

TRUSTEES OF FORBES LIBRARY
Executive Session Meeting of June 16, 2016

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

Legal Matter

At 5:15 PM, Ms. Hess 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. Reall 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, Ms. Smith, and Mr. Petcen left the meeting at 5:15 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. No votes were taken during the executive session.

Mr. Carrier reviewed events since the Trustees last met on June 1. The city has responded to the complaint and filed counter claims. Mr. Carrier has spoken with Dan Crowley, reporter at the Daily Hampshire Gazette. Mr. Carrier, Ms. Moulding, and Ms. Downing made a list of people who should get a packet of general background information about the issue and sent it to them. Information has been posted on the library's website with links to articles in the Gazette. Mr. Carrier spoke to former mayor Mary Ford, and asked her to correct a major inaccuracy in the article that appeared last weekend. A correction was in yesterday's paper and she also said that she will write a letter to the editor. Mr. Carrier, Ms. Moulding, and Ms. Reall spoke to Attorney Lucentini by phone, and then met to discuss the counter complaint and responses. Forbes has 20-23 days to submit a response to the counter claims. The city is citing a 1983 supporting document in a case where the Trustees sought to expand the board from three to five Trustees, where Judge Sean Dunphy referred to the Trustees as public officials. This document was not in the official file with the other documents in that case, and it is not known where City Solicitor Alan Seewald found it. Mr. Carrier said that the city is claiming that the library should be subject to open government laws and that the library has not been transparent or timely in providing documents. Mr. Carrier said that the Trustees follow all the open meeting laws, and that all library documents are available upon request. He said the bigger issue is the city's claim that Forbes has not followed the appropriate procedures in the elevator and roof replacement projects. Ms. Moulding said that she has done everything asked of her by city Procurement Officer Joe Cook and Finance Director Susan Wright and provided them with all the information they have requested, and she has documents and email to back her up. Mr. Carrier said that Dan Crowley is working on another article to flesh out more about the building maintenance and finance issues, and Ms. Moulding has spoken with him.

The Trustees discussed how to respond to the public perception. Mr. Twarog said the issue can only be decided in Probate and Family Court, not the court of public opinion. He suggested repeating the Trustees' talking points. Ms. Reall said it was important to include the information that 24% of the library's total expenditures each year are from privately raised and managed funds, including all of the books and media.

Mr. Carrier said that the court will set up a calendar for the case with a discovery period where both sides can request documents. If both sides agree on the basic facts of the case, there can be a joint stipulation of facts with a summary judgement. If not, there will be a hearing with witnesses. Mr. Carrier said he has had several conversations with former Trustee Jesse Adams, who has offered to help in any way he can.

At 6:15 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, Mr. Twarog, and Ms. Wight all voting in favor.