

## **Chapter C**

### **CHARTER**

**[HISTORY: Adopted by the electorate of the Town of Somers 11-2-1999, effective 1-1-2000.<sup>1</sup> Amendments noted where applicable.]**

#### **CHAPTER I Incorporation and General Powers**

##### **§ 1-1. Incorporation.**

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

##### **§ 1-2. Rights and obligations.**

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said town as of the date when this Charter shall take effect are continued in said town and said town shall continue to be liable for all debts and obligations of every kind for which said town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said town to collect any assessment, charge, debt or lien. If any contract has been entered into said town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said town which contains provisions that the same may be enforced by any office or agency therein named, which is hereby abolished, 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 office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen of said town.

##### **§ 1-3. General grant of powers.**

In addition to all powers granted to towns under the Constitution and General Statutes, the town shall have all powers specifically granted in this Charter and all powers fairly implied in 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 thereof for services and the use of facilities for purposes not prohibited by law.

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<sup>1</sup>. Editor's Note: The Charter approved this date also provided that it repealed and superseded the former Charter of the Town of Somers, adopted 10-2-1961, effective November 1961, as amended 11-4-1980, effective 12-1-1980.

#### **§ 1-4. Effect of Charter.**

This Charter shall be the organic law of the town in the administration of its local affairs. Any reference within this Charter to any pronoun specific in gender shall be interpreted to be gender neutral. Special acts, ordinances, bylaws and resolutions inconsistent with this Charter and superseded by it shall have no further force or effect after the effective date of this Charter. Other special acts affecting the town and all other ordinances and resolutions duly adopted and in force before the effective date of this Charter, remain in force.

### **CHAPTER II Elections**

#### **§ 2-1. General.**

- (a) Nomination and election of state and federal officers, state senators and representatives, and of such elective municipal officers, boards and commissions as are provided for in this Charter shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefore, in the manner prescribed in the Constitution and the general and special laws of the state applicable to the Town of Somers except as hereinafter provided.
- (b) A meeting of the electors of the Town of Somers, for the election of municipal officers shall be held on the first Tuesday following the first Monday of November, 1981 and biennially thereafter unless changed by vote of the Town Meeting or by referendum. The number of members of any one political party who may be elected to any elective board shall not exceed the number prescribed by the General Statutes. If a person vacating an elective board, excluding the Board of Selectmen, was elected as a member of a political party, the vacancy shall be filled by a member of the same political party, or if the vacancy is not filled within 30 days, the vacancy may be filled by any eligible person so long as the number of any one political party on the board does not exceed the number prescribed by the General Statutes. [Amended 11-7-2006, effective 12-7-2006]

#### **§ 2-2. Voting districts.** [Amended 11-7-2006, effective 12-7-2006]

The Town may be divided into voting districts as deemed necessary by the Board of Selectmen in accordance with the provisions of CGS 9-169.

#### **§ 2-3. Eligibility for office.**

No person who is not at the time of his election a qualified resident voter of the Town of Somers, shall be eligible for election to any town office, and any person ceasing to be a qualified resident voter of said town shall thereupon automatically cease to hold elective office in the town, and the office shall be deemed vacant.

#### **§ 2-4. Breaking a tie.**

When any regular or special municipal election conducted pursuant to the provisions of this Charter results in a tie, a special election shall be conducted to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected. Said special election shall be held by the Selectmen on the seventh day after the election which resulted in a

tie and shall be confined to the tied candidates or issues. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special elections. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

**§ 2-5. Vacancies in elective offices.**

- (a) Vacancies in the Board of Selectmen shall be filled in the manner prescribed by the General Statutes.
- (b) A vacancy occurring on the Board of Education, Board of Finance, Board of Assessors, or Library Board shall be filled by a vote of the remaining members. If the vacancy is not filled within sixty days from the time the office becomes vacant, the Board of Selectmen within thirty additional days shall fill the vacancy by appointment. [Amended 11-7-2006, effective 12-7-2006]
- (c) Subject to the limitations of Subsections (a) and (b) of this section, the Board of Selectmen shall fill by appointment a vacancy in any elective town office within sixty days from the time that the office becomes vacant.
- (d) An appointee to a vacancy in an elective office shall serve until a successor, elected at a special election or at the next regular town election qualifies. A person elected at either a special or a regular town election to fill an unexpired term shall serve the remainder of the term.

**CHAPTER III  
Elective Offices**

**§ 3-1. Two-year terms.** [Amended 11-7-2006, effective 12-7-2006]

At each biennial election there shall be elected a Board of Selectmen consisting of a First Selectman, a Second Selectman and a Third Selectman.

**§ 3-2. Board of Finance.**

The electors shall elect a Board of Finance of six members for terms of six years. At each regular town election, there shall be elected a sufficient number of members to such Board to maintain its numbers at six.

**§ 3-3. Board of Education.** [Amended 11-6-2013, effective 11-6-2013]

The electors shall elect a Board of Education of nine members for terms of four years with the powers and duties of a Board of Education as prescribed by the General Statutes.

**§ 3-4. (Reserved) <sup>2</sup>**

**§ 3-5. Board of Library Directors.**

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2. Editor's Note: Former § 3-4, Board of Assessors, was repealed 11-6-2013, effective 11-6-2013.

The electors shall elect a Board of Library Directors of nine members for terms of six years. At each regular town election there shall be elected a sufficient number of members to such Board to maintain its numbers at nine.

**§ 3-6. Town Clerk.** [Amended 11-6-2013, effective 11-6-2013]

The electors shall elect a Town Clerk for a term of four years. The Town Clerk shall have those powers and duties prescribed by the Connecticut General Statutes.

**§ 3-7. Powers.**

All of the officers and Boards provided for in Sections 3-1 through 3-5 shall have the powers and duties respectively described for them by the General Statutes and by this Charter.

**CHAPTER IV  
Board of Selectmen**

**§ 4-1. Composition.**

- (a) The First Selectman and two Selectmen shall comprise the Board of Selectmen, and each shall be for a term of two years, in accordance with the General Statutes. During any election, an unsuccessful candidate for the office of First Selectman shall be deemed ineligible for a seat on the Board of Selectmen regardless of the number of votes that candidate shall receive. No person may simultaneously seek the office of First Selectman and the office of Selectmen. [Amended 11-6-2013, effective 11-6-2013]
- (b) The First Selectman, while serving his term of office, shall not hold any paid civil office under the government of the United States, the State of Connecticut or any subdivision thereof, except that of Notary Public.
- (c) Notwithstanding the provisions of the General Statutes, at each biennial election, each elector shall be entitled to cast votes equal to the number of seats on the Board. The members of the Board of Selectmen shall be elected in accordance with the provisions of the minority representation statutes.

**§ 4-2. First Selectman.**

- (a) The First Selectman shall be the Chief Executive and Administrative Officer of the town, and shall have the powers and duties of the First Selectman prescribed by the General Statutes and by this Charter. He shall be responsible to the Board of Selectmen for the administration of agencies under the direct supervision of the Board, and shall execute or cause to be executed town ordinances, and regulations or resolutions voted by the Board of Selectmen.
- (b) He shall preside over meetings of the Board of Selectmen. The Second Selectman shall preside in the absence or disability of the First Selectman, shall perform such other duties of an absent or disabled First Selectman as the Board may designate by resolution or regulation.
- (c) The salary of the First Selectman shall not be diminished during his term of office.

- (d) He shall be an ex-officio member of all Board and Commissions of the town, but such ex-officio membership shall be without vote except in the Board of Selectmen. He shall be given reasonable notice of all meetings of Boards and Commissions by their Chairmen or Secretaries, and may in writing appoint another member of the Board of Selectmen to represent him at any meeting of a Board or Commission.

**§ 4-3. Board of Selectmen, general powers and procedures.**

- (a) The Board of Selectmen shall generally supervise the administration of the affairs of the town, except those matters which by the General Statutes or this Charter are exclusively committed to the Board of Education or other agencies.
- (b) The Board of Selectmen shall generally be responsible for coordinating the activities of all the agencies of the town, and for keeping under review the present and future needs of the town. It may by resolution or regulation require such reports and joint meetings as may be useful to it in the performance of its duties.
- (c) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. The Board may make regulations for the conduct of its meetings and for the execution of its duties. It shall by regulation provide for regular meetings at least once a month, and a procedure for calling special meetings. Regulations of the Board shall be filed with the Town Clerk.

**§ 4-4. Powers with respect to ordinances.**

- (a) The Board of Selectmen and Town Meetings, as provided in this section and in Section 7-5, shall have the legislative power to enact ordinances consistent with the General Statutes and this Charter on any matter which the General Statutes or this Charter authorize to be legislated by ordinance, and in general for the preservation of the good order, health, welfare and safety of the town and its inhabitants. Any enactment of the Board of Selectmen or of Town Meeting which provides a penalty shall be in the form of an ordinance. Enact, or enactment, as used in this section, includes the adoption, amendment, or repeal of an ordinance.
- (b) An ordinance enactment may be initiated by a member of the Board of Selectmen, or by a petition signed by at least fifty electors of the town. The Board of Selectmen shall, within thirty-five days after the ordinance enactment has been initiated hold at least one public hearing on it. Ten days' notice of the hearing shall be given by publication of a summary of the proposed ordinance in a newspaper having a general circulation in the town and by making copies of the ordinance in its entirety available at the Town Hall. [Amended 11-7-2006, effective 12-7-2006]
- (c) After publication and hearing (or hearings as it deems necessary) the Board of Selectmen shall vote any one of the following actions:
  - (1) To refer the proposed ordinance enactment, or an amended version thereof, to Town Meeting after which the Town Meeting shall proceed in accordance with Section 7-5,
  - (2) By vote of a majority of the whole Board, to enact the proposed ordinance. On the advice of the Town Counsel, minor clarifying amendments may be made in the

proposed ordinance without further public hearing;

- (3) By vote of a majority of the whole Board, to reject the proposed ordinance.
- (d) If the Board of Selectman votes to enact a proposed ordinance, a summary of the ordinance as enacted shall be published within ten days in a newspaper having a general circulation in the town, and the ordinance in its entirety filed with the Town Clerk, who shall record it in a book kept for that purpose. If the Board of Selectmen votes to reject the proposed ordinance, the fact of such rejection shall be similarly published and filed. An enactment may not become effective earlier than fifteen days after publication. Within fourteen days after publication of either an enactment or rejection, an application may be made to the Board of Selectmen in accordance with Section 7-1 of this Charter for a Special Town Meeting to consider the action of the Board of Selectmen. In that event, an enactment may not become effective until the Special Town Meeting has met. If the Town Meeting does not overrule the action of the Board of Selectmen, an enactment will thereafter become effective on a date specified by vote of the Board of Selectmen. [Amended 11-7-2006, effective 12-7-2006]
- (e) On a declaration by the First Selectman that a state of public emergency exists threatening the lives, health or property of citizens, the Board of Selectmen may enact ordinances to meet such emergency without regard for the publication and hearing requirements of this section. Emergency ordinances shall be so designated. They may be made effective on such publication as the Board of Selectmen finds it feasible under the circumstances. Emergency ordinances may be overruled by Town Meeting in the same manner as other ordinance enactments of the Board of Selectmen but without a time limit on the making of application for a Special Town Meeting to overrule the enactment. They shall remain effective until overruled or until the First Selectman declares in writing that the state of public emergency has ended. On the happening of either event emergency ordinances shall no longer have any force or effect.

**§ 4-5. Additional powers and duties of Selectmen.**

- (a) Except for the powers committed to the Board of Education and the Board of Finance by the General Statutes and of this Charter:
  - (1) To incur indebtedness in the name of the town, and to provide for the due execution of contracts and evidences of indebtedness issued by the town;
  - (2) To take, purchase, lease, sell or convey real or personal property of or for the town;
  - (3) To institute, prosecute, defend or compromise any legal action or proceeding by or against the town;
  - (4) When empowered by ordinance, to enter into contracts for any services and to purchase or contract to purchase any supplies, materials, equipment and other commodities required by any town agency, except the Board of Finance with respect to the town audit provided in Section 6-2. However, the Board of Education may request the Board of Selectmen to act for it in the making of such contracts and purchases; and the Board of Selectmen may by resolution or regulation delegate its powers in this Subsection (4) to any town agency.

- (5) To enter into labor contracts with any municipal employee bargaining units except employees of the Board of Education. Any such contracts shall be filed with the office of the Town Clerk within two days of ratification and execution.
- (b) The Board of Selectmen shall have such other powers and duties as are provided for Boards of Selectmen by the General Statutes and this Charter, and may exercise any of the powers conferred on towns by Section 7-194 as amended of the General Statutes to the extent that such powers are not otherwise granted or limited by this Charter.

**§ 4-6. (Reserved) <sup>3</sup>**

**§ 4-7. Director of Health.**

There shall be a director of Health for a term of four years with the powers and duties of Health Directors prescribed by the General Statutes.

**§ 4-8. Town Attorney.**

There shall be a Town Attorney serving a term of two years to furnish such legal services to the town, its officers and agencies as the Board of Selectmen may authorize and he shall be the legal advisor to such town officers or agencies in all matters affecting the town, and shall upon written request submitted to him through the Board of Selectmen, provide a written opinion on any question of law involving the respective powers and/or duties of said officers or agencies.

**CHAPTER V**  
**Appointive Board in Office**

**§ 5-1. Board of Selectmen appoint.**

- (a) The Board of Selectmen shall appoint, whether for full terms or to fill vacancies, the members of all boards and commissions authorized by Chapter 5 of this Charter, herein referred to as appointive boards, subject to confirmation by Town Meeting of appointments under Sections 5-5, 5-6, 5-7 and 5-8. The Board of Selectmen shall make no appointments to any appointive board from the date of the municipal election through the date of the expiration of its current term of office.
- (b) All members of appointive boards shall be electors and residents of the town and their positions shall be considered vacated upon ceasing to be electors or residents of the town.

**§ 5-2. Terms.** [Amended 11-7-2006, effective 12-7-2006]

- (a) The terms of appointment to any appointive board shall not exceed four years and shall commence on December 23rd following appointment by the Board of Selectmen; and shall expire on December 22nd at the term of appointment. [Amended 11-6-2013, effective 11-6-2013]
- (b) At the expiration of his term, a member of an appointive board shall continue to hold office until a successor has been appointed and qualified.

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3. Editor's Note: Former § 4-6, Clerk of the Board of Selectmen, was repealed 11-7-2006, effective 12-7-2006.

**§ 5-3. Minority representation.** [Amended 11-7-2006, effective 12-7-2006]

If a person vacating an appointive board or commission was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party; or if the vacancy is not filled within 30 days, the vacancy may be filled by any eligible person so long as the number of any one political party on the board does not exceed the number prescribed by the General Statutes.

**§ 5-4. General powers and procedures.**

- (a) Appointive boards shall have the powers and duties prescribed by this Charter, or prescribed by ordinance in the case of appointive boards authorized under Section 5-22.
- (b) They shall choose a Chairman and a Secretary, and may make regulations for the conduct of their meetings and the execution of their duties. Such regulations shall be filed with the Town Clerk.
- (c) The members of appointive boards 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; and the members of the Board of Tax Review shall be compensated as required by the General Statutes.
- (d) Removal for cause.
  - (1) A member of an appointive board may be removed for cause by the Board of Selectman. [Amended 11-6-2013, effective 11-6-2013]
  - (2) No such removal for cause shall be effected unless the member:
    - (a) Has received a statement, in writing, of the reasons why he should be removed. This statement may be prepared either by the First Selectman or by the remaining members of the appointive board.
    - (b) Has, not less than fifteen days after the delivery of the statement of reasons, been afforded an opportunity for a hearing before the Board of Selectmen, at which he may appear with counsel.

**§ 5-5. Planning Commission.** [Amended 11-6-2013, effective 11-6-2013]

There shall be a Planning Commission of five members serving four-year terms with the powers and duties of Planning Commissions prescribed by the General Statutes.

**§ 5-6. Zoning Commission.** <sup>4</sup> [Amended 11-6-2013, effective 11-6-2013]

There shall be a Zoning Commission of five members serving four-year terms with the powers and duties of Zoning Commissions prescribed by the General Statutes.

- (a) There shall be three alternate members of the Zoning Commission, serving one-year terms, with the powers and duties prescribed by the General Statutes.

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4. Editor's Note: See also Ch. 47, Planning Commission.



**§ 5-7. Employment of Town Planners.**

Notwithstanding the provisions of Section 4-5(a)4, the Planning Commission and/or the Zoning Commission may, if there is an appropriation for the purpose, employ Town Planning or Zoning consultants and contract for technical services.

**§ 5-8. Zoning Board of Appeals.** [Amended 11-6-2013, effective 11-6-2013]

- (a) There shall be a Zoning Board of Appeals of five members serving four-year terms, with the powers and duties of Zoning Board of Appeals prescribed by the General Statutes.
- (b) There shall be three alternate members of the Zoning Board of Appeals, serving one-year terms, with the powers and duties prescribed by the General Statutes.

**§ 5-9. Board of Assessment Appeals.**

There shall be a Board of Assessment Appeals of three members serving three-year terms with the powers and duties of Boards of Assessment Appeals prescribed by the General Statutes.

**§ 5-10. Board of Fire Commissioners.**

There shall be a Board of Fire Commissioners of five members, each serving a term of three years, with the powers and duties as prescribed by town ordinance. The Board of Fire Commissioners, under the supervision of the Board of Selectmen, shall be charged with: the financial management of the town funds used by the Fire Department and the supervision and care of town apparatus, buildings and equipment used by the Fire Department. The Board of Fire Commissioners shall set specifications that shall be followed in the purchase of apparatus, equipment and supplies by the town for the Fire Department. The organization, government and membership shall be in accordance with all applicable statutes and regulations and the Somers Volunteer Fire Department's constitution and by-laws. There shall be a Chief elected by the members of the Fire Department and approved by the Fire Commissioners. The Chief shall be responsible for the emergency operation of the Fire Department as prescribed by the Connecticut General Statutes.

**§ 5-11. Recreation Commission.**

There shall be a Recreation Commission of seven members serving two-year terms.

**§ 5-12. Water Pollution Control Authority.**

There shall be a Water Pollution Control Authority consisting of seven members serving three-year terms. The powers and duties of the Water Pollution Control Authority shall be as prescribed by the Connecticut General Statutes. In addition, there shall be two alternate members of the Water Pollution Control Authority serving one-year terms. When seated, the alternates shall have all of the powers and duties of regular members.

**§ 5-13. Conservation and Wetlands Commission.** [Amended 11-6-2013, effective 11-6-2013]

There shall be a Conservation and Wetlands Commission of seven members serving four-year

terms. One member shall also be a member of the Zoning Commission, one member shall also be a member of the Planning Commission, and one member shall also be a member of the Water Pollution Control Authority. The Commission shall have the powers and duties prescribed by the Wetlands Ordinance enacted by the Town of Somers.

- (a) There shall be two alternate members of the Conservation Commission, serving one-year terms. When seated, the alternate members shall have all of the powers and duties of regular members.

**§ 5-14. Housing Authority.** [Amended 11-6-2013, effective 11-6-2013]

There shall be a Housing Authority of five members serving four-year terms with the powers and duties of Housing Authorities prescribed by the General Statutes.

**§ 5-15. Building Board of Appeals.** <sup>5</sup> [Amended 11-6-2013, effective 11-6-2013]

There shall be a Building Board of Appeals with five members serving four-year terms with the powers and duties of Building Board of Appeals prescribed by the General Statutes and the Connecticut Basic Building Code.

**§ 5-16. Cemetery Committee.** [Amended 11-6-2013, effective 11-6-2013]

There shall be a Cemetery Committee of five members serving four-year terms.

**§ 5-17. Advisory Committee to the Elderly.**

There shall be an Advisory Committee to the Elderly of nine members serving one-year terms. The Municipal Agent shall be a member and Chairman of the Committee. Other members will include a representative of the Senior Club, a representative from each site of public housing for the elderly, a Senior Drop-In Center representative and three representatives from different geographical locations of Somers. The Committee shall have the powers and duties of Advisory Committees as prescribed by the Board of Selectmen.

**§ 5-18. Emergency Preparedness Advisory Council.** [Amended 11-6-2013, effective 11-6-2013]

- (a) There shall be a Civil Preparedness Advisory Council of nine members serving two-year terms. Four of these members shall consist of the Resident Trooper, the Fire Chief, Superintendent of Schools and Superintendent of Highways. The Council shall have the powers and duties of Civil Preparedness Advisory Councils prescribed by state statutes.
- (b) The appointive authority may suspend residency requirements for the following personnel: Resident Trooper, Fire Chief, Superintendent of Schools, and Superintendent of Highways.

**§ 5-19. Ethics Commission.**

The Commission shall be comprised of five (5) resident electors, none of whom shall serve the town in any other capacity, either as an elected or appointed member of a commission or board,

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5. Editor's Note: See also Ch. 10, Building Board of Appeals.

nor as an employee of the town or the Somers Board of Education. All members shall be appointed by majority vote of the Board of Selectmen. Two (2) alternate members may also be appointed. Of the five (5) members initially appointed, three (3) shall be appointed for a term of two (2) years and two (2) for a term of one (1) year. All subsequent appointments to the Commission shall be for a term of two (2) years. The Commission shall have the powers and duties as set forth in applicable Connecticut General Statutes Town Ordinances.

**§ 5-20. Treasurer.** [Added 11-7-2006, effective 12-7-2006; amended 11-6-2013, effective 11-6-2013]

There shall be a Treasurer serving a term of two years reviewable annually by the Board of Selectman. The Board of Selectmen shall establish and periodically review a written job description for the Treasurer including any required certifications, licenses, or degrees. The Treasurer shall act as the Director of Finance and the Chief Financial officer of the Town and shall perform all duties and functions prescribed to Town Treasurers in the Connecticut General Statutes and shall report to the Board of Selectmen. A panel comprised of one member of the Board of Finance, one member of the Board of Selectmen, and one non-elected individual with a background in finance chosen by the other two members shall submit a nomination to the Board of Selectmen for appointment as Treasurer. Should the nominated candidate fail to be appointed for any reasons, the panel shall then reconvene and submit subsequent nominations until a candidate is seated.

**§ 5-21. Collector of Taxes.** [Added 11-7-2006, effective 12-7-2006; amended 11-6-2013, effective 11-6-2013]

There shall be a Collector of Taxes serving a term of two years reviewable annually by the Board of Selectmen. The Board of Selectmen shall establish and periodically review a written job description for the Collector of Taxes including any required certifications, licenses, or degrees. The Collector of Taxes shall perform all duties and functions prescribed to Tax Collectors in the Connecticut General Statutes and shall report to the Director of Finance. A panel comprised of the CFO of the Town of Somers, one member of the Board of Finance, one member of the Board of Selectmen, and one non-elected individual with a background in property management or property evaluation chosen by the other three members shall submit a nomination to the Board of Selectmen for appointment as Collector of Taxes. Should the nominated candidate fail to be appointed for any reasons, the panel shall then reconvene and submit subsequent nominations until a candidate is seated.

**§ 5-22. Assessor.** [Added 11-6-2013, effective 11-6-2013<sup>6</sup>]

There shall be an Assessor serving a term of two years reviewable annually by the Board of Selectmen. The Board of Selectmen shall establish and periodically review a written job description for the Assessor including any required certifications, licenses, or degrees. The Assessor shall perform all duties and functions prescribed to Assessors in the Connecticut General Statutes and shall report to the Director of Finance. A panel comprised of the CFO of the Town of Somers, one member of the Board of Finance, one member of the Board of Selectmen, and one non-elected individual with a background in property management or property

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6. Editor's Note: The Charter changes adopted this date also provided for the redesignation of former § 5-22 as § 5-23.

evaluation chosen by the other three members shall submit a nomination to the Board of Selectmen for appointment as Assessor. Should the nominated candidate fail to be appointed for any reason, the panel shall then reconvene and submit subsequent nominations until a candidate is seated.

**§ 5-23. Other appointive positions.** [Amended 11-7-2006, effective 12-7-2006]

- (a) Appointive boards may be created and their powers and duties specified by ordinance. Appointive boards authorized by this section may be abolished or consolidated, their powers and duties may be altered, and the number and terms of their members may be changed by ordinance.
- (b) The Board of Selectmen may establish school building or other committees in accordance with resolutions of Town Meeting, and such advisory or study committees as the Board finds desirable in the discharge of its duties.

**CHAPTER VI**  
**Finance and Taxation**

**§ 6-1. Board of Finance.**

The Board of Finance shall, not sooner than one week nor more than three weeks following the biennial town election, meet and elect from its membership, a Chairman, who shall preside over its meetings and choose a Clerk who shall prepare the minutes and other records of each meeting.

Each member of the Board of Finance must:

- (1) Be an elector of the town;
  - (2) Be a taxpayer of the town;
  - (3) Be sworn to faithful performance of his duties; and
  - (4) Hold no salaried town office.
- (4) Board members shall receive no compensation for services, but necessary expenses of the Board are to be paid by the town from an appropriation authorized for that purpose.

**§ 6-2. Annual audit.**

The Board of Finance shall annually designate an independent public accountant to audit the books of the town as required by the General Statutes.

**§ 6-3. Treasurer.**

The Treasurer shall receive all money belonging to the town, pay it out on the order of the proper authority, keep accurately the records required by law, and have such other powers and duties as are prescribed in the General Statutes. He shall conform the procedures of his office to the regulations of the Board of Finance adopted in accordance with this Charter.

#### **§ 6-4. Preparation of the budget.**

At such time and in such manner as the Board of Finance may require, every agency supported wholly or in part by town revenues, or for which a specific town appropriation is or may be made shall present to the Board of Finance an itemized estimate of the expenditures to be made by that agency, and all other revenues, other than town appropriations, to be received by it or for the use during the ensuing fiscal year. The estimates shall be accompanied by such other reports and information as the Board of Finance may require. The Board of Finance shall then revise the estimates, as it deems desirable and prepare a proposed general town budget.

Not less than two weeks before the Annual Town Meeting, the Board of Finance shall hold a public budget hearing, at which time the Board shall present a list of itemized estimates of expenditures of the town for the next fiscal year and shall hear all interested persons concerning proposed appropriations.

The Board of Finance shall then revise the estimates, as it deems desirable and prepare the recommended town budget, which it shall present to the Annual Town Meeting.

#### **§ 6-5. Laying taxes.**

After the Board of Tax Review has finished its duties and a Grand List has been completed, the Board of Finance shall meet to lay a tax on the Grand List sufficient, in addition to other estimated yearly income of the town, to pay the expenses and appropriations of the town for the current year, and also to absorb any revenue deficit of the town at the end of the preceding fiscal year.

#### **§ 6-6. Tax Collector.**

The Tax Collector shall collect the taxes in accordance with the provisions of the General Statutes, and shall issue monthly reports to the Town Treasurer and to the Board of Finance and a yearly report to the town and state.

#### **§ 6-7. Special appropriations.**

- (a) The Board of Finance on request by town agencies may make special appropriations from surplus revenue or from an approved contingency fund. Any such appropriation in excess of the amount prescribed in CGS 7-348 shall require approval by a vote of Town Meeting upon recommendation of the Board of Finance.
- (b) When the town is maintaining a reserve fund for capital and nonrecurring expenditures in accordance with the General Statutes, payments into the reserve fund shall be made upon the recommendation of the Board of Finance and approval by vote of Town Meeting. An appropriation from the reserve fund in an amount not more than the amount permitted in CGS 7-348 may be made on recommendation of the Board of Finance and approval by the Board of Selectmen; a recommended appropriation of more than that amount shall require approval by vote of Town Meeting. Appropriations for construction or other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years shall elapse without

any expenditure from or encumbrance of the appropriations therefor. [Amended 11-7-2006, effective 12-7-2006]

- (c) Special appropriations other than those from surplus revenue or from an approved contingency fund may be made only by a vote of Town Meeting on recommendation of the Board of Finance. If such an appropriation is voted before the tax is laid in accordance with Section 6-5, it shall be included in the appropriations of the town, which the tax must cover. If it is voted after the tax has been laid, the Town Meeting must direct the Board of Selectmen to borrow such amount as is necessary and the amount so borrowed shall be appropriated in the next annual budget and paid from the tax next laid.
- (d) 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.

**§ 6-8. Expenditures and accounting.**

- (a) The fiscal year of the town shall begin on July 01 and end on June 30 of the following calendar year, unless changed by vote of a Town Meeting or by referendum.
- (b) The system of accounts used by Town agencies shall be that required by law or by regulations of the Board of Finance.
- (c) The Board of Finance shall keep under review the expenditures of town agencies, and may by regulation prescribe periodic reports of expenditures, and establish a system of quarterly allotments of appropriations to town agencies, which shall not be exceeded without permission of the Board of Finance.
- (d) The regulations of the Board of Finance may also designate the forms and procedures for orders to be drawn on the Treasurer by the Board of Education and the Board of Selectmen.
- (e) Any regulations developed by the Board of Finance required by this Charter shall be consistent with this Charter and with the statutory powers and duties of other town agencies, and all town agencies, including the Board of Education, shall comply with them. They shall be adopted and may be amended by vote of the Board of Finance. Any proposed regulation or amendment other than the regulations specified in Section 6-1 shall first be referred to the Board of Selectmen for comment and consultation. A similar reference shall be made to the Board of Education or the Treasurer; if their interests are affected. All regulations of the Board shall be filed with the Town Clerk. [Amended 11-7-2006, effective 12-7-2006]
- (f) No officer or agency of the town shall expend or enter into any contract, which would oblige the town to expend in excess of any approved appropriation. Any officer who without authority from this Charter or the General Statutes, expends or causes to be expended any money of the town, except in payment of final judgments rendered against the town, shall be liable in a civil action in the name of the town, as provided in the General Statutes.

**CHAPTER VII  
Town Meeting**

**§ 7-1. Annual and Special Meetings.** [Amended 11-7-2006, effective 12-7-2006]

- (a) The Annual Town Meeting, which shall also be the annual budget meeting, shall be held within 15 days of the first Monday of May each year, unless changed by a vote of a Town Meeting or by referendum, to consider all items on the call except those items relating to the Annual Budget. All items on the call relating to the Annual budget shall be voted on at referendum not less than seven or more than fourteen days after said Annual Town Meeting on a date set by said meeting; or if said meeting does not set a date, by the Town Selectmen. Special Meetings shall be called by the Board of Selectmen in the manner provided by the General Statutes whenever they deem it necessary, or on application by fifty persons qualified to vote in Town Meeting.
- (b) Adoption of the annual budget shall be by vote of the Annual Town Meeting. The meeting shall have the power to decrease any appropriation or item in an appropriation, but it may not increase any appropriation or item in an appropriation, or make any appropriation for a purpose not recommended by the Board of Finance. [Added 11-6-2013, effective 11-6-2013]
- (c) If the Annual Budget is not approved by vote at first referendum, The Board of Selectmen shall schedule subsequent referendum at fourteen-day intervals.
- (d) The matters which the applicants for a Special Town Meeting desire to be acted upon shall, if proper subjects for Town Meeting action, be put in proper form for the call of a meeting and for a Town Meeting resolution with the assistance of Town Counsel, and those matters shall come first in the call of the meeting. The Board of Selectmen in their discretion may add other matters to the call of the meeting.
- (e) All Town Meetings shall be advertised in a newspaper having circulation in Somers at least five days prior to date of meeting. Warnings for Town Meetings may be typewritten or printed and a copy shall be filed with the Town Clerk consistent with statutory requirements.

**§ 7-2. Organization and procedure.**

- (a) The First Selectman shall call the meeting to order at the advertised time and the meeting shall choose a moderator. The Town Clerk shall serve as clerk. In his absence, the meeting shall choose a clerk.
- (b) Electors of the town and other persons qualified by the General Statutes may vote at Town Meetings. Unless otherwise required by this Charter, Town Meeting action shall be by majority vote of those present and voting.

**§ 7-3. (Reserved) <sup>7</sup>**

**§ 7-4. Special appropriations: public emergency appropriations.**

- (a) A special appropriation and a payment into or appropriation from the reserve fund for capital and nonrecurring expenditures, requiring Town Meeting approval may be decreased

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7. Editor's Note: Former § 7-3, Annual budget, was added as § 7-1(b) 11-6-2013, effective 11-6-2013.

by the Town Meeting, but may not be increased. A Town Meeting may make no special appropriation or transfer of funds not recommended by the Board of Finance, except public emergency appropriations.

- (b) If a declaration of public emergency in accordance with Section 4-4(e) is in effect, the Town Meeting may make public appropriations to meet the emergency, but only by a vote of two-thirds of those present and voting.

**§ 7-5. Action on ordinances.**

- (a) When the Board of Selectmen refers a proposed ordinance enactment in accordance with Section 4-4 by vote of Town Meeting, the proposed ordinance may be adopted or amended and adopted, and shall if adopted become effective on a date set by the meeting; but not until it has been published in a newspaper published in the state having a general circulation in the town. The Town Clerk shall promptly record it in a book kept for that purpose.
- (b) If a special Town Meeting is called in accordance with Sections 4-4 and 7-1, it may:
  - (1) By an affirmative majority vote supported by at least one hundred persons overrule the action of the Board of Selectmen in enacting an ordinance, in which event the enactment shall have no force or effect. However, the Special Town Meeting may then vote to amend and adopt the proposed ordinance, as amended, and set its effective date after publication and recordation as prescribed in Section 7-5(a).
  - (2) By an affirmative majority vote supported by at least one hundred persons, overrule the action of the Board of Selectmen in rejecting a proposed ordinance. The Special Town Meeting may then vote to adopt, or amend and adopt, the proposed ordinance, and to set its effective date after publication and recordation as prescribed in Section 7-5(a).

**§ 7-6. (Reserved) <sup>8</sup>**

**§ 7-7. Sale or purchase of real estate.** [Amended 11-7-2006, effective 12-7-2006]

The acceptance of any road, easement, open space or other interest in real estate recommended by the Planning Commission as part of a subdivision approved under the Town's subdivision regulation shall be by a majority vote of the Board of Selectmen. Any other acquisition or sale of real estate, including the conveyance of real estate for no consideration, shall require approval of a Town Meeting.

**CHAPTER VIII  
Transitional and Miscellaneous**

**§ 8-1. Effective date: adjustment of terms of office.**

- (a) The effective date of this Charter shall be January 01, 2000.

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8. Editor's Note: Former § 7-6, Confirmation of certain appointments, was repealed 11-6-2013, effective 11-6-2013.



- (b) Appointed or elected officers serving a term on the effective date shall continue to serve until the expiration of their terms, unless the office, if appointive, is abolished or the term shortened by ordinance in accordance with Section 5-20. As present appointive terms expire or are vacated, the Board of Selectmen may if necessary, make either new or vacancy appointments for short terms in order to achieve the regular rotation of appointments prescribed by Section 5-2(a).

**§ 8-2. Amendment.**

This Charter may be amended in the manner prescribed by the General Statutes.

**§ 8-3. Saving clause.**

If any section 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 context in which such section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.