise provided in this Charter, shall commence on the first Monday following their election and they shall hold office until their successors have been chosen and qualified. Except as otherwise provided in this Charter, all elective town officers, boards and commissions shall have the powers and duties prescribed by law.

Section 2. - Minority Representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the town except the Board of Education shall be determined in accordance with the provisions of the General Statutes, as amended. Minority representation on the Board of Education shall be determined in accordance with the provisions of the General Statutes, as amended. The maximum number of such board, commission, committee or similar body who may be members of the same political party shall be as specified in the following table:

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

Section 3. - Voting Districts.

All municipal elective offices shall be elected town wide, including the Council, and the Town shall be one voting district for the purpose of providing a polling place (or places). In the event that State elective offices are redistricted such that more than one polling place is required, the Registrars shall determine polling places in each district necessitated by such State action, and the Council shall be authorized to establish such districts. The Mayor, Town Clerk, Registrars of Voters and all other officers of the Town shall perform the duties required of them by law with respect to elections in the voting districts. All action taken under the provisions of this Section shall be in accordance with the Connecticut General Statutes as amended.

Section 4. - Breaking a Tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with

the provisions of the General Statutes, as amended, to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election shall be held on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates or issues. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

#### Section 5a. - Vacancies.

Any vacancy in any elective town office, excluding the Mayor and the Council members, from whatever cause arising, shall be filled by appointment by the Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner, provided that when a person vacating the office shall have 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. If there shall be a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term. Such person shall take office upon election. The Mayor and the Council members' vacancies shall be filled by special elections, outlined in Sections 5a.

#### Section 5b. - Special Elections.

If any council member shall die, resign or remove his or her residence from the town, or for any other reason, the position shall be filled by special election if more than six (6) months remain of the term. If more than six (6) months remain of the term, the position shall be filled in the interim period prior to the special election by appointment by the Mayor of an elector of the same political party as the Council member who vacated his or her position within two (2) weeks. If less than six (6) months remain, it shall be filled by the Mayor and shall be from the same political party as the Council member who vacated his or her position within two (2) weeks.

#### Section 5c. - Mayor.

A vacancy in the office of the Mayor shall be filled by and from the council. If filled by a council member he shall resign from the council and assume the duties of the Mayor. If a vacancy in the office of Mayor cannot be filled from the council, a special election shall be held. (A)

#### Section 6. - Eligibility.

No person shall be eligible for election to any town office who is not at the time of his election an elector of said town and any person ceasing to be an elector of said town shall immediately cease to hold said office.

#### Section 7. - Recall of Elective Officers.

Any elective officer of the town may be recalled and removed from public office by the electors of the town as herein provided. Any elector of the town may file with the Town Clerk a petition conforming to the requirements of the General Statutes, as amended, except as provided herein, and containing the name and title of the elective officer whose removal is sought and a statement of the grounds for his removal. Conviction for the commission of a felony or misdemeanor, malfeasance, and/or conduct, which is in direct and serious violation of the procedures and ethical standards contained in Section 3, Chapter IX of this Charter shall be considered sufficient cause for recall. Said petition shall be filed with said Town Clerk not later than thirty (30) days from the day the first copy or page thereof was received from or approved by said Town Clerk as provided in said Section 7-9 and it shall be signed in ink or indelible pencil by electors of the town equal in number to at least fifteen (15) percent of the electors registered at the last regular municipal election, provided, no recall petition may be filed against any officer until he has held his office for at least six (6) months. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9. If, within five (5) days after receipt of last page of said petition within the time provided herein, the Town Clerk shall determine the petition and the affidavits to be sufficient in the manner prescribed in Section 8 of this Chapter, a recall vote shall be taken within one hundred ten (110) days but not sooner than ninety (90) days after such final determination, provided that no such vote shall be taken if

the term of office of such elective official shall expire within one hundred fifty (150) days after such determination or if such elective officer shall resign from such office before the taking of such vote. Said recall vote shall be called and conducted in the same manner as is provided in the General Statutes for the call and conduct of a special election. The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officer whose recall is sought) be recalled?" A majority vote of the electors to recall such elective officer shall not be effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted. Recall of such elective officer shall become effective upon certification of the results of the voting thereon regardless of any defect in the recall petition. If any elective officer shall be recalled, the vacancy created thereby shall be filled in accordance with the provisions of Section 5 of this Chapter.

#### Section 8. - Determination of Sufficiency.

The Town Clerk shall, upon filing of any petition for nomination or election, proceed forthwith to determine its sufficiency by comparing the name of the candidate and the signatures thereon with the latest official lists of the registrars of voters and with petitions already filed for the same office. If the Town Clerk finds the petition insufficient, he shall notify the candidate in writing forthwith and no further proceedings shall be had thereon except in accordance with an order of a judge of the Superior Court of Connecticut to whom an appeal may be taken from the decision of the Town Clerk, providing, 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 refile of the petition for nomination 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.

### CHAPTER III. - THE TOWN COUNCIL

#### Section 1. - The Town Council.

There shall be a Town Council consisting of five (5) members, hereinafter referred to as the Council, the members of which shall serve with compensation to be fixed by the Board of Finance and shall receive reimbursement of actual expenses incurred in the performance of official duties. No member of the Council shall hold any office of profit under the government of the Town of Plymouth, nor shall they, during the term of office for which they are elected.

#### Section 2. - Presiding Officer.

The Council shall meet at a time to be decided upon by the Mayor on the second Monday after its election, with the Mayor presiding. The Mayor shall be chairperson of the Council and shall preside at all Council meetings. The Mayor shall vote only in the event of a tie vote by the Council. The Mayor shall appoint an acting Mayor from the Council to serve in the Mayor's absence(s) from meetings or from town. The acting Mayor, as temporary Chairperson of the Council, shall preside in the same voting manner as the Mayor and shall also retain his/her vote as a council member. A vacancy in the office of the Mayor shall be filled from the Council. When a council member is elected by the council to fill a vacancy in the office of Mayor and assumes the powers and duties of the Mayor until the next biennial election, the council member shall resign from the council. The council shall fill the resulting vacancy for the remainder of the member's term. The remainder of the council member's term shall be filled in accordance with Chapter II, Section 5a.

#### Section 3. - Procedure.

At the first meeting of the Council following each biennial town election said Council shall by resolution fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall by resolution determine its own rules of procedure. All meetings of the Council for the transaction of business shall be open to the public, which public shall have input in accordance with Chapter IX, Section 2, Subsection 3 as amended, and the votes shall be recorded as prescribed by the Connecticut General Statutes as amended. The Mayor, as Chairperson of all council meetings, shall reasonably regulate such public addresses and discussion. Four members shall constitute a quorum, but no ordinance, resolution, or vote, except to adjourn or to fix the time and place of the next meeting, shall be adopted by less than three affirmative votes, and the Mayor only to vote to break a tie. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title. The Council may appoint a clerk and fix the compensation of said clerk.

#### Section 4a. - General Powers and Duties.

The Council shall have the powers and duties which, on the effective date of this Charter were conferred by law upon officers, boards and commissions of said town existing immediately prior to such date except as otherwise specifically provided in this Charter including the power with regard to streets, highways, sidewalks and other municipal improvements as are granted to towns by the Connecticut General Statute. The legislative power of the town shall be vested exclusively in the Council, except as otherwise provided this Chapter. Said council shall have the power to add items of importance to a referendum or call for a referendum previously approved either by the Council or by initiative petition as provided in this Chapter, to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the state; to create or abolish, by ordinance, boards, commissions, departments and offices; and the Council may, upon recommendation of the Mayor contract for services and use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may, by agreement join with any such political subdivision to provide services and facilities. The Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or 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 such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public. Said council may by resolution regulate the office hours for all departments in the town hall except for Board of Education. Said council may fix the charges, if any, to be made for services rendered by the town or for the execution of powers vested in the town as provided in Chapter I of this Charter.

Section 4b. - Council Powers on Appointed Commission, Board and Authority Membership.

The Council shall be furnished a written statement of qualifications and have the opportunity to interview all prospective members of all boards, commissions and authorities. The Council may vote to request: the resignation, censure, suspension or termination of any commission, board or authority member for acts beyond granted authority, waste, continual absence, negligent attention to significant activities, failure to perform duties, failure to cooperate in the interests of the town, or other liability issues necessary to properly execute the functions of the Town of Plymouth. In matters that are unethical, fraudulent, or of grave seriousness, immediate action can be taken. Due process proceedings must be afforded such membership activities and actions related to this Section. The Council must have a quorum, and a majority of those present must vote in favor of such action.

Section 5a. - Power of Initiative.

The electors of the town shall have the power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance within thirty (30) days after a petition making such a proposal shall have been certified to the Council as provided herein, the electors may adopt or reject the same at a referendum must be called by the Council and held within ninety (90) days after such proposed ordinance has been certified to the Council. Any such petition may be filed by any elector of the town with the Town Clerk and, except as provided herein, such petition shall conform to the requirements of the General Statutes, as amended. Said petition shall contain the full text of the ordinance proposed and shall be signed in ink or indelible pencil by electors of the town equal in number to at least fifteen (15) percent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said General Statutes. The Town Clerk shall, within five (5) days after receipt of the last page of said petition within the time provided herein, determine the petition and the affidavits to be sufficient in the manner prescribed in Chapter II, Section 8 of this Charter and certify said petition to the Council. A vote of the electors with regard to the proposed ordinance shall be conducted in accordance with State law, and subject to such law with respect to the number of votes required to be cast. Said ordinance shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No ordinance which shall have been adopted in accordance with the provisions of this Section shall be repealed or amended by the Council except by vote of the electors.

Section 5b. - Power of Referendum.

The electors of the town shall have the power to approve or reject at a referendum as herein provided any ordinance adopted by the Council, except emergency ordinance adopted in accordance with the provisions of Section 6 of this Chapter. Ordinances submitted to the Council by initiative petition as provided

in Section 5a of this Chapter and adopted by the Council shall be subject to a referendum in the same manner as other ordinances. Within twenty (20) days after the publication of any ordinance as provided in Section 5a of this Chapter, which ordinance may be subject to referendum as provided herein, a petition requesting that such ordinance be either repealed or submitted to a vote of the electors may be filed by any elector of the town with the Town Clerk. Any such petition shall conform to the requirements of the General Statutes. Said petition shall contain the full text of the ordinance to be repealed or submitted to referendum and shall be signed in ink or indelible pencil by electors of the town equal in number to at least fifteen (15) per cent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in General Statutes. The Town Clerk shall within five (5) days after receipt of the last page of said petition within the time provided herein, determine the petition and the affidavits to be sufficient in the manner prescribed in Chapter II, Section 8 of this Charter and certify said petition to the Council. Upon the filing of such petition with the Town Clerk the effective date of such ordinance shall be postponed, if necessary, to the certification by said Town Clerk that the petition is not sufficient or to the certification of the results of such referendum. If the Council fails to repeal such ordinance, the question of repeal thereof shall be submitted to the electors at a referendum which must be called by the Council and held within thirty (30) days after the petition for referendum has been certified to the Council. A vote of the electors with regard to the proposed ordinance shall be conducted in accordance with State law, and subject to such law with respect to the number of votes required to be cast.

#### Section 5c. - Public Hearing on and Publication of Ordinances.

At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a circulation in said town, and by posting a notice in a public place, shall be held by the Council before any ordinance shall be passed. Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for the purpose which shall be properly indexed. Within the ten (10) days after final passage all ordinances shall be published once in their entirety in a newspaper having circulation within the town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21) day after such publication following its final passage.

#### Section 5d. - Petition for Special Town Meeting.

The Council shall, within ten (10) days of receipt of a properly filed and certified petition, signed by a minimum of five (5) per cent of the town electors, schedule a special town meeting for the exclusive purpose stated in the electors' petition. The petition shall request the meeting for the sole purpose of acting upon the resolution described, and shall be properly signed, with the address of the elector residence listed, and dated by the prescribed number of electors. The petition shall be delivered to the Mayor, who shall within five (5) days of receipt certify the petition. Upon proper certification, the Mayor shall submit the petition at the next regularly scheduled meeting of the Council, provided such meeting is scheduled within fifteen (15) days of the receipt of the petition. In the event that no council meeting is scheduled within the time period herein prescribed, the Mayor shall call for a special meeting of the Council to act forthwith upon the petition. In the event that the petition includes a request for the expenditure of funds, either from the general fund or any special fund available to the town, such petition, or that portion thereof pertaining to such an expenditure, shall be submitted to the Board of Finance for a recommendation as to the approval or disapproval of the expenditure. The special town meeting shall be conducted in accordance with recognized parliamentary procedure, with a presiding Chairperson, properly nominated and elected from the floor. The meeting shall have complete legislative authority to act upon the resolution properly submitted and seconded at the meeting, provided the resolution is consistent with the provisions of this Charter and the General Statutes of the State of Connecticut. In the event that the resolution, or any portions thereof includes a request for the expenditures of funds and the Board of Finance has not recommended the approval of the afore-said expenditure, it shall require an affirmative vote of two-thirds or more of the electors and qualified taxpayers assembled at the special town meeting to approve the resolution. The Council may, after a period of at least six (6) months, rescind any action taken at a special town meeting. However, in the event of a second special town meeting, which votes upon the same resolution as originally submitted prior to any council rescinding action, the decision of the second town meeting shall be considered final. Such town meeting action could only be subsequently rescinded by town ordinances or Charter revisions.

#### Section 6. - Emergency Ordinances.

An ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after publication thereof as required in Section 5c of this Chapter and no public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance including amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61) day following final passage of said ordinance.

Section 7. - Approval of Ordinances by the Mayor.

Every ordinance except an emergency ordinance shall, before it becomes effective, be certified to the Mayor for his approval. The Mayor shall sign the proposed ordinance, if he approves it, whereupon, subject to the provisions of this Chapter, it shall become effective. If he disapproves a proposed ordinance, he shall within five (5) days return it to the clerk of the council with a statement of the reasons for his disapproval which statement shall be transmitted by said clerk to the council at its next regular meeting, as an agenda item. After such ordinance has been returned with the Mayor's disapproval, if the council shall pass the proposed ordinance by an affirmative vote of at least four (4) members, it shall become effective without his approval subject to Section 5c. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without his approval subject to Section 5c.

Section 8. - Relations to Administrative Service.

Neither the town council nor any of its members shall direct or request the appointment of any person to any 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 Mayor or any of his appointees are empowered to fill by appointment, provided the Mayor may seek advice from the council regarding appointments and provided further the council may prefer charges in writing against any officer or employee appointed by the Mayor in the manner hereinafter prescribed for the removal of officers and employees. The council and its members shall deal with the administrative service solely through the Mayor and neither the council nor any member thereof shall give orders to any of the subordinates of the Mayor either publicly or privately, provided a properly constituted meeting of the council, may call before it any employee or officer for the purposes of investigation. Any council member violating the provisions of this Section or voting for a resolution or ordinance in violation of this section, shall cease to be a council member.

Section 9. - Fiscal Year.

The Town of Plymouth shall operate under the uniform fiscal year, July 1 through June 30. The Council shall have power to adjust the fiscal year of the town to coincide with the tax year or to adjust either or both to the end that they may coincide.

Section 10. - Investigation.

The Council shall have power to investigate any and all departments, offices and agencies of the town and for such purposes shall have the power to issue subpoenas to witnesses to appear before the Council to testify on any matter under investigation. Notice of said hearing shall be personally served upon the officer or employees at least fifteen (15) days prior to the date set for the hearing.

#### CHAPTER IV. - OFFICERS, BOARDS AND COMMISSIONS APPOINTED BY THE COUNCIL

Section 1. - Planning and Zoning Commission, Zoning Board of Appeals.

There shall be a planning and zoning commission, consisting of five (5) members and three (3) alternates appointed by the Council for a term of three (3) years, and a Zoning Board of Appeals, consisting of five (5) members and three (3) alternates appointed by the Council for a term of three (3) years, which shall have the powers and duties vested in them by the General Statutes of the State of Connecticut.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines.

Section 2. - Public Works Commission.

There shall be a Town of Plymouth, public works commission consisting of five (5) members. Members shall be appointed by the Council and shall be reappointed or replaced every three (3) years. The Council shall be authorized to fill any vacancy.

The public works commission shall have supervision and control of the maintenance of all town owned structures, properties, and roads except as are under the control of the Board of Education and shall have any other powers and duties as the Council may prescribe.

The public works commission will have the right to recommend to the Mayor personnel to carry out the above-mentioned duties. All personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines.

Section 3. - Police Commission.

There shall be a Town of Plymouth, police commission consisting of five (5) members. Members shall be appointed by the Council and shall be reappointed or replaced every three (3) years. The Council shall be authorized to fill any vacancy.

The police commission shall be the policy making unit for the police department and the commission subject to the approval of council shall make general rules and regulations for the governance of the police department and shall have any other powers and duties as the Council may prescribe.

The police commission will have the right to recommend to the Mayor personnel to carry out the above-mentioned duties. All personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines.

Section 4.- - Fire Commission.

There shall be a Town of Plymouth Fire Commission consisting of seven (7) members. Members shall be appointed by the Council and shall be reappointed or replaced every three (3) years. The Council shall be authorized to fill any vacancy.

The duties of said Board of Fire Commissioners shall be the approval of the Chief and Assistant Chiefs of the Fire Department, the buying of all supplies of the Fire Department, the general supervision of all matters pertaining to the Fire Department, and the provision of the Fire Marshall services to the Town. So long as the Terryville Fire Department, Inc., shall continue to function, its care and management shall be vested in the Board of Fire Commissioners.

The Fire Commission will have the right to recommend to the Mayor personnel as needed to support the Fire Department. All personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate.

The Commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines.

Section 5.- - Public Health Commission.

There shall be a Town of Plymouth Public Health Commission consisting of seven (7) members. Members shall be appointed by the Council and shall be reappointed or replaced every three (3) years. The Council shall be authorized to fill any vacancy.

The Public Health Commission shall be charged with the preservation and promotion of the public wellbeing and shall have such powers and duties as are imposed by law on directors of health.

The Public Health Commission will have the right to recommend to the Mayor personnel as needed to support the public health. All personnel so hired shall be governed by the Town of Plymouth Personnel



Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate. Public health services may be delegated to an outside agency with the approval of the Council.

The Commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines if applicable.

This Section shall only apply in the event that the duties of a Public Health Commission are no longer provided by a Regional Health District.

#### Section 6. - Human Services Commission.

There shall be a Human Services Commission which shall have all of the powers and duties relating to persons needing such human services as vested by law in the selectmen of towns.

There shall be a Human Services Commission consisting of seven (7) members. Members shall be appointed by the Council and shall be reappointed or replaced every three (3) years. The Council shall be authorized to fill any vacancy.

The Human Services Commission shall have all of the powers and duties relating to persons needing such human services as vested by law in the selectmen of towns and such other services as the Council may deem appropriate.

The Human Services Commission will have the right to recommend to the Mayor personnel as needed to support the human services. All personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate. Human services may be delegated to an outside agency with the approval of the Council.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines if applicable.

#### Section 7. - Plymouth Economic Development Commission.

There shall be an Economic Development Commission consisting of five (5) members. Members shall be appointed by the Council and shall be reappointed or replaced every five (5) years. The Council shall be authorized to fill any vacancy.

The Economic Development Commission shall have all of the powers and duties and may ask appropriation for its necessary expenses as provided in the General Statutes. The commission should also involve itself directly with the commercial economy, so as to spur the overall economic structure in the Town of Plymouth.

The Economic Development Commission will have the right to recommend to the Mayor personnel as needed to support the economic development. All personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines if applicable.

#### Section 8a. - Town of Plymouth, Parks and Recreation Commission.

There shall be a Town of Plymouth, Parks and Recreation Commission consisting of seven (7) members. Members shall be appointed by the Council and shall be reappointed or replaced every three (3) years. The Council shall be authorized to fill any vacancy.

#### Section 8b. - Purposes and Powers (Parks and Recreation Commission).

The purposes and powers of the Parks and Recreation Commission shall be: to serve the needs, general and specific, of all Town of Plymouth citizens in matters of recreation; to serve as a liaison between the Town of Plymouth citizens and the governing body of the town in matters regarding recreation; to have the power to establish places for recreation and gathering conducive to the needs and requirements of town citizens; to assist the citizens of the Town of Plymouth and groups thereof in the development of desires, skills, and talents so as to become participating and contributing members of the community; to have the power to define, initiate, coordinate, and administer policies and programs by, with and for the citizens of the Town of Plymouth regarding the matters of recreation; to advise, and discover with the help of existing organizations, departments and the general public as to areas of concern in matters regarding recreation

and to coordinate same; to administer and supervise Town of Plymouth recreation areas ; to assume responsibility for the direction of recreational programs throughout the town; to provide for the daily maintenance of town-owned parklands and grounds while being used for recreation; to have the authority to appoint volunteer service workers to implement the various recreation programs. The Parks and Recreation Commission will have the right to recommend to the Mayor personnel to carry out the abovementioned programs. All personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines.

Section 9. - Conservation and Inland-Wetlands Commission.

There shall be a conservation and inland-wetlands commission consisting of five (5) regular members and two (2) alternate members appointed by the Council. Appointments shall be for three (3) year terms. The commission shall be charged with the development and conservation of natural resources including water resources within the territorial limits of Plymouth. The commission shall be authorized to conduct its responsibilities in accordance with the General Statutes of the State of Connecticut.

The commission shall prepare and present an annual budget to the Board of Finance in accordance with the Board of Finance timelines.

Section 10. - Volunteer Ambulance Corps.

As long as the Plymouth Volunteer Ambulance Corps, Inc., continues to function, its care and management shall be vested in a board of directors in accordance with existing by-laws of the Plymouth Volunteer Ambulance Corps, Inc. Two (2) such directors shall be appointed by the Council. The Plymouth Volunteer Ambulance Corps, Inc., shall provide emergency medical service for the Town of Plymouth in accordance with the existing by-laws. It shall be the responsibility of the president of the board of directors to submit to the Mayor an annual report by June 30 of each year in accordance with Chapter VII, Section 1. The president shall be responsible to submit to the Mayor all revisions to the by-laws within thirty (30) days after final approval by said board of directors. The Council shall provide adequate housing for ambulance and equipment used in performing the functions of the ambulance corps. The president of the said board of directors shall submit to the Mayor an estimate of annual expenditures in accordance with Chapter VII, Section 1, which will consist of estimates for maintenance and care of housing and facilities, heat, light, and telephone for said housing, and gasoline and lubricating oil for operation of ambulance vehicles. In the event that any or all members of the ambulance corps become salaried employees of the corps, they shall be governed by the rules and regulations of this Charter as provided under the classified service, Chapter VIII, Section 2, and merit system, Chapter VIII, Section 1. In the event that the provision of ambulance emergency medical service is delegated by the Town to a private ambulance service, the above section shall be null and void.

Section 11. - Housing Authority.

There shall be a Housing Authority. The Authority shall be managed and have members and terms of membership in accordance with Connecticut State Statutes. Authority vacancies, which may occur, shall be filled by the Council. The authority shall function in accordance with the provisions of Connecticut State Statutes, the town housing code, as accepted, and as may be further directed by the Council.

Section 12. – The Water Pollution Control Authority.

The Water Pollution Control Authority, hereafter referred to as the WPCA, shall consist of five (5) members and two (2) alternates, serving without compensation. All appointments shall be for a three (3) year term, nominated by the Mayor from a list submitted by a committee consisting of the WPCA Chairperson, (1) member of the public works commission and one (1) WPCA member and approved by the Council. Removal from office for cause would be by recommendation of the Mayor and approval of the Council. The Council is forbidden from appointing any of its own members as voting members of the authority. The WPCA shall have all the power enumerated in the Connecticut General Statutes, as amended, and as consistent with the provisions of this Charter. Any fees, assessments, or usage monies due, as a result of properly levied bills by the WPCA, shall be collected by the Office of the Tax Collector.

All financial records of the WPCA are subject to audit by the Director of Finance or any other accounting firm designated by the Council.

#### CHAPTER V. THE MAYOR

##### Section 1. - Election and Qualification.

At each town election a Mayor shall be chosen by the electors of the town. Such Mayor shall serve for a term of two years and until his/her successor shall be elected and qualified and shall take office on the first Monday following the town election. The Mayor shall be the chief executive officer of such town and shall receive such compensation as shall be fixed by the board of finance.

##### Section 2a. - Duties.

The Mayor shall be directly responsible for the administration of all departments, agencies, and offices and also in charge of persons or boards appointed by the Mayor and shall supervise and direct the same. The Mayor shall cause to be publicly posted and publicly advertised all job openings once labor union agreements have been satisfied. The Mayor shall see that all laws and ordinances governing the town are faithfully executed: shall make periodic reports to the town council and shall attend its meetings; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year an annual town report; shall recommend to the council such measures as he may deem necessary or expedient; shall keep the council fully advised as to the financial condition of the town; shall compile preliminary estimates for the annual budget and submit same to the board of finance as provided in chapter VII, section 2, of this charter and shall exercise such other powers and duties as may be authorized by the ordinance or resolution of the council not inconsistent with this charter. The council shall not diminish by ordinance, vote or otherwise the powers and duties of the Mayor, except those powers and duties imposed on him by the council under the provisions of this section. The Mayor on behalf of the town council shall be the recipient of any petition for a special town meeting and shall thereupon comply with the provisions established in section 5d, chapter III of this charter.

##### Section 2b. - Annual Town Report.

The annual town report, in published form, will be available to the public no later than October fifteenth of each year.

##### Section 3. - Appointments and Terms.

The Mayor shall appoint all department heads and other officers and employees of the town, except as otherwise specifically provided by this charter and except employees in the offices of elected officers or boards and boards appointed by the town council. The terms of all such appointees shall terminate on the same date as the term of the Mayor except such appointees may continue to serve until their successors are appointed and qualified. In lieu of any appointment by the Mayor or any of his appointees to any office under his jurisdiction, the Mayor may, subject to the approval of the council, perform the duties of any office under his jurisdiction, except those of the town treasurer, provided in case the town treasurer is absent or unable to act, the Mayor may countersign checks in accordance with the provisions of chapter VII, section 8 of this charter. The Mayor may remove or fill any vacancy on any appointive commission, board or agency, with approval of the town council. Conviction for the commission of a felony or misdemeanor, malfeasance and/or conduct which is in direct and serious violation of the procedures and ethical standards contained in chapter IX, section 3, subsections 3 and 4, of this charter shall be considered sufficient cause for recall.

##### Section 4. - Administrative Assistant.

The Mayor may appoint for an indefinite term and may remove an administrative assistant. The position of administrative assistant shall not be included in the classified service. The Board of Finance shall set the salary for this position.

#### CHAPTER VI. - OFFICES AND DEPARTMENTS

##### Section 1. - Town Attorney.

The Council shall appoint and may remove, a town attorney, who shall be an attorney at law admitted to practice law in this state. He shall appear for and protect the rights of the town in all actions, suits or

proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. He shall be the legal advisor of the Council, the Mayor, and all town officers, boards and commissions in all matters affecting the town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. He shall have power, with approval of the Council, to appeal from orders, decisions and judgments and, subject to the approval of the Council, to compromise or settle any claims by or against the town. If in special circumstances or for any investigation under Chapter III, Section 10 the Council deems it advisable, it, by resolution, may provide, in addition, for the temporary employment of counsel other than the town attorney.

Section 2. - Director of Emergency Management.

The Mayor shall appoint and may remove, all in accordance with the provisions of the General Statutes, as amended, a local director of emergency management who shall have those powers and duties provided in said Statutes except as otherwise provided in this Charter.

Section 3. - Town Clerk.

A Town Clerk shall be elected for the term of four (4) years in accordance with Chapter II, Section 1, from the first Monday in January next succeeding such election. The Town Clerk shall receive a compensation to be fixed by the Board of Finance. The Town Clerk of said Town of Plymouth chosen as herein before provided shall continue to discharge all duties required of Town Clerk by law. The Town Clerk shall be registrar of vital statistics and shall index all records without extra compensation therefor. On or before the fifteenth day of September in each year, the Town Clerk shall submit to the Mayor an account of the Town Clerk's doings and the doings of the Town Clerk's office for the preceding year ending June thirtieth, which shall contain a statement of all monies received and expended during said year. The Town Clerk shall issue all notices and warnings of the meetings of the Council and of its committees, which notices or warnings shall be given and served as may by ordinance be provided, and shall perform such other duties as may be required by the ordinances of the town and/or this Charter. The Town Clerk shall see that approval of all town ordinances are published as soon as the same are enacted and record the fact and date of each publication. The Town Clerk shall make, upon the records of said town, entries of the Town Clerk's own acts in serving and publishing notices or orders passed by the Council. Said Town Clerk shall keep his office open during such hours of each business day as the ordinances of the town shall direct. Said Town Clerk may, with the approval of the Mayor, appoint one (1) or more deputies, who after having taken the oath or affirmation provided by law for Town Clerk, shall assist said Town Clerk, and when acting in the discharge of their clerical duties shall have all the powers and duties of said Town Clerk. All acts of said deputies and all records kept by them shall have the same validity and effect as acts and records of said Town Clerk. Said deputies may be removed by the said Town Clerk at any time with the Mayor's approval. The salary of said Town Clerk shall be fixed by the Board of Finance and paid by said town and said salary shall be in lieu of all other compensation for the services of said Town Clerk. The office expenses of said Town Clerk, when approved by the Council shall be paid by said town. All records hitherto kept, or which may hereafter be kept, by a Town Clerk or deputy clerk of said town, shall have the same validity as the records of Town Clerks, and shall be in all courts prima facie evidence of the truth of the matters therein recorded. Of any official records hitherto kept or which may hereafter be kept, by the Town Clerk of said town, or by any deputy clerk thereof, a copy certified under the hand of any such recording officer shall be received in all courts as evidence, in the same manner as the original record would be received.

Section 4. - Finance.

A Board of Finance shall be elected in accordance with the provisions in Chapter II, Section 1(b) herein. Except as provided in this Charter, said board shall organize, call regular and special meetings, perform all duties and conduct its business within the time and in the manner required of town boards of finance organized and existing by authority of the General Statutes. Four (4) members of the Board shall constitute a quorum. Said Board shall meet within one (1) month from the date of any election and shall elect a Chairperson and clerk. If these officers are not chosen within one (1) month after the election because of a tie vote of the members, the Mayor must choose officers from the membership of the Board of Finance. The Chairperson presides at all meetings, shall vote only in the event of a tie vote by the Board. Any expenditure reviewed and recommended for approval by the Board of Finance, and which required town meeting approval, may be approved at the town meeting by majority vote of the electors and qualified taxpayers assembled at the aforesaid town meeting, voting in favor of the expenditure. In the event that the

Board of Finance has not recommended approval of the expenditure, a ballot vote of two-thirds or more of the electors and qualified taxpayers assembled at the town meeting voting in favor of the expenditure shall be required. (

*Sub. 1.* The Council may, by ordinance, create the office of the Director of Finance who then shall be appointed by the Mayor and approved by the Council and shall be responsible for the keeping of accounts and financial records, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the Council. Accounts shall be kept by the Director 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 Mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Mayor.

*Sub. 2.* An Assessor shall be appointed by the Mayor and approved by the Council in accordance with Connecticut General Statutes.

*Sub. 3.* The Tax Collector shall be elected and assume office as provided in Chapter II, Section 1 of this Charter. He shall collect all taxes duly laid by the Town of Plymouth, and having received a warrant for the purpose signed by the Mayor shall have the same powers and duties as established by the Connecticut General Statutes as collectors of town taxes now have by law, and shall be accountable to said town, and, in case the collector shall not perform his trust and on complaint of the Council, the Mayor shall issue his warrant under his hand, directed to any proper officer, to collect out of the estate of the negligent collector the sum due from his as ascertained by the Council. In addition to the duties which now or herein are imposed upon him by law, he shall perform all duties which but for the passage of this Charter the Tax Collector would have been required to perform, and shall collect all assessments of every kind made by said town and other revenues, and shall perform all such duties relating to this office as shall be required of the Tax Collector by the ordinances of said town. The compensation of said collector shall be fixed by the Board of Finance. It shall be the duty of the collector, at the expiration of his term of office, whether by request, removal or otherwise to turn over and deliver to his successor in office all warrants, tax list, tax warrant, book of account, documents and papers of every description in any way relating to his office of the business thereof. (

*Sub. 4.* The 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 Council may prescribe.

*Sub. 5.* All purchases of goods or services shall be made under such rules and regulations as established by the Mayor and approved by the Council.,

#### Section 5. - Official bonds.

The Mayor, Town Clerk, Director of Finance Tax Collector, director of public works and such other officers and employees as may be required to do so by the Council shall, before entering on their respective official duties, execute to the town, in the form prescribed by the Council and approved by the town attorney, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Council, conditioned upon honesty and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interest of the town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which department, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

#### Section 6. - Library Board.

There shall be a Library Board consisting of nine (9) members elected as provided in Chapter II, Section 1, of this Charter. Said Board shall retain the authority to invest trust funds as provided by the town meeting resolution approved April 10, 1967. Such Board shall have all the powers and duties not inconsistent with this Charter conferred or imposed by the General Statutes on boards of directors of libraries and shall have such other powers and duties as may be prescribed in this Charter or by the Council.

#### Section 7. - Building Inspector.

There shall be a building inspector. He shall inspect buildings to determine compliance with municipal and other codes and/or ordinances. He shall examine buildings for type of construction, condition of roof, and fireproofing. He shall determine the risk represented by adjoining buildings, by nature of business, and

building contents, and he shall administer the State of Connecticut building code and the Town of Plymouth housing code. If a new inspector is to be appointed, applicants must complete and pass a regular certification examination administered by the State of Connecticut, state building inspector's office and the state building code standards committee within a period of one (1) year after appointment. Nothing herein shall prevent the town from sharing building inspector services with other municipalities if determined by the Mayor and council to be in the best interest of the town.

## CHAPTER VII. - FINANCE AND TAXATION

### Section 1. - Presentation of Proposed Program.

The Mayor 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, excluding the Board of Education, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing service, activities and work accomplished during the current year and to be accomplished during the ensuing year.

### Section 2. - Preparation of Budget.

The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the town as described in Section 1 of this Chapter, excluding the Board of Education, shall on or before January 31st, file with the Mayor on forms prescribed and provided by the Mayor a detailed estimate of the expenditures to be made by his or her department, office or agency and the revenue other than tax revenue, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Board of Finance or the Mayor. These estimates shall, on or before February 10th, be filed with the Board of Finance. The Board of Education shall on or before February 15th, file with the Board of Finance a detailed estimate of the expenditures to be made by that board, and the revenue to be collected thereby in the ensuing fiscal year and such other information as may be required by the Board of Finance.

### Section 3a. - Duties of the Board of Finance on the Budget.

Following receipt of the estimates from the Mayor and the Board of Education, the Board of Finance shall review the estimates and prepare a recommended budget. The Board of Finance shall hold one (1) or more public hearings no later than April 23, at which any elector and/or qualified taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least five (5) business days prior to anyone of the aforementioned public hearings, the Board of Finance shall cause sufficient copies of the recommended budget to be made available for general distribution in the office of the Town Clerk. Immediately after the aforesaid public hearings the Board of Finance shall meet with the Council and designated representatives of the Board of Education to present the recommended budget. The Chairperson of the Council shall preside over this meeting. At the conclusion of such meeting the Board of Finance shall by majority vote of its members, recommend a final budget to the Council who shall within (5) calendar days accept, reject or take no action on the same. In the event the Council rejects or takes no action with the budget, then a referendum shall be scheduled by the Council. Prior to the aforementioned referendum, the Board of Finance shall cause the recommended budget and the amount to be raised by taxation to be published in a newspaper having substantial circulation in the town at least (5) calendar days prior to the referendum.

### Section 3b. - Annual Budget Approval Process.

In the event the proposed budget is not more than three percent (3%) higher or lower than the current year's original approved budget, the Council may consider and approve the same by a majority vote. If the proposed budget is more than three percent (3%) higher or lower than the current year's original approved budget, then the Council shall schedule a budget referendum to be held on or before May 15 for adopting a budget. The budget shall be accepted or rejected by a majority ballot vote cast by the electors and qualified taxpayers at the referendum. In the event of a budget rejection, the Council must adopt a budget by June 15. Council adjustments to the budget excluding debt service shall not be more than three percent (3%) higher or lower than the current year's original approved budget. After the budget is adopted, the Board of Finance shall file the same with the Town Clerk and shall also fix the tax rate in mills which shall be levied on the taxable property in town for the ensuing fiscal year.

### Section 3c. - Special Appropriations.

- (a) Requests for additional appropriations to cover anticipated deficits in the general fund original budget of a department, or requests for appropriations not included in an original budget shall be submitted to the Council for its recommendation and then to the Board of Finance for appropriate action by that board. The Board of Finance shall have the authority to approve appropriation requests in an amount not to exceed fifty thousand dollars (\$50,000.00). No more than one (1) additional appropriation to a department's general fund original budget may be made in one (1) year without town meeting approval. If the amount required, or the amount required together with any other additional appropriations made by the board for the department in the same fiscal year exceed fifty thousand dollars (\$50,000.00), the request shall be subject to a special town meeting. Any expenditure recommended for approval by the Board of Finance may be approved at the town meeting by a majority vote of the electors and qualified taxpayers assembled at the aforesaid special town meeting, voting in favor of the expenditure. In the event that the Board of Finance has not recommended approval, a ballot vote of two-thirds or more of the qualified voters assembled at the special town meeting voting in favor of the expenditure shall be required. Any such appropriation which is to be defrayed from bonds or notes approved at a referendum vote held pursuant to Section 6(b) of this Chapter need not be submitted to a special town meeting.
- (b) Unexpended balances. The Board of Finance, upon written request, may transfer unexpended balances from one (1) appropriation to another in accordance with the Connecticut General Statutes with Council approval

#### Section 4. - Emergency Appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which may not exceed five (5) per cent of the current tax levy in any one (1) fiscal year, may be made upon the recommendation of the Mayor and by a majority vote of the members of the Council present at a legally constituted meeting, provided the Board of Finance has recommended approval and a public hearing, at which any elector and/or qualified taxpayer of the town shall have an opportunity to be heard, shall be held prior to making such appropriation, notice of which hearing shall be given in a newspaper having a substantial circulation in the town, not more than ten (10) days nor less than five (5) days prior to such hearing. Such hearing, notice of hearing, and Finance Board action may be waived if the Council, by a majority of the members present at a legally constituted meeting, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. In the absence of an available unappropriated and unencumbered general fund cash balance to meet such an appropriation additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Council.

#### Section 5. - Expenditures and Accounting.

- (a) No purchase shall be made by any department, board, commission or officer of the town other than the Board of Education, except by the persons responsible for purchasing. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.
- (b) No voucher, claim, or charge against the town shall be paid until the same has been audited by the Director of Finance or his agent and approved by him for correctness and validity. Checks shall be drawn by the Director of Finance for the payment of approved claims which shall be valid only when countersigned by the Mayor. In the absence or inability to act of either the Director of Finance or the Mayor with respect to the above duty, the Chairperson of the Board of Finance may be authorized to substitute temporarily for either but not both of them.
- (c) 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 treasury.
- (d) 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 in accordance with the procedure outlined in Section 3c and each order drawn upon the Director of Finance shall state the department, commission, board or officer and the appropriation against which it is to be charged.

- (e) Appropriation 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 such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance of the appropriations therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.
- (f) Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment, or any 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 obligations or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action shall be cause for his removal.

Section 6a. - Borrowing.

To avoid financial difficulties caused by nonpayment of current taxes the Council shall authorize the Mayor, by resolution, to borrow money in anticipation of collection of said taxes.

Section 6b. - Issuance of Bonds, Notes.

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, other than notes issued in anticipation of taxes, shall be authorized by resolution of the Council adopted after public hearing called and held in the manner set forth in Section 5(c) of Chapter III. Such resolution shall require prior Board of Finance recommendation. No such resolution authorizing the issuance of bonds or notes which would result in total bonds and notes in excess of one hundred fifty thousand dollars (\$150,000.00), in any fiscal year shall become effective until approved by referendum vote of electors and qualified taxpayers. Such referendum may be taken at any regular or special election or may be taken at a special meeting of the aforesaid electors of the Town of Plymouth, provided that the Council, by a majority vote at a legally authorized meeting approves such a special meeting of the electors.

Section 7. - Contributions.

The town shall make no contributions to any organization or private corporation unless so authorized by general statute. No such contribution of more than five hundred dollars (\$500.00) shall be made to any such organization or corporation unless the town is represented on its board by one or more members nominated thereto by the Council.

Section 8. - Annual Audit.

The Board of Finance shall annually designate an independent public accountant or firm of independent public accounts to audit the books and accounts of the town in accordance with the General Statutes of the State of Connecticut. All offices, boards, agencies, commissions and others receiving any funds from the town budget shall be subject to audit annually as part of the town audit.

## CHAPTER VIII. - MERIT SYSTEM

Section 1. - Merit System Established.

All officers and employees in the service of the town, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

Section 2. - Classified Service.

The classified service shall include appointees to all positions now or hereafter created except the following: Elective officers and persons appointed to fill vacancies in elective offices; members of the boards and commissions; officers appointed by the Council; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation;; and persons employed for a temporary period not exceeding three (3) months; and part-time employees and those positions specifically excluded from the classified service by this Charter. It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the town, which shall become effective upon approval



by resolution of the Council and which may be amended, upon recommendation of the Mayor, by resolution of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Council upon the recommendation of the Mayor. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The Mayor 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, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the town. Such rules and any amendments thereto shall become effective upon being filed by the Mayor with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service. All appointed full-time paid department heads shall be included in the classified service to the extent that a union contract conflicts with this Charter, the union contract shall prevail,

## CHAPTER IX. - TRANSITION AND MISCELLANEOUS PROVISIONS

### Section 1. – Public Right to Know, Procedures and Ethics.

*Sub. 1. Right to know.* The public's right to know shall be guaranteed in accordance with the principles embodied the Connecticut General Statutes. This right shall be further assured by the provisions of this Section of the Charter. A deliberate violation or denial of the public right shall be considered cause for dismissal or recall proceedings as defined in this Charter. .

*Sub. 2. Meeting procedures.* All meetings of all Plymouth town government boards, agencies, commissions, committees, or subcommittees shall be open to the public with the exception of a duly authorized executive session, properly called and conducted under the provisions of the Statutes referenced in the foregoing section. All meetings, and minutes of meetings shall be conducted and recorded in accordance with established rules of parliamentary procedure and shall include 'Public Comment' as an agenda item. The Council shall also include "Public Comment on Non-Agenda Items" as an agenda item which may be combined with the "Public Comment" agenda item. Each board or commission as well as the Council may adopt a rule which limits the amount of time a speaker may speak during the Public Comment agenda item or in the case of the Council, the Public Comment on Non-Agenda items. Boards, commissions and the Council may use their own by-laws, rules or regulations pertaining to the allowance of Public Comment on agenda items. As a minimum, the minutes of all meetings, shall include the date and time called, membership attendance, motions made and seconded, the identity of speakers and submitters of resolutions and/or motions, and a brief summary of subjects discussed. Notices of all meetings shall be properly publicized, and such notes shall meet the requirements of the applicable Connecticut General Statutes, Plymouth town ordinances, and rules established by individual boards, agencies, commissions, committees or sub-committees. All boards and commissions must set their own by-laws which shall include all annual organizational meetings with elections of officers and shall adopt rules and regulations, which it deems necessary to operate fairly and effectively. Such adopted rules and regulations shall be filed with the office of the Town Clerk.

*Sub. 3. Public ethics.* Plymouth government officials shall conduct themselves in a responsible and honorable manner, with first priority assigned to their public duties. Faithful meeting attendance and constructive involvement shall be expected, with objective evaluation of said performance to be duly noted by respective agency chairpersons. Said chairperson, inherently responsible for agency leadership, shall be responsible for reporting to the Council any serious or chronic infractions of public trust by any members of this agency.

*Sub. 4. Conflict of interest.* Any elected or appointed officer or any employee of the town who has a substantial financial interest, direct or indirect, in any contract, transaction or decision of any board or commission, shall record such disclosure upon the official record of their meetings. Violation by any such officer or employee of provisions of this Section shall be grounds for his removal. Violation of this Section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction or decision shall render the same voidable by the Council or by a court of competent jurisdiction.

### Section 2. - Existing Laws and Ordinances.

All general laws of the State of Connecticut applicable to the town and all ordinances of the town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All special acts or parts of special acts relating to the Town of Plymouth, except those expressly retained by the provisions of this Charter are repealed. The following ordinances are specifically repealed upon the adoption of this Charter.

1. Ordinance relating to the placing of by-laws in a book prepared by the Town Clerk—November 6, 1956, Vol. 3, page 24 of the Town of Plymouth records.
2. Civil defense blackouts—April 9, 1942, Vol. 5, page 113.
3. Establishment of a Fire Department—March 6, 1915, Vol 4, page 205.
4. Fireworks—October 7, 1938, Vol. 5, page 85.
5. Tenement House Act—January 29, 1942, Vol. 5, page 111.
6. Board of Park Commissioners—June 26, 1957, Vol. 5, page 389.
7. Cemetery Ordinance—October 1, 1883, Vol. 2, page 322.
8. Hillside Cemetery Committee—March 2, 1926, Vol. 4, page 420.
9. Cemetery By-Law—October 5, 1885, Vol. 3, pages 23—24.
10. Disposition of cemetery income—October 7, 1907, Vol. 3, page 567.
11. Plymouth Cemetery Committee—December 1, 1908, Vol. 3, page 608.
12. Width of highways—October 7, 1907, Vol. 3, page 564.
13. New land development—October 7, 1938, Vol. 5, page 85.
14. Plymouth Industrial and Development Commission—Adopted November 6, 1961, Vol. 6, page 134.
15. Amendment to Zoning Board of Appeals—Adopted June 14, 1962, Vol. 6, page 155.
16. Plymouth Redevelopment Agency—Adopted February 3, 1964, Vol. 6, page 223.

Section 3. - Qualification of Appointees.

All members of appointive boards and commissions shall be electors of the town, and shall vacate their positions upon ceasing to be residents and electors of the town.

Section 4. - Amendment of Charter.

This Charter may be amended in the manner prescribed by law.

Section 5. - Saving Clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Section 6. - Ratification of Charter and Effective Date.

The question of ratification of this Charter shall be submitted to the electors of the town at a regular election to be held on November 5, 1974 in accordance with the provisions of the General Statutes. The question to be voted shall be:

ADOPTION OF THE CHARTER

Shall the Town of Plymouth adopt the proposed Selectman-Council, Limited Town Meeting Charter?

Yes \_\_\_\_\_ No \_\_\_\_\_ .

If a majority of those voting on this question shall vote in the affirmative, the Charter shall become effective upon its adoption for the purposes of elections and on November 4, 1975, for all other purposes.

Section 7 - Gender.

Any reference to gender shall mean any gender regardless of said reference.

Section 8. - Definitions.

*Appropriation:* The setting apart of a designated sum for a particular purpose or purposes.

*Business day(s):* Monday through Friday excluding Federal and/or State and/or Town declared holidays.

*Election:* The process of choosing a person to fill an office or position by vote of the electors.

*Electors:* An individual who has attained the age of eighteen (18), who is a United States citizen, who is a bona fide resident of the Town of Plymouth, and whose name appears on the voter registration list as maintained by the registrars of the Town of Plymouth.

*Qualified Taxpayer:* An individual who is a United States citizen, who has attained the age of eighteen (18), who is a resident or non-resident of the Town of Plymouth, who owns property at an assessed value of one thousand dollars (\$1,000.00) or more in the Town on the last completed grand list.

*Resident:* An individual who lives in the Town of Plymouth.