

PART I

CHARTER*

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We, the electors of the Town of Plymouth, pursuant to the provisions of Chapter 99 of the General Statutes, as amended, do approve this Charter for Plymouth.

CHAPTER I. INCORPORATION AND GENERAL POWERS

Section 1. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Plymouth, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Plymouth", hereinafter called "the town", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town and not inconsistent with the provisions of this charter, the additional powers and

*Editor's note—The charter of the town is printed herein as adopted by the voters on Nov. 5, 1974, and as amended on Nov. 2, 1976, Nov. 3, 1977, Nov. 2, 1979, Nov. 2, 1982, Nov. 8, 1983, and Nov. 6, 1984, and as set out in that certain pamphlet entitled "Charter of the Town of Plymouth." Also printed herein are certain editorial comments or notes which were printed in such pamphlet as explanatory material for the voters. Dates of amendments to charter provisions approved subsequent to its initial publication herein are cited in parenthetical history notes following the sections amended and are listed in the Comparative Table following the charter. Capitalization style has been made uniform, and additions made for clarification have been noted in brackets [].

privileges herein conferred and all powers and privileges conferred upon towns under the general law of the State of Connecticut.

Section 2. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said town as of the effective date of this charter are continued in said town and said town shall continue to be liable for all debts and obligations of every kind for which said town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said town to collect any assessment, charge, debt, or lien. If any contract has been entered into by said town prior to the effective date of this charter or any bond or undertaking has been given by or in favor of said town which contains provision that the same may be enforced by any commission, board, department or officer therein named, which is abolished by the provisions of this charter, such contracts, bonds, or undertakings shall be in no manner impaired but continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any commission, board, department or officer shall, except as otherwise provided in this charter, thereafter be exercised and discharged by the mayor of said town.

Section 3. General grant of powers.

In addition to all powers granted to towns under the constitution and general law, the town shall have all powers specifically granted by this charter and all powers fairly implied in or incident to the management of the property, government and affairs of the town, including the power to enter into contracts with the United States or any federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and general law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.
(Amend. of 11-8-2005, § 2C)

CHAPTER II. ELECTIONS**Section 1. General.**

(a) Nomination and election of federal and state officers, including registrars of voters, and of such elective municipal officers, boards and commissions as are provided for in this charter shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the constitution and general laws of the State of Connecticut, except as hereinafter provided.

(b) A meeting of the electors of the Town of Plymouth for the election of municipal officers shall be held on the first Tuesday after the first Monday of November, 1975, and biennially thereafter. At such meeting there shall be elected a mayor, five (5) members of the town council of which four (4) are to be elected by districts, and one (1) to be elected townwide at large, and seven (7) constables, and a treasurer, all for terms of two (2) years. Also to be elected are a town clerk and a tax collector, both for terms of four (4) years. There shall continue to be a board of finance consisting of six (6) members elected for a term of six (6) years. At such meeting two (2) members shall be elected to succeed those whose terms expire in 1975 and biennially thereafter two (2) other members shall be elected to succeed those whose terms expire. There shall continue to be boards of tax review and assessors, each consisting of three (3) members. Also at such meeting to be held in said year, there shall be elected two (2) members of the board of tax review for a term of four (4) years. Alternately thereafter at each biennial election there shall be elected one (1) member and then two (2) members for terms of four (4) years to succeed those whose terms expire. On the effective date of this charter the remaining member of the board of tax review whose term expires in 1977 shall continue to serve his term. No political party shall nominate more than one (1) candidate for each district council seat. Also at such meeting there shall be elected three (3) members of the library board for terms of six (6) years, to fill the expired terms. Also at such meeting to be held in said year there shall be elected four (4) members of the board of education for terms of four (4) years and two (2) members for terms of two (2) years. Alternately thereafter

at each biennial election there shall be elected five (5) members and then four (4) members who shall hold office for a term of four (4) years to succeed those whose terms expire. On the effective date of this charter the remaining three (3) members of the board of education whose terms expire in 1977 shall continue their terms.

(c) *Registrars of voters.* Commencing with the elections of 2008 the Registrars of Voters shall be elected for a term of four (4) years.

(d) The terms of all municipal officers, except as otherwise provided in this charter, shall commence on the first Monday following their election and they shall hold office until their successors have been chosen and qualified. Except as otherwise provided in this charter, all elective town officers, boards and commissions shall have the powers and duties prescribed by law. (Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 2C, 5)

Section 2. Minority representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the town except the board of education shall be determined in accordance with the provisions of section 9-167a of the General Statutes, as amended. Minority representation on the board of education shall be determined in accordance with the provisions of section 9-204b of the General Statutes, as amended. The maximum number of such board, commission, committee or similar body who may be members of the same political party shall be as specified in the following table:

<i>Column I</i>	<i>Column II</i>
<i>Total Membership</i>	<i>Maximum from one Party</i>
3	2
4	3
5	4
6	4
7	5
8	5
9	6

*Column I**Total Membership*

More than 9

*Column II**Maximum from one Party*

Two-thirds of total membership

(11-6-90; Amend. of 11-5-2002; Amend. of 11-8-2005, § 2C)

Section 3a. Voting districts and enumeration.

There shall be two (2) voting districts designated the 1st and the 2nd district respectively. Voting district lines shall not be drawn so as to conflict with the lines of congressional, senate, or assembly districts as established by law. No change in the boundaries of voting districts shall be made within ninety (90) days prior to an election; and such boundaries, when altered shall apportion the voting districts and council members in such a manner as to assure substantial equality of representation in each voting district. The registrars of voters shall provide suitable polling places for each district but if the registrars fail to agree as to the location of any polling place or places, the town council shall determine the location thereof; the town council shall define boundaries of the area to be served by the aforesaid polling place or places; as boundaries between districts, the dividing line between the districts shall be considered to be the middle line of the street, road or highway in question. The mayor, town clerk, registrars of voters and all other officers of the town shall perform the duties required of them by law with respect to elections in the voting districts. All action taken under the provisions of this section shall be in accordance with sections 9-168 and 9-169 of the General Statutes, as amended.

(Amend. of 11-5-2002)

Section 3b. District registration and representation.

In accordance with the provisions of section 3a of this chapter, two (2) district voter registration lists shall be compiled by the registrars within one hundred twenty (120) days of the adoptions of this charter revision. District registration shall be the basis for voting for all town, state and federal officers; as well as for all

measures requiring a vote by ballot at regular and special elections, including referendums and town meetings. The boundary lines forming the two (2) town districts shall be as follows:

District #1

District 1 shall consist of that portion of the town located north of State Highway Route 6. There shall be two (2) councilpersons elected in the 1st district who shall be elected by the electors of the 1st district at large.

District 2

District 2 shall consist of that portion of the town located south of State Highway Route 6. There shall be two (2) councilpersons elected in the 2nd district who shall be elected by the electors of the 2nd district at large.

There shall be one (1) councilperson elected who shall be elected by the electors of the combined (townwide) 1st and 2nd districts at large.

(Amendment of 11-5-2002)

Section 4. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of section 9-332 of the General Statutes, as amended, to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election shall be held on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates or issues. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

Section 5. Vacancies.

Any vacancy in any elective town office, excluding the mayor and the town council members, from whatever cause arising, shall be filled by appointment by the town council for the

unexpired portion of the term or until the next biennial election, whichever shall be sooner, provided that when a person vacating the office 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 a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term. Such person shall take office upon election. The mayor and the town council members vacancies shall be filled by special elections, outlined in sections 5a and 5b. (A)

Section 5a. Special elections.

If any council member shall die, resign or remove his or her residence from his or her district or town, or for any other reason, the position shall be filled by special election within the district, if more than six (6) months remain of the term. If more than six (6) months remain of the term, the position shall be filled in the interim period prior to the special election by appointment by the mayor of an elector of the same political party and district as the council member who vacated his or her position, and shall be approved by the council within two (2) weeks. If less than six (6) months remain, it shall be filled by the mayor and shall be from the same political party and district as the council member who vacated his or her position, and shall be approved by the council within two (2) weeks. (A)

Section 5b. Mayor.

A vacancy in the office of the mayor shall be filled by and from the council. If filled by a council member he shall resign from the council and assume the duties of the mayor. If a vacancy in the office of mayor cannot be filled from the council, a special election shall be held. (A)

(Amend. of 11-5-2002)

Section 6. Eligibility.

No person shall be eligible for election to any town office who is not at the time of his election an elector of said town and any

person ceasing to be an elector of said town shall immediately cease to hold said office. No person shall be eligible for election to any council district seat who is not an elector of said district. (Amend. of 11-8-2005, § 1D)

Section 7. Recall of elective officers.

Any elective officer of the town may be recalled and removed from public office by the electors of the town as herein provided. Any elector of the town may file with the town clerk a petition conforming to the requirements of section 7-9 of the General Statutes, as amended, except as provided herein, and containing the name and title of the elective officer whose removal is sought and a statement of the grounds for his removal. Conviction for the commission of a felony or misdemeanor, malfeasance, and/or conduct, which is in direct and serious violation of the procedures and ethical standards contained in section 3, chapter IX of this charter shall be considered sufficient cause for recall. Said petition shall be filed with said clerk not later than thirty (30) days from the day the first copy or page thereof was received from or approved by said clerk as provided in said section 7-9 and it shall be signed in ink or indelible pencil by electors of the town equal in number to at least fifteen (15) percent of the electors registered at the last regular municipal election, provided, no recall petition may be filed against any officer until he has held his office for at least six (6) months. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said section 7-9. If, within five (5) days after receipt of last page of said petition within the time provided herein, the town clerk shall determine the petition and the affidavits to be sufficient in the manner prescribed in section 8 of this chapter, a recall vote shall be taken within one hundred ten (110) days but not sooner than ninety (90) days after such final determination, provided that no such vote shall be taken if the term of office of such elective official shall expire within one hundred fifty (150) days after such determination or if such elective officer shall resign from such office before the taking of such vote. Said recall vote shall be called and conducted in the same manner as is provided in the General Statutes for the call and conduct of a special election. The form of the question to be voted upon shall be

substantially as follows: "Shall (here insert the name and title of the elective officer whose recall is sought) be recalled?" A majority vote of the electors to recall such elective officer shall not be effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted. Recall of such elective officer shall become effective upon certification of the results of the voting thereon regardless of any defect in the recall petition. If any elective officer shall be recalled, the vacancy created thereby shall be filled in accordance with the provisions of section 5 of this chapter.

(Amend. of 11-8-2005, § 1B)

Section 8. Determination of sufficiency.

The town clerk shall, upon filing of any petition for nomination or election, proceed forthwith to determine its sufficiency by comparing the name of the candidate and the signatures thereon with the latest official lists of the registrars of voters and with petitions already filed for the same office. If the town clerk finds the petition insufficient, he shall notify the candidate in writing forthwith and no further proceedings shall be had thereon except in accordance with an order of a judge of the Superior court of Litchfield County to whom an appeal may be taken from the decision of the town clerk, providing, nothing in this section shall be construed as preventing, in the case of petitions found to be insufficient, the obtaining of additional valid signatures and the refileing of the petition for nomination within the time limits prescribed for the presentation of the original petition. Any such petition shall be recorded as of the time it is refiled.

CHAPTER III. THE TOWN COUNCIL

Section 1. The council.

There shall be a town council consisting of five (5) members, hereinafter referred to as the council, the members of which shall serve with compensation to be fixed by the board of finance and shall receive reimbursement of actual expenses incurred in the

performance of official duties. No member of the council shall hold any office of profit under the government of the Town of Plymouth, nor shall they, during the term of office for which they are elected. (Amend. of 11-5-2002)

Section 2. Presiding officer.

The town council shall meet at a time to be decided upon by the mayor on the second Monday after its election, with the mayor presiding. The mayor shall be chairperson of the town council and shall preside at all council meetings. The mayor shall vote only in the event of a tie vote by the council. The mayor shall appoint an acting mayor from the council to serve in the mayor's absence(s) from meetings or from town. The acting mayor, as temporary chairperson of the council, shall preside in the same voting manner as the mayor and shall also retain his/her vote as a council member. A vacancy in the office of the mayor shall be filled from the council. When a council member is elected by the council to fill a vacancy in the office of mayor and assumes the powers and duties of the mayor until the next biennial election, the council member shall resign from the council. The council shall fill the resulting vacancy for the remainder of the member's term. The remainder of the council member's term shall be filled in accordance with chapter II, section 5a. (11-7-89; Amend. of 11-5-2002)

Section 3. Procedure.

At the first meeting of the council following each biennial town election said council shall by resolution fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall by resolution determine its own rules of procedure. All meetings of the council for the transaction of business shall be open to the public, which public shall have in put throughout the meeting, and the votes shall be recorded as prescribed by section 1-21 of the General Statutes, as amended. The mayor as chairperson of all council meetings, shall reasonably regulate such public addresses and discussion. Four members shall constitute a quorum, but no ordinance, resolution, or vote, except to adjourn or to fix the time and place of the next meeting, shall be adopted by less than three affirmative votes,

and the mayor only to vote to break a tie. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title. The council may appoint a clerk and fix the compensation of said clerk. The council shall keep for public inspection a journal of all its proceedings, including all roll-call votes, which shall be the official record of its proceedings. Said journal shall be maintained by the clerk of the council. The record so kept shall be authenticated for each meeting by the signature of the chairperson or the clerk, or of both.

(Amend. of 11-5-2002; Amend. of 11-8-2005, § 2C)

Section 4. General powers and duties.

The town council shall have the powers and duties which, on the effective date of this charter were conferred by law upon officers, boards and commissions of said town existing immediately prior to such date except as otherwise specifically provided in this charter. The legislative power of the town shall be vested exclusively in the council, except as otherwise provided in sections 5a, 5b and 7 of this chapter. Said council shall have the power to add items of importance to a referendum or call for a referendum previously approved either by the council or by initiative petition as provided in section 5a, of this chapter, to enact, amend or repeal ordinances not inconsistent with this charter or the General Statutes of the state; to create or abolish, by ordinance, boards, commissions, departments and offices; and the council may, upon recommendation of the mayor contract for services and use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may, by agreement join with any such political subdivision to provide services and facilities. The council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules or regulations in the office of the town clerk for examination by the public. Said council may by resolu-

tion regulate the office hours for all departments in the town hall except for board of education. Said council may fix the charges, if any, to be made for services rendered by the town or for the execution of powers vested in the town as provided in chapter I of this charter.

(Amend. of 11-5-2002)

Section 4a. Council powers on appointed commission, board and authority membership.

The town council shall be furnished a written statement of qualifications and have the opportunity to interview all prospective members of all boards, commissions and authorities. The town council may vote to request: the resignation, censure, suspension or termination of any commission, board or authority member for acts beyond granted authority, waste, continual absence, negligent attention to significant activities, failure to perform duties, failure to cooperate in the interests of the town, or other liability issues necessary to properly execute the functions of the Town of Plymouth. In matters that are unethical, fraudulent, or of grave seriousness, immediate action can be taken. Due process proceedings must be afforded such membership activities and actions related to this section. The town council must have a quorum, and a majority of those present must vote in favor of such action.

(11-7-89; Amend. of 11-5-2002)

Section 5a. Power of initiative.

The electors of the town shall have the power to propose ordinances of the council. If the council fails to adopt an ordinance so proposed without any change in substance within thirty (30) days after a petition making such a proposal shall have been certified to the council as provided herein, the electors may adopt or reject the same at a referendum called by the council and held within ninety (90) days after such proposed ordinance has been certified to the council. Any such petition may be filed by any elector of the town with the town clerk and, except as provided herein, such petition shall conform to the requirements of section 7-9 of the General Statutes, as amended. Said petition shall contain the full text of the ordinance proposed and shall be signed

in ink or indelible pencil by electors of the town equal in number to at least fifteen (15) percent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said section 7-9. The town clerk shall, within five (5) days after receipt of the last page of said petition within the time provided herein, determine the petition and the affidavits to be sufficient in the manner prescribed in chapter II, section 8 of this charter and certify said petition to the council. A majority vote of the electors to adopt the proposed ordinance shall not become effective unless a total of at least twenty (20) per cent of the electors entitled to vote on the question shall have voted. Said ordinance shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended by the council except by vote of the electors.

(Amend. of 11-8-2005, § 1B)

Section 5b. Power of referendum.

The electors of the town shall have the power to approve or reject at a referendum as herein provided any ordinance adopted by the council, except emergency ordinance adopted in accordance with the provisions of section 6 of this chapter. Ordinances submitted to the council by initiative petition as provided in section 5a of this chapter and adopted by the council shall be subject to a referendum in the same manner as other ordinances. Within twenty (20) days after the publication of any ordinance as provided in section 5a of this chapter, which ordinance may be subject to referendum as provided herein, a petition requesting that such ordinance be either repealed or submitted to a vote of the electors may be filed by any elector of the town with the town clerk. Any such petition shall conform to the requirements of section 7-9 of the General Statutes, as amended except as provided herein. Said petition shall contain the full text of the ordinance to be repealed or submitted to referendum and shall be signed in ink or indelible pencil by electors of the town equal in number to at least fifteen (15) per cent of the electors registered at the last regular municipal election. Said petition shall be

accompanied by affidavits signed and sworn to by each circulator as provided in said section 7-9. The town clerk shall within five (5) days after receipt of the last page of said petition within the time provided herein, determine the petition and the affidavits to be sufficient in the manner prescribed in chapter II, section 8 of this charter and certify said petition to the council. Upon the filing of such petition with the town clerk the effective date of such ordinance shall be postponed, if necessary, to the certification by said clerk that the petition is not sufficient or to the certification of the results of such referendum. If the council fails to repeal such ordinance, the question of repeal thereof shall be submitted to the electors at a referendum called by the council and held within thirty (30) days after the petition for referendum has been certified to the council. A majority vote of the electors to repeal such ordinance shall not become effective unless a total of at least twenty (20) per cent of the electors entitled to vote on the question shall have voted.

(Amend. of 11-8-2005, § 1B)

Section 5c. Public hearing on and publication of ordinances.

At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a circulation in said town, and by posting a notice in a public place, shall be held by the town council before any ordinance shall be passed. Every ordinance, after passage, shall be given a serial number and be recorded by the town clerk in a book to be kept for the purpose which shall be properly indexed. Within the ten (10) days after final passage all ordinances shall be published once in their entirety in a newspaper having circulation within the town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21) day after such publication following its final passage.

Section 5d. Petition for special town meeting.

The council shall, within ten (10) days of receipt of a properly filed and certified petition, signed by a minimum of five (5) per cent of the town electors, schedule a special town meeting for the exclusive purpose stated in the electors petition. The petition

shall request the meeting for the sole purpose of acting upon the resolution described, and shall be properly signed, with the address of the elector residence listed, and dated by the prescribed number of electors. The petition shall be delivered to the mayor, who shall within five (5) days of receipt cause the petition to be certified by the town clerk. Upon proper certification, the mayor shall submit the petition at the next regularly scheduled meeting of the council, provided such meeting is scheduled within fifteen (15) days of the receipt of the petition. In the event that no council meeting is scheduled within the time period herein prescribed, the mayor shall call for a special meeting of the council to act forthwith upon the petition. In the event that the petition includes a request for the expenditure of funds, either from the general fund or any special fund available to the town, such petition, or that portion thereof pertaining to such an expenditure, shall be submitted to the board of finance for a recommendation as to the approval or disapproval of the expenditure. The special town meeting shall be conducted in accordance with recognized parliamentary procedure, with a presiding chairperson, properly nominated and elected from the floor. The meeting shall have complete legislative authority to act upon the resolution properly submitted and seconded at the meeting, provided the resolution is consistent with the provisions of this charter and the General Statutes of the State of Connecticut. In the event that the resolution, or any portions thereof includes a request for the expenditures of funds and the board of finance has not recommended the approval of the afore-said expenditure, it shall require an affirmative vote of two-thirds or more of the electors and qualified taxpayers assembled at the special town meeting to approve the resolution. The council may, after a period of at least six (6) months, rescind any action taken at a special town meeting. However, in the event of a second special town meeting, which votes upon the same resolution as originally submitted prior to any council rescinding action, the decision of the second town meeting shall be considered final. Such town meeting action could only be subsequently rescinded by town ordinances or charter revisions.

(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1B, C)

Section 6. Emergency ordinances.

An ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become

effective immediately after publication thereof as required in section 5c of this chapter and no public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance including amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61) day following final passage of said ordinance.

Section 7. Approval of ordinances by the mayor.

Every ordinance except an emergency ordinance shall, before it becomes effective, be certified to the mayor for his approval. The mayor shall sign the proposed ordinance, if he approves it, whereupon, subject to the provisions of section 5c of this chapter, it shall become effective. If he disapproves a proposed ordinance he shall within five (5) days return it to the clerk of the council with a statement of the reasons for his disapproval which statement shall be transmitted by said clerk to the council at its next regular meeting, as an agenda item. After such ordinance has been returned with the mayor's disapproval, if the council shall pass the proposed ordinance by an affirmative vote of at least four (4) members, it shall become effective without his approval subject to said section 5c. If the mayor does not return the proposed ordinance within the time required, it shall become effective without his approval subject to said section 5c.

Section 8. Relations to administrative service.

Neither the town council nor any of its members shall direct or request the appointment of any person to any office or employment, or direct or request the removal of any person from any office or employment which office or employment, by the provisions of this charter, the mayor or any of his appointees are empowered to fill by appointment, provided the mayor may seek advice from the council regarding appointments and provided further the council may prefer charges in writing against any officer or employee appointed by the mayor in the manner hereinafter prescribed for the removal of officers and employees. The council and its members shall deal with the administrative service solely through the mayor and neither the council nor any member thereof shall give orders to any of the subordinates of the mayor either publicly or privately, provided a properly consti-

tuted meeting of the council, may call before it any employee or officer for the purposes of investigation. Any council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall cease to be a council member.

Section 9. Fiscal year.

The Town of Plymouth shall operate under the uniform fiscal year, July 1 through June 30. The council shall have power to adjust the fiscal year of the town to coincide with the tax year or to adjust either or both to the end that they may coincide.

Section 10. Investigation.

The town council shall have power to investigate any and all departments, offices and agencies of the town and for such purposes shall have the power to issue subpoenas to witnesses to appear before the council to testify on any matter under investigation. Notice of said hearing shall be personally served upon the officer or employees at least fifteen (15) days prior to the date set for the hearing.

CHAPTER IV. OFFICERS[,] BOARDS AND COMMISSIONS APPOINTED BY THE COUNCIL

Section 1. Planning and zoning commission, zoning board of appeals.

There shall continue to be a planning and zoning commission, consisting of five (5) members and three (3) alternates appointed by the council for a term of three (3) years, and a zoning board of appeals, consisting of five (5) members and three (3) alternates appointed by the council for a term of three (3) years, which shall have the powers and duties vested in them on the effective date of this charter or as may be conferred on them by ordinance and by the General Statutes of the State of Connecticut. The members of the planning and zoning commission and of the zoning board of appeals in office on the effective date of this charter shall continue in office for the unexpired portions of their terms.

(Amend. of 11-5-2002)

Section 2. Housing board of appeals.

There shall continue to be a housing board of appeals as provided by the town meeting resolution of March 9, 1970, as amended. The board shall consist of five (5) members and two (2) alternates. Upon adoption of this charter, the town council shall thereafter appoint members and alternates for three (3) year terms to succeed the members and alternates whose terms expire. Board vacancies that may occur, shall be filled by the council. The board shall function in accordance with the provisions of the town housing code, as amended, and as may be further directed by the council.

(Amend. of 11-5-2002; Amend. of 11-8-2005, § 2B)

Section 3a. Town of Plymouth, parks and recreation commission.

There shall be a Town of Plymouth, parks and recreation commission consisting of seven (7) members. Members shall be appointed by the town council and shall be reappointed or replaced every three (3) years. The town council shall be authorized to fill any vacancy.

(Amend. of 11-5-2002; Amend. of 11-8-2005, § 2B)

Section 3b. Purposes and powers (parks and recreation commission).

The purposes and powers of the parks and recreation commission shall be: To serve the needs, general and specific, of all Town of Plymouth citizens in matters of recreation; to serve as a liaison between the Town of Plymouth citizens and the governing body of the town in matters regarding recreation; to have the power to establish places for recreation and gathering conducive to the needs and requirements of town citizens; to assist the citizens of the Town of Plymouth and groups thereof in the development of desires, skills, and talents so as to become participating and contributing members of the community; to have the power to define, initiate, coordinate, and administer policies and programs by, with and for the citizens of the Town of Plymouth regarding the matters of recreation; to advise, and discover with the help of existing organizations, departments and the general public as to

areas of concern in matters regarding recreation and to coordinate same; to administer and supervise Town of Plymouth recreation areas throughout the town including Lake Winfield, Memorial Playground and the youth center and any other recreation areas established in the future; to assume responsibility for the direction of recreational programs throughout the town; to provide for the daily maintenance of town-owned parklands and grounds while being used for recreation; to have the authority to appoint volunteer service workers to implement the various recreation programs. The parks and recreation commission will have the right to hire a director and personnel to carry out the above mentioned programs. The director and all personnel so hired shall be governed by the Town of Plymouth Personnel Policies and Procedures or the Town Hall Employees' Union Contract, as appropriate.

(11-7-89; Amend. of 11-5-2002; Amend. of 11-8-2005, § 2B)

Editor's note—An amendment adopted Nov. 8, 2005, § 2B, delete chapter II, §§ 2 and 3 in their entirety and renumber the existing chapter II, §§ 4, 5 and 5a as chapter II, §§ 2, 3a, and 3b. Former chapter II, §§ 2 and 3 pertained to urban renewal and housing agency, and Bristol-Plymouth regional industrial and development commission, respectively. For a complete history of former chapter II, §§ 2 and 3 see the Charter Comparative Table.

CHAPTER V. THE MAYOR

Section 1. Election and qualification.

At each town election a mayor shall be chosen by the electors of the town. Such mayor shall serve for a term of two years and until his/her successor shall be elected and qualified and shall take office on the first Monday following the town election. The mayor shall be the chief executive officer of such town and shall receive such compensation as shall be fixed by the board of finance.

(11-6-90; Amend. of 11-5-2002)

Section 2. Duties.

The mayor shall be directly responsible for the administration of all departments, agencies, and offices and also in charge of persons or boards appointed by the mayor and shall supervise

and direct the same. The Mayor shall cause to be publicly posted and publicly advertised all job openings once labor union agreements have been satisfied. The Mayor shall see that all laws and ordinances governing the town are faithfully executed; shall make periodic reports to the town council and shall attend its meetings; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year an annual town report; shall recommend to the council such measures as he may deem necessary or expedient; shall keep the council fully advised as to the financial condition of the town; shall compile preliminary estimates for the annual budget and submit same to the board of finance as provided in chapter VII, section 2, of this charter and shall exercise such other powers and duties as may be authorized by the ordinance or resolution of the council not inconsistent with this charter. The council shall not diminish by ordinance, vote or otherwise the powers and duties of the mayor, except those powers and duties imposed on him by the council under the provisions of this section. The mayor on behalf of the town council shall be the recipient of any petition for a special town meeting, and shall thereupon comply with the provisions established in section 5d, chapter III of this charter.

(Amend. of 11-8-2005, § 13)

Section 2a. Annual town report.

The annual town report, in published form, will be available to the public no later than October fifteenth of each year.

Section 3. Appointments and terms.

The mayor shall appoint all department heads and other officers and employees of the town, except as otherwise specifically provided by this charter and except employees in the offices of elected officers or boards and boards appointed by the town council. The terms of all such appointees shall terminate on the same date as the term of the mayor except such appointees may continue to serve until their successors are appointed and qualified. In lieu of any appointment by the mayor or any of his appointees to any office under his jurisdiction, the mayor may, subject to the approval of the council, perform the duties of any office under his jurisdiction, except those of the town treasurer,

provided in case the town treasurer is absent or unable to act, the mayor may countersign checks in accordance with the provisions of chapter VII, section 8 of this charter. The mayor may remove or fill any vacancy on any appointive commission, board or agency, with approval of the town council. Conviction for the commission of a felony or misdemeanor, malfeasance and/or conduct which is in direct and serious violation of the procedures and ethical standards contained in chapter IX, section 3, subsections 3 and 4, of this charter shall be considered sufficient cause for recall.
(Amend. of 11-8-2005, § 2C)

Section 4. Administrative assistant.

The mayor may appoint for an indefinite term and may remove an administrative assistant. The position of administrative assistant shall not be included in the classified service. The board of finance shall set the salary for this position.
(Amend. of 11-5-2002)

CHAPTER VI. OFFICES AND DEPARTMENTS

Section 1. Town attorney.

The mayor shall appoint and may remove, a town attorney, who shall be an attorney at law admitted to practice law in this state. He shall appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. He shall be the legal advisor of the town council, the mayor, and all town officers, boards and commissions in all matters affecting the town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. He shall have power, with approval of the council, to appeal from orders, decisions and judgments and, subject to the approval of the council, to compromise or settle any claims by or against the town. If in special circumstances or for

any investigation under chapter III, section 10 the council deems it advisable, it, by resolution, may provide, in addition, for the temporary employment of counsel other than the town attorney.

Section 2. Director of emergency management.

Except as provided in chapter V, section 3 of this charter, the mayor shall appoint and may remove, all in accordance with the provisions of section 28-7 of the General Statutes, as amended, a local director of emergency management who shall have those powers and duties provided in said section 28-7 except as otherwise provided in this charter.

(Amend. of 11-5-2002)

Section 3. Town clerk.

A town clerk shall be elected for the term of four (4) years in accordance with chapter II, section 1, from the first Monday in January next succeeding such election. The town clerk shall receive a compensation to be fixed by the board of finance. The town clerk of said Town of Plymouth chosen as herein before provided shall continue to discharge all duties required of him by law. He shall be registrar of vital statistics and shall index all records without extra compensation therefor. On or before the fifteenth of each month said town clerk shall make report to the town treasurer of all fees collected by him during the preceding month and shall pay the amount of the same to said treasurer. On or before the fifteenth day of July in each year, beginning in 1976, he shall submit to the mayor an account of his doings and the doings of his office for the preceding year ending June thirtieth, which shall contain a statement of all monies received and expended during said year. He shall send, immediately after it takes effect, a copy of any ordinance, resolution or order of the town council and any resolution or order of any board or committee of which he is clerk to each department or officer affected thereby. He shall issue all notices and warnings of the meetings of the town council and of its committees, which notices or warnings shall be given and served as may by ordinance be provided, and shall perform such other duties as may be required by the ordinances of the town and/or this charter. He shall publish all town ordinances as soon as the same are enacted, and record the

fact and date of each publication. He shall make, upon the records of said town, entries of his own acts in serving and publishing notices or orders passed by the town council. Said clerk shall keep his office open during such hours of each business day as the ordinances of the town shall direct. Said clerk may, with the approval of the mayor, appoint one (1) or more deputies, who after having taken the oath or affirmation provided by law for town clerk, shall assist said clerk, and when acting in the discharge of their clerical duties shall have all the powers and duties of said clerk. All acts of said deputies and all records kept by them shall have the same validity and effect as acts and records of said clerk. Said deputies may be removed by the said clerk at any time with the mayor's approval. The salary of said town clerk shall be fixed by the board of finance and paid by said town, and said salary shall be in lieu of all other compensation for the services of said clerk. The office expenses of said clerk, when approved by the town council shall be paid by said town. All records hitherto kept, or which may hereafter be kept, by a clerk or deputy clerk of said town, shall have the same validity as the records of town clerks, and shall be in all courts prima facie evidence of the truth of the matters therein recorded. Of any official records hitherto kept or which may hereafter be kept, by the clerk of said town, or by any deputy clerk thereof, a copy certified under the hand of any such recording officer shall be received in all courts as evidence, in the same manner as the original record would be received.

(11-6-90; Amend. of 11-5-2002; Amend. of 11-8-2005, § 2C)

Section 4. Finance.

A board of finance shall be elected in accordance with the provisions in chapter II, section 1(a) herein. Except as provided in this charter, said board shall organize, call regular and special meetings, perform all duties and conduct its business within the time and in the manner required of town boards of finance organized and existing by authority of the General Statutes. Four (4) members of the board shall constitute a quorum. Said board shall meet within one (1) month from the date of any election as authorized in chapter II, section 1(a) and shall elect a chairperson and clerk. If these officers are not chosen within one (1) month after the election because of a tie vote of the members, the mayor

must choose officers from the membership of the board of finance. The chairperson presides at all meetings, shall vote only in the event of a tie vote by the board. Any expenditure reviewed and recommended for approval by the board of finance, and which required town meeting approval, may be approved at the town meeting by majority vote of the electors and qualified taxpayers assembled at the aforesaid town meeting, voting in favor of the expenditure. In the event that the board of finance has not recommended approval of the expenditure, a ballot vote of two-thirds or more of the electors and qualified taxpayers assembled at the town meeting voting in favor of the expenditure shall be required. (Amend. of 11-8-2005, § 1C)

Sub. 1a. The council may, by ordinance, create the office of the comptroller who then shall be appointed by the mayor and approved by the council and shall be responsible for the keeping of accounts and financial records, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the town council. Accounts shall be kept by the comptroller showing the financial transactions for all departments and agencies of the town. Forms for such accounts shall be prescribed by the comptroller with the approval of the mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the mayor.

Sub. 2. A three-member board of assessors shall be elected in accordance with the provisions of section 1, chapter II of this charter. The board shall assess real and personal property in accordance with the General Statutes of the State of Connecticut and recognized professional assessment methods, and keep adequate and complete records of said assessments.

Sub. 3. The tax collector shall be elected and assume office as provided in chapter II, section 1 of this charter. He shall collect all taxes duly laid by the Town of Plymouth, and having received a warrant for the purpose signed by the mayor of said town shall have the same powers as established by section 12-147 and section 12-148 of the General Statutes as collectors of town taxes now have by law, and shall be accountable to said town, and, in case the collector shall not perform his trust and on complaint of

the town council, the mayor shall issue his warrant under his hand, directed to any proper officer, to collect out of the estate of the negligent collector the sum due from his as ascertained by the town council. In addition to the duties which now or herein are imposed upon him by law, he shall perform all duties which but for the passage of this charter the tax collector would have been required to perform, and shall collect all assessments of every kind made by said town and other revenues, and shall perform all such duties relating to this office as shall be required of the tax collector by the ordinances of said town. The compensation of said collector shall be fixed by the board of finance. It shall be the duty of the collector, at the expiration of his term of office, whether by request, removal or otherwise to turn over and deliver to his successor in office all warrants, tax list, tax warrant, book of account, documents and papers of every description in any way relating to his office of the business thereof. (Amend. of 11-8-2005, § 2C)
(11-6-20)

Sub. 4. The treasurer shall be elected and assume office as provided in chapter II, section 1 of this charter. Except as specifically provided in this charter, the duties of the treasurer, shall be carried on as provided by chapter 94 of the General Statutes as amended. The treasurer, with the consent and approval of the mayor, shall appoint a deputy treasurer, who shall act in case of the absence, inability, disability or death of the treasurer, which deputy treasurer shall be from the same political party as the treasurer then holding office, and such person shall furnish a satisfactory bond in accordance with chapter 94, section 7-79 of the General Statutes, as amended. Each department, board, commission, committee or officer of said town and any person who shall collect or receive monies belonging to said town shall pay to the town treasurer, by the fifteenth day of each month, all monies so collected or received during the preceding calendar month. The treasurer, in cooperation with the tax collector, shall preserve and submit tax lists in accordance with section 12-149 of the General Statutes. Immediately following the year end audit of the treasurer's records said records, or a copy thereof, shall be made available to the mayor's office for incorporation with the annual town report.

Sub. 5. The tax collector, assessors and town treasurer shall have the powers and duties imposed by law on such officers, and shall have such other powers and duties as the council may prescribe.

Sub. 6. Purchases shall be made under such rules and regulations as may be established by the council, provided, if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of five thousand dollars (\$5,000.00) and less than ten thousand dollars (\$10,000.00), all persons responsible for purchasing, unless it shall be determined by the council to be against the best interests of the town, shall obtain not fewer than three written price quotations prior to making any purchase and, further provided, if any such purchase involves the expenditure of ten thousand dollars (\$10,000.00) or more, all persons responsible for purchasing, unless it shall be determined by the council to be against the best interest of the town, shall invite sealed bids or proposals, giving ten (10) days public notice thereof by publications at least once in a newspaper having circulation in the town. All such sealed bids or proposals shall be opened publicly.

(Amend. of 11-5-2002)

Section 5a. Department of public works.

The department of public works shall have supervision and control of the maintenance of all town owned structures, except such structures as are under the control of the board of education, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, sewers, sewage disposal, public and private drains, and other public improvements, town buildings, and the preservation, care and removal of trees within highways or public places, all engineering work of the town, and the collection and disposal of rubbish and trash. The department shall be responsible for the maintenance of all parks and grounds used for park purposes belonging to the town, and of buildings, structures, apparatus and equipment used in connection therewith; shall administer all laws, ordinances, and regulations, if any, governing the construction of buildings and

other structures, including, all plumbing, electrical, mechanical, gas and oil burner installations therein; and shall have other powers and duties as the town council may prescribe. Any provisions of this section to the contrary notwithstanding, the department of public works may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the board of education and approved by the council, provided the costs are charged against the board of education's appropriations.

(a) *The director of public works: Powers and duties.* Except as provided in chapter V, section 3 of this charter, the mayor, with council approval, shall appoint and may remove a director of public works who shall be responsible for the efficiency, discipline, and good conduct of the department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in chapter VIII of this charter, shall appoint and may remove such deputies, assistants and employees as he may deem necessary and shall prescribe their duties. He shall exercise his powers and discharge his duties under the supervision of the mayor. He shall organize the work of the department in such manner as he shall deem most economical and efficient. He shall be the tree warden and shall have all the powers and duties thereof as provided in chapter 451 of the General Statutes, as amended.

Section 5b-1. Police department.

The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the state, and the ordinances of the town and all rules and regulations made in accordance therewith. All members of the department shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes, and all powers and duties imposed by law on constables except as otherwise provided in departmental rules and regulations.

Section 5b-1(a). The chief of police: powers and duties.

The chief of police shall serve as command officer and manager of the police department, under the general supervision of the police commission. The chief of police shall be the department head of the police department. The chief of police shall appoint and may remove, subject to such rules, regulations and written guidelines as may be adopted for all officers and employees of the police department, pursuant to Town of Plymouth Personnel Policies and Procedures and existing union contracts. All such officers and employees shall, within a reasonable time after appointment, become residents of the town or a town, city or borough contiguous thereto. The chief of police shall assign all members of the department to their respective posts, shift details and duties. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the chief shall be grounds for dismissal or for appropriate disciplinary action. (11-7-89; Amend. of 11-5-2002; Amend. of 11-8-2005, § 11)

Section 5b-2. Police commissioners.

There shall be a police commission consisting of five (5) members, nominated by the mayor and approved by the town council, serving without compensation for a three-year term. Any vacancy to an unexpired term of the commission shall be filled by nomination of the mayor and approval of the town council. No member of the town council shall serve on the police commission during the member's term of office. The commission shall elect a chairperson annually from its membership. The commission shall recommend a candidate for the position of police chief to the town council for its approval. The police commission may remove with town council approval, the chief of police, such removal being subject to the provisions of section 6-278 of the General Statutes as amended. The police commission shall be the policymaking unit for the police department. The commission, subject to the approval of the town council, shall make general rules and regulations for the governance of the police department. The commission shall review and recommend the annual budget,

establish and revise basic administrative policies, and establish criteria and guidelines for the employment, education, training, promotion and appropriate disciplinary action of police department personnel. The commission shall hear appeals from any member of the police department concerning personnel problems unresolved by the chief of police. The commission shall be the Traffic Authority of the Town, and as such, may adopt rules and regulations for the control of traffic and parking consistent with the General Statutes and the ordinance of the town.

(11-7-89; Amend. of 11-5-2002; Amend. of 11-8-2005, s; 12)

Section 5c-1. Terryville fire department.

The fire department shall be responsible for the protection of life and property within the town from fire. So long as the Terryville Fire Department, Inc., shall continue to function, its care and management shall be vested in the board of fire commissioners. The chief and assistant chiefs shall be appointed in the following manner: The fire department shall submit a list within the first fifteen (15) days of October to the board of fire commissioners of names for offices of chief and assistant chiefs as recommended by the fire department membership. The board of fire commissioners shall have the power to accept or reject any or all names submitted for appointment within fifteen (15) days. In the event of rejection(s), the fire department shall be notified, in writing, of the reason(s) for specific rejection(s). The fire department shall submit a new or existing list of names within fifteen (15) days. If the second slate of names is rejected in part or in total, the board of fire commissioners shall notify the fire department and the town council within fifteen (15) days. In this event, the town council shall submit to the board of fire commissioners a list containing one (1) qualified name from within the Terryville Fire Department, Inc., for each office, and the board of fire commissioners shall, within fifteen (15) days from the receipt of said list, appoint such names to such offices as submitted by the council. Said appointments shall commence within thirty (30) days from the date of approval by either the board of fire commissioners or the town council, and the appointees shall serve for terms in accordance with the by-laws of the Terryville Fire Department, Inc. The chief shall be responsible for the efficiency,

discipline and good conduct of the department and for the care and custody of all property used by the department. In the event that any or all members of the Terryville Fire Department, Inc., become salaried employees of the department, they shall be governed by the rules and regulations of this charter as provided under the classified service, chapter VIII, section 2, and the merit system, chapter VII, section 1.
(11-7-89; Amend. of 11-5-2002)

Section 5c-2. Board of fire commissioners.

The board of fire commissioners shall consist of seven (7) members of the Town of Plymouth who shall be appointed by the mayor and approved by the council and shall serve without pay. The term of office for each commissioner shall be for three (3) years. The duties of said board of fire commissioners shall be the appointment of a chief and assistant chiefs of the fire department in accordance with chapter VI, section 5c-1 of this charter, the buying of all supplies of said fire department and the general supervision of all matters pertaining to the fire department.
(Amend. of 11-5-2002; Amend. of 11-8-2005, § 2A)

Section 5c-3. Fire marshal.

The board of fire commissioners shall appoint a fire marshal who shall be qualified and shall perform the duties and shall serve as prescribed by the General Statutes.

Section 5d. Health department.

The health department shall be responsible for the preservation and promotion of the public health and shall perform such functions and shall have such powers and duties as are imposed by law on directors of health and such other powers and duties as the council may prescribe.

Section 5d-1. The director of health; powers and duties.

The mayor, subject to the provisions of the General Statutes relating to the appointment of the directors of health, shall appoint a director of health who shall be administrative head of the health department. The director shall organize the work of

said department in such manner as he shall deem most economical and efficient. Subject to the provisions of the General Statutes and in accordance with such rules and regulations as may be adopted pursuant to the merit system provision of chapter VIII of this charter, he may appoint and may remove assistants and employees. He shall be charged with the enforcement of all laws, ordinances, rules and regulations in respect to the public health.

Section 5d-2. Board of public health.

There shall be a board of public health, membership to be determined by the by-laws. It shall be, in conjunction with the director of health, the governing authority of the Plymouth Visiting Nurse Association. The town council may, at its discretion or upon the recommendation of the board of public health, increase or decrease the number of members on said board and expand the authority and/or responsibilities of said board.

(Amend. of 11-5-2002)

Section 5d-3. Plymouth Visiting Nurse Association.

The Plymouth Visiting Nurse Association shall be the official public health nursing and home health agency of the Town of Plymouth.

(Amend. of 11-5-2002)

Section 5d-4. Town sanitarian.

The sanitarian shall be appointed by the director of health, shall be responsible to the director of health and shall be his authorized agent. The duties of the sanitarian must be in compliance with the State of Connecticut Sanitarian Registration requirements, the Public Health Code of the State of Connecticut, and all environmental laws.

Section 5e. Human services department.

The town council may create, by ordinance, a human services department which shall have all of the powers and duties relating to persons needing such human services as vested by law in the

selectmen of towns. Until such time as a specific department is established, the office of the mayor shall have the powers and duties normally vested by law in the selectmen of towns.

Director of human services, powers and duties: Except as provided in chapter V, section 3 of this charter, the mayor shall appoint, supervise and remove a director of human services. The director shall be responsible for the efficiency, discipline and good conduct of the department, and shall appoint and may remove, subject to rules and regulations as may be adopted pursuant to the merit system provisions of chapter VIII of this charter and other employee contracts that may be in force, all other officers and employees of the department. The director shall be in charge of the administration of all human service activities of the town and shall have such other duties and powers as the council may prescribe. The human services director must attend human services commission meetings.

Sub 1. Human services commission. The Town of Plymouth foresees that a human services commission for citizens who are seniors, veterans, handicapped or citizens who have other human resources needs is necessary to advise on the development, implementation, coordination of the town's resources for such citizens' programs, policies and activities. The Town of Plymouth endorses the policy that no qualified person shall, on the basis of age, sex, ethnic or religious background, political affiliation, race, or handicapping condition, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, activity, or personnel matter. The global goals of the commission are to achieve an effective, efficient and systematic delivery of public citizens' resources, and to propose responsive and reasonable means whereby the need of seniors, veterans, handicapped or citizens who have other human resources needs be met.

There shall be a board of seven (7) commission members appointed by the town council. All appointments shall be for three (3) year terms. The town council may at its discretion, or upon recommendation of the human services commission, increase or decrease the number of members on said commission and expand

the authority and/or responsibilities of said commission. The commission shall be responsible to the town council and the mayor and shall submit an annual report to the mayor.

The Town Council shall, by ordinance, delineate the specific duties and responsibilities of the Commission.
(11-6-90; Amend. of 11-5-2002)

Section 5f. Plymouth Economic Development Commission (formerly known as the Industrial Development Commission).

There shall continue to be an economic development commission which shall have the powers and duties vested in it on the effective date of this charter or as may be conferred on it by ordinance and by the general statutes of Connecticut. The membership of said commission shall consist of at least five (5) members of the Town of Plymouth, appointed by the mayor. New appointments to succeed members whose terms have expired, or appointments for expanded membership, shall be made by the mayor upon recommendation of said commission. The members of the Plymouth Economic Development Commission in office on the effective date of this charter shall continue in office for the unexpired portion of the prescribed five (5) year terms. The members of the commission shall receive no compensation except for the necessary expenses incurred in the performance of their official duties. Said commission shall have the authority and duties, and may ask appropriation for its necessary expenses as provided in the general statutes. It may appoint a director when such is necessary and justified. The commission should also involve itself directly with the commercial economy, so as to spur the overall economic structure in the Town of Plymouth.
(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1D, 2A)

Section 5g. Reserved.

Editor's note—An amendment adopted Nov. 8, 2005, § 2B, delete chapter VI, section 5g in its entirety. Former chapter VI, section 5g pertained to regional planning commission.

Section 6. Official bonds.

The mayor, town clerk, comptroller, treasurer, tax collector, director of public works and such other officers and employees as

may be required to do so by the council shall, before entering on their respective official duties, execute to the town, in the form prescribed by the council and approved by the town attorney, and file with the town clerk, a surety company bond in a penal sum to be fixed by the council, conditioned upon honesty and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the council, if it deems it to be in the best interest of the town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which department, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

Section 7. Salaries.

Salaries of all directors and of all employees in the classified service of the town shall be determined by the council, in conformity with a systematic pay plan for the positions involved, upon recommendation of the mayor, provided nothing herein shall be construed to limit the power of the board of education to fix the compensation of employees of the school system.

Section 8. Board of public safety.

The board of public safety shall continue to function consistent with the town ordinance approved by the town meeting of May 26, 1969, except that the mayor shall be chairperson of said board. The membership of the board of public safety shall consist of the police chief, director of emergency management, public works director, health director, chairperson of the board of fire commissioners, fire chief, fire marshal, chairman of the police commission, director of ambulance corps., director of the Visiting Nurse Association, superintendent of schools, and comptroller. The membership of said board may be altered by the council at its discretion. The board shall meet at least annually, and may meet more often at the call of the mayor, or upon the petition of at least three (3) members of the board to the Mayor. The board of public safety shall be a coordinating agency with no legislative or executive authority beyond that invested in each of the individual members. Recommendations as deemed necessary shall be made.

to the town council. In the event of an emergency the mayor may at his discretion as the town chief executive officer, convene the board of public safety on short notice.

(Amend. of 11-5-2002; Amend. of 11-8-2005, § 9)

Section 9. Cemetery committees.

There shall continue to be a Hillside Cemetery Committee and a Plymouth Cemetery Committee, each to consist of three (3) members [of Plymouth], who shall be appointed by the mayor and whose terms of office shall be for three (3) years from the first day of July of each year in which they are appointed and until their successors are appointed. All persons appointed to said committees to fill vacancies shall be appointed for the remainder of the unexpired term. Said committee shall have the power to make all rules and regulations for the maintenance, supervision and operation of their respective town owned cemeteries and other cemeteries made available for town use and placed under the cemetery committee's jurisdiction by the town council. The town council may abolish these committees and appoint in their place one (1) cemetery committee for the Town of Plymouth.

(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1B, 2A)

Section 10. Reserved.

Editor's note—An amendment adopted Nov. 8, 2005, § 2B, deleted chapter VI, section 10 in its entirety. Former chapter VI, section 10 pertained to Plymouth redevelopment agency. For a complete history of former chapter VI, section 10 see the Charter Comparative Table.

Section 11. Library board.

There shall continue to be a library board consisting of nine (9) members elected as provided in chapter II, section 1, of this charter. Said board shall retain the authority to invest trust funds as provided by the town meeting resolution approved April 10, 1967. Such board shall have all the powers and duties not inconsistent with this charter conferred or imposed by the General Statutes on boards of directors of libraries and shall have such other powers and duties as may be prescribed in this charter or by the council.

Section 12. Conservation and inland-wetlands commission.

There shall continue to be a conservation and inland-wetlands commission consisting of five (5) regular members and two (2) alternate members appointed in accordance with the ordinance of July 23, 1973, and the revision to the charter adopted November 8, 1977. Appointments shall be for three (3) year terms. The commission shall be charged with the development and conservation of natural resources including water resources within the territorial limits of Plymouth. The commission shall be authorized to conduct its responsibilities in accordance with said ordinance and the General Statutes of the State of Connecticut referenced in said ordinance. (B)
(Amend. of 11-5-2002)

Section 13. Building inspector.

There shall continue to be the position of the building inspector as provided by the town meeting resolution of March 9, 1970. He shall inspect buildings to determine compliance with municipal and other codes and/or ordinances. He shall examine buildings for type of construction, condition of roof, and fireproofing. He shall determine the risk represented by adjoining buildings, by nature of business, and building contents, and he shall administer the State of Connecticut building code, Public Act #443 as amended, and the Town of Plymouth housing code, adopted March 9, 1970. He may be the enforcement officer or the deputy enforcement officer for the planning and zoning commission and shall assist the sanitarian. If a new inspector is to be appointed, applicants must complete and pass a regular certification examination administered by the State of Connecticut, state building inspector's office and the state building code standards committee within a period of one (1) year after appointment.

Section 14. Volunteer ambulance corps.

The Plymouth Volunteer Ambulance Corps, Inc., shall continue to function and its care and management shall be vested in a board of directors in accordance with existing by-laws of the Plymouth Volunteer Ambulance Corps, Inc. Two (2) such directors

shall be appointed by the town council. The Plymouth Volunteer Ambulance Corps, Inc., shall provide emergency medical service for the Town of Plymouth in accordance with the existing by-laws. It shall be the responsibility of the president of the board of directors to submit to the mayor an annual report by June 30 of each year in accordance with chapter VII, section 1. The president shall be responsible to submit to the mayor all revisions to the by-laws within thirty (30) days after final approval by said board of directors. The town council shall provide adequate housing for ambulance and equipment used in performing the functions of the ambulance corps. The president of the said board of directors shall submit to the mayor an estimate of annual expenditures in accordance with chapter VII, section 1, which will consist of estimates for maintenance and care of housing and facilities, heat, light, and telephone for said housing, and gasoline and lubricating oil for operation of ambulance vehicles. In the event that any or all members of the ambulance corps become salaried employees of the corps, they shall be governed by the rules and regulations of this charter as provided under the classified service, chapter VIII, section 2, and merit system, chapter VIII, section 1. (A)

(Amend. of 11-8-2005, § 7)

Section 15. Housing authority.

There shall be a housing authority as created by the board of selectmen's resolution of April 22, 1965. The authority shall consist of five (5) members and two (2) alternates. Town council shall appoint members and alternates for three (3) year terms to succeed the members and alternates whose terms expire. Authority vacancies, which may occur, shall be filled by the council. The authority shall function in accordance with the provisions of Connecticut State Statutes, the town housing code, as accepted, and as may be further directed by the council.

(Amend. of 11-7-2002; Amend. of 11-8-2005, § 8)

Note—The original charter made no provisions for the continuity of the housing authority. The recommendation contained herein will clarify that matter.
(A)

Section 16. Animal Control Officer.

The animal control officer shall be nominated by the police chief and appointed by the police commission and shall work

during such hours as are set by the police chief with the approval of the police commission. The animal control officer shall have such powers and responsibilities as shall be provided in chapter 43b of the Connecticut General Statutes, as amended and any additional powers and responsibilities as established by the police commission.

(Amend. of 11-8-2005, § 6)

CHAPTER VII. FINANCE AND TAXATION

Section 1. Presentation of proposed program.

The mayor shall require each department, office or agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, excluding the board of education, to set forth, in narrative or such other form as the mayor may prescribe, a program or programs showing service, activities and work accomplished during the current year and to be accomplished during the ensuing year.

(Amend. of 11-8-2005, § 2C; Amend. of 11-3-2009, § 1)

Section 2. Preparation of budget.

The mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the town as described in section 1 of this chapter, excluding the board of education, shall on or before February 10, file with the mayor on forms prescribed and provided by the mayor a detailed estimate of the expenditures to be made by his or her department, office or agency and the revenue other than tax revenue, to be collected thereby in the ensuing fiscal year and such other information as may be required by the board of finance or the mayor. These estimates shall, on or before February 22, be filed with the board of finance. The board of education shall on or before February 28, file with the board of finance a detailed estimate of the expenditures to be made by that board, and the revenue to be collected thereby in the ensuing fiscal year and such other information as may be required by the board of finance.

(Amend. of 11-8-2005, §§ 2C, 4; Amend. of 11-3-2009, § 2)

Section 3a. Duties of the board of finance on the budget.

Following receipt of the estimates from the mayor and the board of education, the board of finance shall review the estimates and prepare a recommended budget. The board of finance shall hold one (1) or more public hearings no later than April 23, at which any elector and/or qualified taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least five (5) business days prior to anyone of the aforementioned public hearings, the board of finance shall cause sufficient copies of the recommended budget to be made available for general distribution in the office of the town clerk. Immediately after the aforesaid public hearings the board of finance shall meet with the town council and designated representatives of the board of education to present the recommended budget, at which time the board of finance, if a quorum of its members are present, may, by majority vote of its members, make changes to the budget to be recommended to the town referendum. The mayor shall preside as chairperson of this meeting. Within ten (10) business days after such meeting the board of finance shall present the recommended budget to the budget referendum, and, at least five (5) business days prior to the aforementioned referendum, the board of finance shall cause the recommended budget and the amount to be raised by taxation to be published in a newspaper having substantial circulation in the town.

(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1B, 3C, 14; Amend. of 11-3-2009, § 3a)

Section 3b. Annual budget referendum.

The town council shall schedule the annual budget referendum to be held on or before May 3 for the purpose of adopting a budget. The budget shall be accepted or rejected by a majority ballot vote cast by the electors and qualified taxpayers at the referendum. In the event of a budget rejection a second referendum will be scheduled by the town council to be held within twenty (20) days. If a second rejection occurs at the subsequent referendum, the town council is authorized to adopt a budget by June 15. Council adjustments to the individual department budgets, excluding debt service shall not exceed three (3) per cent of the current year budget. At the time when the budget is adopted the board of

finance shall file the same with the town clerk and shall also fix the tax rate in mills, which shall be levied on the taxable property in the town for the ensuing fiscal year.

(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1C, 2C, 14; Amend. of 11-3-2009, § 3b)

Section 3c. Special appropriations.

(a) Requests for additional appropriations to cover anticipated deficits in the general fund original budget of a department, or requests for appropriations not included in an original budget shall be submitted to the town council for its recommendation and then to the board of finance for appropriate action by that board. The board of finance shall have the authority to approve appropriation requests in an amount not to exceed fifty thousand dollars (\$50,000.00). No more than one (1) additional appropriation to a department's general fund original budget may be made in one (1) year without town meeting approval. If the amount required, or the amount required together with any other additional appropriations made by the board for the department in the same fiscal year exceed fifty thousand dollars (\$50,000.00), the request shall be subject to a special town meeting. Any expenditure recommended for approval by the board of finance may be approved at the town meeting by a majority vote of the electors and qualified taxpayers assembled at the aforesaid special town meeting, voting in favor of the expenditure. In the event that the board of finance has not recommended approval, a ballot vote of two-thirds or more of the qualified voters assembled at the special town meeting voting in favor of the expenditure shall be required. Any such appropriation which is to be defrayed from bonds or notes approved at a referendum vote held pursuant to section 9(b) of this chapter need not be submitted to a special town meeting.

(b) Unexpended balances. The board of finance, upon written request, may transfer unexpended balances from one (1) appropriation to another in accordance with the Connecticut General Statutes.

(11-7-89; Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1C, 2C, 3B; Amend. of 11-3-2009, § 3c)

Section 4. Emergency appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which may not exceed five (5) per cent of the current tax levy in any one (1) fiscal year, may be made upon the recommendation of the Mayor and by a majority vote of the members of the town council present at a legally constituted meeting, provided the board of finance has recommended approval and a public hearing, at which any elector and/or qualified taxpayer of the town shall have an opportunity to be heard, shall be held prior to making such appropriation, notice of which hearing shall be given in a newspaper having a substantial circulation in the town, not more than ten (10) days nor less than five (5) days prior to such hearing. Such hearing, notice of hearing and finance board action may be waived if the council, by a majority of the members present at a legally constituted meeting, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. In the absence of an available unappropriated and unencumbered general fund cash balance to meet such an appropriation additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this charter, as may be determined by the council.
(Amend. of 11-5-2002; Amend. of 11-8-2005, § 1B; Amend. of 11-3-2009, § 4)

Section 5. Tax bills.

It shall be the duty of the tax collector to mail to each taxpayer, at least one (1) day before the date when taxes are due and payable, a tax bill prepared and signed by the tax collector from the rate bills signed by the chairperson of the council as rate maker in accordance with the provisions of sections 12-130 and 12-131 of the General Statutes, as amended, the form of which shall be acceptable to the state tax commissioner.

Section 6. Assessment and collection of taxes.

Except as specifically provided in this charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the General Statutes of the state.

Section 7. Liens, assessments and levies.

Sub. 1. Streets and sidewalks. The town council shall have the power to designate or alter the width, course, height, grade and level of the streets of said town and to order the owner or owners of land and buildings fronting on highways and streets of said town, to make suitable walks of such material as it may deem proper, and to designate the time within which the same shall be done and the manner of doing it. It shall have the further power to order each such owner to provide and erect such railings or guards along the sidewalks in front of his premises as public safety may require and to keep his sidewalk in repair. The town is also authorized to perform all work and to provide all necessary material for improvements of streets, curbs, gutters and sidewalks, and repairs to sidewalks, as may be ordered by the town council, and it may assess the costs or a portion thereof upon property benefited thereby as is provided by sub. (6).

Sub. 2. Liens, street improvements, curbs, sidewalks, gutters, pavements. If any such property owner shall neglect to comply with any order issued under the authority of sub one (1) hereof, said town council may cause such order to be executed in the manner herein prescribed and the expense thus incurred shall be paid by such owner and shall become a lien upon such land and building in favor of the town. Said town council is further authorized to assess against any property benefited by street, gutter, pavement, curb and sidewalk improvements, the benefits received by such property not exceeding its proportion of the expense thereof and to assess against owners of abutting property

so benefited, the pro-rata of any street, gutter or pavement improvement which may be ordered and laid by said town council. Each such cost or assessments authorized by this section, shall become a lien upon such land and buildings in favor of the town from the date when such work has been ordered by the town council and shall continue to be a lien and shall take precedence of all other liens or encumbrances on the property whereon the same is placed, except taxes due to the town or the state, and legal proceedings may be taken for the collection thereof by civil action against such delinquent owner or by foreclosure of such liens in the same manner as a lien for unpaid taxes due the Town of Plymouth, provided such lien for any such improvement shall not continue for a longer period than sixty (60) days after the assessment thereof has been laid unless a certificate of such lien shall be lodged with the town clerk for record. Before any such

work is ordered by the town council and before any assessment shall be laid for benefits by town improvements on streets, sidewalks, curbs, gutters or pavements authorized by this act, the town council shall cause at least a five (5) day notice of a public hearing thereon to be given to the owners of the land or buildings to be benefited thereby, which notice shall state the time and place of such hearing, at which such owners shall be heard if they so desire.

Sub. 3. Building lines. Building lines shall be established by the planning and zoning commission. When the town council shall designate a building line on any street in any taxing district, it shall appraise the damages or benefits to all owners of land damaged or benefited thereby, and notice shall be given of the time and place of acting upon the question of the designating of any such line or the making of any such appraisal, and any owner of or any person interested in such land shall be heard, if he shall so desire, before such designation or appraisal shall be made. Appeals may be taken from any such action of the town council and proceedings thereon had as provided in sub: six (6) hereof.

Sub. 4. Paving, pipes, conduits. The town council shall have power to cause the streets to be paved or repaved in such manner and with such materials as it may deem proper and it shall select the streets to be paved. It may make reasonable regulations relative to pipes and conduits which are in the streets to be paved and as a preliminary to such paving, may order all such pipes and conduits to be relaid, renewed, repaired, placed and located in such manner as in its judgment will best protect such pavement when laid from being disturbed and will best secure the uninterrupted use of such streets as public highways. All persons and all other legal entities having ownership of or control over such pipes or conduits, shall comply with all such orders within such time as the orders of the town council shall specify. Such orders shall be in writing, signed by the town clerk, under authority of the town council, and attested copies thereof shall be served upon such persons or other legal entities, in person or by mail by registered letter, at least forty-eight (48) hours before the work specified therein shall be required to begin. Should any person neglect or refuse to comply with any such order, such town may apply to the

superior court for Litchfield County or to any judge thereof in vacation, for a mandamus to enforce compliance with such order or regulation.

Sub. 5. Water pollution control authority. The water pollution control authority, hereafter referred to as the WPCA, shall consist of five (5) members and two (2) alternates, serving without compensation. The original appointments to the WPCA, nominated by the mayor and approved by the town council, shall be for one (1) member serving a one (1) year term, two (2) members serving a two (2) year term, and two (2) members serving a three (3) year term, and two (2) alternates serving a two (2) year term. All subsequent appointments shall be for a three (3) year term, nominated by the mayor from a list submitted by a committee consisting of the WPCA chairperson, public works director and one (1) WPCA member and approved by the town council. Removal from office for cause would be by recommendation of the mayor and approval of the council. Members of the council would be forbidden to appoint any of its own members as voting members of the authority. The public works director shall also serve as consulting engineer of the WPCA but shall not serve as a member of the WPCA. The WPCA would be the exclusive supervisory agent for the public works director when the director is serving in the capacity of consulting engineer. The WPCA shall have all the power enumerated in the Connecticut General Statutes, as amended, and as consistent with the provisions of this charter. Any fees, assessments, or usage monies due, as a result of properly levied bills by the WPCA, shall be collected by the office of the tax collector. All financial records of the WPCA are subject to audit by the comptroller or any other accounting firm designated by the town council.

Sub. 6. Powers of the town council, streets. (a) The town council shall have power to layout, alter, extend or discontinue any highway or street and other improvements within the limits of the town, and, for that purpose or in the exercise of any other power conferred upon it by this charter or by the general laws of the state, to take any real estate or water course which may be required, and to eliminate any water power, right of way or other easement which it may be necessary to eliminate for the proper construction, alteration or extension of such highway; and to

construct any new channel for any water course so taken, or to make any necessary substitution or replacement for any other easement so taken and to take any real estate or easement therein which is necessary for the proper construction of such new channel or other substituted or replaced easement.

(b) Before laying out, altering or extending any highway or taking any real estate or easement therein for any of the above purposes, the town council shall cause a map to be prepared showing the proposed layout, alteration or extension, and any new channel or substituted or replaced easement to be constructed, and showing the real estate to be affected thereby and so far as possible the limits of the land to be taken from each owner, and shall give at least fifteen (15) days' notice in writing, in the mode hereinafter specified as to notices of assessment to the owners of all real estate to be affected, of a public hearing on such proposed public improvements and of the time and place thereof and, so far as practicable, before such hearing, shall offer an opportunity to all such owners to examine such map, and at such time and place, shall hear any objections or claims made by any such owners or their representatives, agents or attorneys.

(c) When a street shall have been laid out, altered, extended or discontinued, or when the town council shall have ordered any other public improvement by which land or other property is taken for public use by right of eminent domain or special damages or benefits are caused to property, or both, and no special provision is made in the section under which such public improvement is ordered for the appraisal of damages or assessments of benefits, the town council shall, by itself or by a committee appointed by it therefor, appraise the damages and assess the special benefits resulting from such improvement. Unless the damages and benefits so appraised and assessed shall be consented to in writing by the owner of the property affected, which written consent shall be filed with the town clerk, the town council or its committee shall, before finally adopting its appraisal of damages or assessment of benefits, give to such owners a public hearing and shall give such owners at least fifteen (15) days' notice of the time and place of such hearing and of the sums proposed to be appraised as damages and assessed as benefits, or both, such notice to be given in the mode hereinafter specified as

to notices of assessments. After such hearing, the town council or its committee shall adopt a final report and file the same with the town clerk.

(d) The town clerk shall, thereupon, cause written notices to be served upon each owner of property affected by such appraisal or assessment of the amount awarded to him as damages, the amount assessed against him as special benefits and the net amount to be paid by the town to him or by him to the town, as the case may be. Service of such notice shall be made by some civil officer, policeman, of said town or indifferent person, by leaving a copy of such notice, signed by the town clerk, with or at the usual place of abode of each owner, or by certified mail, as directed by the town council. Service on non-residents of the Town of Plymouth shall be by certified or registered mail addressed to their last-known place of abode. The person serving such notice shall make return of the manner and time of such service to the town clerk.

(e) In making assessments of benefits and appraisals or damages for any public improvement, the Town of Plymouth is authorized to assess such benefits or appraise such damages as it may deem just, upon or in favor of the real estate belonging to the state situated within the limits of the Town of Plymouth and specially benefited or damaged by such public improvement, subject to appeal as provided by law. In the case of assessment of benefits against or appraisal of damages in favor of the state, the state treasurer shall pay any assessment of benefits upon certification by the clerk of said town that the same are due, and shall receive damages assessed in favor of the state and give a receipt for the same upon like certification.

(f) Any owner of land or property taken for such public improvement and each person against whom special benefits have been assessed, who is aggrieved by such report, may appeal therefrom within one (1) month from the service upon him of such notice. Such appeal shall be by writ and complaint served upon the mayor or town clerk at least twelve (12) days before the return day, and shall be returnable to the court of common pleas for Litchfield County on the next return day of said court or the judge of said court on the first Tuesday of the next month after the expiration of the twelve (12) days, if said court shall be in

vacation on that day. The complaint shall recite the appraisal of damages and assessment of benefits made to the appellant, and allege that the amount to be paid by the town to the appellant is too small, or the amount paid by the appellant to the town is too large, as the case may be. Such appeal shall open both the appraisal of damages and the assessment of benefits to the appellant for review, although the appellant may have appealed from only one of such awards. Upon the return of such writ and complaint, the court or judge shall appoint a committee of three (3) disinterested persons, who, after being sworn and giving reasonable notice to the parties, shall appraise the damages and assess the special benefits and report to said court such appraisal and assessment, and the net sum to be paid by the town to the appellant or by the appellant to the town, as the case may be. Remonstrance may be made to the report of such committee for any legal error [or] irregularity in the performance of its duties; and, if upon such remonstrance the report shall be rejected, the court shall appoint another committee; otherwise the report of the committee shall be accepted by the court or judge and shall have the effect of a judgment in favor of the party to whom the net payment is to be made, subject to the provisions in regard to the time of payment hereinafter contained. Said court or such judge may tax such costs of such appeal in favor of either party as it may deem equitable.

(g) When the report of the town council or its committee or appraisal shall have been adopted and filed with the town clerk, the town shall have the right to enter upon the land and construct the street or other public improvements, and its right so to proceed shall not be suspended by the bringing or pendency of an appeal. Upon the filing of such report, the owner in favor of whom any appraisal has been made shall have the right to demand the net sum due to him under such award; and the acceptance of such sum shall be a waiver of his right to appeal. The right of any appellant to receive the sum awarded to him shall be suspended during the pendency of such appeal; but, upon the acceptance of the committee report by the court or the judge, the net sum adjudged to him shall immediately become due and payable.

(h) The amount of special benefits assessed against any person in excess of damages appraised to him shall be a debt from him to said town, but such debt shall not be due or collectible until the

completion of such public improvement. When such improvement has been completed, the town council shall pass a resolution declaring that fact and thereupon such assessment shall be due and payable; and the town clerk shall give notice thereof to each person against whom such benefits were assessed or their legal representative in case of their death, in the manner herein, provided for notice of assessment. All assessments made for public improvements within the Town of Plymouth shall bear interest from date when the same shall become due, payable at such rate as the town council of said town shall prescribe.

(i) Such net assessment shall be a lien upon the land against which it was assessed from and after the report of the town council or its committee of appraisal, which lien shall take priority over all other liens or taxes due the state, except that no such lien shall remain in force for more than sixty (60) days after the date set by the town council for the payment of the assessment or any part thereof, unless a certificate of lien shall, within said sixty (60) days, be filed in the land records of said town. Said certificate shall describe the land covered by such lien and shall be indexed in the name of the person against whom such assessment was made, and also in the name of the present owner of the land, if a different person.

(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 2C, 10)

Section 8. Expenditures and accounting.

(a) No purchase shall be made by any department, board, commission or officer of the town other than the board of education and the probate court, except by the person's responsible for purchasing. Until such time as the office of comptroller is established under the provisions of section 4, sub. 1 of chapter VI of this charter, the treasurer may be designated by the council to perform some or all of the comptroller's responsibilities described in this section of the charter. The comptroller shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

(b) No voucher, claim or charge against the town shall be paid until the same has been audited by the comptroller or his agent and approved by him for correctness and validity. Checks shall be

drawn by the comptroller for the payment of approved claims which shall be valid only when countersigned by the treasurer. In the absence or inability to act of either the comptroller or treasurer with respect to the above duty, the mayor may be authorized to substitute temporarily for either but not both of them.

(c) The comptroller shall prescribe the time at which and the manner in which persons receiving money on account of the town shall pay the same to the town treasury.

(d) The several departments, commissions, officers and boards of the town shall not involve the town in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved in accordance with the procedure outlined in section 3c and each order drawn upon the treasurer shall state the department, commission, board or officer and the appropriation against which it is to be charged.

(e) Appropriation for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance of the appropriations therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.

(f) Every payment made in violation of the provisions of this charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the town for the full amount so paid or received. If any officer or employee of the town shall knowingly incur any obligations or shall authorize or make any expenditure in violation of the provisions of this charter or take part therein, such action shall be cause for his removal.

(Amend. of 11-5-2002)

Section 9a. Borrowing.

To avoid financial difficulties caused by nonpayment of current taxes the council shall authorize the mayor, by resolution, to borrow money in anticipation of collection of said taxes.

Section 9b. Issuance of bonds, notes.

The town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this section. The issuance of bonds and notes, other than notes issued in anticipation of taxes, shall be authorized by resolution of the council adopted after public hearing called and held in the manner set forth in section 5(c) of chapter III. Such resolution shall require prior Board of Finance recommendation. No such resolution authorizing the issuance of bonds or notes in excess of one hundred fifty thousand dollars (\$150,000.00), in any fiscal year shall become effective until approved by referendum vote of electors and qualified taxpayers. Such referendum may be taken at any regular or special election or may be taken at a special meeting of the aforesaid electors of the Town of Plymouth, provided that the town council, by a majority vote at a legally authorized meeting approves such a special meeting of the electors.

(Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 1B, 2C, 3A)

Section 10. Contributions.

The town shall make no contributions to any organization or private corporation unless so authorized by general statute. No such contribution of more than five hundred dollars (\$500.00) shall be made to any such organization or corporation unless the town is represented on its board by one or more members nominated thereto by the council.

(Amend. of 11-5-2002)

Section 11. Annual audit.

The board of finance shall annually designate an independent public accountant or firm of independent public accounts to audit the books and accounts of the town in accordance with the General Statutes of the State of Connecticut. All offices, boards, agencies, commissions and others receiving any funds from the town budget shall be subject to audit annually as part of the town audit.

CHAPTER VIII. MERIT SYSTEM

Section 1. Merit system established.

All officers and employees in the classified service of the town as described in section 2 below, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

Section 2. Classified service.

The classified service shall include appointees to all positions now or hereafter created except the following: Elective officers and persons appointed to fill vacancies in elective offices; members of the boards and commissions; officers appointed by the council; employees of the board of education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation; the judge and other personnel of the probate court; and persons employed for a temporary period not exceeding three (3) months; and part-time employees and those positions specifically excluded from the classified service by this charter. It shall be the duty of the mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the town, which shall become effective upon approval by resolution of the council and which may be amended, upon recommendation of the mayor, by resolution of the council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the council upon the recommendation of the mayor. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The mayor shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the town. Such rules and

any amendments thereto shall become effective upon being filed by the mayor with the town clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service. All appointed full time paid department heads shall be included in the classified service.

Section 3. Political activity.

No person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or candidate for public office or take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to register as a member of a political party, to express his opinion and to vote. Violation by any such person of the provisions of this section shall be grounds for his removal.

Section 4. Retirement of municipal employees.

There shall continue to be a municipal employees retirement plan with all of the provisions granted to it in the existing ordinance, Special Act No. 389 passed by the January, 1961 regular session of the General Assembly, and the General Statutes of Connecticut. The present "Retirement Plan for Members of the Town of Plymouth" is hereby adopted. The town council is authorized to increase by ordinance the annual retirement of thirty-three and one-third ($33\frac{1}{3}$) percent up to a maximum of fifty (50) per cent of employee's contributions for services rendered subsequent to October 1, 1961. A vote of at least three (3) of the five (5) members of the town council, or a referendum vote shall be required to make any other changes in said retirement plan. (Amend. of 11-5-2002; Amend of 11-8-2005, § 2C)

CHAPTER IX. TRANSITION AND MISCELLANEOUS PROVISIONS

Section 1. Transfer of powers.

The powers which are conferred and the duties which are imposed upon any commission, board, department or office under the General Statutes or any ordinance or regulation, in force at

the time this charter shall take effect, if such commission, board, department or office is abolished by this charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this charter. All commissions, boards, departments or offices abolished by this charter, whether elective or appointive shall continue in the performance of their duties until provision shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this charter and until the town clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this charter that their successors have qualified. All appointive powers now or hereafter conferred by the General Statutes upon boards of selectmen shall be exercised by council unless otherwise specifically provided in this charter.

(Amend of 11-8-2005, § 2C)

Section 2. Present employees to retain positions.

All persons holding permanent positions in the service of the town on the effective date of this charter, whose positions are included in the classified service by the terms of this charter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced in rank, or removed in accordance with the provisions of this charter. All other employees of the town on the effective date of this charter, whose positions are not abolished by the provisions of this charter, shall retain such positions pending action by the council or the appropriate officer charged by this charter with powers of appointment and removal. Any provisions of law in force at the time this charter shall take effect, and not inconsistent with the provisions of this charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the town or any office, department or agency thereof, shall continue in effect, until or unless amended or repealed in accordance with the provisions of this charter.

Section 3. Public right to know, procedures and ethics.

Sub. 1. Right to know. The public's right to know shall be guaranteed in accordance with the principles embodied in sections 1-19, 1-20, and 1-21 of the Connecticut General Statutes. This right shall be further assured by the provisions of this section of the charter. A deliberate violation or denial of the public right shall be considered cause for dismissal or recall proceedings in accordance with section 3, chapter V, of this charter and section 7, chapter II of this charter.

Sub. 2. Meeting procedures. All meetings of all Plymouth town government boards, agencies, commissions, committees, or sub-committees shall be open to the public with the exception of a duly authorized executive session, properly called and conducted under the provisions of the Statutes referenced in the foregoing section. All meetings, and minutes of meetings shall be conducted and recorded in accordance with established rules of parliamentary procedure and shall include 'Public Comment' as an agenda item. As a minimum, the minutes of all meetings, including those of executive sessions, shall include the date and time called, membership attendance, motions made and seconded, the identity of speakers and submitters of resolutions and/or motions, and a brief summary of subjects discussed. Notices of all meetings shall be properly publicized, and such notes shall meet the requirements of the applicable Connecticut General Statutes, Plymouth town ordinances, and rules established by individual boards, agencies, commissions, committees or sub-committees. All boards and commissions must set their own by-laws which shall include all annual organizational meetings with elections of officers and shall adopt rules and regulations, which it deems necessary to operate fairly and effectively. Such adopted rules and regulations shall be filed with the office of the town clerk.

Sub. 3. Public ethics. Plymouth government officials shall conduct themselves in a responsible and honorable manner, with first priority assigned to their public duties. Faithful meeting attendance and constructive involvement shall be expected, with objective evaluation of said performance to be duly noted by respective agency chairpersons. Said chairperson, inherently

responsible for agency leadership, shall be responsible for reporting to the mayor and/or town council any serious or chronic infractions of public trust by any members of this agency.

Sub. 4. Conflict of interest. Any elected or appointed officer or any employee of the town who has a substantial financial interest, direct or indirect, in any contract, transaction or decision of any board or commission, shall record such disclosure upon the official record of their meetings. Violation by any such officer or employee of provisions of this section shall be grounds for his removal. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction or decision shall render the same voidable by the council or by a court of competent jurisdiction.

Sub. 5. Board of ethics. The town council may enact local legislation that authorizes the establishment of a Town of Plymouth board of ethics and a fair and reasonable code of ethics. The code of ethics shall delineate the legal and operational parameters and standards of ethical governmental conduct and behavior. Until such a board of ethics and code of ethics have been established, complaints from any person of any alleged violation of the public ethics or conflict of interest provisions of subsections 3 and 4 of this section shall be forwarded to the office of the town clerk. This complaint must then be forwarded to the mayor for inclusion in the agenda for the next regular council meeting with written notification forwarded to the named individual(s) by certified mail, return receipt requested. If the town council cannot resolve the complaint, or if the complaint is against any member(s) of the council, the council shall appoint an ad hoc board of ethics to resolve the particular allegation(s). The board shall be an investigatory board of the town council and shall adopt rules and regulations which it deems necessary to operate fairly and effectively. Such adopted rules and regulations shall be filed with the office of the town clerk. When the investigation is completed, the board shall file its decision with the town council, to include the opinions of all members, both assenting and dissenting. The town council, with all members present, shall vote, with the majority rule prevailing, on the approval or disapproval of the board's decision. If disciplinary action is required in connection with the results of the board's investigation on the alleged

violation, the town council shall take such action which is within its power as outlined elsewhere in this charter. Due process proceedings must be afforded such individual(s) for any complaints and actions related to this section.

(11-7-89; Amend. of 11-5-2002; Amend. of 11-8-2005, §§ 2C, 4)

Section 4. Transfer of records and property.

All records, property and equipment whatsoever of any commission, board, department, or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department or office by this charter, shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned when so notified by the town clerk. If part of the powers and duties of any commission, board, department or office or part thereof are by this charter assigned to another commission, board, department or office, all records, property, and equipment relating exclusively thereto shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned when so notified by the town clerk.

Section 5. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this charter brought by or against the town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or office party thereto may, by or under this charter, be assigned or transferred to another commission, board, department or office but in that event the same may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers and duties have been assigned or transferred by or under this charter.

(Amend. of 11-8-2005, § 2C)

Section 6. Existing laws and ordinances.

All general laws of the State of Connecticut applicable to the town and all ordinances of the town shall continue in full force,

and effect, except insofar as they are inconsistent with the provisions of this charter. All special acts or parts of special acts relating to the Town of Plymouth, except those expressly retained by the provisions of this charter are repealed. The following ordinances are specifically repealed upon the adoption of this charter.

1. Ordinance relating to the placing of by-laws in a book prepared by the town clerk—November 6, 1956, Vol. 3, page 24 of the Town of Plymouth records.
2. Civil defense blackouts—April 9, 1942, Vol. 5, page 113.
3. Establishment of a fire department—March 6, 1915, Vol. 4, page 205.
4. Fire works—October 7, 1938, Vol. 5, page 85.
5. Tenement house act—January 29, 1942, Vol. 5, page 111.
6. Board of park commissioners—June 26, 1957, Vol. 5, page 389.
7. Cemetery ordinance—October 1, 1883, Vol. 2, page 322.
8. Hillside cemetery committee—March 2, 1926, Vol. 4, page 420.
9. Cemetery by-law—October 5, 1885, Vol. 3, pages 23—24.
10. Disposition of cemetery income—October 7, 1907, Vol. 3, page 567.
11. Plymouth cemetery committee—December 1, 1908, Vol. 3, page 608.
12. Width of highways—October 7, 1907, Vol. 3, page 564.
13. New land development—October 7, 1938, Vol. 5, page 85.
14. Plymouth industrial and development commission—Adopted November 6, 1961, Vol. 6, page 134.
15. Amendment to zoning board of appeals—Adopted June 14, 1962, Vol. 6, page 155.
16. Plymouth redevelopment agency—Adopted February 3, 1964, Vol. 6, page 223.

Section 7. Qualification of appointees.

All members of appointive boards and commissions shall be electors of the town, and shall vacate their positions upon ceasing to be residents and electors of the town.
(Amend. of 11-8-2005, § 1B)

Section 8. Amendment of charter.

This charter may be amended in the manner prescribed by law.

Section 9. Saving clause.

If any section or part of any section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Section 10. Ratification of charter and effective date.

The question of ratification of this charter shall be submitted to the electors of the town at a regular election to be held on November 5, 1974 in accordance with the provisions of the General Statutes. The question to be voted shall be:

ADOPTION OF THE CHARTER

Shall the Town of Plymouth adopt the proposed Selectman-Council, Limited Town Meeting Charter?

Yes _____ No _____.

If a majority of those voting on this question shall vote in the affirmative, the charter shall become effective upon its adoption for the purposes of elections and on November 4, 1975, for all other purposes.

(Amend. of 11-5-2002)

Sec. 11. Gender.

Any reference to gender shall mean male or female regardless of said reference.

(Amend. of 11-5-2002)

Section 12. Definitions.

Appropriation: The setting apart of a designated sum for a particular purpose or purposes.

Business day(s): Monday through Friday excluding Federal and/or State and/or Town declared holidays.

Election: The process of choosing a person to fill an office or position by vote of the electors.

Electors: An individual who has attained the age of eighteen (18), who is a United States citizen, who is a bona fide resident of the Town of Plymouth, and whose name appears on the voter registration list as maintained by the registrars of the Town of Plymouth.

Qualified Taxpayer: An individual who is a United States citizen, who has attained the age of eighteen (18), who is a resident or non-resident of the Town of Plymouth, who owns property at an assessed value of one thousand dollars (\$1,000.00) or more in the Town on the last completed grand list.

Resident: An individual who lives in the Town of Plymouth.
(Amend. of 11-8-2005, § 1A)