

**Town of Marlborough**  
**Charter Revision Commission**  
**Final Report & Charter Amendments**  
**June 30, 2021**

The Charter Revision Commission (the “Commission”) of the Town of Marlborough (the “Town”) respectfully submits and is pleased to present its Final Report to the Board of Selectmen as required by Connecticut General Statutes (the “Statutes”). In this Final Report the Commission is providing:

1. Introduction
2. Scope of Work
3. Proposed Recommendations on Commission Charges
4. Proposed Recommendations on Charter Amendments
5. Other Opportunities for Improvements
6. Attachment A (Charter Sections impacted by new form of government)
7. Attachment B (Charter Amendments with markup changes to 1985 Charter)

## **1- Introduction**

At their meeting on January 21, 2020, the Board of Selectmen of the Town of Marlborough approved a motion to establish a Charter Revision Commission with the following two charges (1) Review the number of Board of Selectmen and (2) Examine other forms of town government. The Board of Selectmen appointed a Charter Revision Commission consisting of seven members (7); 3 registered Republicans, 3 registered Democrats, 1 Unaffiliated and two (2) Alternates -1 registered Republican and 1 registered Democrat.

### **Commission Members**

Joseph Blanco  
Louise Concodello  
Evelyn Godbout  
Sarah McGuire  
Davit Porteous  
Robert Ragusa-Chair  
Julie Revaz-Vice Chair  
Judy Kelly-Alternate  
Mary Quirk-Alternate

On February 3, 2020 the Commission held its first meeting to organize and to elect a Chair and Vice Chair. During this meeting the First Selectman, provided information and advice on State statutory and related requirements. On February 20, 2020 before beginning any substantive work, the Commission held a public hearing as required by statute where the public was invited to provide public comments.

## **2-Scope of Work**

The Commission's scope of work was initially established by the Board of Selectmen with the adoption of the following two Charges:

- Charge #1- To exam the optimum number of Selectmen that would work best for the Town of Marlborough, in carrying out their duties and obligations to the Town.
- Charge #2- Exam alternate forms of government that could replace or improve the current three (3) member Board of Selectmen and Town Meeting form of government.

In accordance with its statutory authority as a charter revision commission, the Commission recognized from the outset of its work, given that the current Charter had not been substantially updated in over 35 years, that it would be prudent to exam other charter changes beyond the charges established by the Board of Selectmen.

### **Summary of Work**

Since its creation in February, 2020 this Commission has conducted its business in a manner intended to maximize the opportunities for public input, to solicit and gather a wide range of ideas, issues and suggestions for improvement on matters pertaining to the Commission's Charges, Charter Amendments and other areas of opportunity for improvement in the current Town Charter. Every Commission member played a key role and participated in researching issues, presenting findings, debate and consensus building where appropriate and what he or she believes is best for the residents of Marlborough.

Over 60 meetings and three (3) public hearings have been held over the last sixteen (16) months. During those meetings, the Commission has received input from the public and Town leaders from Marlborough and other towns.

Additionally the following steps were taken:

- (a) The Commission retained the services of Mr. Robert Santy as a consultant to the Commission during the early stages of its existence to help with team building, meeting norms and process.
- (b) The Commission retained the services of Mr. Kenneth R. Slater, Jr., Esq. from Attorneys Halloran & Sage LLP as a consultant on matters dealing with CT General Statute interpretation and applicability, the development and integration of charter sections and evaluation of the proposed recommended changes to the Charter as developed by the Commission.
- (c) Considerable effort was undertaken by all Commission members to become familiar with other Town charters, as selected by the Commission based on their form of government and demographics.
- (d) The Commission held numerous meetings with Town leaders (Selectmen, Councilmen, Town Managers and Town Administrators) from other Towns including Hebron, Columbia, Bolton, Durham, Portland, Clinton, Plainville and Berlin to discuss their form of government, charter revision, issues, concerns, recommendations, best practices and lessons learned.
- (e) The Commission held meetings with Marlborough Town leaders including chairpersons from the Board of Finance, Board of Education, Planning and Zoning Commissions, Town Planner, Finance Director, Town Clerk and Tax Collector to solicit their input on needed charter changes and recommendations.
- (f) All of the information gathered were subsequently examined, sorted and prioritized in a database for the purpose of identifying the more prominent concerns and benefits to the Town and for the Commission to address as it conducted business.
- (g) A second public hearing was held on December 8, 2020, where the Commission provided an update of its progress to date and took questions and comments from the public.
- (h) A third public hearing was held on March 23, 2021, where the Commission provided a summary of the proposed recommendations on the Commission Charges and Amendments to the Charter. The Commission took questions and comments from the public.
- (i) On April 13, 2021 the CRC Draft Report was accepted by the Board of Selectmen at a special meeting for such purpose.
- (j) The CRC participated in several Question and Answer sessions with the Board of Selectmen and individually with Selectmen as needed to address their issues and recommendations.

### **3-Proposed Recommendations on Commission Charges**

Charge #1: Review the Number of Board of Selectmen

Charge #2 Exam Other Forms of Town Government

The Commission believes that the effectiveness and efficiency of running the Town can be much improved over the current form of government by combining the benefits associated with each Charge into one combined recommendation. The Commission recommends increasing the membership of the Board of Selectmen from three (3) to five (5) members and appointing a Town Manager as the Town's Chief Executive Officer. The Commission recognizes that its recommendation represents a substantial change to the Town's form and structure of government. The legislative powers of the Town shall still be vested in the Board of Selectmen and the Town Meeting. The appointed Town Manager shall serve at the pleasure of the Board of Selectmen and as the Chief Executive Officer shall have the responsibility of managing the Town's day to day operations. The Commission believes these recommended changes will have a positive impact on Town governance and is the best possible solution to many of the issues that have existed with Town government for years.

#### **(3.1) Increasing Board of Selectmen membership from three (3) to five (5) members**

There are two principal reasons why the Commission recommends increasing the membership on the Board of Selectmen from three (3) to five (5) members.

First, the current three (3) member Board of Selectmen structure, under certain circumstances may be detrimental to the ability of the minority member to function in the same manner as the two members of the majority. Specifically, should the two members of the majority so choose, they could deny the minority member a hearing on a motion by refusing to offer a second to the motion. An additional issue and possibly a more significant issue for the minority member on a practical level is the requirement of State statute on open meeting laws, which prohibit the minority member from informally discussing any matters of Town business with a member of the majority. This is so because together, two such members would constitute a quorum of the Board, and they would therefore be conducting a public meeting which must be properly announced to the public. This same limitation does not extend to the two members of the majority because such a meeting is considered a party caucus, and is thus allowable.

Second, expanding the Board of Selectmen to five (5) members would invite a greater cross - section of opinion and ideas from its membership, and therefore involve more input and deliberation on matters that come before it.

Lastly, the Commission would like to point out that while it reviewed at great length whether the five (5) member Board of Selectmen should be minimally compensated,

the Commission decided that it was not in their purview to address this in the Charter.

### **(3.2) Appointment of a Professional Town Manager**

Managing a town has become very complex over the years placing increased demands and challenges for newly elected local leaders like the First Selectman, who may or may not be trained well enough to deal with the many aspects of the job (public administration, human resources, budgeting, contract law, negotiations, grants, project management, business law, conflict resolution etc.).

In Marlborough the elected First Selectman plays a strong leadership role as the Chief Executive and Chief Administrative Officer of the Town. The duties of the First Selectman are broad, commanding and comprehensive. Among the many duties of the First Selectman the more prominent include the following:

- (a) To Execute and carry out all Ordinances, Resolutions, policies and other actions voted by the Board of Selectmen or the Town Meeting.
- (b) To Coordinate the administration of the agencies, boards and commissions of the Town, except those functions expressly reserved or delegated to such agencies by State statute
- (c) To Guide the Board of Selectmen in the discharge of all the Selectmen's duties and responsibilities.
- (d) To Direct and Supervise the activities of all Town employees, except employees of the Board of Education.

The First Selectman, however requires no professional training or education to be elected to his/her position. When newly elected to office the First Selectman is often facing a lengthy learning curve that can vary from several months to potentially a year or more, depending on his/her level of qualifications before he/she learns how to perform the duties and responsibilities of the position they now hold. If the First Selectman has limited qualifications (education, training, experience, and expertise) in managing a town government and all that it entails, then their ability to perform the job at an optimum level, may never be realized. Hypothetically, a First Selectman who may have limited qualifications for the position, may under certain circumstances, result in negative consequences to Town operations such as mismanagement, poor decisions, short sightedness, communication and coordination breakdowns, confusion, limited strategic planning, minimizing grant or financial opportunities, increased legal costs to name just a few. In addition an elected First Selectman can introduce a level of instability and lack of continuity since the position is up for re-election every election cycle.

The Commission believes and recommends that a professional Town Manager should be appointed as the Chief Executive officer of the Town directly responsible to the Board of Selectmen for the administration of all Town offices and agencies, except the local Board of Education. A Town Manager is a trained professional schooled in how to manage the day to day operations of running a municipal government and would be chosen exclusively on the basis of administrative qualifications, demonstrated leadership skills, proven track record, character, education, training and experience. Since the Town Manager would be an appointed position there would be a level of stability and continuity in government that is otherwise challenging to achieve with an elected First Selectman position every four years. Another advantage for an appointed Town Manager, which does not exist with a First Selectman position, is the process of having periodic performance reviews as well as setting annual metrics and goals for the Town Manager by the Board of Selectmen. This approach should have a positive impact on running Town operations.

The Commission also believes that with the right candidate for the position of Town Manager, there are opportunities for productivity improvements through cost avoidance and process improvement that can be truly realized with the leadership of a professional Town Manager. Selecting the right candidate to serve as the Town Manager is essential and should require considerable effort, thought and time. It is for this reason and others that the Commission recommends that the Board of Selectmen shall by resolution establish a policy procedure for the hiring a Town Manager. Such procedure shall include the appointment of a Town Manager Search Committee (TMSC) for the purpose of searching for and identifying the most qualified candidates as finalists for the position of Town Manager (Section 3.9.13 of the proposed charter).

Alternatively, the Commission examined the advantages and disadvantages between appointing a Town Administrator in place of a Town Manager. What the Commission learned was that with a Town Administrator position, towns typically require the services of a First Selectman type position to provide the necessary and constant oversight and supervision over the Town Administrator, which is just not needed with a Town Manager position. The level of empowerment given to a Town Manager by the Board of Selectmen is considerably more than the level of empowerment granted to a Town Administrator. The Town Manager independently manages the actual day to day operations of the Town while a Town Administrator, for all intent and purposes, works under the direction of the First Selectmen and is considered by some leaders to be an assistant to the First Selectman.

It is important to note that there is a moderate difference in compensation between a Town Manager (\$110K - \$130K) and a Town Administrator(\$85K- \$100K) but that difference is partially offset by any compensation that would most likely be paid to the First Selectman, to oversee and supervise a Town Administrator as previously noted.

## **Summary of Proposed Recommendations on Charges: Combine Charge # 1 and Charge #2**

Change the Form of government from three (3) member “Board of Selectmen and a Town Meeting” form of government to a five (5) member” Board of Selectmen with a Town Manager (as the CEO) and a Town Meeting form of government.

### **Key Characteristics:**

#### **Board of Selectmen:**

- (a) Shall continue to serve as the Legislative Body of the Town in conjunction with a Town Meeting form of government.
- (b) Are elected to four (4) year overlapping terms of office.
- (c) Shall choose a Chair and Vice Chair annually.

#### **Town Manager:**

- (a) Appointed to Office by a five (5) member Board of Selectmen.
- (b) Serves as the Chief Executive Officer of the Town.
- (c) Selected on the basis of qualifications.
- (d) Shall serve with No Residency requirement.
- (e) Shall receive a salary compensation commensurate with qualifications.

## **4-Proposed Recommendations on Charter Amendments**

- 4-1 Office of Ethics /Code of Ethics (New chapter to charter)**
- 4-2 Annual Town Budget Public Hearing and Annual Town Meeting**
- 4-3 Appropriations**
- 4-4 Public Bid**
- 4-5 Town Clerk**
- 4-6 Tax Collector**
- 4-7 Board Members Board of Education**
- 4-8 Board Members Board of Finance**
- 4-9 Board Members Board of Assessment Appeals**
- 4-10 Fire Commissioners and Fire Marshal**
- 4-11 Other (Miscellaneous) Charter Changes**

### **(4-1) Office of Ethics / Code of Ethics (New chapter to be added to the Charter)**

The Commission recommends that the Town Charter be amended to allow for the Board of Selectmen to appoint an Office of Ethics (OE) and the adoption of a Code of Ethics for the purpose of ensuring public confidence in the integrity and fairness of municipal government. The OE shall consist of two members, regardless of party affiliation, and a clerical position. Selection of the members will be based on “best qualified” and shall serve at the pleasure of the Board of Selectmen, with no

designated term limit. Members must be residents of the Town of Marlborough. Except for the clerical position, no member of the OE shall be employed by the Town; have been employed by the town for a period of two years prior to being appointed to the OE; hold or seek any Town office; have campaigned for any other person seeking a Town office within the past two years; have held any State or Town office for a period of two years prior to being appointed to the OE; serve as a member of another board or commission; hold office in a political party or political committee; or have been found in violation of any State, local or professional code of ethics.

The primary roles of the OE are twofold: (1) Pre Advisory Role...to render advisory opinions with respect to the applicability of the Code of Ethics to specific situations, to any agency or any official, to an employee or consultant/contractor pursuant to a written request or upon its own initiative and (2) Investigatory Role...to investigate complaints alleging a violation of the Code of Ethics.

In the case where a written complaint is filed to the OE, an investigation will ensue. If the OE determines that there is probable cause, it shall inform the respondent by certified mail of a pending investigation and continue the investigation and hold such further interviews as may be necessary. If the OE determines that the respondent has, in fact, violated the provisions of the Code based on a preponderance of evidence (rather than beyond a reasonable doubt) and legal sufficiency, it shall file a Memorandum of Findings with the respondent and the Board of Selectmen, except with respect to individuals under the jurisdiction of the appropriate Board of Education, in which case, the Memorandum of Findings shall be filed with that Board of Education. In the case of a consultant, it shall also be filed with the contracting agency.

A substantiated violation of the Code shall be presented in a Memorandum of Findings to the respondent and the Board of Selectmen or Board of Education for action they may deem appropriate in accordance with their respective responsibilities under the law. Such actions may include, but are not limited to, public censure, reprimand, suspension, demotion, removal, or dismissal of officials, employees and consultants as applicable. No such recommendation shall limit the authority of the Board of Selectmen or the Board of Education under the Charter of the Town of Marlborough or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the Board of Selectmen or Board of Education has under any ordinance, statute or any other law. Any discussion by the Board of Selectmen, Board of Education or contracting agency of an individual affected by said Memorandum of Findings shall be in executive session, unless the individual affected requests that such discussion be held in open session. The respondent shall be provided due process to present his position in connection with an alleged violation of the Code of Ethics.

The Code of Ethics Chapter (Attachment B) covers in detail the following key elements of the Code:

1. Legislative Intent
2. Office of Ethics
3. Definitions
4. Consultants
5. Confidential Information
6. Use of Influence
7. Gifts and Favors
8. Equal Treatment
9. Conflict of Interest
10. Disclosure
11. Incompatible Employment and Activities
12. Acknowledgement Form

**(4-2) Public Hearing on the Proposed Annual Town Budget / Annual Town Budget Public Hearing / Machine Vote on the Annual Town Budget Referendum/ Town Meeting** (Sections 6.5.5, 6.5.6, 6.5.6.1, and Section 7.3)

The Commission recommends that the Town Charter be amended to reflect the following:

- (a) Replace the Annual Town Meeting, called by the Board of Selectmen with the Board of Finance to present the final proposed Annual Town Budget to the public, with a Public Hearing called by the Board of Finance with the Board of Selectmen for the same purpose.
- (b) Add a new charter section to simplify the annual budget process by setting established dates for the presenting and approving the Annual Town Budget including setting the Annual Budget Referendum on the first Tuesday in May.

In its simplest terms a Town Meeting can be defined as a meeting of the voters of a town for the transaction of public business. The key word in this definition is “transaction” or to act upon or vote, on public business. While the Town of Marlborough has used the Annual Town Meeting as the venue for presenting to the public the final draft of the Annual Budget before adjourning to a Referendum vote on the budget, it does come with a certain level of risk to the Town, both monetary and legal risk.

In Marlborough the legislative powers of the Town are vested in the Board of Selectmen and the Town Meeting. As such, the voters of the Town have a right at any Town Meeting to make a motion on an idea, issue or topic of their choosing. If that motion is seconded, the motion must be open for discussion and could eventually lead to a vote to act upon or transact public business.

To put this in perspective, hypothetically, if at the Annual Town Budget Meeting, a voter were to raise a motion to change something in the proposed budget and that motion is seconded, discussed and eventually voted on and approved, then the Town most likely would have to postpone the Referendum Machine Vote to a later date. The cost to the Town for sponsoring a Referendum Machine Vote can be upwards of \$3,000 or more. Postponing and rescheduling the Machine Vote could potentially double that cost to the Town. In a different scenario, where a voter makes a motion and that motion is not recognized or denied by the moderator, there is the possibility that the voter might file legal action against the Town for not allowing him/her to be heard at a duly called Town Meeting. Such action can be costly to the Town to resolve such claim in court.

The Commission believes the better way to call a Referendum Machine Vote on the proposed Annual Town Budget is to add a new Charter section called “Machine Vote on the Annual Town Budget Referendum”. The new Charter section would include the prescheduled date of the first Tuesday in May, after the first Monday in May, as adopted by the Charter for the Annual Town Budget Referendum. By adding this new section in the charter there would no longer be a need to call an Annual Town Meeting and the Town would no longer be subjected to potential monetary and legal risk.

The Commission further believes the Board of Finance should hold two Public Hearings on the proposed Annual Town Budget. The purpose of the first public hearing, to be held on or before the Third Monday in April, shall be to present the proposed Annual Town Budget and to address any potential changes as may be discussed. After the hearing, the Board of Finance may make such revisions in the budget estimates as it deems desirable and prepare a revised proposed Annual Town Budget. The purpose of the second public hearing (which would replace the former Annual Town Meeting), to be held on or before the first Monday in May shall be to present the final proposed Annual Town Budget that will be voted on by Referendum on the first Tuesday after the first Monday in May. The major difference in using the Public Hearing venue as opposed to a Town Meeting venue is that with a Public Hearing, voters are not permitted by statute to raise motions or vote on issues.

#### **(4-3) Appropriations (Sections 6.6.2, 6.6.3, 6.9)**

##### **(a) Appropriation Limits (Section 6.6.2, 6.6.3)**

The Commission recommends that the Town Charter be amended to allow for the Board of Finance to authorize the approval of special appropriations based on a percentage limit of 2% of the Town Operations Budget and not on a fixed dollar limit of \$10,000 as in the current charter; per department budget in any one Fiscal Year from an approved contingency fund without the need for a Public Hearing. In addition, Special appropriations exceeding the 2% limit of the Town Operations Budget shall require a Public Hearing and a Town Meeting.

The percentage limit of 2% was chosen by the Commission to account for inflation and the higher cost of doing business in today's economy. Linking the Appropriation dollar limit to a percent of the Town Operations Budget would preclude the need for future inflationary adjustments. Any changes to the Town Operations Budget would result in a corresponding change to the Appropriation funding limit.

**(b) Emergency Appropriations (Section 6.9)**

The Commission recommends that the Town Charter be amended to increase the amount of emergency funding that can be approved by the Board of Selectmen from \$10,000 for any one occurrence in any one Fiscal Year to two percent (2%) of the Towns Operation Budget without the limitation of one occurrence in any one Fiscal Year provision. The Commission further believes that the increase in emergency funding is a more realistic amount to cover costs in a duly declared Town emergency. The percentage limit of 2 % was chosen to account for inflation, higher cost of doing business and the more likely higher cost of doing business during a period of a declared emergency. Linking the Emergency Appropriation dollar limit to a percent of the Town Operations Budget would preclude the need for future inflationary adjustments. Any changes to the Town Operations Budget would result in a corresponding change to the Emergency funding limit.

**(4-4) Public Bid (Section 3.4.15)**

The Commission recommends that the Town Charter be amended to reflect the current \$10,000 dollar threshold required, in order for the purchase of any item, to go out for public bid be changed to a fixed percentage of the Town Operations Budget as follows:

- (a) Items with estimated costs in excess of 1% of the Town Operations Budget shall require a formal bid.
- (b) Items with estimated costs of between 0.5% to 1 % of the Town Operations Budget may require an invitation to bid.
- (c) Items with estimated costs less than 0.5% of the Town Operations Budget do not require a formal bid.

The Commission recognized that the bid threshold dollar amount had not been adjusted for inflation for over thirty five years and there was a compelling need to increase such threshold amount to reflect the cost of doing business in today's economy. Furthermore linking the bid threshold amount to a percent of the Town Operations Budget would preclude the need for future inflationary adjustments. Any changes to the Town Operations Budget would result in a corresponding change to the bid threshold amount.

**(4-5, 4-6) Town Clerk and Tax Collector** (Sections 2.2.8, 2.2.3 and 2.2.9) (New 5.11, 5.12)

The Commission recommends that the Town Charter be amended to require the Town Clerk and the Town Tax Collector positions be appointed positions. Both positions which are currently elected positions, would be appointed by the Board of Selectmen with no residency requirement, and may be removed by the Board of Selectmen at their discretion.

The Commission believes that the benefits of an appointed position in general far exceed that of an elected position and is the better way of filling the position with the best qualified candidate. The following factors were considered by the Commission before making their recommendation:

- (a) Application and Interview process would allow for choosing the best qualified candidate for the position which is not permissible if running for elected office.
- (b) No residency requirement allows for a larger pool of candidates to choose from which is not possible with a candidate running for elected office.
- (c) Qualifications of candidates can be chosen by the appointing body which is not possible with a candidate running for elected office.
- (d) There is no State mandatory training for either Town Clerk or Tax Collector position that could provide a pathway for less qualified individuals to achieve a minimum level of competency. State provided training is strictly voluntary.
- (e) Appointed positions may be subject to performance reviews, which is not permissible with an elected position.

**(4-7, 4-8, 4-9) Board Members** (Sections 2.2.5, 2.2.6, 2.2.7)

The Commission recommends that the Town Charter be amended to allow for changes in membership on the following Boards:

**(4-7) Board of Education:** (Section 2.2.5)

Reduce membership on the Board of Education from nine (9) members to seven (7) members.

**(4-8) Board of Finance:** (Section 2.2.6)

Reduce membership on the Board of Finance from six (6) members to five (5) members.

**(4-9) Board of Assessment Appeals:** (Section 2.2.7)

Increase membership on the Board of Assessment Appeals from three (3) members to five (5) members.

**(4-10) Fire Commissioners and Fire Marshal (Section 4.9)**

The Commission recommends that the Town Charter be amended to reflect the following:

Increase the membership of the Board of Fire Commissioners from three (3) to five (5) members to serve four (4) year overlapping terms of office. Membership shall be comprised of three (3) members with Fire Service experience and two (2) members without Fire Service experience and no member shall be an active member of the Fire Department.

Upon the permanent vacancy of the Fire Marshal or Deputy Fire Marshal(s), the position shall be filled by vote of the Board of Selectmen, upon the recommendation from the Board of Fire Commissioners, to four (4) year terms of office under the charter provision for Terms of Office. The Fire Marshal and Deputy Fire Marshal(s), as employees of the Town, shall report to the Board of Selectmen. The Board of Fire Commissioners, Fire Marshal, and Deputy Fire Marshal(s) shall work collaboratively and consult on matters as deemed necessary to ensure public safety and satisfy the needs of the Town. The Fire Marshal and Deputy Fire Marshal(s) shall receive compensation as may be approved in the annual budget.

The Commission acknowledges that there have been raised some objections to the Commission's recommendation regarding the Fire Marshal and Deputy Fire Marshal reporting to the Board of Selectmen and the provision which authorizes the Board of Selectmen to fill a permanent vacancy of the Fire Marshal or Deputy Fire Marshal to a four (4) year overlapping term of office. Such objections were noted and were submitted to the Commission's attorney, Mr. Kenneth R. Slater, Jr., Esq. from Attorneys Halloran & Sage LLP, for clarification of State statutes and the applicability of Home Rule on the Commission's recommendation.

It is the opinion of the Commission's attorney that the provision of Home Rule is applicable in this case and that the Commission's recommendation is expressly authorized by Section 7-193 of the Connecticut General Statute (CGS).

**(4-11) Other (Miscellaneous) Charter Changes**

The Commission recognized from the outset of its work, given that the current Charter had not been substantially updated in over 35 years, that it would be prudent to exam other charter changes beyond the charges established by the Board of Selectmen. As such, the Commission performed a review of the Charter with a focus on removing outdated references to CT statutes; correcting grammatical and spelling errors; correcting improper reference to other charter sections; deleting specific Charter sections that are obsolete or no longer needed; expanding on specific charter sections to improve the clarity of section content and updating or adding specific Charter sections where appropriate to reflect current and best practices.

A summary of the Charter sections that include a more substantive change are enumerated below. The Commission recommends that the Town Charter be amended to reflect the following Other (Miscellaneous) Charter changes:

**(a) Vacancies** (Section 2.6 & 3.4.1)

These sections were expanded beyond the existing Charter language to emphasize that vacancies in elected positions shall be filled by the Board of Selectmen of the most qualified candidate. In the case of comparable qualifications of affiliated and unaffiliated candidates, candidates affiliated with the party from which the vacancy occurred, shall have priority. Furthermore the Board of Selectmen will discuss the candidacy of all nominees, vote and make transparent the reason for their choice in a public meeting.

**(b) Oath of Office** (Section 4.1.2 ) (Removal of Appointed Members from Boards, Commissions and Agencies)

This section was expanded beyond the existing Charter language to include a provision whereby appointive Boards and Commissions would be required to establish and have on record a signed Membership Expectations agreement from each of its members which outline minimum attendance, participation and conduct expectations of its membership. The objective is to promote standardization across all Boards and Commissions. A standard template shall be available from the office of the Town Clerk.

Failure to adhere to the rules may result in a warning, or action by the Board or Commission, asking for the resignation of a member who is unable or unwilling to fulfill their obligation in a manner that advances the best interests of the Board or Commission, and the Town of Marlborough.

**(c) Qualification of Members** (Section 4.1.1)

This section was expanded beyond the existing Charter language to include the following statement; The Board of Selectmen shall regard the qualifications of candidates to all Boards and Commissions to be the highest priority in their selection, and party affiliation will be secondary to that. In the case of comparable qualifications of affiliated and unaffiliated candidates, candidates affiliated with the party from which the vacancy occurred, shall have priority subject to Minority Representation Section 2.3 of this charter.

**(d) Duties of the Board of Education on Budget (Section 6.5.3)**

This section was expanded beyond the existing Charter language to include a provision for the Board of Education budget to include the cost of maintenance of - public school(s) and grounds for the ensuing year. In addition the Board of Education shall prepare an annual Capital Improvement and Maintenance Plan.

**(e) Duties of the Board of Finance on Budget (Section 6.5.4)**

This section was expanded beyond the existing Charter language to include a provision for the Board of Finance to call a Kickoff meeting to discuss the upcoming budget process with the Board of Selectmen, Chief Executive Officer, Marlborough Board of Education and Superintendent of Schools, and RHAM Board of Education and Superintendent of Schools for the purpose of establishing goals and objectives.

**(f) Board of Selectmen on Voting (Sections 3.8.1.1 Employment of Staff, 4.9 Fire Commissioners and Fire Marshall, 5.6 Town Counsel, 5.7 Additional Officers, 5.11 Town Clerk, 5.12 Collector of Taxes, 5.9 Filling of Vacancies )**

Various sections of the Charter were enhanced to include language requiring the Board of Selectmen to conduct a formal vote on decisions involving the hiring or discharge of Town employees or appointments.

**(g) Deleted Sections from Charter:**

Section 2.6.1 Vacancy Term Exception (Planning) (No longer required)  
Section 3.4.4 Maintenance Bond Protection for Existing Roads (No longer required)  
Section 4.3 Economic Development Agency (No longer required)  
Section 4.7 Municipal Health Service Committee (No longer required)  
Section 4.8 Jury Commission (No longer required)  
Section 5.4 Constables (Combined with Section 5.3 Police Services)  
Section 7.2 Annual Town Meeting (Replaced with updated Section 6.5.5 Public Hearing on the Proposed Annual Town Budget)

**(h) Added Sections to Charter:**

Section 4.15 Lake Advisory Commission  
Section 4.16 Nature Trails and Sidewalk Commission  
Section 4.17 Water Pollution Control Authority  
Section 4.18 Commission on Aging  
Section 4.19 Cemetery Commission  
Section 5.13 Emergency Management Director  
Section 6.11.3 Reimbursement of Expenditures (Accounting & Expenditures)  
Section 8.11 Meeting Rules and Procedures (Miscellaneous Provisions)

**(i) Updated and Improved Clarity of Charter Section Content:**

- Section 2.1.2 List of Electors
- Section 2.3 Minority Representation
- Section 2.6 Vacancies
- Section 3.4.1 Filling of Vacancies
- Section 3.4.2 Personnel Policies
- Section 3.4.3 Acceptance/ Abandonment of Roads & Other Municipal Improvements
- Section 3.4.6 Purchase or Exchange of Real Estate
- Section 3.4.6.1 Easements
- Section 3.4.7 Acceptance of Real Estate
- Section 3.4.9 Temporary Commissions
- Section 3.4.12 Maintenance of Town Properties
- Section 3.8.1.1 Employment of Staff
- Section 4.1 General
- Section 4.1.1 Qualification of Members
- Section 4.1.2 Oath of Office
- Section 4.1.3 Terms of Office (Appointed)
- Section 4.6 Office of Emergency Management (formerly Civil Preparedness)
- Section 5.3 Police Services
- Section 5.6 Town Counsel
- Section 5.7 Additional Officers
- Section 5.9 Filling of Vacancies
- Section 6.2.1 Organization (Board of Finance)
- Section 6.2.3 Compensation (Board of Finance)
- Section 6.4 Treasurer
- Section 6.5.3 Duties of the Board of Education on Budget
- Section 6.5.4 Duties of Board of Finance on Budget
- Section 6.5.6.2 BOF Action on Rejection of the Proposed Annual Town Budget
- Section 6.7 Transfer of Unexpended Funds
- Section 6.7.1 Intradepartmental Transfers
- Section 6.7.2 Interdepartmental Transfers
- Section 6.12 Borrowing
- Section 7.1.2 Persons Qualified to Vote
- Section 7.4 Town Meeting Procedure
- Section 7.7 Petition for Town Meeting
- Section 7.7.1 Petition
- Section 7.7.5 Effective Date (Proposed Ordinance)
- Section 8.6 Effective Date (of Charter)
- Section 8.8 Codification and Recodification of Ordinances
- Section 8.10 Terminology

## **5- Other Opportunities for Improvements**

During the process of conducting research and interviews with members of Town government and other towns, the Commission discovered aspects of Town governance that warrant improvement. While not in the nature of specific charter revisions proposed by this Commission, the Commission wishes to share the following list of such items for your consideration:

### **(a) Borrowing**

The current process for obtaining bond authorization takes too long and is too complex than it needs to be. The Town has for years layered the Special Appropriation process Charter Section 6.6 on top of the Borrowing process Charter Section 6.12, each with its own set of due dates and time frames, to authorize bonds.

The Commission recommends that this process be evaluated from the perspective of streamlining the entire process with an emphasis on making the bond authorization process Section 6.12 independent of the Special Appropriation process Section 6.6. As such the Borrowing process Section 6.12, would be solely sufficient to authorize a project, the financing of that project and the expenditure of funds for that project. The Borrowing process Section 6.12 basically requires the Board of Selectmen, Board of Finance, Town Meeting, and if the amount to be financed is greater than 10 percent of the current tax levy, Referendum approvals. It is a process common in many other towns.

### **(b) Records Management System**

Recommend the town invest in an automated Records Management System for the Building Official, Fire Marshal, Planning and Zoning Commissions to use to document, track, and status progress within their respective process which would improve process efficiency and on time deliverables. The current practice of record keeping is labor intensive, unreliable at times, inefficient and time consuming to use.

### **(c) Roles & Responsibilities**

The Commission believes, that in general there is a strong need for Boards, Commissions, Agencies and Departments to establish and document their own Mission Statement, Duties, Operating Guidelines and Roles & Responsibilities necessary to perform their respective duties in government. Such information would be helpful to current members, future members and to Town management leaders. Such information would be particularly helpful for incoming new members and to potential volunteers who may be interested in volunteering on a particular Board of Commission. Town leaders should consider hiring a consultant to lead this effort so

that results can be completed in the most efficient way without over burdening each Department, Board or Commission. The Commission recommends that the Board of Selectmen consider adopting a policy for the purpose of accomplishing the above effort with a scheduled deadline for completion.

**(d) Municipal Organization Chart**

Recommend the town develop a Municipal Organization Chart of Town government structure. Such organization chart should include all Boards, Commissions, Agencies, Committees and Departments such as H.R., Public Works, Emergency Management, Police, Finance, Town Counsel, Town Engineer, etc. The Organization Chart should be posted on the Town Website for the benefit of the public.

**(e) Town Agreement with Marlborough Volunteer Fire Department**

Recommend the Fire Department agreement between Town and the Marlborough Volunteer Fire Department be reevaluated and updated as needed. The current agreement has not been update since it was signed in August of 1957, 63 years ago!

**(f) Local Senior Tax Relief Program**

The Commission recommends that the Board of Selectmen consider establishing, by ordinance, a Local Senior Tax Relief Program to provide for some level of property tax relief to eligible seniors. Such local tax relief benefit to seniors would coincide with the current State Homeowners Tax Credit program currently available to Marlborough seniors.

Many seniors in town are living on fixed incomes and struggling financially to remain in their homes. Some towns in the State already have improved the lives and peace of mind of their seniors by providing some level of local tax relief. The Commission recognizes that funding to support such a senior tax relief program would have an impact on the Town Budget, but the Commission strongly believes that Marlborough's seniors deserve some level of tax relief.

**Attachment A**

**Proposed Charter Provisions to Change to Town Manager Form of Government with  
Five (5) member Board of Selectmen (Charges 1 & 2)**

**Attachment B**

**Proposed Amendments to Charter**