

**TRUSTEES OF FORBES LIBRARY**  
**Meeting of November 14, 2007**

**Present:** Mr. Bloomberg, Ms. Burnham, Mr. Carrier, Ms. Harding, Mr. Morin, Ms. Moulding, Mr. Rowe, Ms. Barone. **Also Present:** Sally Edelstein, observer for the Friends of Forbes Library; Julie Bartlett, observer for the Forbes Library Employee Association; Brian Foley, Vice President of Investments at A.G. Edwards; Scott Upham, New England Regional Director of Russell Investment Group; Jesse Adams, Trustee-elect; and Ed Shanahan. **Absent:** none.

The meeting was called to order at 4:08 PM in the Calvin Coolidge Presidential Library and Museum.

**A.G. Edwards/Russell Investment Group Presentation**

Mr. Brian Foley, Vice President of Investments at A.G. Edwards introduced himself and Mr. Scott Upham, Regional Director of Russell Investment Group. Mr. Foley said A.G. Edwards' role would be to help Forbes determine their objectives, investment policy, and risk tolerance. A.G. Edwards would then select the appropriate investment platform and manager to accomplish those objectives. Russell Investment Group would manage the portfolio, and A.G. Edwards would monitor the results and rebalance the portfolio as needed to stay on course. Mr. Foley said this model offers several levels of protection and helps to mitigate risk.

Mr. Upham explained that while A.G. Edwards is the driver to understand what the Forbes' objectives are, Russell implements the plan and finds the best investment talent. Russell seeks the most skilled money managers for each type of investment category. Of the 8,000 product managers reviewed by Russell each year, only about 700 are found to have the required skill and talent. Russell puts together the right managers for each type of investment in order to create a coordinated approach, which helps to minimize risk and create more consistent results. Mr. Upham added that Russell works with some very large funds including pension plans, endowments, and non-profit foundations, but also has many smaller clients including libraries, churches, and other civic groups.

Mr. Upham discussed the use of indexes as passive vehicle for investing, and said that their use guarantees a certain amount of volatility and underperformance due to fees. Russell's job is to build portfolios that perform. He referred to their one-year return through September of 13.92% and their return of 11.6% since inception.

In response to a question from Mr. Bloomberg, Mr. Upham said that Forbes would qualify for the institution class share of .7%, which comes off the return every day and will not show on the report. A.G. Edwards charges a fee of .5% for their role in advising, tax reporting, rebalancing, and communication. Also in response to a question from Mr. Bloomberg, Mr. Upham said that he could guarantee that he would visit the Trustees at least twice a year to report on the performance and answer their questions, if not quarterly. Also in response to Mr. Bloomberg, Mr. Upham said that Russell handles many organizations and non-profits of similar size to Forbes in addition to their larger clients.

Mr. Carrier thanked Mr. Foley and Mr. Upham for their presentation. He asked that Mr. Bloomberg and Ms. Harding make a recommendation at the next Trustees' meeting in December.

Mr. Upham and Mr. Foley left the meeting at 4:45 PM.

**Public Comments**

Mr. Ed Shanahan said that he was still interested in getting more information about the executive session of the board of Trustees in March. He would like specifics about the situation, and the settlement that was reached and the payment authorized. When he first requested the information, Attorney Elaine Reall said that it could not be made public because it was a confidential employee matter. He later received a copy of the letter from the District Attorney's office stating that Forbes is not governed by open meeting laws because it is not a governmental body. He feels troubled by this since the library receives public money from the city and holds elections for its board of Trustees. He asked for clarification from the Trustees on their position on the characterization of the Board of Trustees as a non-governmental entity.

Mr. Bloomberg said he understood Mr. Shanahan's concern as to why the Trustees need not and can not disclose the details of the matter in question even though the Library receives public funding. There are two reasons why the Trustees are not required to disclose (and in fact cannot disclose) the requested information.

First, as confirmed by the written opinion of the District Attorney's office, Forbes is in fact not governed by the Open Meeting Law. The opinion cited a Massachusetts Supreme Judicial Court case very similar to Forbes involving a publicly funded, but privately endowed organization. Many such organizations exist in the state, and none of them are governed by the Open Meeting Law. The mere fact that an organization receives public funds does not mean the Open Meeting Law applies to it. Forbes Library is not a "governmental body" under the statute. The Trustees do not have the right to pass laws or make decisions that affect the public at large. The Trustees are not an arm of the state government or the city government. Rather, the Trustees are governed by the private will of Judge Forbes, and that is why the Trustees must petition the probate court to make any changes as to how they operate under that will. The fact that the Trustees are elected and receive public funds from the City is the result of the terms of Judge Forbes' will, not because the library is a governmental body. These terms were accepted by the City as a condition of receiving the funds under the will to create the library. In spite of this, the Trustees have always acted as though they were governed by the Open Meeting Law by posting notices of meetings, publishing minutes, and holding open meetings, unlike for example, Lilly Library, who also receives City funds. However, the fact that the Trustees have operated as if they are governed by the Open Meeting Law does not mean that they are governed by that law. Mr. Bloomberg said that even though it has now been verified that the Trustees are not subject to the Open Meeting Law, it would be his suggestion as an outgoing Trustee that in the interest of transparency and in an effort to maintain the public trust, the Trustees should continue to use their best efforts to adhere to the Open Meeting Law to the extent reasonably possible.

There is another reason why the Trustees are prohibited from disclosing the requested information: The requested information involves a matter of employee confidentiality. Even if the Trustees were governed by the Open Meeting Law, according to Attorney Reall, they would be prohibited from disclosing the requested information because of the well recognized exemption from the Open Meeting Law that applies to confidential employee matters.

**Public Comments** (continued)

This means that the Trustees in fact have an overriding legal obligation to preserve and protect that employee confidentiality. Even in a case where the Open Meeting Law applies, the courts in Massachusetts have recognized that the legal responsibility to protect employee confidentiality outweighs the public right to this information.

**Secretary's Report**

Mr. Rowe moved that the Secretary's Report of October 18, 2007 be accepted and placed on file with the following corrections. On page 3 under "Communications", Mr. Bloomberg clarified the last sentence of the first paragraph to say "However, he said it would be advisable for the Board to continue to adhere to the extent reasonably possible to the open meeting laws, and that he would take the matter up with counsel for the library." Ms. Burnham seconded the motion, which was passed unanimously.

**Treasurer's Report**

Ms. Harding moved that the Treasurer's Report of October 31, 2007 be accepted and placed on file. Ms. Burnham seconded the motion, which was passed unanimously.

Mr. Morin reported that there is a surplus of \$41,300 in the AID Fund, down from \$64,000 in September, due to October being a 3-pay period month. The Book Fund has a surplus of \$54,200 which will be reduced when the library orders more books and subscriptions. The Second Century Fund has a balance of \$4,300, after paying \$4,193 to the window cleaners. \$2,550 was paid for labor and repairs to the British Clockmaker.

Mr. Morin asked the Trustees for authorization to explore other CD products for the current Freedom Credit Union CD which was opened in 1980 to supplement the library director's salary. The Trustees agreed by consensus to authorize Mr. Morin to find the best rate he could for the CD.

**Director's Report**

Mr. Rowe moved that the Director's Report be accepted and placed on file. Ms. Harding seconded the motion, which was passed unanimously.

Ms. Moulding reported that the election for Library Trustees took place on Tuesday, November 6<sup>th</sup> and that both incumbents, Mr. Rowe and Ms. Burnham were reelected. Mr. Jesse Adams was elected to the third open seat, which had been filled by Mr. Bloomberg, who did not seek another term. Mr. Adams will join the board at its January meeting after he is sworn in with other city elected officials. During the campaign period candidates had several chances to speak and express views about the library, and statements from the candidates were displayed on the Forbes Library website and in the Daily Hampshire Gazette.

Ms. Moulding reported water sensor alarms have been installed and are functional in the mechanical mezzanine above the Book Repair Room and the second floor bathrooms, which should insure that a water leak into the room below will not happen again. Ms. Moulding submitted an insurance claim for the water damage from the August leak and has been notified that the library will be receiving a check for nearly \$17,000 from the insurance company for the approximately 800 books lost. In response to a question from Mr. Bloomberg, Ms. Moulding said that it was an appropriate amount. Mr. Carrier said that the library would be going to the City for the money to repair the building damaged by the leak.

**Director's Report** (continued)

Ms. Moulding reported that as part of the cross training of Information Services Team members, Katie Krol developed the "Reference Book of the Week" challenge. Each week, a member of the IS team poses a question the answer to which can be found in a specific book in the Reference Department. The rest of the IS team must use that resource to find the answer. It is an entertaining method of getting staff members familiar with the variety of resources to be found in Reference.

Ms. Moulding reported that last month's Code Green winner was Vanessa Vargas who gave exceptional service by escorting an elderly patron and her granddaughter to the mezzanine to help them find the book they wanted.

Ms. Moulding reported that the library will be closed for the Thanksgiving holiday at 1:00 PM on Wednesday, November 21<sup>st</sup> and reopen at 9:00 AM Saturday morning, November 24<sup>th</sup>.

**Friends of Forbes**

Ms. Burnham attended the November 7<sup>th</sup> meeting of the Friends of Forbes Library and reported that the Friends approved the requests for staff development and the book fund. Ms. Moulding submitted a "wish list" to the Friends at the request of Kari Knapp. Ms. Burnham reported that the customer service grant the library received pays for the design but not the construction of the information kiosk and outdoor banners. Other items on the wish list include an outreach car and renovations to the Children's Room. The Publicity Committee of the Friends has been actively working to increase membership and awareness of the Friends.

**Next Meetings**

The next regular meeting of the Trustees was scheduled for Wednesday, December 19, 2007 at 3:45 PM in the Calvin Coolidge Presidential Library and Museum. Mr. Morin will invite the Banknorth representatives to attend and present the September quarterly report.

The next meeting of the Friends of Forbes Library will be on Wednesday, December 5, 2007 at 6:30 PM. Mr. Rowe agreed to attend this meeting on behalf of the Trustees.

**Communications**

Ms. Moulding reported that the library received a letter from the National Alliance on Mental Illness of Western Massachusetts thanking Ms. Downing and the library staff for setting up a book display for Mental Illness Awareness Week.

Ms. Moulding also reported that she received a letter from Mr. Clifford H. Blanchard with his suggestion for wording of the plaque acknowledging his and his late wife's gift to the library in memory of Gertrude E. MacFarlane, his late wife's sister.

Mr. Carrier reported receiving a letter from Jason Petcen, President of the Forbes Library Employee Association (FLEA), notifying the Trustees that FLEA held its annual election on November 1<sup>st</sup> with the following results: Jason Petcen, President; Jenny Pittsinger, Vice President; Stephanie Levine, Secretary; and Rick Hart, Treasurer.

Mr. Carrier reported receiving a phone call from Ms. Donna Howland of Leeds expressing concern that the Sustainability Plan that the City is working on

**Communications** (continued)

does not have a library presence. Mr. Carrier asked Ms. Moulding to write a letter to the mayor asking that the library be represented on the committee.

Mr. Carrier reported receiving a letter from Dan Crowley of the Daily Hampshire Gazette inquiring about the executive session of March 13<sup>th</sup>. The Trustees agreed to respond to the letter with a copy of letter from the District Attorney's office stating that the library is not subject to the open meeting laws.

**MLTA Membership**

Ms. Moulding asked that the Trustees discuss the possibility of becoming members of the Massachusetts Library Trustees Association, and distributed a printout of the MLTA website and an application form. It was decided that the Trustees will give Ms. Moulding the membership fees, and she will send in the paperwork.

**E-mail Protocol**

Ms. Moulding asked the Trustees to discuss e-mail protocol and distributed a copy of the Massachusetts Open Meeting Law. Mr. Bloomberg said that the Trustees' goal is to adhere to the extent reasonably possible to the open meeting law, and therefore they should not have any substantive discussion or expression of opinions via email. It is okay to use email for scheduling purposes.

**Gifts, Bequests, Sales, etc.**

Ms. Moulding reported that the following designated gift was received since the last Trustees' meeting: \$500 from anonymous to "enhance and expand the children's collection" to deposit in the Book Fund

Mr. Rowe moved to approve the allocation of the gift as proposed by Ms. Moulding. Ms. Harding seconded the motion, which was passed unanimously.

Ms. Moulding also reported that the following undesignated gift was received since the last Trustees' meeting: \$500 from Barry Schechter and Kathy Hibshman, Tucson, AZ, to deposit in the Garvey Book Fund.

Mr. Rowe moved to approve the allocation of the gift as proposed by Ms. Moulding. Ms. Burnham seconded the motion, which was passed unanimously.

**Fundraising Committee**

Ms. Harding reported that the fundraising committee is having a conference call with a design firm on Tuesday at 2:30 PM to see what services they offer which may be used for the fundraising brochure. Mr. Carrier said that it is critical that the mailing go out in February as planned. Ms. Harding has contacted Tiger Press with the names of the new Trustees. Ms. Moulding said that she is having new letterhead made with the names of the Trustees since the election.

**Increasing the Number of Trustees**

Mr. Bloomberg reported that he talked with City Solicitor Janet Shepard about the petition to increase the number of Trustees and create a procedure for filling vacancies. Ms. Shepard does not believe there will be any objections, but will confirm this with the mayor. Mr. Bloomberg will follow up with Ms. Shepard.

**Investment Research**

Mr. Bloomberg and Ms. Harding will make a recommendation to the Trustees about the investment of the libraries' endowment at the next Trustees' meeting on December 19<sup>th</sup>.

**Website Update**

Ms. Moulding distributed a "tour" of the Forbes Library website which was prepared by Forbes Webmaster, Faith Kaufmann.

**LSTA Customer Service Grant**

Ms. Downing reported on the recent staff workshop on customer service led by Gerry Bruno. It was the first of three workshops on customer service issues and was well-received by staff. The morning-long workshop focused on finding new angles for dealing with customers and difficult patrons, and included role-playing and other techniques to connect with the library's staff.

**Reports on Workshops/Meeting/Activities**

Ms. Downing submitted a report on the Northampton Community Television Open House which she attended on November 3<sup>rd</sup> in their new facility at Northampton High School.

Ms. Katie Krol submitted a report on the "Art of the Matter: Doing Technical Art History" conference which she attended on October 26-27<sup>th</sup> at Smith College.

Ms. Faith Kaufmann submitted a report on the Digital Commonwealth Conference, which she attended October 25<sup>th</sup> at Holy Cross College in Worcester.

At 5:35 PM Mr. Rowe moved to adjourn the meeting. Ms. Harding seconded the motion, which was passed unanimously. The meeting was adjourned at 5:35 PM.