

MINUTES OF THE BOARD OF TRUSTEES MEETING
BETHLEHEM PUBLIC LIBRARY (BOARD ROOM) **DRAFT**
Monday January 8, 2024

PRESENT: Caroline Brancatella
Laura DiBetta
Mark Kissinger
Sarah Patterson
Lisa Scoons
Charmaine Wijeyesinghe
Sharon Whiting, library treasurer

Geoffrey Kirkpatrick, director
Kristen Roberts, recording secretary

EXCUSED: Michelle Walsh

GUESTS:

Jennifer Crawford, confidential secretary	J. P. Podgorski
Phil Berardi, assistant director/head of Circulation and Technical Services	Katja Rehm
Chris McGinty, assistant director	Jim Hudson
Tanya Choppy, accounts clerk	Joyce Irwin
Tracey McShane, personnel administrator	Mark Roberts
Leslie Hudson	Bilal Chaudhry
Trudy Quaif	Eileen Thornberry
Steve Downs	Bruce Beesley
Taiymoor Naqi	Monsoor Rafiq Umar
Sohaib Chekima	Farah Malek
Ahmad Abu-Hakmeh	Dr. Shaik Ubaid
Hazel Landa	Robert McDonnell
Maud Easter	Terry Phelan
Paul Rehm	Kirk Cornwell
	Molly Wladis
	Dan Wladis

President M. Kissinger called the meeting to order at 5pm.

EXECUTIVE SESSION

On a MOTION by S. Patterson with a SECOND by L. DiBetta, the board voted unanimously to enter into executive session at 5:01pm to seek legal advice from the library's attorney per exemption 108(3), "matters confidential by federal or state law." This is based on case law and not any further language in the OML.

On a MOTION by S. Patterson with a SECOND by C. Wijeyesinghe, the board voted unanimously to adjourn the executive session at 5:55pm.

RECESS

The board adjourned briefly for a recess, with the regular meeting reconvening at 6:01pm. The board introduced themselves to the public.

PUBLIC PARTICPATION

Seventeen attendees addressed the board. A recording of the meeting and the public comment period is available on the library's YouTube channel.

REVIEW OF PREVIOUS MEETING MINUTES

M. Kissinger asked that clarifying language be added to the second motion made at the December 11 meeting. The motion will read: On a MOTION by C. Brancatella with a SECOND by S. Patterson, the board voted in favor of taking disciplinary action against Bethlehem Neighbors for Peace including, but not limited to suspension, for hosting a speaker that violated the library's Patron Conduct Policy provision that prevents harassment, *upon future discussion of the board*.

On a MOTION by C. Wijeyesinghe with a SECOND by S. Patterson, the board unanimously approved minutes as amended with the phrase *upon future discussion of the board* from the Monday December 11 meeting.

REQUEST FOR RECONSIDERATION OF ACTION BY LIBRARY DIRECTOR

The board has received a request to reconsider the action of the Library Director to suspend Bethlehem Neighbors for Peace from using the library's meeting space for a year for violating the Public Meeting Policy and the Solicitation and Distribution Policy.

C. Brancatella said she wanted to clarify that action they were reconsidering was taken because of the sale of books on library property. She said the community rooms are currently closed to new bookings through the March board meeting so trustees could review the current policy. She asked if other libraries across the state have similar restrictions against sales on library property. G. Kirkpatrick said many do, but not all. He noted that it has been a part of the library's policy for a least a decade. C. Brancatella said that the library has received numerous communications in support of the December 5 talk and that the library is not capitulating to one side or the other in its decision.

C. Wijeyesinghe said that the Public Meeting Policy explicitly states that the library may not be used for sales promotions, social affairs, or for the benefit of private individuals or commercial concerns.

L. DiBetta said that while she understands the action was in response to a repeated violation of the policy, she felt a year was a long time, especially for a group that has a long history of meeting at the library. She urged the board to consider reducing the suspension.

S. Patterson asked how G. Kirkpatrick came to the decision of a one-year suspension. He said that was the standard length of time for groups that violate the no-call-no-show part of the Public Meeting Policy, so he used that as an equivalency in his decision. He noted that Bethlehem Neighbors for Peace had violated the policy three times that the library was aware of and were provided with the policy multiple times, including as a requirement each time a room booking was made.

C. Brancatella asked G. Kirkpatrick if he saw books for sale in the meeting room. He said he was made aware of a welcome table stacked with books near the entrance to the door. He spoke to Trudy, and they were removed. C. Brancatella asked if he has had to repeatedly warn other groups who violate policy. G. Kirkpatrick said he usually just has to warn a group once and there aren't repeat violations.

C. Wijeyesinghe said she uses a standard three-prong approach to an appeal. Did the director act within the breadth of his authority? Did the director follow policy? Is there new evidence that should be considered. She said that under those terms, she supports G. Kirkpatrick's decision but said that changing the length of the suspension would be up to his discretion and she asked him to consider it. L. Scoons said she would also support that.

M. Kissinger said the board could take a number of actions at that point. They could make no motion and move on to the next order of business and the director's decision would stand. They could make a motion affirming the director's decision. Or they could make a motion that asks him to reconsider. He said that he wanted to pass on a message from M. Walsh, who was not at the meeting, that she fully supports the director's decision regarding Bethlehem Neighbors for Peace.

L. DiBetta said the library should consider the precedent this could set for future violations and consider the potential lack of clarity of the circumstances. L. Scoons said G. Kirkpatrick could survey other library directors who may have faced a similar situation.

On a MOTION by L. DiBetta with a SECOND by C. Wijeyesinghe, the board affirmed Library Director G. Kirkpatrick's decision and asked him to reconsider the length of the suspension handed to Bethlehem Neighbors for Peace. L. DiBetta, C. Wijeyesinghe, L. Scoons and S. Patterson voted in favor. C. Brancatella and M. Kissinger voted against.

C. Brancatella noted that in the public comment portion of the meeting there were complaints of harassment at the December 5 talk against the organizers and some of the attendees. She said the board has to consider these allegations and who, if anyone was responsible. She asked the director to follow up on those claims and investigate.

M. Kissinger excused himself from the meeting at 7:15pm to attend to a family matter.

C. Wijeyesinghe said that the trustees can also reconsider their vote to pause all new meeting reservations through the March trustees meeting.

FINANCIAL REPORT

Treasurer's update

The board noted S. Whiting's treasurer's report. Additional items:

- C. Wijeyesinghe asked about the \$11,000 charge on the check warrant. G. Kirkpatrick said that it was payment to the town for the plaza paving.

On a MOTION by S. Patterson with a SECOND by C. Brancatella, the board unanimously approved the Financial Statement dated 31 December 2023 (Checks disbursed in December 2023 based on pre-approval \$324,487.73; Checks disbursed in December 2023 relating to payroll \$321,394.63; Checks being submitted for approval \$77,236.76; CapProject Fund/Hand-Drawn Checks \$40,017.42; Total: \$763,136.55).

PERSONNEL REPORT

G. Kirkpatrick said he was not requesting any personnel actions this month.

DIRECTOR'S REPORT

The board noted the director's report. Additional items:

- There has been some tension in the Children's Place between those families who want to use the toys and socialize in the area and those who want to use the space for more traditional library activities. C. Wijeyesinghe asked if that might be mitigated by the proposed renovations. G. Kirkpatrick said it is all taking place in same area, so it probably isn't something that could be resolved by architecture.
- There were some great programs in the month of December.
- Paws to Read has restarted under some new parameters.
- A live, virtual program with Diane Goodman will focus on constructive conversation and is planned to fulfill direction by the board to host programs that focus on the Mideast crisis. L. DiBetta said it was great to see it on the schedule.
- The number of active patrons is above pre-pandemic levels.
- Last month had the busiest door count for December, a traditionally slower month.
- E-magazine use is up significantly, probably as a result of how they are presented to the public through Libby.

UHLS BOARD UPDATE

L. Scoons said the board would be meeting on Wednesday. She reminded the trustees that Advocacy Day would take place in person on February 7.

NEW BUSINESS

Design development proposal

S. Whiting said that if the board were ready to move forward to the next phase, the library has the money to pay the architects out of existing funds that would be transferred to the H Fund. L. Scoons asked if the board was at a point when they should take action. G. Kirkpatrick said the schematic design phase is complete and so the board would need to approve the design development proposal to move forward. He said property consolidation discussions are progressing, but a May 2024 bond vote is very unlikely to happen.

L. Scoons said she believed the board was interested in having additional conversations about costs. C. Brancatella said the board wouldn't be able to involve Ashley McGraw in any of those conversations until the contract is signed. C. Wijeyesinghe said the board could call a special meeting in two weeks to discuss the project. She asked if it was the intent of the board to move ahead with the project and put a bond before the public. L. Scoons said she was unsure about voting on the contract without the full board. G. Kirkpatrick said that it was his understanding that M. Walsh and M. Kissinger were both actively in support of the process. S. Whiting reiterated that the library does have the funds to cover the amount and that it will be the last large payment to be made on the project outside of a bond vote.

On a MOTION by L. DiBetta with a SECOND by S. Patterson, the board unanimously agreed to enter into a design development contract with architects Ashley McGraw in the amount of \$740,374.

Board retreat

C. Wijeyesinghe said the board had been talking about finding time to have a retreat and she had asked J. Crawford to put together a poll to see what times might work best for people. She said the intent would be to have a facilitator from Upper Hudson. S. Patterson asked if the event would count as the trustees' mandatory yearly training. G. Kirkpatrick said that it would.

Patron Point presentation

K. Roberts and P. Berardi briefly discussed how they believe Patron Point would enhance and aid marketing and circulation goals. The board agreed to look at the information and continue to discuss it at the February meeting. C. Brancatella asked S. Whiting if the money was available in the budget, and S. Whiting said it was.

Year-end statistical review

C. Wijeyesinghe suggested that the board dedicate 30 minutes to the review as part of their retreat.

Other new business

L. DiBetta made a motion that the board adopt the following position:

The library board is aware that some community members are concerned that a library trustee was a member of the group whose event was the focus of the board's December 4 special meeting. First, it is important to clarify that no trustee was a member of that group. But more importantly, the board wants to emphasize that the board's Conflict of Interest Policy governs any situation where the board is exercising their discretion, and the December 4 meeting was conducted in a manner consistent with that policy.

On a MOTION by L. DiBetta with a SECOND by C. Brancatella, the board unanimously adopted the resolution stated above.

OLD BUSINESS

Library properties consolidation – update

G. Kirkpatrick said the consolidation process is moving forward, and attorneys for the library and school district are working on it. The library parcels will be combined under school district ownership. M. Kissinger and C. Wijeyesinghe are planning to attend the school board meeting when it will be voted on.

Building project – update

G. Kirkpatrick, C. Wijeyesinghe and M. Kissinger recently met with a representative from Ashley McGraw to ask for a more detailed breakout of features that can be removed from the building project to bring the cost down. G. Kirkpatrick said that if trustees were looking to bring the cost down significantly by \$5 million-\$10 million then that would be a bigger discussion about revamping the scope of the project. C. Wijeyesinghe said the board is getting to the point where they would have to decide the amount they would be comfortable asking the public for. Public comments are still coming in, and the library is still actively soliciting feedback.

Meeting Room Policy – update

C. Wijeyesinghe said the policy committee has been looking at other libraries' policies and have come up with 39 new caveats or revisions, as well as multiple sections that have been discussed by the committee and will be brought to the board. C. Brancatella clarified that any proposed limitations on speakers would not be related to content. The committee will continue to meet and discuss the draft. C. Brancatella said that nothing in the revised policy would be enforced retroactively. The policy will undergo the standard review and revision process and counsel will be asked to weigh in on its legality.

Study Room Policy – 2nd read

Some minor changes were made, including preferences for library card holders. C. Brancatella asked that the board table the final vote to allow for some grammatical edits.

Naming Opportunities Policy – discussion

C. Wijeyesinghe said the naming opportunities price chart had been separated from the Gifts, Memorials and Bequests policy. She suggested the board table the discussion until February. G. Kirkpatrick said he had received a comment from a member of public about the process involved if a name designation was taken away, as well as keeping some of the price points accessible.

Displays and Exhibits Policy – language update

The policy was readopted by the board in October, but a clarification was requested to reiterate that prices cannot be included with artwork on display. C. Wijeyesinghe said that change in language would mean that the policy was having a first read at this meeting and the agenda should reflect that.

On a MOTION by L. DiBetta with a SECOND by C. Brancatella, the board voted unanimously to amend the agenda to indicate that the Displays and Exhibits Policy was undergoing a first read at the January 2024 meeting.

Director evaluation – update

S. Patterson said a draft has been sent out to the personnel committee for feedback before going to the full board for review. She said the goal is to have it ready to present at the February meeting during executive session.

Other old business

There was no other old business discussed at this time.

FUTURE BUSINESS

There was no future business discussed at this time.

PUBLIC PARTICIPATION

Seven people addressed the board. A recording of the meeting and the public comment period is available on the library's YouTube channel.

EXECUTIVE SESSION

On a MOTION by C. Brancatella with a SECOND by L. DiBetta, the board voted unanimously to enter into executive session at 8:41 pm to discuss legal aspects of library policy.

On a MOTION by C. Brancatella with a SECOND by L. DiBetta, the board voted unanimously to immediately adjourn the executive session without any discussion when it was noted that it was not a valid reason to enter into executive session.

ADJOURNMENT

On a MOTION by L. Scoons with a SECOND by S. Patterson, the board voted unanimously to adjourn the regular meeting at 8:42pm.

Prepared by
Kristen Roberts, recording secretary

Cosigned by
M. Kissinger, board president

Board actions

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