CHARTER REVISION COMMISSION

FINAL REPORT

AUGUST 15, 2018

#1

SECTION 602. ANNUAL TOWN BUDGET MEETING

The annual town budget meeting for the consideration of the budget shall be convened in accordance with the provisions of Section 1006 of this Charter and shall be held on the second Tuesday of May at such hour and at such place as the Board of Selectmen shall determine, and no other town agency, board, or commission shall meet on said day. The Board of Selectmen shall request the presence at such meeting of a representative of each board, agency, or commission submitting a budget request. If the vote on the annual town budget is adjourned to a referendum, all further votes of the annual town budget shall be by referendum *to be held two weeks after the town meeting is adjourned and* every other week *thereafter* until final approval is given. [AMENDED 11/05/02; 11/6/07]

SECTION 1006. DUTIES OF THE TOWN MEETING ON THE BUDGET

The annual budget shall become effective only after it has been approved by resolution of the Board of Finance, and adopted at the annual town budget meeting. Should the annual town budget meeting fail to adopt the budget, the vote on the budget shall be adjourned to referendum *to be held two weeks after the town meeting is adjourned and* ~~*on the following Tuesday and thence to automatically schedule additional referenda, as required*~~ every other week thereafter until final approval is given. Any budget which has been rejected by referendum in accordance with Chapter VI of this Charter shall be considered in the interim by the Board of Finance, which may revise the rejected budget and shall present it at a subsequent budget referendum for acceptance. If the budget remains unaccepted after such reconsideration referendum, the budget adopted for the then current fiscal year shall be deemed to be the temporary budget for the forthcoming fiscal year and expenditures may be made on a month-to-month basis in accordance therewith until such time as the annual town budget referendum finally adopts a new budget. The Board of Selectmen shall have the authority to permit separate votes on the town's operating budget and the town's education budget for any budget which has failed to be approved by referendum. [AMENDED 11/6/07]

Due to requirements by State Statute, the legal notice of the referendum must be published five (5) days prior to the referendum. The local newspaper has a deadline of noon the day prior to publication. This presents a tight deadline and not always obtainable. These changes to Sections 602 and 1006 will allow for timely publication of the legal notice.

#2

SECTION 205.VACANCIES – ELECTIVE OFFICERS, SUBSECTION (a)

(a) Unless otherwise provided by law, any vacancy, in any elective town office, including the Board of Education, but excluding the First Selectman, shall be filled within ~~*forty-five (45)*~~ *thirty (30)* days of such vacancy by appointment of the Board of Selectmen, to serve *for the unexpired portion of the term of the elective office so filled.* ~~*until the first Monday of December following the next regular election, except that appointments to the Board of Education shall serve until the next regular election, as defined in Section 9-1 of the General Statutes, as amended.*~~ [AMENDED 11/5/02]

(d) ~~*Except as otherwise provided in this Charter, if there shall be a regular election as defined in Section 9-1 of the General Statutes, as amended, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled by appointment until said election as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term with such person to take office on the first Monday in December following the election, except that election of a person to the Board of Education who shall begin the day of election.*~~ [AMENDED 11/6/07]

This change to Section 205 - Vacancies will change the timeframe to fill an elective vacancy from 45 days to 30 days and allow the term to be filled to the end of the unexpired portion of the term vs to the next election.

#3

SECTION 808. PUBLIC SAFETY COMMISSION *– REPEAL*

~~*The Board of Selectmen, in accordance with Section 802 of this Charter, shall appoint a Public Safety Commission consisting of nine (9) members, said members to serve for terms of three (3) years. All appointments to this commission shall be made by the Board of Selectmen, in the manner provided herein, as vacancies on this board are created by the expiration of a member's term of service. Said commission shall draw lines of communication, form operational policies among the town agencies involved with public safety, and work with area towns having similar public safety problems in applying for Federal and State grants and technical assistance.*~~

This change is to repeal Section 808 – Public Safety Commission. The Public Safety Commission has been inactive since 2004. Currently the duties of the Public Safety Commission are performed by the Ad Hoc Emergency Services Committee.

#4

SECTION 923. EMERGENCY SERVICES

Emergency Services to the Town of Ellington will be provided by the Ellington Volunteer Fire Department*, Inc.*, *Crystal Lake Fire District*/Crystal Lake Volunteer Fire Department and Ellington Volunteer Ambulance Corps*, Inc.* The Board of Selectmen shall execute a written contract with each agency specifying details of such service. As a minimum, each contract will delineate type and scope of services provided, primary response areas, financial relationships, and reporting requirements between the Town of Ellington and each agency. Each contract shall be reviewed and revised as necessary by the Board of Selectmen and each agency no less than biennially.

In the event that any of the above named organizations become incapable of providing the services as defined in their contract, the Board of Selectmen may provide for other means of delivery of emergency services in lieu of said volunteer company(s).

This change to Section 923 will give the Town flexibility in determining who will provide emergency services to the Town should the organizations become incapable of providing the services as defined in their contract.

#5

SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION

At a meeting of the electors of the Town of Ellington to be held on the third day of November, 1987, and biennially on the first Tuesday after the first Monday of November thereafter, there shall be elected the following officers~~:~~

(a) A First Selectman. The votes cast for the unsuccessful candidate for First Selectman shall *not* be counted for him/her as a member of the Board of Selectmen.

This change to Section 302 will not allow the votes for the unsuccessful candidate for First Selectman to be counted as a member of the Board of Selectmen.

#6

SECTION 605. POWER TO OVERRULE – TOWN MEETING ACTIONS, SUBSECTION (d)

All actions, including a negative action, of any town meeting shall be subject to overrule by a special town referendum in the following manner:

(d) Within fifteen (15) 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 not less than twenty (20) nor more than forty-five (45) days after the certification of said petition and notice thereof shall be given *at least five (5) days in advance by publication in a newspaper having general circulation in the town and by posting a notice in a public place* ~~in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum.~~

Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, *shall have voted in favor of overruling such action, provided* ~~such majority being equal to~~ at least ~~fifteen (15)~~ *ten (10)* percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted *on the matter* ~~in favor of overruling such action~~. 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.

This amendment to Section 605 will explicitly state the 5-day notice requirement and change the percentage requirement needed to overrule action taken at a Town Meeting from 15% to 10% with a simple majority.

#7

SECTION 910. DEPARTMENT OF PUBLIC WORKS

The Board of Selectmen shall appoint a Director of Public Works, who shall possess such qualifications as are required for said office, and who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education; the Department of Public Works shall have exclusive control of the care, maintenance and repair of the library building and physical facilities and the library grounds; coordinate the Recycling Program; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project, or the appointment of citizen advisory committees on the construction of school or other public building. Further duties of the Public Works Department shall be to care for parks, grassed areas in streets and public grounds; the Public Works Department shall maintain all athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission; to plant and care for trees within the street line; to enforce the provisions of the building code, zoning ordinances and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm sewers and drains; and perform such other duties as may be prescribed by the Board of Selectmen by ordinance. Said Department of Public Works may contract with the town Water Pollution Control Authority for the maintenance of the facilities and grounds which come under the jurisdiction of the Water Pollution Control Authority. The Director of Public Works shall appoint a Tree Warden. The Director of Public Works shall serve as an exofficio member of the Permanent Building Committee. He may organize the Public Works Department in such a manner as he shall deem most economical and efficient and may make and enforce such reasonable rules and regulations not inconsistent with the regulations of the General Statutes or the provision of this charter, as may be necessary to exercise the powers and duties imposed on him by virtue of this provision of the charter. He may delegate such powers to subordinate employees and shall have the authority to appoint and to remove, subject to the approval of the Board of Selectmen and such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in this department.

This change specifically allocates building maintenance of the Hall Memorial Library to the Department of Public Works.

#8

LIBRARY BOARD OF TRUSTEES [new chapter to be added to Charter]

The Library Board of Trustees, elected as provided in Chapter III of this Charter, shall be responsible for the administration and use of Hall Memorial Library and will have all the powers and duties pursuant to State Statute 11-33 and 11-34. Notwithstanding any provision in this Charter and the State Statutes to the contrary, the Department of Public Works shall have exclusive control of the care, maintenance and repair of the library building and physical facilities and the library grounds.

This change allocates responsibility for library operations and administration to the Hall Memorial Library Board of Trustees and specifically allocates building maintenance of the Hall Memorial Library to the Department of Public Works.

SECTION 1211. EFFECTIVE DATE

The Charter Revision Commission recommends that all amendments approved at the November 6, 2018 election become effective on January 1, 2019.