

MINUTES OF THE BOARD OF TRUSTEES MEETING
BETHLEHEM PUBLIC LIBRARY (COMMUNITY ROOM)
Monday May 13, 2024

PRESENT: Caroline Brancatella
Laura DiBetta (virtual)
Mark Kissinger
Sarah Patterson
Lisa Scoons
Michelle Walsh
Charmaine Wijeyesinghe
Sharon Whiting, library treasurer

Geoffrey Kirkpatrick, director
Kristen Roberts, recording secretary

EXCUSED:

GUESTS: Jennifer Crawford, confidential secretary
Phil Berardi, assistant director/head of Circulation and Technical Services
Tanya Choppy, accounts clerk
Tracey McShane, personnel administrator
Chris McGinty, assistant director
Judi Kehoe, election official
Hazel Landa
Leslie Hudson
Jim Hudson
Joe Lombardo
Pippa Bartolotti
Robert McDonald

President M. Kissinger called the meeting to order at 6pm.

PRESENTATION OF THE 2024-25 PROPOSED LIBRARY BUDGET

S. Whiting presented an overview of the budget and noted that the levy was within the New York State mandated tax cap. She said that increases in personnel costs reflect a move to bring part-time wages into parity with their full-time counterparts, as well as increases in health insurance costs. She also noted that interest rates remain high so the library is trying to take advantage of that through investments in T-bills and CDs. C. Brancatella said the wage parity and personnel costs were part of the five-year negotiated contract with the union. M. Walsh thanked S. Whiting for taking advantage of the interest rates to increase the library's income.

PUBLIC PARTICIPATION

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

INTRODUCTION OF ELECTION OFFICIAL

J. Kehoe introduced herself to the board. She said she had acted as the election official for the school district for many years, and they always prided themselves on providing a smooth election. She said planning meetings for the library's Oct. 1 bond vote are already under way. C. Wijeyesinghe asked if there would be an exit survey at the vote. J. Kehoe said there would be and she is always amazed at the number of people who take the time to fill one out.

REVIEW OF PREVIOUS MEETING MINUTES

On a MOTION by M. Walsh with a SECOND by C. Wijeyesinghe, the board unanimously approved the minutes from the Monday April 15 regular board meeting.

FINANCIAL REPORT

Treasurer's update

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

- M. Walsh said the finance committee had discussed the investment opportunities in detail and feel that S. Whiting's recommendations are right for the course.

On a MOTION by C. Wijeyesinghe with a SECOND by M. Walsh, the board unanimously approved the Financial Statement dated 30 April 2024 (Checks disbursed in April 2024 based on pre-approval \$63,046.06; Checks disbursed in April 2024 relating to payroll \$195,211.65; Checks being submitted for approval \$85,701.17; CapProject Fund Checks \$175,834.00; Total: \$519,792.88).

PERSONNEL REPORT

G. Kirkpatrick said there are no personnel actions requested this month and noted that a part-time clerical position had been filled, bringing the library up to full staffing.

L. Scoons asked about the other open clerical positions that had previously been authorized to fill. G. Kirkpatrick said that there has not yet been a need based on the amount of physical materials being processed, but he wanted to make sure the positions were available if that changed. He also noted that the 6-hour/week page position is typically held for a student intern transitioning from the BCSD program that shows an interest in library work.

DIRECTOR'S REPORT

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

- G. Kirkpatrick listed the upcoming dates and times that the library would be at the farmers market and said trustees were welcome to join and share information about the building project. He shared a one-page informational document and said that more could be printed on demand if needed.
- He said the Evenings on the Green summer concert series might also be a good time for building project outreach.
- The recent architect events were well attended. G. Kirkpatrick said he was not expecting as many engineering questions, so the plan is to have the project engineers available at a future session.
- G. Kirkpatrick said that in discussions with other area libraries, the dramatic increase in demand for story times and children's reading programs is being seen across the board.

- Librarians will be heading into the schools during June to talk about the Summer Reading Program.
- Although DVD circulation continues to drop, the library is still maintaining that collection.
- Last month was the second in a row with a door count higher than 20,000.
- The library purchased extra mobile whiteboards that are seeing a lot of use by students in the main part of the library.

UHLS BOARD UPDATE

L. Scoons said the Upper Hudson board approved a motion to begin discussions about letting Schenectady become a part of Upper Hudson Library System. She said there are a lot of questions and some concern from libraries located near Schenectady County. She said the board also approved the awards for the annual celebration.

M. Kissinger asked about Schenectady's previous system. G. Kirkpatrick said it was part of the Mohawk Valley and Southern Adirondack systems under a joint agreement. M. Kissinger asked what the implications would be of them joining Upper Hudson. L. Scoons said it was a big library in terms of population served.

NEW BUSINESS

Property transfer resolutions

G. Kirkpatrick presented a set of four resolutions and agreements between the library and the school district to transfer the parcels of 51, 53 and 59 Borthwick to the school district and establishing the terms of a lease agreement that describes the relationship between the library and school district.

C. Wijeyesinghe said the provision that states the library agrees to use the premises solely for purposes consistent with its operation as a public library sounded like it mirrored the meeting room policy. G. Kirkpatrick said that it did not refer to the meeting room and meant that the library could not sublet the building out to a non-library tenant.

M. Kissinger asked how the insurance requirement compared to the library's current insurance costs. T. Choppy said it would be the same as the library is paying now.

C. Wijeyesinghe asked if the default provision of 20 days is a reasonable amount of time. C. Brancatella said that, although she would like to see it a little bit longer, it merely meant the library had 20 days to commence a plan to address a default. M. Kissinger asked what the process would be if the library disagreed it was a default or if the school district defaulted. He said he believed it should be a mutual agreement and asked that the provision reflect that, as well as add additional time for a response. C. Wijeyesinghe asked if the next step was to flag those issues for the attorney to review. L. Scoons asked if there was a time frame driving the process. G. Kirkpatrick said that the architects were eager to get it in place. C. Wijeyesinghe asked G. Kirkpatrick to seek counsel on the default provision concerns and see if they can be addressed in the coming weeks.

Library property agreement resolution

See above.

Boring proposal

G. Kirkpatrick said that project engineers were proposing the drilling of a 500-foot test bore to check thermal conductivity to see if the ground can support a geothermal well. The drilling is expensive, but the bore would become part of the geothermal system should it be built. The engineers need the information in order to design the system. C. Wijeyesinghe said she asked if they could wait to drill until after a bond vote passed. They said they could, but they wouldn't want to design a system only to find out later that it's incompatible with the landscape. G. Kirkpatrick said the risk of not drilling would be if they design a system based on assumptions and it needed to be redesigned at additional expense later. On the other hand, if they drill now and the bond doesn't pass, the drilling expense would have been unnecessary. M. Kissinger asked what they would learn by drilling prior to Oct. 1 that would have value if the bond went down. G. Kirkpatrick said they would know if a geothermal system would work and how it should be sized.

L. Scoons asked if any future project includes a geothermal system even if the October bond does not pass. She said she would be in favor of that. G. Kirkpatrick said that if the library was interested in a geothermal system as an organization, then he would recommend they drill now. L. DiBetta said that she hopes geothermal is the direction the library is going regardless of the vote.

C. Wijeyesinghe said she was opposed because she believes it is something they could wait on until after the vote, and she is not sure a second bond could accommodate a geothermal project.

On a MOTION by C. Wijeyesinghe with a SECOND by S. Patterson, the board voted to allow Sage Engineering to drill a 500-foot test bore and conduct a thermal conductivity test in the amount of \$36,225. C. Brancatella, L. DiBetta, M. Kissinger, S. Patterson, L. Scoons and M. Walsh voted in favor; C. Wijeyesinghe was opposed.

Other new business

L. Scoons said the board had previously talked about whether the current 5-year term is a deterrent for future candidates. She said the Guilderland board is in the process of shortening their terms to 3 years and asked if that is something the board would like to consider. C. Brancatella said that such a change would only affect subsequent board members if approved. M. Kissinger said that he felt like a shorter term was a smart way to move forward. It would require a bylaws and charter change. M. Walsh said that an argument against a shorter term was that there is a steep learning curve for new board members and a shorter term would mean fewer people with greater experience. L. DiBetta said she believes a shorter term might attract additional candidates. The board agreed to continue the discussion at a future meeting.

OLD BUSINESS

Construction manager – update

There are two formal applicants for the construction manager position. S. Whiting is creating a comparison document and the interview committee, which includes M. Kissinger and C. Wijeyesinghe, will set up interviews. G. Kirkpatrick said the biggest question from both applicants was about phasing the project so the library could stay open. In response to a question from C. Wijeyesinghe, G. Kirkpatrick said the architects have been asked to send any potential questions and the library had received a list of representative questions from the school district.

Public Meeting policy – update

C. Brancatella said that elements of the latest version of the draft have not been significantly changed but reflected input from the staff, board and the public. She noted that the library is not required

to make rooms available to the public but is choosing to and added that the board is aware they are putting a bond to the public where meeting space represents a significant addition and want to assure the public that it can be properly managed. She said the board was working on the rewrite of the policy publicly in the interest of transparency. She said many of the comments received had common themes and they would be discussing those further.

G. Kirkpatrick said that the only restrictions that can be placed on the use of public facilities are time and place and have to be content neutral. He said library resources have to be equitably distributed, and the least invasive way to do that is to make rooms available like a checkout of the book. Most uses are by small groups so this process would allow people to book a room in a very similar way to what is already done with study rooms. He said the rationale for requiring a 501c(3) for larger bookings was because it is an easy and objective way to determine whether a group is for profit or not. He said other possibilities would be to check whether a group has a New York State charity designation.

G. Kirkpatrick said that booking process for larger programs that are not affiliated with the library is more involved and would require renting the space as one would do at the school district. C. Brancatella added that the organization would be paying for the privilege of a private event. G. Kirkpatrick said that this use is already represented at the library by the groups that host piano recitals, and the policy would formalize it.

G. Kirkpatrick said that some bigger libraries make only some rooms available for specific uses, but that Bethlehem doesn't have enough space to do that. He noted that most of the current public uses of the library rooms do not require seating for large groups. He said the new meeting room policy was an attempt to avoid creating a level of formality for the vast majority of the ways people use the space while ensuring that it addresses nonprofit and crowd control concerns for larger groups.

C. Brancatella said the policy would clearly state that it will be incumbent upon the group booking the room to monitor compliance with the policy and be responsible for what takes place inside the room. She said the library is not trying to limit controversial speakers but provide a content neutral expectation that community groups are solely responsible for the speakers they bring in.

M. Walsh asked if the requirement for larger groups could exclude gatherings of people that aren't a non-profit, like a dancing club, especially as the library looks to expand meeting space in a proposed building project. G. Kirkpatrick said that the 25-35 limit for smaller groups was a recognition of how the rooms are primarily used. M. Kissinger said the policy would be reviewed on a regular basis and can be modified if the data supports it. L. Scoons said that the policy the board is working on is for the current building and not for the one being proposed.

C. Brancatella said that she believes library staff and the public are eager to have a new policy in place. She asked the board for their feedback on the highlighted topics and said the board hopes to have a policy ready to adopt by the June meeting.

S. Patterson said she thought the requirement of one adult per five children was excessive. L. DiBetta agreed and said that it could depend on the age of the child since 10-year-olds are already allowed unchaperoned in the library. She said she preferred using the term "responsible adult" without any number restrictions. The board continued to discuss the ratio and what constituted an "adult." C. Brancatella suggested that an appropriate age for a "designated user" would be 21.

The board discussed the capacities of the community and board rooms. G. Kirkpatrick said that although the fire code capacity for the community room is 109, that number feels high in practice and that the space more reasonably holds 65-person events. C. Brancatella suggested that capping large public events at 65 is based on staff ability to manage those events should issues arise.

L. DiBetta said she was concerned with the limited definition of community organization that requires them to be a 501c(3) as well as have a Bethlehem address. G. Kirkpatrick said the library has a limited resource in demand and restricting it to people who live in the library district and pay taxes seemed like a fair way to allocate those resources. L. DiBetta asked if the library could give priority to

local groups but open it up to others at some point. She said it felt like an equity issue and she is concerned about who the library would be excluding.

C. Brancatella said she felt that would be a good topic for another round of comments where board members could discuss who they think would be excluded by that definition and how the wording could be changed.

S. Patterson asked if it would be possible to give room reservation priority to taxpayers while opening it up to others at some point. G. Kirkpatrick said it would be very hard to do from a practical standpoint because of the 6-month booking window. M. Walsh said she fully supports restricting reservations to locals because the library represents Bethlehem taxpayers. L. DiBetta said there may be organizations that are not based in Bethlehem but serve the residents and are a benefit to the community. M. Walsh asked how many larger groups were attempting to meet at the library but are not a 501c(3). G. Kirkpatrick said the library did not ask that questions in the past but will try to get that. M. Walsh noted that the bulk of the public meetings at the library are smaller in nature.

The board discussed security and crowd control. C. Brancatella said the policy has provisions to ensure that it is not discriminatory, but would allow library staff to disperse the event if necessary. She welcomed more comment. M. Walsh said the need to provide security is only required if the event is deemed a threat and asked what the process was to determine the need. G. Kirkpatrick said the library would work with the group and the police but he expects those instances to be very rare. L. DiBetta says she has some concerns that those who wish to end an event may use that to force the issue.

M. Walsh asked about the stipulation that any publicity mentioning the library in social media has to be approved by director. C. Brancatella said that it requires that the director know as a heads up. G. Kirkpatrick said there is some discussion about how it will actually work. He said he does think that it's important that people know when a program is neither sponsored or affiliated with the library.

C. Wijeyesinghe asked if the board should be more specific about "neutral criteria." C. Brancatella said that was language from the attorney. G. Kirkpatrick asked if "objective criteria" was better.

C. Brancatella asked if allowing one reservation per month per groups was too little. G. Kirkpatrick said that the groups are currently allowed one booking per month after the six-month booking window opens but can book an additional room when the window closes to one month. He said he doesn't believe raising the limit would be equitable. L. Scoons said that re-educating those who use the rooms about the new policy will be significant.

M. Kissinger asked about the implementation timeline. He said it was important to consider the education of the public on the new policy and the lead time staff would need to implement the policy. C. Brancatella asked board members to share any additional comments by the following Monday so they could put together another draft well before June 10 board meeting. L. Scoons said she had some concerns about length of times for violations. M. Walsh said she wanted to point out to the public that the board was changing the policy in reaction to concerns from the past year and that it would hopefully make the library more open to everyone. M. Kissinger thanked everyone for their work on the policy.

Animals in the Library Policy – 1st read

C. Wijeyesinghe presented the policy to the board as a first read. M. Walsh asked if there were any changes from the previous version and what they were. G. Kirkpatrick said he would send her the marked up version. M. Walsh said it would be helpful to have that from the get go for all policies.

Bulletin Board Policy – 1st read

G. Kirkpatrick said the new policy would allow charitable promotions such as barbecue fundraisers. M. Walsh asked if babysitting and dog walking ads would be allowed as they were in the past. G. Kirkpatrick said they would not. M. Walsh said those types of bulletins are just advertising and

not selling a service on library grounds, and she was disappointed that the policy would limit that, especially when it comes to young people. G. Kirkpatrick said that it was a discussion about what is an acceptable use of government resources. M. Kissinger said that it was a good discussion to be having.

Building project – update

Completion of the SEQR is the next hard deadline the library is facing in the lead up to the bond vote.

Other old business

There was no other old business at this time.

FUTURE BUSINESS

Trustee resignation

C. Wijeyesinghe said that she and her spouse are in the process of moving to Massachusetts. She said she would be submitting a dated letter that would serve as her official resignation from the board when she steps down in June.

PUBLIC PARTICIPATION

There was no public participation at this time.

EXECUTIVE SESSION

On a MOTION by C. Wijeyesinghe with a SECOND by M. Walsh, the board voted unanimously to enter into executive session at 8:33pm to discuss matters involving proposed, pending or current litigation.

On a MOTION by C. Wijeyesinghe with a SECOND by C. Brancatella, the board voted unanimously to immediately adjourn executive session at 9:40pm.

ADJOURNMENT

On a MOTION by L. Scoons with a SECOND by M. Walsh, the board voted unanimously to adjourn the regular meeting at 9:41pm.

Prepared by
Kristen Roberts, recording secretary

Cosigned by
M. Kissinger, board president

Board actions

- On a MOTION by M. Walsh with a SECOND by C. Wijeyesinghe, the board unanimously approved the minutes from the Monday April 15 regular board meeting.
- On a MOTION by C. Wijeyesinghe with a SECOND by M. Walsh, the board unanimously approved the Financial Statement dated 30 April 2024 (Checks disbursed in April 2024 based on pre-approval \$63,046.06; Checks disbursed in April 2024 relating to payroll \$195,211.65; Checks being submitted for approval \$85,701.17; CapProject Fund Checks \$175,834.00; Total: \$519,792.88).
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