

CHARTER REV COMMISSION FINAL- (August-20, 2018)

CHAPTER 1 INCORPORATION & POWERS

PREAMBLE

We, the inhabitants of the Borough of Stonington, in the exercise of privileges, liberties and powers, which we have enjoyed since May of 1801, do hereby declare that this Charter shall constitute our form of government. The Borough of Stonington shall be governed by a Warden and a Board of Burgesses, distinct from the Town of Stonington's Board of Selectmen. The Board shall work to preserve the Borough's unique identity and history, promote the individual and general welfare of its inhabitants and foster a sense of community among its residents.

Section 1. Incorporation

All the inhabitants of the Borough of Stonington, with territorial limits as constituted by law, shall continue to be a body politic and corporate under the name of the "Borough of Stonington" hereinafter called "Borough", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Borough and not inconsistent with the provisions of the Charter, the additional powers and privileges herein conferred, and all powers and privileges conferred upon boroughs under the laws of the State of Connecticut.

Section 2. Rights and Powers

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested in or inchoate in the Borough as of the effective date of this Charter are continued, and the Borough shall continue to be liable on said effective date, whether accrued or not. Nothing herein shall be construed to affect the right of the Borough to collect any assessment, charge, debt, or lien.

The Borough shall have all the powers that now or hereafter may be granted to boroughs under the constitution and the Connecticut General Statutes. It shall have all powers granted to municipalities adopting a charter under Chapter 99 of the Connecticut General Statutes. In addition to these powers, the Borough shall have all powers fairly implied in or incident to the powers granted, and all other powers incident to the management of the property, government and affairs of the Borough, including the power to enter into contracts with the State of Connecticut or with any political subdivision thereof.

CHAPTER 2 THE BOARD OF WARDEN & BURGESSES

Section 1. The Powers of the Board

The warden and four burgesses shall constitute the Board of Warden and Burgesses, referred to in this Charter as "the Board". After seating a new Board, the members shall elect one of the burgesses to serve as the senior burgess. Subject to the provisions, exceptions and qualifications of this Charter and the Connecticut General Statutes, the Board shall have the power to enact ordinances, adopt resolutions, undertake studies and investigations, provide for the administration of the Borough, determine its rules for procedure, and take all steps necessary and proper for carrying out the powers

given the Borough. The Board shall act as purchasing agent for all supplies or services purchased by the Borough, but may delegate such decision for any items or services the cost of which may be reasonably expected to be less than one percent of the authorized budget for the Borough for that year.

Section 2. **The Warden**

- a) The warden shall exercise general supervision over the administration of all departments, agencies, committees, boards, or offices appointed by the Board. The warden shall be recognized as the official head of the Borough for ceremonial purposes and as the Borough's representative in dealings with state, federal, and foreign officials.
- b) During the warden's absence from Stonington Borough or incapacitation for more than 72 consecutive hours, the senior burgess shall assume the powers.
- c) The warden shall be responsible for the execution of all ordinances.
- d) The warden or the senior burgess shall preside at all meetings of the Board. If the warden or the senior burgess is not present at any such meeting, it may be called to order by any burgess, and the burgesses shall thereupon choose one of their number to preside over the meeting. If no agreement can be reached, the presiding officer shall be chosen by lot.
- e) The warden shall nominate the commissioners, department heads, the senior burgess, committees and all appointive offices unless otherwise provided by a resolution of the Board. All such nominations are subject to the confirmation of the Board, but on such occasions, as on all questions before the Board, the warden may vote. The warden may nominate him/herself for any office or commission or committee.
- f) The warden shall inform Borough residents as to the issues before the Board and apprise Borough residents and the Board about Town and regional programs, policies, and developments.

Section 3. **Meetings of the Board**

The Board shall meet at least once a month throughout the year at a regular time. Special meetings of the Board may be called by the warden or by any two burgesses. Board meetings shall be open to the public, except when the Board votes to go into executive session. The Board may adopt rules concerning its own procedure.

Section 4. **Quorum**

The Board shall conduct business only at a meeting duly called at which a quorum is present, three members constituting a quorum.

Section 5. **Compensation of Elected Officials**

Compensation of all elected officials shall be set by ordinance. Such compensation may be changed by ordinance at any time, but any change shall not take effect until after the current term of the elected officials whose salary or other compensation is affected.

CHAPTER 3 ADMINISTRATIVE OFFICERS

Section 1. **The Clerk-Treasurer**

The appointed position of clerk-treasurer shall keep the minutes of the meetings of the Board, and the minutes of the meetings of the Borough. The clerk-treasurer shall maintain all records of the Borough, except tax records, including separate and numbered records of all ordinances which shall be available for public inspection at reasonable times. The clerk-treasurer shall be responsible for publishing ordinances and other legal notices. The clerk-treasurer shall keep an accurate record of all receipts and expenditures. The clerk-treasurer shall have all duties imposed by law and customarily assigned to the clerk and to the treasurer of the Borough. In the clerk-treasurer's temporary absence, the duties may be assigned by the warden to one of the burgesses.

Section 2. **The Assessor**

The appointed position of assessor shall perform such duties as are imposed by law and customarily performed by the assessor of a borough. The assessor shall use the current assessment list and assessment date of the Town of Stonington.

Section 3. **Appointive Officers**

The warden shall nominate an attorney to be the legal advisor of the Board, the officers of the Borough, and agencies, boards and commissions. The warden may nominate a health officer, engineer and other officers with such duties as may be assigned to them by the Board or by statute. All nominations shall be subject to confirmation by the Board. Any appointive officer may be removed at any time by majority vote of the Board.

Section 4. **Commissioners**

At the effective date of this Charter, there shall be established the following offices:

- a) Public Safety & Emergency Management Commissioner, charged with supervision of the Fire Department, fire prevention and protection, and with the responsibilities of the safety coordinator. In addition, said commissioner shall supervise Special Duty police officers in the Borough, and act as liaison with the Police Department and Town emergency management officials.
- b) Parks, Trees, & Rights-of-way Commissioner, charged with supervision of planting, preservation, care and removal of trees, plantings, and lawns in parks, public places, and public grounds, including, in conjunction with the Sidewalk Commissioner, sidewalks, and with supervision of stone walls on public property, and with supervision of public rights-of-way and easements.
- c) Public Buildings Commissioner, charged with supervision of public buildings and seawalls.
- d) Sanitation & Public Utilities Commissioner, charged with supervision of collection of garbage, trash, recyclable materials, litter, and such other items as may be appropriate, and to act as liaison with the water company, the electric power company, and the Town sewer authority. In addition, said commissioner shall supervise the lighting of streets, parks, and other public grounds.
- e) Street & Sidewalk Commissioner, charged with supervision of the streets, sidewalks, and curbs.

Section 5. **Duties of Commissioners**

Each commissioner shall be responsible for the general supervision and fiscal management of their office or department. Any of the commissioner positions may be abolished, or the duties of any may be enlarged, modified, or reduced by resolution of the Board. New commissioner positions may be created by resolution of the Board.

Section 6. **Appointment of Commissioners**

At the first meeting after an election, the warden shall nominate members of the Board to serve as commissioners. All nominations are subject to the confirmation of the Board. Each commissioner shall serve in the office to which nominated and confirmed from the first meeting following an election of Borough officers until one week after the next Borough election, provided, however, that the Board may remove a commissioner from office at any time. The warden shall nominate only burgesses and the warden to the positions of commissioner.

Section 7. **Registrar of Voters**

Town of Stonington registrars shall serve as registrars for the Borough.

CHAPTER 4 OPERATIONAL DEPARTMENTS

Section 1. **Fire Department**

At the effective date of this charter there shall be established a fire department consisting of departmental officers (chief, deputy chief, assistant chief, secretary, and treasurer) and one or more volunteer fire companies. The department shall be under the direction of the chief, who shall be appointed by the Board. The chief reports to the Borough public safety and emergency management commissioner. The chief shall select departmental officers, subject to confirmation by the Board. The chief is responsible for the efficiency, discipline, and training of the fire fighters in the department. The chief is also responsible for the care and custody of departmental equipment and property.

Section 2. **Borough Fire Marshal**

The Board shall also appoint a Borough fire marshal, who reports directly to the warden. The fire marshal is responsible for enforcing the State fire code within the jurisdiction of the Borough fire department. The Borough fire chief, if qualified, may serve as fire marshal.

Section 3. **Street & Sidewalk Department**

The street & sidewalk department consists of a foreman and one or more laborers. The foreman reports to the street & sidewalk commissioner. The department is responsible for maintaining, cleaning, and clearing Borough streets and parks. They also are responsible for maintaining and operating equipment including but not limited to trucks, plows, street sweepers, sand spreaders, and mowers.

Section 4. **Planning & Zoning Department**

The planning & zoning department provides support to the Borough's land use commissions as established by ordinance.

CHAPTER 5 ELECTIONS

Section 1. **Borough Officers**

On the first Monday in May, and biennially on that day thereafter, there shall be elected in the Borough a warden and four burgesses. The term of office for each elected official shall commence one week from the date of election.

Section 2. **Eligibility to Vote in Borough Elections**

At any regular or special Borough election, any person who is a resident of the Borough and is then qualified to vote in Town of Stonington elections may vote in the Borough election. Residency shall be determined by the Town registrars. The term "Electors" as used in this chapter shall mean those eligible to vote under this section.

Section 3. **Eligibility to Hold Borough Office**

Those eligible to hold Borough elective office shall be electors who reside in the Borough. If any elected officer moves their residence during their term of office from the Borough to a location within the Town of Stonington but outside the Borough, they shall continue to hold elected office until the completion of their term and thereafter they shall not be eligible for re-election while they reside outside of the Borough. If any elected officer moves their residence from the Town of Stonington, they shall thereupon cease to hold office. There shall be no requirement that appointive officers of the Borough be electors thereof.

Section 4. **Dual Office Holding**

No person shall hold more than one elective office of the Borough at the same time.

Section 5. **Tie in Election**

When, as a result of any Borough election, it is necessary to break a tie, the moderator of the election shall summon the candidates who are tied to meet in a public place on the second day following the election, at which time the winner or winners between or among the tied candidates shall be determined by lot. If any candidate so tied withdraws, the remaining candidate shall be deemed elected.

Section 6. **Vacancies in Elective Office**

- a) If the warden ceases to serve, the senior burgess shall become the interim warden. The Board shall, by majority vote, appoint a new warden within 60 days of their determination that a vacancy exists.
- b) If a vacancy occurs in any elective office other than warden, the Board shall, by majority vote, fill the vacancy.

- c) If the Board, in choosing a replacement for an elected official, shall be deadlocked, the deadlock shall be resolved by lot.

Section 7. Nominations for Elective Office

Candidates for elective office, whether party nominees, petitioning candidates, or write-in candidates, shall comply with procedures set forth in the Connecticut General Statutes.

Chapter 6
PASSAGE OF ORDINANCES

Section 1. Passage by Board

An ordinance may be passed at any regular or special meeting of the Board. Promptly after passage, said ordinance shall be published as required by law. If, at the end of fifteen days following such publication, no petition as outlined in Section 2 of this chapter has been received by the clerk-treasurer, such ordinance shall become effective at that time, or at the date specified in the ordinance, if any.

Section 2. Borough Meeting by Petition

If, within fifteen days after publication of an ordinance passed by the Board, a petition, signed by twenty or more voters as defined in Section 1 of Chapter 7, be presented to the clerk-treasurer, the clerk treasurer shall check the petition for authenticity of the signatures and promptly advise the warden. The warden, upon receipt of the authenticated petition, shall call a special Borough meeting, to be held within thirty days, and such ordinance shall not be effective pending such meeting. If, at such meeting, the ordinance be approved by a majority of the voters present and voting, the ordinance shall become effective at that time, or at the date specified in the ordinance, if any. If the ordinance be not so approved it shall not become effective. Such ordinance may be amended, consistent with its purpose, at such meeting. If so amended, the warden shall call for a vote on the amended ordinance at the next regular or special board meeting in accordance with section 1 of this provision.

Section 3. Petition Initiating Ordinance

If a petition, signed by fifty or more voters containing an ordinance and requesting that it be passed, be presented to the clerk-treasurer, the clerk-treasurer shall check the authenticity of the signatures on the petition and notify the warden. The warden shall present the valid petition to the Board for action within 30 days after its receipt. If the Board passes the ordinance, it shall become effective subject to the provisions of Sections 1 and 2 of this chapter. If the Board does not pass such ordinance it shall nevertheless publish said proposed ordinance and call a special Borough meeting to be held within 30 days after the meeting of the Board for the purpose of acting upon the proposed ordinance in the manner provided in Section 2 of this chapter.

Section 4. Existing Ordinances

All ordinances in effect on the effective date of this Charter shall continue in effect subject to the provisions of Section 5 of this chapter.

Section 5. Expiration of Ordinances

In January of each year, at a regular or special meeting of the Board, the clerk-treasurer shall bring to the attention of the Board each ordinance passed or revised during the year which ended ten years prior to the last December 31. Each such ordinance may be repassed in accordance with the provisions of this Chapter. If any such ordinance is not repassed by the next December 31, it shall then automatically expire and become of no effect.

**CHAPTER 7
BOROUGH MEETINGS**

Section 1. Eligibility to Vote

At any duly called Borough meeting, those entitled to vote on any matter shall be the following, who shall be called "voters": a) Electors, as defined in Chapter 5; b) Any citizen of the age of eighteen years or more who, jointly or severally, is liable to the Borough for taxes assessed against an assessment of not less than one thousand dollars on the last completed grand list of the Town of Stonington, or who would be so liable if not entitled to an exemption under the Connecticut General Statutes.

Section 2. Annual Borough Meeting

The Annual Borough Meeting shall be held during the third week of April each year at a time and place to be determined by the Board. At this meeting, or any adjournment thereof, the voters shall consider and act upon the budget for the next fiscal year. Other matters may be brought before said meeting as may be determined by the Board and which have been given proper legal notice as noted in Chapter 8 section 2b.

**CHAPTER 8
FISCAL**

Section 1. Collection of Taxes

The town shall collect Borough taxes on behalf of the Borough, unless superseded by ordinance.

Section 2. Budget

- a) Not less than two weeks before the date of the Annual Borough Meeting, the Board shall hold a public hearing for the purpose of preparing a budget. At this hearing, the Board shall compare in each case current budgeted figures and recommendations for the next fiscal year.
- b) The budget to be presented at the Annual Borough Meeting shall show: I) projected income, itemized by sources; II) expenditures, segregated by departments; III) the grand list, and IV) a proposed tax rate in mills. At least five days prior to the Annual Borough Meeting the Board shall cause to be published as required by law the proposed budget and meeting agenda; copies of the budget shall be available at Borough Hall.
- c) The proposed budget may be debated and amended at the Annual Borough Meeting. Any proposed changes shall be voted upon using regular order. Upon the adoption of the budget the Board shall establish and publish a tax rate in mills.

Section 3. **Expenditures and Accounting**

- a) No purchase shall be made by any department, office or agency of the Borough except under such rules and regulations as may be established by the Board.
- b) Checks shall be signed by the clerk-treasurer and the warden. In the absence or inability to act of either one, checks shall be signed by the warden or the clerk-treasurer and any burgess who is an authorized signatory. In the absence of both, checks shall be signed by two burgesses who are authorized signatories.
- c) The several departments, offices and agencies of the Borough shall not involve the Borough in any obligation to spend money in excess of the amount appropriated therefore in the budget until the matter has been approved by the Board. When any department, office or agency shall desire to secure a transfer of funds in its appropriation from funds set apart for one specific purpose to another, before incurring any expenditure thereof, such department, office or agency shall make application to the Board for approval.
- d) Additional appropriations over and above the total budget may be made by the Board. Such appropriation, if over one percent of the budget for the current fiscal year, shall be made in the form of an ordinance. If the Board declares, by unanimous vote, that such additional appropriation is for the purpose of meeting an emergency, such appropriation may be made by unanimous resolution of the Board, without appeal. Additional appropriations may also be made by ordinance initiated by a petition signed by fifty or more voters as provided by Section 3 of Chapter 6 of this charter. At a special Borough meeting called to consider any additional appropriation made in the form of an ordinance, such appropriation may be amended or reduced but not increased.
- e) Within the last six months of the fiscal year only, the Board may by resolution transfer any unencumbered appropriation, balance or portion thereof, from one department, office or agency to another. No such transfer shall be made from any appropriation for debt services, or other statutory charges.

CHAPTER 9 MISCELLANEOUS

Section 1. **Effective Date**

This charter shall become effective one week after approval by the electors of the Borough at a regular or special election, in accordance with the Connecticut General Statutes or upon completion of the terms of the incumbent elected officials at the date of approval, whichever comes later.

Section 2. **Amendment of Charter**

This charter may be amended from time to time in the manner provided by the Connecticut General Statutes.