

**TRUSTEES OF FORBES LIBRARY**  
**Executive Session Meeting of April 28, 2016**

**Present:** Mr. Carrier, Ms. Downing, Ms. Hess, Mr. Morin, Ms. Moulding, Ms. Reall, Ms. Sheirer, Mr. Twarog, Ms. Wight.

**Legal Matter and FLEA Contract Negotiations**

At 5:45 PM, Ms. Reall moved that the Trustees go into executive session to discuss a legal matter and the contract negotiations with FLEA because negotiations in open session would be detrimental to the library's bargaining position. Ms. Hess seconded the motion, which was passed unanimously, with Mr. Carrier, Ms. Hess, Ms. Reall, Mr. Twarog, and Ms. Wight all voting in favor. The Trustees invited Ms. Downing, Ms. Moulding, Mr. Morin, and Ms. Sheirer to remain as guests at the executive session. Ms. Enz, Mr. Petcen , and Mr. Stover left the meeting at 5:45 PM. Mr. Carrier, Ms. Downing, Ms. Hess, Mr. Morin, Ms. Moulding, Ms. Reall, Ms. Sheirer, Mr. Twarog, and Ms. Wight were present during the executive session.

Ms. Hess moved that the Secretary's Reports of the Executive Sessions of March 17, 2016 and March 23, 2016 be accepted with a few minor corrections, but not be placed on file until the legal matter is settled. Ms. Reall seconded the motion, which was passed unanimously.

**Building Ownership**

Mr. Carrier, Ms. Reall, Ms. Downing, and Ms. Moulding met with Attorney Lucentini on April 25. City Solicitor Alan Seewald has written to three separate state offices requesting advisory opinions on questions concerning Forbes Library's adherence to open meeting laws and ownership of the Forbes Library building. Attorney Lucentini believes these letters constitute active controversy, providing cause for Forbes to file a complaint in Probate Court. Attorney Lucentini is notifying the three state agencies, anticipating that they will defer their opinions to the ruling made in Probate Court. Attorney Lucentini anticipates that both parties will agree to a stipulation of facts, so that the Probate judge will apply the law to the agreed upon facts, reducing the cost of discovery. The legal costs for Forbes could range from \$10,000-\$35,000 depending on how long it takes and whether appeals are filed after the initial ruling. The legal process could take anywhere from 8 months to 3 years. Attorney Lucentini recommended that one or two Trustees be the liaison with their office. Written communication about the issues should be limited and marked "privileged and confidential." The Trustees should refer all questions about the matter to the law firm. Subsequent to the meeting, Mr. Carrier spoke to Attorney Lucentini who said that he had notified the three agencies involved and one had indicated they would stay the matter in anticipation of a ruling in Probate Court. Ms. Moulding has provided them with contracts and other documents supporting Forbes contention they are an independent body. If Forbes decides not to go to Probate Court, the Trustees should let Attorney Lucentini know and send him their position on the matter before he renders an opinion. If Forbes does file a complaint in Probate Court, the city will have 21 days to respond. After filing in Probate Court, Forbes will send a copy of the complaint to the media.

**FLEA Negotiations**

The Library's Administrative Assistant is currently a member of FLEA, which is a potential conflict of interest. Ms. Moulding said that in other libraries the Administrative Assistant is usually a non-union position. The

Trustees discussed rewriting the job position to be non-union, to include more human resources and payroll duties, and to include contractual protections that are the same as for FLEA members.

The Trustees discussed beginning contract negotiations with FLEA. It is in the best interest of FLEA to wait until other city departments have negotiated contracts, so the Trustees can ask the city for equal increases. The Trustees agreed by consensus not to re-introduce the proposal for a two tiered wage system that they proposed last year. The proposal called for reducing Step raises for new hires from 3.5% to 2.5%. As a result of the proposal last year, a joint committee was established between the Trustees and FLEA members to explore other options for saving money. Several proposals were explored that created more efficiency, but did not reduce budget costs. The Trustees will revisit the discussion of sustainability of library wages next year. Ms. Moulding said that her budget proposal for FY17 includes a 2% Cost of Living Adjustments (COLA), but it has not yet been approved by the city. If the city offers less, then COLA could be reduced.

At 6:15 PM, Ms. Hess moved that the executive session be ended and the regular meeting reconvened. Ms. Wight seconded the motion, which was passed unanimously, with Mr. Carrier, Ms. Hess, Ms. Reall, Mr. Twarog, and Ms. Wight all voting in favor.

Respectfully submitted,

Elizabeth Sheirer, Secretary