



# TOWN OF MIDDLEBURY

## *Office of the Selectmen*

### MINUTES

#### **SPECIAL JOINT MEETING OF THE BOARD OF SELECTMEN & THE LIBRARY BOARD OF TRUSTEES**

**THURSDAY, JANUARY 23, 2014**

***Immediately following the Board of Selectmen's Meeting***  
**Town Hall Conference Room**

#### **Call to Order**

The First Selectman opened this meeting by stating that the joint meeting was called at the request of the Chairman of the Library Board of Trustees. The meeting was called to order by 6:20 p.m.

#### **Discussion and Consideration**

##### **Administration**

Jim Greenwood said that the Board greatly appreciated having the meeting and added that Joan King, Chairman of the Library Board of Trustees had been hospitalized and wasn't able to attend the meeting and that Marilyn Engelman has a medical issue as well.

At this time, Michele Finn distributed the attached copy of Section 202 of the Town Charter.

Mr. Greenwood stated that he would be speaking on behalf of the Board as he is Vice Chairman of the Library Board of Trustees. He said that the Library Board wishes to discuss with the Selectmen the administration of the Library in accordance with the Town Charter.

Mr. Greenwood stated that at the last meeting of the Library Board the board made a motion "to discuss with the Selectmen the administration of the Library in accordance with the Town Charter and Trustee by-laws."

Mr. Greenwood stated that the sole purpose of the Library Board coming to the meeting tonight was to obtain a more comprehensive understanding of the duties and responsibilities that our elected Board is entrusted to carry out. Mr. Greenwood stated that from a review of the Town Charter, State Statutes, and Library Bylaws the Board of Trustees was referring to their duties being covered under Section 202 of the Connecticut General Statutes.

The First Selectman said that he believes that the question of discussion revolves around the Board of Selectmen approving an award of contract from Bibliomation to Autographics. The First Selectman added that the procedure as he understands is that the awarding of contracts is strictly the responsibility of the Board of Selectmen. The Library Director (on the operational side) forwarded a proposal from the three various vendors. The First Selectman said a matrix of reasons why Autographics was chosen was created. Based on that, the Board of Selectmen awarded the contract to Autographics. The First Selectman said that the responsibility of awarding contracts lies strictly with the Board of Selectmen. They are the only ones who can do so. Attorney Smith is here today to address questions. The Board of Selectmen feels that their being given the contract is an operational decision. The First Selectman added that the responsibility of all of the Boards and Commissions is only that of creating policy; and they never get into the operations of the Department.

The First Selectman stated that the Town's Police Commission does not direct the operations of the police department; all they can do is provide the policy to the Chief to implement.

The First Selectman stated that he and the Board of Selectmen do not feel that his is a policy issue; it is an operational issue. The price offered in the Autographics contract was good and he feels that the price was right. The Board didn't look at it with any issues but to approve it. This has always been the practice. The First Selectman added that with regards to budgets, the various board's input is welcome however, the operational side of it, the Department Director, Chief of police, Public Works Director are responsible for the operational side; if there is a policy question, that's for the Board.

Mrs. Finn inquired if the Board of Selectmen were on board with the vendor; and if it was the process that such a contract would first be approved by the Board before being presented to the Board of Selectmen. First Selectman said that usually when the Board of Selectmen receives anything from the Department Head, it had already been presented to the Board, and that at this point, it is their understanding that the necessary approvals were obtained and they move forward to it.

Mr. Greenwood again stated that they wanted to get an understanding so that they can properly do their jobs as Trustees of the Board; and the First Selectman has given them some guidance.

The First Selectman added that this is the first time where he's ever had a situation where there was a misunderstanding on how the function of

government works. The First Selectman stated that this is the reason why the Town went to a Charter to set up the statutes clearly where all of the employees of the Town of Middlebury report to the First Selectman.

Mr. Greenwood said that the members of the Library Board of Trustees present at this meeting were the four newest members, and they wanted to make sure that they are fulfilling their responsibility properly.

The First Selectman cautioned that he doesn't like to see these types of situations, and he would like to work out situations without them turning into a war. The First Selectman offered that Attorney Smith would be available to come down and work with the Board of Trustees to further define this issue. Mr. Greenwood said that he feels that the Chairman would appreciate that. The First Selectman said that there would be no discussion of a personnel issue during that discussion and that after speaking with Attorney Smith and there are more issues Attorney Smith has been directed to steer the Board in the right directions.

The First Selectman cautioned the Library Board of Trustees that any personnel issues having to be discussed that the employee has to have the opportunity to be at the meeting (Municipal Employees Relations Act).

Under FOI regulations, the employee also has the right to speak at a meeting being held to discuss the employee.

**Comments from the Library Director**

None.

**Adjournment**

First Selectman MOTIONED to adjourn the special meeting at 6:35 p.m. SECONDED by Selectman Barra. Unanimous approval.

These minutes are submitted subject to approval.

Respectfully submitted,

*Barbara J. Whitaker*

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Recording Clerk

In Section 202 of the Middlebury Town Charter, under section H (pertaining to Library Trustees), It states that the "Trustees perform such duties and functions as are provided in the General Statutes".

In Section 11-21 of the Connecticut General Statutes, it states "The Board of Trustees may make bylaws for its government and shall have exclusive right to expend all money appropriated by such municipality"

In Article II (4) of the duties of the Middlebury Board of Trustees, it states that the Board "be responsible for planning and supervising the expenditure of all funds appropriated to the Library"

In Article VII, section 1 of the Trustees' bylaws, "the library director shall have sole charge of the administration of the library under the direction and review of the library board"