

The Nyack Library
Minutes of the Regular
Board of Trustees Meeting
Monday, April 18, 2022

Present:

E. Michael Growney, **President**-phoned into meeting
Ellyse Okin Berg, **Vice President**
Brian Murrell, **Treasurer**
Wayne Henry, **Secretary**
Steven Cea
Peter Danish
Tracy Dressner
Michael Penn
Roger Seiler
Bebb Wheeler Stone

Absent:

*Valerie Williams-Sanchez

*=**Excused**

Staff: Angela Strong, Library Director
Sharon Alfano, Business Manager
Minerva Parker, Board Clerk

Call to Order:

The Board Vice President Ms. Berg called the Regular Monthly Meeting of April 18, 2022, to order at 7:03 p.m., in the Community Meeting Room.

Agenda Approval:

Upon motion by Mr. Cea, seconded by Mr. Murrell, it was resolved to approve the agenda. There were 9 yes votes and 1 abstained, not physically present, on phone.

Review of the Minutes:

Upon motion by Ms. Dressner, seconded by Dr. Stone, the Minutes of the Regular Meeting, February 22, 2022 were approved with 7 yes votes, and 3 abstentions, Mr. Danish, Mr. Cea, and Mr. Growney.

The March 21, 2022 Minutes were tabled until next month, there was no quorum.

Upon motion by Mr. Henry, seconded by Ms. Dressner, the Minutes of the Special Meeting, March 29, 2022 were approved with 8 yes votes, and 2 abstentions, Mr. Murrell and Mr. Growney.

Public Comments: (full comments may be heard here <https://soundcloud.com/nyacklibrary/april-18-2022-board-meetingwma>)

Dear Members of the Board, fellow coworkers and neighbors,

My name is Rosemary Farrell, and I'm currently the Senior Librarian for Programs and Community Engagement here at the Nyack Library. I have worked here for 12 years. and am a longtime resident of Nyack. I also serve as a representative for the Staff Association.

I'm speaking tonight on behalf of the Staff Association to add our voice to others here who have expressed concerns over the actions of this board. The Staff Association urges the board to reconsider its actions regarding the January Board election and honor the will of the voters. At the very least, those in this room who have made statements and written letters to the board **deserve** a response.

But the election is not our only concern. We believe that the culture of this board redounds to create what we see as a hostile work environment. Recently, this has led to longtime, dedicated staff members leaving the library in search of other opportunities.

Additionally, we are concerned about the behavior of members of this board toward staff and members of the public. Lashing out at attendees, obfuscating the truth, and condescending to female community members sinks far below the level of decorum expected for members of a public board. Many staff have expressed uneasiness over unprofessional exchanges with board members while working in the library.

Further, as this meeting is being recorded and is on the public record, I would like to make one correction. At last month's board meeting, a statement was made that when the Staff Association announced its intention to unionize, we only allowed for a 24-hour response time. This is, in fact, not true. That letter was dated June 8th. While we did request a timely response, there was no 24-hour response requirement, and we did not file with the NLRB until more than 2 weeks later, on June 24. I have copies of the letter if anyone would like to review it. I will not belabor the issue of the Library's selection of representation during our union campaign, although we believe it remains a stain on the Board's record. I'm merely pointing out that maligning the Staff Association for your own missteps and telling other mistruths is disingenuous scapegoating.

We hope the Board will genuinely take into consideration some of the public comments made in this and previous meetings. We look forward to hearing your responses and, as always, working together to continue to offer the library's invaluable resources to the public we serve.

Thank you.

Amy Barnett a longtime community member is here to continue to ask for transparency and accountability. Ms. Barnett sent a letter to the Policy Committee Vice Chair Ellyse Berg to consider the following recommendations for improved governance-moving the annual election of the Board of Trustees to be concurrent with the Library Budget Vote, could maximize public participation; institute Trustee term limits, which is the case on many Boards; an up-to-date Whistleblower Policy, which is required by NY non-profit law; make sure the By-Laws are reviewed for compliance with NY Non-profit Revitalization Act 2013; the minutes are more detailed and transparent, so the public can better understand what's happening at meetings, not everyone is going to listen to the full recording of a meeting; Trustee petition process is more transparent, simplifying the timeline for clarity; make it clear, Trustees absences to be excused by the entire Board, not just a single member of the Board. These are a few recommendations that could be beneficial and bring community members into the process.

Gerald McCarthy-listened to last Board Meeting recording, was appalled by what he heard. The process which happened (the Election) with no letter of resignation presented, gave no account why she submitted her letter. If Mr. Growney was voted out of office, why is he still here?

Michelle McCarthy-agrees with what is being said, and appalled at what is happening here. Mrs. McCarthy has served on several Boards before, and the behavior displayed at the last meeting was absolutely appalling. Mrs. McCarthy did not know how to explain it to her children, except that it is the times we are living in where civil discourse is out the window when adults in the room don't know how to behave and this is a public forum and people are not being permitted to speak about voting. Mrs. McCarthy served as Communications Director for a NYS Assemblywoman for eight years. The state of New York, not just taxpayers fund improvements to the library. You have an obligation to people paying taxes. You have volunteered to be here and with the trust the public has placed in you to do your job, you have an obligation to do that job with honor, with respect for the community you are supposed to be serving with respect for taxpayers and more than anything with respect for the voting process. This is a reason people don't come out to vote, because people in this country, this community feel like their vote doesn't matter. And that's exactly what happened here. If you are serving this community the way you should be serving them, the voice of the voters needs to be heard.

Mark Dery-there is a tripod of ethical pillars that support every Board and its relationship with community stakeholders. Transparency, which this Board has been implacably hostile to, at least this old guard. Members of the public I have spoken with place enormous faith in Mr. Cea and Ms. Dressner to do the right thing. We hope you will. The second pillar is accountability which this Board has shirked and evaded at every turn, since this event. And third is responsiveness, a civil interaction with the public. Which one member of this Board has revealed himself to be utterly discreditable and, in my opinion, you are remiss in your duty for not immediately voting him off the Board, at the very least you should have censured him. It is scandalous you have taken no action. Question-is the Board no longer responding to members of the taxpaying public? I've sent two civil and respectful letters inspired by Mr. Growney's claim that Trustee Jhashi filed a letter of resignation and

that the Nominating Committee convened. He claimed there is a letter in a file, he claimed it was submitted, wouldn't/couldn't say when that happened or produce the letter. He wanted the public to take on faith this information, from someone who presided over an over-turned election. I followed up with a letter requesting a copy of Ms. Jhashi's letter and an account of the circumstances of its submission when it happened and the Nominating Committee, neither of which were recorded in the minutes of that meeting or on the audio recording. When asked Mr. Growney said he didn't know. Wrote a letter, received no response, waited over ten days. Sent a follow up and received no response, so my question to the Board, is the Board no longer interacting with the public? No longer answering mail from public taxpaying residents of the district that underwrites this Library's budget? I strongly support Ms. Barnett's remarks, Mr. & Mrs. McCarthy's and the other remarks, especially by the Librarians and specifically exhort the Board to fix these questions to a timeline. Debate them publicly and vigorously and I hope you will act on them. Whistleblowers is important, Budget & Board Vote on the same day is important and the removal of Mr. Growney is incumbent upon you, its absolutely mandatory not letting this drop.

Ms. Berg, Board Vice President responds-yes Ms. Barnett did submit her letter. The Policy Committee has begun working on the Bylaws, this is not an overnight process. The Committee meets once a month for several hours. Thank you for your letter, some of the things are being taken into consideration. The Library's policies are in alignment with the 2013 NY Nonprofit Revitalization Act. We can't do Bylaws and Whistleblower at the same time.

Ms. Barnett asked if the Board is working with Consul or would consider working with pro bono consul on this to help speed up the process?

Ms. Berg's responded not at the current time, but the Board is considering it. Another consideration the Board is reviewing is moving the date of the two events, Trustee & Budget Votes, so they are at the same time. As far as the letter being baseless from Dr. Jhashi, that's not true. Ms. Parker has a copy of the letter, I have a copy of the letter. We do not have to show it to the public. She stood in front of you, said she was resigning, we accepted the resignation and its done. I am sorry if you don't trust us. As far as Mr. Growney goes, the Board chose him to be trustee after Dr. Jhashi's resignation. The Board then chose him to be President on January 10, we are not changing that. Sorry if you're not happy with that, that's the way it is and we are moving on from that. What is changing is the policy is going through the Bylaws and under serious consideration is that the process is different next time.

Mrs. McCarthy stated she will be placing a formal complaint with the NYS Assembly that represents this library, the Senator and the Director of the Ramapo Catskill Library Systems. This is a travesty.

Director's Report:

Mrs. Strong reviewed highlights of the month with the Board. As of March 1, masks were optional and on March 21 staff no longer filled out the Daily Health Questionnaire. The Staff restroom is being painted and will have a detailed cleaning. The North elevator has been out of service several times in March, the vendor determined problems with the relay switches, they were replaced. Minerva Parker takes care of the greenery in the Library and has added silk plants in the Carnegie-Farian Room and live plants in the Creative Lab. Mrs. Strong appreciates the work Minerva does with the greenery. Mrs. Strong announced to the Staff on March 31, she would not be renewing her employment contract with the Library and will be retiring on June 30. Global Security & Investigative Services, the team hired to provide security services, started on March 21. On March 5 Mrs. Strong attended the Banned Books Symposium "Unbanning the Banned Books", presented by Tracy Dunstan, Morgan Strand and Rosemary Farrell. Mrs. Strong worked with Kat Sullivan and Myra Starr to review historical items the South Nyack Village wanted to distribute to local organizations. We got a mantel clock, a map, photographs and wall prints of South Nyack landmarks. On March 13 Brian Conway performed a Celtic concert in the Community Meeting Room.

Mr. Cea mentions that the Seed Exchange had 224 visits, and he is new to the program and looking forward to seed planting this season.

Personnel Actions: none.

Upon motion by Ms. Berg, seconded by Mr. Cea, the Board unanimously approved the Hardware Inventory Report. There were 9 yes votes, Mr. Growney abstained.

Committee Reports:

Development Committee:

Upon motion by Mr. Danish to accept the Gifts & Grants Report for March 2022, and seconded by Dr. Stone, the Board resolved to accept with appreciation \$651 in Designated support to the Annual Appeal. The 2022 Annual Development Appeal total to date has brought in \$16,923 in donations. There were 9 yes votes, Mr. Growney abstained.

Policy Development & Long-Range Planning Committee:

Ms. Dressner discussed some of the changes in the revised Conflict of Interest Policy. The language was cleaned up to make the document more readable. Mr. Cea would like to recognize Ms. Dressner for her work on this.

Upon motion by Mr. Henry, seconded by Mr. Danish, the revised Conflict of Interest Policy was accepted. There were 9 yes votes, Mr. Growney abstained.

Ms. Berg discussed changes to the Bylaws Section 1b. Service Area. The Village of South Nyack has been dissolved. Trustee Term Limits was discussed. Mr. Seiler doesn't see the need for term limits. Ms. Dressner is in favor of term limits. Mr. Danish would be in favor of term limits. Mr. Cea supports looking into a policy that has term limits. Mr. Henry supports pursuing term limits. Mr. Penn is in favor of term limits. Dr. Stone is not in favor of term limits. Mr. Murrell agrees to term limits. There is enough interest to move forward with looking into trustee term limits. The Committee will move forward with discussions of term limits.

Building & Property Committee:

No report.

Personnel Committee:

No report.

Nominating Committee:

No report.

Audit Committee:

No report.

Finance Committee:

Mr. Murrell reported the Committee met on Friday and reviewed building issues; repairs; prioritize spending; contracted services; money reallocated from other budget lines.

Whereas on March 20, 2022 the Nyack Library contracted for external Security Services, the wage and benefits allocated for the job classification Security & Operations Support are no longer needed as a workforce expense on the approved 2022 Budget, therefore I, Brian Murrell, **move** that the Board of Trustees approve the transfer of workforce expense funds of \$12,300 to expense line Contracted Services for purposes of paying Contracted Services for the period March 21, 2022 to June 30, 2022, seconded by Dr. Stone. There were 9 yes votes, Mr. Growney abstained.

Financial Reports:

Treasurer's Report:

Mr. Murrell reviewed the Treasurer's Report in detail with the Board. Cash balances at the end of March totaled \$1,681,748. Property tax revenue still outstanding \$335,792, should be here any day now. Current Bond Status, \$6,914,837 in long term debt remaining on the 2017 tax-exempt bond with TD Bank. Mr. Murrell discussed the details of the monthly disbursements, which require Board approval. Current fiscal year-to-date the Library operated at a \$84,719 surplus and the DePew House operated at a \$8,839 surplus.

Upon motion by Mr. Murrell, seconded by Ms. Berg, the Library Board unanimously accepted the Financial Statements as presented including the Summary of Key Balance Sheet Amounts as of March 31, 2022 and the March 2022 Performance Report. There were 9 yes votes, Mr. Growney abstained.

Upon motion by Mr. Murrell and seconded by Mr. Henry, it was resolved that the Nyack Library Board of Trustees approve the following disbursements reported for March 2022 which have been reviewed by the President and/or the Vice President, Secretary and the Treasurer: General Fund Expenses of \$80,719.35, Rental Fund Expenses of \$1,747.42, Debt Fund Expenses for \$36,322.92, Payroll Disbursement for pay date March 11, 2022 for \$55,536.64 and Payroll Disbursement for pay date March 25 for \$55,600.89 for a total of \$229,927.22. There were 9 yes votes, Mr. Growney abstained.

Old Business:

Mr. Seiler noted the Monthly Statistics numbers are close to the pre-COVID numbers.

New Business:

Ms. Berg announced the Friends Book Sale June 4 & 5, looking for volunteers. Set up is June 3 and breakdown is June 6. The Friends Annual Meeting is Saturday, April 30, 2 pm – 3:30 pm, the Special Guest will be Angela Strong.

8:27 pm Upon motion by Ms. Berg, seconded by Mr. Henry, the Board unanimously agreed to go into Executive Session to discuss Personnel related matters. There were 9 yes votes, 1 abstained.

8:42 pm Upon motion by Ms. Berg, seconded by Ms. Dressner, the Board unanimously agreed to come out of Executive Session. There were 9 yes votes, 1 abstained.

Adjournment:

Upon motion by Ms. Dressner, seconded by Mr. Cea, the Board unanimously agreed to adjourn at 8:43 pm. There were 9 yes votes, 1 abstained.

Respectfully submitted,

Minerva Parker

Board Clerk