

# Amendments to the Charter of the TOWN OF BERLIN, CONNECTICUT

Legal Notice: September 22, 2022

\*Wording subtracted from the Charter appears ~~crossed-out~~

\*Wording added to the Charter appears underlined

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## **CHAPTER 2 – ELECTIONS**

**Section 2-8. Board of Education.** At the biennial meeting of electors of the town as defined in Section 2-2 of this chapter and on the first (1st) Tuesday after the first (1st) Monday of November 1995 and annually thereafter, three (3) members of the Board of Education shall be elected to serve for terms of three (3) years each so that there shall always be nine (9) members. No party designation shall appear on the ballot in connection with the names of candidates for said Board. Nominations therefor shall be made by a petition signed by one (1%) percent of the registered electors...

## **CHAPTER 3 – THE TOWN COUNCIL**

**Section 3-8. General Powers and Duties of the Council.** (a) The Council shall have the powers and duties which, prior to the effective date of this Charter, were conferred by law upon the existing boards and commissions of said town except as otherwise specifically provided in the Charter, the Connecticut General Statutes or in the Constitution of Connecticut....

(h) The Town cannot purchase nor contract to purchase if such action would involve a single expenditure exceeding ~~ten thousand (\$10,000.00) dollars~~ twenty-five thousand (\$25,000.00) dollars, or such greater amount as is authorized in the Connecticut General Statutes, unless the Council approves the specific purchase or contract.

(i) The Council shall have the power to establish by resolution such study, advisory, or consulting committees, as said Town Council may determine necessary for the proper administration of the Council and for implementation of any activity of project authorized by the Council. (j) All Town collective bargaining agreements, including all Board of Education collective bargaining units, must be presented to the Council for its approval in accordance with applicable state law.

## **CHAPTER 4 – ELECTIVE OFFICERS & BOARDS**

**Section 4-4-1. Board of Finance. Qualification and Election of Members.** The Board of Finance shall consist of six (6) members who shall be electors of the town and shall, while members of said Board, ~~hold~~

~~no other elective or appointive office, not serve on the Board of Education or Town Council,~~ nor be an employee of the town. The Board of Finance shall be elected as provided in Chapter 2 of this Charter.

## **CHAPTER 5 – MANAGER**

**Section 5-1. Appointment.** ... At the time of appointment, said Manager need not be a resident of the ~~town or of the~~ State of Connecticut but the Manager shall reside in Connecticut ~~the town~~ during tenure of office...

**Section 5-5. Purchasing and Payments.** (a) The Manager shall execute and oversee all purchases made by the town or by any board or commission or agent thereof, except as may be specifically provided otherwise in this Charter, and the Manager may appoint a Purchasing Agent for the town, except for the Board of Education, which shall act as its own purchasing agent. The Manager cannot, without the Council approval, purchase or contract to purchase if such action involves an expenditure of ~~ten thousand (\$10,000.00) dollars~~ twenty-five thousand (\$25,000.00) dollars or more unless otherwise provided under state law or regulation. (b) With respect to any purchase of ~~ten thousand (\$10,000.00) dollars~~ twenty-five thousand (\$25,000.00) dollars or more, the Manager shall invite sealed bids or proposals, giving ten (10) days public notice thereof by publication in the form of a legal advertisement appearing in a newspaper having substantial circulation in said town.

## **CHAPTER 6 – APPOINTIVE OFFICERS AND DEPARTMENTS**

**Section 6-9. Fire Department.** Fire protection shall be provided by the volunteer companies heretofore established, or as otherwise provided by this Charter or by Ordinance ~~in the organization and conduct of which no change is contemplated.~~

**Section 6-10. Fire Marshal.** There shall be a Fire Marshal, appointed by the Manager and such deputies as are required, who shall have all the powers and duties of a Fire Marshal, and act in accordance with the provisions of the Connecticut General Statutes.

**Section 6-11-4. Department of Finance. Pensions.** The town shall continue to participate in the "pension system" adopted for the officers, elected officials and employees of the town and nothing in this Charter shall be interpreted to alter the rights of any employee or officer therein. The Manager, with Council and Board of Finance approval, may amend or alter the pension system now in effect, subject to any limitation imposed by the Connecticut General Statutes or by the town budget or by any collective bargaining agreement. The Manager, with Council approval, shall administer the pension system, receive applications from employees for retirement, and determine the eligibility of said persons for pensions; shall determine periodically the members in the employment of the town who are eligible to retire and the pensions payable to them, contract for necessary actuarial service in connection with the pension plan, and propose estimates for approval for sums necessary to be appropriated for each ensuing fiscal year for the purpose of meeting the obligations of the town regarding pensions. The Finance Director shall maintain a file for each person in the service of the town containing all information pertinent to the status, pay and service of each person. The Board of Finance and the Town Council shall include the annual actuarially determined pension contribution, as calculated by a qualified independent actuary engaged by the Town, in the annual General Fund budget.

## **CHAPTER 8 – APPOINTIVE BOARDS AND COMMISSIONS – GENERALLY**

~~Section 8-17-1. Provision of Public Nursing Services. Berlin VNA. Establishment. It is the intent of this Charter that public nursing service shall continue to be provided by the Town of Berlin as shall be set forth in the Code of Ordinances. VNA as established. Said Berlin VNA shall comply with their own bylaws as well as the Connecticut General Statutes. The Berlin VNA shall continue as heretofore established for the purpose of providing nursing service to the Town of Berlin. There shall be a Board of Directors which shall consist of twelve (12) electors of the Town for terms of three (3) years, provided, one third (1/3) of said directors' terms shall expire each year.~~

~~Section 8-17-2. Berlin VNA. Appointments and Vacancies. All directors, elected or appointed, holding office at the date of the passage of the Charter shall be continued in said office until the expiration of the term of office. All expired terms of office shall be filled by the Council. Any vacancy in an unexpired term of office shall be filled by the Council for the remainder of said term.~~

~~Section 8-17-3. Berlin VNA. Duties. The Berlin VNA shall be responsible for providing public health nursing services, visiting nurse services, school health services and other health services, which do not conflict with the duties of the Director of Health of the Town of Berlin in accordance with Connecticut General Statutes and regulations of the Department of Health Services and the statutes and regulations of the United States Government.~~

~~Section 8-17-4. Berlin VNA. Officers and Meetings. Said Berlin VNA shall elect by ballot from its members the following officers: Chairman, Vice Chairman, Secretary and Treasurer for a term of one (1) year or until a successor shall have been elected. The Board of Directors shall meet monthly unless otherwise designated by the Board of Directors. A majority of members shall constitute a quorum.~~

~~Section 8-17-5. Berlin VNA. Administrator. The Berlin VNA shall select an Administrator, and shall delegate to said Administrator such powers and duties as the Berlin VNA deems necessary to provide the services stated in Section 8-17-3.~~

## **CHAPTER 11 — HISTORIC BERLIN VNA PROVISIONS PERTAINING TO THE PROVISION OF PUBLIC NURSING SERVICES SUBJECT TO SUNSET AS AUTHORIZED BY THIS CHARTER**

**Section 11-1-1 Transition Provision Regarding Berlin VNA Provision of Nursing Services.** Until the effective date of the replacement ordinance required by Section 8-17-1 of this Charter, matters pertaining to the provision of public nursing services shall be subject to the provisions of Sections 11-1-2 through 11-1-6, which shall remain in full force and effect until the effective date of the replacement ordinance. Upon the effective date of the ordinance Sections 11-1-2 through 11-1-6 shall be null and void, unless otherwise set forth in the replacement ordinance.

**Section 11-1-2. Berlin VNA. Retention of Services<sup>1</sup>.** It is the intent of this Charter that public nursing service shall be continue to be provided by the Berlin VNA in the manner as had been set forth in Sections 8-17-1 through 8-17-5 of the Charter as adopted on November 8, 2016 and until the adoption of an ordinance as required by this Charter. In the interim period said Berlin VNA shall continue to comply with their own bylaws as well as the Connecticut General Statutes. The Berlin VNA shall continue as heretofore established for the purpose of providing nursing service to the Town of Berlin. There shall be a

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<sup>1</sup> Modification and recodification of current Section 8-17-1

Board of Directors which shall consist of twelve (12) electors of the Town for terms of three (3) years, provided, one third (1/3) of said directors' terms shall expire each year.

**Section 11-1-3. Berlin VNA. Appointments and Vacancies<sup>2</sup>.** All directors, elected or appointed, holding office at the date of the passage of the Charter shall continue in said office until the expiration of the term of office. All expired terms of office shall be filled by the Council. Any vacancy in an unexpired term of office shall be filled by the Council for the remainder of said term.

**Section 11-1-4. Berlin VNA. Duties<sup>3</sup>.** In accordance with this transition provision the Berlin VNA shall be responsible for providing public health nursing services, visiting nurse services, school health services and other health services, which do not conflict with the duties of the Director of Health of the Town of Berlin in accordance with Connecticut General Statutes and regulations of the Department of Health Services and the statutes and regulations of the United States Government.

**Section 11-1-5. Berlin VNA. Officers and Meetings<sup>4</sup>.** Said Berlin VNA shall elect by ballot from its members the following officers: Chairman, Vice Chairman, Secretary and Treasurer for a term of one (1) year or until a successor shall have been elected. The Board of Directors shall meet monthly unless otherwise designated by the Board of Directors. A majority of members shall constitute a quorum.

**Section 11-1-6. Berlin VNA. Administrator<sup>5</sup>.** The Berlin VNA shall select an Administrator, and shall delegate to said Administrator such powers and duties as the Berlin VNA deems necessary to provide the services stated in Section 11-1-4.

Kate Wall  
Berlin Town Clerk

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<sup>2</sup> Modification and recodification of current Section 8-17-2

<sup>3</sup> Recodification of current Section 8-17-2,

<sup>4</sup> Recodification of current Section 8-17-4,

<sup>5</sup> Modification and recodification of current Section 8-17-5,