

CHARTER

OF THE

TOWN OF STRATFORD

As Adopted by Referendum held on November 4, 2003

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CHARTER

PREFACE

§ 1.1. Form of Government.

SECTION 1

The Mayor.

§ 1.1. Election of the Mayor.

§ 1.2. Duties of the Mayor.

§ 1.3. Vacancy in the Office of Mayor.

§ 1.4. Appointments.

§ 1.5. Coordination.

SECTION 2

The Council

§ 2.1.1 Composition and Election.

§ 2.1.2. Qualification of Council Members.

§ 2.1.3. Council Meetings.

§ 2.1.4. Council Rules of Procedure.

§ 2.1.5. Council Chairman.

§ 2.1.6. Compensation.

§ 2.1.7. Council Vacancies.

§ 2.2.1. Council Powers.

§ 2.2.2. Special Funds.

§ 2.2.3. Special Authority Funds.

§ 2.2.4. Bonds.

- § 2.2.5. Salaries and Wages.
- § 2.2.6. New Departments or Offices.
- § 2.2.7 Council Action.
- § 2.2.8. Ordinances.
- § 2.2.9. Effective Date of Ordinances and Resolutions, Orders or Votes.
- § 2.2.10. Emergency Measures.
- § 2.2.11. Council Appointments.
- § 2.2.12. Qualification of Appointee.
- § 2.2.13. Removal of Appointee.
- § 2.2.14. Relationship of Council to Administration.
- § 2.2.15. Power of Investigation.
- § 2.3.1. Council Clerk

SECTION 3

Legal Department

- §3.1.1. Town Attorney.
- §3.1.2. Assistants to Town Attorney.
- §3.1.3. Duties.
- §3.1.4. Legal Assistance.

SECTION 4

Boards and Commissions

- § 4.1.1. Board of Assessment Appeals Tax Review.
- § 4.1.2. Political Affiliation.

- § 4.1.3. Powers and Duties.
- § 4.1.4. Appeals for Relief.
- § 4.2.1. Composition of Zoning Commission.
- § 4.2.2. Powers and Duties of the Zoning Commission.
- § 4.2.3. Alternate Members of Zoning Commission.
- § 4.2.4. Vacancy in Zoning Commission.
- § 4.2.5. Composition of Planning Commission.
- § 4.2.6. Powers and Duties of the Planning Commission.
- § 4.2.7. Alternate Members of Planning Commission.
- § 4.2.8. Vacancy in Elected Planning Commission.
- § 4.3.1. Composition of the Zoning Board of Appeals.
- § 4.3.2. Powers and Duties of the Zoning Board of Appeals.
- § 4.3.3. Alternate Members of the Zoning Board of Appeals.
- § 4.4.1. The Board of Education.
- § 4.4.2. Nomination and Number Candidates.
- § 4.4.3. Vacancies in the Board of Education.
- § 4.5.4. Compensation of Members.
- § 4.5.5. Powers and Duties.

SECTION 5

Administration

- § 5.1.1. Chief Administrative Officer.
- § 5.1.2. Appointment of Chief Administrative Officer.

- §5.1.3. Conflicts of Interests.
- §5.1.4. Powers and Duties.

- §5.2.1. Administrative Departments.
- § 5.2.2. Director of Departments.
- §5.2.3. Qualifications of Directors.
- §5.2.4. Appointment of Directors.
- §5.2.5. Subordination of Directors.
- §5.2.6. Removal from Office of Director
- §5.2.7. Subordinate
Employees/Officers.
- §5.2.8. Certificate of Appointment.

- §5.3.1. Department of Public Works
- §5.3.2. Composition.

- §5.4.1. Department of Safety.
- §5.4.2. Composition.
- §5.4.3. Animal Control Officer/Dog
Warden and Deputy.

- §5.5.1. Department of Health.
- §5.5.2. Composition.
- §5.5.3. Director of Health Officer.

- §5.6.1. Department of Finance.
- §5.6.2. Composition.
- §5.6.3. Accounts.
- §5.6.4. Purchasing Agent.
- §5.6.5. Financial Reports.

- §5.6.6. Payments.
- §5.6.7. Audit of Accounts.

- §5.7. Town Clerk.
- §5.7.1. Duties of the Town Clerk.
- §5.7.2. Compensation.
- §5.8. Matters Pertaining to Town Employees.
- §5.8.1. Wage and Salary Schedule.
- §5.8.2. Advisory and Technical Assistants.

SECTION 6
Fiscal Policies and Procedures

- §6.1.1. Fiscal Year.
- §6.2.1. Budget.
- §6.2.2. Budget Appropriations.
- §6.2.3. Appropriation Limits.
- §6.2.4. Current Expenses.
- §6.2.5. Transfer of Funds.
- §6.2.6. Tax Ordinance.
- §6.3.1. Tax Lists.
- §6.3.2. Notice.
- §6.3.3. Assessment Date.
- §6.3.4. Power of Assessing Authority.

- §6.3.5. Notice of Summons.
- §6.3.6. Failure to Comply.
- §6.4.1. Definitions
- §6.4.2. Notice of Proposed Public Work or Improvement.
- §6.4.3. Record Notice of Approval of Proposed Public Improvements.
- §6.4.4. Initiation of Public Improvements by Property Owners.
- §6.4.5. Contracts for Public Works or Improvements.
- § 6.4.6. Appraisal of Benefits and Damages.
- § 6.4.7. Connecting to Sewerage SystemWater Pollution Control Authority.
- § 6.4.8. AppealsS ewerage Di stri cts.
- § 6.4.9. AppealLiens and Penalties for Nonpayment.
- § 6.4.10. Liens and Penalties for Nonpayment
- § 6.4.11. Provisions of Section 6.4 not Exclusive.
- § 6.5.1. Continuing Contracts.
- § 6.5.2. BiddingContracts for Public Work or Improvement.
- § 6.5.3. Power of Rejection.

SECTION 7
Elections

- § 7.1.1. Town Elections.
- § 7.1.2. Nomination of Candidates.
- § 7.1.3. Town Election Districts.
- § 7.1.4. Provision for Reapportionment of Election District Changes.

§ 7.1.5. Creation, Powers and Duties of the Election District Revision Commission.

§ 7.1.6. District Change.

§ 7.2.1. Nomination and Election State and Federal officers.

§ 7.3.1. Registrar s of Voters.

SECTION 8

Powers of the Electorate

§ 8.1.1. The Recall.

§ 8.1.2. Recall Action.

§ 8.1.3. Recall Ballot

§ 8.2.1. The Initiative.

§ 8.2.2. Initiative Petitions.

§ 8.2.3. Council Action on Initiative Petitions.

§ 8.2.4. Initiative Election.

§ 8.2.5. Special Initiative Election.

§ 8.2.6. Form of Measure.

§ 8.3.1. The Referendum.

§ 8.3.2. Referendum Petitions.

§ 8.3.3. Council Action on Referendum Petitions.

§ 8.3.4. Status of Measure.

§ 8.4.1. Form of Petitions.

§ 8.4.2. Certification of Petitions.

§ 8.4.3. Notice of Insufficiency.

§ 8.4.4. Amended Petitions.

- § 8.5.1. The Measures.
- § 8.5.2. Number of Measures.
- § 8.5.3. Measures in Conflict.
- § 8.5.4. Public Notice of Measures.

SECTION 9

Miscellaneous Provisions

- § 9.1.1. Fidelity Bonds.
- § 9.1.2. Other Officers.
- § 9.2.1. Public Records.
- § 9.3.1. Oath of Office.
- § 9.3.2. Code of Ethics.
- § 9.4.1. Notice of Publication.
- § 9.5.1. Effective Date.
- § 9.6.1. General Repealer.
- § 9.6.2. Exceptions to Repealer.
- § 9.7.1. Continuation of Terms of Office or Employment.
- § 9.8. Retention of Charter Revision Records.
 - § 9.8.1. Employment of Charter Revision Commission Members.
- § 9.9. Severability.
- § 9.10. Town Seal.

PREFACE

§ 1.1. Form of Government.

The municipal government provided by this Charter shall be known as the "Mayor Council Government." An elected Mayor shall be the chief executive officer of the Town. All the legislative powers of the Town shall be vested in an elective Council, hereinafter referred to as the "Council." In addition to the powers hereinafter specifically set forth, the Mayor and Council shall have all the powers granted to municipal corporations by the Constitution and General Statutes of the State of Connecticut, and all implied powers necessary to carry into execution the powers hereinafter set forth and the powers granted to municipal corporations by the Constitution and General Statutes of the State of Connecticut, subject only to the limitations imposed by this Charter and by the Constitution and General Statutes of the State of Connecticut.

All powers of the Mayor and Council shall, be exercised by them in the manner prescribed in this Charter, or as otherwise provided by law, and if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

SECTION

1 The

Mayor

§ 1.1. Election of the Mayor.

The Mayor shall be elected at a regular town election commencing with the election to be held on November 8, 2005 and every four (4) years thereafter, as provided by law. The Mayor shall hold office for a term of four (4) years, to commence on the second Monday of December following his or her election.

§ 1.2. Duties of the Mayor.

The Mayor shall be the chief executive officer of the Town and shall have all of the executive powers vested by law or by this Charter, except as otherwise provided or limited by this Charter. He or she shall be recognized as the official head of the Town for all ceremonial purposes, by the courts for the purpose of serving civil process and by the Governor for military purposes. In his or her absence, all legal process issued by and on behalf of the Town requiring the affidavit of an official of the Town, shall be signed by the Town Clerk. In time of public danger or emergency he or she may, with the consent of the Council, take command of the police and maintain order and enforce the laws. During his or her absence or disability his or her duties shall be performed by a member of the Council selected by the Council.

The Mayor shall be a full time paid position and he or she shall not engage in any other employment during his or her term of office. Nothing in this provision shall prohibit the Mayor from possessing an ownership interest in any business entity and from exercising the rights and duties inherent therewith, except that the Mayor shall

not engage in the day-to-day operations of such business entity. The Mayor shall be responsible for the proper performance of the duties by all the employees of the Town.

Except as otherwise provided in this Charter, the duties of the Mayor shall include, but not be limited to:

1. Administration and supervision of all departments, agencies and offices of the Town.
2. The enforcement of all laws and ordinances of the Town.
3. Making periodic reports to the Council on matters relating to the administration and welfare of the Town at regular Council meetings or upon the request of the Council.
4. Making recommendations to the Council for legislative action and other matters within the jurisdiction of the Council as he or she shall deem necessary in the best interest of the Town.
5. Attendance at Council meetings with full right of participation in the discussions and deliberation of the Council, but without the right to vote on ordinances and resolutions except in the event of a tie vote of 5-5.
6. (a) Approval or veto of all ordinances or any portion thereof passed by the Council in accordance with this Charter, with any such veto to occur not later than fourteen (14) days after the adoption of said ordinance.

(b) Notwithstanding the provision of §1.2 subsection 6 (a), the approval or veto, or the veto of any portion thereof, of any ordinance making an appropriation pursuant to § 6.2.2 of this Charter.

(c) In the event the Mayor shall veto any ordinance as allowed pursuant to subsection (a) or (b) of this Section, the Mayor shall, within 2 business days of making such veto, notify the Town Clerk, the Chairman of the Town Council and the Council Clerk, in writing, that he/she has exercised his/her right to veto said ordinance and shall provide a written statement as to the reasons for vetoing such ordinance.
7. Making nominations for appointment to the Town's various Boards and Commissions and to fill any vacancies created therein not otherwise provided for by this Charter, in the manner provided in Section 1.4 (b).
8. Preparation of the Annual Budget of the Town to submit to the Council for review and approval.
9. Preparation of the State of the Town Address, reflecting the growth, changes and status of the Town since the prior Annual Report, together with the responsibility for publishing said report no later than thirty (30) days after the receipt of the auditor's final report.

10. Mediation and resolution of differences between boards, commissions, committees, agencies, authorities and other public bodies within the Town government relating to an interpretation of Town policies and procedures.
11. The Mayor or his or her designee shall conduct an investigation of available state and federal funds and grants on behalf of the Town and advise any of the Town's departments, boards and commissions with respect to obtaining said funds and grants.
12. The Mayor or his or her designee shall act as the bargaining agent and personnel director for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters.
13. Selection, appointment and hiring of departments heads, except as otherwise provided in this Charter.
14. Adopting as well as updating a written policy for recruiting, screening, investigating and hiring all Town employees for positions in accordance with approved job descriptions. In addition, the Mayor shall, on a monthly basis, report to the Council regarding employment vacancies, promotions, and recently hired employees.
15. Directing department heads to establish procedures for annual performance evaluations of all subordinate employees. The Mayor shall prepare, obtain and review performance evaluations of all department heads of the Town. Before the department head takes any personnel action with regard to any Town employee evaluated, he or she shall review all performance evaluations from all sources. The department head shall thereafter take such action, as he or she shall deem appropriate with respect to all employees evaluated.

The Mayor shall have such additional powers and shall perform such other duties as may from time to time be require of him or her by ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes.

§ 1.3. Vacancy in the Office of Mayor.

(a) In the event the Mayor is temporarily absent or temporarily medically impaired and is, because of such absence or impairment, unable to communicate with the Chief Administrative Officer or unable to perform the duties of the office of Mayor, the Chairman of the Council shall become Acting Mayor. In the event the Chairman of the Council is unavailable, and until such time as the Chairman of the Council becomes available, the Council Chairman Pro Tempore shall become Acting Mayor. The Acting Mayor shall assume the office of Mayor, and shall possess all of the powers of the office of Mayor, except that he or she shall not have the power to terminate or permanently hire any director or department head, shall not have the right to break ties on the Council, and shall not have the right to veto any ordinance passed by the Council, and shall perform the duties of Mayor until such time as the Mayor is able to resume the office of Mayor. The Council Chairman or Council Chairman Pro Tempore, while serving as Acting Mayor, shall retain their Council seat and all rights associated therewith.

Any person assuming the office of Mayor pursuant to Section 1.3 (a) for a period of greater than forty eight (48) consecutive hours shall receive compensation in an amount equal to the pro-rated salary of the Mayor then in effect, retroactive to the first date of such service.

(b) The office of Mayor shall be deemed vacant upon the occurrence of any of the following events:

1. Death of the Mayor.
2. Resignation of the Mayor.
3. If the Mayor ceases to have his or her residence in the Town.
4. If the Mayor is absent or medically impaired such that he cannot perform the duties of the office of Mayor from his or her office for any reason for a continuous period of not less than ninety (90) days, it shall be presumed that he or she has resigned. Any vacation time the Mayor has accrued shall not be considered in determining such continuous periods of absence.
5. If the Mayor is or has been convicted of a felony during his or her term of office, which includes that period subsequent to his/her election and the commencement of his or her term.
6. Permanent or progressive incapacity of the Mayor, such that he cannot perform the duties of the office of Mayor, as determined by the treating physician of the Mayor, or in the event the Mayor does not have a treating physician, then upon the concurring opinion of three (3) physicians licensed to practice medicine in the State of Connecticut.

(c) If a vacancy occurs in the office of the Mayor pursuant to Section 1.3 (b), not less than two (2) years prior to the next mayoral election, the Council Chairman shall vacate his or her Council seat, and a special election shall be convened by the Council to fill such vacancy in conformity with the provisions of Connecticut General Statutes §9-164(b).

[Ed. Note: taken from Section 2.1.7c of the Stratford Charter]. After such vacancy occurs, If such vacancy occurs two (2) or more years prior to the next regular Mayoral election, a special election shall be convened by the Council to fill such vacancy in conformity with the provisions of Connecticut General Statutes §9-164(b), as may be amended from time to time. If such vacancy occurs the Council shall appoint and determine the compensation of an Acting Mayor, who shall serve as Mayor until a successor Mayor is elected. The Acting Mayor shall have all of the powers and duties of the Mayor while serving in said office. Any vacancy in the office of Mayor occurring less than two (2) years prior to the next mayoral regular Mayoral election, the Council chairman shall serve until a successor Mayor is elected at the next regular election and takes office. The Council chairman serving as Mayor shall possess all the powers of the office of Mayor and shall be compensated at the salary of the Mayor then in effect. shall be filled by a majority vote of the Council for the unexpired portion of the term from the same political party as the Mayor

whose office is vacated. [Ed. Note: taken from Section 2.1.7 of the Stratford Charter].

§ 1.4. Appointments.

The Mayor shall appoint all department heads, including a Chief Administrative Officer, the Economic and Community Development Commission, and all other such appointments to boards, commissions, authorities, agencies and offices as may be required by Charter, ordinance, resolution or General Statute.

(a) The Mayor shall nominate members to boards, commissions, authorities, agencies and offices as may be required by Charter, ordinance, resolution or General Statute. The Mayor shall, within two (2) business days of making the nomination, notify the Town Clerk, the Council Chairman and the Council Clerk, in writing of said nomination. Any person nominated to any such board, commission, authority, agency or office which has the authority, without the consent of the Town Council, to spend any appropriated funds, to enter into an agreement, or to render a final decision on any matter, or which board, commission, authority, agency or office is established pursuant to state or federal law, shall be subject to confirmation by a majority of the members of the Town Council. In the event that Town Council does not vote to confirm or reject the nominee within thirty (30) days of the notification by the Mayor to the Council Chairman, the nominee shall be deemed to have been confirmed.

(b) The Mayor shall nominate members to the Economic and Community Development Commission. The Mayor shall, within two (2) business days of making the nomination, notify the Town Clerk, the Council Chairman and the Council Clerk, in writing of said nomination. All nominees to the Economic and Community Development Commission shall be subject to confirmation by a majority of the members of the Town Council. In the event that Town Council does not vote to confirm or reject the nominee within thirty (30) days of notification of the nomination by the Mayor to the Council Chairman, the nominee shall be deemed to have been confirmed.

(c) The Town Council shall adopt a policy to publicize to the general public all vacancies on all appointed boards, commissions, committees, authorities, agencies or offices and the process for submitting applications.

§ 1.5. Coordination.

The Mayor, except as otherwise provided in this Charter, shall be a member, ex officio, of all boards, commissions and special committees, but he or she shall not have any voting power, except when such a body shall, as a result of a tie vote, fail to organize or elect necessary officers, in either of which case the Mayor shall have a tie-breaking vote. The Mayor is empowered to convene any or all of the appointed boards and commissions of the Town to review and coordinate activities and to plan operations of the Town government.

The Council and all boards, commissions and agencies shall exercise all its administrative functions only through the Mayor. The Council may, at a properly constituted meeting of which the Mayor has been duly warned call before it any employee of the Town for the purpose of inquiry, consultation or advice.

SECTION 2

The Council

§ 2.1.1. Composition and Election.

The Council shall consist of ten (10) members, one to be elected from each of the ten (10) districts established as herein provided, all of whom shall serve for a term of two (2) years commencing on the second Monday of December following their election and terminating upon qualification of their several successors. Each Council Member shall be an elector and each district Council Member shall be registered on the list of electors in the district from which he or she is elected. If a Council Member removes his or her residence from the district from which he or she is elected he or she shall be deemed to have vacated his or her office. No Council Member shall hold any other Town office or employment.

§ 2.1.2. Qualification of Council Members.

The Council shall be the judge of the election and qualification of its members, subject to review by the courts. Any Council Member who, during his/her term of office, shall have been is convicted of a felony shall thereby forfeit his or her office.

§ 2.1.3. Council Meetings.

At eight o'clock p.m., on the second Monday of December following the regular Town election, the Council shall meet at the usual place for holding meetings, at which time the newly elected Council Members shall be sworn and shall assume the duties of their office. Thereafter the Council shall meet in regular session at least monthly at such time and place as may be prescribed by ordinance. Special meetings may be called by the Mayor, Council Chairman or at the written request of any six (6) Council Members. Written notice of such special meeting shall be delivered to each Council Member, or left at his or her usual place of abode no less than 2448 hours before the time of such special meeting. Such notice shall state the purpose of the meeting and the time and place thereof, provided that notice of any special meeting of the Council may be waived by a writing signed by nine (9) Council Members or by oral statement read into the record at any such special meeting. No business other than that set forth in such notice shall be transacted at a special meeting. The meetings of the Council and all sessions of the committees of the Council shall be public, except as otherwise permitted by law. **[TOWN ATTORNEY NOTE: The 48-hour notice provision of § 2.1.3 of our Charter regarding special meetings is more restrictive than the Freedom of Information Act. C.G.S. § 1-225 which only requires 24-hour notice.]**

§ 2.1.4. Council Rules of Procedure

The Council may determine its rules of procedure, may punish its members for misconduct and may compel attendance of its members. Whenever a regular or special meeting has been called and no quorum shall be present, the Chairman or presiding officer shall, upon request of those present issue a warrant signed by him or her directed to the Chief of the Stratford Police Department, a sheriff of the County of Fairfield, his deputy or a constable of the Town of Stratford to arrest and bring into such meeting the absent Council Members so as to make a quorum. Six (6) Council Members shall constitute a quorum to do business, but a smaller

number may adjourn from time to time.

§ 2.1.5. Council Chairman.

The Council shall choose one of its members to act, as Council Chairman, but this office shall not deprive such Chairman of his or her vote on any question.

The Council Chairman shall preside at all meetings of the Council and shall perform such other duties consistent with his or her office as may be imposed by the Council. The Chairman shall appoint the Chairman of all Committees of the Council. Membership on committees shall be appointed by a majority vote of six (6) Council Members. The Council shall also choose one of its members to act as Council Chairman Pro Tempore.

The Council Chairman Pro Tempore shall preside at all meetings in the absence of the Council Chairman.

In the event the Council Chairman has vacated his office, the Chairman Pro Tempore shall serve as Chairman until the next regularly scheduled Town Council meeting, at which time the Council shall choose a new Council Chairman.

§ 2.1.6. Compensation.

The members of the Council and the Council Chairman shall serve without compensation, except for the reimbursement of actual expenses incurred in the performance of his or her official duties with prior authorization and approval of expenses, either by receipt or written explanation of the Town Council or a designated Council Committee.

§ 2.1.7. Council Vacancies.

Any vacancy in the office of a district Council Member occurring less than one (1) year prior to the next regular municipal election shall be filled by the Council for the unexpired portion of the term from the electors of the district in which the vacancy occurred and from the same political party as the Council Member whose office is vacated. If any district Council Member shall not be affiliated with a political party and shall vacate his or her office within the time period mentioned above, such vacancy shall be filled for the unexpired term by majority vote of the remaining Council Members from the list of unaffiliated voters of the Town or of a particular district.

If any vacancy occurs in the office of a district Council Member not less than one (1) or more years prior to the next regular municipal election, a special election shall be convened by the Council to fill such vacancy in conformity with the law of the State of Connecticut provisions of Connecticut General Statutes, Sec. 9-164b.

§ 2.2.1. Council Powers.

The Council shall have the power to make, alter and repeal orders, resolutions and ordinances (a) relative to the regulation of the various departments; (b) relative to the acquisition, of real or personal property, within and without the Town by purchase, gift, devise, condemnation, lease, contract or otherwise; (c) relative to the sale, leasing, management, improvement and control of such property; (d) relative to the levy and collection of assessments for local improvements

upon property benefited thereby; (e) relative to the appropriation of the moneys of the Town funds, including the transfer of funds between departments; (f) relative to the making and enforcement of police, sanitary and other similar regulations; (g) relative to the definition, abatement, suppression and prevention within the Town of all nuisances and causes thereof, and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants; (h) relative to the preservation of the public peace and good order and the suppression of vice and crime within the Town; (i) relative to licenses and license fees for, and the prohibition or regulation of, peddling or vending of merchandise or any article of trade, within the streets and other public places of the Town; (j) relative to the regulation of animals through the streets; (k) relative to the regulation of the construction, reconstruction, materials, location, height, maintenance, use and occupancy of buildings; (l) relative to public entertainments and amusement for the people of the Town; (m) relative to establishing, laying out, constructing, widening, straightening, extending, grading, improving, maintaining and vacating streets, alleys and other public ways and to the establishment, improvement, maintenance and vacating of parks, public places and grounds of all kinds; (n) relative to the establishment of building lines on the lands abutting on any street, highway or public place between which lines and any street, highway or public place no building or part thereof shall be erected; (o) relative to the creation, provision for, construction, regulation and maintenance of all things in the nature of public works and improvements; (p) relative to the making of regulations concerning wharfs, channels, docks, wharf lines, bulkhead lines and the anchorage and mooring of vessels; (q) relative to the establishment of public bath houses and bathing beaches; (r) relative to the regulation or prohibition of the excavation, alteration or opening up of streets, sidewalks, highways, public places and grounds and the leaving upon, above or under the surface thereof, whether temporarily or permanently, any work, material or things, and the regulation or prohibition of the removal of buildings upon or through the streets or other public places of the Town; (s) relative to the requirement of owners of land adjacent to any sidewalk or public work to remove rubbish, snow, ice or sleet therefrom, and, upon their failure to do so, to causing such rubbish, snow, ice or sleet to be removed and the expenses thereof to be made a debt to the Town and added to the tax bill of the owner of such land next to be made out and to holding such land for the payment thereof in the same manner as for the remainder of such tax bill; (t) relative to making owners or tenants of lands adjacent to any sidewalk liable to reimburse the Town for any money expended by the Town in paying damages for personal injuries or injury to property caused by a defect in such sidewalk arising by reason of any rubbish thereon, or the failure of such tenant and property owner, or either, to properly remove any snow, ice or sleet from such sidewalk or to use reasonable care in protecting the public from suffering injuries or damages thereon by reason of any such rubbish, snow, ice or sleet and (u) relative to the naming of all public streets, highways, and lanes.

§ 2.2.2. Council Override Authority.

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If the he Mayor shall veto the annual budget appropriation ordinance, or any portion thereof, the Council may, within fourteen (14) days following said veto, override the Mayor's veto by the affirmative vote of seven (7) members. If the Mayor shall veto any other ordinance, resolution, ordinance or any portion thereof passed by the Council, the Council may, the Council may, at any time from the date of the veto, up to and including the close of business at its nextat the next regular meeting following said veto, override the Mayor's veto by the affirmative vote of

seven (7) members of the Council.

§ 2.2.3. Special Funds.

The Council shall have the power to establish by ordinance special funds for such specified purpose as may be set forth in the Town plan for long term financing, such funds to be included in the Annual Budget and the moneys therefor to be raised by taxation or by bequest, gift or transfer, as provided in this Charter. No provision shall be made in the budget for any such special funds, unless such funds shall have been previously created by ordinance and all ordinances creating such funds shall be subject to the initiative and referendum provisions as provided in this Charter.

§ 2.2.4. Bonds.

No ordinance providing for the issue of bonds shall be passed without public notice at least two (2) weeks before final action by the Council and either the approval of seven (7) members of the Council or submission to the electors of the Town at a regular or special election and the approval of a majority of those voting thereon.

Every issue of bonds shall be payable within a term of years not to exceed the estimated period of utility of the improvement for which they are issued and in no case exceed thirty (30) years, and shall be payable, with the exception of the last annual installment, in equal annual serial installments.

Every ordinance for the issue of bonds shall provide for a tax levy for each year to meet the annual serial installments of principal and interest, and such amounts shall be included in a tax levy for each year until said bonds shall have been paid in full.

§ 2.2.5. Salaries and Wages.

The Council shall fix the salaries of the Mayor and of all Council or Mayoral appointees. Prior to the first day of July during the year in which the regular election of the Mayor is held, the Council shall approve by ordinance a salary for the Mayor, to be effective with the commencement of the Mayoral term next following the election. The Mayor's salary shall not be subject to any further interim increase or decrease during said term of office. The Council shall further have the power to approve or disapprove wage and salary schedules recommended by the Mayor for administrative department employees. The Mayor's salary shall not be subject to any interim increase or decrease during the current term of office.

§ 2.2.6. New Departments or Offices.

The Council by ordinance may create, change, and abolish offices, departments and agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

§ 2.2.7. Council Action.

The Council shall act only by ordinance or resolution, and all ordinances or resolutions, except ordinances making appropriations shall be confined to one subject, which shall be clearly expressed in the title. Any ordinance making appropriations shall be confined to the subject of appropriations.

§ 2.2.8. Ordinances.

No ordinance shall be passed until it has been read at two (2) separate meetings or unless such readings are dispensed with by a vote of seven (7) members of the Council. The final reading shall be in full, unless the measure shall have been printed or typewritten and a copy thereof furnished to each member prior to such reading.

15. The yeas and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the record journal of the proceedings of the Council, and every ordinance or resolution shall require, for final passage, the affirmative vote of six (6) Council Members or, in the event of a tie vote of 5-5, the affirmative vote of five (5) Council members and the Mayor. No member shall be excused from voting, except on matters involving a conflict of interest, the consideration of his or her own official conduct or where his or her financial interests are involved. Provisions may be made for the printing and publication in full of every ordinance within ten (10) days after its final passage. The Town Clerk shall preserve as a public record, open to the inspection of the public at all reasonable times a true copy of each ordinance and resolution so passed.

§ 2.2.9. Effective Date of Ordinances and Resolutions, Orders and Votes.

Resolutions, orders or votes passed by the Council shall become effective immediately upon passage unless an effective date is specifically stated herein but no ordinance shall go into effect until thirty (30) days after its passage unless it be declared an emergency measure on the ground of an urgent public need for the preservation of peace, health, safety or property the facts showing such urgency and need being specifically stated in the ordinance itself and the ordinance being passed by an affirmative vote of not less than seven (7) members of the Council. Failure of the Mayor to sign any ordinance within such thirty (30) days shall constitute an approval of such ordinance. Failure of the Mayor to sign any ordinance within such thirty (30) days shall constitute a veto of such ordinance. No ordinance shall go into effect unless signed by the Mayor, deemed approved pursuant to the provisions of this Section, or passed over his or her veto by an affirmative vote of not less than seven (7) members of the Council.

§ 2.2.10. Emergency Measures.

Measures passed, as emergency measures shall be subject to referendum like other measures, except that they shall not be suspended from going into effect while the referendum proceedings are pending. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder and all rights and privileges conferred by it shall be null and void; provided such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote thereon.

§ 2.2.11. Council Appointments.

The Council shall appoint a Council Clerk, a Board of Assessment AppealsTax Review, and shall fill by appointment, all vacancies arising in the membership of the Library Board other than life memberships. The Council shall make all other such appointments to boards, authorities, agencies, committees and offices as may be required by Charter, ordinance, resolution or General Statutes, except as otherwise provided by this Charter.

§ 2.2.12. Qualification of Appointee.

All such appointments shall be made on the basis of the candidates' general experience and qualifications. The nominator of any such candidate for appointment shall state the experience and qualifications of the nominee at the time of the nomination.

§ 2.2.13. Removal of Appointee.

Unless otherwise expressly provided in this Charter, the Council may remove a Council appointee only for misfeasance or nonfeasance in the performance of the official duties of his or her office. In such event the Council must state in writing the reasons for removal and must afford the member a public hearing before the Council and such removal shall be effective only if approved by an affirmative vote of seven (7) members of the Council.

TOWN ATTORNEY NOTE: The sections for filling of vacancies on the Planning Commission, Zoning Commission and Zoning Board of Appeals have been transferred to sections 4.2.8, 4.2.4, and 4.3.5 respectively]

§ 2.2.14. Relationship of Council to Administration.

The power to appoint persons to public office or employment, granted to the Mayor by this Charter, shall be exercised solely and exclusively by him or her. Neither the Council nor any of its members, either publicly or privately, shall dictate, or attempt to dictate, the appointment of any person to public office or employment, the power to appoint which is granted to the Mayor.

Any violation of this section by a Council Member shall be cause for his or her removal from office after a hearing before the Council and the affirmative vote of eight (8) members of the Council.

Nothing herein, shall be construed to deny to the Council or its members the right to make inquiries of the Mayor or his or her subordinates.

§ 2.2.15. Power of Investigationto Investigate and Procure Information.

The Council, the Mayor and any officer or board authorized by them or either of them, shall have the power to investigate town affairs, to subpoena witnesses, administer oaths and compel the production of books and papers. In exercising this power, the Council shall have the power to require any town elected or appointed official, officer, director, department head, or employee to furnish the Council or its designee all information, contracts, reports, papers, documents, records, or other material which is in the possession of the elected or appointed official, officer, director, department head, or employee, and which, in the opinion of the Council is necessary to enable the Council to discharge the duties imposed upon it by this Charter, or to properly and completely investigate town affairs. It is hereby made a duty and obligation of all town elected or appointed officials, officers, directors, department heads, and employees to provide the Council with the requested information, contracts, reports, papers, {00186462.DOC}{00186268.DOC}{00185653.DOC}{00184574.DOC}{00184007.DOC}{00183528.DOC}{00183236.DOC}{00183059.DOC}{00182842.DOC}{00182163.DOC}{00179362.DOC}

documents, records, or other material when so required by the Council. Notwithstanding any other provision of this Charter, the Council shall have the right to appropriate funds, either by way of the budget or by special appropriation, to fund any costs and expenses which may, in the opinion of the Council, be necessary, proper and required to conduct the investigation or to procure any information, contracts, reports, papers, documents, records, or other material.

§ 2.3.1. Council Clerk.

The Council shall appoint a Council Clerk who shall hold office at the pleasure of the Council. The Council Clerk shall keep a record of all Council actions and the minutes of all Council meetings. Such records shall be filed in the Town Clerk's office as a public record and the Town Clerk is authorized to issue certified copies thereof. Each Council may by resolution prescribe the procedures and duties of the Council Clerk not inconsistent with this Charter.

SECTION 3 Legal Department

§ 3.1.1. Town Attorney.

- (a) The Mayor shall, within thirty days of taking office, nominate appoint a Town Attorney who shall be admitted to practice law in the State of Connecticut for a period of not less than five (5) years.

The Mayor shall, within two (2) business days of making the nomination, notify the Town Clerk, the Council Chairman, and the Council Clerk, in writing, of said nomination. Not later than thirty (30) days following receipt of the notice of nomination by the Council Chairman, the Town Council may, by an affirmative vote of two-thirds of the entire membership, vote to reject the nomination. In the event the Town Council fails to act, or fails to reject the nomination, the nomination shall be deemed approved. In the event the nomination is rejected, the Mayor may appoint an acting Town Attorney, but in no event shall the person serve in the position for a period of time in excess of ninety (90) calendar days. The Mayor shall, within said ninety (90) days, following the disapproval by the Town Council of the appointment, nominate a Town Attorney, subject to the disapproval provisions of this Section. Said nominee may be the same person previously submitted, but said person shall not be submitted for approval more than twice.

- (b). The Town Attorney may be removed by the Mayor for any reason at any time. If the Mayor shall remove the Town Attorney, the Mayor shall, within twenty-four hours of removing the Town Attorney, notify the Town Clerk, the Council Chairman and the Council Clerk of such removal and shall also notify the Town Clerk, the Council Chairman and the Council Clerk of the attorney who has been named as acting Town Attorney. The Mayor shall, within thirty (30) days of removing the Town Attorney, nominate a Town Attorney, whose nomination shall be subject to the provisions of subsection (a) of this Section. hold office at the pleasure of the Mayor. The Town Attorney shall be compensated, the amount of which shall be set by the Council.

§ 3.1.2. Assistants to the Town Attorney.

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The Town Attorney shall appoint assistant Town Attorney(s) as required to deal with the workload of his or her office. Assistants to the Town Attorney shall be compensated in a manner and in an amount approved by the Town Council, the amount of which shall be set by the Council.

§ 3.1.3. Duties.

The Town Attorney shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. The Town AttorneyHe or she shall represent the Town in all legal proceedings. The Town Attorney shall perform all services incident to his or her position as may be required by the General Statutes, by this Charter or by ordinance.

§ 3.1.4. Legal Assistance.

The Council shall provide for such funding and resources as may be reasonably necessary to conduct the legal business of the Town and to maintain records within the Town offices of legal proceedings and legal opinions concerning Town affairs.

SECTION 4

Boards and Commissions

§ 4.1.1. Board of Assessment AppealsTax Review.

There shall be a Board of Assessment AppealsTax Review consisting of three (3) electors of the town appointed by the Council, each to serve for a term of three (3) years from the first Monday of the January next succeeding the date of his or her appointment, one of whom shall be appointed each year.

§ 4.1.2. Political affiliation.

No more than two (2) members of the Board of Assessment AppealsTax Review shall be registered members of the same political party at the time of their appointment.

§ 4.1.3. Powers and duties.

The Board of Assessment AppealsTax Review shall exercise all the powers and perform the duties conferred upon Boards of Assessment AppealsTax Review by the General Statutes. [TOWN ATTORNEY NOTE: Please refer to Connecticut General Statutes §12-111 and Connecticut General Statutes §12-117a]

§ 4.1.4. Appeals for Relief.

In February of each year tThe meetings of the Board of Assessment AppealsTax Review shall consider appeals for relief from assessments on the tax lists filed the preceding October

in a time and manner as set forth by state law.

§ 4.2.1. Composition of Zoning Commission.

The Zoning Commission shall consist of five (5) regular members, one of whom shall be elected by the electorate of each of the Planning Districts hereby established as follows: Planning District I shall be composed of the First and Second Councilmanic Voting Districts. Planning District U shall be composed of the Third and Fourth Councilmanic Voting Districts. Planning District HI shall be composed of the Fifth and Sixth Councilmanic Voting Districts. Planning District IV shall be composed of the Seventh and Eighth Councilmanic Voting Districts. Planning District V shall be composed of the Ninth and Tenth Councilmanic Voting Districts. Each regular member shall be registered on the list of electors in the Planning District from which he or she is elected and shall serve for a term of four (4) years. (Amend. of 11-7-76; 11-3-87)

§ 4.2.2. Powers and Duties of the Zoning Commission.

The Zoning Commission shall exercise the powers and perform the duties conferred upon them by Chapter 124 of the General Statutes.

In addition said Zoning Commission shall succeed to all those zoning functions of the Town of Stratford previously exercised by the combined Planning and Zoning Commission of the Town of Stratford and shall succeed to zoning regulations and all other zoning functions, duties and records of the said combined Planning and Zoning Commission of the Town of Stratford. (Amend, of 11-2-76; 11-3-87) The Zoning Commission shall elect a chairman from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities. The Zoning Commission shall file an annual report with the Council. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §8-1]**

§ 4.2.3. Alternate Members of Zoning Commission.

There shall be three (3) alternate members of the Zoning Commission, each of whom shall be registered on the list of electors of the town, each of whom shall be appointed by the Council in accordance with the General Statutes. Each of said alternate members shall serve for a term of three (3) years commencing on the first Monday of January following the date of his or her appointment, and one of whom shall be appointed each year. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §8-1b]**

§ 4.2.4. Vacancy in Zoning Commission.

If a regular member of the Zoning Commission removes his or her residence from the district which he or she was elected, or appointed, as the case may be, he or she shall be deemed to have vacated his or her office. Any vacancy in the office of an elected member of the Zoning Commission, from whatever cause arising, shall be filled by appointment by the Council from the Planning District in which such vacancy occurs for the unexpired portion of the term of the vacating member, or until the next regular town election, whichever shall be sooner, unless a petition for a special election shall be filed as provided by law; provided however, that when the vacating member shall have been elected as a member of a political party, such vacancy shall be

filled by the appointment of a member of the same political party.

If there shall be an election before the expiration of the term of the office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by election of a person to fill that office for the remaining portion of the term, and such person shall take office upon election.

If an alternate member of the Zoning Commission removes his or her residence from the Town, he or she shall be deemed to have vacated his or her office. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §8-1]**

§ 4.2.5. Composition of Planning Commission.

The Planning Commission shall consist of five (5) regular members, one of whom shall be elected by the electorate of each of the Planning Districts hereby established as follows: Planning District I shall be composed of the First and Second Councilmanic Voting Districts. Planning District II shall be composed of the Third and Fourth Councilmanic Voting Districts. Planning District HI shall be composed of the Fifth and Sixth Councilmanic Voting Districts. Planning District IV shall be composed of the Seventh and Eighth Councilmanic Voting Districts. Planning District V shall be composed of the Ninth and Tenth Councilmanic Voting Districts. Each regular member shall be registered on the list of electors in the Planning District from which he or she is elected and shall serve for a term of four (4) years.

§ 4.2.6. Powers and Duties of the Planning Commission.

The Planning Commission shall exercise the powers and perform the duties conferred upon Planning Commission by Chapter 126 of the General Statutes.

In addition said Planning Commission shall succeed to all those planning functions of the Town of Stratford previously exercised by the combined Planning functions of the Town of Stratford and shall succeed to subdivision regulations, plan of development and all other planning functions, duties and records of the said combined Planning and Zoning Commission of the Town of Stratford. The Planning Commission shall elect a chairman and a secretary from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities. The Planning Commission shall file an annual report with the Council. **[TOWN ATTORNEY NOTE: Source - Connecticut General Statutes §8-19]**

§ 4.2.7. Alternate Members of Planning Commission.

There shall be three (3) alternate members of the Planning Commission, each of whom shall be registered on the list of electors of the town, each of whom shall be appointed by the Council in accordance with the General Statutes. Initially, one alternate member shall be appointed for a term of one (1) year, one alternate member shall be appointed for a term of two (2) years, and one alternate member shall be appointed for a term of three (3) years. Thereafter, each of said members, shall be appointed for a term of three (3) years commencing on the first Monday of January following the date of appointment, and one of whom shall be appointed each year. Any vacancy in the office of an alternate member of the Planning Commission, from whatever cause arising, shall be filled by appointment by the Council. (Amend, of 6/12/89) **[TOWN**

ATTORNEY NOTE: SEE Connecticut General Statutes § 8-19a]

§ 4.2.8. Vacancy in Elected Planning Commission

If a regular member of the Planning Commission removes his or her residence from the Planning District from which he or she is elected, or appointed, as the case may be, he or she shall be deemed to have vacated his or her office. Any vacancy in the office of a regular member of the Planning Commission shall be filled by appointment of an elector by the Planning Commission from the Planning District in which such vacancy occurs for the unexpired portion of the term of the vacating member, or until the next regular town election, whichever shall be sooner; provided however, that when the vacating member shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

If there shall be an election before the expiration of the term of the office in which the vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by election of a person to fill that office for the remaining portion of the term, and such person shall take office upon election.

If an alternate member of the Planning Commission removes his or her residence from the Town he or she shall be deemed to have vacated his or her office. Any vacancy in the office of an alternate member of the Planning Commission, from whatever cause arising, shall be filled by appointment by the Council. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes § 8-19 and Town Attorney Opinion dated July 7,1993]**

§ 4.3.1. Composition of Zoning Board of Appeals.

The Zoning Board of Appeals shall consist of five (5) regular members, one of whom shall be elected by the electorate of each of the Planning Districts hereby established, as follows: Planning District I shall be composed of the First and Second Councilmanic Voting Districts. Planning District II shall be composed of the Third and Fourth Councilmanic Voting Districts. Planning District HI shall be composed of the Fifth and Sixth Councilmanic Voting Districts. Planning District IV shall be composed of the Seventh and Eighth Councilmanic Voting Districts. Planning District V shall be composed of the Ninth and Tenth Councilmanic Voting Districts. Each regular member shall be registered on the list of electors in the Planning District from which he or she is elected and shall serve for a term of four (4) years. (Amended 11-2-76)

§ 4.3.2. Powers and Duties of the Zoning Board of Appeals.

The Zoning Board of Appeals shall exercise the powers and perform the duties conferred upon Zoning Boards of Appeals by the General Statutes. (Amend, of 11-2-76). The Zoning Board of Appeals shall elect a chairman from its members, shall adopt rules for the transaction of business and shall keep up a public record of its activities. The Zoning Board of Appeals shall file an annual report with the Council. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes § 8.5]**

§ 4.3.3. Alternate Members of the Zoning Board of Appeals.

There shall be three (3) alternate members of the Zoning Board of Appeals, each of whom shall be registered on the list of electors of the Town, each of whom shall be appointed by the Council in accordance with the General Statutes, each of whom shall serve for a term of three (3) years commencing on the first Monday of January following the date of appointment, and one of whom shall be appointed each year. (Amend. of 11-2-76) **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes § 8-5]**

§ 4.3.4. Vacancy in Zoning Board of Appeals.

If a regular member of the Zoning Board of Appeals removes his or her residence from the District in which he or she was elected, or appointed, as the case may be, he or she shall be deemed to have vacated his or her office. Any vacancy in the office of an elected member of the Zoning Board of Appeals, from whatever cause arising, shall be filled by appointment by the Council from the Planning District in which such vacancy occurs for the unexpired portion of the term of the vacating member, or until the next regular town election, whichever shall be sooner, unless a petition for a special election shall be filed as provided by law; provided however, that when the vacating member shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

If there shall be an election before the expiration of the term of the office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by election of a person to fill that office for the remaining portion of the term, and such person shall take office upon election.

If an alternate member of the Zoning Board of Appeals removes his or her residence from the town he or she shall be deemed to have vacated his or her office. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes § 8-5]**

§ 4.4.1. The Board of Education.

The Board of Education shall consist of seven (7) members, each of whom shall be an elector of the town and shall be elected at a regular town election for a four (4) year term commencing the second Monday of December following his or her election.

§ 4.4.2. Nomination and Number of Candidates.

Candidates for election to the Board of Education shall be nominated in the manner provided by the General Statutes, except that any elector who is not registered on the primary list of a political party shall be entitled to have his or her name placed on the ballot without party affiliation as a candidate for election to the Board of Education by filing with the Town Clerk, within the time provided limited by Chapter 153 of the General Statutes, a nominating petition in the form prescribed by Chapter 153 of the General Statutes, which petition shall be signed by at least one-half of one percent of the total number of electors who were entitled to cast their votes at the last preceding election.

Notwithstanding the provisions of any General Statute to the contrary, any elector may vote for all the number of members to be elected and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would

be elected with regard to Section 9-167 a of the Connecticut General Statutes pertaining to minority representation exceeds the maximum number as determined by said section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum, shall be elected. The next highest-ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election. Each political party shall nominate as many persons as there are vacancies on the board and those names shall be placed on the ballot. (Amend. of 11-3-87) [**TOWN ATTORNEY NOTE: SEE Connecticut General Statutes § 9-204 and Connecticut General Statutes § 9-167a**]

§ 4.4.3. Vacancies in Board of Education.

Any vacancy in the office of an elected member of the Board of Education, from whatever cause arising, shall be filled by appointment by the Council for the unexpired portion of the term of the vacating member, or until the next regular town election, whichever shall be sooner, unless a petition for a special election shall be filed as provided by law; provided however, that when the vacating member shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party. If the vacating member shall have been elected to the Board as an unaffiliated candidate under section 4.5.2 the Council shall appoint an unaffiliated elector of the town to fill such vacancy. If there shall be an election before the expiration of the term of the office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by election of a person to fill that office for the remaining portion of the term, and such person shall take office upon election.

§ 4.4.4. Compensation of Members.

The members of the Board of Education shall serve without compensation.

§4.4.5. Powers and Duties.

The Board of Education shall have the powers conferred and the duties imposed on Boards of Education by the General Statutes.

SECTION 5 Administration

§ 5.1.1. Chief Administrative Officer.

The Chief Administrative Officer (CAO) shall be the chief administrative officer of the Town. As such, he or she shall possess, have and exercise the executive and administrative powers as directed by the Mayor or Acting Mayor vested in the Town, except as otherwise directed by the Mayor and limited by this Charter, state law and/or federal law.

§ 5.1.2. Appointment of Chief Administrative Officer.

The CAO shall be appointed and may be removed or suspended, with or without pay, by the Mayor. The minimum qualifications of the CAO shall be a Master of Business Administration degree, (MBA) or Master of Public Administration (MPA) degree, or such other education,

general executive and administrative experience and ability as are necessary eded to perform the duties of the office. The CAO shall be appointed on the basis of such factors including, but not limited to, education, municipal and public experience, professional training, and executive and administrative qualifications, and shall be considered an “at will” employee.

§ 5.1.3. Conflicts of Interests.

The CAO shall devote his or her entire time and business interest to the management of the town's affairs and shall not, during his or her term of office, be an employee of, or perform any executive duty for any person, firm, corporation or institution other than the Town of Stratford.

§ 5.1.4. Powers and Duties.

The Chief Administrative Officer shall have the powers and duties hereinafter enumerated; and shall be directly responsible to the Mayor for the proper administration thereof;

- (a) To recommend to the Mayor adoption of such measures as he or she may deem necessary or expedient;
- (b) To assist the Mayor in the submission to the Council of the Annual Budget as by this Charter required;
- (c) To perform such other duties as may be prescribed by this Charter, or required of him or her by the Mayor;
- (d) To assist the Mayor in all aspects of labor negotiations, personnel issues, financial management, and any other field of public administration commensurate with his or her knowledge and experience.

§ 5.2.1. Administrative Departments.

There shall be six (6) administrative departments as follows: Public Works, Safety, Health, Economic and Community Development, Finance and Office of Town Clerk, the functions of which shall be prescribed by the Council except as herein provided.

§ 5.2.2. Directors of Departments.

The Fire Chief, Chief of Police, Chief of Emergency Medical Services, Human Resources director and At the heads of each administrative department there shall be a director, or the CAO may serve as a director of any or all departments until such time as a director is deemed necessary, unless otherwise precluded by law.

§ 5.2.3. Qualifications of Directors.

Each director shall be chosen on the basis of his or her general executive and administrative experience and ability and of his or her education, training and experience in the class of work which he or she is to administer.

§ 5.2.4. Appointment of Directors.

Each director shall be appointed by the Mayor.

§ 5.2.5. Subordination of Directors.

The directors of departments shall be immediately responsible to the Mayor for the administration of their departments and their advice in writing may be required by the Mayor on all matters affecting their departments. They shall prepare estimates, which shall be open to public inspection, and they shall make all other reports and recommendations concerning their departments at stated intervals or when requested by the Mayor. In the event of a vacancy in any subordinate office as provided by this charter the directors within their respective departments may exercise the powers and duties of such subordinate offices.

§ 5.2.6. Removal from Office of Directors.

A director may be removed by the Mayor at any time and is considered an "at will" employee unless superseded by contract or law.

§ 5.2.7. Subordinate EmployeesOfficers.

The Mayor shall appoint a health officer, a dog warden, a deputy dog wardenan animal control officer, a tax collector, a treasurer, and an assessor and may appoint one or two assistant assessors, all of whom shall be officers employees of the Town. They shall have all the powers conferred and perform all of the duties imposed upon them by the General Statutes except so far as such powers and duties may be inconsistent with this Charter.

§ 5.2.8. Certificate of Appointment.

A certificate of the appointment of each director and each subordinate employeeofficer signed by the Mayor shall be filed with the Town Clerk and recorded in the records of the Council.

§ 5.3.1. Department of Public Works.

The Director of Public Works shall exercise all the powers and perform all the duties necessary for the administration of the department of public works. The department of public works shall be concerned with (a) maintenance of the streets, highways, buildings, lands, including parks and recreation areas, and all, other physical assets of the town; (b) refuse collection and disposal; (c) preparation of data for the expansion, construction or repairing of public buildings and other physical assets of the town, including construction, laying out, expansion or repairing of highways, sidewalks, curbs, storm sewers, sanitary sewers, sewerage treatment facilities, seawalls and devices to prevent shore erosion; (d) administration, compilation, maintenance, review and enforcement of the building code, plumbing code, electrical code, gas and oil burner code, and ordinances of the town and statutes of the State relating thereto to provide minimum standards to safeguard life, limb and property, and to promote the public welfare by regulating and controlling the design, construction and quality of materials of all buildings and structures within the town; and to provide minimum standards for the maintenance, location and use of all

buildings and structures within the town; (e) the issuance of permits or licenses for the construction, repair, alteration or remodeling of all buildings, public and private; (f) inspection of all buildings, public and private, for the purpose of ascertaining the existence of fire hazards and hazards caused by rot, deterioration, dilapidation or catastrophe; (g) such other and further matters as prescribed by statutes of the State of Connecticut and local ordinances or as may be referred to it from time to time by the Mayor.

§ 5.3.2. Composition.

The department of public works shall be composed of the director of public works, the town engineer, the building inspector, the superintendents of highways, wastewater treatment, sanitation, building maintenance, and parks, and their respective employees.

§ 5.4.1. Department of Safety.

The Director of Safety shall exercise all the powers and perform all the duties necessary for the administration of the department of safety. The department of safety shall be concerned with (a) police protection of the town, its citizens, and their individual and collective property; (b) the extinguishing and prevention of fire; (c) emergency medical services; (cd) maintenance of all equipment entrusted to its charge; (de) maintenance of disaster and emergency facilities; (ef) instruction of all townspeople in matters of safety and fire prevention; (gf) the enforcement of all penal statutes of the state and ordinances of the town; (hg) the control of stray dogs; (hi) such other and further matters as prescribed by the statutes of the state of Connecticut and local ordinances or as may be referred to it from time to time by the Mayor.

§ 5.4.2. Composition.

The department of safety shall be composed of the dDirector of Ssafety, the cChief of pPolice, the fFire cChief, the Chief of Emergency Medical Services and their respective employees and/or volunteers.

§ 5.4.3. Animal Control OfficerDog Warden and Deputy.

The Dog Warden and Deputy Dog WardenAnimal Control Officer and any such Assistant Animal Control officers as are appointed shall be under the jurisdiction, supervision and control of the chief of police. During the absence or disability of the dog wardenAnimal Control Officer, the Assistant Animal Control Officersdeputy dog warden shall perform all the duties of the Animal Control Officerdog warden.

§ 5.5.1. Department of Health.

The Director of Health shall exercise all the powers and perform all the duties necessary for the administration of the department of health. The department of health shall be concerned with (a) maintenance of all public health facilities; (b) air pollution control; (c) pollution control of streams; (d) instruction of all townspeople in matters of public health; (e) inspection of premises where food is served to the public; (f) inspection of all devices, outlets, and facilities for the dispensing of drinking water to the public; (g) inspection of all premises where food is sold to the public for private consumption; (h) inspection of all premises maintained for the care of sick or

aged persons; (i) enforcement of the sanitary code and state laws relating to any of the foregoing concerns; (j) such other and further matters as prescribed by statutes of the State of Connecticut and local ordinances or as may be referred to it from time to time by the Mayor.

§ 5.5.2. Composition.

The department of health shall be composed of the director of health, the town health officer and their respective employees all other employees required by law, and such other employees as have been assigned.

§ 5.5.3. Director of Health Officer.

The Director of Health Officer shall have all the powers and duties set forth by the General Statutes and imposed by ordinances of the Townfederal, state and local law.

§ 5.6.1. Department of Finance.

The Director of Finance shall exercise all the powers and perform all the duties necessary for the administration of the department of finance. The department of finance shall be concerned with (a) fiscal policy of the town (b) compilation and maintenance of a grand list of property within the town subject to taxation; (c) assessment of valuation of property on the grand list; (d) preparation of data incident to presentation of the annual budget of the town; (e) supervision of the execution of contracts of the town; (f) supervision of payment of debts of the town including bonded indebtedness; (g) supervision of the collection of taxes levied by the town; (h) maintenance of financial records of the town; (i) custody of public funds; (j) such other and further matters as prescribed by the statute of the state of Connecticut and local ordinances or as may be referred to it from time to time by the Mayor.

§ 5.6.2. Composition.

The department of finance shall be composed of the director of finance, the town treasurer, the tax collector, the assessor, the purchasing agent, and their respective employees.

§ 5.6.3. Accounts.

Accounts shall be kept by the department of finance showing the financial transactions for all departments of the Town. Forms for such accounts shall be prescribed by the director of finance with the approval of the Mayor, which forms shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values and for the making of such reports of the financial transactions and conditions of the Town as may be required by law or ordinance.

§ 5.6.4. Purchasing Agent.

The Purchasing Agent of the Town shall purchase all supplies, materials, equipment and other commodities and services for all departments, agencies, boards or commissions of the Town including that purchasing done for the Board of Education. All purchasing done for the Board of Education shall be done in accordance with the specification as to quality defined by said Board

of Education.

§ 5.6.5. Financial Reports.

Financial reports shall be prepared for each quarter and each fiscal year, and for such other periods as may be required by the Mayor.

§ 5.6.6. Payments.

Payments by the Town shall be made only upon vouchers as certified by the head of the appropriate department or other division of the town government and by means of warrants on the town treasurer issued by the director of finance and countersigned by the Mayor as approved by the director of finance. Payments shall be authorized by the director of finance and the Mayor. The director of finance shall examine all payrolls, bills and other claims and demands against the town, and shall issue no warrant for payment unless he or she finds that the claim is in proper form, correctly computed and duly certified, that it is justly and legally due and payable, that an appropriation has been made therefore which has not been exhausted or that the payment has been otherwise legally authorized and that there is money in the town treasury to make payment. He or she may require any claimant to make oath to the validity of the claim. He or she may investigate any claim and for such purposes may examine witnesses under oath and if he or she finds it is fraudulent, erroneous or otherwise invalid he or she shall not issue a warrant therefore.

§ 5.6.7. Audit of Accounts.

a. The Town shall conduct an audit upon any of the following: (a) after the close of the fiscal year, an annual audit will be conducted; (b) upon the death, resignation, removal or expiration of the term of any director of the Town or such other employee as determined by the director of finance, the director of finance shall make an audit and investigation of accounts of such director or employee and shall report such findings to the Mayor and the Council; (c) upon the death, resignation, removal or expiration of the term of the director of finance, the Mayor shall direct that an independent audit be made of his or her accounts, and the findings of such audit shall be reported to the Mayor and the Council; and (d) upon the authorization of the Council, at any time, the accounts of any officer or department head of the Town may be audited.

b. The annual audit required by Section 5.6.7 (1)(a) shall be made by Certified Public Accountants, selected by the Council, who have no personal interest, direct or indirect, in the financial affairs of the Town or any of its officers or employees.

Upon the death, resignation, removal or expiration of the term of any officer of the Town, other than the director of finance, the director of finance shall make an audit and investigation of the accounts of such officer and report to the Mayor and Council. As soon as practical after the close of each fiscal year, an annual audit shall be made of all accounts of all town officers and upon the death, resignation, removal or expiration of the term of the director of finance, an audit shall be made of his or her accounts. Such audit shall be made under the provisions of any law for the inspection and audit of municipal accounts by state officers, and if there is no such state inspection, such audits shall be made by certified public accountants, selected by the Council,

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who have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The Council may, at any time, provide for the examination or audit of the accounts of any officer or department of the Town government.

§ 5.7. Town Clerk.

§ 5.7.1. Duties of the Town Clerk.

The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as provided by the General Statutes, except as herein otherwise provided, and shall perform such other duties required by this charter. The fees or compensation provided by the General Statutes to be paid to the Town Clerk shall be collected by him or her in accordance with the provisions of the General Statutes or this charter or ordinances of the town, shall be deposited with the treasurer of the town as required by the director of finance, and at the time of making each such deposit, the Town Clerk shall file with the treasurer a full statement of such receipts. The Town Clerk shall also keep a record of receipts in his or her office in book form, which record shall show the name of each person from whom money is received, the amounts thereof and for what received.

§ 5.7.2. Compensation.

The Town Clerk shall receive a salary in lieu of all fees and other compensation.

§ 5.8. Matters pertaining to Town Employees.

§ 5.8.1. Wage and Salary Schedule.

The Mayor shall develop a wage and salary schedule, acceptable to the Council for all classified and unclassified administrative departmentTown employees, which schedule shall be approved by the Town Council.

§ 5.8.2. Advisory and Technical Assistants.

The Mayor may recommend to the Council the appointment of any necessary advisory or technical assistants for promulgating such rules and the development of such wage and salary schedule.

SECTION 6

Fiscal Policies and Procedures

§ 6.1.1. Fiscal year.

The fiscal year of the Town shall commence July first of each year and expire the thirtieth day of June next succeeding [Ed. Note: change made to conform to Connecticut General Statutes]

§ 6.2.1. Budget

Not later than three (3) months before the end of each fiscal year March 12, the Mayor shall prepare and submit to the Council an annual budget for the ensuing fiscal year based upon detailed estimates furnished by the several departments and other divisions of the town government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) an itemized statement of the appropriations recommended by the Mayor for current expenses and for permanent improvements for each department and each division thereof, for the ensuing fiscal year with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases and decreases in the appropriations recommended; (b) an itemized statement of the taxes required and of the estimated revenues of the town from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases or decreases estimated or proposed; (c) a statement of the financial condition of the town and (d) such other information as may be required by the Council. Copies of the budget shall be printed and available for distribution not later than two (2) weeks after its submission to the Council, and a public hearing shall be given thereon by the Council or a committee thereof before action by the Council.

§ 6.2.2. Budget Appropriations.

The Council shall annually pass an appropriation ordinance, at least thirty (30) days before the beginning of each fiscal year not later than May 12, which ordinance shall be based upon a budget submitted by the Mayor. The appropriations made in such ordinance and the budget submitted by the Mayor shall provide for the full fiscal year of the Town.

§ 6.2.3. Appropriation Limits.

The total amount of appropriations shall not exceed the estimated revenues of the Town.

§ 6.2.4. Continued Current Expenses.

Before the In the event an annual appropriation ordinance has not been passed by the commencement of the fiscal year, the Council, with the approval in writing of the Mayor, may shall make appropriations for current departmental expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employee of the Town, except in accordance with the provisions of the annual previous year's appropriation ordinance or under continuing contracts and loans authorized under the provisions of this charter.

§ 6.2.5. Transfer of Funds.

At any meeting and after at least one week's public notice, the Council, by an affirmative vote of seven (7) members may authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

§ 6.2.6. Tax Ordinance.

Upon the adoption of a budget, the Council shall, by ordinance, levy such tax as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources) and all sums required by law to be raised on account of the Town debt, together with such additional funds, not exceeding five (5%) per centum, as may be required by the Town budget necessary to meet commissions, fees and abatements in the amount of taxes collected from the estimates, and shall prescribe the manner and time for payment.

§ 6.3.1. Tax Lists.

The tax lists filed during the month of October with the assessing authority shall constitute the tax list for assessment to meet the town expenses for the next fiscal year.

§ 6.3.2. Notice.

The assessing authority Tax Assessor of the Town of Stratford shall, on or before the first day of October, annually, post on a sign post in said Town in the tax Assessor's office and or publish in one or more newspapers having a circulation in said Town a notice requiring all persons liable to pay taxes to bring in written or printed lists of the taxable property belonging to them on the first day of October in that year.

§ 6.3.3. Assessment Date.

The assessment date in the Town of Stratford shall be the first day of October in each year. All persons required by the General Statutes to file lists of personal property subject to taxation with the Tax Assessor shall file such lists not later than the first day of November in each year, or, if such day shall occur on Sunday, then on the next business day following. All personal property required by the General Statutes to be listed with the Tax Assessor for purposes of taxation shall be included in such lists.

§ 6.3.4. Power of Assessing Authority.

The assessing authority shall have the power to summon to appear before such authority within sixty (60) days after November first in each year any person or persons whom such authority may have reason to believe to be the owner of any property taxable in said Town concerning which additional information shall be desired for the purpose of making an assessment. Such person or persons shall be required to furnish under oath such information to such taxing authority.

§ 6.3.5. Notice of Summons.

Notice of such summons shall be sent in writing by mail, postage prepaid and registered, and the person so summoned shall appear within one week from the date of the sending of such summons. Such notice shall state clearly the purpose of such summons and the property concerning which information is desired.

§ 6.3.6. Failure to Comply.

Failure to comply therewith, in addition to any penalty that may be provided by law, shall bar the right of such person to appeal to the Board of Tax Review and to the Court of Common Pleas, under the General Statutes in such case provided, from any action which the assessing authority may take in the premises, provided if the Board of Tax Review shall decide that such failure to appear before the assessing authority, was not willful or was excusable, such appeal may be allowed if made within the time provided by the General Statutes.

§ 6.4. Financing Public Works and Improvements.

§ 6.4.1. Definitions.

As used in sections 6.4.2 to 6.4.119, inclusive, the term "public work or improvement" shall include any of the following, or any combination of the following: the laying out, construction, alteration, widening, straightening, grading, improving or repairing of any street, alley or other public way; the laying out, construction, alteration, improvement or repairing of any curb, gutter, sidewalk, or storm sewer over, upon, adjacent to or under any street, alley or other public way; and the laying out, construction, alteration, extension, enlargement and repairing of the sanitary sewerage system and sewage disposal plant of the town. The term "Council" shall include any agency, committee or commission empowered by the Town Council to act in such matters. The terms "property" and "property affected thereby" shall include all land, with or without improvements thereon, and all other property of any kind or nature, damaged or benefited as an incident to any public work or improvement, the owners of which may be assessed to pay for such public work or improvement or the owners of which may be paid damages for the taking or damaging thereof.

§ 6.4.2. Notice of Proposed Public Work or Improvements.

Before any public work or improvement shall be undertaken, the Council shall give notice to all persons whose property will be affected thereby that such public work or improvement is proposed to be undertaken. Such notice shall be signed by the Town Clerk, shall describe in general terms the nature of the public work or improvement to be undertaken and shall specify a time and place when all persons whose property is to be affected thereby may appear and be heard in relation thereto. Such notice shall be filed in the Office of the Town Clerk, and he or she shall cause it to be published twice, the last time at least five (5) days before the date of hearing in some newspaper having a circulation in the Town.

§ 6.4.3. Record Notice of Approval of Proposed Public Improvements.

If at the hearing upon such proposal, it is decided or determined that the proposed public work or improvement shall be undertaken, the Council shall, within ten (10) days of the date of such decision or determination, cause to be recorded in the land records of the town a certificate describing the proposed public work or improvement. Said certificate shall list the names of the owners of property to be affected thereby and shall state the date of the final decision or determination that such public work or improvement shall be undertaken. Such certificate shall be signed by the Council Chairman or the presiding officer of the agency, committee or

commission to which such authority may be delegated. Said certificate shall be indexed in the general index to the land records under the name of each owner of property to be affected thereby.

§ 6.4.4. Initiation of Public Improvements by Property Owners.

Upon the written petition of the owners of at least fifty-one per cent of the property, determined by the last completed assessment list, on any street, alley, or other public way, or on such part thereof as will be affected in the town, requesting the Council to undertake a public improvement on such street, alley or other public way, the Council shall hold a hearing thereon within a reasonable time and shall give the same notice of such hearing as is provided by section 6.4.2. At the time and place specified in such notice or at any meeting adjourned therefrom, the Council shall hear all parties in interest who may appear or desire to be heard in relation thereto and shall thereafter determine what action shall be taken with respect to said petition. If it is decided or determined that such public work or improvement shall be undertaken, a certificate of the type described in section 6.4.3. shall be prepared and recorded within ten (10) days of the date of such decision or determination.

§ 6.4.5. Contracts for Public Works or Improvements.

If, after any hearing held pursuant to the provisions of section 6.4.3. or 6.4.4., the Council shall decide or determine to undertake a public work or improvement, it may order such public work or improvement to be done by town employees or others and shall have the power to enter into a contract or contracts for the labor and materials necessary to undertake and complete such public work or improvement, and shall have the power to assess the cost of such public work or improvement in such proportion as it shall determine wholly or partially upon the town, which portion shall be paid out of the treasury of the town, or wholly or partially upon the property owners benefited by such public work or improvement, or both, and there may be added to assessments which are for laying out, constructing, altering, extending, enlarging or repairing the sanitary sewerage system or sewerage disposal plant an additional amount or assessment for a fair and equitable part of the cost of any other item of the sewerage system as hereinafter more specifically set forth.

§ 6.4.6. Appraisal of Benefits and Damages.

The Council shall appraise all damages resulting from such public work or improvement of the person or persons damaged thereby and may assess benefits upon the person or persons benefited thereby. There may be included as part of such assessment of benefits or as an additional assessment a proportionate share of the cost of constructing any lateral sewers, force interceptor sewers, trunk sewers or any other sewer through which any sewage is to be collected, transported or discharged, the cost of constructing any disposal works, purification plant, filtration beds, pumping apparatus, flush tanks, outfall sewers and appurtenances thereof and any expenses incidental to the completion of such work, such as fees and expenses of attorneys, engineers, surveyors, superintendents or inspectors, the cost of any property or easement thereon purchased or acquired for such work, interest or securities, the cost of preparing maps, plans and specifications, and the cost of printing, publishing or serving advertisements or notices, shall be incidental to the completion of the work. The Council may rescind any action it may have taken hereunder, which rescinding action may be taken prior to, during or subsequent to, completion of {00186462.DOC}{00186268.DOC}{00185653.DOC}{00184574.DOC}{00184007.DOC}{00183528.DOC}{00183236.DOC}{00183059.DOC}{00182842.DOC}{00182163.DOC}{00179362.DOC}

any appeal to court from the appraisal of damages or assessments of benefits. Notice. Before making any appraisal of benefits or damages or both, notice shall be given to the owners of property affected thereby of a time and place when and where a meeting will be held for that purpose. Such notice shall be either written or printed and signed in writing or printing by the Town Clerk, who may cause it to be personally served or left on at least the fifth day before the date of such hearing by any person at the usual place of abode of each owner of property affected by the public work or improvement. Notice may also be given by the Town Clerk by depositing a copy of such notice with the United States Postal Service in the post office at Stratford, addressed to such person or persons at his, her or their last-known place of abode, postage prepaid, on at least the sixth day before the date set for such hearing. Said notice shall also be published twice by the Town Clerk in a newspaper having circulation in Stratford, the last time on at least the fifth day before the date of such hearing. Hearing. The Council shall meet at the time and place designated in such notice and at such other times as it may adjourn to therefrom, and shall hear all the parties in interest who may appear before it. It shall determine which of the owners of land affected by such public work or improvement will be damaged by such public work or improvement, and the amount thereof over and above any special benefits such owners shall receive therefrom; and it shall determine which of the owners of land affected by such public work or improvement will be specially benefited therefrom, and the amount thereof over and above any damages such owners shall receive therefrom. Benefits assessed shall, in no event, exceed the cost of the public work or improvements, together with the damages paid by reason thereof, except in the event there may be added thereto an additional assessment for a fair and equitable part of the cost and maintenance of trunk line sewers and of any sewage disposal plant, or any or all of such works, as hereinabove provided. Notice of assessment. Within thirty days after the completion of any appraisal of benefits or damages, or both, the Council shall file with the Town Clerk a certificate setting forth the amount of the benefits or damages assessed against or awarded in favor of the owners of land affected by such public work or improvement, and shall issue to the tax collector a warrant for the collection of assessments so made. The Town Clerk shall cause notice of the appraisal of benefits or damages assessed to be sent to the owners of land affected by such public work or improvement, by mail addressed to the last-known place of abode of each owner.

Payment and collection of assessments. The tax collector shall, within the sixty days of the date of filing of the certificate described in subparagraph above, bill each owner of land against which benefits were assessed for the amount of such assessment. Assessments of benefits shall be payable sixty (60) days from the date of billing, except that the Council shall have the power to extend payment of assessments over a period of years with interest on the unpaid balance at a rate not exceeding five per cent per annum. In the case of unimproved and undeveloped land a percentage not exceeding fifty per cent of the total assessment which otherwise would be assessed against the owners of such unimproved and undeveloped land may be delayed until such land is improved or developed, or until such other time as is determined by the Council, and in the case of such delay, the amount originally assessable would be the amount later assessed. The tax collector shall have the power, granted by law, to collect such assessments in the same manner as public taxes are collected.

§ 6.4.7. Water Pollution Control Authority Connecting to Sewerage System.

The Council is authorized to form a Water Pollution Control Authority in accordance with state law. The Water Pollution Control Authority shall have all powers provided by law.

Property owners shall be permitted to connect with the sewerage system of the town before the completion of an entire project of extension or improvement of the sewerage system and prior to the time any assessment is made therefor, in accordance with such rules and regulations as may be adopted from time to time by the Council, which rules and regulations may require the payment in advance to the town of a reasonable sum to be paid on account of any later benefit assessment levied against the properties of such owners.

§ 6.4.8. Appeal Sewerage Districts.

Any person aggrieved by the appraisal of damages or assessment of benefit, or both, may file an administrative appeal in the Connecticut Superior Court as provided by law.

The Council may divide the total territory to be benefited by any sewerage system construction or work thereon into districts and may levy assessments against the property benefited in each district separately. In assessing benefits against the property in any district, the Council may add to the cost of the part of the sewerage system located in such district a proportionate share of any part of the sewerage system located outside the district which is necessary for the operation of that part of the system within the district and of any of the other items of cost or expense above enumerated.

§6.4.9. Liens and Penalties for Nonpayment Appeal.

All assessments of benefits made in accordance with this section 6.4 shall constitute a lien as permitted by state law and shall be enforced as provided by law. Any person aggrieved by the appraisal of damages or assessment of benefits or both may, within ten (10) days after the filing with the Town Clerk of the certificate described in section 6.4.6.c. and notice given as provided therein, appeal from such appraisal of damages or assessments of benefits or both, to the Court of Common Pleas for the County of Fairfield. Such appeal shall be by petition in writing, setting forth the appraisal or assessment appealed from, with the appellant's prayer for relief, with a citation attached thereto, signed by an authority authorized to sign writs, and returnable before said court at the same time and served and returned in the same manner as is required in the case of a summons in a civil action returnable before said court. Service of such citation shall be upon the Town Clerk. The court shall, by committee, or otherwise, review and revoke, modify or confirm such appraisal or assessment, reappraise such damages or reassess such benefits, or make such order as equity may provide, and may allow costs to either party at its discretion, and said court, in consideration of such appeal, may inquire into the validity of all proceedings upon which the action appealed from is based.

§ 6.4.10. Liens and Penalties for Nonpayment.

All assessments of benefits made in accordance with this section 6.4 shall be a lien upon the property specially benefited thereby to secure the amount of such assessment, and shall take precedence of all other liens and encumbrances upon the property against which it shall have been imposed except taxes and may be foreclosed in favor of the town in the same manner as tax liens are foreclosed; provided no lien shall continue to exist for more than sixty (60) days after such assessment shall become payable, unless, within said period, a certificate describing the name of the person or persons against whom such assessment was made, the property subject to the assessment, the amount of the assessment, the purpose for which the assessment was made

and the date such assessment was payable, shall be signed by the tax collector and lodged with the Town Clerk, to be by him or her recorded in a book kept for that purpose. After the filing of such certificate, such lien shall continue until the amount thereof, with interest, recording fees and a fee of one dollar for drafting the certificate, shall have been paid. Any such lien shall be invalid after the expiration of fifteen (15) years from the date of recording such certificate continuing the same, unless within such period an action of foreclosure shall have been commenced. No such lien may be foreclosed against property, the ownership of which was changed since the date of the final decision or determination to undertake the public work or improvement the assessment of benefits for which gave rise to said lien, unless the certificate described in section 6.4.3. has been recorded as provided therein, or unless the person or persons who had record title to said property on the date of recording of the certificate of lien had, before taking title to said land, actual notice of the specific assessment or pending assessment which gave rise to the lien.

§ 6.4.11. Provisions of Section 6.4 Not Exclusive.

The powers expressed in this Section 6.4 are in addition to the powers granted to towns under the General Statutes and to the Town of Stratford under any Special Act of the General Assembly.

§ 6.5.1. Continuing Contracts.

No continuing contract, which involves the payment of money out of the appropriations of more than two (2) years shall be made for a period of more than ten (10) years; and no such contract shall be valid unless:

- a. Public notice of the proposed action of the Council to approve the same shall be given at least two weeks before the same shall be formally approved by the Council; and
- b. The same shall be approved by affirmative vote of seven (7) Council Members; or
- c. The same shall be submitted to the electorate at a regular or special election and adopted by the affirmative vote of a majority of the electors voting at such regular or special election.

§ 6.5.2. Bidding Contracts for Public Work or Improvement.

Any public work or improvement costing more than seven thousand five hundred (\$7,500.00) dollars shall be executed by contract except where specified work or improvement is authorized by the council based on detailed estimates submitted by the department authorized to execute such work or improvement. All contracts for more than seven thousand five hundred (\$7,500.00) dollars, shall be awarded to the lowest responsible bidder, after public advertisement and competition, as may be prescribed by ordinance. The Mayor shall establish reasonable regulations for prefiling sub bids on construction contracts where it is anticipated that the contracting party shall subcontract all or a portion of the work to be done.

§ 6.5.3. Power of Rejection.

The Mayor shall have the power to reject all bids and to advertise again, and all advertisements shall contain a reservation of this right.

SECTION 7

Elections

§ 7.1.1. Town Elections.

A Town election shall be held on the first Tuesday after the first Monday of November of each **odd** numbered year, which shall be known as the regular Town election, at which one candidate from each district hereinafter established shall be elected to membership on the Council. The Mayor, Members of the Board of Education, Zoning Commission, Planning Commission, Zoning Board of Appeals, and Constables in numbers prescribed by the General Statutes shall also be elected at regular town elections as set forth in this Charter. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §7-193 regarding the required statutory provisions of local government and TOWN ATTORNEY OPINION dated February 19, 2003]**

§ 7.1.2. Nomination of Candidates.

The mode of nomination and election of candidates for Mayor, the Council, Board of Education, Zoning Commission, Planning Commission, Zoning Board of Appeals, and Constables shall be in accordance with the General Statutes except as otherwise provided for the Board of Education in this Charter. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §9-200 and 9-195].**

§ 7.1.3. Town Election Districts.

For the purpose of the regular town elections, the town is divided into ten districts. The boundaries of the election districts, as set forth in Section 11-2 of the Stratford Town Code, section 12 of number 1051, Special Laws of 1921, as amended by section 3, of number 173, Special Laws of 1931, shall continue to be the boundaries of election districts in the town until different boundaries are adopted in the manner set forth pursuant to the provisions of Connecticut state law and in sections 7.1.4., 7.1.5. and 7.1.6. of this Charter.

§ 7.1.4. Provision for Reapportionment of Election District Changes Districts.

The Council shall reapportion the appoint an Election Districts as provided in Section 9-169f of the Connecticut General Statutes, as may from time to time be amended Revision Commission within ninety (90) days following the adoption of this Charter and shall make another such appointment every ten (10) years thereafter. Said commission shall consist of three (3) Council Members, with not more than two being members of the same political party, and two (2) registrars of voters.

§ 7.1.5. Creation, Powers and Duties of the Election District Revision Commission.

The Council shall appoint an Election District Revision Commission which shall consist of three (3) Council Members, with not more than two being members of the same political party, and two (2) registrars of voters. The Election District Revision Commission shall rearrange the boundaries of the existing ten (10) election districts of the Town where necessary, each of which shall encompass not more than ten twelve (1012%) per centum and not less than eight
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(8%) per centum of the total population based on population data for the Town from the most recent decennial census of the United States.

The recommendations of the Commission shall be presented to the Council within ninety (90) days after the appointment of said Commission. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §9-169f]**

§ 7.1.6. District Change.

The Council shall by ordinance establish revised election district boundaries in accordance with the recommendations of the Election District Revision Commission, said ordinance to take effect at least ninety (90) days prior to the next regular Town election. No elected official shall have his or her office vacated by reason of a district boundary change until completion of his or her term of office.

§ 7.2.1. Nomination and Election of State and Federal Officers.

Nomination and election of state and federal officers and of representatives and judges of probate and registrars of voters shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed by the Constitution and the General Statutes.

§ 7.3.1. Registrars of Voters.

There shall be two (2) registrars of voters elected in accordance with the General Statutes. At the time of their election and during their respective terms of office said registrars shall be residents and electors of the Town.

No elector shall vote for more than one (1) registrar.

The candidate having the highest number of votes and the candidate having the next highest number of votes for the office of registrar of voters, who does not belong to the same political party as the candidate having the highest number of votes, shall be the registrars of voters for the Town.

The registrars of voters shall have all the powers and perform all of the duties imposed upon them by the General Statutes and the provisions of this charter, and shall perform such other duties as may be prescribed by ordinances not inconsistent with the General Statutes or this Charter. **[TOWN ATTORNEY NOTE: SEE Connecticut General Statutes §9-192]**

SECTION 8

Powers of the Electorate

[TOWN ATTORNEY NOTE: The recall printed herein is taken verbatim from the 1921 Special Act creating this power in the Stratford electorate. However, several important court decisions have modified this power. The Federal court in Colombo v. Town of Stratford affirmed the prohibition of recall to any elected officials other than the Council and the 1980 Judge Jacobsen opinion set forth the procedures of a recall election.]

§ 8.1.1. The Recall.

Any member or members of the Council may be recalled and removed therefrom by the electors of the voting district or districts by which he or they were elected, as herein provided. Any committee, of three (3) electors may make and file with the Town Clerk an affidavit containing the name of the member or members whose removal is sought and a statement of the grounds for removal. The Town Clerk shall thereupon deliver to the electors making such affidavit copies of petition blanks for such removal, printed forms of which he or she shall keep on hand. Such blanks shall be issued by the Clerk with his or her signature and official seal affixed thereto. Such blanks shall be dated and addressed to the Council and shall contain the name of the electors to whom issued, the number of blanks so issued, the name of the member or members whose removal is sought and a statement of the grounds for removal. A copy of the petition shall be entered in a record book to be kept in the Office of the Town Clerk. The recall petition, to be effective, shall be returned and filed with the Town Clerk within thirty (30) days after issuance of the petition blanks. The petition before being returned and filed shall be signed by the electors of the district or districts to the number of at least fifteen (15%) per centum of the number of electors who were entitled to cast, in said district or districts, their votes in the last preceding regular Town election.

All such recall papers shall be filed as one instrument, with the endorsement thereon of the names and addresses of three (3) persons designated as filing the same.

§ 8.1.2. Recall Action.

If the petition or amended petition shall be certified by the Town Clerk to be sufficient, he or she shall submit the same with his certificate to the Council at its next meeting and shall notify the member or members whose removal is sought of such action. The Council shall, within ten (10) days of the receipt of the Town Clerk's certificate, unless the member or members whose removal is sought shall have resigned, order an election to be held not less than thirty (30) nor more than forty-five (45) days thereafter within and for the district or districts from which the member or members whose removal is sought was elected; provided, if any other regular town election is to occur within sixty (60) days after the receipt of said certificate, the Council may in its discretion provide for the holding of the removal election on the date of such other election.

§ 8.1.3. Recall Ballot.

The form of the ballot at such election shall be as nearly as may be: "Shall A be recalled?" the name of the member whose recall is sought being inserted in place of A, and the ballot shall also contain the names of the candidates for election in place of the man recalled, as follows: "Candidates for the place of A, if recalled," but the member whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any member shall vote in favor of recalling such official, he or she shall thereby be removed, and in that event the candidate who receives the highest number of votes for his or her place shall be elected thereto for the balance of the unexpired term. Should the Council fail or refuse to order an election as herein provided within the time required, such election may be ordered by any court of general jurisdiction in the county in which said town is situated. **[TOWN ATTORNEY NOTE: Please refer to the 1980 Judge Jacobsen opinion and TOWN ATTORNEY OPINION dated January 26, 2000 re: circulators]**

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§ 8.2.1. The Initiative.

The electors shall have the power at their option to propose ordinances, and other measures and to adopt the same at the polls, such power being known as the initiative.

§ 8.2.2. Initiative Petitions.

A petition signed by at least fifteen (15%) per centum or twenty-five (25%) per centum, as the case may be, of the total number of electors who were entitled to cast their votes at the last preceding regular town election and otherwise meeting the requirements hereinafter provided and requesting the Council to pass an ordinance, resolution, order or vote (all of these four terms being hereinafter included in the term, "measure", therein set forth or designated), shall be termed an initiative petition and shall be acted upon as hereinafter provided.

§ 8.2.3. Council Action on Initiative Petitions.

If the petition shall be found to be sufficient, the Town Clerk shall so certify and submit the proposed measure to the Council, who shall at once read and refer the same to an appropriate committee, which may be a committee of the whole. Provision shall be made for public hearings upon the proposed measure before the committee to which it is referred. Thereafter the committee shall report the proposed measure to the council, with its recommendation thereon, not later than sixty (60) days after the date upon which such measure was submitted, to the Council by the Town Clerk. Upon receiving the proposed measure from the committee, the Council shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date of such committee report.

§ 8.2.4. Initiative Election.

If the Council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then if the petition was a "twenty-five (25%) per centum petition," the proposed measure shall be submitted by the Council to the vote of the electors at the next town election occurring not less than thirty (30) days after the date of the final action by the Council, and if no election is to be held within six (6) months from such date, then the Council shall call a special election to be held not less than thirty (30) nor more than forty-five (45) days from such date.

But if the petition was a "fifteen (15%) per centum petition," the proposed measure shall be submitted as in the case of a "twenty-five (25%) per centum petition," except that no special election shall be called. If within thirty (30) days after the final action by the Council on the proposed measure a supplementary petition shall be filed with the Town Clerk signed by a sufficient number of additional electors asking for the submission of the proposed measure, the original petition combined with such supplementary petition shall become a "twenty-five (25%) per centum petition."

§ 8.2.5. Special Initiative Election.

In case such supplementary petition is filed and no regular town election is to be held within six

(6) months thereafter, the Council shall call a special election to be held not less than thirty (30) nor more than forty-five (45) days after receipt of the Town Clerk's certificate that a sufficient supplementary petition has been filed. The sufficiency of any such supplementary petition shall be determined, and it may be amended in the manner provided for original petitions.

§ 8.2.6. Form of Measure.

When submitted the measure shall be either in its original form, or with any proposed change or addition which was presented in writing by the committee of the petitioners at the public hearing before the committee of the Council to which such proposed measure was referred, or during the consideration thereof by the Council. Said committee of petitioners shall certify to the Town Clerk the requirement of submission and the proposed measure in the form desired within ten (10) days after the date of final action on such measure by the Council. Upon receipt of the certificate and certified copy of the measure, the Town Clerk shall certify such fact to the Council at its next meeting and such measure shall be submitted by the Council to the vote of the electors in a regular or special Town election as hereinafter provided.

§ 8.3.1. The Referendum.

The electors shall have the power at their option to approve or reject at the polls, any measure, resolution, order or vote passed by the Council or submitted by the council to a vote of the electors, excepting measures levying a tax for or appropriating money to defray the general expenses of the town government or any existing department thereof; also measures ordering the construction of public or local improvements and levying assessments on the property specially benefited thereby, for the payment thereof.

Such powers shall be known as the referendum, which power shall be invoked and exercised as herein provided.

All measures, save those hereinabove specifically excepted, submitted to the Council by initiative petition and passed by the Council without change or passed in an amended form and not required by the committee of the petitioners to be submitted to a vote of the electors, shall be subject to the referendum in the same manner as other measures.

§ 8.3.2. Referendum Petitions.

No further action shall be taken by authority of such measure, if, within thirty (30) days after the final passage of any measure by the Council, a petition signed by the electors of the Town to the number of at least ten (10%) per centum of the electors who were entitled to cast their vote at the last preceding regular town election shall be filed with the Town Clerk, requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors.

§ 8.3.3. Council Action on Referendum Petitions.

If the petition be found sufficient the Council shall proceed to reconsider such measure or such part thereof as the petitioner shall specify. If upon such reconsideration such measure or part thereof be not repealed or amended as demanded in the petition, the Council shall provide for

submitting the same, by the method herein provided, to a vote of the electors at the next Town election occurring not less than thirty (30) days after the receipt by the Council of the Town Clerk's certificate, and such measure, or such part thereof shall thereupon be suspended from going into effect until said election and shall then be deemed repealed unless approved by a majority of those voting thereon. The Council, by an affirmative vote of seven (7) members may submit such measure or part thereof with like effect to the electors at a special election to be called by said Council not less than thirty (30) days after the receipt of said Town Clerk's certificate.

§ 8.3.4. Status of Measure.

The measure shall not become operative until the steps indicated herein have been taken, provided such measure shall be deemed sufficient authority for any payment made or expense incurred in accordance with such measure previous to the filing of such petition. If, when submitted to a vote of the electors, such measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder and all rights and privileges conferred by it shall thereafter be null and void.

§ 8.4.1. Form of Petitions.

Signatures on recall, initiative or referendum petitions need not be all on one paper provided each paper shall carry the designation of the purpose for which the paper is circulated, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be.

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such papers pertaining to any one purpose shall have written thereon the names and addresses of the electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose herein named.

A committee shall be three (3) electors for a recall petition; at least five (5) electors for a referendum petition; at least five (5) electors for an initiative petition.

All such papers shall be filed in the office of the Town Clerk as one instrument. Attached to every such instrument shall be a certificate signed by the committee of petitioners or a majority of them stating whether the petition is intended to be a "ten (10%) per centum petition" or a "fifteen (15%) per centum petition" or a "twenty-five (25%) per centum petition."

§ 8.4.2. Certification of Petitions.

Within ten (10) days after the filing of any recall, initiative or referendum petition the Town Clerk shall ascertain whether or not the petition is signed by the requisite number of electors who were entitled to cast their votes at the last preceding regular town election and shall attach to such petition his or her certificate showing the result of such examination.

§ 8.4.3. Notice of Insufficiency.

If, by the Town Clerk's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures.

§ 8.4.4. Amended Petitions.

The Town Clerk shall within ten (10) days after such amendment make like examination of the amended petition and if his or her certificate shall show the same to be sufficient he or she shall file the petition in his or her office and shall notify each member of the committee of the fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

§ 8.5.1. The Measures.

Proposed measures shall be submitted by ballot title. There shall appear upon the official ballot, a ballot title which may be distinct from the legal title of any such proposed measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of the measure. The ballot title shall be prepared by the committee of the petitioners if for an initiative or a referendum measure, or by a committee of the Council when submitted by the Council.

The ballots used when voting upon such proposed measure shall set forth the ballot title and beneath the title shall set forth the two propositions: "For the measure," and "Against the measure."

If the majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance, resolution, order of vote of the town, as the case may be.

§ 8.5.2. Number of Measures.

Any number of proposed measures may be voted **upon** at the same election in accordance with the provisions of this section 8.5.

§ 8.5.3. Measures in Conflict

If two or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect to such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail.

§ 8.5.4. Public Notice of Measures.

The Town Clerk, at least fifteen (15) days before any election at which any measure is to be submitted, shall post a certified copy of such measure or measures on the Town signpost and cause the same to be printed at least twice in a newspaper having a circulation in said town of Stratford. The text of every measure shall also be displayed in a conspicuous place at the polling

booths used at such election.

-36-

SECTION 9

Miscellaneous Provisions

§ 9.1.1. Fidelity Bonds.

The tax collector and treasurer shall give bonds payable to the Town of Stratford in such amount as shall be required by the Mayor, which bonds shall be procured from a surety company of **good** standing and in a form approved by the State tax commissioner, and the premium on such bonds shall be paid by the Town.

§ 9.1.2. Other Officers.

All other such officers and employees as the Council may designate shall, before qualifying and entering upon their duties, furnish a **bond** conditioned upon the faithful performance of their duties, to an amount and in the form approved by the Council.

§ 9.2.1. Public Records.

All accounts and the records of every office and department of the Town shall be open to the public at all reasonable times under reasonable regulations, except records and documents from which might be secured information which might defeat the lawful purposes of the officer or department withholding them from access to the public.

§ 9.3.1. Oath of Office.

All officers of the town and directors of departments before assuming their duties shall be sworn to the faithful performance thereof.

§9.3.2. Code of Ethics.

The Town Council shall establish a Code of Ethics for all Town officers, and employees whether elected or appointed; paid or unpaid. The purpose being to establish a suitable ethical standard of conduct for all officers, officials or employees by prohibiting acts or actions incompatible with the best interest of the Town of Stratford.

§ 9.4.1. Notice of Publication.

All notices required by this Charter or by an ordinance to be made by publication shall be published in any daily or weekly newspaper printed in the English language and having a circulation in the Town of Stratford of more than five thousand copies of each edition. The publication of any such notice once in any such paper shall be legal publication.

§ 9.5.1. Effective Date.

(a) This charter shall be effective in accordance with Connecticut General Statutes at 8:00 p.m. on

the second Monday of December following the regular Town election held in November 2005.

(b)The Charter provisions contained herein have been prepared in anticipation of submission for approval to the Stratford electors at the municipal election of November 2003. With the exception of the specified provisions described in subsection (c) below, all amendments approved in accordance with the applicable statutes at the municipal election of November 2003 shall be effective as herein provided in subsection (a).

(c)If this Charter is approved by the Stratford electors at the municipal election of November 2003, all such amendments relating to the establishment of the elected Mayoral office and the elimination of the elected Councilman at Large office would be effective for the municipal elections to be held in November 2005. Upon approval of such charter changes in November 2003, all municipal officials including but not limited to the Town Council, Town Clerk and Registrar of Voters, shall be authorized and required to take any and all actions necessary to effect the implementation of such charter changes for the municipal election to be conducted in November 2005. Such actions would include but not be limited to the implementation of the procedure for the nominations for the newly created office of Mayor in accordance with Connecticut election laws.

§ 9.6.1. General Repealer.

All General Statutes in their application to the Town and all ordinances, by-laws, rules and regulations of the Town and of its Boards and Commissions shall continue in effect except where they are inconsistent with the provisions of this Charter. The special act Charter adopted the second Monday of July 1921 together with any subsequent amendments thereto relating to the Town not inconsistent with this Charter and not specifically repealed by this or any other prior Charter action shall continue to effect, except as provided herein.

Upon the effective date of this Charter, all ordinances of the town, resolutions of the Council, and regulations of any administrative agency of the town inconsistent herewith are hereby repealed.

§ 9.6.2. Exceptions to Repealer.

Provisions hereinabove notwithstanding, nothing in this Charter or in Section 9.6.1 hereof shall impair or affect any rights, privileges or immunities vested on the effective date of this Charter in any person or body corporate. Any and all notes, bonds, or certificates of debt issued or authorized to be made by, with, or on behalf of the town, or any debts or liabilities due to or from the town on the effective date of this charter shall continue in full force and effect according to their provisions the same as they would have been had this Charter not been adopted.

The adoption of this Charter shall not affect any taxes levied or the assessments on any list completed before the effective date hereof. All taxes levied on said assessment list may be collected in the same manner as they might have been had this Charter not been adopted.

The adoption of this Charter shall not affect any suit pending or any cause of action existing on
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the effective date hereof.

Public works or improvements, as defined by section 6.4.1 hereof, the decision or determination to undertake which has been made by the Council before the effective date of this Charter, shall be completed, and the appraisal and collection of benefits and the appraisal and payment of damages shall be completed in the same manner as they might have been had this charter not been adopted.

§ 9.7.1. Continuation of Terms of Office or Employment.

All officers and employees of the Town, members of the Council, and members of boards, commissions boards, commissions and committees of the Town shall continue in office until such office terminates by operation of laws in effect prior to the effective date of this Charter or until such office terminates by death, incapacity, resignation or removal for cause of such person. Thereafter, successor or incumbent officers shall be chosen in the manner provided by this Charter.

§ 9.8. Retention of Charter Revision Records.

All records and documents utilized by the Charter Revision Commission shall be considered a permanent public record of the Town and maintained on file in the Town Clerk's office and in an appropriate record retention medium for review and access by the public.

§ 9.8.1. Employment of Charter Revision Commission Members

No person who serves on any charter revision commission may accept any salaried position with the Town of Stratford for a period of four (4) years after the Commission disbands, with the exception of any person currently employed by the Town.

§ 9.9. Severability

If any provision of this Charter be adjudged invalid or unconstitutional, such adjudication shall apply only to the provision thus adjudged, and the remainder of this Charter shall be deemed valid and effective.

§ 9.10. Town Seal.

The official Town Seal is pictured below:

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