

TRUSTEES OF FORBES LIBRARY
Executive Session of December 15, 2016

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

Legal Matter

At 5:30 PM, Mr. Twarog moved that the Trustees go into executive session to discuss a legal matter because discussion in open session would be detrimental to their litigating position. Ms. Hess seconded the motion, which was passed unanimously, with Mr. Carrier, Ms. Hess, Ms. Reall, and Mr. Twarog all voting in favor. The Trustees invited Ms. Buckhout, Ms. Downing, Ms. Moulding, and Ms. Sheirer to remain as guests at the executive session. Ms. Fagan and Mr. Petcen left the meeting at 5:30 PM. Ms. Buckhout, Mr. Carrier, Ms. Downing, Ms. Hess, Ms. Moulding, Ms. Reall, Ms. Sheirer, and Mr. Twarog were present during the executive session. No votes were taken during the executive session.

Mr. Carrier reported that Attorney Lucentini submitted Forbes' response to the city's counter proposal shortly after the Trustees November 17 meeting. Upon submitting, Attorney Lucentini asked the city's Attorney, Alan Seewald, if he would be willing for the attorneys on each side to sit down and talk, but he has not heard back from him. In the meantime, Attorney Lucentini has begun working on a summary judgement proposal as it is in Forbes best interest to be the party who crafts the language for the proposal on which the judge will rule. The opposing party will be able to respond to the judgement proposal. A summary judgement eliminates the need for a hearing or further testimony and the judge rules on the facts and documents presented. Attorney Lucentini expects to have the summary judgement proposal finished next week for the Trustees to review. When the proposal is complete, Attorney Lucentini will call Attorney Seewald and ask if he is ready to sit down and talk about a settlement. If not, then Attorney Lucentini will be ready to file the proposal for summary judgement. There is a January deadline for filing summary judgement proposals.

At 5:50 PM, Ms. Reall moved that the executive session be ended and the regular meeting reconvened. Ms. Hess seconded the motion, which was passed unanimously, with Mr. Carrier, Ms. Hess, Ms. Reall, and Mr. Twarog all voting in favor.