



FORBES library

NORTHAMPTON'S
PUBLIC
LIBRARY

To the Inhabitants of Northampton:

The Trustees of Forbes Library are pleased to inform the inhabitants of Northampton that the library and the City of Northampton have reached an agreement bringing an end to the recent litigation between the parties.

Over the course of the lawsuit, the Trustees have heard from many of you, and have realized that the

public did not have a full understanding of the situation, or of the reason the Trustees found themselves in the position of having to initiate litigation.

Forbes Library was created at the end of the 19th century when a local resident, Judge Charles Edward Forbes, left a bequest in his will to Northampton's inhabitants providing for the creation of a public library to be governed by an incorporated Board of Trustees. In a practice not uncommon at the time, Judge Forbes' bequest required the town to formally accept the gift on terms he set forth (and if the town didn't accept his terms, he would instead give his gift to Harvard University).

Judge Forbes provided sufficient funding for the purchase of the land, the building of the library, and the continued purchase of circulating materials. For its part, the town agreed to be responsible for maintaining the library and covering the library's necessary operating expenses above and beyond those the library could cover with its endowed funds. The town also committed to rebuilding the library if it were to be destroyed and to build or provide space if an enlargement of the library were to become necessary.

In another practice not uncommon at the time, Judge Forbes directed in his will that the library be governed by an independent Board of Trustees to be elected by the town's inhabitants. The Trustees were to be responsible for the administration and management of the library. Judge Forbes also placed legal title to all library property, including the library building, in the Trustees, and charged them with managing the property in perpetuity in accordance with his intentions.

The Trustees of Forbes Library was incorporated in accordance with Judge Forbes' instructions, and for well over a century, this entity has operated as a public charitable trust under the direct oversight of the Office of the Attorney General of the Commonwealth.

Since the library's inception, the Trustees have taken the greatest care to ensure that Northampton's inhabitants enjoy the wonderful institution envisioned by Judge Forbes, both its beautiful building, its precious collection of books, art, documents and other items, and its important mission. Over the decades, the Trustees and the City have worked together to agree on budgeting matters and to resolve building issues as they arose.

Recently, the Trustees perceived that the position the City was taking with regard to its role in funding the library was eroding crucial areas of the Trustees' decision-making authority. The Trustees were particularly concerned that the City's stance was interfering with their ability to exercise their fiduciary duties, as contemplated by Judge Forbes in his will. Indeed, the mounting areas of disagreement between the City and the Trustees were hindering each side's ability to carry out its respective functions. The immediate issues confronting the City and the Trustees related to friction over maintenance and repair obligations, but the Trustees worried that acceding to the City's larger characterization of the parties' relationship could ultimately lead to a further degradation of the Trustees' historic role.

Unable to reach a resolution directly with the City, and concerned about the longer-term implications of the City's position, the Trustees felt the only option open to them, consistent with their fiduciary obligations to the trust they manage, was to apply to the probate court to clarify their own and the City's rights and obligations with respect to the library. This was the essence of the ensuing litigation.

As it turns out, the resulting litigation provided the opportunity for each side to clearly articulate its position and legitimate concerns. In so doing, the parties were able to engage in productive negotiations resulting in an agreement that fairly addresses the issues that were of concern to each side. That agreement has now been entered as a judgment of the court.

The Trustees sincerely hope that, together with the City, they can put this difficult period behind them and continue a historic partnership that has benefitted and enriched the lives of our Northampton community for well over a century.

Sincerely,

Russell Carrier, President

Elaine M. Reall

Katy E. Wight

Marjorie Hess, Vice President

Joseph Twarog

Forbes Library Board of Trustees