

**TRUSTEES OF FORBES LIBRARY**  
**Executive Session of January 19, 2017**

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

**Personnel & Legal Matter**

At 5:25 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 the Trustees' litigating position. Ms. Wight seconded the motion, which was passed unanimously, with Mr. Carrier, Ms. Hess, Mr. Twarog, and Ms. Wight all voting in favor. The Trustees invited Ms. Buckhout, Ms. Downing, and Ms. Sheirer to remain as guests at the executive session. Mr. Petcen, Ms. Smith, and Ms. Enz left the meeting at 5:25 PM. Ms. Buckhout, Mr. Carrier, Ms. Downing, Ms. Hess, Ms. Sheirer, Mr. Twarog, and Ms. Wight were present during the executive session. No votes were taken during the executive session.

Mr. Carrier said that he, Ms. Moulding, and Ms. Downing met to review the draft of the summary judgement brief and statement of material facts prepared for Forbes by Attorneys Sandra and Eric Lucentini. The summary judgment brief is written using the statement of facts as the foundation. Mr. Carrier said he was very impressed with the quality of the brief and that it presents a very strong case for Forbes.

Mr. Carrier said that the Lucentinis met with city solicitor Alan Seewald yesterday. While no official changes have been agreed to, it appears that the city has conceded on the issue of whether the library owns the land and the building. Their position now appears to be that although not legally required to do so, Forbes should obey the open meeting laws, which in fact the Trustees voted to do in 2009. The outstanding issues include the payment of building repairs and unused sick leave when staff retire. These expenses cannot be anticipated, and the city does not want to be hit with them mid-year. Control over renovations and repairs also still needs to be worked out, but the recent work on the window replacement project and HVAC system where the Trustees worked on parity with city representatives could be a good model. The attorneys suggested another meeting that includes the mayor and representatives from Forbes. The deadline to file the summary judgment brief is near the end of January, but the Lucentinis can request an extension. The Trustees agreed by consensus that the deadline can be extended, but not by too much, in order to keep the forward momentum of the case. Mr. Twarog said that he wants to be sure that any settlement reached will be as binding as a summary judgement in the case, so it does not have to be re-litigated in the future.

Mr. Carrier said that he is in the process of writing a statement of facts about the case and outlining the issues, to be publicized after the case has been resolved. Mr. Carrier wants to be sure that the public has a clear understanding of the historic relationship between the library and the city and the reasons why the Trustees have been fighting to protect them. At 5:55 PM, Mr. Twarog 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, Mr. Twarog, and Ms. Wight all voting in favor.