

CHARTER TOWN OF WINDHAM

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Charter Revision passed at referendum on November 4, 2014.

CHARTER
TOWN OF WINDHAM

CHAPTER I. GENERAL PROVISIONS

I-1. - DEFINITIONS.

When the word "council" is used in this charter, it shall refer to the Town Council, which is the legislative body of the Town of Windham. When the word "board" is used in this Charter, it shall be interpreted to mean the following: "board, agency, commission, committee or similar body of the Town". The word as used shall apply whether such are elected or appointed. When the term "General Statutes" is used in this Charter, it shall mean the Connecticut General Statutes as the same may be amended from time to time.

The word "elector" when used in this Charter shall mean any individual who has reached the age of majority, is a United States citizen, resides within the Town of Windham, has applied to the Office of the Registrars of Voters to become an elector, and has been deemed qualified by the Registrar. The Registrar shall deem any individual qualified per Chapter 143 of the General Statutes to be admitted as an elector in the Town of Windham.

The term "voter" when used in this Charter shall mean electors of the Town and any natural person who is a citizen of the United States and reached the age of 18 years or more, who, jointly or severally, is liable to the Town for taxes, assessed against said person on an assessment of not less than \$1,000 on the last completed grand list.

CHAPTER II. - POWERS OF THE TOWN

II-1. - POWERS.

The Town of Windham shall have all the powers previously vested in the Town of Windham and all additional powers conferred upon municipalities by the Connecticut Constitution and General Statutes, as amended from time to time. In addition to all of the powers granted to the Town under the Connecticut Constitution and General Statutes, particularly Sections 7-148 and Section 7-194 of the General Statutes, as amended, the Town shall have all the powers necessary to the management, government and affairs of the Town.

The Town shall have the power to enter into contracts for any purposes not prohibited thereof by law.

The enumeration of specific powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of powers but shall be considered as an addition thereto.

II-2. - RIGHTS AND OBLIGATIONS.

All property interests, both real and personal, all actions, rights and causes of action, and rights of every description and all securities and liens vested or inchoate which the Town possesses as of the effective date of this Charter shall be continued in said Town. The Town

shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on said date. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien. If any contract has been entered into by 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 a provision that the same may be enforced by any board, agency, committee, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall in no manner be impaired but shall continue in full force and effect.

II-3. - EFFECT OF CHARTER; EXISTING LAWS AND ORDINANCES.

This Charter shall be the fundamental law of the Town in the administration of its local affairs. Ordinances, resolutions, and bylaws duly adopted and in force before the effective date of this Charter, shall remain in force, but shall have no force of law whenever they conflict with the provisions of this Charter.

It shall be the official policy of the Town of Windham to comply with the civil rights laws of the State of Connecticut and the United States of America. The Town of Windham shall enact no law that diminishes the civil rights of the people.

CHAPTER III. - ELECTIONS

III-1. - GENERAL.

Nomination and election of state and federal officials and such elective Town officials, as are provided for in this Charter, shall be conducted in the manner prescribed in the State Constitution and the General Statutes, except as provided herein. Regular town elections shall take place on the Tuesday after the first Monday in November in odd numbered years.

III-2. - VOTING DISTRICTS.

There shall be two voting districts in the Town. One voting district shall be called the "Windham Voting District" and shall comprise the area within the boundaries of the Town of Windham but outside the boundaries of the City of Willimantic as such boundaries were constituted on December 15, 1982, and the other shall be called the "Willimantic Voting District" and comprise the area within the boundaries of the City of Willimantic as such boundaries were constituted on December 15, 1982. In no event shall any future voting district in the Town of Windham comprise any area which is not entirely within one of the voting districts.

Electors may vote in the voting district in which they reside. Any voter, as defined in Chapter I-1 above, may vote in any voting district in which their property is located, but no one may vote more than once in any election or annual budget referendum.

III-3. - MINORITY PARTY REPRESENTATION.

Minority representation on any board, commission or similar body of the Town of Windham shall be determined in accordance with the provisions of Section 9-167a of the General Statutes,

as amended from time to time, and the provisions of such statute shall apply to the election of members of the Town Council in each voting district so that the maximum number of persons elected or nominated from one political party in each voting district shall not exceed the maximum established by such statute. Members of the Board of Education shall be elected as prescribed by General Statutes sections 9-204b and said section 9-167a.

III-4. - ELIGIBILITY.

No person shall be eligible for election to any Town office who is not qualified to vote for that office at the time of such person's nomination and election. Any person ceasing to be a resident of the Town, or in the case of any Councilor, of the voting District in which such Councilor resided at the time of the election, shall thereupon cease to hold elective office in the Town of Windham.

III-5. - BREAKING A TIE.

When any regular or special Town election results in a tie, and one of the tied candidates does not voluntarily retire from the contest, a special election shall be conducted to determine who shall be elected. Any special election shall be held as provided in the General Statutes.

III-6. - RESIGNATION OF ELECTED OFFICIALS.

All resignations of elected officials shall be made in writing to the Town Clerk. The Town Clerk shall notify the Mayor and chairperson of the board or commission from which the elected official has resigned. A resignation may be made by electronic communication to the Town Clerk if said Clerk reasonably confirms its authenticity.

III-7. - VACANCIES.

Except as provided within this Charter any vacancy in any elective Town office shall be filled by appointment by the Town Council for the unexpired portion of the term or until the next regular election for Town officials, whichever shall be sooner. When the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by the town committee of the same political party who may select any elector of their choice regardless of political party affiliation. The Town Clerk shall request the town committee of the party in question to submit one or more names to the Town Clerk within ninety (90) days from official notice of the vacancy. Should a political party not have a town committee, the Town Clerk shall submit said request to the Nominating Committee established per Chapter V-3 of this Charter. In the event that a town committee submits only one name to the Town Clerk for consideration by the Town Council, said nominee may be rejected by the Town Council upon a vote of at least three-quarters of the Town Council. In the event the nominee is rejected, the town committee shall be notified to submit additional names.

In the event that a party committee submits more than one name for consideration by the Town Council, the Town Council shall select among the individuals so nominated and that nominee attaining a majority vote of the Town Council shall be the confirmed nominee. In the event that a party committee submits any nominee(s) to the Town Clerk and the Town Clerk fails to transmit the nominee(s) to the Town Council for consideration, said nominee(s) shall be deemed de facto to have been submitted by the Town Clerk and the Town Council shall consider the nominee(s) submitted by the party committee as if forwarded by the Town Clerk. In the event that a committee shall fail to designate one or more nominees during the 90-day period following the creation of a vacancy in an elected position, the Nominating Committee established per Chapter V-3 of this Charter may choose one or more individuals of the same party affiliation for submission to the Town Council and any such nominee may be confirmed by a majority vote of the Town Council.

In the event the person vacating the office had been elected as an unaffiliated voter, then the Nominating Committee shall nominate and the Town Council shall confirm, by a majority vote, an unaffiliated voter to the vacancy in office.

If there is a regular Town election before the expiration of the term of office under the provisions of this Section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term, such persons to take office on the second Tuesday following the election.

CHAPTER IV. - ELECTIVE OFFICIALS

IV-1. - GENERAL POWERS AND DUTIES.

Except as otherwise provided in this Charter, all elective Town officials, boards and commissions shall have the powers and duties prescribed by the General Statutes, as amended. No elected official shall hold more than one local elected office at one time.

IV-2. - TERMS OF OFFICE.

The terms of office of all elected officials shall commence on the second Tuesday next following the Town election. Elected officials shall hold office until the election and qualification of their successors.

IV-3. - ELECTIVE OFFICIALS.

At each biennial Town election there shall be elected the following:

- (a) Mayor. The Mayor shall be elected at large for a four-year term.
- (b) Town Council. The Town Council shall consist of the Mayor and ten Councilors elected for overlapping four-year terms. At each municipal election, sufficient members shall be elected to replace those members whose terms are expiring. Until altered pursuant to Section V-11 of this Charter, three Councilors shall be residents of the Windham Voting District and shall be elected at large by the electors residing in the Windham Voting District and seven Councilors shall be residents of the Willimantic Voting District and shall be elected at large by the electors residing in the Willimantic Voting District.
- (c) Board of Finance. The Board of Finance shall consist of seven members elected at large serving overlapping four year terms. At each municipal election, sufficient members shall be elected to replace those members whose terms are expiring.
- (d) Justices of the Peace. Justices of the Peace shall be nominated for four-year terms as provided in Section 9-183b of the General Statutes, as amended.
- (e) Board of Assessment Appeals. The Board of Assessment Appeals shall consist of five members elected at large for two-year terms.
- (f) Board of Education. The Board of Education shall consist of nine members with overlapping four year terms elected at large. At each municipal election, sufficient members shall be elected to replace those members whose terms are expiring. Each political party may nominate only as many candidates to the Board of Education as are authorized by the General Statutes, as amended.
- (g) Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five regular members and three alternate members, all elected at large and serving overlapping four

year terms. At each municipal election, sufficient members shall be elected to replace those members whose terms are expiring.

- (h) Registrars of Voters. The Registrars of Voters shall continue to be elected in the State election for two-year terms as provided in Section 9-190a of the General Statutes, as amended.

IV-4. - JUDGE OF PROBATE.

There shall continue to be a Judge of Probate to be elected in the State election for a four-year term as provided in Article V, Section 4 of the State Constitution.

IV-5. - COMPENSATION.

Elected officials and members of all elective boards and commissions shall serve without compensation except as provided by law or this Charter. The Mayor and Registrars of Voters shall be paid such compensation as shall be fixed by the Town Council, and all fees which such officials receive shall be paid to the general fund of the Town.

CHAPTER V. - COUNCIL

V-1. - THE TOWN COUNCIL.

There shall be a Town Council consisting of the Mayor and ten (10) other Councilors. The compensation of members of the Town Council, if any, and reimbursement for expenses incurred in the performance of their duties shall be established by ordinance.

V-2. - THE MAYOR.

Except as otherwise provided in this Charter, the Mayor shall have no executive or administrative authority, but shall serve as the official representative of the Town for all ceremonial purposes. With effective input from Town Council members if it is timely provided, the Mayor shall, with the Town Manager, prepare the agendas for all regular and special Council meetings. If present, the Mayor shall be the presiding officer of any such Council meeting. The Mayor shall also chair the three member Nominating Committee established per Chapter V-3 of this Charter. Should the mayoral position become vacant prior to the next election, the Town Council shall schedule a special election, open to all qualified electors, to be held within ninety (90) days after the mayoral position becomes vacant.

V-3. - GENERAL POWERS AND DUTIES OF THE TOWN COUNCIL.

Except as otherwise provided in this Charter, the Town Council shall have the powers and duties conferred by law on town councils, boards of selectmen and town meetings. Except as otherwise provided in this Charter, the legislative power of the Town shall be vested in the Town Council. The Town Council shall have the power to (a) enact, amend or repeal ordinances and

resolutions not inconsistent with this Charter or the General Statutes providing for the preservation of good order, peace, health, safety and welfare of the Town and its inhabitants; (b) create or abolish by ordinance boards, authorities, commissions, departments or offices except those established by Sections VII-4, VII-5, VII-6, VII-7, VII-8 and VII-9 of this Charter and the elected offices established by Article IV of this Charter; (c) establish by resolution such study, advisory or consulting committees and such employment positions as the Board may determine to be necessary or appropriate for the general welfare of the Town, (d) establish by resolution the salaries, if any, and the provisions for reimbursable expenses of all appointive officials, (e) ratify contracts of all recognized labor unions. The Town Council may contract for services and the use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may, by agreement, join with such political subdivision to provide services and facilities, and (f) establish a Nominating Committee chaired by the Mayor and including one Council member elected from each voting district by majority vote of the Councilors representing each of the voting districts. Including the Mayor, the maximum number of members elected to the Council as members of a single political party who may serve together on the Nominating Committee shall be two (2). The Town Council shall determine the amount of general revenue provided by the State of Connecticut to the Town pursuant to the Payments in Lieu of Taxes (PILOT) program and any other similar funds that shall be allocated to the taxing district(s) by the Town.

V-4. - PROCEDURES.

The Town Council shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall determine its own rules of procedure provided that the Mayor shall chair all such meetings if present and shall have the power to vote on any matter. The Town Council shall designate a chairperson, *pro tempore*, to serve when the Mayor is absent. The presence of seven (7) members, not including any members who reasonably recuse themselves on the matter before the Council shall constitute a quorum; however, and notwithstanding any provision to the contrary or to any reference to "majority vote," no motion, ordinance, resolution or otherwise, except to adjourn or to fix the time and place of its meeting, shall be adopted by less than five (5) affirmative votes. The Town Council shall keep for public inspection a record of all its proceedings, including all votes.

V-5. - PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES.

All ordinances shall be confined to one subject which shall be clearly stated in the title. The Town Council is authorized in adopting ordinances to incorporate any nationally recognized code, rules and regulations that have been printed in book form, or any code officially adopted by any administrative agency of the State, or any portion thereof, by reference thereto in such ordinances; provided, upon adoption of any such ordinance wherein any such code, rules, any regulations or portions thereof have been incorporated by reference there shall be maintained two copies of such code, rules and regulation in the office of the Town Clerk for examination by the public. At least one (1) public hearing shall be held by the Town Council on any proposed ordinance before any ordinance shall be passed.

Notice of the public hearing shall be given at least five (5) days in advance by posting the notice in a public place and by publishing the notices in a newspaper having a substantial

circulation in the Town. The notice shall contain a summary of the proposed ordinance and the Town Clerk shall make a copy of such proposed ordinance available for public inspection and shall, upon request, mail a copy at no charge to any person requesting a copy. Every ordinance, after passage, shall be filed with the Town Clerk, and recorded and compiled as required by law.

Within ten (10) days after passage a summary of the ordinance as adopted shall be published once in a newspaper having a substantial circulation in the Town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21st) day after such publication.

V-6. - REPEAL OF ORDINANCES.

All ordinances adopted by the Town Council, except emergency ordinances adopted in accordance with Section V-8, shall be subject to repeal by referendum. Within twenty (20) days after the publication of a summary of the ordinance, any elector of the Town may file with the Town Clerk a petition which conforms with the requirements of Section 7-9 of the General Statutes, as amended, except as provided herein, and requests that such ordinance be either repealed or submitted to referendum. The petition shall be signed in ink or indelible pencil by qualified electors of the Town numbering at least two hundred (200) or ten percent (10%) of the electors voting in the last regular Town election, whichever is less. Each page of the petition shall contain the signed statement of each circulator as provided in said Section 7-9. The filing of such a petition shall suspend the effective date of the ordinance. The Town Clerk shall, within five (5) days after receipt of a petition, certify the petition to the Town Council if the Town Clerk determines that the petition complies with the provision of this Charter. If the Town Council fails to repeal such ordinance within thirty (30) days after receipt of such certification, the Council shall schedule a referendum to be held within forty-five (45) days of the end of the period in which the Town Council has to reconsider such ordinance. All electors of the Town shall be eligible to vote. Notice of the referendum, including the text of the ordinance subject to repeal, shall be published in a newspaper which has a substantial circulation in the Town at least thirty (30) days before the referendum. An ordinance submitted to referendum shall be repealed and of no effect if (1) a majority of those electors voting thereon vote to repeal the ordinance, and (2) the number of electors who vote to repeal the ordinance is equal to at least ten percent (10%) of the total electors of the Town, as determined from the latest official lists of the registrars of voters. If the ordinance is not repealed, it shall take effect on the day following the referendum.

V-7. - POWER OF INITIATIVE.

Any elector of the Town may file with the Town Clerk a petition which conforms with the requirements of Section 7-9 of the General Statutes, as amended, except as provided herein, and requests that a proposed ordinance be adopted. The petition shall be signed in ink or indelible pencil by qualified electors of the Town numbering at least two hundred (200) or ten percent (10%) of the electors voting in the last regular Town election, whichever is less. The petition shall contain the full text of the proposed ordinance and the proposed ordinance shall not be contrary to law. Each page of the petition shall contain the signed statement of each circulator as provided in said Section 7-9. The Town Clerk shall, within five (5) days after receipt of a petition, certify the petition to the Town Council if the Town Clerk determines that the petition

complies with the provisions of this Charter. If the Town fails to adopt the proposed ordinance, without any substantial change, within thirty (30) days after receipt of such certification, the Town Council shall schedule a referendum to be held within forty-five (45) days of the end of the period in which the Town Council has to adopt such proposed ordinance. All electors of the Town shall be eligible to vote. Notice of the referendum, including the text of the proposed ordinance, shall be published in a newspaper which has a substantial circulation in the Town at least thirty (30) days before the referendum. The proposed ordinance shall take effect on the day following the referendum, unless a later date is specified, if (1) a majority of those electors voting thereon vote to approve the proposed ordinance, and (2) the number of electors who vote to approve the proposed ordinance is equal to at least ten percent (10%) of the total electors of the Town, as determined from the latest official lists of the registrars of voters. No ordinance which shall have been adopted by referendum in accordance with the provisions of this Section may be repealed or amended during a period of five years from its adoption, except by a subsequent referendum vote following the procedures outlined in this Section (except that the Town Council may initiate such a referendum vote without a petition being filed).

V-8. - EMERGENCY ORDINANCES.

An ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after publication thereof as required in Section V-5 of this Charter, and no public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such public emergency ordinance including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following final passage of such an ordinance.

V-9. - COORDINATION.

The Town Council may, at its discretion, convene any or all town officials, boards, authorities, commissions or committees to review, plan or coordinate activities and operations of the town government, and may require reports to be submitted to it from all elected and appointed officials, boards, authorities, commissions and committees.

V-10. - INVESTIGATION.

The Town Council shall have the power to investigate any and all offices and agencies of the Town and for such purposes shall have the power necessary to subpoena or call witnesses to appear before the Council to testify on any matter under investigation.

V-11. - REAPPORTIONMENT.

Upon receipt of the results of the decennial census from the Bureau of the Census, the Town Clerk shall report to the Mayor and the Town Council the relative percentiles of residents residing in the Windham voting district and the Willimantic voting district. The Town Clerk shall determine to the nearest ten percent (10%) the total percentile of the population of the Town of Windham residing in each voting district and report said number to the Mayor and the Town Council as well as to the Secretary of the State.

Upon receipt of said certified percentiles, for all subsequent municipal elections, until the result of the next decennial census is certified, one Councilor shall be elected at large from each voting district for every ten percent (10%) residing in that voting district as certified by the Town Clerk to the nearest ten percent (10%). In the event that said results are not available and certified to the Mayor, Town Council and Secretary of the State within six months prior to the next scheduled municipal election, said reapportionment shall not become effective until the next subsequent municipal election.

CHAPTER Va. - TOWN MANAGER

Va-1. - APPOINTMENT.

The Town Council shall appoint a Town Manager who shall be the chief executive officer of the town to serve at the pleasure of the Council and who shall be chosen exclusively on the basis of executive and administrative qualifications, character, education, training and experience. At the time of appointment, said Manager need not be a resident of the Town or of the state of Connecticut, but the Town Manager may be required by the Town Council to reside in the town during tenure of office. The Town Manager shall devote full working time to the duties of the office. The compensation of the Town Manager shall be fixed by the Council and shall not be decreased except at the beginning of a fiscal year of the Town by a vote of the Council taken at least one (1) month prior to that date.

Va-2.- REMOVAL.

- (1) The Town Manager may be removed by a majority vote of the entire membership of the Council as herein provided. At least thirty (30) days before the proposed removal of the Manager, the Council shall adopt a resolution stating its intention to remove the Town Manager and the reasons therefore. A copy of the resolution shall be served on the Manager who may, within ten (10) days, demand a public hearing. In this event the Manager shall not be removed until such public hearing has been held. Upon the passage of such a resolution the Council may suspend said Town Manager from duty, provided that the salary of said Manager shall continue until removal from office. Any action of the Council in removing the Town Manager shall be final.
- (2) Upon the suspension, removal or resignation of the Town Manager, the Council shall appoint the Financial Director, if available, or else another qualified administrative officer of the town, as temporary Manager to serve at the pleasure of the Council for not more than ninety (90) days. The temporary Manager shall have none of the powers of permanent appointment as are conferred upon the Manager in § D of this Chapter.

Va-3. - DUTIES OF THE TOWN MANAGER.

1. The Town Manager shall be the chief executive officer of the Town of Windham, responsible to the Council for the supervision, direction and administration of all Town of Windham departments, agencies and offices.

2. The Town Manager shall:

- (a) Ensure that all laws and ordinances governing the town are faithfully executed.
- (b) Make periodic reports to the Council.
- (c) Attend Council meetings with full right of participation in its discussions but without a right to vote.
- (d) Prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual town report.
- (e) Recommend to the Council such measures as may be deemed necessary or expedient.
- (f) Keep the Council fully advised as to the financial condition of the town.
- (g) Prepare and submit an annual budget to the Town Council and Board of Finance.
- (h) Expend or withhold the funds necessary to assure the smooth operation of Town business and the health, safety and well-being of the town and its residents, consistent with this Charter.
- (i) Exercise such powers and perform such other duties as may be required by ordinance or resolution of the Council not inconsistent with this Charter.

Va-4. - APPOINTMENTS BY THE MANAGER.

The Town Manager shall appoint, and may remove, all department heads and employees of the town except as otherwise specifically provided by this Charter or the General Statutes. The Town Manager may, subject to the approval of the Town Council, perform the duties of any such office except those of the Town Treasurer and Town Clerk provided that, in case the Town Treasurer is absent or unable to act, the Town Manager may countersign checks. The Town Manager shall designate the Financial Director, if available, or another qualified administrative officer of the town to serve as acting Manager during the Manager's absence.

Va-5. - ADMINISTRATIVE DEPARTMENTS.

There shall be such administrative departments, agencies and offices as may from time to time be created by the Town Council. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolution of said Council. The department heads shall have the power to appoint and remove such deputies, assistants and employees as shall be deemed necessary, with approval of the Town Manager. The department heads shall be responsible for the efficient discharge of the responsibilities of their departments. The department heads may delegate a part of the administrative duties of the department to any appointee.

CHAPTER VI. - BOARD OF FINANCE

VI-1. - BOARD OF FINANCE.

There shall be a Board of Finance as provided in Article IV of this Charter.

VI-2. - GENERAL POWERS.

The Board of Finance shall have such powers and duties as are set forth in the General Statutes for boards of finance, except as otherwise provided herein, and such other powers and duties as are provided in this Charter. The Board of Finance shall have no power and authority with regard to any taxing district.

VI-3. - TAX COLLECTOR, ASSESSOR AND TREASURER.

The Tax Collector, Assessor and Treasurer shall have all powers and duties imposed by law on such officers and shall have such other powers and duties as the Town Council may prescribe. Except as specifically provided in this Charter, the assessment of property for taxation, the billing and collection of taxes shall be performed as provided in the General Statutes.

CHAPTER VII. - APPOINTIVE OFFICES

VII-1. - GENERAL.

There shall be such appointive Town officials, boards, authorities, agencies and commissions as are continued or created pursuant to the provisions of this Charter or as the Town Council by ordinance may determine are necessary or appropriate for the general welfare of the Town and not inconsistent with or otherwise specifically provided for in this Charter. The phrase "appointed Town officials" includes department heads and professional staff who are permanent employees not covered by a union contract. Upon the occurrence of a vacancy in any such office, the Chapter V-3 Nominating Committee shall appoint a successor to such office, subject to the approval of the Town Council, except department heads and professional staff shall be appointed by the Town Manager, subject to the approval of the Town Council.

VII-2. - TERMS OF OFFICE.

All appointed officials shall serve indefinite terms unless specific terms are provided by this Charter or by the ordinance creating such position.

VII-3. - GENERAL POWERS AND DUTIES.

Except as otherwise provided in this Charter, appointed officials, boards and commissions shall have all the powers and duties prescribed by the General Statutes or by the ordinance creating such office, board or commission.

VII-4. - TOWN ATTORNEY.

There shall be a Town Attorney admitted to practice law in this state. The Town Council shall not later than two months after each town election review and appoint the Town Attorney by majority vote. The Town Attorney shall be compensated on either an hourly or fixed salary basis as determined by the Town Council. The Town Attorney shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. The Town Attorney shall be the legal advisor to all town officers and agencies in all matters affecting the Town and shall, upon written request of the Town Council or Mayor, furnish them with a written opinion on any question of law involving their respective powers and duties.

The Town Manager may appoint special counsel whenever the Town Attorney indicates an inability to act due to conflict of interest, insufficient expertise in a subject area, insufficient resources or other causes.

At any time, the Town Manager, upon majority vote of the Town Council, may request another legal opinion from counsel other than the Town Attorney on issues which may be in dispute. The Town Attorney's opinion shall stand, unless changed by the Town Attorney upon receipt and review of such opinion.

Upon request, the Town Attorney shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. The Town Attorney shall have the power, with the approval of the Town Council, to compromise and settle any claims by or against the Town and to appeal from orders, decisions and judgments.

Special counsel may be retained by the Board of Education, Water Pollution Control Authority, Water Commission, Taxing Districts, and the Housing Authority, without the approval of the Town Council.

VII-4A – FIRE MARSHAL.

There shall be a Fire Marshal appointed by the Town Manager.

VII-5. - WATER POLLUTION CONTROL AUTHORITY.

There shall be a Water Pollution Control Authority (WPCA), which shall be the water pollution control authority of the Town and shall have all the powers of such an authority as provided by the General Statutes and the other administrative agencies of said State, which have powers to regulate such authorities, except as otherwise provided herein.

- (a) The Water Pollution Control Authority shall consist of five (5) members with overlapping terms of six years. The Town Council will appoint all members. All members must be residents of the Town of Windham. A quorum of this authority shall be set as three (3) members in attendance.
- (b) The plant superintendent will serve as an ex-officio member without vote on the Water Pollution Control Authority.

- (c) Meetings shall be scheduled monthly. Additional meetings may be called as needed.
- (d) The Town of Windham shall hold the NPDES plant permit. The Town Manager, as the chief executive officer of the Town, is responsible for oversight of the WPCA.
- (e) The WPCA may recommend the creation or abolition of all positions for said plant operations and be responsible for determining necessary skill levels.
- (f) The WPCA shall have the authority to retain legal counsel for all non-court actions at the expense of the WPCA. Said Counsel shall have the right to negotiate settlements prior to any court filing or hearing. The Town Attorney shall represent the WPCA in all legal court actions brought against the WPCA unless the Town Council authorizes special counsel to be responsible for such litigation.
- (g) The WPCA shall have the right to negotiate for legal, financial, and other services as required.
- (h) The WPCA shall have the power to incur and approve expenditures and to revise budget line items during the fiscal year.
- (i) Additional responsibilities of the WPCA shall include but not be limited to rate setting, hiring of outside contractors and/or consultants including financial and legal; development of plant budget; review of expenses; review of plant operations; advising the Town Manager's Office of any violations or complaints.
- (j) Wages, salaries and benefits of all WPCA union and non-union workers shall be determined by the Town Manager and Town Council in concurrence with the WPCA.
- (k) The WPCA shall report semi-annually regarding the status of its operations to the Town Council.

VII-6. - WATER COMMISSION.

There shall be a Water Commission which shall have such powers in connection with the use and operation of the waterworks system as are provided in Chapter 102 of the General Statutes and Chapter XII of this Charter. The Water Commission shall also continue to have all powers and authority formerly held and exercised by the water authorities of the former borough and City of Willimantic. Twice each calendar year the Water Commission shall formally report to the Mayor and Town Council, and shall at all times act in an advisory capacity to said public officials. The Water Commission shall consist of seven (7) members who shall serve overlapping six-year terms.

VII-7. – PLANNING AND ZONING COMMISSION.

There shall be a Planning and Zoning Commission which shall have all the powers and duties of a planning and zoning commission as provided by the General Statutes. The Planning and Zoning Commission shall consist of five (5) members and three (3) alternates who shall serve overlapping four-year terms.

VII-8. - CONSTABLES.

The Nominating Committee and Town Council may appoint such number of Constables, if any, as the Town Council shall designate pursuant to Section 9-185 of the General Statutes, as amended.

VII-9. - ETHICS COMMISSION.

There shall be an Ethics Commission which shall have all the powers and duties of an ethics commission as provided in the General Statutes. At least a majority of the five (5) members of the Ethics Commission shall be electors of the Town who shall serve overlapping three year terms, but as many as two members may be nonresident electors if it is deemed by the Council to be in the best interests of the Town of Windham.

VII-10. - OTHER APPOINTIVE BOARDS.

The following appointive authorities, agencies, commissions and boards of the Town of Windham shall continue until they are abolished or changed by ordinance adopted by the Town Council:

- (1) Traffic Authority and Parking Authority;
- (2) Housing Authority;
- (3) Municipal Pension Commission;
- (4) Library Board of Directors;
- (5) Building Code Board of Appeals;
- (6) Economic Development Commission;
- (7) Conservation, Open Space and Agriculture Commission;
- (8) Committee on Aging; and
- (9) Inland Wetlands Commission.

VII-11. - ELIGIBILITY.

No person shall be eligible for appointment to any regular Town board or commission who is not at the time of appointment a resident elector of said Town and any person ceasing to be a resident elector of said Town shall thereupon cease to hold appointive office in the Town. A nonresident may however be appointed to serve on the Ethics Commission as set forth in Chapter VII-9, above, the Economic Development Commission, the Traffic Authority, or on any special or temporary board or commission or committee of the Town.

VII-12. - ELECTRIC UTILITY COMMISSION.

A Municipal Electric Utility with authority to purchase, generate and/or transmit electricity may be established by the Town Council. The Utility, an enterprise fund, similar to the water

and sewer utilities of the Town of Windham addressed in Chapter X-10 of this Charter, shall be governed by an Electric Utility Commission (EUC) of five members appointed by the Town Council. The Utility shall have all powers granted to similar authorities by the General Statutes and administrative agencies of the State with authority to regulate such a utility entity, except as otherwise provided by ordinance.

The Electric Utility Commission shall have the authority to negotiate the provision of legal, financial and other services as required. The EUC shall have the power to incur and approve expenditures and to revise budget line items during each fiscal year. Additional authority of the EUC shall include, but not be limited to rate setting, procuring the services of contractors and consultants, development of budgets, review and control of expenses, and review and control of utility operations, as provided by ordinance or other determination of the Town Council.

VII-13. - RESIGNATION OF APPOINTED OFFICIALS.

All resignations of appointed officials shall be made in writing to the Town Clerk. The Town Clerk shall notify the Mayor, Town Council and the chairperson of the board or commission from which the appointed official has resigned.

VII-14. - REMOVALS.

Except as otherwise provided in this Charter, any appointed official or appointive member of a board or commission may be removed during a term of office on the recommendation of the Town Manager, by the Town Council, but only for good cause related to performance of official duty. Such person shall first be notified by registered mail of the intent to remove. Said official or board or commission member or employee shall, upon written request to the Town Manager within fifteen (15) days from the date of receipt of the removal notice, be immediately given notice in writing of the specific grounds of removal. Thereafter, if requested in writing submitted to the Town Council within five (5) days from the receipt of such specific grounds, said official, board member or employee shall be given written notice from the Town Council setting forth the time and place of an opportunity to present a defense, personally or by counsel, at a public or private hearing before the Town Council, to be held not less than five (5) nor more than twenty (20) days, after receipt of such request for hearing. Following any hearing, the Town Council shall make a final determination whether or not to remove such official, member or employee.

VII-15. - REPORTING.

All appointed officials, boards, commissions and other bodies shall report to the Town Manager and the Town Council and act in an advisory capacity to them, in addition to other duties and responsibilities specified in this Charter.

CHAPTER VIII. - EMPLOYEES

VIII-1. - SALARIES.

The Town Council, upon the recommendation of the Town Manager, shall determine the salaries of all employees of the Town (except employees of the Board of Education), except to the extent of such salaries governed by union contracts.

VIII-2. - REMOVAL.

All permanent non-union employees shall be entitled to notice and hearing prior to termination in accordance with the procedures set forth in Section VII-14.

CHAPTER IX. - TAXING DISTRICTS

IX-1. - TAXING DISTRICTS.

There shall be two (2) taxing districts in the Town of Windham. One (1) taxing district is the "First Taxing District" which shall continue to consist of the area within the boundaries of the Town of Windham but outside the boundaries of the City of Willimantic as such boundaries were constituted on December 15, 1982. The other taxing district shall be the successor to the "Willimantic Service District" in all respects, legally and otherwise, and be called the "Willimantic Taxing District," and consist of the area within the boundaries of the City of Willimantic as such boundaries were constituted on December 15, 1982.

IX-2. - TAXING DISTRICT RESPONSIBILITIES.

Each taxing district shall be responsible for providing or arranging for the provision of fire and police protection plus supplementary services it chooses to provide within the boundaries of its taxing district. Each taxing district shall be responsible for levying taxes on the taxable property within the boundaries of its taxing district to finance the cost of services provided by the taxing district. The authority of any police or fire department or its chiefs or officers shall not extend beyond the boundaries of their respective taxing districts, except as otherwise required by mutual aid agreement or State Statutes dealing with "hot pursuit," or in the case of any police department, if and when its services are retained by one or the other of the taxing districts by way of a written agreement duly approved by the proper authorities of each taxing district.

Each taxing district shall be responsible for paying all costs for the services provided by the taxing district, including but not limited to, salaries, wages, payroll taxes, fringe benefits, past and future pension costs, liability insurance, hazard insurance on any property made available for use by the taxing district and any other expenses directly or indirectly related to the provisions of such services. Each taxing district shall be responsible for paying the costs of operating, maintaining and repairing any real or tangible personal property which is made available for use by a taxing district. In the event the Town of Windham provides any additional or replacement real or tangible personal property for use by a taxing district, the taxing district shall pay the cost of acquiring or financing the costs of acquiring such property and shall, if necessary, include in

its tax levy a sufficient amount to pay such costs. Such requirement shall not be a limitation on the power of the Town to issue its bonds or notes secured by the full faith and credit of the Town to finance the costs of acquiring such property. Any property acquired for use by the Willimantic Taxing District shall be acquired in the name of the Town, and any such property which is paid for by a taxing district shall be made available for the exclusive use of such taxing district and the proceeds of any sale or other disposition of such property shall be applied by the Town to the cost of other property which shall be made available for the exclusive use of such taxing district. A taxing district may release any such property to the Town for any municipal use upon approval of the voters of the taxing district.

The members of the Town Council elected from the Willimantic Voting District shall constitute the Board of Directors of the Willimantic Taxing District. Said Board of Directors shall adopt taxing district by-laws, elect from among themselves a president, vice-president, clerk and treasurer, and shall be responsible for overseeing the provision of services in their taxing district including but not limited to, the approval of contracts, the preparation of the proposed annual budgets, the fixing of salaries (to the extent not covered by union contracts), and fixing of pensions with the aid of the Willimantic Police and Fire Pension Commission. The Town Manager shall be an ex-officio member without vote on the governing body of each taxing district created by this charter.

The Town Manager shall be the Chief Executive Officer of the Willimantic Taxing District, but if the District Board of Directors determines that there is a particular issue upon which there is a conflict of interest between the Town Manager's responsibilities to the Town of Windham and to the Taxing District, the President of said Board of Directors will be empowered to act for the district in place of the Town Manager on that particular issue alone.

IX-3. – (Reserved for Possible Future Use)

IX-4. - PREPARATION OF TAXING DISTRICT BUDGETS.

The members of the board of directors of each taxing district shall prepare a proposed annual budget with regard to the services to be provided in the next fiscal year by such taxing district.

IX-5. - DUTIES OF THE BOARD OF FINANCE REGARDING TAXING DISTRICT BUDGETS.

The Board of Finance shall have no duties or authority regarding the budgets of the taxing districts.

IX-6. - TAXING DISTRICTS ANNUAL BUDGETS.

Each taxing district shall hold an annual budget meeting for the consideration of the annual budget of the taxing district on or before the first Tuesday of May, prior to or following the Town's annual budget meeting, for discussion of and possible action on the budget recommended by the respective board of directors, and may be adjourned to a referendum vote on the budget

recommended by the board of directors pursuant to the by-laws of each district, to be held on the same day as the referendum on the Town's annual budget. The boards of directors shall cause notice of the time, date and place of each annual budget meeting, including the recommended budget and other information required by the by-laws of each district or the General Statutes, to be published with the notice of the Town's annual budget meeting. The notice shall specify the date, time and place of any referendum vote. Electors residing in the taxing district and owners of property in the taxing district who are qualified to vote in the annual budget referendum of the Town of Windham shall be entitled to discuss the budget for their taxing district at the annual budget meeting and shall be eligible to vote for or against the budget for their respective taxing districts in the annual district budget meeting and at any budget referendum that may ensue. Should the annual budget process fail to result in the approval of the budget for any taxing district, the district board of directors may revise the proposed budget, and submit the revised budget to a subsequent budget meeting and possibly a referendum in accordance with the provisions described in this Section and in Section X-7 of this Charter pertaining to the Town's annual budget meeting. An official copy of each budget as finally adopted for each taxing district shall be filed by the district board of directors with the Town Clerk within one week following adoption.

Each taxing district shall constitute a separate taxing district for purposes of financing the services and other costs to be paid from property taxes in each taxing district. After adoption of the annual budget for a taxing district, the district board of directors shall fix the tax rate in mills which shall be levied on the taxable property in the taxing district for the next fiscal year. All taxing district taxes shall be collected by the Town and deposited in the separate funds and accounts of the taxing districts.

If any taxing district fails to approve an annual budget prior to the beginning of the fiscal year, the district board of directors for that district shall have the power to approve necessary expenditures of such taxing district pending the adoption of the annual budget, as provided in the General Statutes for towns. If any taxing district fails to approve an annual budget by June 15, the district board of directors for that district shall have the power to levy taxes on the taxable property in such taxing district at a tax rate in mills which does not exceed the tax rate for such taxing district for the fiscal year just ending.

IX-7. - ADDITIONAL APPROPRIATIONS.

Additional appropriations for any taxing district may be made by the district board of directors for such district as provided in the General Statutes and the by-laws governing each taxing district.

CHAPTER X. - FINANCE AND TAXATION

X-1. - FISCAL YEAR.

The fiscal year of the Town shall be the twelve-month period commencing on the first day of July.

X-2. - DEPARTMENT OF FINANCE.

The Department of Finance shall be responsible for maintaining and implementing itemized and transparent annual budgets for departments and agencies of the Town of Windham general government, the Windham Board of Education Windham preK to 12 Public School District, the Water Pollution Control Authority and the Water Commission. The Department of Finance shall be led by a Financial Director who shall provide centralized financial management services and reports to the Town Council, Board of Education and Board of Finance of the Town of Windham. The Financial Director shall report and be accountable to the Town Manager and Superintendent of Schools who shall jointly and timely provide the Financial Director with annual goals and objectives and perform timely performance reviews, and either of whom may initiate disciplinary or termination procedures against the Director pursuant to law. The Town and Board of Education shall share the cost of the Financial Director and Department of Finance as follows: Town: forty (40) per cent; Board of Education: sixty (60) per cent, but said ratio may be adjusted by mutual agreement of the parties.

X-3. - DUTIES OF THE TOWN MANAGER ON BUDGET; JOINT SESSION PRESENTATION OF BUDGETS.

The Town Manager shall lead and coordinate the work of directors of Town departments and agencies with the Department of Finance to develop preliminary annual budgets. With the exception of the Board of Education, the director of each Town department shall present their annual budget proposal to the Town Manager on or before January 15. This budget may include a detailed estimate of the expenditures to be made by such office or agency and of the revenues, other than tax revenues, to be collected by such department or agency, in the next fiscal year. Such estimates shall be accompanied by a statement setting forth, in narrative or such other form as the Town Manager may prescribe, a program or programs showing services, activities and work accomplished during the current fiscal year and to be accomplished during the next fiscal year.

On or before February 28, the Town Manager shall present to a joint session of the Town Council and the Board of Finance a proposed annual budget for the next fiscal year. In addition to the proposed annual budget, the Town Manager shall present a program concerning proposed Town capital improvement projects for the next five (5) fiscal years, including those projects proposed to be undertaken during the next fiscal year and a method of financing the same.

X-4. - BUDGET RECOMMENDATIONS OF THE COUNCIL.

On or before March 15 the Town Manager shall present to the Board of Finance the proposed budget and five-year capital improvement program as amended by the Town Council.

X-5. - DUTIES OF THE BOARD OF EDUCATION ON BUDGET.

On or before March 15, the Board of Education shall submit its proposed annual budget for the next fiscal year and a five-year capital improvement program to the Board of Finance.

X-6. - DUTIES OF THE BOARD OF FINANCE.

The Board of Finance shall hold one (1) or more public hearings at least two (2) weeks before the date of the annual budget meeting at which the public shall have an opportunity to be heard regarding the budget proposed for the next fiscal year. At any time prior to or following any such public hearing, the Board of Finance may revise the annual sum total of estimated itemized costs in the proposed budget of the Board of Education and of each other Town department as it deems desirable and shall recommend such revised budget to the annual budget meeting of the Town. Copies of the proposed annual budget shall be available for general distribution in the office of the Town Manager and on the Town website at least five (5) days prior to the public hearing or hearings. Copies of the budget recommended by the Board of Finance following the public hearing shall likewise be available for general distribution at least five (5) days prior to the annual budget meeting.

X-7. - ANNUAL BUDGET MEETING.

The annual budget meeting of the Town shall be held on the first Tuesday in May for discussion of the budget recommended by the Board of Finance, and shall be adjourned to a referendum vote on the budget recommended by the Board of Finance. The referendum vote shall take place no later than seven (7) days after the first Tuesday in May. The Board of Finance shall cause notice of the time, date and place of the annual budget meeting, including the recommended budget and other information required by the General Statutes, to be published by the Town Clerk in a newspaper having a substantial circulation in the Town. The notice shall specify the date, times and places of the referendum vote. The notice shall provide that separate votes shall be taken on the portion of the budget for the Board of Education and the portion of the budget for the remaining general government items. The Board of Finance may specify in the notice that separate votes will be held on any individual appropriation or group of appropriations in the general government portion of the budget as determined by the Board of Finance. The annual budget meeting may not change the budget recommended by the Board of Finance. Electors of the Town of Windham and voters entitled to vote in the annual budget referendum of the Town of Windham pursuant to Chapter I-1 of this Charter shall be entitled to discuss the budget at the annual budget meeting and shall be eligible to vote for or against the budget at the budget referendum. Should the annual budget referendum fail to approve the budget, the Board of Finance may revise the proposed budget, and submit the revised budget to a subsequent budget meeting and referendum in accordance with the provisions described in this Section for the annual budget meeting and referendum.

(If the date of the annual budget meeting is a public holiday the meeting shall be held the next day. No referendum on the annual budget nor any subsequent budget shall be held on a public holiday or a Friday, Saturday or Sunday.)

An official copy of the budget as finally adopted shall be filed by the Board of Finance with the Town Clerk within one (1) week following adoption. After adoption of the annual budget the Board of Finance shall fix the tax rate in mills which shall be levied on the taxable property in the Town for the next fiscal year.

If the Town fails to approve an annual budget prior to the beginning of the fiscal year, the Town Council shall have the power to approve necessary expenditures pending the adoption of the annual budget as provided in the General Statutes. If the Town fails to approve an annual budget by June 15, the Town Council shall have the power to levy taxes on the taxable property in the town at a rate in mills which does not exceed the tax rate for the fiscal year just ending.

X-8. - EXPENDITURES AND ACCOUNTING.

The provisions of this Section shall apply only to the government of the Town of Windham, but the governing authority of either taxing district may choose to adopt any of said provisions and to work together with the Town of Windham in these or any other ways.

- (a) 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 such project shall be deemed to have been abandoned if three fiscal years shall elapse without any addition to, or expenditure from or encumbrance of the appropriation therefore.
- (b) No purchase shall be made by any office or agency, except through the Treasurer and such purchases shall be made under such rules as may be established by the Town Council.
- (c) No voucher, claim or charge shall be paid until the same has been approved by the board or official incurring the voucher, claim or charge, and reviewed and approved by the Treasurer as correct and proper. Checks drawn for the payment of approved claims shall be valid only when countersigned by the Treasurer or the Treasurer's authorized agent. In the absence or inability to act of the Treasurer with respect to the above duty, the Town Council is authorized to appoint a substitute to act temporarily for the Treasurer.
- (d) The Treasurer shall have the custody of all funds and shall keep an accurate record of all funds received and disbursed. The Treasurer shall prescribe the time and manner persons receiving money shall pay such money to the Treasurer.
- (e) The several boards, officers and agencies shall not involve the Town or any Taxing District in any obligation to spend money for any purpose in excess of the amount appropriated for such board, office or agency.

- (f) Additional appropriations for the Town and each taxing district over and above the annual budget appropriations may be approved from time to time by the Board of Finance for the Town of Windham and by the board of directors for its taxing district upon certification from the Town Manager that there is available an unappropriated and unencumbered general cash surplus to meet such appropriations, subject to town meeting or taxing district meeting approval if required by this Charter.
- (g) Upon request transmitted by the Town Manager and approved by the Town Council or taxing district board, the Town of Windham may transfer any unexpended and unencumbered appropriation, balance or portion thereof from one board, office or agency, except the Board of Education, to another. No transfer shall be made from any appropriation for debt service and other statutory or contractual charges, or from any appropriation in the Town budget to any Taxing District budget or from any Taxing District budget to the Town budget or any other Taxing District budget.
- (h) Except for appropriations for capital improvements as provided in (a) of this Section, all appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or encumbered.
- (i) Every payment made in violation of the provisions hereof shall be deemed illegal and every official authorizing or making such payment or any part thereof shall be liable for the full amount so paid or received. If any officer or employee shall knowingly incur any obligation or shall authorize or make any expenditures in violation hereof or take any expenditures in violation hereof or take any part therein, such action shall be cause for removal.
- (j) Moneys and investments for each taxing district shall be kept in funds separate from the Town's other funds and shall not be commingled or used for any purpose other than the purposes of the respective taxing districts. Separate accounts shall be maintained for each taxing district and the Town. An annual audit of all such funds and accounts shall be made as provided in the General Statutes.

X-9. - BORROWING.

The Town shall have the power to incur indebtedness for the Town itself or for either taxing district at the expense of the taxing district by issuing its bonds or notes as provided by the General Statutes or as otherwise provided herein.

X-10. - ENTERPRISE FUNDS.

The Town shall maintain separate funds and accounts for the revenues and expenditures of the Water Pollution Control Authority and Water Commission. The Water Pollution Control Authority and Water Commission shall prepare annual budgets and submit such annual budgets to the Town Council for its review at least thirty (30) days prior to the beginning of each fiscal year. Each such budget shall provide for an amount of expenditures which does not exceed the amount of revenues projected to be available to pay such expenditures and any prior deficits or liabilities. The Water Pollution Control Authority, and Water Commission shall have the power to incur and approve expenditures to the extent of revenues and other moneys available pursuant to such annual budgets and to revise such annual budgets during each fiscal year, except that revenues from assessments or user charges or other sources which are intended or needed to pay debt service on bonds, notes or other obligations issued by the Town to finance facilities for the Water Pollution Control Authority Commission and Water Commission shall be applied to pay such debt service.

CHAPTER XI. - THE TOWN MEETING

XI-1. - ANNUAL AND SPECIAL MEETINGS.

An annual town meeting for the consideration of the annual budget and the transaction of other town business shall be held as provided herein. Special town meetings shall be called by the Town Council only as provided by the terms hereof and in the manner provided by the General Statutes.

XI-2. - PROCEDURES.

All town meetings shall be called to order by the Mayor or a designated representative. A moderator shall be elected and all business conducted in the manner provided by the General Statutes, except as otherwise provided herein. The Town Clerk shall serve as clerk of all town meetings, but in the absence of the Town Clerk, an acting clerk may be designated by the meeting.

XI-3. - WHEN ACTION BY TOWN MEETING REQUIRED.

Town meeting approval shall be required for the following:

- (a) consideration of the annual budget;
- (b) approval of any additional appropriation in excess of one hundred thousand dollars (\$100,000.00) for any purpose;
- (c) authorizing the issuance of bonds or notes or other borrowing;

- (d) any sale or purchase of real estate of the Town used or reserved for Town or taxing district purposes, except that a town meeting shall not be required for the following real estate sales or purchases: (1) Acquisition of real estate by way of gift, foreclosure, tax sale or deed in lieu; (2) Lease of building space or of real estate for less than five (5) years; (3) Acquisition or sale of easements for utilities, liens, roads or public improvements; (4) Acquisition of open space or other real estate required by a Town land use agency as a condition of a subdivision, permit or approval; and (5) sale of real estate acquired by foreclosure, tax sale or deed in lieu.

The Town Council may submit any other matter it desires to town meeting for its consideration. The town meeting shall not act upon any appropriation from funds generated solely from local taxes in excess of one hundred thousand dollars (\$100,000) except upon the recommendation of the Board of Finance.

Except for the annual budget referendum only electors of the Town of Windham may vote in any such meeting.

CHAPTER XII. - WATER SYSTEM

XII-1. - POWERS OF THE WATER COMMISSION.

In addition to powers conferred upon the Water Commission by Chapter 102 of the General Statutes, the Water Commission shall continue to have all the powers held by the former City of Willimantic and the former borough of Willimantic as provided by special act and city charter with respect to a waterworks system, evidenced by documents, some of which were formerly appended to this Charter, copies of which shall be maintained by the Water Commission and be available for public inspection at the offices of the Water Works. The Water Commission shall have the sole power, authority, duty and responsibility to determine the appropriate uses for water, land, buildings, structures, facilities and equipment used by the water works to fulfill its responsibilities of providing clean potable water to its customers. The Water Commission shall also have the sole power and authority to determine the appropriate uses for water, land, buildings, structures, facilities and equipment, acquired in the future and designated for use by the Water Works.

CHAPTER XIII. - TRANSITION AND MISCELLANEOUS PROVISIONS

XIII-1. - TRANSFER OF POWERS.

The powers which are conferred and the duties imposed upon any commission, board, department or office under the General Statutes or any ordinance or regulation in force at the time this Charter shall take effect shall continue in full force and effect, except as they may conflict with this Charter.

If any commission, board, department or office is abolished by the adoption of this Charter or superseded by the creation of a new commission, board, department or office to which are granted similar powers and jurisdiction, such powers and jurisdiction shall thereafter be

exercised by the commission, board, department or office upon which are imposed like powers, function, and duties.

Any commission, board or office abolished by the adoption of this Charter, whether elective or appointive, shall continue to perform its duties until provision has been made for the discontinuance of such commission, board or office and the performance of its duties by a successor as provided by this Charter. The Town Clerk shall notify the members of any abolished commission, board or office that their successors have qualified and that such commission, board or office is abolished.

XIII-2. - TRANSFER OF RECORDS AND PROPERTY.

All records, property and equipment whatsoever of any commission, board or office or part thereof, all of the powers and duties of which are assigned to any other commission, board or office by this Charter, shall be transferred and delivered without delay to the commission, board or office to which such power and duties are assigned. If part of the powers and duties of any commission, board or offices are by this Charter assigned to another commission, board or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact without delay to the commission, board or office to which such powers and duties are assigned.

XIII-3. - PRESENT EMPLOYEES TO RETAIN POSITIONS.

All employees of the Town on the effective date of this Charter whose positions are not abolished by the adoption of this Charter shall retain their respective positions. Any provision of law in force at the time this Charter is adopted in relation to personnel, appointment, ranks, grades of pay, tenure of office, promotions, removals, pension and retirement benefits or privileges of employment of the Town or any office or agency thereof, shall continue in effect, until or unless amended or repealed in accordance with provisions of this Charter.

Any person holding an administrative office or classified position as defined in this Charter on its effective date, shall be retained without preliminary or performance test but shall otherwise be subject to all provisions of this Charter.

XIII-4. - LEGAL PROCEEDINGS.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any board, agency, commission or office thereof, shall be affected or abated by the adoption of this Charter, or by anything contained herein.

All such actions or proceedings may be continued even though the functions, powers and duties of any such board which may have been a party to any action may be assigned or transferred to another board by this Charter.

XIII-5. - CONFLICT OF INTEREST.

The Town Council shall enact an Ethics Ordinance which, among other things, shall define and regulate conflict of interest on the part of any elected or appointed officer of the Town, member of any Town of Windham Board or any Town employee, and be implemented and administered by the Ethics Commission required by Chapter VII-9 of this Charter.

XIII-6. - OFFICIAL BONDS.

The Town Clerk and Treasurer, Collector of Revenue and such other official and employees as may be required to do so by the of Town Council shall, before entering on their respective official duties, execute to the Town in the form prescribed by the Town Attorney and filed with the Town Clerk a surety company bond in a penal sum to be fixed by the Town Council conditioned upon honesty and/or faithful performance of their official duties.

The Town Council, if it deems it to be in the best interest of the Town, may prescribe a name schedule bond, schedule position bond or blanket bond and may prescribe which departments, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

XIII-7. - EXISTING LAWS AND ORDINANCES.

All general laws of the State of Connecticut applicable to the Town of Windham shall remain in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All ordinances and by-laws of the Town in force on the effective date of this Charter shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter, or until amended or repealed by the Town Council.

All special acts of the State of Connecticut relating to the Town of Windham which are not inconsistent with the provisions of this Charter are retained.

It is the policy of the Town of Windham that the power of eminent domain shall only be used to take property for municipal improvements or other public works and that it shall not be used for projects undertaken for purposes of economic development.

XIII-8. - SAVINGS CLAUSE.

If any part 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 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 and effect with the section or part of the section to which such ruling shall directly apply.

XIII-9. - USAGE.

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

XIII-10. - REVIEW AND AMENDMENT OF THE CHARTER.

This Charter may be amended in the manner prescribed by the HOME RULE ACT, specifically sections 7-187 to 7-194 of the General Statutes, as amended.

A mandatory review of the Charter shall be undertaken at five (5) year intervals by the Town Council, which, if it deems further revisions appropriate, shall appoint a Charter Revision Commission in accordance with the provisions of the Home Rule Act. The five (5) year period shall be calculated from the date of submission of the prior Commission's final report to the Town Clerk.

XIII-11. - EFFECTIVE DATE.

This Charter shall become effective upon the first day of July following approval of a majority of the electors voting thereon at a regular election to be held on November 4, 2014, or otherwise, in accordance with the provisions of Chapter 99 of the General Statutes, as amended.