

# CHARTER OF THE TOWN OF LEBANON, CONNECTICUT

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## ARTICLE 1. INCORPORATION AND GENERAL POWERS

### **1.1 Incorporation**

All residents of the Town of Lebanon, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Lebanon", in this Charter called "the Town". As such the Town shall have perpetual succession and may hold and exercise all powers and privileges granted to towns by the Constitution of the State of Connecticut, the general law of the State of Connecticut not inconsistent with this Charter, and by this Charter.

### **1.2 Rights and Obligations**

All property interests, both real and personal, all actions, rights of action and rights of every description and all securities and liens vested or inchoate which the Town possesses as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on said date. Nothing herein shall be construed to affect the right of the Town to collect any assessments, charge, debt or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a 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 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 Board of Selectmen of the Town.

### **1.3 General Grant of Powers**

In addition to all powers granted to towns under the Constitution, the Connecticut General Statutes and general law, and to the Town by this Charter, the Town shall have all powers fairly implied or incident to the powers expressly granted and all other powers 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, the State of Connecticut or any political subdivision, agency or instrumentality thereof for purposes not prohibited by law. The enumeration of specific powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of powers but shall be considered as in addition thereto.

### **1.4 Definitions**

As used in this Charter:

1. "agency" means any elective or appointive Town board, commission, committee or official of the Town.
2. "Annual Town Budget" has the meaning ascribed to it in Article 10 of this Charter and is comprised of the Board of Education Operating Budget, the Town Operating Budget, and the Non-Operating Budget.
3. "appropriation" means an authorization granted by a Town Meeting or referendum to expend Town funds and / or to incur obligations for specific governmental purpose in accordance with Article 10 of this Charter.

4. "Biennial Town Election" shall mean that municipal election held on the first Tuesday following the first Monday in November in odd numbered years.
5. "Capital Improvement Project" shall mean any infrastructure or equipment acquisition or construction that results in a capitalized asset with a useful life of at least five (5) years.
6. "Connecticut General Statutes" means the Connecticut General Statutes, as the same may be amended from time to time.
7. "Constitution" means the Constitution of the State of Connecticut, as amended.
8. "Current Year Total Tax Levy" shall mean the amount to be raised by taxes as set forth in the Annual Town Budget.
9. "elector" means any person possessing the qualifications described by Article Six of the Constitution and applicable Connecticut General Statutes and duly admitted to, and entitled to exercise, the privileges of an elector in the Town.
10. "holiday" has the meaning ascribed to it in Section 1-4 of the Connecticut General Statutes.
11. "may" connotes a permissive action.
12. "Public Hearing" shall mean a hearing, open to the public, notice of which shall be given at least eight (8) days in advance by publication in at least one (1) newspaper having general circulation in the Town or as otherwise provided by law and by posting a notice in a public place, or as otherwise specified by Connecticut General Statutes.
13. "qualified voter" means any person eligible to vote at a Town Meeting in accordance with the eligibility requirements of Section 7-6 of the Connecticut General Statutes.
14. "quorum" is a majority of members of an agency of the Town.
15. "shall" connotes a mandatory action.
16. "Town Meeting" is the legislative body of the Town and shall have the power and authority provided in this Charter and the Connecticut General Statutes.

## **ARTICLE 2. TOWN MEETINGS, REFERENDA, PETITIONS**

### **2.1 Legislative Power**

The legislative powers of the Town, to the extent specified in this Article, shall be vested in the Town Meeting.

### **2.2 Annual Town Meeting and Special Town Meetings**

The Annual Town Meeting, which shall also be the Annual Budget Meeting, shall be held on the first Monday of May for discussion of the Annual Town Budget and automatic adjournment of the vote on such Budget to referendum and such other business as the Board of Selectmen shall state in the call of the meeting. The Annual Town Meeting shall also include an agenda item to consider any other business proper to come before said meeting.

Special Town Meetings shall be called by the Board of Selectmen pursuant to the terms of this Charter and in the manner provided by the Connecticut General Statutes.

Upon an affirmative vote of those qualified voters present and voting, any Town Meeting may be adjourned to a specific day and time.

### **2.3 Procedure**

All Town Meetings shall be called to order by the First Selectman, or a selectman designated in writing by the First Selectman if the First Selectman cannot be present. All Town Meetings shall be presided over by a moderator who shall be elected at the Town Meeting from among the qualified voters present and voting. An individual is eligible to serve as a moderator if such individual has received training in moderating town meetings.

The latest edition of Robert's Rules of Order shall govern the conduct of all Town Meetings. The Clerk of the Town Meeting shall be the Town Clerk; if absent, the Town Clerk's designated representative, and if there be no designated representative, an elector selected by the Town Meeting for such purpose. This person shall be responsible for recording all pertinent discussion and information in an accurate and detailed manner.

### **2.4 When Action by Town Meeting Is Required**

A Town Meeting shall be required for approval of any of the following:

1. The Annual Town Budget; at Town Meeting such budget vote is automatically adjourned to referendum as set forth in Article 10.5
2. The authorization to issue bonds and other forms of financing, except as otherwise provided by the Connecticut General Statutes;
3. Except as provided in Section 10.8 herein, any appropriation not included in the Annual Town Budget;
4. Real estate purchased by the Town for a price in excess of \$50,000;
5. Sale of any Town-owned real estate assessed at more than \$50,000 on the most recent grand list;
6. The creation, consolidation or abolition of any permanent board, commission, department or agency not otherwise provided for in this Charter;
7. The creation of a building committee, or any commission authorized to spend Town funds;
8. Real estate leases and/or lease options to which the Town is a party, and which involve a term in excess of one (1) year;
9. Such matters or proposals as may be required by the provisions of this Charter, or as the Board of Selectmen, in its sole discretion, shall deem to be of sufficient importance to be submitted to a Special Town Meeting, including recommendations by the Board of Selectmen for the adoption or repeal or modification of any Ordinance;
10. The application for, or participation in any federal, state, or private grant program, excluding the Board of Education, that requires appropriations not in the current Annual Town Budget;
11. The discontinuance or abandonment of Town roads or acceptance of new Town roads provided that any road so accepted 1) complies with Planning and Zoning regulations, 2) is certified by the Town Engineer as having been constructed in accordance with Town Standards, 3) is evidenced by proper deeds, which have been approved by the Town Counsel and delivered to the Board of Selectmen. Upon acceptance, the deed(s) shall be recorded on the land records of the Town.
12. Any Capital Improvement Project for which the entire project cost does not exceed one million dollars (\$1,000,000), unless consideration of such project has been petitioned to a

Special Town Meeting in accordance with Section 2.6 of this Charter, or at any referendum to which said meeting may be adjourned.

## **2.5 Appropriation or Other Action Requiring Referendum**

Referenda shall utilize a voting technology or methodology approved by the Connecticut Secretary of State for use in an election, as defined in Section 9-1(d) of the Connecticut General Statutes, between the hours of 6 a.m. and 8 p.m.

No referendum shall be held on a Monday or a day following a holiday.

In addition to the Annual Town Budget referendum, a referendum shall be required in the following instances:

1. After being recommended by the Board of Selectmen and pursuant to Connecticut General Statutes Section 7-7, after reasonable discussion at a Town Meeting, any appropriation or any authorization for the issuance of bonds, notes, or other borrowing with the exception of tax anticipation notes, which exceeds one million dollars (\$1,000,000) shall be subject to referendum as follows: after other business has been completed, the moderator shall adjourn the Town Meeting to reconvene at a referendum not less than seven (7) days nor more than fourteen (14) days thereafter.
2. Upon certification by the Town Clerk that a petition, consisting of at least two hundred (200) validated signatures and consistent with Connecticut General Statutes sections 7-7, 7-9 and 7-9a, has been filed for a referendum upon any action that may properly be brought before a Town Meeting.

## **2.6 Petition for Special Town Meeting for Enactment of Ordinances or Other Action**

A Special Town Meeting to consider the enactment of an ordinance or other action shall be called upon certification by the Town Clerk that a petition, consisting of at least fifty (50) validated signatures and consistent with Connecticut General Statutes sections 7-2, 7-9 and 7-9a, has been filed for such Special Town Meeting.

Any such proposed ordinance or other action shall be examined by Town Counsel before being submitted to a Special Town Meeting. Town Counsel is authorized to modify the form of such ordinance or other action to avoid repetition, illegalities and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and precision in its phraseology, but not to change materially its meaning and effect. Town Counsel shall also declare if such ordinance or other action would be unlawful.

The Board of Selectmen shall call a Special Town Meeting, to be held not more than twenty-one (21) days from the date of the Town Clerk's certification as to the sufficiency of the petition.

The call for such Special Town Meeting shall state the proposed ordinance or other action in full and shall provide for a "yes" or "no" vote as to its enactment.

By a majority vote of those qualified voters present and voting, such ordinance or other action

shall pass and shall become effective on the fifteenth (15th) day thereafter, unless publication is required, in which event, the Board of Selectmen shall promptly provide for such publication and for the ordinance or action to take effect on the twenty-first (21<sup>st</sup>) day thereafter.

### **ARTICLE 3. BOARD OF SELECTMEN**

#### **3.1 Number of Selectmen**

Upon full implementation of this Charter according to Article 12, the Board of Selectmen shall consist of five (5) members, the First Selectman and four (4) additional Selectmen, each of whom individually shall be known as a Selectman.

#### **3.2 Term of Office**

All Selectmen, including the First Selectman, shall be elected for a term of four (4) years. The First Selectman shall be elected every four (4) years and two (2) additional Selectmen shall be elected every successive biennial election as provided in Article 12.

Vacancies in the offices of First Selectman or Selectman shall be filled in the manner prescribed in Section 9-222 of the Connecticut General Statutes.

#### **3.3 General Powers and Duties**

1. The Board of Selectmen shall have the powers and duties which are conferred by the Connecticut Constitution, applicable Connecticut General Statutes and of this Charter.
2. Except as otherwise provided by the Connecticut General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority of its members present at a duly convened meeting votes in favor of such action.
3. The Town Manager shall appoint and may remove administrative officials and employees as provided for in Article 9.
4. The Board of Selectmen shall approve all contracts before authorizing the Town Manager to sign such contracts on behalf of the Town.
5. The Board of Selectmen shall determine and set all policies for the operation of the Town which are not specifically granted to another Board or Commission by law or this Charter, and shall develop, annually review, and modify as needed, goals to be accomplished over the next five (5) years.
6. The Board of Selectmen may propose to a Special Town Meeting the adoption of a proposed Ordinance and/or the repeal or amendment of an existing Ordinance.
7. The Board of Selectmen may create, consolidate, modify or abolish temporary appointive committees, boards, agencies or offices unless otherwise provided in this Charter.
8. The Board of Selectmen shall appoint and prescribe the powers and duties of the members of all permanent or temporary appointive commissions, boards, agencies or officials. The



Board of Selectmen may remove members of such agencies according to the provisions of Section 9.1 of this Charter.

9. The Board of Selectmen may purchase real estate on behalf of the Town for a price less than or equal to \$50,000 subject to budgetary appropriations.
10. The Board of Selectmen may sell any Town owned real estate assessed at less than or equal to \$50,000, as shown on the most recently completed grand list.
11. The Board of Selectmen may enter into real estate leases and/or lease options to which the Town is party, and which are effective for a term of one (1) year or less, subject to budgetary appropriations.
12. The Board of Selectmen may apply for, or participate in, any federal, state, or private grant program, other than related to the Board of Education, that requires the Town to contribute an amount provided for in the current Annual Town Budget or that is approved by the Board of Finance.
13. The Board of Selectmen may act upon the recommendations of an appointed agency regarding the reappointment of its regular members or alternate members.
14. The Board of Selectmen shall make provision for public health and safety.
15. The Board of Selectmen shall ensure that proper competitive bidding and purchasing procedures are developed, defined and used by all Town agencies, except with respect to the Board of Education.
16. The Board of Selectmen may participate in and appoint representatives to state, regional and inter-town agencies as provided by law subject to limitations of this Charter.
17. The Board of Selectmen shall generally supervise the administrative affairs of the Town except those matters which by law or by this Charter are exclusively committed to the Board of Education.
18. The Board of Selectmen, through the Town Manager shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies for such purposes and may request such reports or information to be submitted by the agencies as the Board of Selectmen may deem necessary for such purposes.
19. The Board of Selectmen shall obtain fidelity bonds for such offices or officials as are to be bonded by applicable Connecticut General Statutes or this Charter.
20. The Board of Selectmen may institute, prosecute, defend or compromise any legal action or proceedings by or against the Town.



21. The Board of Selectmen, in conjunction with the Board of Finance, shall compile the Annual Town Report referenced in Section 10.11 of this Charter.
22. No member of the Board of Selectmen shall give orders, either publicly or privately, to any administrative officer or employee (as defined in Article 9 of this Charter), except that a properly constituted meeting of the Board of Selectmen may call before it any employee or appointed official for the purposes of gathering information or conducting an investigation.

### **3.4 Procedure**

At its first meeting following each Biennial Town Election, the Board of Selectmen shall 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, except that each Selectman shall have the right to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion.

The First Selectman at the first meeting of the Board of Selectman shall designate in writing the selectman who shall fulfill the duties and responsibilities of the Office of First Selectman in the event of the First Selectman's absence or disability. Such designation shall be filed with the Town Clerk. The First Selectman may change the designation at any time in writing.

Except as authorized by the Connecticut Freedom of Information Act, all meetings of the Board of Selectmen for the transaction of business shall be open to the public. The votes of each Selectman shall be recorded at the session at which they occur and reported in the minutes of such meeting.

No action, except a vote to adjourn or fix the time and place of the next meeting, shall be adopted without a quorum present.

### **3.5 Oath of Officials**

The Board of Selectmen shall, forthwith after the election or appointment of any Town officials of whom an oath is required by law, and prior to such official taking office, cause them to be sworn to a faithful discharge of their respective duties by the Town Clerk. The Board of Selectmen shall see that notice of election or appointment of Town officials shall be in written form indicating if an oath is needed, as well as the time and location of the next regularly scheduled meeting of any appropriate agency.

## **ARTICLE 4. THE FIRST SELECTMAN**

### **4.1 Duties**

The First Selectman shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall preside at meetings of the Board of Selectmen when present.

The First Selectman shall be an ex-officio member of all agencies of the Town (other than the Board of Education), but without power to vote. From time to time, the First Selectman may designate another Selectman to act as the First Selectman's representative on any agency, but without power to vote. Such designation shall be in writing and may be effective for a specific

or indefinite period, modifiable after notice by the First Selectman to the applicable designee and agency.

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law, which are not inconsistent with this Charter and Connecticut General Statutes §7-193 and shall have all the powers necessary or incidental to the discharge of the First Selectman's duties and responsibilities as set forth in this Charter.

The First Selectman shall prepare a meeting agenda for each Board of Selectmen meeting.

## ARTICLE 5. THE TOWN MANAGER

### **5.1 Chief Executive Officer.**

The Town Manager shall be the Chief Executive Officer of the Town pursuant to Connecticut General Statutes Section 7-193. The Town Manager shall be responsible to the Board of Selectmen for the administration of all departments and agencies of the Town government except the Board of Education and Town agencies whose head or whose members are elected by popular vote.

The Town Manager shall be appointed by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, education, training and experience. The compensation of the Town Manager shall be established by the Board of Selectmen. In the event of a vacancy in the position of the Town Manager, incapacity or long-term absence of the Town Manager the Board of Selectman may appoint a Town Manager to serve on an interim basis.

The appointment of the Town Manager shall require at least four affirmative votes and it shall require at least four affirmative votes to remove the Town Manager from office.

### **5.2 Duties**

The Town Manager shall have all the powers, duties and responsibilities conferred upon a municipal chief executive officer under Connecticut General Statutes Section 7-193, which are not inconsistent with this Charter. For the purpose of Chapter 113 of the Connecticut General Statutes, the Town Manager shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen. The Town Manager may assign and delegate duties to hired administrative officials and employees. In the event the Town Manager is unavailable to perform their duties for a brief period due to absence or illness of short duration, the Town Manager shall designate an Acting Town Manager to serve during such period of absence. Under the general policy direction of the Board of Selectmen, the Town Manager shall:

1. be responsible to the Board of Selectmen for the administration of all Town matters;
2. provide guidance to, set objectives and define administrative tasks for the agencies of the Town, except those functions expressly reserved or delegated to such agencies by law;
3. implement ordinances, resolutions, policies, and other action approved by the Board of Selectmen or at the Town Meeting;

4. purchase, or cause to be purchased, subject to such rules and regulations as may be adopted by the Board of Selectmen, all supplies, materials, equipment and other commodities required by any Town agency or department, including the local Board of Education to the extent said Board shall authorize;
5. subject to the approval of the Board of Selectmen, enter into contracts for the performance of services, or perform duties of any office under their jurisdiction;
6. continuously review the current and future needs of the Town and, in connection therewith, the Town Manager may require reports and information to be submitted by any agency;
7. exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen, not inconsistent with this Charter;
8. keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and assist the Board in applying for and implementing same;
9. coordinate and guide the Board of Selectmen in the discharge of all the Board of Selectmen's duties and responsibilities; and
10. in conjunction with the First Selectman, prepare a meeting agenda for each Board of Selectmen meeting.

## **ARTICLE 6. ORDINANCES**

### **6.1 General**

Ordinances shall be subject to approval at a Town Meeting.

### **6.2 Public Hearing on Ordinances**

At least one Public Hearing shall be held by the Board of Selectmen before any Ordinance shall be recommended by the Board of Selectmen for consideration at a Town Meeting.

### **6.3. Publication and Recording of Ordinances**

Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a manner which shall be properly indexed, and available for inspection and copying by the public at reasonable hours. Within ten (10) days after final passage, the text of each ordinance shall be made publicly available, unless a summary is published as provided in Section 7-157(b) of the Connecticut General Statutes. Every Ordinance shall become effective on the twenty-first (21<sup>st</sup>) day after such publication, unless it specifies a later date.

## **ARTICLE 7. GENERAL ELECTIONS**

### **7.1 General**

Nomination and election of state and federal officials and such elective Town officials, boards and commissions as are provided for in Article 8.3 of this Charter, shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therein, in the manner prescribed in the Connecticut Constitution and the general and special laws of the State applicable to the Town, except as hereinafter provided.

Biennial (regular) Town Elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.

Special Town Elections may be called from time to time in accordance with the Connecticut General Statutes.

## **7.2 Minority Representation**

Membership on all elected and appointed agencies shall be determined in accordance with the minority representation law as set forth in the Connecticut General Statutes.

Total membership	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

In accordance with section 9-188 of the Connecticut General Statutes, where the Board of Selectman is a five (5) member board, the maximum number who may be members of the same political party shall be three, and provided that for the purpose of determining minority representation, the total membership of such board shall be deemed to include the First Selectman.

## **7.3 Eligibility for Office**

Only a person who is, at the time of such person's election, an elector and Town resident, shall be eligible for election to any Town office, and any person ceasing to be an elector or Town resident shall thereupon automatically cease to hold elective office in the Town. All elected officials shall be sworn in before taking office and the official administering the oath shall record such fact in the office of the Town Clerk.

## **7.4 Breaking a Tie**

When any election for a Town office conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of section 9-332 of the Connecticut General Statutes.

When any referendum question conducted pursuant to the provisions of this Charter results in a tie, the referendum shall be deemed to be defeated.

# **ARTICLE 8. ELECTIVE OFFICIALS AND AGENCIES**

## **8.1 General Powers and Duties**

Except as otherwise provided in this Charter, all elective agencies of the Town shall have the powers and duties prescribed by the Connecticut General Statutes.

Following Town elections, the first meeting of each elective agency shall be an organizational meeting at which meeting the agency shall elect officials and establish a regular schedule of meetings for the ensuing year.

As authorized by Section 7-421(e) of the Connecticut General Statutes, a municipal employee of the Town, who is an elector of the Town and is not otherwise disqualified from serving, may serve as a member or an alternate of any elective boards or commissions..

No agency shall conduct business unless a quorum shall be present, except as otherwise provided by the Connecticut General Statutes. No agency shall meet at the same time as the Annual Town Meeting or the Annual Town Budget hearing is being held.

Any agency may, by an affirmative vote of a majority, adopt bylaws or rules for its operation that are not in conflict with the provisions of this Charter. Such bylaws or rules shall be filed with the Town Clerk and made readily available to the public.

Any political party may nominate a number of candidates for election to an elective agency, except as otherwise provided in this Charter, equal to the number of members of said board to be elected at such election. Any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except when the number of members of a political party who would be elected exceeds the maximum number as determined by the minority representation requirements of Article 7 of this Charter. In such case, only the candidates of such political party with the highest number of votes, up to the limit of such maximum according to Article 7.2, shall be elected. The next highest-ranking candidates not from such political party shall be elected, up to the number of places to be filled in such election.

In accordance with Section 7-340a of the Connecticut General Statutes, if a regular member of the Board of Finance is absent or disqualified, such absent or disqualified member of the Board of Finance shall designate an alternate so to act. In the event that an absent or disqualified regular member of the Board of Finance shall fail or refuse to designate an alternate to so act, the majority of regular members of the Board of Finance not absent or disqualified may designate an alternate subject to provisions of Article 7.2 of this Charter, to so act for such absent or disqualified regular member. If a regular member of any other agency is absent or is disqualified, the Chairman of the agency shall designate an alternate in compliance with Section 8.4 of this Charter whenever possible. Alternate members shall, when seated as herein provided, have all the powers and duties prescribed by law and shall be deemed as full members for the purposes of this Article.

## **8.2 Terms of Office**

The terms of office for each elective official shall be as provided in this Charter. Except as provided in Article 12, all terms of office commence on the second Monday after election and qualification, except as specified for the Registrars of Voters. All elective officials shall hold office until their successors have been chosen and qualified.

## **8.3 Elective Officials**

At each applicable biennial Town election, based on the expiration of the term of an incumbent in office, the following Town officials and members of the following agencies shall be elected:

### **8.3.1 First Selectman and Selectmen**

The First Selectman shall be elected for a term of four (4) years and shall exercise the powers and duties prescribed in Chapter 91 of the Connecticut General Statutes, as it may be amended from time to time and as prescribed in Article 3 and Article 4 of this Charter. When there is an election for First Selectman, the votes cast for the unsuccessful candidate or candidates for First Selectman shall be counted as votes for the same candidate or candidates as a Selectman. Four (4) Selectmen shall be elected, each of whom shall be elected for a term of four (4) years and shall exercise the powers and duties prescribed in Chapter 91 of the Connecticut General Statutes and as prescribed in Article 3 of this Charter.

### **8.3.2 Town Treasurer**

The Treasurer shall exercise the powers and duties prescribed in Chapter 94 of the Connecticut General Statutes.

### **8.3.3 Board of Education**

The Board of Education shall consist of nine (9) members, each of whom shall be elected for a term of six (6) years, and shall exercise the powers and duties prescribed in Chapter 170 of the Connecticut General Statutes.

### **8.3.4 Board of Finance**

The Board of Finance shall consist of six (6) regular members and three (3) alternate members, each of whom shall be elected for a term of six (6) years and shall exercise the powers and duties prescribed in Chapter 106 of the Connecticut General Statutes.

### **8.3.5 Planning and Zoning Commission**

The Planning and Zoning Commission shall consist of seven (7) regular members and three (3) alternate members, each of whom shall be elected for a term of six (6) years and shall exercise the powers and duties prescribed in Chapters 124 and 126 of the Connecticut General Statutes.

### **8.3.6 Zoning Board of Appeals**

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members, each of whom shall be elected for a term of six (6) years and shall exercise the powers and duties prescribed in Chapter 124 of the Connecticut General Statutes.

### **8.3.7 Board of Assessment Appeals**

The Board of Assessment Appeals shall consist of three (3) members, each of whom shall be elected for a term of four (4) years and shall exercise the powers and duties prescribed in Chapter 203 of the Connecticut General Statutes.

### **8.3.8 Registrars of Voters**

Two (2) Registrars of Voters shall be elected for terms of four (4) years in accordance with Section 9-189a of the Connecticut General Statutes. Each registrar shall appoint an assistant who shall be sworn. The Registrars shall exercise the powers and duties prescribed in Title 9 of the Connecticut General Statutes.



### **8.3.9 Library Board of Trustees**

The Library Board of Trustees shall consist of nine (9) members, each of whom shall be elected for a term of six (6) years and shall exercise the powers and duties prescribed in Chapter 190 of the Connecticut General Statutes.

### **8.4 Vacancies in Elective Officials, Boards & Commissions**

Unless otherwise provided by Connecticut General Statutes or this Charter, any vacancy in any elective agency, from whatever cause arising, shall be filled by appointment by the Board of Selectmen until the next Biennial Town Election at which a ballot position shall be created for the remainder of the unexpired term.

If the person vacating the office shall have been elected as a member of a political party, such appointment to fill the vacancy shall be an elector with the same political party affiliation.

The Board of Selectmen shall first endeavor to fill the vacancy with an alternate member of such agency with the same political affiliation as the member who created the vacancy. If no such alternate exists, or if no such alternate is willing to fill the vacancy, the Board of Selectmen shall appoint to fill the vacancy as specified above.

If such vacancy is not so filled by the Board of Selectmen within ninety (90) days from the time of notification to the Town Clerk of such vacancy, it shall be filled by the agency in which the vacancy occurred in accordance with the same criteria.

When a vacancy occurs in the office of the First Selectman, or in the Board of Selectmen, it shall be filled within sixty (60) days after the day of its occurrence by the remaining members of the Board of Selectmen, or as otherwise provided under the provisions of Section 9-222 of the Connecticut General Statutes.

## **ARTICLE 9. APPOINTIVE OFFICIALS, AGENCIES AND EMPLOYEES**

### **9.1 Appointive Officials and Agencies.**

The Board of Selectmen shall appoint the officials and the agencies of the Town identified in this Article, unless otherwise specified herein or in the Connecticut General Statutes. All appointees shall serve for terms established in accordance with this Article. All appointive agencies of the Town shall have the powers and duties prescribed by the Connecticut General Statutes to the extent applicable.

The Board of Selectmen shall provide the services required by law and those required for the efficient and orderly operation of the Town, either through duly hired or appointed officials, employees or agencies, or through the use of regional entities. These officials, employees, agencies or services shall include but not be limited to those specified in this Article.

Only a person who is, at the time of such appointment, an elector, shall be eligible for appointment to any agency, and any person ceasing to be an elector shall thereupon automatically cease to hold appointive office in the Town.



A municipal employee of the Town who is an elector of the Town, and is not otherwise disqualified from serving, may serve as a member or an alternate of any appointive agency.

No agency shall conduct business unless a quorum shall be present, except as otherwise provided by the Connecticut General Statutes. No agency shall meet at the same time as an Annual Town Meeting, Annual Budget Hearing or referendum to approve the Annual Town Budget is being held.

Any agency may, by an affirmative vote of a majority of its members present at a duly convened meeting, adopt bylaws or rules for its operation that are not in conflict with provisions of this Charter. Such bylaws or rules shall be filed with the Town Clerk and made readily available to the public.

Any agency may, by an affirmative vote of a majority of its members present at a duly convened meeting, make recommendations regarding the reappointment of members whose terms are about to expire.

#### Vacancies

Except as otherwise required by law, vacancies in appointive agencies shall be filled for the unexpired term in the same manner as appointments are made. Except as otherwise required by law, if no appointment shall be made by the Board of Selectmen within ninety (90) days following notification to Town Clerk of such vacancy, the remaining members of the agency may fill said vacancy thereafter by a majority vote. A vacancy shall be filled in accordance with the minority representation rules as set forth in 7.2 of this Charter.

#### Removals

Except as otherwise provided in this Charter, any appointive official or appointive member of an agency may be removed for cause by the Board of Selectmen, provided they shall first be given notice in writing of his/her removal. Said official shall upon written request to the Board of Selectmen within ten (10) days from the date of receipt of their removal notice, be immediately given notice in writing of the specific grounds of removal. Thereafter, if requested (either in the request for specific grounds or in a subsequent request submitted to the Board of Selectmen within five (5) days from the receipt of such specific grounds), said official shall be given written notice from the Board of Selectmen setting forth the time and place of an opportunity to be heard in their own defense, personally and/or by counsel, at a hearing before the Board of Selectmen which shall be open to the public, to be held not less than five (5) and not more than twenty (20) days after receipt of such request for hearing.

#### **9.1.1 Commission on Aging**

The Commission on Aging shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years.

The Commission shall study and analyze the needs and condition of Lebanon's aging in both the public and private sectors, in relation to housing, economics, employment, transportation, health, social services, recreation and other matters as shall be deemed necessary by the Commission. The Commission shall also develop and implement programs to meet the needs and improve the conditions of the aging, shall make recommendations to the Board of

Selectmen regarding services to the aging. The Senior Center Director shall have the day-to-day responsibility for the operation of the Senior Center and work under the direction of the Town Manager.

The Commission shall identify opportunities for federal, state, local and private funds for elderly programs, and advise the Board of Selectmen in interpreting requirements and implementing grants and related policies. In this role, the Commission shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes.

#### **9.1.2 Conservation and Agriculture Commission**

The Conservation and Agriculture Commission shall consist of seven (7) regular members and three (3) alternate members, each of whom shall be appointed for a term of three (3) years and shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes.

In addition, a resident of the Town who is an enrolled student in high school or college with an interest in agriculture, may serve (up to 3 years) as a non-voting member appointed by the Board of Selectmen.

The Commission shall advocate for and advise Town agencies, civic groups and citizens regarding conservation and agricultural issues. The commission shall recommend lands for preservation, provide information and guidance regarding protection of natural resources and agricultural viability. It shall advise the Town regarding economic factors, taxation, preservation and expansion of agricultural enterprises, natural resources and passive recreation activities.

#### **9.1.3 Economic Development Commission**

There shall be an Economic Development Commission for the promotion of the business and industrial resources of the Town of Lebanon, consisting of five (5) regular members and three (3) alternate members, each of whom shall be appointed for a term of five (5) years. The Commission shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes.

#### **9.1.4 Inland Wetlands Commission**

The Inland Wetlands Commission shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years and shall exercise the powers and duties prescribed in Chapter 440 of the Connecticut General Statutes.

The Commission shall be authorized to enact such regulations in conformity with the regulations promulgated by the Connecticut Department of Energy and Environmental Protection with due consideration to the standards set forth in Public Act 155 of the 1972 Session of the General Assembly, as amended, as are necessary to protect the inland wetlands and watercourses within the Town, and to charge a reasonable fee for any application made to it under such regulations.

The Commission shall hold a Public Hearing prior to enactment or amendment of such

regulations.

#### **9.1.5 Recreation Commission**

The Recreation Commission shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years.

The Commission shall be responsible for the administration, management, control and development of a public recreation program in the Town and may adopt by-laws, rules and regulations pertaining thereto. The Commission may accept contributions for the furtherance of its work; may levy fees or charges for services or for the use of facilities under its control; may work jointly with other agencies in providing public recreation; and may provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreation facilities and activities on any of the properties owned or controlled by the Town or on any other property with the consent of the owners or the Town authority having jurisdiction thereof.

#### **9.1.6 Cemetery Commission**

The Cemetery Commission shall consist of seven (7) members, each of whom shall be appointed for a term of three (3) years and shall exercise the powers and duties prescribed in Chapter 368j of the Connecticut General Statutes.

#### **9.1.7 Solid Waste Commission**

The Solid Waste Commission shall consist of five (5) regular members and two (2) alternate members, each of whom shall be appointed for a term of three (3) years and shall exercise the powers and duties prescribed in Chapter 446d of the Connecticut General Statutes.

The Commission shall oversee the operation of the Lebanon Solid Waste Facility and the maintenance of the closed landfill.

#### **9.1.8 Water Pollution Control Authority**

The Lebanon Water Pollution Control Authority (referred to as the "WPCA"), shall consist of five (5) members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 103 of the Connecticut General Statutes.

The WPCA shall adopt rules and regulations concerning connections to any sewage system giving due consideration to capacity and existing connections and shall establish fair and reasonable rates for said connections and use of the system after a Public Hearing as set forth in Section 7-255 of the Connecticut General Statutes.

#### **9.1.9 Local Emergency Planning Team**

There shall be an agency known as the Local Emergency Planning Team, membership of which shall include the Town Manager, Emergency Management Director, Deputy Emergency Management Director, Fire Chief, Police Department Officer, Superintendent of Schools, Fire Marshal and Public Works Director.

The Local Emergency Planning Team shall meet at least once annually and at other times as deemed necessary by the Town Manager or the Emergency Management Director.

The Local Emergency Planning Team shall operate under the direction of the Town Manager and shall adopt and administer an emergency plan of operations as prescribed in Section 28-7 of the Connecticut General Statutes.

#### **9.1.10 Flood and Erosion Control Board**

The Board of Selectmen shall act as the Flood and Erosion Control Board, with all the authority, powers duties, and responsibilities of flood and erosion protection boards as prescribed in Chapter 447 of the Connecticut General Statutes.

#### **9.1.11 Justices of the Peace**

There shall be a maximum of fifty-four (54) Justices of the Peace, appointed in accordance with Section 9-183a et seq. of the Connecticut General Statutes. The Justices of the Peace shall exercise the powers and duties prescribed in Chapter 877 of the Connecticut General Statutes.

### **9.2 Hired Administrative Officials, Employees and Services**

The Town Manager shall appoint all administrative officials and may hire employees of the Town, except with respect to the Board of Education employees, as provided in this Article. As applicable, such officials and employees shall have powers and duties as are prescribed in the Connecticut General Statutes, except as otherwise provided by this Charter. The terms of all such administrative officials, except as otherwise provided in the Charter, shall be set by the Board of Selectmen.

Unless otherwise provided by the Board of Selectmen, hired officials and employees need not be residents of the Town.

The Board of Selectmen shall establish uniform personnel, compensation and hiring practices that adhere to all federal, state and local laws. The Board of Selectmen shall consult with the Town Manager or other such administrative official as the Town Manager designates to establish job descriptions and requirements. Appropriate Town agencies may identify candidates, conduct interviews and recommend candidates for employment using procedures adhering to the uniform hiring practices. All officials and employees shall receive compensation as determined by the Board of Selectmen except as provided in Section 11.1 of this Charter.

Except as otherwise provided by law or this Charter, any non-probationary employee of the Town may be removed for cause by the Town Manager, with the approval of the Board of Selectman. No such employee shall be removed for cause without notice and the opportunity to respond.

**9.2.1 The Tax Assessor** shall exercise the powers and duties prescribed in Chapter 203 of the Connecticut General Statutes.

**9.2.2 The Tax Collector** shall exercise the powers and duties prescribed in Chapter 204 of the

Connecticut General Statutes.

**9.2.3 The Town Clerk** shall exercise the powers and duties prescribed in Chapter 92 of the Connecticut General Statutes.

**9.2.4 The Finance Director**, if such appointment is made, shall have such duties and responsibilities as are delegated to by the Town Manager, which duties and responsibilities may include but not be limited to:

1. Acting as agent of all Town funds, except as otherwise provided by this Charter.
2. Responsibility for keeping and maintaining all Town accounts showing financial transactions of all departments and agencies of the Town, including the Board of Education.
3. Providing the Board of Education and the Board of Finance such reports or information as requested.
4. Assisting the Town Manager in the preparation of the Annual Town Budget. In the absence of a Finance Director, the Town Manager shall be responsible for ensuring the above duties and responsibilities are carried out.

**9.2.5 Building Official** shall exercise the powers and duties prescribed in Chapter 541 of the Connecticut General Statutes.

**9.2.6 The Director of Health** shall exercise the powers and duties prescribed in Chapter 368e of the Connecticut General Statutes.

**9.2.7 The Emergency Management Director** shall exercise the powers and duties prescribed in Chapter 517 of the Connecticut General Statutes.

**9.2.8 The Fire Marshal** shall exercise the powers and duties prescribed in Chapter 541 of the Connecticut General Statutes.

**9.2.9 The Library Director** shall exercise the powers and duties prescribed in Chapter 190 of the Connecticut General Statutes.

**9.2.10 The Municipal Agent** for the Aging shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes.

**9.2.11 Police Service** shall exercise the powers and duties prescribed in Chapter 95 of the Connecticut General Statutes.

**9.2.12 The Burning Official** shall have such powers and duties as the Fire Marshal shall confer upon him/her.

**9.2.13 The Tree Warden** shall exercise the powers and duties prescribed in Chapter 451 of the Connecticut General Statutes.

**9.2.14 The Town Planner** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Planning and Zoning Commission.

**9.2.15 The Wetlands Enforcement Officer** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Inland Wetlands Commission.

**9.2.16 The Zoning Enforcement Officer**, who may not be a member of the Zoning Board of Appeals, shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Planning and Zoning Commission.

**9.2.17 The Recreation Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Recreation Commission.

**9.2.18 The Senior Center Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Commission on Aging.

**9.2.19 The Social Services Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her.

**9.2.20 Veterans Affairs official(s)** shall exercise the powers and duties prescribed in Chapter 506 of the Connecticut General Statutes, as it may be amended from time to time.

**9.2.21 The Town Sexton** shall exercise the powers and duties prescribed in Chapter 93 of the Connecticut General Statutes and shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Cemetery Commission.

**9.2.22 The Public Works Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her.

### **9.3 Fees, Fines and Levies**

All fees, fines and levies of every kind paid to or levied by any appointed Town officer shall, to the extent not otherwise provided by law, promptly be remitted to the Finance Director and deposited in the general fund of the Town.

## **ARTICLE 10. FINANCE AND TAXATION**

### **10.0 General**

The Town Operating Budget shall specify all expenses needed to conduct the daily operations of all Town agencies and departments.

The Board of Education Operating Budget shall be as prescribed by Connecticut General Statutes.

The Non-Operating Budget shall specify capital funds, non-recurring funds, debt service, contingency funds, and other funds that do not affect the daily operations of Town agencies and departments or the daily operations under the direction of the Board of Education.



### **10.1 Fiscal Year**

The fiscal year of the Town shall begin on the first day of July and end on the 30th day of June of the following year.

### **10.2 Financial Plan**

Annually the Board of Finance shall not later than November 15 of the current fiscal year, communicate to the Board of Selectmen and the Board of Education regarding the financial status of the Town including, but not limited to financial obligations, fixed costs, bond issues, contractual obligations, and expected revenues. The Board of Finance shall provide overall guidance to the Board of Selectmen, town agencies and departments and the Board of Education for preparation of the Annual Town Budget for the upcoming fiscal year.

The Finance Director or the Town Manager, as appropriate, shall provide such information as the Board of Finance may request for the purposes of this section.

### **10.3 Duties of the Board of Finance regarding the Annual Town Budget**

The Board of Finance shall be responsible for the preparation and presentation of the Annual Town Budget, which shall include the Town Operating Budget, the Board of Education Operating Budget and the Non-Operating Budget.

Annually the Board of Finance shall develop and publish a budget development calendar. The Board of Finance shall make available budget preparation forms in accordance with the budget development calendar.

The Town may establish a contingency account within the General Fund amounting to a maximum of no greater than two percent (2%) of the total Annual Town Budget.

The Board of Finance shall hold joint capital planning meetings with Board of Selectmen, Board of Education and appropriate boards, agencies and departments. Capital budget forms shall be supplied to the Board of Selectmen, the Town Manager, town departments, agencies and the Board of Education by or before in accordance with the budget development calendar.

The Board of Finance shall prepare the Town Operating Budget with due consideration of public health and safety, the financial objectives and priorities of the town and the Plan of Conservation and Development provided by the Planning and Zoning Commission. The Finance Director shall provide such information and support as the Board of Finance requests to prepare the Annual Town Budget detailing each itemized estimate for the upcoming fiscal year, of expenditures and revenues to be received.

Operating budget forms shall be supplied to the Board of Selectmen, the Town Manager, town departments, agencies and the Board of Education in accordance with the budget development calendar.

The Board of Finance shall hold one or more meetings to review the proposed Town Operating Budget and may require the Board of Selectmen, the Town Manager, town departments, agencies and the Board of Education to attend such meeting(s) for the purpose of clarification and to provide appropriate background relating to the requested budget. Agendas for such



meetings shall include the portions of the Town Operating Budget that will be discussed.

The Board of Selectmen, the Town Manager, town departments, agencies and the Board of Education may bring appropriate personnel to such meetings to assist in providing such information.

The Board of Finance shall afford the Board of Selectmen and Board of Education an opportunity to be heard regarding the Town Operating Budget and Board of Education Operating Budget.

Pursuant to the Connecticut General Statutes Chapter 170, the Board of Finance shall have the authority to change only the total requested appropriation of the Board of Education Operating Budget.

**10.3.1** The Board of Finance shall prepare a proposed Annual Town Budget, considering the Town's financial objectives provided according to this Article 10, which shall contain the revised Town Operating Budget, the revised Board of Education Operating Budget and the Non-Operating Budget.

The proposed Annual Town Budget shall include estimates of fund balances for the current fiscal year, net taxable grand list, tax rate, and recommendations for capital projects and methods of financing and recommendations of an appropriation to the contingency account and shall provide a comparison to all items in the current fiscal year.

**10.3.2** The Board of Finance shall hold one or more Public Hearings prior to April 22nd of each year, at which time the Board of Finance shall present the proposed Annual Town Budget, including the Town Operating Budget and Board of Education Operating Budget, and the Non-Operating Budget. Any elector or qualified voter shall have an opportunity to be heard regarding the recommended appropriations for the upcoming fiscal year.

At least ten (10) days in advance of any Public Hearing on the Annual Town Budget, the Board of Finance shall provide notice of such Public Hearing and shall cause such notice to be published in a newspaper having general circulation in the Town or by other means approved for such purposes by the applicable Connecticut General Statutes, which notice shall state where copies of the proposed Annual Town Budget may be obtained. One (1) week prior to the Public Hearing, as well as at the Public Hearing, sufficient copies of the proposed Annual Town Budget shall be made available for general distribution.

**10.3.3** Following the Public Hearing(s), the Board of Finance may revise the proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made at the Public Hearing(s), and communicate to the Board of Selectmen and Board of Education the reasons for any revisions from the originally proposed Town Operating Budget and Board of Education Operating Budget.

#### **10.4 Duties of the Board of Education regarding the Board of Education Operating Budget**

Once each year, on or before March 1st, the Board of Education shall submit to the Board of

Finance its estimate of the receipts and expenditures for the upcoming fiscal year, and the proposed Board of Education Operating Budget for the upcoming fiscal year. Such budget shall be in the form prescribed by the State Board of Education and shall include such additional information as may be requested by the Board of Finance. The Board of Education shall also submit to the Board of Finance its capital needs for the upcoming and following four (4) fiscal years.

#### **10.5 Annual Town Meeting**

The Board of Finance shall file such proposed Annual Town Budget with the Town Clerk at least five (5) days prior to the Annual Town Meeting. At the Annual Town Meeting, the proposed Annual Town Budget shall be presented. The Board of Education shall present the Board of Education Operating Budget, the Board of Finance shall present the Town Operating Budget, and all other portions of the total Annual Town Budget. Consideration of the Annual Town Budget at the Annual Town Meeting shall be limited to a public presentation by the Board of Finance, Board of Education and Town personnel with an opportunity for public participation by comments and questions.

#### **10.6 Budget Referendum**

Following the presentation of the Annual Town Budget at the Annual Town Meeting and reasonable discussion as to such budget, and after other business has been completed, the moderator shall adjourn the meeting to a referendum on the voting machines. The budget resolution will be submitted to the persons qualified to vote in a town meeting which shall take place on the Thursday in May which is ten (10) days after the Annual Town Meeting. The Board of Selectmen shall comply with all notice and publication requirements in effect for such referendum and shall prepare the text of the questions as they will appear on the voting machines.

##### **10.6.1 Ballot**

The Board of Finance shall clearly state the voting alternatives on the ballot and clearly provide the choice of approval or rejection of the proposed budget. The ballot shall contain the total amount of the proposed budget which includes the Non-Operating Budget, the Board of Education Operating Budget and the Town Operating Budget.

Such referendum ballot shall include non-binding advisory questions asking if the Town Operating Budget is too high, too low or acceptable and shall include a non-binding advisory question asking if the Board of Education Operating Budget is too high, too low or acceptable.

##### **10.6.2 Referendum Results**

If the majority of qualified voters present and voting approve the proposed Annual Town Budget, such Annual Town Budget shall be adopted in its entirety.

The results of the referendum and the advisory questions shall be made available to the public at the Town Clerk's office, in official town publications or forums and such other means required by Connecticut General Statutes.

If the Annual Town Budget is rejected at the referendum the Board of Finance shall review the last proposed Annual Town Budget and revise it consistent with the expressed interest of the

Town, sound financial planning and consultation with the Board of Selectmen and Board of Education.

The Board of Selectmen shall announce the date, location and time of the reconvened referendum. The referendum process set forth in the foregoing provisions of this Section shall govern the subsequent referendum and the process as outlined above shall be repeated until an Annual Town Budget has been approved.

#### **10.7 Laying of Taxes**

After the Annual Town Budget has been adopted, the Board of Finance shall meet and set a tax rate at a level sufficient to meet the Annual Town Budget as approved for the upcoming fiscal year, with due provision for estimated uncollectible taxes, abatements, and corrections, other estimated yearly income of the Town. At such meeting, the Board of Finance shall also set the dates that the taxes, at such rate, shall be due and payable.

If the Annual Town Meeting or referenda on the budget fail to pass an Annual Town Budget sufficiently early to permit issuance of tax bills, the Board of Finance may establish a temporary Mil Rate which is the same as or less than the previous tax year and which shall be in effect until such time as a budget and associated Mil Rate is approved by the voters.

#### **10.8 Appropriations**

The adoption of the Annual Town Budget shall be deemed to constitute an appropriation to each line item therein of each agency, department or fund identified in such Annual Town Budget of the amount corresponding to the amount shown in the adopted Annual Town Budget. Each such appropriation shall thereupon be available to be expended by each agency or department respectively for the line-item purposes set forth in the Annual Town Budget; except that the Board of Education shall have the authority to expend its funds in accordance with the Connecticut General Statutes. The Board of Finance may approve supplemental appropriations to any commission, board, agency or municipal office not to exceed ten thousand dollars (\$10,000).

##### **10.8.2.1 Issuance of Tax Bills**

Property tax liability shall be levied and collected in accordance with Connecticut General Statutes. One hundred percent (100%) of motor vehicle taxes, fifty percent (50%) of personal property taxes, and fifty percent (50%) of real property taxes shall be payable in the first installment; except that if either of these property taxes is less than \$250.00, the entire amount of that tax shall be payable in the first installment. The remainder of the personal and real property taxes and any supplemental motor vehicle taxes shall be payable in the second installment.

#### **10.9 Transfer of Funds**

The Board of Selectmen may only transfer and re-appropriate funds between Town Operating Budget line items within a given agency or department.

The Board of Finance may authorize over-expenditures or transfers between agency or department budgets up to the limit allowed by Connecticut General Statutes and may at their

discretion require Town Meeting approval for such authorizations. Transfers between agency or department budgets which exceed Connecticut General Statute limits shall require approval at a Town Meeting.

The Board of Finance may transfer and appropriate funds from the contingency account up to the limit allowed by Connecticut General Statutes and may at their discretion require Town Meeting approval for such transfers or appropriations. Transfers and appropriations from the contingency account which exceed Connecticut General Statute limits shall require approval at a Town Meeting.

#### **10.10 Annual Town Report**

The Board of Finance, in conjunction with the Board of Selectmen, shall annually prepare and publish the Annual Town Report. Such report shall be available for distribution and shall contain the information required in Section 7-406 of the Connecticut General Statutes.

#### **10.11 Audit**

The Board of Finance shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town as required by law. The audit shall include all Town agencies (including the Board of Education), funds identified in the Annual Town Budget for the applicable fiscal year, and any other area as the auditor deems necessary.

#### **10.12 Budget Monitoring**

The Board of Finance shall periodically summarize the expenditures of each agency on the basis of the records kept by the Finance Director and shall provide to each agency a report showing actual and anticipated expenditures to aid the agencies in financial planning.

#### **10.13 Final Budget Reconciliation**

At the end of the fiscal year, the Board of Finance shall compile a final financial document showing the Annual Town Budget for that fiscal year, transfers, final allocations, and final expenditures. This document shall be a part of the Annual Town Report.

#### **10.14 Expenditures Before Adoption of Budget**

Expenditures prior to the final adoption of an Annual Town Budget shall be made in accordance with Section 7-405 of the Connecticut General Statutes.

### **ARTICLE 11. MISCELLANEOUS**

#### **11.1 Compensation and Reimbursement**

Unless otherwise provided in this Charter or by law, regular and alternate members of elective and appointive agencies, and non-hired officials, shall serve without compensation.

Unless otherwise provided in this Charter or by law, regular and alternate members of elective and appointive agencies may be reimbursed for ordinary expenses incurred by said members in the performance of their duties, provided that such appropriation is included in the Annual Town Budget, and provided the expense has been authorized and approved by the agency for

that purpose.

### **11.2 Conflict of Interest**

Any elected or appointed officer of any board or commission, who has a financial or personal interest, direct or indirect, in any contract, transaction or decision of the board or commission upon which such person serves, shall disclose such interest to such board or commission for recording upon its official records and any such person shall be thereby disqualified from participation in the awarding, assignment or deliberation of any such contract, transaction, or decision. Noncompliance with this provision shall constitute grounds for removal of the official, commission, board or agency member from office and such contract, transaction or decision shall be voidable by the Board of Selectmen.

### **11.3 Existing Laws and Ordinances**

All Connecticut General Statutes in their application to the Town, and all ordinances, by-laws, rules, and regulations of the Town and of its agencies, shall continue in effect except to the extent they are inconsistent with this Charter. All Special Acts of the Connecticut General Assembly or parts of any such Special Acts of the Connecticut General Assembly relating to the Town, not inconsistent with this Charter, shall continue in effect.

### **11.4 Rules of Construction and Saving Clause**

This Charter is intended to avail, make use of and exercise the full home rule powers of the Town under Connecticut General Statutes Sections 7-187 through 7-201, inclusive, and any other Statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law, or otherwise.

No provision of this Charter shall be construed as intended to conflict with, or be inconsistent with, the Connecticut State Constitution or any Connecticut General Statute, but in all cases each provision of this Charter shall be construed, to the maximum extent possible, as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.

If any provision of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the application of the balance of the Charter in the context in which such provision so held invalid may appear, except to the extent that an entire Section of any Article of this Charter may be inseparably connected in meaning and effect with the provision to which such holding shall directly apply, in which case the entire Section shall be deemed invalid.

### **11.5 Amendment of Charter**

No less than once every five (5) years, the Board of Selectmen shall make a determination as to whether it is necessary or appropriate to appoint a Charter Revision Commission to consider amendments to this Charter.

This Charter may be amended in the manner prescribed in the Connecticut General Statutes for local action on Charters and Special Acts as the same may be from time to time amended.

## ARTICLE 12. TRANSITION AND IMPLEMENTATION

### **12.1 Transfer of Powers**

Between the effective date of this Charter and the next Biennial Town Election, all Boards, Commissions, agencies, committees and officials shall have those powers and duties which they had prior to the adoption of this Charter, unless otherwise specified.

The powers which are conferred and the duties which are imposed upon any agency by the Connecticut General Statutes, any Town ordinance, or pursuant to a Town Meeting, in force at the time this Charter shall take effect, if such agency is abolished by this Charter, shall be thereafter exercised and discharged by the agency upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All agencies abolished by the Charter, whether elective or appointive, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such agencies and the performance of their duties by other agencies created under the Charter and until the Board of Selectmen shall have notified the members of such agencies which are abolished by the Charter that their successors have qualified.

### **12.2 Effective Date**

All Articles of this Charter shall be effective December 7, 2023, except as follows:

**12.2.1** The offices of Town Clerk and Tax Collector shall become appointive offices upon the earlier to occur of (i) the expiration of the term of office of the current officer and (ii) a vacancy in such office. Thereafter, such offices shall become appointed offices pursuant to the provisions of Article 9 of this Charter.

**12.2.2** A special election shall be held no later than May 29, 2020 for two (2) Selectmen whose terms in office shall expire on November 21, 2023.

**12.2.3** The revisions to Sections 3.3.3, 3.3.4, 3.3.18, 4, 5, 9.1.9, 9.2, 9.2.4, 10.2 and 10.3 related to the Town Manager as the Chief Executive Officer shall become effective upon the earlier to occur of (i) the expiration of the term of office of the current First Selectman and (ii) a vacancy in such office. Thereafter the Town Manager shall be the Chief Executive Officer of the Town. Nothing herein shall prohibit the Board of Selectman from creating and filing the position of Town Manager prior to the effective date to allow for a period of transition or other business necessity.

### **12.3 Biennial Town Elections**

Subject to Section 8.4 of this Charter with respect to filling vacancies, the following elections shall take place at Biennial Town Elections, with such newly elected officials succeeding the respective members whose terms in office expire shortly after the election:

A First Selectman and two (2) Selectmen shall be elected in 2021 and at each second Biennial Town Election thereafter. Two (2) Selectmen will be elected in 2023 and at each second Biennial Town Election thereafter.

Town Treasurer shall be elected at each Biennial Town Election.



Three (3) members of the Board of Education shall be elected at each Biennial Town Election.

Two (2) regular members and one (1) alternate member of the Board of Finance shall be elected at each Biennial Town Election.

Three (3) regular members and one (1) alternate member of the Planning and Zoning Commission shall be elected in 2021 and at each third Biennial Town Election thereafter. Two (2) regular members and one (1) alternate shall be elected in 2023 and at each third Biennial Town Election thereafter. Two (2) regular members and one (1) alternate shall be elected in 2025 and at every third Biennial Town Election thereafter.

Two (2) regular members of the Zoning Board of Appeals shall be elected in 2021 and at each third Biennial Town Election thereafter. Two (2) regular members shall be elected in 2023 and at each third Biennial Town Election thereafter. One (1) regular member shall be elected in 2025 and every third Biennial Town Election thereafter. One (1) alternate member shall be elected at each Biennial Town Election.

Two (2) regular members of the Board of Assessment Appeals shall be elected in 2021 and every second Biennial Town Election thereafter. One (1) regular member of the Board of Assessment Appeals shall be elected in 2023 and every second Biennial Town Election thereafter.

Two (2) Registrars of Voters shall be elected in 2022 and every four years thereafter.

Three (3) members of the Library Board of Trustees shall be elected at each Biennial Town Election.

#### **12.4 Annual Town Appointments (in chronological order)**

The following appointments shall be made by the Board of Selectmen, with newly appointed officials succeeding the respective members whose appointive terms shall expire on that date:

##### on January 1

Three (3) members of the Commission on Aging shall be appointed each year and every third year thereafter.

##### on February 1

One (1) regular member of the Economic Development Commission shall be appointed each year and every fifth year thereafter. One (1) alternate member shall be appointed in 2020 and every fifth year thereafter. One (1) alternate member shall be appointed in 2022 and every fifth year thereafter. One (1) alternate member shall be appointed in 2024 and every fifth year thereafter.

Three (3) members of the Recreation Commission shall be appointed each year and every third year thereafter.

Two (2) members of the Cemetery Commission shall be appointed each year and every third



year thereafter. One (1) additional member shall be appointed in 2022 and every third year thereafter.

Two (2) regular members of the Solid Waste Commission shall be appointed in 2020 and every third year thereafter. Three (3) regular members shall be appointed in 2021 and every third year thereafter. One (1) alternate member shall be appointed in 2020 and every third year thereafter. One (1) alternate member shall be appointed in 2021 and every third year thereafter.

on April 1

Two (2) regular members of the Conservation and Agriculture Commission shall be appointed in 2020 and every third year thereafter. Three (3) regular members shall be appointed in 2021 and every third year thereafter. Two (2) regular members shall be appointed in 2022 and every third year thereafter. One (1) alternate member shall be appointed in 2020 and every third year thereafter. One (1) alternate member shall be appointed in 2021 and every third year thereafter. One (1) student member, if there is such a member, shall be appointed each year.

on May 1

One (1) member of the Water Pollution and Control Authority shall be appointed in 2020 and every third year thereafter. Three (3) members shall be appointed in 2021 and every third year thereafter. One (1) member shall be appointed in 2022 and every third year thereafter.

on June 1

Three (3) members of the Inland Wetlands Commission shall be appointed each year and every third year thereafter.

**ARTICLE 13 ORDINANCES SUPERSEDED BY THIS CHARTER**

The following Lebanon Town Ordinances are superseded by provisions of this Charter.

1. ORDINANCE REGARDING THE APPROVAL OF CAPITAL PROJECTS (April 3, 2017).
2. AN ORDINANCE CONCERNING MEMBERSHIP OF TOWN EMPLOYEES ON TOWN OF LEBANON BOARDS AND COMMISSIONS (May 7, 2007).
3. ORDINANCE REGULATING MEMBERSHIP ON NONELECTED BOARDS AND COMMISSIONS (Dec 4, 2005).
4. AN ORDINANCE CONCERNING CREATION OF A NINE MEMBER BOARD OF EDUCATION (May 20, 1973).
5. AN ORDINANCE PROVIDING FOR THE ELECTION OF ALTERNATE MEMBERS TO THE BOARD OF FINANCE (April 30, 1985).
6. AN ORDINANCE CONCERNING THE ADOPTION OF ZONING AND PLANNING IN THE TOWN OF LEBANON, CREATING A PLANNING AND ZONING COMMISSION AND PROVIDING FOR ITS APPOINTMENT AND ELECTION. (December 18, 1961).
7. AN ORDINANCE CONCERNING THE TERMS OF THE MEMBERS OF THE

PLANNING AND ZONING COMMISSION AND PROVIDING FOR  
ALTERNATE MEMBERS OF THE PLANNING AND ZONING COMMISSION  
(April 30, 1985).

8. ORDINANCE CONCERNING FOUR YEAR TERMS OF REGISTRAR OF  
VOTERS AND TOWN CLERK (August 22, 1976).
9. REVISED ORDINANCE CONCERNING THE LEBANON COMMISSION ON  
AGING (August 31, 2007).
10. AN ORDINANCE CREATING A CONSERVATION AND  
AGRICULTURE COMMISSION (March 23, 2012).
11. REVISED ORDINANCE FOR THE ESTABLISHMENT OF AN  
ECONOMIC DEVELOPMENT COMMISSION (August 31, 2007).
12. AN ORDINANCE CONCERNING THE CREATION OF AN INLAND  
WETLAND COMMISSION FOR THE TOWN OF LEBANON (June 28, 1974).
13. (REVISED ORDINANCE) AN ORDINANCE CONCERNING CREATION OF AN  
INLAND WETLAND COMMISSION FOR THE TOWN OF LEBANON (September  
6 1989).
14. AN ORDINANCE CREATING A RECREATION COMMISSION FOR THE TOWN  
OF LEBANON (January 4, 1975).
15. ORDINANCE FOR THE ESTABLISHMENT OF A CEMETERY COMMISSION  
FOR THE TOWN OF LEBANON. (July 20, 2010).
16. AN ORDINANCE FOR THE ESTABLISHMENT OF THE WATER  
POLLUTION CONTROL AUTHORITY (January 5, 2009).
17. AN ORDINANCE CREATING A LOCAL EMERGENCY PLANNING TEAM (August  
31, 2007).
18. ORDINANCE REPEALING THE ORDINANCE CREATING A MUNICIPAL  
FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF LEBANON  
AND DESIGNATING BOARD OF SELECTMEN AS THE TOWN'S FLOOD AND  
EROSION CONTROL BOARD (May 23, 2014).
19. ORDINANCE ESTABLISHING THE BOARD OF HISTORICAL PRESERVATION  
FOR THE JONATHAN TRUMBULL JUNIOR MUSEUM (April 12, 2008).
20. AN ORDINANCE PROVIDING FOR THE NUMBER OF JUSTICES OF THE  
PEACE (April 8, 1996).
21. ORDINANCE RE: TAX ASSESSOR (2008).
22. AN ORDINANCE CONCERNING A FOUR-YEAR TERM OF OFFICE FOR THE  
TAX COLLECTOR (Sept 13, 1994).

23. AN ORDINANCE CONCERNING THE SALARY OF THE TOWN CLERK (July 24,1984).
24. AN ORDINANCE FOR THE ESTABLISHMENT OF REGIONAL ANIMAL CONTROL SERVICES (July 20, 2010).
25. A REVISED ORDINANCE PROVIDING FOR THE APPOINTMENT OF CONSTABLES FOR THE TOWN OF LEBANON IN LIEU OF CONSTABLES TO BE ELECTED AT THE REGULAR TOWN ELECTION (May 7, 2007).
26. A REVISED ORDINANCE REGULATING THE USE AND OPERATION OF THE SOLID WASTE FACILITY (MAY 6, 2002).