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CHAPTER 1

INCORPORATION AND GENERAL POWERS

PREAMBLE

We the people of the Town of Prospect, under the Constitution and laws of the State of Connecticut, in order to secure the benefits of local self-government and to provide for an honest and accountable government do hereby adopt this Charter and confer upon the town the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of self-determination and affirm the values of representative democracy, strong political leadership, citizen participation, and regional cooperation.

SECTION 1.01. INCORPORATION:

All the inhabitants dwelling within the territorial limits of the Town of Prospect, as heretofore constituted, shall continue to be body politic and corporate under the name of The Town of Prospect, hereinafter-called "the Town", and as such, shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the general laws of the State of Connecticut.

SECTION 1.02. RIGHTS AND OBLIGATIONS:

All property, both real and personal, all rights of action and rights of every description and all securities and liens in the Town as of the effective date of this Charter are continued.

The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien.

If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by any Commission, Board, Department, Agency 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 shall continue in full force and effect.

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The powers conferred and the duties imposed with reference to the same upon any such Commission, Board, Department, Agency or Officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of the Town.

SECTION 1.03. GENERAL GRANT POWERS:

In addition to all powers granted to towns under the Constitution and general laws of the State, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, and all other 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, State of Connecticut or any political sub-division thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and general laws 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.

SECTION 1.04. EXISTING LAWS AND ORDINANCES:

~~All general laws of the State of Connecticut applicable to the Town and a~~ All ordinances and by-laws 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 Prospect inconsistent with the provisions of this Charter, are repealed.

CHAPTER 2

ELECTIONS AND ELECTIVE OFFICES AND APPOINTIVE OFFICES

SECTION 2.001. GENERAL:

(a) Nomination and election of federal and state offices, including Registrars of Voters, Justices of the Peace 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.

(b) A meeting of the electors of the Town of Prospect for the election of Municipal Officers shall be held on the Tuesday after the first Monday in November of the odd-numbered years.

At such a meeting there shall be elected:

One (1) Mayor

Nine (9) Members of the Town Council

~~One (1) Town Clerk~~

~~One (1) Town Treasurer~~

~~One (1) Tax Collector~~

Three (3) Members of the Board of Assessment Appeals

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all for terms of two (2) years.

Alternately thereafter at each biennial election there shall be elected, three (3) members and then (2) members of the Planning and Zoning Commission and the Zoning Board of Appeals for terms of four (4) years to succeed those whose terms expire. (AMENDED 11/83)

Also at said meeting to be held in said year, there shall be elected two (2) members of Region 16 Board of Education for terms of four (4) years to succeed those whose terms expire.

The terms of all Municipal Officers shall commence on the second Friday ~~at 8 p.m~~ next following the day of the municipal election at which subject officials are elected and they shall hold office until their successors have been chosen and qualified, except Regional Board members shall take office the first Monday of the month following each Town election, ~~and the Town Clerk shall take office on the first day of January following each Town election.~~

The Town Treasurer and Tax Collector shall each file, with the Mayor and the Town Council, a monthly report for the immediate preceding month, ~~with and~~ in a formformat, approved by the Mayor and the Town Council. (AMENDED 11/83)

At the state election to be held quadrennially on the first Tuesday after the first Monday of November, there shall be elected: two (2) Registrars of Voters, in accordance with Section 9-189a of the Connecticut General Statutes, as amended, who shall serve for terms of four (4) years each; and Justices of the Peace in accordance with Sections 9-183a and 9-184 of the Connecticut General Statutes, as amended, who shall serve for terms of four (4) years each. Said Registrars of Voters and Justices of the Peace shall perform the duties prescribed by the Connecticut General Statutes.

#### SECTION 2.02. ELIGIBILITY:

(a) Elective Offices: No person shall be eligible for election to any Town office who is not, at the time of election, a resident and elector of the Town and any person ceasing to be a resident and elector of the Town shall thereupon cease to hold elective office in the Town.

~~(b) Appointed Offices:~~ No person shall be eligible for appointment to any Town office who is not, at the time of said appointment, a resident elector of the Town and any person ceasing to be a resident elector of the Town shall thereupon cease to hold that appointed office in the Town, unless otherwise provided by this Charter or the General Statutes. The Town Attorney, Director of Public Works Department, Land Use Inspector and the Town Assessor shall not be required to be resident electors.

~~(b) Appointive Offices~~ (bc) Boards and Commissions: ~~All appointive-offices- members of Boards and Commissions shall be filled by resident electors of the Town, unless there is no resident elector who is properly qualified. In this event, a properly qualified non-resident may be appointed. Any person appointed to a Town office as a resident elector of the Town to an appointive board or commission as a resident elector of the Town who ceases to be a resident elector of the Town during the term of the office shall thereupon cease to hold the appointive-office position. The preceding shall not apply to the appointment of a Town Attorney.~~

#### SECTION 2.03. VOTING DISTRICTS:

The Town Council may establish voting districts and split voting districts in accordance with the Connecticut General Statutes.

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Maps describing the voting districts shall be on file in the Town Clerk's office. (AMENDED 11/83)

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 et seq., and 9-169 et seq., of the General Statutes as amended.

SECTION 2.04. MINORITY REPRESENTATION:

(a) The maximum number of the Council, any Board, Commission, Committee or similar body who may be members of the same political party shall be a bare majority of one (1) member.

(b) Any affiliated or unaffiliated elector recommended for appointment or nominated for an elective office by a Town Committee shall be deemed a member of the political party of said Town Committee for the purpose of this section.

(c) No political party may nominate more candidates than to give them a bare majority of one (1) member in the Council, any Board, Commission, Committee or similar body.

SECTION 2.05. VACANCY IN ELECTIVE OFFICE AND APPOINTIVE OFFICES:

(a) Any vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Town Council for the unexpired portion of the term, provided that 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- The Council shall request Town Committees of the appropriate party to submit a name or names to fill the vacancy.

(b) Any vacancy in any appointive Office, Board, Committee or Commission, from whatever cause arising, shall be filled by appointment by the original appointing authority for the unexpired portion of the term. Such person shall take office immediately following his or her appointment.

SECTION 2.06. 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 the General Statutes of the State 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 referendum shall be held on the seventh day after the election which resulted in a tie and shall be confined to the tied issues. Any voting ~~maehine~~ tabulators, the returns from which are subject to disagreement, may be unlocked and used in said special election. If voting ~~maehines-~~ tabulators are not available in sufficient number, paper ballots may be used in place of, or in conjunction with, voting ~~maehines~~ tabulators.

SECTION 2.07. RECORDS AND REGULATIONS:

All Boards, Commissions and appointed Agencies shall make regulations for the conduct of their meetings, subject to SECTION 3.04 of this Charter. Such regulations and any amendments thereto shall be filed with the Town Clerk.

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All Boards, Commissions and appointed Agencies shall set aside a portion of their regular meetings for public participation.

A record of ~~all~~ official actions taken by each Board, Commission or appointed Agency and the recorded vote of each member thereof on each such action shall be included in the minutes of the meeting at which said action occurred and these minutes may be considered an official record and shall be filed with ~~the Mayor and~~ the Town Clerk within five (5) days of their approval. Regulations concerning filing of minutes of executive sessions and special meetings must comply with State Statutes. (AMENDED 1-1/79).

### **CHAPTER 3** THE TOWN COUNCIL

#### SECTION 3.01. THE COUNCIL

(a) There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the "Council".

(b) Each member of the Council shall be paid ~~in a monthly stipend approved as part of the Town budget the amount of \$25.00 per month.~~ Thereafter, any ~~increase change~~ in remuneration shall be approved by the Town Budget meeting immediately preceding a biennial Town election and in accordance with Section 7-460 of the General Statutes. Said ~~increase change~~ shall become effective on the Monday following said election.

(c) ~~Reimbursement of actual expenses incurred in the performance of official duties will be paid.~~

(d) ~~No member of the Council shall hold any other office under the government of the Town of Prospect during the term of office for which he or she is elected; nor shall he or she be appointed to any non-elected paid position under the government of the Town which was created by the Council during his or her term of office and for two (2) years after said position was created. However, the Council may, by a two-thirds affirmative vote of its total authorized membership, appoint any one of its members to any temporary non-compensatory Board, Agency, or Commission, provided that no more than one Council member may be appointed to, or serve on, at the same time, said temporary non-compensatory Board, Agency or Commission.~~

#### SECTION 3.02. PRESIDING OFFICER:

The Town Council shall meet at ~~8:00 p.m~~ 7:00 pm, on the second ~~Friday~~ Tuesday following each biennial election and shall choose from among its members, a Chairperson and a Vice-Chairperson of the Council. (AMENDED 1/83)

This shall be the first order of business and the Mayor shall preside over the meeting without a vote until a Chairperson is elected. If the vote for Chairperson remains a tie after three (3) ballots the Mayor shall be permitted to vote to elect a Chairperson.

If the Mayor is unable to preside over said Town Council meeting due to absence or disability, the Town Clerk shall preside over said Town Council Meeting until a Chairperson is elected.

The office of Chairperson shall not deprive such Chairperson of his or her vote on any question. The Chairperson shall have an additional vote only to break a tie.

The Chairperson shall preside over all meetings of the Council and perform all duties consistent with his or her office.

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During the absence or disability of the Chairperson, the Vice-Chairperson shall assume the position of Chairperson until a new Chairperson and Vice-Chairperson are selected by the Council. Before the selection of a Chairperson and Vice-Chairperson, the existing vacancy in the Council must be filled as prescribed in SECTION 2.05 of this Charter.

SECTION 3.03. PROCEDURE:

At the first meeting of the Town 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. The Council shall hold at least one regular meeting each month. 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 and the votes shall be recorded as prescribed by Section 1-225 of the General Statutes as amended.

Five members shall constitute a quorum.

All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title. 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 kept on bonded paper and authenticated for each meeting by the signatures of the Chairperson and the Clerk. (AMENDED 11/79).

SECTION 3.04. 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 the Town existing immediately prior to such date, except as otherwise specifically provided in this Charter. Except as otherwise provided by this Charter or by specific provisions of the General Statutes of the State vesting authority in the Town Meeting, the Town Council shall be the "legislative body" of the Town and the legislative power shall be vested exclusively in the Council. Said Council shall have the power to enact, amend or repeat 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 the services of and the use of, facilities of the United States or any federal agency, the State of Connecticut or any political sub-division thereof, or may, by agreement, join with any such political sub-divisions to provide services and facilities.

The Town Council, upon recommendation of the Mayor, shall have the power, by resolution, to provide for the sale of real estate acquired by the Town as a result of tax foreclosure or acquired by deed in lieu of foreclosure. The Town Council, upon recommendation of the Mayor, may, by resolution, authorize the purchase of real estate by the Town following a tax sale in which there has been no bidder and provide for the sale of real estate so acquired.

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.

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Said Council may, by resolution, regulate the internal operation of Boards, Commissions and Offices which it fills by appointment.

Said Council shall 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 this Charter.

SECTION 3.05. INVESTIGATIONS:

The Town Council shall have the power to investigate any and all Departments, Offices and Agencies of the Town and for such purposes, shall have the power to call witnesses to appear before the Council to testify on any matter under investigation.

The Town Attorney shall, when so directed by a majority vote of the Town Council, issue a subpoena or a subpoena duces tecum for the appearance of witnesses, or witnesses and documents, at a Town Council meeting. If any person shall disobey such process, or having appeared in obedience thereto, or by its counsel, and does not claim his Fifth Amendment Right, said person shall be deemed to resign from said office or position. The Council, acting by a majority of its members, may apply in writing to the Superior Court or, if said court shall not be in session, to a judge thereof, setting forth such disobedience of process or refusal to answer, and said court or such judge, as the case may be, shall punish such person in the same manner and to the same extent as if such failure so to appear or failure to testify or failure so to produce any book or document had occurred in the Superior Court. Such person may be represented by an attorney of his or her choice at his or her own expense at said investigation.

SECTION 3.06. ~~CONFLICT OF INTEREST: [MOVED TO CHAPTER 11] LEAVE BLANK:~~

~~Any elected or appointed Officer or any employee of the Town who has a financial interest, or personal interest — including family members, neighbors, business associates, competitors or associations, either directly or indirectly in any matter involving a decision pending before him or her, or in direct or indirect, in any contract, transaction or decision of any Board, Council, Town Department, or Commission to which the Town is a party, shall immediately disclose that interest to the appropriate Town Board, Commission, Council or Mayor Council and shall thereupon disqualify himself or herself from a discussion or vote on such matter, which disclosure shall be entered upon the official record and said person shall leave the room. Always be mindful of appearance of a conflict of interest, when in doubt, recuse oneself.~~

~~Voting by an elected or appointive officer on the appointment of himself or herself or a member of his or her immediate family to a Town position that will provide compensation or a financial benefit to either the Officer or the family member, shall be construed as a conflict of interest pursuant to this section. The knowing violation by any such Officer or employee of the provisions of this section or SECTION 3.01(d) of this Chapter shall be grounds for his or her removal. Violation of this section or SECTION 3.01(d) of this Chapter 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. No member of a Board, Commission or Agency, and no elected Official, may employ in a paid position, a member of his or her immediate family without the consent of the Town Council.~~

SECTION 3.07. 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

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or her 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.

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 constituted meeting of the Council, which the Mayor has been invited to attend, may call before it any employee or Officer for the purposes of investigation.

#### SECTION 3.08. PUBLIC HEARINGS ON AND PUBLICATION OF ORDINANCES:

At least one (1) public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a substantial circulation in the Town, ~~and~~ by posting notice in a public place, and the Town's Internet Website, as defined by section 12.01 of this Charter, shall be held by the Town Council before any ordinance shall be passed, amended or repealed.

Every ordinance or amendment thereto, after passage, shall be filed with the Town Clerk, shall be given a serial number and recorded, compiled and published by the Town Clerk as required by law.

Within ten (10) days after final passage, all ordinances or amendments shall be published once in their entirety, in a newspaper having substantial circulation within the Town; and the Town's Internet Website, as defined by section 12.01 of this Charter.

Every ordinance or amendment unless it shall specify a later date, shall become effective thirty (30) days after such publication following its final passage.

#### SECTION 3.09. EMERGENCY ORDINANCES:

An ordinance stated to be a public emergency measure and stating the facts constituting such public emergency, shall become effective immediately after a publication in a newspaper having substantial circulation in the Town; and the Town's Internet Website, as defined by section 12.01 of this Charter, and no public hearing or notice of public hearing shall be required for any public emergency ordinance.

If said publication is not possible because of such emergency, the residents of the Town shall be notified of such ordinance by the best means available. A copy of such emergency ordinance shall also be posted on the public sign post, which posting shall be deemed one of the best means available for the publication of said notice of said emergency ordinance. Every such emergency ordinance, including any amendments thereto, shall automatically Stand repealed at the termination of the thirty-first (31st) day following passage of said ordinance.

#### SECTION 3.10. PETITION BY ELECTORS:

The electors of the Town shall have the power to propose ordinances 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 the General Statutes of the State.

Said petition shall contain the full text of the ordinance proposed and shall be signed in ink ~~or indelible pencil~~ by at least 200 qualified electors of the Town. (AMENDED 11/83)

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Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in the General Statutes of the State.

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 this Charter and certify said petition to the Council.

Upon receipt of said petition, the Council shall submit it to the Town Attorney, who shall determine, within fifteen (15) days, whether or not the ordinance is a proper subject for Council action-

If the Council fails to act on, or acts to reject an ordinance so proposed (and found to be legal by the Town Attorney) within thirty (30) days after receipt from the Town Clerk, those persons eligible to vote at a Town Meeting may adopt or reject the same at a referendum which must be called by the Council and held within ninety (90) days after such proposed ordinance has been received by the Council.

An ordinance approved at such a referendum shall not become effective unless the number of persons voting equals at least twenty percent (20%) of the number of electors of the Town. (AMENDED 11/83)

Said ordinance shall become effective upon certification of the results of the voting thereon.

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 those persons eligible to vote at a Town Meeting.

#### SECTION 3.11. POWER OF REFERENDUM:

Those persons eligible to vote at a Town Meeting shall have the power to approve or reject at a referendum, as herein provided, any ordinance adopted, any amendment made or any ordinance repealed by the Council, except an emergency ordinance adopted in accordance with the provisions of this Charter.

Ordinances submitted to the Council by petition of electors as provided in this Charter and adopted by the Council, shall be subject to a referendum in the same manner as other ordinances. Within thirty (30) days after the publication of an ordinance, an amendment to an ordinance or notice of repeal of an ordinance, as provided for in this Charter, a petition requesting that such action of the Council be submitted to a vote of those persons may be filed with the Town Clerk by an elector. Any such petition shall conform to the requirements of Section 7-9 of the General Statutes, except as provided herein and shall be addressed to the Council and shall request that the action of the Council be submitted to a vote of those persons eligible to vote at a Town Meeting, and shall be signed in ink ~~or indelible pencil~~ by at least fifteen percent (15%) of qualified electors of the Town. (AMENDED 11/83)

The Town Clerk shall proceed as prescribed by the General Statutes of the State as to referenda.

If the number of qualified signatures, as certified by the Town Clerk, equals or exceeds 200 of the Towns electors, and the Council fails or refuses to reverse its action at its meeting next following the delivery of the petition to its Clerk, the action of the Council adopting, amending, or repealing the ordinance, shall be submitted to a vote of those persons eligible to vote at a Town Meeting at a referendum which must be called by the Council to be held not less than ten (10) nor more than twenty (20) days after said meeting of the Council. (AMENDED 11/83)

Such referendum shall be held in conformity with the provisions of the General Statutes of the State relating to referendum.

Upon submission of the petition to the Town Clerk as above provided, the action of the Council shall remain without effect until either;

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- (a) The first meeting of the Council following delivery of the petition by the Town Clerk to the Clerk of the Council with a certification showing that the number of signatures on the petition is insufficient which fact shall be recorded upon the minutes of the Council, or
- (b) The petition to reverse the Council's action has failed to obtain a majority vote at a referendum at which the number of persons voting equals at least twenty percent (20%) of the number of electors of the Town. (AMENDED 11/83)

SECTION 3.12. FORM OF PETITION AND AFFIDAVIT OF CIRCULATORS:

The form of petition for referendum shall be as follows:

WARNING: ALL SIGNATURES SHALL BE IN INK ~~OR INDELIBLE PENCIL~~

We, the undersigned electors of the Town of Prospect, hereby present this petition under the provisions of the Charter of the Town of Prospect, (here insert the word "initiating" or the words "requesting the repeal of), the following ordinance, (here insert the full text of the ordinance), and we certify that we are electors of the Town of Prospect residing at the addresses set opposite our names and that we have not signed this petition more than once.

(Here follow the signatures and addresses).

Signature \_\_\_\_\_ Number \_\_\_\_\_ Street \_\_\_\_\_

The accompanying affidavit of the circulators of any petition page shall be as follows:

"I, the CIRCULATOR of this petition page, do hereby attest and state, under penalties of perjury, that my address is \_\_\_\_\_

in the Town of Prospect, that each person whose signature appears on this page signed the same in person in my presence, that I either know each such signer or that each such signer satisfactorily identified himself or herself to me, and that all the signatures on said page(s) were obtained not earlier than six (6) months prior to the filing of said petition.

Dated at Prospect, Connecticut, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Circulator

SECTION 3.13. OFFICIAL BOND:

The Mayor, Town Clerk, Treasurer, Tax Collector, Building Inspector 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 faithful performance of such official duties.

Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the Town, from prescribing which Department, Offices, Agencies, Boards or Commissions shall be covered by a specific type of the fore mentioned bonds. Premiums for such bonds shall be paid by the Town.

SECTION 3.14. SALARIES: OFFICERS AND TOWN EMPLOYEES:

Salaries of all Officers ~~and employees~~ of the Town shall be established by the Council, provided no elected official of the Town shall receive an increase or decrease in his or her salary during the term of the office.

In addition, the Town Council shall establish a compensation plan for all town employees not covered by collective bargaining agreements. All recommended changes in the compensation plan of said town employees shall be approved by the Council.

Within sixty (60) days of the approval of the Town Budget by the Annual Town Budget Meeting, the Town Council shall send to the Mayor, compensations plans for town employees and officials to be placed on public record and public view. These compensation plans shall also show a maximum and minimum wage scale. ~~in step form, and the number of positions in each step at that time in those departments for which the Mayor is the administrator.~~ (Amended 11/87)

The Mayor may determine, within the prescribed wage scale, the salary for employees in those departments for which the Mayor is the administrator.

The Town Council shall, on acceptance of this Charter establish a salary for the Tax Collector and provide a method for paying that salary in equal monthly increments.

The annual salaries of elected or appointed officials and employees shall be paid to said officials and employees, in equal installments, no less frequently than once a month.

Further, the Town Council shall either establish or cause to be established, job descriptions and an annual performance review process for all Town employees.

SECTION 3.15. –COMPENSATION FOR BOARDS AND COMMISSIONS:

Unless otherwise provided by the Council, all members of all Boards and Commissions shall serve without compensation.

SECTION 3.16. GRANT PUBLIC HEARINGS:

If Town Council action is required on an application for a grant, a public hearing shall be held by the Prospect Town Council at least two weeks prior to Town Council approval or disapproval of the grant application. (Amended 11/87);

Town Council shall be notified of all grant applications, by the Officer making such grant application. All additional grant applications and awards not requiring Town Council action shall be reported to the Council within 15 days of application or award.

CHAPTER 4  
OFFICERS, BOARDS AND COMMISSIONS  
APPOINTED BY THE TOWN COUNCIL

DRAFT - Dated May 15, 2016

The Town Council shall appoint, consistent with SECTIONS 2.02 and 2.04, and may remove members from the following Boards, Commissions and Agencies.

All terms of office of the Boards, Commissions and Agencies whose members are appointed by the Council shall commence on the second Tuesday of January following the election of the Council. All persons appointed to said Boards, Commissions and Agencies, shall serve until their successors shall have been appointed and qualified.

The maximum number of any Board, Commission or similar body who shall be members of the same political party shall be a bare majority of one (1) member.

If a Town Committee fails to submit nominations within thirty (30) days after each Town election, or as vacancies occur, the Town Council shall then make the appointments without need for further consultation with either Town Committee.

In this case, the majority party members of the Town Council shall nominate the majority party members of said Boards, Commissions, Committees or similar body, and the minority party members of the Town Council shall nominate the minority party members of said Boards, Commissions, Committees or similar-body.

#### SECTION 4.01. THE INLAND WETLANDS COMMISSION AND ALTERNATES:

There shall be an Inland Wetlands Commission comprised of five (5) regular members and three (3) alternates, appointed by the Town Council. Terms of the regular members shall be three (3) years, and the terms of alternates shall be two (2) years. The Inland Wetlands Commission shall have all the powers and duties prescribed by the General Statutes of the State and Town ordinance. (Amended 11/87)

~~The Town Council shall appoint three (3) alternate members to the Inland Wetlands Commission for two (2) year terms. They shall have the powers and duties prescribed by law. (Amended 11/87)~~

#### SECTION 4.02. ZONING BOARD OF APPEALS - ALTERNATE MEMBERS:

The Town Council shall appoint three (3) alternate members to the Zoning Board of Appeals for two (2) year terms. They shall have the powers-and duties prescribed by law.

#### ~~SECTION 4.03 EMERGENCY MANAGEMENT ADVISORY COUNCIL [MOVED to Section 6.04]~~ LEAVE BLANK:

~~The Mayor shall serve as the director of the Emergency Management Advisory Council as stated in SECTION 6.04.~~

~~The Town Council shall, by resolution, decide the make-up of this Advisory Council in accordance with the State Emergency Management Plan.~~

~~The Town Council shall appoint and may remove the members of the Emergency Management Advisory Council.~~

~~The Emergency Management Advisory Council shall have the powers and duties prescribed by the Connecticut General Statutes.~~

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SECTION 4.04. ECONOMIC DEVELOPMENT COMMISSION:

The Town Council shall appoint five (5) members to the Economic Development Commission for two (2) year terms. The purpose of this Commission shall be the promotion and development of the economic resources of the Town. The Commission shall conduct research into the economic conditions and trends in the Town; shall make recommendations to appropriate officials and agencies of the Town regarding action to improve its economic condition and development; shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote Such economic development and may advertise and prepare, print and distribute books, maps and the like.

The Commission shall, at least annually, prepare and transmit to the Town Council, a report of its activities with recommendations.

SECTION 4.05. LIBRARY BOARD:

The Library Board shall consist of nine (9) members. The Town Council shall appoint five (5) members and four (4) members alternately on the biennium for terms of four (4) years.

~~Initially, five (5) members shall be appointed for terms of four (4) years and one (1) member shall be appointed for a term of two (2) years. Thereafter, each member shall be appointed for a term of four (4) years.~~

Minority representation shall be maintained. The Board of Library Directors shall establish, organize, maintain and have general management and control of the public libraries, their equipment, property and staff. (AMENDED 11/79)

The said directors shall also have the power to receive, hold and manage, any devise, bequest or gift for the establishment, expansion, maintenance or improvement of any such libraries. With the exception of such grants, gifts and bequests, the Town Treasurer shall have charge of financial record-keeping for the Library Board.

The Board of Library Directors shall make all necessary rules and regulations for the operations of the public libraries. Said Board shall have all the powers and duties conferred upon it by law not inconsistent with this Charter.

SECTION 4.06. WATER POLLUTION CONTROL AUTHORITY:

The Town Council shall appoint five (5) members to the Water Pollution Control Authority, three (3) members for four (4) years and two (2) members for two (2) years. Thereafter, all appointments shall be for four (4) years. Said Commission shall investigate the possibility of sewer and water services for the Town. It shall consult with the Town Planning Commission for the future over-all plan of development for the Town. It shall investigate the acute problem areas of the Town regarding sewers and water, and work with the Health Department to seek solutions to any problems. This Commission shall investigate all Federal and State grants available for sewer and water service and cause a recommendation to be submitted to the Town Council for possible application for Federal and/or State grants.

In addition, this Authority shall further act as Town Representatives for the completion of services resulting from Federal and/or State Grants for these services related to sewage and water and shall make recommendations to appropriate officials and agencies to further implement these services.

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This authority shall exercise no power except those expressly granted to it by the Charter and/or Town Council (AMENDED 11/79).

SECTION 4.07. PLANNING AND ZONING COMMISSION ALTERNATES:

The Town Council shall appoint three (3) alternate members to the Planning and Zoning Commission for four (4) year terms. They shall have the powers and duties prescribed by law. (AMENDED 11/83)

At the discretion of the Town Council, and by a 2/3 affirmative vote of its total authorized membership, the Planning and Zoning Commission may be separated into a Planning Commission and a Zoning Commission. ~~The Planning and Zoning Commission or the Zoning Commission shall appoint a Zoning Enforcement Officer who shall have full power to enforce the zoning regulations of the Town and who shall work under the guidance of the appointing commission.~~

~~The term of the Zoning Enforcement Officer shall be four (4) years or until a successor is appointed.~~

SECTION 4.08. COMMISSIONS ESTABLISHED BY ORDINANCE:

The Town may establish any other board or commission by ordinance. Appointments to these boards or commissions shall be made by the Town Council in accordance with such ordinance provisions.

Any board or commission already in existence under any ordinance shall continue under such ordinance provisions, until abolished or as amended by the Town.

CHAPTER 5  
MAYOR  
DUTIES AND POWERS

SECTION 5.01. 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 (2) years and until his or her successor shall be elected and qualified, ~~and shall take office on the second Saturday next, following the date of the Municipal election in which he or she was elected.~~ The Mayor ~~He or she~~ shall be the Chief Executive Officer of the Town and shall receive such compensation as shall be proposed by the Town Council and approved by the Annual Budget Meeting. ~~The position of Mayor shall be a full-time position. (AMENDED 11/79). (AMENDED 11/83)~~

SECTION 5.02. DUTIES:

The Mayor shall be directly responsible for the administration of all Departments, Boards, Agencies and Offices in charge of persons or Boards appointed by ~~him or her~~ the Mayor and shall supervise and direct the same.

~~He or she~~ The Mayor shall see that all laws and ordinances governing the Town are faithfully executed.;

~~A~~ at the request of the Town Council, he or she the Mayor shall make reports to the Town Council on all matters for which the Town Council is responsible, and may attend its meetings with full right of

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participation in its discussions, except in the case of executive sessions, which ~~he or she~~ the Mayor may attend, when invited by the Council.;

~~he or she~~ The Mayor shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an Annual Town Report.;

~~he or she~~ The Mayor shall recommend to the Council such measures as ~~he or she~~ the Mayor may deem necessary or expedient.;

~~he or she~~ The Mayor shall keep the Council -fully advised as to the financial condition of ~~the~~ the Town, by written monthly accounting, showing itemized appropriations, current monthly expenditures by line item, expenditures to date and current balances, and a list of all grant applications and their status. ;

~~he or she~~ The Mayor shall prepare and submit to the Town Council, an annual financial proposal provided for in CHAPTER 8 of this Charter.;

~~he or she~~ The Mayor shall prescribe business hours of ~~the~~ the Town Hall for the best convenience of the public and shall exercise such other powers and duties as authorized by ordinance or resolution of the Council not inconsistent with this Charter.

The Mayor shall prepare a transition report for the incoming Mayor and Town Council to ensure the continuity of operations of the Town. The report shall be created biennially and completed by October 31 of the odd numbered calendar years. The report shall include copies of the last three (3) Annual Reports and Audit Reports and a summary of key issues the Town is currently facing. The report shall also contain, as on file with the Town Clerk, a list of all elected and appointed Town officials, as well as a list of all members of all Boards and Commissions.

The Mayor shall establish, maintain, and update written policies and procedures including but not limited to hiring, request for bids, human resources, and financial accounting procedures.

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 or her by the Council under the provisions of this Section.

#### SECTION 5.03. PUBLIC WORKS DEPARTMENT:

There shall be a Public Works Department ~~Office~~ which shall be under the direction of the Mayor.

The Public Works Department ~~Office~~ shall have supervision and control of maintenance of all Town owned or Town leased structures, (except such structures as are under the control of the Regional Board of Education and the Library Board), and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks, curbs, storm sewers, ~~sewage disposal~~, public and private drains and other public improvements; of the preservation, care and removal of trees within highways or public places; (such removal of trees must be approved by the Tree Warden); of all engineering work of the Town; and of the collection and disposal of ~~garbage solid waste~~, and household hazardous waste rubbish on Town Property; and ash; and operating the Town recycling center.

The Public Works Department ~~Office~~ shall have the responsibility for construction and maintenance of all parks and grounds used for park purposes belonging to or leased by the Town and of buildings,

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structures, apparatus and equipment used in connection therewith, and shall have such other powers and duties as the Mayor may prescribe.

The Public Works ~~Department Office~~ may maintain and care for school buildings and grounds, but only if, and to the extent and for the period requested by the Regional Board of Education and approved by the Mayor, and the cost of such services shall be billed to the Regional Board of Education.

The Mayor may appoint and may remove a Director of the Public Works Department who shall report directly to the Mayor.

#### SECTION 5.04. DEATH AND DISABILITY:

##### (a) DEATH

In the event of the death of the Mayor, the Town Council shall appoint a replacement within thirty (30) days. The replacement shall be a member of the same political party and shall serve the unexpired portion of the Mayor's term. The Chairperson of the Town Council shall act as interim Mayor until the replacement is appointed and qualified.

##### (Bb) ABSENCES & DISABILITY

After thirty (30) consecutive days of the absence or disability of the Mayor, whereas the Mayor is unable to perform the Mayor's duties, members of the same political party as the Mayor serving on the Town Council, shall appoint one of their members to serve in this capacity for not more than ninety (90) days, provided however, if the party of which the Mayor is a member is not represented on the Town Council, then the entire Town Council ~~shall shall~~ appoint one of its members so to act. If the Mayor is absent or disabled and is unable to perform his duties for more than one hundred twenty (120) consecutive days, the Town Council shall declare the office vacant and shall then appoint a replacement, the vacancy being filled by a member of the same political party who shall serve the unexpired portion of the Mayor's term.

In the event of an absence of the Mayor, the Mayor may appoint the Prospect Town Council Chairperson as acting Mayor and he or she shall have all the powers when acting as Mayor as prescribed by the Prospect Charter, except the power of appointments. (Amended 11/87)

##### (dc) NON-VIOLATION:

In any case where either the Chairperson of the Town Council acts as interim Mayor as provided for in subsection (a), or temporarily acts as Mayor as provided for in subsection (c), or any Town Council person is appointed to fill the vacancy as provided for in subsection (e), the Chairperson or that Town Councilperson shall not be considered in violation of SECTION 3.01(d) of this Charter, provided that if a Town Council person is appointed to fill a vacancy for the entire unexpired portion of the Mayor's term, that Councilperson must resign from the Town Council within thirty (30) days of said appointment. (Amended 11/87)

##### (ed) COMPENSATION:

The replacement Mayor, the Chairperson while serving as interim Mayor; or the member appointed to serve as Mayor, during the disability of the Mayor, shall receive appropriate financial compensation

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as determined by the Town Council, but that compensation shall not exceed the compensation which the deceased or disabled Mayor had been receiving.

CHAPTER 6  
OFFICERS, BOARDS AND COMMISSIONS  
APPOINTED BY THE MAYOR

The Mayor, shall appoint and may remove, all Department Heads as otherwise specifically provided for by this Charter, except elected Officers or employees in the offices of elected Officers or Boards and Officers of Boards appointed by the Council.

In making such appointment, the Mayor shall not be deemed to be in violation of SECTION 2.04 Minority Representation.

All terms of office of the Boards, Commissions and Agencies whose members are appointed by the Mayor and all offices appointed by the Mayor whose term of office is set forth in this Charter as a number of years, shall commence on the second Tuesday of January following election of the Mayor. All persons appointed to said Boards, Commissions, Agencies and Offices shall serve until their successors shall have been ~~appointed and qualified~~ qualified and appointed.

Within ~~sixty-ninety (6090)~~ days after each Town election, the Mayor shall inform the Council of the appointments he or she has made ~~and in lieu of any appointment by the Mayor of any of his or her appointees to any office under his or her jurisdiction~~.

~~, then, S~~subject to the approval of the Council, the Mayor may appoint himself or herself, for a temporary term of ninety (90) days; and shall perform the duties of such office and shall receive no compensation for such duties. If no appointment has been finalized after the Mayor's ninety (90) day term, subject to a 2/3 approval of the Council, the Mayor may continue in said office until an appointment is finalized.

SECTION 6.01. 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- The Town Attorney~~ shall appear for, and protect the rights of, the Town in all actions, suits or procedures brought by or against it or any of its Departments, Offices, Agencies, Boards and Commissions. ~~He or she- The Town Attorney~~ shall be the legal advisor of the Town Council, the Mayor and all Town Offices, Departments, Agencies, 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. However with respect to the above mentioned legal opinions, if the legal expenses for said opinions are to be paid from the appropriate ledger account Item #1000-(Legal Fees) in the Town Budget, requests for said opinions shall be made through the Mayor so that the Mayor will be aware of encumbrances against that account. This requirement shall in no way prevent any Board or Commission from obtaining a legal opinion. (AMENDED 11/83)

Upon request, ~~he or she- the Town Attorney~~ shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest.

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~~He or she~~ The Town Attorney shall have power, with the approval of the Council, to appeal ~~from~~ orders, decisions, and judgments, and subject to approval of the Council, to compromise or settle any claims by or against the Town.

If, in special circumstances, or for any investigation the Council deems it advisable, the Council may, by resolution, provide in addition for the temporary employment of counsel other than the Town Attorney.

#### SECTION 6.02. PARKS AND RECREATION COMMISSION:

The Mayor shall appoint, and may remove, members of the Parks and Recreation Commission.

Said Commission shall consist of seven members.

Said Commission shall plan, manage and supervise the use of parks, playgrounds, swimming areas, playing fields, indoor recreation areas and other recreation areas and facilities owned or controlled by the Town, except those under the jurisdiction of the Board of Education.

It shall have the power to receive, hold and manage any devise, bequest, or gift for the establishment and management of any such activities and shall report all devises, bequests, or gifts to the Town Council. (AMENDED 11/79).

It shall cooperate with the other Town Officials and Commissions and with private and public organizations concerning recreation plans and facilities.

The Parks and Recreation Commission shall have authority to appoint such directors or supervisors of activities as may be approved by the Mayor.

#### SECTION 6.03. BUILDING-, ELECTRICAL, PLUMBING, AND MECHANICAL INSPECTORS:

The Mayor shall appoint, and may remove, a Building Inspector, Electrical Inspector, Mechanical Inspector and Plumbing Inspector.

They shall be appointed for terms of four (4) years and until their successors qualify.

All persons appointed to these offices must be qualified as outlined in the State Basic Building Code. They shall have the powers and duties of their offices as prescribed by law.

The Building Inspector shall be responsible for all permits issued and fees collected by his or her office and shall ~~be held accountable-report and remit all collected fees~~ to the Town Treasurer. ~~The fees should~~ shall be proposed by the Building Inspector and approved by the Town Council. Failure to perform their duties in accordance with guidelines of the State Basic Building Code shall be sufficient cause for removal from office.

The Building inspector shall submit a monthly report to the Mayor and the Town Council showing total permits issued, total fees collected and classes of permits - residential, commercial or industrial - and his or her estimate of building value in each class.

#### SECTION 6.04 EMERGENCY MANAGEMENT ~~DIRECTOR~~ADVISORY COUNCIL:

There shall be an Emergency Management Advisory Council. The Emergency Management Director shall serve as Chair of the Emergency Management Advisory Council.

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The Mayor shall appoint and may remove for cause the Emergency Management Director. The Mayor may serve as the Emergency Management Director, even if not qualified or certified to perform said office. The Emergency Management Director shall have all the powers and duties inferred or imposed by the Connecticut General Statutes.

The Mayor shall decide the make-up of this Advisory Council in accordance with the General Statutes. The Mayor shall appoint and may remove seven (7) members of the Advisory Council and there shall be no alternates.

The Emergency Management Advisory Council shall have the powers and duties prescribed by the Connecticut General Statutes.

~~The Mayor shall serve as the director of the Emergency Management Advisory Council.~~

The Mayor may appoint and may remove an Assistant Director to the Emergency Management Advisory Council.

~~The Emergency Management Director shall have all the powers and duties inferred or imposed on Emergency Management organizations by the Connecticut General Statutes.~~

The Emergency Management Director shall be responsible for the organization, administration and operation of the local organization, subject to the direction of the Commissioner of the Emergency Services and Public Protection of the State of Connecticut.

The Citizens Emergency Response Team (CERT) shall function under the guidance of the Emergency Management Advisory Council.

SECTION 6.05. SOCIAL SERVICES:

The Mayor may appoint, and may remove, a Director of Social Services.

The Department of Social Services shall have all the powers and duties relating to the disadvantaged, handicapped and dependent persons, as vested by the General Statutes of the State. (AMENDED 11/79).

SECTION 6.06. PUBLIC HEALTH: (AMENDED 11/83)

The Mayor shall appoint, and may remove, the Town's allotted number of representatives to the Regional Health District of which the Town is a member. The duties and term of office shall be as prescribed by the General Statutes of the State or the regulations of the Regional Health District. (AMENDED 11/79).

SECTION 6.07. FIRE MARSHAL:

The Mayor shall appoint, and may remove, a Fire Marshal who shall be qualified and whose duties and term of office shall be prescribed by the General Statutes of the State. (AMENDED 11/79).

SECTION 6.08. TREE WARDEN:

The Mayor ~~may~~ shall appoint, and may remove a Tree Warden who shall be qualified and whose duties and term of office shall be as prescribed by the General Statutes of the State, (AMENDED 11/79).

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SECTION 6.09. ~~REGIONAL~~ ANIMAL CONTROL:

The Mayor ~~shall~~ may appoint, and may remove an Animal Control Officer; ~~(2) representatives to serve on the District Board in accordance with the MUNICIPAL ANIMAL CONTROL DISTRICT AGREEMENT.~~

SECTION 6.10. CONSERVATION COMMISSION:

The Mayor shall appoint, and may remove, members of the Conservation Commission. Said Commission shall consist of the number of members set by ordinance, but not fewer than three (3), nor more than ~~eleven~~ seven (H)(7), and shall have the powers, duties and terms of office make up vested by Town Ordinance Number 32-06-20-72 , as amended, and by General Statutes. (AMENDED 11(~~7~~9)).

SECTION 6.11. COMMISSION ON AGING:

The Mayor shall appoint, and may remove, members of the Commission on Aging. The Commission shall consist of nine (9) members. Said Commission shall have the powers and duties vested by Town Ordinance Number 33-06-20-72 and by General Statutes. (AMENDED 11/83)

SECTION 6.12. ASSESSOR:

The Mayor, with the consent of the Town Council, shall appoint and may remove a qualified Assessor ~~and may remove said Assessor~~. The Assessor shall have the powers and duties prescribed by the General Statutes of the State.

SECTION 6.13. BUILDING CODE BOARD OF APPEALS:

The Mayor, with the consent of the Town Council, ~~shall~~ may appoint, and may remove, members of the Building Code Board of Appeals. Said Board shall consist of five (5) members appointed by the Mayor for five (5) year terms having the qualifications required by the General Statutes or any Code or regulation adopted pursuant to the authority of the General Statutes. The Building Code Board of Appeals shall have the powers and duties prescribed by law.

Initial appointments to the Building Code Board of Appeals shall be staggered with one (1) member serving for three (3) years, one (1) for two (2) years and one (1) for one (1) year. Thereafter, all terms of office shall be five (5) years. (AMENDED 11/79).

SECTION 6.14. CONSTABLES:

The Mayor, with the consent of the Town Council, ~~may shall~~ appoint, and may remove, constables. There shall be ~~six (6)~~ up to four (4) Constables. Constables shall have all the powers and duties conferred upon them by the General Statutes of the State and as defined by the Mayor.

SECTION 6.15. TAX COLLECTOR:

The Mayor, with the consent of the Town Council, shall appoint and may remove, the Tax Collector.

Any Tax Collector who was elected to that Office, shall continue to serve in that Office for the remainder of their elected term.

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SECTION 6.16. TOWN CLERK:

The Mayor, with the consent of the Town Council, shall appoint and may remove, the Town Clerk.

Any Town Clerk who was elected to that Office, shall continue to serve in that Office for the remainder of their elected term.

SECTION 6.17. TOWN TREASURER:

The Mayor, with the consent of Town Council, shall appoint and may remove, the Town Treasurer.

Any Town Treasurer who was elected to that Office, shall continue to serve in that Office for the remainder of their elected term.

SECTION 6.18. HEARING OFFICERS:

The Mayor, with the consent of Town Council, shall have the authority to appoint and may remove, one or more citation-hearing officers to conduct hearings, as required by ordinance. Hearing Officers shall serve a term of two (2) years. No elected or appointed officials or any employee of the Town may be appointed to be a Hearing Officer.

SECTION 6.19. LAND USE INSPECTOR:

(a) The Mayor shall appoint, and may remove for cause, a Land Use Inspector (“Inspector”), who shall be qualified by education and/or experience in land use administration and enforcement, and who shall be paid pursuant to a compensation plan approved by the Council.

(b) Such Inspector shall be responsible to advise the Inland Wetlands Commission and the Planning & Zoning Commission (in this section only, hereinafter “the Commissions”) on the appropriate administration and enforcement methods of their respective regulations. As the Inspector for each of the Commissions, such Inspector shall have such powers and duties as conferred by this Charter, the General Statutes (as amended), and the regulations of the Commissions.

(c) When a vacancy arises in said position the Mayor shall assemble a search and review committee which shall consist of one member appointed each by the Inland Wetlands Commission, the Planning & Zoning Commission, and the Mayor.

(d) The Search Committee shall prepare a statement of the specific duties and responsibilities of the position for each of the Commissions and the minimum qualifications for appointment to said position.

(e) The Search Committee shall advertise, search, and review the qualifications of applicants. The Search Committee shall propose a list of three (3) qualified persons to the Mayor for his action. If the Mayor makes an appointment that is accepted, the Search Committee shall terminate. If no appointment is made and accepted, the Search Committee shall continue its duties until an appointment is made and accepted.

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## CHAPTER 7 PUBLIC SAFETY

### SECTION 7.01. POLICE ~~SYSTEM~~ SERVICES:

~~The Mayor shall appoint with the advice and consent of the Town Council, and supervise such number of police officers as may be deemed necessary by the Town Council. Consent shall not be withheld without just cause.~~

The Mayor, with the consent of the Town Council, may appoint police officers.

~~The Town Council shall, by resolution, prescribe all requirements necessary for qualifying all police officers. A review of said resolution shall be made annually by the Town Council.~~

The Mayor, with the consent of Town Council, may utilize the services of a Resident State Trooper, pursuant to section 29-5 of the General Statutes.

All Town Police Officers shall be certified by the Police Officer Standards and Training Council (POSTC) or its successor and shall have the powers and duties as prescribed by the General Statutes of the State.

The Town may prescribe by ordinance more stringent standards for the qualifying of all Police Officers, if said ordinance does not conflict with the standards for Police Officers prescribed by the General Statutes.

~~Anyone-Any Town Police Officer~~ not fulfilling his responsibilities as a police officer shall be presented at a Hearings Board consisting of the Town Council, a resident State Trooper, if one is ~~still~~ assisting the Town, and one of the Town's police officers, as chosen by the ~~accused officer presented before the board~~.

The procedure to be followed by the Hearings Board shall be as established by ordinance of the Town Council (AMENDED 11/79).

All Town Police Officers may be removed by the Hearing Board for cause.

~~All police officers shall have the powers and duties as prescribed by the General Statutes of the State, and may be removed by the Hearings Board for one or more of the following reasons:~~

- ~~a) — malfeasance~~
- ~~b) — incompetence~~
- ~~e) — insubordination~~
- ~~d) — moral misconduct~~
- ~~e) — elimination of the position~~
- ~~f) other due and sufficient cause~~

### SECTION 7.02. FIRE DEPARTMENT:

The Town Council may enter into a written agreement with the Volunteer Fire Department of Prospect, Inc. for the protection of the Town from fire and other services. Written agreements concerning financial assistance to the Volunteer Fire Department of Prospect, Inc. shall be conditioned on budgetary appropriations for the protection of the Town from fire and other services.

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The Volunteer Fire Department of Prospect, Inc. shall continue to function with members making their own rules and by-laws, electing their Chief and other officers and members, and otherwise controlling ~~their~~-its own affairs.

## CHAPTER 8 FINANCE AND TAXATION

### SECTION 8.01. ANNUAL AUDIT:

The Council shall annually designate an independent certified public accountant or firm of independent certified accountants to audit the books and accounts of the Town in accordance with the provisions of the General Statutes of the State. The number of consecutive annual audits performed by the same independent certified public accountant or same firm of independent certified accountants, shall be (5) five. No accountant or firm may provide any other services to the Town during the time it is retained to provide independent audits to the Town.

### SECTION 8.02. ANNUAL FINANCIAL PROPOSAL:

It shall be the duty of the Mayor to compile a financial proposal for the annual budget.

The head of each Department, Office or Agency of the Town, supported wholly or in part from Town funds, or for which a specific Town appropriation is made, excluding the Board of Education, shall file with the Mayor, by ~~February-January 1015~~, on forms provided by him or her, a detailed estimate of expenditures to be made by his or her Department, Office or Agency and the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year. Such estimates shall be accompanied by a statement setting forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year. (AMENDED 11/83)

When the Mayor makes any line item changes in a department budget request, the department head, commission chairperson or elected official shall be notified as to what changes were made prior to the Town Council receiving the new budget proposal from the Mayor. (Amended 11/87)

### SECTION ~~83~~.03. DUTIES OF THE MAYOR ON THE BUDGET:

By ~~March-February 1015~~, the Mayor shall present to the Council, a written financial proposal consisting of: (AMENDED 11/83)

- (a) a message outlining the financial policy of the Town Government and describing, in connection therewith, the important features of the proposal, indicating any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes and containing a clear general summary of its contents;
- (b) estimates of revenue, presenting in parallel columns, the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax to be collected in the ensuing fiscal year, and an estimate of unencumbered surplus which shall include the unreserved fund balance from the most

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recently audited fiscal year; (Amended 11/87)

- (c) itemized estimates of expenditures, presenting in parallel columns, the actual expenditures for each line item ~~for each~~ Department, Office, Agency or activity for the last two (2) completed fiscal years and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, ~~the requests of the several offices and agencies for~~ the ensuing fiscal year and the Mayor's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items, and such other additional information as may be required by the Council.
- (d) Each line item for each department shall be titled and confined to one (1) expense subject which shall be clearly stated in the line item title.

The itemized estimates shall include a line item entitled "unreserved surplus fund" and the amount obligated to this line item shall be the unencumbered surplus as described in paragraph (b) of this section less any part of that surplus which is to be applied as a revenue to reduce the amount to be raised by the property tax in the ensuing fiscal year. (Amended 11/87)

The Mayor shall present reasons for his recommendations.

As part of the proposal, the Mayor shall present a program, previously considered and acted upon by the Planning and Zoning Commission, (or Planning Commission, if separated by the Council), in accordance with the General Statutes, as amended, concerning municipal improvements and proposed capital projects for the ensuing fiscal year and for the two (2) fiscal years thereafter.

Estimates of the costs of such projects shall be submitted by each Department, Office or Agency annually in the form and manner prescribed by the Mayor.

The Mayor shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

#### SECTION 8.04. DUTIES OF THE COUNCIL ON THE BUDGET:

The Council shall have the sole responsibility for preparing the Annual Budget proposal. The Council, in fulfilling said duties, shall comply with Section 7-344 of the Connecticut General Statutes.

Following the receipt of the financial proposal from the Mayor and review by the Council, the Council shall hold one or more public hearings by April 2030, at which any elector or taxpayer may have an opportunity to be heard regarding financial matters of the Town for the ensuing fiscal year. At least five (5) days prior to the aforementioned public hearing(s), sufficient copies of said annual financial proposal shall be made available for general distribution in the office of the Town Clerk and the Mayor. The Council shall cause to be published in a newspaper having substantial circulation in the Town and the Town's Internet Website, as defined by section 12.01 of this Charter, a notice of such public hearing(s). (AMENDED 11/83)

Following the holding of the final such public hearing or hearings, the Council shall prepare a budget proposal and shall recommend the same to the Annual Town Budget Meeting for action.

At least five (5) days prior to the aforementioned Annual Town Budget Meeting, sufficient copies of said budget proposal shall be made available for general distribution in the office of the Town Clerk and the Mayor, and the Council shall cause to be published in a newspaper having substantial circulation in the

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Town and the Town's Internet Website, as defined by section 12.01 of this Charter, a notice of such Annual Town Budget Meeting, and all other budget information as required by General Statutes. The Annual Town Budget Meeting will have the power to reduce any line item of the budget as presented by the Town Council to the Annual Town Budget Meeting.

The budget shall become effective when approved by the Annual Town Budget Meeting as provided for in this Charter and an official copy shall be filed with the Town Clerk.

Should the Annual Town Budget Meeting disapprove the budget, subsequent Town Budget Meetings shall be called at ~~ten-seven~~ (7+0) day intervals until a budget is approved. Publication in the newspaper of subsequent budget proposals shall not be required, (AMENDED 11/83)

Upon approval of the Town budget and the Board of Education budget, the Council shall, within seventy-two (72) hours of the approval of the State budget, fix the tax rate in mills which shall be levied on taxable property in the Town for the ensuing fiscal year.

Notwithstanding the above, the Town Council may extend the time in which to set the mill rate due to extenuating circumstances, including but not limited to the absence of the State revenue information, by majority vote of its total authorized membership. (AMENDED 11/83)

The resolution adopting the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function.

Should the Council fail to fix the tax rate and not extend the time in which to set the tax rate, within the time required herein, the tax rate shall then be fixed by the Mayor.

For the purposes of Chapters 108 and 111 of the General Statutes, as amended, the Council shall be deemed to be the budget-making authority and the legislative body of the Town and shall have all the powers and duties contained in said Chapter 108 for the creation of a "Reserve Fund for Capital and Non-recurring Expenditures" and shall have the power to select the independent public accountant as provided in Chapter 111.

The Town Council may, with advice of the Mayor, prescribe by ordinance, any procedures for the town administration and oversight of the budget and shall provide a method for implementing said procedures.

#### SECTION 8.05. EXPENDITURES AND ACCOUNTING:

No Department, Commission, Agency, Officer, Board or employee of the Town shall involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated in the ~~S~~line item to which said expenditure shall be charged. Each order, bill, invoice or request for payment, provided to ~~drawn upon~~ the Treasurer shall state the Department, Commission, Agency, Board, Officer, or appropriation against which it is to be charged. (AMENDED 11/83)

When any Department, Commission, Agency, Board or Officer shall desire to secure a transfer of funds ~~in~~ within its, his, or her appropriation from funds set apart for one specific purpose or line item to another, before incurring any expenditure, such Department, Commission, Agency, Board or Officer, shall make application to the Council, whose duty it shall be to examine into the matter, and upon approval of the Council, such transfer may be made, but not otherwise. (AMENDED 11/79)

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Upon request transmitted by the Mayor, the Council may, by resolution, transfer any appropriation or portion thereof from one Office, Department, Board or Commission to another in compliance with Section 7-347 of the Connecticut General Statutes. No transfer shall be made from any appropriation for debt service and other statutory charges nor from any appropriation for an Office, Department, Board or Commission, unless approved by the said Officer or Department Head involved, or by a two-thirds vote of the Board or Commission. ~~involved until May 1st of the fiscal year, after which such approval shall not be required.~~

No purchase shall be made by any Department, Commission, Agency, Board, Officer or employee of the Town, except through the Mayor. (AMENDED 11/83)

No voucher, claim or charge against the Town shall be paid until the same has been audited by the Mayor and Treasurer and approved by ~~him or her~~ the Treasurer for correctness and legality.

Checks shall be drawn by the Mayor for the payment of approved claims which shall be valid only when personally counter signed by the Treasurer.

In the absence or inability to act of either the Mayor or the Treasurer with respect to the above duties, the Chairperson of the Town Council is authorized to substitute temporarily for either, but not both of them. In the absence or inability to act of the Chairperson of the Town Council in respect to the above duties, the Vice-Chairperson of the Town Council is authorized to substitute temporarily for the Chairperson. (AMENDED 11/83)

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, 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 obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or of State Statute, or take part therein, such action shall be cause for his or her removal.

#### SECTION 8.06. SUPPLEMENTAL APPROPRIATIONS:

The Town Council shall be empowered to appropriate up to an amount equal to two-and-a-half (2-1/2) percent of the amount to be raised by taxation in the annual budget for the current fiscal year as adopted, if approved by a majority of the Council. Total supplemental appropriations in any one fiscal year in excess of two-and-a-half (2-1/2) percent of the amount to be raised by taxation in the annual budget for the current fiscal year as adopted will require Town Meeting approval.

Supplemental appropriations may be drawn from the unreserved surplus or any available unappropriated and unencumbered general fund cash balance. Appropriations drawn from the unreserved surplus shall be made in accordance with this section and shall be subject to its restrictions. (Amended 11 /87)

In the absence of a balance in the unreserved surplus or of an available unappropriated and unencumbered general fund cash balance to meet such appropriations, as determined by the Council, additional means of financing shall be determined by the Council in a manner consistent with the provisions of the General Statutes and of this Charter. (Amended 11/87)

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SECTION 8.07. EMERGENCY APPROPRIATIONS OF TOWN FUNDS:

For the purposes of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed five (5) percent of the current tax levy in any one (1) fiscal year, may be made upon the recommendation of the Mayor and the majority vote of the available membership of the Council.

In the absence of the Mayor, the Council may act alone.

SECTION 8.08. PURCHASING:

The Town Council ~~shall~~ may, with advice of the Mayor, ~~within ninety (90) days of the effective date of this Charter,~~ prescribe by resolution, ~~a~~ procedures for the purchase of all materials, supplies, equipment or contracted services and shall provide a method for implementing said procedures.

SECTION 8.09. EMERGENCY GRANTS AND APPROPRIATIONS:

Emergency appropriations and grants received from any Federal or State agency shall be applied by the Mayor to the purpose or purposes for which granted, in accordance with accompanying regulations and guidelines of the issuing agency and applicable Federal and State laws.

SECTION 8.10.; REDUCTIONS IN TOWN BUDGET:

Upon application of the Mayor or upon the Council's own motion after consultation with the Mayor, the Council is authorized to reduce the operating budget after its adoption and at any time during the fiscal year, only if the Council determines that it has over-estimated revenues for the budget year or if the Council determines that expenditures will exceed budget estimates. The Council may apportion the reduction among various departments, offices, boards, commissions, or it may apportion the reduction to or among one or more specific departments, offices, boards, commissions. The Town Council shall be prohibited from reducing debt service payments. Each affected department, office, board, or commission shall be notified of any such reduction at its appropriation.

CHAPTER 9  
TOWN MEETINGS & PUBLIC HEARINGS

SECTION 9.01. - TOWN MEETINGS AND PUBLIC HEARINGS:

The Annual Town Budget Meeting shall be held no later than May 10. (AMENDED 11/83)

Except as otherwise provided by this Charter or by provisions of the General Statutes, the Town Meeting shall be the legislative body of the Town for the following purposes:

1. Annual budget approval;
2. Implementation of responsibilities conferred upon or required by towns under provisions of the General Statutes specifically providing either by reference to C.G.S, §1-1 or otherwise, that the legislative body shall be the town meeting;
3. Issuance of bonds or other forms of indebtedness or borrowing;
4. Actions of the legislative body under the statutes governing regional school districts;
5. Actions establishing land use boards, where the General Statutes require action by the

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- legislative body;
6. Purchase or sale of Town real property;
  7. Taking of land by eminent domain in any instance where the General Statutes require action of the legislative body with regard to such taking.

Notwithstanding item 3 above, the Town Council may authorize entering into a lease/purchases of vehicles or equipment without prior approval of the Town Meeting other than an appropriation for such lease/purchases by the Town Meeting.

Special Town Meetings shall be called by the Town Council in the manner provided by the General Statutes of the State whenever it deems it necessary or on application by not less than twenty (20) qualified voters electors of the Town. Such meeting shall be held within twenty-one (21) days of receipt of said application. (AMENDED 11/83)

The matters which the applicants for a Special Town Meeting desire to be acted upon shall, if proper subjects for Town Meeting action be put in proper form for the call of a meeting and for a Town Meeting resolution with the assistance of the Town Attorney, and those matters shall come first in the call of the meeting. Notification of town meeting shall also through be posted on the Town's Internet Website, as defined by section 12.01 of this Charter.

The Town Council may, at its discretion, add other matters to the call of the meeting and include such topics on the agenda.

A Special Town Meeting shall be called to act upon a proposal providing for the purchase or sale of real estate by the Town, however, the acquisition or sale of properties in connection with tax foreclosures, tax sales, or deeds in lieu of foreclosure shall be exempt from the Special Town Meeting requirement.

In accordance with Section 7-7 of the Connecticut General Statutes, persons qualified to vote at a Town Meeting, may petition to adjourn the Town Meeting to a Yes or No vote on the voting paper ballotsmachines. (AMENDED 11/83)

Town meetings and public hearings shall be held on a day of week and at a time of day which would encourage the greatest participation of the public. (AMENDED 11/83)

## CHAPTER 10 TRANSITION AND MISCELLANEOUS

### SECTION 10.01. EFFECTIVE DATE:

The effective date of this Charter was July 4, 1967, with revisions effective November 5, 1975, November 6, 1979, November 8, 1983, November 16, 1987, ~~and~~ November 7, 2000, and January 1, 2017.

### SECTION 10.02. TRANSFER OF POWERS:

The powers which are conferred and the duties which are imposed upon any Commission, Board, Department, Agency or Office under the General Statutes of the State or special acts concerning the Town, or any ordinance or regulation in force at the time this Charter shall take effect, if such Commission, Board, Department, Agency or Office is abolished by this Charter, shall be thereafter exercised and discharged by

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the Commission, Board, Department, Agency or Office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter.

All Commissions, Boards, Departments, Agencies 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, Agencies or Offices created under this Charter and until the Town Clerk shall have notified the members of such Commissions, Boards, Departments, Agencies or Offices as are abolished by this Charter that their successors have been appointed and qualified.

SECTION 10.03. TRANSFER OF RECORDS ~~AND~~ PROPERTY:

All records, property and equipment whatsoever of any Commission, Board, Department, Agency or Office or part thereof, all the powers and duties of which are assigned to any other Commission, Board, Department, Agency or Office by this Charter, shall be transferred and delivered intact to the Commission, Board, Department, Agency or Office to which such powers and duties are so assigned.

If part of the powers and duties of any Commission, Board, Department, Agency or Office of part thereof are, by this Charter, assigned to another Commission, Board, Department, Agency or Office, all records, property and equipment relating exclusively thereto, shall be transferred and delivered to the Commission, Board, Department, Agency or Office to which such powers and duties are so assigned.

SECTION 10.04. 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 or part of a section may be inseparably connected in meaning and effect with the section or part of a section which such holding shall directly apply.

SECTION 10.05. AMENDMENT

The Town Council shall at a minimum of every twelve (12) years, formally vote whether to appoint a Charter Revision Commission, by a date set in accordance with Connecticut General Statutes:  
(AMENDED 11/87)

CHAPTER 11  
CONFLICT OF INTEREST

SECTION 11.01. CONFLICT OF INTEREST:

Any elected or appointed Officer or any employee of the Town who has a financial interest, or personal interest – including family members, neighbors, business associates, competitors or Associations, either directly or indirectly in any matter involving a decision pending before him or her, or in any contract, transaction or decision of any Board, Council, Town Department, or Commission to which the Town is a party, shall immediately disclose that interest to the appropriate Town Board, Commission, Council or Mayor and shall thereupon disqualify himself or herself from a discussion or vote on such matter, which disclosure shall be entered upon the official record and said person shall

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leave the room. Always be mindful of appearance of a conflict of interest, when in doubt, recuse one self.

Voting by an elected or appointive officer on the appointment of himself or herself or a member of his or her family to a Town position that will provide compensation or a financial benefit to either the Officer or the family member, shall be construed as a conflict of interest pursuant to this section. The knowing violation by any such Officer or employee of the provisions of this section or section 3.01(d) of this Chapter shall be grounds for his or her removal. Violation of this section or section 3.01(d) of this Charter 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 Town Council or by a court of competent jurisdiction. No member of a Board, Commission or Agency, and no elected Official, may employ in a paid position, a member of his or her family without the prior 3/4 majority consent of the Town Council.

## CHAPTER 12

### ONLINE NOTIFICATIONS OF BOARDS AND COMMISSION ACTIVITIES

#### SECTION 12.01: ONLINE NOTIFICATIONS OF BOARDS AND COMMISSION ACTIVITIES:

For the purposes of this Charter, the following definitions shall apply:

“Town’s Internet Website” means the official website of the Town of Prospect, created, established, and maintained by the Town of Prospect for official town business; and

“Board or Commission’s Webpage on the Town’s Internet Website” means an official subpage created, established, and maintained by the Town of Prospect on the Town’s Internet Website for the official business of the Town Council or any lawfully enacted board or commission and of the Town of Prospect.

The Town Council and all Boards and Commissions, whether elected or appointed by the Town Council or Mayor, in addition to any other notice and/or publication requirements under the General Statutes, shall post on the Town’s Internet Website or on the respective, Board or Commission’s Webpage on the Town’s Internet Website, the following:

1. Meeting Agendas;
2. Minutes of Meetings;
3. Schedule of Regular Meetings, as defined by the General Statutes;
4. Notice of Special Meetings, as defined by the General Statutes;
5. Any other notice required by law to be published on a public signpost or in a newspaper having general circulation in the Town; and
6. Any other public notice, as required by this Charter or the General Statutes.

The Town Council and all Boards and Commissions, whether elected or appointed by the Town Council or Mayor, shall cause to be posted any items required by this Charter or the General Statutes on their respective Board or Commission’s Webpage on the Town’s Internet Website by sending said items to the Mayor’s Office by E-Mail.