

**Abbott Library Board of Trustees Minutes**  
**Abbott Library – September 2, 2014**  
**Draft**

Trustees: Terri Jillson White, Chair; John Wilson, Treasurer; James Gottling, Secretary,  
Jim Currier; Xan Gallup; and Tom Mickle

Alternates: Sharon Palmer

Others: Sue Gottling, Selectman

**I. Opening Remarks – Terri White**

Terri opened the meeting at 6:30 p.m. She announced that Sharon Palmer would act for Peter Urbach who has an excused absence.

At the beginning of the meeting Terri made available the following written statements:

“The Selectboard has produced a draft cy pres petition relating to the Library's equity in the old library building. The Trustees have reviewed the draft and made their comments, which have been transmitted to the Selectboard. There are significant differences between the Town's draft and the views of the Library Trustees. Meetings are to be arranged with the Town Manager, Town Counsel and the Trustee Chair and Vice Chair to negotiate changes in the town draft petition. Since the Town will be represented by counsel and since the issues to be discussed have clear, legal and significant financial implications for the Library, the Library should also be represented by, or at least have access to, its own counsel.”

“It is proposed that the Library retain Bob Wells of McLane, Graf, Raulerson & Middleton of Manchester, NH to represent the library in this matter. Mr. Wells specializes in representation of charitable organizations and has experience with cy pres petitions and the Office of Charitable Trusts in the AG's Office as well as the Probate Court. He received his JD from University of Michigan Law School in 1967 and is rated AV [highest rating] in the Martindale Hubble directory.”

“Mr. Wells has agreed to represent the library. His fee would be \$300 per hour, discounted from his regular billing rate of \$450 per hour. He estimates that the work would take 5 to 10 hours for a total maximum cost of \$3000.”

Terri indicated that Mary had worked with a lawyer previously when she worked in Vermont. Peter Urbach spoke with another lawyer (Bob Wells), and he is willing and able to work with the trustees to help us with the cy pres petition. Terri said that it is Peter Urbach's estimate, in talking with Wells that this representation should not cost more than \$3000 for up to 10 hours of work. Terri said that anonymous donor(s) are willing to donate funds to pay this legal fee, which would be donated for this purpose to the Abbott Library Foundation so as to retain donor anonymity. Terri has talked with Jean Molloy about this issue and it will be taken up tomorrow at the Abbott Library Foundation meeting. Terri said that no money would be used for trustee's legal fees from either tax money or money donated by donors for library purposes.

There was discussion of the difficulty in quantifying town/trustee equity portions in the old library building by Terri, Gottling, and Wilson.

## **II. Approve Retention of Counsel to Review Draft of Cy Pres Petition**

**Motion:** The Library shall retain Robert Wells, Esquire to assist the Library in its work on the cy pres petition relating to the equity in the old library building. This authorization is for legal and related fees not to exceed \$3000. Said funding to come from funds donated to the Abbott Library Foundation to be used exclusively for this purpose.

The above motion, moved by Terri Jillson White and seconded by Jim Currier, was approved unanimously.

**Motion:** The Abbott Library Trustees do not agree with the suggestion made at recent Selectboard meetings to the effect that the Library should forgo its equity in the Old Library Building in light of the 2013 loan taken out by the Town that provided 36% of the funding for the construction of the new library. The Library Trustees believe that they have a fiduciary responsibility to see that the equity in the Old Library Building, which resulted from contributions made by private individuals for the building of a Town Library and now considered a charitable trust, be used for library purposes, specifically for the building or expanding of the library. These library funds should not be used for the general reduction of taxes or for any other non-library purpose.

The above motion, moved by John Wilson and seconded by Jim Currier, was approved unanimously.

## **III. Public Comment – None**

## **IV. Adjournment**

Jim Currier, with second by Sharon Palmer, moved to adjourn. With unanimous approval of this motion, the meeting was adjourned at 6:47 p.m.

Respectfully submitted,



James G Gottling, Secretary