

PLAINFIELD CONNECTICUT

INCORPORATED 1699



TOWN CHARTER

ADOPTED NOVEMBER 6, 1984
INCLUDING ALL AMENDMENTS
THROUGH NOVEMBER 6, 2007

TOWN OF PLAINFIELD CHARTER

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CHAPTER 1
INCORPORATION AND GENERAL POWERS

SECTION 1-1 INCORPORATION

All the inhabitants dwelling within the territorial limits of the Town of Plainfield, as heretofore constituted, shall continue to be a body politic and corporate under the name of “The Town of Plainfield”, hereinafter called “The Town”. They shall hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provision of the Charter, the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the laws of the State of Connecticut.

SECTION 1-2 RIGHTS AND OBLIGATIONS

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. The Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on said date whether accrued or not. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien. Any contract that has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking that has been given by or in favor of said Town which contains provisions that the same may be enforced by any office of agency therein named, which is abolished by the provisions of this Charter, shall continue in full force and effect. The rights and powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen of said Town.

SECTION 1-3 GENERAL GRANT OF POWERS

In addition to all powers which are or may be possessed by the Town or granted to it under the State Constitution and under the General Statutes of the State and special acts, the Town shall have all powers specifically granted by this Charter and all powers 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, the 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 the general law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of the Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

SECTION 1-4 EMINENT DOMAINS

People who own property in the Town of Plainfield shall be protected from eminent domain for economic development purposes.

CHAPTER 2 TOWN MEETING

SECTION 2-1 COMPOSITION

- a. The legislative powers of the Town shall be vested in the Town Meeting except as otherwise provided in this Chapter.
- b. The members of the Town Meeting shall be the electors of the Town and all other persons to vote at the Town Meeting as provided by the General Statutes.
- c. The Town Meeting shall be convened as the Annual Town Meeting, Annual Town Budget Meeting, or Special Town Meeting. Special Town Meetings shall be called by the Board of Selectmen only when required under terms of the Charter.

SECTION 2-2 PROCEDURE

All Town Meetings shall be called to order by the First Selectman or his representative. A moderator shall be elected and all business conducted in the manner provided by the General Statutes, except as otherwise provided in this Charter. The Town Clerk shall serve as Clerk of all Town Meetings, but in his absence an acting clerk shall be elected by the Town Meeting. Any town Meeting may be adjourned from time to time as determined by the Town Meeting. Other than a Town Meeting regarding the annual budget, a quorum of 25 registered voters shall be required for a Town Meeting. In the absence of a quorum for two consecutive meetings called for a question, the question will be acted upon by the Board of Selectmen.

SECTION 2-3 ANNUAL TOWN MEETINGS

- a. The Annual Town Meeting shall be held the third Monday in November at such hour and place as the Board of Selectmen shall determine to accept reports on the prior fiscal year from town officials including the Town Auditor, and for the transaction of business proper to come before such meeting.
- b. Prior to the Annual Meeting, the Board of Finance shall have prepared, published and distributed a town report. Such report shall contain the written, narrative reports of town officers and boards, including those reports required by the General Statutes, and such other matter as the Board of Finance deems advisable.

SECTION 2-4 ANNUAL TOWN BUDGET REFERENDUM OR TOWN BUDGET MEETING

- a. The Annual Town Budget Referendum or Town Budget Meeting for the consideration of the budget shall be held on the third Monday in May at such place as the Board of Selectmen shall determine. In the event of a proposed mil rate increase there shall be a Referendum. In the event of a mil rate decrease or no change in the mil rate there shall be a Town Meeting. The said Referendum or Town Meeting shall have the power to approve or reject the budget and said budget shall become effective only after it has been submitted to the persons qualified to vote on the voting machines or at a Town Meeting as the case may be. The polls for a Referendum shall be open from noon to 8 p.m. At the closing of the polls the moderator shall cause the vote to be counted, and any such budget shall, if approved by a majority of those voting thereon, be deemed to be a vote of the Referendum. The time of a Town Meeting shall be determined by the Board of Selectmen.

- b. Should the Annual or any other Town Budget Referendum fail to adopt the budget, another Referendum shall be held within fourteen days thereafter until final approval is given. However, if less than 25% of the eligible electors cast ballots at a Referendum, then subsequent balloting on the budget shall be at a Town Meeting. Any budget which has been rejected by the Referendum or Town Meeting shall be considered in the interim by the Board of Finance, which shall revise the rejected budget, shall hold a public hearing, and present said revision at the next subsequent Referendum or Town Meeting for acceptance. If the budget remains unaccepted on July 1, the budget adopted for the immediate preceding fiscal year shall be deemed to be the temporary budget for the fiscal year beginning July 1, and expenditures may be made on a month-to-month basis in accordance therewith, until such time as the referendum or Town Meeting finally adopts a budget. In the event that one of the subsequent Referendums or Town Meetings mentioned is a national holiday, the intended Referendum or Town Meeting shall be held on the next business day.
- c. The Town Budget to be presented at the Annual and all other Town Budget Referendum or Meetings shall be presented as two questions. The first question will be to approve or reject the Annual Operating Budget for the Town, excluding the Education Budget. The second question will be to approve or reject the Education Budget. The Board of Selectmen may include other non-binding advisory questions at any Budget Meeting or Budget Referendum. In order for the Town Budget to be accepted a majority of those voting at the Referendum or Town Meeting must approve both the Annual Operating Budget for the Town and the Education Budget. A vote to reject either the Annual Operating Budget or the Education Budget will constitute a rejection of the Town Budget. The rejection of either the Annual Operating Budget for the Town or the Education Budget should be considered by the Board of Finance while revising the proposed Town Budget for the next Referendum of Town Meeting, as the opinions of those voting at the Referendum or Town Meeting.
- d. In preparing and presenting the Town Budget, the Board of Finance will include the Capital Budget, a five (5) year plan, and will include provisions for voting on a Capital Improvement Program.

SECTION 2-5 OTHER ACTION REQUIRING TOWN MEETINGS

The following resolutions shall become effective only after adoption at a town meeting by a majority vote of the qualified voters present and voting at such meeting:

- a. After recommendation by the Board of Selectmen and approval by the Board of Finance, any resolution for the issuance of bonds, notes, or other forms of borrowing.
- b. After recommendation by the Board of Selectmen or the Board of Education and approval by the Board of Finance, any resolution for any non-budgeted appropriation of an amount more than ten thousand dollars (\$10,000.00) but not more than fifty thousand dollars (\$50,000.00). After recommendation by the Board of Selectmen or the Board of Education and approval by the Board of Finance, any resolution for any non-budgeted appropriation of more than fifty thousand dollars (\$50,000.00) shall be placed on the call of a Town Meeting, and after completion of other business and after reasonable discussion on such appropriation the moderator of such meeting shall adjourn the meeting to reconvene not less than seven (7) nor more than fourteen (14) days thereafter as provided in Section 7-7 of the General Statutes, as amended, and such appropriation shall become effective only after it has been submitted to the

- persons qualified to vote in such meeting for a “yes” or “no” vote on the voting machines. At the closing of the polls, the moderator shall cause the vote to be counted, and any such appropriation shall, if approved by a majority of those voting thereon, be deemed to be a vote of the Town Meeting.
- c. After recommendation by the Board of Selectmen and approval by the Board of Finance, any sale or purchase of real estate or interest therein.
 - d. Any initial application by the Town for state or federal grants involving a local financial share estimated to more than ten thousand dollars (\$10,000.00) in any fiscal year.
 - e. Any real estate lease or personal property lease to which the Town is a party.
 - f. Enactment of Town Ordinances.
 1. The Town Meeting shall have the legislative power to enact ordinances not inconsistent with the General Statutes and the Charter. Enact, or enactment, as used in this Chapter, includes the adoption, amendment, or repeal of an ordinance.
 2. At least one public hearing shall be held by the Board of Selectmen on any proposed ordinance. Notice of a hearing shall be given by publication of the summary text of the proposed ordinance in the form of a legal advertisement appearing in a newspaper having a general circulation in the Town not less than ten days before the date of such hearing.
 3. The Board of Selectmen shall propose ordinances to the Town Meeting.
 4. The Town Meeting shall take action on the proposed ordinance within thirty days after the public hearing.
 5. The summary text of an ordinance as enacted, and its effective date, shall be published in the form of a legal advertisement appearing in a newspaper having a general circulation in the Town. Notice shall be given within ten days after enactment by the Town Meeting. Every ordinance, after enactment, shall be recorded by the Town Clerk in a book to be kept for that purpose.
 6. Every ordinance shall become effective no later than fifteen (15) days after publication.
 7. Upon affirmative vote of at least two (2) members, the Board of Selectmen may correct clerical errors in ordinances.
 - g. Any proposal the Board of Selectmen deem of sufficient importance.

SECTION 2-6 PETITION FOR SPECIAL TOWN MEETING

The electors of the Town shall have the power to propose ordinances to the town meeting as well as to petition for a town meeting for the transaction of business proper to come before such meeting. Such powers shall be initiated by petition as set forth herein.

- a. A petition may be filed by any elector of the Town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Section 7-9 of the General Statutes, as amended.
- b. Such petition shall contain the full text of the proposal and shall be certified by the Town Clerk prior to circulation for signature.
- c. It shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least five (5%) percent of the total electors of the Town registered at the last regular Town election.
- d. Such petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7-9 of the said General Statutes, and shall be filed

with the Town Clerk within ten (10) days of the Town Clerk's initial certification of the petition prior to its circulation for signature.

- e. The Town Clerk shall, within five (5) days after receipt of said petition, determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify said petition to the Board of Selectmen.
- f. Upon receipt of the certification by the Town Clerk of said petition, the Board of Selectmen shall call a Special Town Meeting to be held not less than ten (10) nor more than twenty-one (21) days from the date of such certification.
- g. The call for such Special Town Meeting shall state the proposal in full and shall provide for a "yes" or "no" vote as to its enactment. A majority vote of the qualified voters present and voting shall be sufficient to decide any question at a Town Meeting called in accordance with this section.

SECTION 2-7 PETITION FO REFERENDUM

The procedure for the calling of a Referendum on any item or items on a call of a Town Meeting shall be as follows;

- a. A petition conforming to the requirements of the General Statutes, Section 7-9 and signed in ink or indelible pencil by qualified electors of the town, equal in number to at least five (5%) percent of the total electors of the town registered at the last regular town election, may be filed by any elector with the Town Clerk requesting that any item or items of the call of such meeting be submitted to the persons qualified to vote in such meeting at a referendum as provided herein.
- b. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes.
- c. The Town Clerk shall, not later than 24 hours prior to the convening of the Town Meeting, determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify said petition to the Board of Selectmen.
- d. The Board of Selectmen shall then fix the time and place of such referendum which shall be held not less than seven (7) nor more than fourteen (14) days after the certification of said petition, and notice thereof shall be given in the manner provided by law for the calling of a town referendum'
- e. Any item contained in the original call of the Town Meeting so submitted to referendum shall, if approved by a majority vote of those qualified to vote, take effect upon the conclusion of such referendum or on the effective date contained in the original call of the Town Meeting if so specified.

CHAPTER 3 ELECTIONS AND OFFICERS

SECTION 3.1 FEDERAL AND STATE OFFICERS

Nominations and elections of federal and state officers, including judge of probate, justices of the peace, and registrars of voters, shall be conducted as prescribed by the Constitution of the State of Connecticut and the Connecticut General Statutes.. The Registrars of Voters shall prepare lists of electors qualified to vote therefore in the manner prescribed in the Constitution and the general laws of the State of Connecticut.

SECTION 3-2 TOWN OFFICERS

The election of the town officers listed in Chapter IV of this Charter shall take place at the regular town election on the first Tuesday after the first Monday in November of each odd numbered year.

SECTION 3-3 MINORITY REPRESENTATION

Minority representation of any elective board or commission of the Town shall be determined in accordance with the following table

COLUMN 1	COLUMN 2
Membership (Total)	Maximum from one party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

SECTION 3-4 VOTING DISTRICTS

There shall continue to be four voting districts as existed on the effective date of this Charter, and the number of such districts shall not be increased, nor the boundaries altered except by ordinance approved by a majority of the electors voting thereon at the Annual Town Meeting.

SECTION 3-5 TIED ELECTIONS

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 the General Statutes. If the tied candidates agree, the tied election shall be determined by the “toss” of a coin by a third person agreed to by the tied candidates.

SECTION 3-6 ELIGIBILITY FOR OFFICE

No person shall be eligible for election to any town office who is not at the time or his election a resident elector of said town, and any persons ceasing to be a resident and elector of said town shall thereupon cease to hold elective office in the town.

SECTION 3-7 ADVISORY QUESTIONS

The Board of Selectmen may include non-binding advisory questions on the ballot for the purpose of allowing voters to express an opinion regarding Town issues.

**CHAPTER 4
ELECTED TOWN OFFICERS**

SECTION 4-1 ELECTED OFFICERS, BOARDS AND COMMISSIONS

There shall be the following elected officers, boards, and commissions of the Town of Plainfield:

a. **BOARD OF SELECTMEN**

There shall be a three (3) member Board of Selectmen consisting of a First Selectman and two (2) Selectmen, all of whom shall be elected for a term of two (2) years. The candidate for First Selectman receiving the highest number of votes for said office shall be declared elected First Selectman. The candidates, including the unsuccessful candidates for the office of First Selectman, receiving the next two highest number of votes shall be declared elected Selectmen.

b. **BOARD OF FINANCE**

- The Board of Finance shall consist of six (6) members, each of whom shall be elected for a term of six years. At each regular town election, the town shall elect two members of the Board of Finance to serve for six years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms.
- c. **BOARD OF FINANCE ALTERNATES**
The Board of Finance Alternates shall consist of two (2) members, each of whom shall be elected for a term of six (6) years. One (1) member shall be elected at the next regular town election, and one (1) member shall be elected at the next subsequent regular town election. Unless an election would be required to fill a vacancy, there would be a regular town election at which no board of finance Alternate would be elected.
 - d. **BOARD OF EDUCATION**
The Board of Education shall consist of nine (9) members, each of whom shall be elected for a term of six (6) years. At each regular town election, the town shall elect three members of the Board of Education to serve for six years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms. Minority representation within the Board of Education shall be as specified in the Charter.
 - e. **TOWN CLERK**
There shall be a Town Clerk who shall be elected for a term of four (4) years.
 - f. **TAX COLLECTOR**
There shall be a Tax Collector who shall be elected for a term of four (4) years.
 - g. **BOARD OF TAX REVIEW**
The Board of Tax Review shall consist of three (3) members, each of whom shall be elected for a term of two (2) years.
 - h. **PLANNING AND ZONING COMMISSION**
The Planning and Zoning Commission shall consist of five (5) members, each of whom shall be elected for a term of six (6) years. At the 1985 election, the town shall elect two members of the Planning and Zoning Commission to serve for six years. At the 1987 election, the town shall elect one member to the Planning and Zoning Commission to serve for six years. At the 1989 election, the town shall elect two members to the Planning and Zoning Commission to serve for six years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms.
 - i. **PLANNING AND ZONING COMMISSION ALTERNATES**
The Planning and Zoning Commission Alternates shall consist of three (3) members each of whom shall be elected for a term of six (6) years. At each regular town election there shall be elected one member to serve for six years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms.
 - j. **ZONING BOARD OF APPEALS**
The Zoning Board of Appeals shall consist of five (5) members, each of whom shall be elected for a term of six (6) years. At the 1985 election, the town shall elect one members to the Zoning Board of Appeals for a term of six years. At the 1987 election, the town shall elect two members to the Zoning Board of Appeals for a term of six years. At the 1989 election, the town shall elect two members to the Zoning Board of Appeals for a term of six years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms.
 - k. **ZONING BOARD OF APPEALS ALTERNATES**

The Zoning Board of Appeals Alternates shall consist of three (3) members, each of whom shall be elected for a term of six (6) years. At each regular town election, there shall be elected one member to serve for six years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms.

1. BOARD OF POLICE COMMISSIONERS

The Board of Police Commissioners shall consist of five (5) members, each of whom is elected for a term of four (4) years. At the 1985 election, the town shall elect three members to serve for four years. At the 1987 election, the town shall elect two members to serve for four years. When appropriate, the town shall also elect members to fill vacant positions with unexpired terms. The Board of Police Commissioners shall be the traffic authority and shall have the powers and the duties prescribed by law.

SECTION 4-2 GENERAL POWERS AND DUTIES

Except as otherwise provided in the Charter, all elective town officers, boards, and commissions shall have the powers and duties prescribed by law.

SECTION 4-3 TERMS IN OFFICE

The terms of office of all elected officers, board members, and commission members shall commence on the second Tuesday following their election, and they shall hold office until their successors have been elected and qualified.

SECTION 4-4 VACANCIES

- a. Any vacancy in any elective town office or on any board or commission shall be filled by appointment by the remaining members of such board or commission. The appointment to any vacancy occurring from whatever cause arising shall be made within 30 days of the effective date of the vacancy.
- b. If the board or commission fails to fill the vacancy within 30 days, the Board of Selectmen shall fill the vacancy.
- c. Any vacancy in any other elective town office, except the First Selectman, from whatever cause arising, shall be filled by the Board of Selectmen for the unexpired portion of the term or until the next town election, whichever is sooner.
- d. When the 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.
- e. All appointees to a vacancy in an elective office shall serve until a successor elected at a special election or at the next regular town election qualifies. A person elected at either a special election or a regular town election to fill an unexpired term shall serve the remainder of the term.

**CHAPTER 5
BOARD OF SELECTMEN**

SECTION 5-1 COMPOSITION

- a. There shall be a three (3) member Board of Selectmen consisting of a First Selectman and two (2) Selectmen, who shall be elected as this Charter so provides.
- b. No member of the Board of Selectmen during his term of office shall hold or be appointed to any other office or employment in the government of the town except as provided in this Charter.

SECTION 5-2 MEETINGS AND PROCEDURES

- a. At the first meeting following its election, the Board of Selectmen shall fix the schedule of its regular meeting dates and times. The Board of Selectmen shall hold no less than one (1) regularly scheduled meeting per month at a time mutually convenient to all members.
- b. Special meetings may be called at any time by any Selectman on 24 hours written notice. Two (2) members shall constitute a quorum for the transaction of business at any regularly schedule meeting or special meeting, except as otherwise herein provided.
- c. Two members shall constitute a quorum, provided that no resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than two affirmative votes.
- d. Minutes of each meeting shall be taken and shall include the attendance of each member and the vote of each member on all items of business before the meeting.

SECTION 5-3 DUTIES AND RESPONSIBILITIES

- a. The Board of Selectmen shall direct and supervise the affairs of the town and be responsible for coordinating the activities of the officers, boards, commissions, and other agencies of the town.
- b. The Board of Selectmen shall have all powers, duties, and responsibilities conferred upon it by the Charter or the General Statutes and all powers proper, incidental, or convenient to their exercise.
- c. Except as otherwise provided in this Charter, the Board of Selectmen shall have all powers, duties, and responsibilities heretofore and hereafter conferred upon Boards of Selectmen by any applicable special acts or ordinances.
- d. Annually, the Board of Selectmen shall review all town ordinances and recommend as appropriate, their revision or repeal to the Town Meeting.

SECTION 5-4 POWER TO ENACT EMERGENCY ORDINANCES

- a. On a declaration by the Board of Selectmen that a state of public emergency exists endangering the lives, health, or property of citizens , the Board of Selectmen may enact ordinances to meet such emergency. No public hearing shall be required for emergency ordinances. Emergency ordinances shall become effective immediately and shall be published in a newspaper having a general circulation in the town as soon as possible thereafter.
- b. Within 72 hours, the Board of Selectmen shall call a Special Town meeting to affirm or repeal all such ordinances passed, unless said Board shall have previously declared such ordinances no longer valid.

SECTION 5-5 ADDITIONAL POWERS

- a. The Board of Selectmen may accept as a public highway any street or highway situated in the town after said street or highway has been submitted to the Planning and Zoning Commission for approval.
- b. The Board of Selectmen shall institute, prosecute, defend, or compromise any legal action or proceeding by or against the town.
- c. The Board of Selectmen shall make such appointments as specified in this Charter. They shall fill vacancies in elective and appointive offices as specified in this Charter.
- d. The Board of Selectmen may employ such staff with such powers, duties, and responsibilities as they deem desirable to carry out the duties and responsibilities of the Board of Selectmen.

SECTION 5-6 WATER POLLUTION CONTROL AUTHORITY (SEWER AUTHORITY)

The Board of Selectmen is the Water Pollution Control Authority.

**CHAPTER 6
THE FIRST SELECTMAN**

SECTION 6-1 NATURE OF OFFICE

- a. The First Selectman shall have all powers, duties, and responsibilities conferred upon that office by the General Statutes, applicable Special Acts and Ordinances to the extent that such powers are not otherwise granted or limited by this Charter, and shall perform all the functions of that office. The First Selectman shall be the chief administrative and executive officer of the town.
- b. The First Selectman shall be the official head of the town for all ceremonial purposes, for military purposes, and for the purpose of serving civil process.
- c. The First Selectman shall be a full voting and participating member of the Board of Selectmen, and (when present) shall preside over the meeting of the Board of Selectmen.
- d. The First Selectman shall be an ex-officio member without vote of all boards, commissions, and committees of the town.

SECTION 6-2 DUTIES

- a. The First Selectman shall be responsible for the execution and carrying out of ordinances, resolutions, policies, and other action voted by the Board of Selectmen or the Town Meeting.
- b. The First Selectman shall be responsible for coordinating the administration of the offices, agencies, boards, and commissions of the town, except those functions expressly reserved or delegated to such agencies by law, or this Charter.
- c. The First Selectman shall be responsible for a continuous review of the current and future needs of the town, including the financial needs and budget requirements.
- d. the First Selectman shall contract for any services and contract to purchase any supplies, equipment, and other commodities required by any town agency, except the Board of Education.
- e. The First Selectman shall be responsible for the administrative and personnel policies of town offices and employees as established by the Board of Selectman.
- f. The First Selectman shall direct and supervise the administration of all departments and offices of the town, except as otherwise provided by this Charter or by law.
- g. The First Selectman shall coordinate and assist the Board of Selectmen in the discharge of all the Board's duties and responsibilities.
- h. The First Selectman shall prepare and submit to the Board of Finance the annual operating budget and the capital budget for the town, excluding the operating budget of the Board of Education. The budgets shall be submitted to the Board of Selectmen at least two weeks prior to presentation by the Board of Selectmen.

SECTION 6-3 DELEGATION OF DUTIES

The First Selectman may assign and delegate his duties and powers to other Selectmen and to officers responsible to him or the Board of Selectmen.

SECTION 6-4 ACTING FIRST SELECTMAN

- a. Within thirty (30) days after the effective date of this Charter and within thirty (30) days after each subsequent Town Election, the Board of Selectmen shall elect one of the Selectmen to function as Acting First Selectman in the absence of the First Selectman.
- b. The Acting First Selectman shall have all the powers, duties and responsibilities listed in Section 6-1, Section 6-2, and Section 6-3 of this Charter and shall serve:
 - 1. When so instructed in writing by the First Selectman, to serve during his temporary absence. The First Selectman shall notify the Town Clerk in writing of the effective date of this appointment.
 - 2. Automatically, in the event the First Selectman shall be absent from his office for more than thirty (30) days.
 - 3. Whenever the Board of Selectmen shall declare that an emergency exists, and the First Selectman cannot be reached.
 - 4. When a vacancy occurs in the office of the First Selectman. If such vacancy occurs more than one hundred eighty (180) days prior to the next regular Town Election, a special election shall be held forthwith under the General Statutes to fill the vacancy in the office of the First Selectman.
- c. Compensation for service by an Acting First Selectman shall be determined by the Board of Finance.

**CHAPTER 7
APPOINTED BOARDS AND COMMISSIONS**

SECTION 7-1 APPOINTMENT BY BOARD OF SELECTMEN

The Board of Selectmen holding office at the time a vacancy occurs or a term expires shall appoint the following Boards, Commissions, and Committees.

a. BUILDING CODE BOARD OF APPEALS

The Building Code Board of Appeals shall consist of five (5) members, each of whom shall be appointed for a term of five (5) years. One member shall be appointed each year for a term of five years.

b. PUBLIC SAFETY COMMITTEE (Formerly CIVIL PREPAREDNESS ADVISORY COUNCIL)

The Public Safety Committee shall consist of seven (7) members, including representatives of the Fire Districts. Each member will be appointed for a term of four (4) years beginning in 1985.

c. ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission shall consist of seven (7) members, each of whom shall be appointed for a term of five (5) years. One member shall be appointed in 1985, one member in 1986, two members in 1987, two members in 1988, and one in 1989, each for a five year term.

d. HOUSING AUTHORITY

The Housing Authority shall consist of five (5) members, each of whom is appointed for a term of five (5) years. One member shall be appointed each year for a five-year term.

e. INLAND WETLAND AND WATERCOURSES COMMISSION

The Inland Wetland and Watercourses Commission shall consist of seven (7) members, each of whom shall be appointed for a term of four years. In 1985, three members shall be appointed for two years and four members for four years. Subsequent appointments shall be for four-year terms.

f. JURY COMMITTEE

The Jury Committee shall consist of three (3) members, each of whom is appointed for a term of one (1) year.

g. MEDICAL CENTER BOARD OF DIRECTORS

The Medical Center Board of Directors shall consist of six (6) members, each of whom is appointed for a term of three years. Two members shall be appointed each year. The first appointments under this Charter shall be in 1986. The Board of Directors shall manage and operate the Medical Center on a day to day basis, subject to the advice and consent of The Board of Selectmen.

h. TEMPORARY ADVISORY COMMITTEES

Such temporary advisory committees that the Board of Selectmen may from time to time create.

i. ETHICS COMMISSION

The Ethics Commission shall consist of three (3) members, each of whom shall be appointed by the Board of Selectmen for a term of four (4) years. In making the initial appointments, two (2) members shall be appointed for four (4) years, and one (1) member shall be appointed for two (2) years. Thereafter, appointments shall be for four (4) year terms. The Ethics Commission shall be responsible for drafting a proposed Code of Ethical Conduct for the Town of Plainfield for consideration by the Board of Selectmen.

The Board of Selectmen may determine whether to adopt such proposed Code of Ethical Conduct, and, if so, whether to adopt the same by resolution of the Board of Selectmen, or whether to propose enactment of such code of Ethical Conduct as an ordinance of the Town of Plainfield.

The Ethics Commission shall have such other powers and duties as may be imposed by any Code of Ethical Conduct which may be adopted by the Board of Selectmen or by a Town Meeting. The Ethics Commission shall also have such other powers and duties as may be imposed on them by The Board of Selectmen.

SECTION 7-2 ADDITIONAL BOARDS AND COMMISSIONS

The Town Meeting may by ordinance, create, abolish, or consolidate appointive boards and commissions and may likewise alter their powers and duties and change the number and terms of their members.

SECTION 7-3 COMPENSATION

All members of such appointed boards or commissions shall serve without compensation, except for reimbursement of necessary expenses as approved by The Board of Selectmen, or as otherwise provided by law, and until their successors have been appointed and qualified.

SECTION 7-4 ELIGIBILITY

All members of appointive boards and commissions shall be qualified electors of the town and shall vacate their position on ceasing to be electors of the town.

SECTION 7-5 TERMS OF OFFICE

- a. The terms of office on all appointed boards and commissions shall commence on the first Monday of January. The length of terms shall be as herein specified.
- b. The terms of each incumbent member to an incumbent board or commission at the time of the adoption of this Charter, shall be extended to the first Monday in January of the year following the year said term would otherwise expire, unless otherwise provided in this Charter.
- c. Any vacancy on any appointive board of commission, from whatever cause arriving, shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term vacated within thirty days of such vacancy. Any such vacancy shall be

filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party.

SECTION 7-6 MINORITY REPRESENTATION

Minority representation on any appointive board or commission shall be as follows:

COLUMN I	COLUMN II
Total Membership	Maximum from one party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

SECTION 7-7 APPOINTMENT

The Board of Selectmen shall appoint, by resolution adopted at a meeting of said Board, such regular town boards and commissions as are described in Section 7-1 of this Charter.

SECTION 7-8 GENERAL POWERS AND DUTIES

Except as otherwise provided in this Charter, all appointed boards and commissions shall have the powers and duties prescribed by law.

SECTION 7-9 REMOVAL OF MEMBERS OF APPOINTED BOARDS

- a. Members of appointed boards/commissions may be removed for good cause shown. Good cause shall include but not be limited to:
 - 1. Three unexcused absences from regular meetings or attendance at less than 50% of the meetings in a 12 month period.
 - 2. Violation of Section 9-2, Code of Ethical Conduct.
- b. The appointing authority may remove such members upon recommendation of the board/ commission involved.
- c. A written notice of intent to remove for cause shall be made to the person involved by the appointing authority five (5) days prior to the actual vote to remove. At the option of the person involved, a public hearing before a combined meeting of the board/commission and the appointing authority shall be held within five (5) working days of the written request for such hearing to the appointing authority.

CHAPTER 8
ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 8-1 OFFICERS AND DEPARMENTS

- a. The Town shall have such administrative officers and departments as now exist and as are provided by the General Statutes, Special Acts, this Charter, or as prescribed by any ordinance adopted pursuant to law.

- b. The Board of Selectmen may recommend to the Town Meeting the creation or abolition of such additional administrative officers/departments as it from time to time may deem appropriate and necessary to the best interest of the Town.
- c. Officers and Department Heads will be selected and appointed by the Board of Selectmen. Such persons selected and appointed will be regular town employees.
- d. Officers and Department Heads shall have all the powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on such officers, and such other powers and duties as may be prescribed by the Board of Selectmen and local ordinances.

SECTION 8-2 TOWN COUNSEL

- a. The Board of Selectmen shall appoint by resolution adopted at a meeting to be held not later than January 15 a Town Counsel who shall serve for a term of one year.
- b. The Town Counsel shall serve as legal adviser to The Board of Selectmen, First Selectman, and all town departments, offices, and agencies, shall represent the town in all legal proceedings, and shall perform any other duties prescribed by The Board of Selectmen.
- c. If in special circumstances, the Board of Selectmen deems it advisable, it by resolution may provide, in addition, for the temporary appointment of counsel other than Town Counsel.

SECTION 8-3 WATER POLLUTION CONTROL AUTHORITY (SEWER AUTHORITY)

The Water Pollution Control Authority is constituted as a departmental unit of the town. The powers of the Authority shall be exercised by said department in the usual and normal manner in which it functions as such a departmental unit of the town under the rules and regulations of said department and the ordinances and the Charter of the Town.

SECTION 8-4 TOWN TREASURER/FINANCIAL OFFICER

There shall be a Town Treasurer/Financial Officer who will be appointed by The Board of Selectmen. The Town Treasurer/Financial Officer shall serve as financial advisor to the Board of Selectmen, First Selectman, Board of Finance, Board of Education, and all other Town Departments, offices, and agencies. He shall represent the Town in all financial matters, and shall perform any other duties prescribed by the Board of Selectmen. This position to be filled starting in 1993.

**CHAPTER 9
ADMINISTRATIVE PROCEDURES**

SECTION 9-1 GENERAL BOARD PROCEDURE

- a. All elective Boards and Commissions shall annually, between two and four weeks after the November election choose a chairman, vice-chairman, and a secretary, after swearing in newly elected members.
- b. All appointed Boards and Commissions shall at their first regular meeting elect a chairman, vice-chairman, and a secretary after swearing in new members.
- c. All boards and commissions shall make regulations for the conduct of their meetings, and such regulations shall be filed with the Town Clerk.
- d. Boards and commissions shall comply with the Connecticut Freedom of Information Act.

- e. Boards and commissions shall provide the Town Clerk with a copy of the minutes of each meeting within seven days of the session to which they refer.

SECTION 9-2 CODE OF ETHICAL CONDUCT

All officers and employees of the Town of Plainfield shall adhere to these principles of ethical conduct in order to assure that they conduct themselves in a manner consistent with the Town's obligations to its citizens.

a. LOYALTY TO THE TOWN OF PLAINFIELD

No officer or employee shall be subject, or even seem to be subject, to influences, interests, or relationships which conflict with the best interests of the Town of Plainfield. He shall avoid any activity which might conflict with or seem to conflict with the town or the officer or employees.

b. COMPLIANCE WITH APPLICABLE LAWS

No officer or employee shall at any time take any action on behalf of the Town of Plainfield which the officer or the employee knows, or reasonably should know, violates any applicable law or regulation.

c. CONFLICT OF INTEREST

A conflict of interest exists when an officer's or employee's duty to give undivided personal interest and loyalty to the town can be prejudiced by actual or potential financial or personal benefit from another source.

1. Each officer or employee shall avoid any investment, interest, or association which interferes, or might appear to interfere, with the independent exercise of judgment in the Town's best interests.
2. Any officer or employee of the town who has a substantial personal or financial interest, direct or indirect, in a vote, decision, contract or sale, shall disclose that interest to the Board of Selectmen or to the Board, commission, or agency having jurisdiction over the issue, and shall refrain from voting upon or otherwise participating in his capacity as a town officer or employee in said vote, decision, contract, or sale.
3. Any officer or employee who willfully conceals such substantial personal or financial interest, or willfully violates the requirements of this section, shall be subject to removal.
4. Violation of this section with the knowledge, express or implied, of any person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the board, commission, or agency having jurisdiction.

d. NEPOTISM

No officer or employee of the Town, and no elective or appointive Board or Commission of the Town shall employ or appoint to a position of financial gain, the spouse, child, parent, brother, or sister of any such officer or employee, or of any member of any such board or commission. The Ethics Commission shall establish guidelines for the employment or appointment to a position of financial gain any member of that Board or Commission, or the spouse, child, parent, brother, or sister of any member of that Board or Commission.

SECTION 9-3 POLITICAL ACTIVITIES OF EMPLOYEES

a. No person employed by the town may:

1. Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

2. Directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- b. A person employed by the town retains the right to vote as he chooses, to express his opinions on political subjects and candidates, and shall be free to participate actively in political management and campaigns. Such activity may include, but shall not be limited to, membership and holding of office in a political party, organization, or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting votes in support of or in opposition to a candidate, and making contributions of time and money to political parties, committees, or other agencies engaged in political action, except that no employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the town.
- c. No employee shall utilize town funds, supplies, vehicles, or facilities to secure support for or oppose any candidate, party, or issue in a political partisan election.
- d. Any employee may be a candidate for elective office; however, if the employee accepts and qualifies for any elective office which is incompatible with his employment, he shall resign his position as an employee of the town. An incompatible office is one which might place the employee in a position to violate Section 9-2, Code of Ethical Conduct.

SECTION 9-4 PERSONNEL SYSTEM

- a. All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- b. The Board of Selectmen, Board of Education, and Board of Police Commissioners shall establish policies for positions under their supervision. Other elective officers, boards, and commissions shall establish personnel policies in cooperation with the Board of Selectmen.
- c. Provisions of this section are to be in place within 12 months following adoption of this Charter.

CHAPTER 10 FINANCE AND TAXATION

SECTION 10-1 FISCAL YEAR

The fiscal year of the Town shall begin on July 1 and end on June 30 of the following calendar year.

SECTION 10-2 PREPARATION OF THE OPERATING BUDGET

- a. At such time and in such manner as the Board of Finance may require every agency and department supported wholly or in part by town revenues, or for which a specific appropriation is or may be made, except the Board of Education, shall present to the First Selectman an itemized estimate of the expenditures to be made by that agency, and all the revenues, other than town appropriations, to be received by it or for use during the ensuing fiscal year. The estimates shall be accompanied by such other reports and information as the Board of Finance may require. The First Selectman shall examine and adjust the estimates and information and prepare such comments and recommendations as he deems advisable with respect to the estimates.

- b. The First Selectman shall submit to the Board of Selectmen the annual operating budget for the town, excluding the budget of the Board of Education, at least two weeks prior to presentation to the Board of Finance. The Board of Selectmen shall examine and may adjust the recommended estimates of expenditures and revenues for the ensuing year and shall prepare such comments and recommendations as it deems advisable for presentation to the Board of Finance.
- c. At such time and in such manner as the Board of Finance may require, the Board of Selectmen shall present to the Board of Finance the itemized estimates of the expenditures to be made by each agency and department, and all revenue to be received by each agency and department, together with the comments and recommendations of the Board of Selectmen with respect to such estimates.
- d. The Board of Education shall submit its estimates of expenditures and revenues directly to the Board of Finance.
- e. The Board of Finance, upon request, shall afford each agency or department an opportunity for a hearing on the proposed budget of such agency or department. The Board of Finance shall then revise the estimates as it deems desirable and prepare a general town budget.
- f. The Board of Finance shall hold one or more public hearings on the general town budget report not less than fourteen days before the Annual Town Budget Meeting. At the hearings, any person qualified to vote at the Annual Town Budget Meeting shall be heard.
- g. The Board of Finance shall then revise the estimates as it deems desirable and prepare the recommended town budget, which may include a contingency fund not to exceed two percent of the total estimated expenditures for the current fiscal year, and an appropriation to the reserve fund for capital and non-recurring expenditures. The recommended town budget shall also include estimates of the revenue to the Town from all sources for the ensuing year including taxes to be raised.
- h. The Board of Finance shall prepare a budget message or messages that explain the budget in fiscal terms and terms of the work programs. The budget message(s) shall outline the proposed financial policies for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, and include such other material as the Board of Finance deems desirable.
- i. The Board of Finance shall make available copies of the Town budget report in the office of the Town Clerk not less than five days before the public hearing. It shall, before the Annual Town budget Meeting, publish a summary of the proposed Town Budget in a newspaper having a general circulation in the Town and make available copies of the proposed Town Budget in the office of the Town Clerk.
- j. The Board of Finance shall present the budget to the Annual Town Budget Meeting. The adoption of the annual town budget shall be in accordance with the provisions of Section 2-4 of this Charter.

SECTION 10-3 PREPARATION OF TAXES

- a. Not more than fifteen days after the adoption of the annual town budget, the Board of Finance shall meet and lay such tax as is required by the General Statutes.
- b. The Tax Collector shall then collect the tax in accordance with General Statutes. The due dates shall be July 1 and January 1.

SECTION 10-4 SPECIAL APPROPRIATIONS AND TRANSFERS OF APPROPRIATIONS

- a. All requests for special appropriations shall be made in writing by the Board of Selectmen or Board of Education, and forwarded to the Board of Finance. The Board of Finance shall act on all request for special appropriations and conform to the provisions of Section 2-5. The Board shall publish a notice of its action together with the reasons for its action in a newspaper having general circulation in the Town.
- b. The Board of Finance, upon written request from The Board of Selectmen, may transfer unexpended balances from one appropriation to another in accordance with the General Statutes.

SECTION 10-5 CAPITAL IMPROVEMENT PROGRAM

- a. No later than January 31 of each year all agencies of the town shall submit to the Board of Selectmen, via the First Selectman, a comprehensive list of capital improvements needed to carry out the operating program in the next and ensuing five years. The list shall include the initial construction or acquisition of, and future additions to, the physical facilities of the town.
- b. The Board of Selectmen shall consider and compile the lists and shall submit the Capital Program to the Board of Finance not later than March 1. The Program will include supporting information as to the necessity for each improvement, cost estimates, method of financing, recommended time schedules for each improvement, and the estimated annual cost of operating and maintaining any facilities to be constructed or acquired.
- c. The Board of Finance shall present the Capital Program at the annual town budget meeting for approval. The actual authorization for capital improvements shall be accomplished by their inclusion in the annual operating budget of the Town.
- d. The Capital Program may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- e. As required by the General Statutes, all municipal improvements shall be reviewed by the Planning and Zoning Commission prior to approval by Town Meetings.

SECTION 10-6 EXPENDITURES AND ACCOUNTING

- a. The system of accounts used by town agencies shall be that prescribed by the State of Connecticut as supplemented by regulations of the Board of Finance. All regulations of the Board of Finance shall be consistent with this Charter, and the powers and duties of other agencies and shall be complied with by all town agencies.
- b. The Board of Finance shall provide for an annual independent audit of the books and accounts of the town as required by the General Statutes.
- c. No officer or agency of the town shall expend or enter into any contract which would oblige the Town to expend in excess of an approved appropriation. Any officer who, without authority from this Charter or the General Statutes, expends or causes to be expended any money of the town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town as provided in the General Statutes.

SECTION 10-7 BORROWING

The provisions of this Charter shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes and Section 2-5 of this Charter.

CHAPTER 11 MISCELLANEOUS PROVISIONS

SECTION 11-1 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 exercise and discharged by the commission, board, department, or office upon which are imposed corresponding or like function, 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 provisions 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.

SECTION 11-2 PRESENT EMPLOYEES

All 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 position pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time this Charter is shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotion, removals, 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 to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

SECTION 11-3 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 forthwith to the commission, board, department, or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department, or office 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 forthwith to the commission, board, department, or office to which such powers and duties are so assigned.

SECTION 11-4 CONTINUATION OF APPROPRIATIONS AND TOWN FUNDS

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the Town, at the time of adoption of this Charter, shall remain in full force and effect unless and until the same shall be amended, transferred, or abolished by the Board of Finance under the provisions of this Charter.

SECTION 11-5 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 which shall have been a 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 the office to which such function, powers, and duties have been assigned or transferred by or under this Charter.

SECTION 11-6 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. The provisions of all special acts of the General Assembly relating to the Town of Plainfield not inconsistent with the provisions of this Charter are hereby retained.

SECTION 11-7 REVIEW AND AMENDMENT OF CHARTER

The Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the town, but no less often than once every five (5) years, said review to be published as part of the Annual Town Report. The Board of Selectmen shall appoint a charter revision commission not later than two (2) years from the effective date of this Charter to proceed forthwith in the manner prescribed by the General Statutes.

SECTION 11-8 SAVING CLAUSE

If any provision of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter.

SECTION 11-9 USAGE

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

SECTION 11-10 EFFECTIVE DATE

This Charter shall become effective upon the approval of a majority of the Town electors voting thereon at a regular or special election as determined by the Board of Selectmen and in accordance with the provisions of Chapter 99 of the General Statutes as amended.

SECTION 11-11 TRANSITION COMMITTEE

- a. In the event this Charter shall be ratified by the electors of the tow, a committee composed of the following will be requested to serve in an advisory and voluntary capacity to prepare for the orderly transition of the town government to the form and procedures set forth in this Charter: the members of The Board of Selectmen, the Chairman of the Board of Finance, and the members of the Charter Commission.

- b. The organizational meeting of this committee will be held no later than seven (7) days following ratification of the Charter, and will be called to order by the First Selectman. A chairman will be elected at said organizational meeting from among the members.
- c. The terms of this committee will begin on the day following ratification of this Charter and will end on a date no later than 18 months following ratification of the Charter.