

ABBOTT LIBRARY TRUSTEES
Board Meeting Minutes
April 16, 2007, 6:00 PM

Public Safety Building Meeting Room

Present: Peter Urbach, Chair; John Mapley, Treasurer; John Walden, Library Director; Allan Davis; Lisa Bozogan; Rhonda Gurney; Mary Epremiam (for Allison Mollica); Betty Tatlock (Friends); Paul Pratt (for Sally Southard), Secretary Pro Tem.

Visitors (35): Nicolette Andrews; Moe Asselin; Aiden Banks; Dan Banks; Charlotte Brown; David Brown; Bruce Burdett; Peg Burdett; Catherine Bushueff; Nancy Clark; Jean Davis; Carolyn Dube (Argus-Champion); Donna Gazelle; Harry Gazelle; Gene Hall; Pat Hall; Bruce Jennings; Jerry Karr; Robin Mapley; Anne Nilsen; Jonathan Reed; Betty Reid; Randy Richards; Brenda Shapiro; Derek Tatlock; Kerin Unsworth; Linda Urbach; Ron Verblauw; Ellie White; Stephen White; Jim Williams; Jean Wilson; John Wilson; Patricia Halpin plus one illegible.

I. Welcome of New Board Members. The Chairman welcomed New Trustee, Lisa Bozogan to her first Board Meeting, and newly Appointed Alternates, Mary Epremiam. Betty Tatlock and Paul Pratt

II. Approval of the Minutes. The Minutes of the March Meeting, with the addition of Lisa's request that her letter of March 19 to the Board be attached to these Minutes, were approved as written. Lisa's letter, along with all other attachments, will be attached to the original copy in the Library File.

III. Chairman's Report: Peter Urbach

A. Legal Advice. The Chairman reviewed a summary of 8 legal issues, a copy of which was attached to the Agenda. Prior to the review Peter explained that there was verbal advice given by as many as four different lawyers on each issue. However, he pointed out that the advice was given at no cost and he had no written Legal Opinions. The Library has no lawyer and usually uses the Town lawyer, Tim Bates of Laconia. All of the issues were brought to Tim, he answered some of them and declined answering those out of his field.

1. "Our Campaign Donor Lists are public documents under the NH Right to Know Law. None of the exceptions in the statute apply." No discussion.
2. "We do not have to hold public hearings on Campaign Contributions received above \$5,000 as required by RSA 202 A 4 c since we have the 2003 warrant article specifically authorizing the Library Capital Campaign to solicit funds." Tim Bates agreed this to be so. Lisa mentioned a dissenting opinion from Attorney General's Office lawyer Terry Knowles that the contributions were considered "Unanticipated Gifts" and public hearings would be required for gifts above \$5,000. Peter pointed out that in her question to Terry, Lisa had not made mention of the 2003 warrant article which was a critical element of the ruling.

It was agreed that Peter would refer the question back to Tim and Terry for a resolution, and report back at the May Board Meeting.

3. "We are required to offer Donors the opportunity to withdraw their donations and their pledges because the conditions of their gift have changed substantially." No disagreement.
4. "We do not have to provide any tax reporting to the IRS on returned donations." No disagreement.
5. "We can not offer Donors the option of transferring their donations to another Charity." Only return funds to the party that gave them to us. No disagreement.
6. "We are not required to pay interest to the Donors who request the return of their Donations." No disagreement.
7. "We can use funds from the Library Capital Reserve Fund to fund the studies and planning for a new library without further approval from the voters. Planning for the new library was authorized by the warrant article in 2003 and the annual funding of the Capital Reserve Fund permits the Trustees to expend funds."

Peter reported that the final legal issue (8) remained unresolved.

8. "Are requests from Donors for anonymity submitted after their donations have been received valid to overcome the Right to Know Law?" Peter reported that he had verbal "Yes" from Attorney Mellisa Martin who represents the NH Library Trustee Association but no Written Opinion.

After much discussion of Issue 8, the following motion was made by Allan, seconded, and voted by a majority (4-1-2).

"The Trustees will maintain a list of all donors and their contributions, with those Donors who wish to remain anonymous identified only by number. After May 31, 2007 (the deadline in the letter to Donors), that list will be made available in response to requests properly made under the Right to Know Law."

B. Archiving e-mail for Public Access. Following a general review of the manner in which the Board members communicate, discussing issues and drafting documents by e-mail, and expressed concerns over the legality and volume by Lisa, Peter responded that although the Board did, indeed, rely heavily on e-mail communication, all final decisions are always made in a Public Setting. Regarding the Right to Know Issue, the Board, at its March Meeting, voted to make all group e-mails public by adding the Town clerk to the group list. In discussion with the Town Manager, it was determined that this would not be a practical solution, and it was not implemented. Therefore, Peter proposed that hereafter John Walden might regularly capture all the group e-mails and monthly transfer them to a CD for the Library files which would be accessible to the public. This process was enthusiastically received and unanimously approved by the Board.

C. Book Sale. Peter deferred responsibility for leading Board discussion of this item to John Walden. (John, what would we ever do without you? – Ed)

IV. Director's Report. (Documents attached) John Walden

Automation System Update. The TLC Automation System will be installed on Tuesday, May 1, 2007. John requested that the Library be closed on Monday, May 7 for staff training. He plans to have the system go "live" on May 9. The Trustees unanimously approved the closing of the library on May 7 for staff training.

Allison has modified the Library website, www.abbottlibrary.org, linked to the TLC catalog. John also reported that due to current space restraints he has increased the number of library materials that can be on each library card, with adult cardholders able to check out up to 25 items per card. This should result in more books in circulation reducing storage requirements.

Current Building and Space Constraints. Now that we will have to remain in the present building longer than previously anticipated there are some maintenance issues that must be addressed. John reported that the Library carpets need replacement, that he would like to install some new book shelves in the Mystery/Large Print Room, and that maintaining the current level of purchasing is a losing battle without weeding. Finally, John would like to obtain a storage shed for books and miscellaneous items including storage for the book sale. John will investigate options and report back at the May Board Meeting.

Book Sale. John asked for support from the Trustees for the Annual Book Sale Scheduled for Saturday, July 14. Storage and the transportation and sorting of books are three major issues. Extremely labor intensive. A number of Trustees and visitors volunteered, and a committee consisting of Lisa (Chair), Randy Richards, David Brown and Dan and Aiden Banks was created to assist John and the Library Staff.

March 2007 Library Statistics. John feels that the recent town-wide controversy regarding the new library issues has had a negative effect on Circulation of books and audio/videos which, from December 2006 to March 2007 was down 8.9% for the same period a year ago. The Patron Visits were UP 1% and the good news is that the April Circulation figures project an upswing.

V. Treasurer's Report. (Documents attached) John Mapley The Treasurer's Report was presented in two parts. The first part was the regular Library Treasurer's Monthly Report for the month of March. All of the Trustees and Alternates have a copy of this report, and a copy will be filed at the Library along with these Minutes. As there were no questions or comments regarding this section, the Treasurer moved on to the second part. The second part dealt with the finances of the Capital Campaign. This Report showed that as of April 12, 2007 the total expected assets less requests for refunds and pledge cancellations to be \$866,184.22. However, the \$691,131.17 in refunds requested and cancelled pledges as of April 12 updated to the present (4/16) stands at \$718,448.22 and he projects this figure could reach \$900,000.00. John also noted that he had removed the anticipated \$300,000 from the potential sale of the current Abbott Library Building. This report also shows that the Building Fund and Campaign Expenses for the Ski Tow Hill location totaled \$144,649.55. Two pages of John's report dealt with Certificates of Deposit which currently show a value of \$1,203,558.01 and

Interest of \$52,617.57. John reported that he has made arrangements with the CFO of the Sugar River Savings Bank guaranteeing a secured account in excess of the Federal insured limit of \$100,000 for payment to Donors who request refunds.

VI. Building Planning (Documents attached)

A. Donor Letter Status. John M. The Donor Letter approved at the March Board Meeting has been sent out to 356 Donors of \$100.00 or more to the Capital Fund Campaign. To date there have been 123 non responses, 9 undeliverable, and 224 responses. Of the 224 responses, 116 Donors have requested refunds totaling \$718,448.22.

B. Authorization for Donor Checks. John Mapley. John presented the following resolution:

WHEREAS:

- 1. The Trustees have been advised by Town Counsel and the Office of the Attorney General that donors to the Capital Campaign must be offered the return of their contributions in the light of the recent Town vote prohibiting the building of the library on Ski Tow hill, and**
- 2. The Trustees Meeting on March 19, 2007 approved a letter and return form to be sent to donors and**
- 3. The Trustees Meeting on March 19, 2007 approved the opening of a bank account at Sugar River savings Bank for the express purpose of returning contributions requested by donors,**

BE IT RESOLVED THAT:

- 1. The Treasurer be authorized to return cash contributions and cancel pledges in accordance with the donors' written requests, and**
- 2. At each regular meeting of the Trustees the Treasurer shall report the number and value of requests received for the return of contributions and cancellation of pledges, together with the number and value of repayments made and pledges cancelled, both cumulative and since the previous meeting.**

Motion moved, seconded and passed unanimously.

- C. Interest Payment of Donor Fund Returns. John M.** After discussion regarding such issues as the amount of money involved, the cost of hiring an accountant to write a spreadsheet program to determine the interest earned by each donor requesting a refund, the possible good will earned by such a gesture, and other possible implications the Treasurer recommended that we not make Donor Interest Payments. A motion made seconded and voted not to make Donor Interest Payments passed 4-0-2.
- D. Public Availability of Donor Lists. Peter.** It was agreed that this agenda item was well-covered during the Chairman's Report.
- E. Termination of Campaign Steering Committee. Allan.** Allan made the following four motions leading to the termination of the Campaign Steering Committee:

1. **The Trustees thank the members of the Sunapee community who have served on the Campaign Steering committee during the last three years for successfully raising almost \$1,500,000 towards the cost of building a new library.**
2. **The Trustees request that the Committee provide a written report of their activities to the Trustees at the June 18, 2007 Trustees Meeting listing the following for the period through May 31, 2007.**
 1. **All who served on the Committee and those who donated time for events,**
 2. **All who donated or pledged contributions to the campaign and the amounts of those contributions and pledges, with anonymous donors held confidential.**
 3. **Grants received from foundations and businesses,**
 4. **The names of all those who have requested the return of grants, cash contributions or the cancellation of pledges, with anonymous requesters held confidential,**
 5. **The corresponding amount of cash returned and of pledges cancelled in response to each request, with anonymous requesters held confidential,**
 6. **The events which were organized and the net receipts from each.**
 7. **Interest received,**
 8. **Campaign expenses,**
 9. **The asset held by the Campaign and the accounts and institutions where they are held.**
3. **That the Campaign Steering Committee be dismissed with gratitude effective June 18, 2007.**
4. **That the duties of Campaign Treasurer become the duties of the Treasurer of Library Trustees, effective June 18, 2007.**

All four motions were made, seconded and voted unanimously.

- F. **Building Committee Charge and Appointment of New Building Committee. Peter.** Peter read the full Charge Document, a copy of which is attached to the Minutes. A motion was made, seconded and voted to accept unanimously, following which Lisa and Rhonda volunteered and were confirmed as Trustee Members to the Committee. There were no volunteers from either the Board or the Alternates for the third Trustee/Alternate position. Lisa and Rhonda were given Board approval to move ahead, to nominate two Public Members as described in the Charge, and begin the tasks assigned to the Committee. If no volunteers from the Trustees or Alternates come forward, the issue of the Trustee/Alternate member of the Committee will be revisited at the May Trustees Meeting.

- G. **Discussion of New Building Planning.** Postponed to the May Trustees Meeting.

- VII. **Election of Officers.** The following Board Members were nominated and unanimously:
Elected to the Board of Trustee Offices:

Chair:	Peter Urbach
Ass't Chair:	Allan Davis
Treasurer:	John Mapley
Recording Secretary:	Allison Mollica
Corresponding Secretary	Unfilled

VIII. Other Business

A letter to the Chair signed by Sunapee Residents Jerry Karr, Harry Gazelle, John and Jean Wilson, Nancy Clark, and Ben Cooper regarding concern that there has been a breach of the public understanding that the Board of Trustees will honor the wishes of donors who desire anonymity. A copy of the letter had been distributed to all Trustees and Alternates, and one will also be attached to the original of these Minutes in the Library File. As the letter voiced a concern that Rhonda's obtaining a copy of the list of all the donors was contrary to the intent of the Board, the Chair forwarded it to Rhonda, for comment. Rhonda has written an expansive response which she read at this Meeting and which is also available with the original of these minutes and will be on file in the Library. It is perhaps important to report that Rhonda has returned the list and that it is, in fact, a mailing list of donors, and holds no information regarding donor Contributions.

Dan Banks had made a video recording of the entire meeting and it was suggested from the audience that it might be aired on Public TV as something of interest to the greater Sunapee Community.

There being no further business, the Meeting was adjourned at 7:53 PM.

Paul Pratt, Secretary Pro Tem.