

**PART I**  
**CHARTER\***

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**\*Editor's note**—Printed herein is the Charter of the Town of Madison, adopted by the electors of the Town on November 7, 2006; effective 30 days thereafter. Amendments to the Charter will be indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the original Charter. Obvious misspellings have been corrected without notation and material in brackets [ ] has been added for clarity. The previous Charter was adopted Nov. 6, 2001, and contained §§ 1-1—9-5.



**PREAMBLE**

A. This Charter is the organic law of the Town of Madison (hereinafter referred to as the "Town") providing for the administration of its local affairs.

B. Matters of administration of local affairs not provided for by this Charter, or by lawful ordinance, shall be governed by the General Statutes including the Home Rule Statute and any Special Acts of the State of Connecticut applicable to the Town.

**C. Nomenclature and Usage**

The word "commission" in this Charter includes boards, agencies, authorities, committees and commissions.

When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and the plural the singular.

The term "elector" as used in this Charter shall mean any person possessing the qualifications prescribed by Connecticut law and duly admitted to, and entitled to exercise, the privileges of any elector in a Town.

The term "voter" when used in this Charter shall mean electors of the Town and United States citizen of the age of 18 years or more, who is liable, either alone or jointly and severally, to the Town for taxes on an assessment of not less than \$1000 as shown by the last complete Grand List or otherwise by presentation of adequate proof.

**ARTICLE I. INCORPORATION AND GENERAL POWERS**

**Section 1.1 The Town**

The Town shall, after the effective date of this Charter, continue as a body politic and corporate with perpetual succession within its territorial limits as they may be lawfully defined.

**Section 1.2 Powers and Privileges**

A. The Town shall have all powers and privileges conferred upon it by this Charter, and all powers proper, incidental, or convenient to their

exercise, including full power to implement this Charter and carry out the purposes and policies thereof by ordinance to the extent provided in Section 10.1.2 and administrative action.

B. Except to the extent otherwise lawfully provided by this Charter, the Town shall have all powers and privileges heretofore or hereafter conferred upon the Town by the Constitution of the State of Connecticut, by the Home Rule Law, or any other General Statute, or by applicable Special Act.

C. The Town shall have all powers incident to the management of its property, government and affairs including, but not limited to, the capacity and power to enter into contracts with the United States and any federal agency, and the State of Connecticut or any political instrumentality thereof for purposes not prohibited by law.

D. Special acts or ordinances enacted prior to this Charter are hereby rescinded by this Charter to the extent that such act or ordinance is inconsistent with, or in conflict with, the provisions of this Charter. Such rescission shall take place upon the effective date of this Charter. Otherwise, special acts affecting the Town and other ordinance provisions and resolutions duly adopted and in force before the effective date of this Charter remain in force.

**ARTICLE II. FORM OF GOVERNMENT—LEGISLATIVE BRANCH**

**Section 2.1 Town Meeting**

Except as otherwise provided in this Charter with respect to the Board of Selectmen, the legislative body of the Town shall be the Town Meeting as heretofore constituted with all powers conferred by the Connecticut General Statutes and this Charter.

*Section 2.1.1 Members of Town Meetings*

Members of the Town Meeting and those entitled to vote at Town Meetings and referenda extending from Town Meetings, including the annual budget referendum, shall be the voters of the Town as defined in subparagraph C of the Preamble to this Charter. Seventy-five (75) voters

shall constitute a quorum and, if not attained, the recommended action by the executive branch and/or financial branch shall be final.

*Section 2.1.2 Publication of Notice of Town Meetings*

At least 10 days prior to the meeting, there shall be notice of any Town Meeting published in a newspaper having general circulation in the Town. The Board of Selectmen shall make up the call of the meeting and publish notice thereof, listing the items of business to be considered. Where other legal notice or publication is required by this Charter or the General Statutes, it shall be published in a newspaper having general circulation in the Town.

*Section 2.1.3 Moderator of Town Meetings*

There shall be a Town Meeting moderator who shall be elected at each Town Meeting by the majority of the members present at the Town Meeting.

**Section 2.1.4 Types of Town Meetings**

*Section 2.1.4.1 Annual Town Meeting*

There shall be an annual Town Meeting held at 7:30 PM, no later than 45 days from the start of each calendar year. The agenda shall include the audit report of the previous fiscal year, a State of the Town report, and a Five-Year Capital Plan. At the close of the fiscal year, each permanent commission shall file a report of its activities for the preceding fiscal year with the Selectmen's Office. Such reports shall also be made available by the Town Clerk at the annual Town Meeting. The Board of Selectmen shall designate which of these reports are to be read at the annual Town Meeting. Upon affirmative vote of the Town Meeting, other reports shall be read. The Board of Selectmen may add, and publish notice thereof, additional items of business to the call of the meeting. Records and reports from the annual Town Meeting shall be kept on file with the Town Clerk and available to the public.

*Section 2.1.4.2 Annual Budget Reconciliation Meeting*

There shall be an annual budget reconciliation meeting, the agenda for which will include those

items that exceed the authority of the Board of Finance. The Board of Selectmen may add, and publish notice thereof, additional items of business to the call of the meeting.

*Section 2.1.4.3 Special Town Meeting*

Except for the adoption of the annual budget, special Town Meetings may be called from time to time by the Board of Selectmen and as required by this Charter. Notice of the meeting shall contain a written explanation of any actions being proposed for consideration. Budget appropriations may be adjusted by special appropriation approved by majority vote at special Town Meetings. Action at a special Town Meeting shall be limited to matters noticed.

*Section 2.1.4.4 Petitioned Town Meeting*

The Board of Selectmen shall call a petitioned Town Meeting upon receipt of a petition signed by 500 voters to: (1) propose ordinances; (2) propose the repeal or modification of existing ordinances; and (3) propose other valid Town Meetings. The procedure and requirements to be followed to petition a Town Meeting shall be:

- a. The petition may be filed by an elector of the Town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Section 7-9 of the General Statutes, as amended.
- b. Said petition, or counterpart thereof, shall contain the full text of the proposal and ordinance and shall be signed in ink or indelible pencil by no less than 500 voters.
- c. Said petition, or counterpart thereof, shall be accompanied with affidavits signed or sworn to by each circulator as provided in Section 7-9 of the Statutes.
- d. The Town Clerk shall, within five calendar days after receipt of said petition, determine whether the petition and counterparts thereof received are sufficient as required by law, and, if so, shall certify said petition to the Board of Selectmen.
- e. The Board of Selectmen may refer the petition to the Town Attorney for review and comments.

- f. Within 30 calendar days of the certification of said petition, the Board of Selectmen shall call a special Town Meeting to take action on said petition.
- g. The item petitioned shall be the first item on the call of the meeting and affirmative action on the petitioned item shall require a majority, but no less than 150 affirmative votes, provided the item petitioned meets proper legal subject for a Town Meeting.
- h. Except for the adoption of the annual budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum pursuant to Subsection 3.3; but no petition shall be accepted by the Town Clerk if he determines that the action proposed therein is substantially similar to that of any initiated petition rejected by a prior Town Meeting less than six months prior to the date thereof. Any such petition must include 1200 signatures of voters.

### ARTICLE III. ELECTIONS AND REFERENDA

#### Section 3.1 Town Elections

A regular Town election shall be held on the first Tuesday after the first Monday in November of each odd numbered calendar year. Special Town elections may be held from time to time as required by law. Those eligible to vote in Town elections shall be the electors of the Town as defined in Subsection C of the preamble of this Charter.

Except where otherwise specified by the General Statutes, all elected officials shall be elected biennially at the regular Town election, and all elective terms of office shall commence on the Monday following election to office. Only an elector of the Town shall be eligible for election to any Town office. Any person ceasing to be an elector of the Town shall thereupon cease to hold elective office in the Town and the office shall be deemed vacant.

#### Section 3.2 Annual Budget Referendum

An annual referendum to vote on the recommended Town budget, including the Board of Education budget, shall be held no later than the 25<sup>th</sup> day of May by use of voting machines.

Consistent with Section 10.5 of this Charter describing annual budget procedures, no less than 10 days prior to the annual budget referendum, and then again no less than five days before, the Board of Finance shall publish two consecutive weeks prior to the referendum the Town Budget in two parts, one for the Town, excluding the Board of Education Budget as defined in this paragraph ("Town Part of Budget") and one for the Board of Education as recommended by the Board of Finance ("Education Part of Budget"), together with notice of the place, day and hour of such referendum in a newspaper having general circulation in the Town. Copies shall be made available in the Town Clerk's Office for public review.

The Board of Selectmen may add, and publish notice thereof, additional items of business to the referendum ballot.

All referendum votes should be by machine and shall include absentee balloting. As indicated in Section 2.1.1, those eligible to vote shall be the voters of the Town.

#### Section 3.3 Petition for Referendum to Reconsider Town Meeting Action

Except for the adoption of the annual budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum in the following manner:

- a. A petition may be filed by any voter with the Town Clerk, within seven calendar days after any action of the Town Meeting, requesting that the action of the Town Meeting be referred to the Town voters at a special referendum. If a petition is filed, the effective date of the Town Meeting action, if affirmative, shall be suspended pending the outcome of the referendum.

- b. Any such petition shall conform to the requirements of the General Statutes, as amended, and signed in ink or indelible pencil by no less than 500 voters.
- c. Said petition, or counterparts thereof, shall be accompanied with affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes, as amended.
- d. The Town Clerk, within five calendar days after receipt of said petition and counterparts thereof, shall determine whether said petition and affidavits are sufficient as prescribed by law, and if so, certify said petition to the Board of Selectmen.
- e. The Board of Selectmen may refer the petition to the Town Attorney for review and comments.
- f. Within five calendar days of receipt of said petition so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held no less than 10 or no more than 20 days after certification of said petition, and notice thereof shall be given in the manner provided by law for the calling of Town referendum.
- g. Any action so referred shall take effect upon the conclusion of such referendum unless a majority of the voters voting thereon shall have voted in favor of overruling such action, provided that at least 150 voters at the meeting vote. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes as amended.
- h. Except for the adoption of the annual budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum pursuant to this Subsection 3.3; but no petition shall be accepted by the Town Clerk if he/she determines that the action proposed therein is substantially similar to that of any petition rejected at a Town

Meeting held less than six months prior to the date thereof. Any such petition must include 1200 signatures of voters.

### **Section 3.4 Voting Districts**

Unless otherwise established by ordinance, there shall be two voting districts in the Town.

### **Section 3.5 Board for Admissions of Electors**

The Town Clerk and assistants and the Registrars of Voters and assistants or deputies shall constitute the Board of Admissions of Electors in accordance with Section 9-15a of the General Statutes.

### **Section 3.6. Election for Vacancy in the Office of First Selectman**

Any vacancy in the Office of First Selectman shall be filled pursuant to the provisions of Section 4.2.4.

## **ARTICLE IV. EXECUTIVE BRANCH — BOARD OF SELECTMEN AND FIRST SELECTMAN**

### **Section 4.1 Composition of the Board of Selectmen**

There shall be a five member Board of Selectmen consisting of a First Selectman and four Selectmen who shall be elected biennially. No more than three members of the Board of Selectmen shall be of the same political party.

No member of the Board of Selectmen shall hold any other paid Town office or in any way receive compensation from the Town for other services.

#### *Section 4.1.1 Meetings of the Board of Selectmen*

A. The Board of Selectmen shall hold no fewer than two regularly scheduled meetings per month, at a time mutually convenient to all members, except for the months of July and August when only one meeting shall be required.

B. Special meetings may be called at any time by the First Selectman or by any two Selectmen. Three members shall constitute a quorum for the transaction of business at any regularly scheduled meeting or special meeting, except as otherwise herein provided.

C. A majority of the votes cast at a meeting at which a quorum is present at the time of the vote shall constitute the act of the Board of Selectmen, unless a greater vote is required by this Charter or by ordinance or General Statute or applicable Special Act.

*Section 4.1.2 General Powers of the Board of Selectmen*

A. The Board of Selectmen is the executive branch of the Town government and also part of the legislative process of the Town. It shall have all powers, duties, and responsibilities conferred upon it by this Charter and all powers proper, incidental, or convenient to their exercise.

B. Except to the extent otherwise provided in the Charter, the Board of Selectmen shall have all powers, duties, and responsibilities heretofore or hereafter conferred upon Boards of Selectmen by any General Statute or applicable Special Act.

C. The Board of Selectmen shall have all power conferred thereon by ordinance.

D. For the purposes of accepting and administering State and Federal Grants, the Board of Selectmen has legislative authority.

*Section 4.1.3 General Duties and Responsibilities of the Board of Selectmen*

The Board of Selectmen shall:

- A. Be responsible for carrying out the decisions, policies and ordinances of the Town Meeting, except where the Town Meeting otherwise designates.
- B. Supervise the custody of all records and books of account of the Town except those of the Board of Education consistent with the right of access of the Board of Finance pursuant to Section 10.11 hereof;
- C. Be responsible for conducting a continuous review of the current and projected administrative, governmental and fiscal

needs of the Town, including the preparation and publication of an annual report setting forth the amount, purpose and proposed method of financing projected capital expenditures. As it may find necessary to carry out its duties and responsibilities, it may require such information from, or joint meetings with, any Town officer, board, commission or agency.

- D. Be responsible for obtaining, compiling, reviewing, and recommending changes to the budgets of the various departments of the Town, including the Board of Education, and for presenting all budgets to the Board of Finance with its recommendations.
- E. Be responsible for developing and updating annually a five-year capital plan and a 10-year long range financial plan biannually.

*Section 4.1.4 Specific Powers of the Board of Selectmen*

A. *Employment.* The Board of Selectmen shall appoint, hire, determine the conditions of employment (including representing the Town in the conduct of collective bargaining agreements with any union) and discharge appointed officials and employees of the Town pursuant to and consistent with Article VII of this Charter.

B. *Acceptance of Roads.* The Board of Selectmen, upon the affirmative vote of three members, may accept completed roads approved by the Planning and Zoning Commission, and shall set maintenance bonds for individual roads. Roads not approved by the Planning and Zoning Commission shall not be accepted by the Board of Selectmen without Town Meeting approval.

C. *Purchase of Real Estate.* With the Board of Finance approval, the Board of Selectmen may purchase real estate, the price of which shall not exceed \$50,000, unless this amount is changed by Town Meeting.

D. *Acceptance of Real Estate.* With Board of Finance approval, the Board of Selectmen may accept gifts of real estate not valued in excess of

\$50,000 on the latest completed grand list, unless this amount is otherwise changed by Town Meeting.

**E. Disposition of Town Property.** The Board of Selectmen may dispose of any obsolete, damaged, or unused item of personal property of the Town having a fair market value at the time of disposition of less than \$20,000; except it is empowered to apply such item of property, regardless of value, as a trade-in on the purchase price of a budgeted expenditure.

**F. Filling of all Vacancies on Boards and Commissions.** The Board of Selectmen shall fill unexpired terms for all vacancies that may exist on all elective boards and commission boards except the Office of First Selectman, but including other selectmen, as provided in Section 6.6, and on all appointive commissions as provided in Section 8.32.

**G. Temporary Advisory Committees.** The Board of Selectmen may create temporary advisory or study committees for duration not to exceed 24 months, to make recommendations to the Board of Selectmen. The term of any such committee is not to be extended or renewed without Town Meeting approval.

**H. Settlement of Legal Awards.** With Board of Finance approval, the Board of Selectmen may settle legal awards against the Town without Town Meeting approval.

**J. Disposition of Town owned Real Property.** With Board of Finance approval, the Board of Selectmen may dispose of any real property of the Town having a fair market value of less than \$5,000 as valued on the latest completed grand list, unless this amount is changed by Town Meeting.

**K. Declaration of Emergencies.** The Board of Selectmen shall declare that a state of emergency exists in the Town prior to taking action pursuant to Section 10.1.3.

**L. Enactment of Ordinances.** The Board of Selectmen may enact ordinances as provided by Section 10.1.1A.

#### *Section 4.1.5 Miscellaneous Powers of the Board of Selectmen*

Except to the extent otherwise provided by ordinance, the Board of Selectmen shall administer and is empowered to act on the following:

- A. Purchase of supplies, materials, equipment and other commodities required by any officer, board, commission or committee of the Town, except the Board of Education unless the Board of Education so agrees.
- B. The maintenance or custodial work for any public building, park, playground, road or other facility under the care of any officer, board, commission or committee of the Town, except those facilities under the care of the Board of Education unless the Board of Education so agrees.
- C. Contracting on behalf of the Town for any services required by any officer, board, commission or committee of the Town, except the Board of Education unless the Board of Education so agrees.

The Board of Selectmen may delegate the powers in Sections 4.1.5A and 4.1.5B to persons or agencies responsible to the Board of Selectmen.

#### *Section 4.1.6 Vacancy in the Office of Selectmen*

Vacancies in the Office of Selectmen, other than the First Selectman, shall be filled by the procedure outlined by Section 4.1.4 of this Charter.

### **Section 4.2 The First Selectman**

#### *Section 4.2.1 General Powers of the First Selectman*

To the extent not inconsistent with this Charter, the First Selectman shall have all powers, duties and responsibilities conferred upon that office by the General Statutes or applicable Special Act, or by ordinance, and shall perform all the functions of that office. The First Selectman shall be the chief executive and chief administrative officer (if a Chief Administrative Officer has not been employed pursuant to Section 7.3 hereof) of the Town. He shall be the official head of the Town for all ceremonial purposes, for emergency pur-

poses, and for the purpose of receiving civil process. He shall establish and be responsible for the administrative and personnel policies for Town offices and employees, with the approval of the Board of Selectmen, and shall execute and cause to be executed the Town ordinances, regulations, resolutions, and policies voted by the Board of Selectmen. The First Selectman, with the approval of the Board of Selectmen, shall generally supervise the administration of the affairs of the Town, except those matters that by the General Statutes, by Charter, or by ordinance, are exclusively committed to the Board of Education and other boards. He shall preside over the meetings of the Board of Selectmen.

#### *Section 4.2.2 Duties of the First Selectman*

Consistent with Section 4.2.1, under the general policy direction of the Board of Selectmen, the First Selectman shall be responsible for:

- a. coordinating the administration of the agencies, boards and commissions of the Town, except those functions expressly reserved or delegated to such agencies by law, and
- b. the execution and carrying out of ordinances, resolutions, policies and other actions voted by the Board of Selectmen or the Town Meeting.

#### *Section 4.2.3 Delegation and Assignment of Duties*

The First Selectman may assign and delegate duties to Selectmen and to officers responsible to him. The First Selectman shall be an ex-officio member of all boards, commissions and committees of the Town, but without power to vote. He may, in writing, appoint a Selectman or elector, not already a member of that board, commission or committee, to be his representative on any board, commission or committee, but without power to vote.

#### *Section 4.2.4 Vacancy in Office of First Selectman*

As indicated in Section 3.7, any vacancy in the Office of First Selectman, from whatever cause arising, shall be filled by special election by the voters of the Town. Said special election shall be called by the Town Clerk and shall be held within 45 days after said vacancy occurs. The person so

elected shall serve for the remainder of the term. If a vacancy occurs in the Office of First Selectman and there will be a regular Town election held within 90 days thereof, the Acting First Selectman shall serve until the Town election and the new First Selectman is sworn into office.

### **Section 4.3 Acting First Selectman**

#### *Section 4.3.1 Selection of Acting Selectman*

Within 30 days after each Town election, the Board of Selectmen shall elect one of the Selectmen to function as Acting First Selectman in the absence of the First Selectman.

#### *Section 4.3.2 Powers of Acting Selectman*

The Acting First Selectman shall have all the powers, duties, and responsibilities listed in Section 4.2.1, Section 4.2.2, and Section 4.2.3 of this Charter and shall serve:

- A. When so instructed in writing by the First Selectman to serve during his temporary absence. The First Selectman shall notify the Town Clerk and Acting First Selectman, in writing, of the effective date of this appointment.
- B. Automatically, in the event the First Selectman shall be absent from his office for more than 30 days.
- C. Whenever pursuant to Section 10.1.3, the Board of Selectmen shall declare that an emergency exists and the First Selectman cannot be reached.

### **Section 4.4 Board Pension Liaison**

The Board of Selectmen shall designate a Selectman as Pension Liaison to serve as Chairman of the Town Employee Pension Board, the Fireman's Benefit Committee, and the Police Retirement Fund.

### **Section 4.5 Compensation of Selectmen**

Compensation for service by the First Selectman, the Acting First Selectman, and all other Selectmen shall be determined by application by the Board of Finance of a regulation of the Board of Finance addressed to and articulating expected compensation for these offices.

## ARTICLE V. ELECTIVE OFFICES

### Section 5.1 Elected Officers

There shall be the following elected officers of the Town:

- A. A First Selectman and four Selectmen. Votes cast for unsuccessful candidates for First Selectman shall be counted as votes for the Offices of Selectmen.
- B. Registrars of Voters as may be required by the General Statutes.
- C. Such other elected officers as may be required by Town Meeting.

## ARTICLE VI. ELECTED BOARDS

### Section 6 Elected Town Boards

In addition to the Board of Selectmen, there shall be the following elected boards and commissions of the Town with terms continuing as previously established, unless otherwise herein altered.

#### Section 6.1 Zoning Board of Appeals

There shall be a Zoning Board of Appeals consisting of five members and four alternate members:

- A. The function of the Zoning Board of Appeals shall be as described by State law.
- B. An affirmative vote of members of the Zoning Board of Appeals shall be required to grant exception to, and variance from, regulations of the Planning and Zoning Commission.

#### Section 6.2 Board of Assessment Appeals

There shall be a Board of Assessment Appeals consisting of five members who shall be elected for four-year terms.

### Section 6.3 Board of Education

There shall be a Board of Education consisting of nine (9) members who shall be elected for four-year terms.

- (a) Any political party may, in accordance with the General Statutes, nominate up to the number of candidates for election as members of the Board of Education a number equal to the number of members of the Board to be elected at any election;
- (b) and the electors may vote for up to the number of such members to be elected;
- (c) but not more than one-half of the candidates for election as members of the Board declared elected to the same term at such election shall be of the same political party if the number to be elected to the same term is even, and not more than a bare majority of such candidates declared elected shall be members of the same political party if the number to be elected to the same term is odd.

### Section 6.4 Board of Finance

There shall be a Board of Finance consisting of six members who shall be elected to four-year terms.

The Board of Finance, after a regular Town election, shall at its first regularly scheduled meeting elect from its membership a chairman who shall preside over its meetings and may elect other officers as it may determine. The Board shall provide for regular monthly meetings and a procedure for calling special meetings in accordance with the Freedom of Information Act. Four members shall constitute a quorum for the transaction of business.

Except to the extent otherwise provided by this Charter, the Board of Finance shall, in all respects, be governed by and shall have all the duties, responsibilities and powers provided for in the General Statutes, and specifically:

- a. Preparation of the Town budget, and acting as the budget authority of the Town.
- b. Enactment of regulations implementing policies within the jurisdiction of the Board of Finance.

- c. Compensation for the services by the First Selectman, the Acting First Selectman, and other Selectmen shall be determined by application of regulations of the Board of Finance as set forth in Section 4.5 of this Charter.
- d. Those duties, responsibilities and powers set forth in Article X hereof.

The members of the Board of Finance shall serve without compensation, except that necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for that purpose.

No member of the Board of Finance shall hold any other office of the Town government.

#### **Section 6.5 Failure of Elected Board Members to Serve**

Any member, other than an alternate member, of any elected board or commission having five or more members who fails to attend four consecutive meetings, without giving prior written notification, shall be deemed to have resigned the office effective the day following adjournment of the fourth such meeting. The vacancy shall be filled pursuant to Section 6.4 of this Charter.

#### **Section 6.6 Filling of Vacancies on Elective Boards**

Pursuant to Subsection 4.1.4 F, the Board of Selectmen shall fill by appointment all vacancies on elective boards, commissions and committees until the completion of the vacated term, except a vacancy in the office of First Selectman, within 90 days from the time that office becomes vacant. No appointments may be made between the general election and the seating of a new Board of Selectmen. The replacement member shall be of the same political party as the vacating member, or unaffiliated if the vacant member was not affiliated with a party.

### **ARTICLE VII. APPOINTIVE INDIVIDUAL OFFICES AND EMPLOYEES**

#### **Section 7.1 Appointive Offices**

##### *Section 7.1.1 Town Officers*

The Board of Selectmen shall appoint the following for indefinite terms as required by State Statutes or applicable Special Act: Tax Assessor, Director of Health, Tax Collector, and Town Clerk. The duties of these positions shall be set forth by and these positions shall be responsible to the Board of Selectmen or its designee.

##### *Section 7.1.2 Town Chief of Police*

The Chief of Police shall be appointed by the Police Commission with the prior approval of the Board of Selectmen. Such appointment may be for a specific term, and any renewal of any such term shall be made by the Police Commission with the prior approval of the Board of Selectmen. The Police Chief shall report to the Police Commission.

##### *Section 7.1.3 Discharge of Town Officials*

Except where the contract of employment with the Chief of Police expires by its terms, termination of the Chief of Police shall be done pursuant to State Statute. The Board of Selectmen may remove or discharge any other appointed official or employee except those employed by the Board of Education.

##### *Section 7.1.4 Power and Duties of Town Officers*

All Town appointees shall have the power and duties granted or imposed upon such officers by the General Statutes, ordinances, this Charter, and any applicable Special Act except as otherwise provided by this Charter.

#### **Section 7.2 Town Government Employees**

##### *Section 7.2.1 Employment and Duties of Town Employees*

The Board of Selectmen shall employ those positions deemed necessary to insure the efficient and proper function of Town government and the delivery of services to the residents. The duties of those employed by the Board of Selectmen shall be determined by and be responsible to the Board of Selectmen or their designee.

##### *Section 7.2.2 Police Employees*

Management employees of the Police Department, other than the Chief of Police, if any, shall also be appointed, as required, by the Police

Commission with the prior approval of the Board of Selectmen. Employees of the Police Department, other than the Police Chief or other management, if any, shall be hired by and be responsible to the Police Commission acting on behalf of the Town.

*Section 7.2.3 Board of Education Employees*

The Board of Education has sole responsibility of individuals in its employ.

*Section 7.2.4 Conduct of Collective Bargaining*

The Board of Selectmen shall represent the Town in the making of any collective bargaining agreement with any union, including representing members of the Police Department, and the First Selectman and/or the Board's designee shall conduct negotiations with respect thereto.

*Section 7.2.5 Discharge of Town Employees*

The Board of Selectmen may remove or discharge any employee of the Town except those employed by the Board of Education and non-management employees of the Police Department. The Police Commission may discharge non-management employees of the Police Department consistent with any collective bargaining agreement.

*Section 7.2.6 Power and Duties of Town Employees*

All Town employees shall have the power and duties granted or imposed upon the positions they hold by the General Statutes, ordinances, this Charter, and any applicable Special Act except as otherwise provided by this Charter.

**ARTICLE VIII. APPOINTIVE COMMISSIONS**

**Section 8.1 Appointed Commissions**

There shall exist the following agencies, boards, and commissions in the Town of Madison:

- A. *Beach and Recreation Commission.* There shall be a Beach and Recreation Commission consisting of five members.

- B. *Building Code of Appeals Board.* There shall be a Building Code of Appeals Board consisting of five members.
- C. *Conservation Commission.* There shall be a Conservation Commission consisting of seven members to, among other duties, serve as a technical advisor on natural resources to any Town Board or Commission or Committee, conduct research into current and possible utilization of land areas within Madison, but not to make or issue regulations, levy fines or other penalties or take title to any real property in its own name. No member of said Commission shall be a member of the Inland Wetlands Agency, the Planning and Zoning Commission, or Water Pollution Control Authority, except in the capacity as liaison to one of the above-listed agencies.
- D. *Economic Development Commission.* There shall be an Economic Development Commission consisting of seven members.
- E. *Employee Retirement Board.* There shall be an Employee Retirement Board consisting of five members, one being the selectman designated as Pension Liaison pursuant to Section 4.4 hereof as Chairman.
- F. *Firemen's Benefit Committee.* There shall be a Firemen's Benefit Committee consisting of seven members: one from North Madison Fire Company, one from Madison Hose Company, four members-at-large, and the selectman designated as Pension Liaison pursuant to Section 4.4 hereof as Chairman.
- G. *Flood and Erosion Control Board.* There shall be a Flood and Erosion Control Board consisting of five members.
- H. *Inland Wetlands Agency.* There shall be an Inland Wetlands Agency consisting of seven members and three alternate members.
- I. *Job Evaluation Committee.* There shall be a Job Evaluation Committee consisting of three members.
- J. *Planning and Zoning Commission.* There shall be a Planning and Zoning Commission consisting of five members.

sion consisting of nine members and three alternates, who shall be appointed to four-year terms. The function of the PZC shall be as described by State law.

K. *Police Commission.* There shall be a Police Commission consisting of five members.

1. Except as otherwise provided in this Charter, the powers, duties and responsibilities of the Board of Police Commissioners shall be those specified in the General Statutes and any applicable Special Act.
2. Three members shall constitute a quorum for the transaction of business. Three affirmative votes shall be required to change, alter, amend, pass or enact regulations.
3. All actions dealing with appointments, promotions, demotions or other matters concerning non-union employees of the Police Department shall follow the Town personnel rules, regulations and procedures, unless superseded by a collective bargaining agreement.

L. *Police Retirement Board.* There shall be a Police Retirement Board consisting of five members, one of which shall be a police union representative, three members-at-large, and the selectman designated as Pension Liaison pursuant to Section 4.4 hereof as Chairman.

M. *Senior Services Commission.* There shall be a Senior Services Commission consisting of nine members.

N. *Shellfish Commission.* There shall be a Shellfish Commission consisting of five members and three alternates.

O. *Solid Waste Disposal Committee.* There shall be a Solid Waste Disposal Committee consisting of three members.

P. *Town Landscape Committee.* There shall be a Town Landscape Committee consisting of twelve members.

Q. *Water Pollution Control Authority.* There shall be a Water Pollution Control Authority consisting of five members.

R. *Youth Services Board.* There shall be a Youth Services Board consisting of twelve members.

**Section 8.2 Possible New Commission**

In addition to the appointive commissions mentioned in Section 8.1, the Board of Selectmen may appoint an Ethics Commission consisting of no more than five members.

**Section 8.3 Appointing Authority for Appointive Commissioners**

Pursuant to Subsection 4.1.4 F, the Board of Selectmen shall, within 90 days of vacancy, appoint and/or reappoint all appointed commissioners to vacancies on appointed commissions consistent with the terms of this Charter.

**Section 8.4 Terms of Appointed Commissioners**

All terms on appointive boards and commissions started prior to January 2, 2006, shall continue until completed. The terms of all appointive boards, commissions and committees shall be four years in length and staggered. The Board of Selectmen shall be the appointing authority; thereafter, as terms expire, the Board of Selectmen shall make appointments so that the terms of all boards and commissions shall be four-years in length and staggered.

**Section 8.5 Chairmen of Appointed Commissions**

The members of any appointed commission shall elect its chairman from among their membership. The terms for chairman of all such boards, commissions and committee shall not exceed two years in length, with an election to take place in January, or at the first meeting with a quorum, whichever first occurs.

**Section 8.6 Eligibility for Membership on Appointive Boards and Commissions**

Only an elector of the Town shall be eligible for appointment to any commission. Any person ceasing to be an elector of the Town shall thereupon cease to be a member of such commission and the office shall be deemed vacant.

**Section 8.7 Removal of Appointed Commissioners**

The Board of Selectmen, with a minimum of four affirmative votes, may remove any member or alternate of an appointive commission who has: (1) failed to attend at least 75 percent of the regular meetings scheduled by said board, commission, or committee during any calendar year, or (2) for cause, including for failure to comply with the duties and abide by the obligations imposed on such appointees by local, state or federal law or regulations, including the Town code of ethics.

**ARTICLE IX. GENERAL PROVISIONS APPLICABLE TO ALL TOWN BOARDS AND COMMISSIONS**

**Section 9.1 Political Composition of Boards and Commissions**

Except as provided within this Charter, the composition of all commissions shall be in accordance with requirements of the General Statutes relating to minority representation.

**Section 9.2 Powers and Duties of Boards and Commissions**

All boards and commissions shall have the power and duties granted or imposed upon such board and commissions by the General Statutes, ordinances, this Charter, and any applicable Special Act except as otherwise provided by this Charter.

**Section 9.3 Creation of Permanent Commissions**

Elective or appointive permanent boards and commissions may be created by a Town Meeting after due notice, as prescribed in Section 2.1.2 of this Charter.

**Section 9.4 Abolishment of Commissions**

No permanent board or commission shall be abolished except upon the affirmative vote of a Town Meeting, provided that a quorum is present at the Town Meeting or by Charter revision.

**ARTICLE X. OPERATION OF TOWN GOVERNMENT**

**Section 10.1 Ordinances**

*Section 10.1.1 General Provisions and Powers; Enactment of Ordinances*

- A. The Board of Selectmen may enact ordinances, and may repeal ordinances enacted by it, upon the affirmative vote of four members of the board. Publication of the intent to pass an ordinance shall be made at least ten days prior to its enactment. No ordinance shall be enacted or repealed without an evening public hearing with legal notice as provided herein.
- B. Town Meeting shall have the power to enact and repeal ordinances pursuant to the provisions of Section 2.1.4.4.
- C. All ordinances shall be in full force and effect 15 days after publication in a newspaper having general circulation in the Town.
- D. Except as otherwise provided herein, no ordinance may enlarge or diminish the powers granted any board or commission.

*Section 10.1.2 Correction of Ordinances*

Upon the affirmative vote of at least four members, the Board of Selectmen may correct technical errors in ordinances and resolutions. For purposes of this section, a technical error occurs whenever, in the language of the ordinance or resolution as adopted, material was included or omitted when obviously not intended, or material was included in a form obviously not intended. Such correction shall in no event alter the substance of such ordinance or resolution. The correction as made by the Board of Selectmen shall forthwith be published and 15 days thereafter the corrected ordinance or resolution shall go into full force and effect.

**Section 10.1.3 Emergency Action**

Upon finding that a state of emergency exists in the Town pursuant to Subsection 4.1.4K, supra, the Board of Selectmen may (a) enact any such ordinances and regulations as it deems necessary under the circumstances, or (b) pursuant to Section 4.3.2, authorize action by the Acting First Selectman if the First Selectman cannot be reached. The enactment of any such ordinances or regulations shall be accompanied by a statement of the facts constituting the state of emergency. If, after reasonable efforts to notify all members of the board, a quorum cannot be achieved, the quorum provisions shall be suspended. All emergency ordinances and regulations shall become effective immediately upon enactment and shall automatically stand repealed 21 days following the effective date thereof, unless prior thereto such ordinance or regulation has been affirmed at a special Town Meeting or repealed by the Board of Selectmen.

**Section 10.2 Approval as to Use of Town Property**

Town Meeting approval shall be required before land or buildings owned by the Town shall be dedicated to departmental use or rededicated to a new departmental use. The Board of Selectmen shall request the Planning and Zoning Commission, the Beach and Recreation Commission, the Board of Education, and any other interested Town agencies, to make their recommendations within 60 days concerning such dedication to use or such rededication to a new use of the property. The Board of Selectmen shall hold a public hearing on this subject and shall make its recommendations to a Town Meeting before the Town land is committed to use. All reports concerning such proposed use shall be available to the public at the Office of the First Selectman at least five days prior to the Town Meeting.

**Section 10.3 Fiscal Year, Expenditures, and Accounting**

*Section 10.3.1.1 Town Fiscal Year.* The fiscal year of the Town shall begin on July 1st and end

on June 30th of the following calendar year, unless otherwise changed by ordinance voted by a Town Meeting.

*Section 10.3.1.2 System of Accounts.* The system of accounts used by Town agencies shall be that prescribed by regulations as approved on October 21, 1998, and as amended by the Town Board of Finance.

*Section 10.3.1.3 Annual Audit.* The Board of Finance shall annually designate an independent certified public accountant to audit the books and accounts of the Town as required by the General Statutes.

**Section 10.4 Restrictions on Town Contributions.**

The Town shall make no contribution to any organization if prohibited by Connecticut General Statutes. No contribution of more than \$2,000 per annum shall be made to any organization or corporation whose appropriate financial records are not submitted to the Board of Finance along with its request for an appropriation. The Board of Finance may waive this requirement by majority vote. Any organization requesting an appropriation in excess of \$20,000 shall submit a financial statement prepared by a certified public accountant.

**Section 10.5 Annual Budget Appropriation Procedures**

a. The Board of Finance shall hold a public hearing at which the Board of Selectmen and the Board of Education shall present their budget recommendations. Interested parties are invited to comment.

b. Not later than April 15 of each year the Board of Finance shall recommend a preliminary Town Part of Budget (as defined in Section 3.2).

c. Consistent with Section 3.2, a preliminary budget consisting of two parts, to wit, the Education Part of Budget (as defined in Section 3.2) and

the Town Part of Budget (as defined in Section 3.2) shall be published in accordance with the Connecticut General Statutes and include:

1. An itemized statement of actual receipts and an itemized statement of actual expenditures by classification during the previous fiscal year.
2. An itemized estimate of anticipated revenues and an itemized estimate of anticipated expenditures at the end of the current fiscal year.
3. An itemized estimate of anticipated revenues and an itemized estimate of expenditures for the ensuing fiscal year.
4. The status of the undesignated fund balance.
5. The status of reserve funds with proposed expenditures and proposed appropriations thereto.
- d. In the event that the Board of Finance considers adding to the recommended Town Part of Budget as submitted by the Board of Selectmen, the Board of Finance will confer with the Board of Selectmen concerning such additions. The decision of the Board of Finance will be final.
- e. During the last week of April the Board of Finance will hold a public hearing on the two proposed parts of the preliminary budget as described in subparagraph (a) hereof. After the public hearing, the Board of Finance will approve that final recommended Town Part of Budget to be submitted for referendum pursuant to Section 3.2.
- f. The Board of Finance shall publish two consecutive weeks prior to the referendum the final recommended budget containing both parts as described in Section 3.2 in accordance with Subsection 10.5(c) above, not less than 10 days prior to the referendum, and again at least five days prior to the referendum.
- g. As specified in Section 3.2, the Board of Selectmen shall set the date of the referendum vote on the budget[s], which vote

must take place not less than 20 days, nor more than 30 days, from the date of their action. The Board of Selectmen may add, and publish notice thereof, items of business to be acted on at the referendum.

- h. In the event of a rejection of the Town Part of Budget, the Education Part of Budget or both parts of the budget, the Board of Finance will hold a public hearing and the procedure outlined in Subsections 10.2.1(e) and (g) shall be followed. For the purposes of re-votes on a budget, the Board of Finance needs only publish the details of changes of the budget that were previously published pursuant to Section 10.5(c).

#### **Section 10.6 Failure of Budget Approval**

In the event that both parts of the proposed budget are not approved at the budget referendum as provided in Section 3.2 hereof, the Town shall operate on a budget equal to that of the preceding year until all parts not approved by the first referendum are approved either by another referendum.

#### **Section 10.7 Special Appropriations and Transfers of Appropriations**

1. The Board of Finance, on request by the Board of Selectmen, may make special appropriations from an undesignated fund balance or from an approved contingency fund. However, no Town agency or department may receive over \$50,000 in aggregate from special appropriations in any fiscal year without the approval of the Board of Finance and approval of a Town Meeting.

2. The Board of Finance, on request by the Board of Selectmen, may transfer to the Town, not including the Board of Education, unexpended balances from one appropriation to another within a single department, or departments with a common department head.

3. The Board of Finance, on request by the Board of Selectmen, may transfer within the Capital Maintenance Fund, unexpended balances from one approved project to another approved project in an amount not to exceed \$50,000 in

aggregate per project. A transfer in excess of \$50,000 must be approved by the Board of Finance and a Town Meeting.

4. Special appropriations other than those from undesignated fund balance or from an approved contingency fund must be approved by the Board of Finance and a Town Meeting.

5. The provisions of this section shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes and this Charter.

6. Special appropriations or transfers from undesignated fund balance to a special reserve fund which are required pursuant to judgments entered by a court of law shall be approved by the Board of Selectmen and the Board of Finance.

#### **Section 10.8 Laying of Taxes**

a. When the preparation and review of the grand list has been completed, the Board of Finance shall forthwith meet no later than five days after the budget has been approved by referendum, unless otherwise changed by ordinance, and lay a tax on the grand list sufficient, in addition to the other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the appropriate fiscal year, and also to absorb any revenue deficit of the Town at the end of the preceding fiscal year.

b. The tax collector shall then collect the tax in accordance with the General Statutes; the due dates shall be July for the first half of the tax year and January for the second half; unless otherwise changed by Town Meeting.

#### **Section 10.9 Review and Regulation by Board of Finance**

##### *Section 10.9.1 Review of Expenditures*

The Board of Finance shall keep under review the expenditures of Town agencies and may, by regulations, prescribe periodic reports of expenditures.

##### *Section 10.9.2 Forms and Procedures for Orders*

The regulations of the Board of Finance shall also designate the forms and procedures for orders to be drawn on the Town by the Board of Education and the Board of Selectmen.

##### *Section 10.9.3 Regulations*

All officers and commissions, including the Board of Education, shall comply with the regulations of the Board of Finance. Such regulations shall be adopted and may be amended by vote of the Board of Finance and shall not be inconsistent with this Charter or the Connecticut General Statutes.

#### **Section 10.10 Bonds and Notes**

Issuance of bonds and notes shall require approval by a Town Meeting, except notes in anticipation of taxes, which notes are to be paid within the fiscal year in which issued.

#### **Section 10.11 Books and Records of the Town and Town-aided Organizations**

Consistent with Subsection 4.1.3.B by which the Board of Selectmen shall supervise the custody of records and books of account of the Town, except those of the Board of Education, the Board of Finance shall have access at all reasonable times to the records and books of account of the Town, Town-aided organizations, and of the Board of Education.

### **ARTICLE XI. MISCELLANEOUS PROVISIONS**

#### **Section 11.1 Charter Revision and Access**

This Charter may be amended in the manner prescribed by the General Statutes. If not appointed at an earlier date, a Charter Revision Commission shall be appointed by the Board of Selectmen ten years from the date this Charter becomes effective. Except when prompted by petition pursuant to state law, the Board of Selectmen may not initiate a Charter revision process sooner than five years after the last Charter adoption. An up-to-date copy of the Town Charter

shall be maintained by the Office of the Town Clerk. Only electors shall vote in any referenda provided by state law relating to the Charter amendment process.

alternates shall be appointed to a two-year term. Thereafter, all alternates will be appointed to four-year terms.

### **Section 11.2 Effective Date**

This revised Charter shall become effective 30 days after approval at referendum.

### **Section 11.3 Oath**

All elected and appointed officers and members of permanent boards or commissions of the Town shall swear or affirm the faithful performance of their duties.

### **Section 11.4 Saving Clause**

If any section or part of any section of this revised Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a 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 11.5 Transition**

*Section 11.5.1 [Terms of Office.]* All terms on appointive boards and commissions started prior to January 2, 2006 shall continue until completed. Thereafter, as terms expire, the Board of Selectmen shall make appointments so that the terms of all boards and commissions shall be four-years in length and staggered.

*Section 11.5.2 Staggering of Conservation Commission.* Of the members first appointed to the Conservation Commission, three shall be for two-year terms and four for four-year terms. Thereafter, as terms expire, members shall be appointed for four-year terms.

*Section 11.5.3 Staggering of Shellfish Commission Alternates.* Two of the new alternates being appointed to the Shellfish Commission shall be appointed to four-year terms and one of the new