

The Nyack Library
Minutes of the Regular
Board of Trustees Meeting
Tuesday, February 22, 2022

Present:

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

Absent:

*Peter Danish

*=Excused

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

Call to Order:

The Board President Mr. Growney called the Regular Monthly Meeting of February 22, 2022, to order at 7:05 p.m., in the Community Meeting Room.

Agenda Approval:

Upon motion by Ms. Berg, seconded by Mr. Henry, it was resolved to approve the agenda with the following changes. Ellyse Berg, Vice-President will be added on the agenda after the Minutes approval, to say a few words; the Conflict of Interest Policy revision was removed and will be addressed at a later date; under New Business NYS Annual Report was removed it will be presented it at the March meeting. A Safety Services Contract, reviewing of the Committee Assignments and an Executive Committee appointee were added on the agenda under New Business. The yes votes were unanimous 9-0.

Review of the Minutes:

Upon motion by Dr. Stone, seconded by Mr. Murrell, it was resolved to approve the Minutes of the Regular Meeting of January 10, 2022. There were 9 yes votes.

Board Vice President, Ellyse Berg Statement:

Good Evening,

I would like to address a few comments that have been made.

The Nyack Library was closed entirely from March 14- June 8, 2020. During that time, no employee was dismissed, nor had their salary reduced.

In the weeks and months afterward, while all employees were on a reduced schedule, no employee was dismissed, and no employee suffered a diminution of their salary. Since that time, there has been no employee who has been dismissed. There have been employees who are no longer working for the library who were on March 14, 2020, but every one of them has been a resignation.

We are not aware of any extreme changes to the Library, and in fact, any changes have been made in keeping with Nyack Library Staff Association Labor Agreement and discussions were held with Union leadership and their NYSUT representative.

The Board of Trustees is charged with ensuring that the Mission Statement of the Library, with the goal of providing all members of the community free and open access to its collections and resources that would enable them to gain knowledge and broaden their lives and fulfill their cultural, intellectual educational and recreational needs.

The role of the Board of Trustees centers on the fundamental responsibilities of providing the Library with sound governance, fiduciary and strategic oversight, and direction. The Board writes policies to guide all of the above. All of these policies are available online. The Bylaws do not allow any Trustee to tell a Director who to hire or rehire and under what conditions. This decision is the Director's alone. And to ask a trustee to intervene in this final decision is asking them to commit a conflict of interest and break the trust that is important to the part of the role of Trustee. With few exceptions as written in the Bylaws, actions of the Board are accomplished by affirmative votes of a majority of members of the Board.

The Board oversees the operations of the Library. The Board is responsible for assuring the financial integrity and solvency of the Library, keeping in mind, the fiduciary responsibility to the taxpayers.

In October 2021

The Board Nominating Committee solicited trustees who needed to stand for reelection to determine their interest in being a candidate. Two candidates, Mike Growney and Tamara Jhashi, decided to seek reelection. Debra Karten decided not to stand for reelection, which created a Board vacancy.

In November 2021

A notice for applicants to fill a trustee vacancy was posted in print and through digital channels. One application was received. Steve Cea was interviewed on 12/13 and selected by the Nominating Committee to stand for election with the other two Board members.

In December 2021

The library's quarterly newsletter which was delivered to library district households by early December, included an announcement regarding the trustee election and the Annual Meeting. Announcements were also posted in the library's print and digital channels.

The Board received two petitions from individuals seeking to be candidates for the Board of Trustees election to be held on January 10, 2022. One petitioner was not a Nyack Library cardholder for one year as required by the Bylaws, and also did not submit a petition by the published submission date and time of Dec. 27th at 1 PM. The second petitioner, Tracy Dressner, met the requirements to be added to the ballot by providing signatures of 25 or more registered voters who reside in the library district by the required submission date and time.

The required legal notices regarding the Board of Trustees election date, time and location were published in the Rockland Journal News.

In January 2022

Information about the election date, time, location and about the four candidates were published in library print and through digital channels.

The election was held as scheduled on Monday, January 10, 2022, from 11 AM-7PM in the Carnegie Room.

As part of the regular proceedings of the Annual Meeting of the Nyack Library, President Growney appointed Trustee Wayne Henry, Board Clerk Minerva Parker and Library Business manager Sharon Alfano to count the votes.

The 173 ballots were counted 3 times. The results of the election were announced:

Steve Cea – 155 votes

Tamara Jhashi- 146 votes

Tracy Dressner- 141 votes
E. Michael Growney- 39 votes

I, as Vice president, assumed leadership over the Annual Meeting as Mike Growney was no longer an elected member of the Board.

The two newly elected trustees, Steve Cea and Tracy Dressner, were seated at the Board of Trustees table.

Without communication or coordination, with the other trustees at the meeting, Dr. Tamara Jhashi resigned the trustee seat to which she had just been elected.

Following the guidelines of the Bylaws, Mr. Growney was nominated and it was seconded by 2 Board members. The nomination was accepted by a majority of the Board members. Under the Bylaws, Mr. Growney is required to stand for election for the remainder of the unexpired term of 2 years in January 2023.

For the Election of Officers, the Board members in attendance shall vote for their choice for each office. A nominee must receive the vote of the majority of the full Board. E. Michael Growney got 8 votes for President, Ellyse Berg got 8 votes for Vice President, Brian Murrell for Treasurer got 10 votes, Valerie Williams-Sanchez got 3 votes for Secretary, Wayne Henry got 3 votes for Secretary, of the two, Wayne Henry is now Secretary.

Public Comments:

To the Nyack Library Board of Trustees:

My name is Belinda Cash and I'm the former Head of Reference here at the Nyack Library. Since my retirement in 2017, I've worked here part-time as an adult reference librarian. In speaking tonight, I'm voicing not only my serious concerns but those of eight other librarians, all of whom are current or former employees of the Nyack Library.

We are dissatisfied at the way the recent Board of Trustees election was handled. As an association library, the Nyack Library is funded by the taxpayers of this community, and, as such, is obligated to be responsive. At the election on January 10th over 170 voters turned out, a particularly large number for this type of election. The votes cast for the candidates clearly showed the preferences of the people, and yet the ultimate outcome - conducted with no public input - flatly disregarded those preferences. The trustee with the lowest votes not only kept his position but was reappointed as president. We do not understand how the Board thought this was an appropriate course of action, and ask that an explanation of the reasoning be provided to the public.

In addition, whether the by-laws permitted this decision or not is irrelevant. It is highly unethical and goes against the spirit of the democratic process. We ask that the by-laws be amended to ensure that this never happens again.

Sincerely,

*Sharon Aperto
Belinda Cash
Rosemary Farrell
Elizabeth Hobson
Kim Naples
Laurie Needell
Kat Sullivan
Claudia Uccellani
Pernel Wilfred*

Ms. Cash would like the letter entered into public record of the Minutes as archived documents of this meeting and she is also requesting the Board provide a time line of when and how the questions will be answered.

Ms. Berg stated that, every organization runs on a set of rules and the Library's are the Bylaws. Ms. Berg quoted the Bylaws on the process to fill a vacant seat.

Elizabeth McGrory's Statement:

I have lived in Nyack, love, use and support the library for nearly 25 years living here. I'm also here to express concerns about the election and the implications for our community and the trust and governance of this beloved community resource. First, why hold an election if the Board has already determined one of the members is untouchable. To the point, then effectively over turn the results of the election. Then, thought it appropriate, that individual who lost the election, by a very wide margin, should continue as President. The numbers show that the Voters sent a very clear message that the Board simply decided to ignore. It's honestly insulting and shows a contempt for the democratic process and the citizens who came out to vote on such a frigid night and sent a mandate that could not have been clearer.

You have now offered an explanation in the context of the Bylaws, but that was not an explanation anyone felt the need to give to the citizens at the time that this carefully worded, opaque announcement was made on Social Media. That included no vote totals or the faintest rational why it happened the way it did and turning over the results of the election. That is not a PR problem, but an ethical problem and a content problem. This whole process violated the trust of the public that you are suppose to serve. And we're trying to understand how we as citizens who passionately support this library and pay for it, ensure accountability since the mechanisms in place clearly don't work for that accountability.

I join Belinda in suggesting that somehow the Bylaws are amended to ensure this process is more transparent and actually accountable to the express will of the voters. Allowing more time, than two minutes at the end of the election when no totals are made public and formally appointing the Board might be a start. There was a total lack in transparency and accountability in how this all went down. The Vice President has explained in the context of the Bylaws how its allowable, but it's both unethical and anti-democratic.

Dear Board:

As a taxpayer who has regularly voted on the budget for the Nyack Library since 1987 and as supporter of the Nyack Library and its programs, I feel very strongly about issues affecting our community, doubly so when the issue goes to the heart of our democratic process-voting.

In addition, as a professor and published writer, I have assisted and helped develop several programs and presentations at the Nyack Library, including co-sponsored events funded by The Gilder -Lehrman Institute for American History, The National Endowment for the Humanities and the NYS Council on the Arts, most recently (World War1 and America).

The new library vote was an indication by the Nyack community that a change in leadership in the Nyack Library board was necessary-even essential to growth.

However, at the Board meeting immediately following the vote-the democratic process was disregarded, Tamara Jhashi -who received 146 votes, stepped down so that Mr.

Growney (who received 46 votes) could continue as a trustee. In fact, he was then voted in by the board as a trustee and re-appointed as President of the Board.

This is unjust and unfair and is not what the voters wanted. I must insist the duly elected members keep their positions on the board and this circumvention of democracy be annulled.

*Gerald A. McCarthy
Professor of English (emeritus) St. Thomas Aquinas College
Upper Nyack, NY 10960-1115*

Amy Barnett comments:

A Thirty-year resident of South Nyack and a regular user of the library all those years. A member of the Fiction Book Club over twenty years and have regularly supported the Budget Vote year after year, because I support this institution and think it's a really important place in the community. I voted in the Trustee election and was shocked to see election results disregarded. This is a publicly elected Board and though that was allowed under the Bylaws, it was still unwise and unethical and puts the Board in an unflattering light. I am a non-profit Administrator and Lawyer who works on Bylaws for organizations. Because you have the power to do something under the Bylaws doesn't mean you must do something. Find some way to remedy this and regain the trust of the public.

Margo Mifflin comments:

Echo's what's been said. Lived here almost twenty-five years. My Mother was deeply engaged with the Library, my daughter grew up coming to the Library. It's a valuable and beautiful part of the community. As an Author, researched three books here, have given readings here and worked with the Librarians and appreciate them immensely. What happened was not just an insult to the public, but an insult to the Librarians who work here and something really needs to be done about this.

Mark Dery comments:

South Nyack resident. It is a rare public forum where the public can actually engage with Trustees in thoughtful dialogue. There are members of the Board who seem to think their role as Elected Representatives is simply to steeple their fingers, watch the clock and wait as the public has their say. There is no other forum for the public to engage with the Board, thoughtfully, and to engage in dialogue with you, so we have questions.

Why did the elected Trustee step down? What compelled her to yield her seat to Mr. Growney? We understand she was gravely troubled about the results and felt Mr. Growney should be restored to the Board, subverting the unequivocal will of the voters. Why was there such a high turn out? Because there was outrage at the Board because the Board hired a union busting law firm when employees wanted to unionize. I have spoke with community members who hold the President accountable. As President the buck stops on his desk. That's why his vote total was so shockingly low. The community is so aggrieved that he was restored to his seat on the Board. And to add insult to injury, given the Presidency.

Finally, there's a historical background. Part of the discontent with this Board is that when the public comes to speak, there is precisely a sort of supercilious, coolly contemptuous, dismissive hostility displayed, like tonight. The public should be viewed as a resource. We are your neighbors and friends. We vote on the Budget in overwhelming numbers each year, we love and support the Librarians, cherish this institution and should be considered a resource. Librarians should be included in the discussion process, they know better than you and management what's good for this library. You should make use of them and the public.

Amend the Bylaws so this never happens again. Demand that Mr. Growney step down from the Presidency, ideally, he will do the ethical thing and step down from the Board altogether.

Ms. McGrory asked if any of the questions and concerns addressed will be answered. What is the process for responding to any of the questions?

Mr. Growney stated they no longer use Jackson Lewis because of the concerns from the public at that time, several years ago.

Ms. McGrory asked at what point does a group of Board members and residents come together to review the Bylaws. Ms. McGrory doesn't trust the Board to amend them, because of how they handled the Trustee Election. At what point does the heart of the issue get addressed, with follow up.

Mr. Henry introduced himself and explained he has been a member on the Board over a year and has never seen any of the audience members present before. Mr. Henry stated, Tamara Jhashi made her own decision. Over the year he has been working with Mr. Growney he is happy with his leadership as President.

Michelle Morales, Access Services employee for six years and a member of the Nyack Library Staff Association, was present at the January 10 board meeting. Ms. Morales stated it was a very uncomfortable meeting. Tamara was visibly upset, more than anyone else, from her perspective. Ms. Morales' felt the only issue with the way things were handled was the way Ms. Berg stepped up to the Presidency in the meeting. She and Tamara left the room and had a discussion and returned to the meeting. Then Mr. Cea and Ms. Dressner were seated at the table, then Tamara left.

At no time did Mr. Growney ever leave the table. Discussion should not take place in front of the person voted out. It was in poor taste, it was uncomfortable for him, Tamara, and everybody. And it made him part of the discussion, which he should not have been.

Jonas Black, Access Services employee for about nineteen months now, and library card holder about twenty-five years. Disagrees with how the process was overturned and unethically handled by the Board. The vote was clearly a referendum of Mr. Growney and his leadership.

Ms. Berg asks that they come to the Board meetings and voice their concerns and not let it fester over a period of time.

Dr. Williams-Sanchez feels this meeting was very informative. And explained how the Library just completed the community surveys, which was a years' worth of effort. Dr. Williams-Sanchez mentioned some Board members were not here during the unionization.

Ms. Dressner thanked everyone for coming to the meeting and for the support shown during the election. Ms. Dressner agrees with much of what was said tonight and troubled about what happened at the meeting mentioned, she was the only one to vote against the appointment of Mr. Growney.

Ms. Barnett feels this should merit a response after the Board has had time to deliberate. Whether it's a public statement, a statement at the next meeting. We think you owe it to the public to respond to what was said here, beyond referencing the Bylaws.

Director's Report:

Mrs. Strong reviewed highlights of the month with the Board. The Library operated on reduced hours and by appointment during the month of January. Creative Lab wall repair and painting was done in preparation for the new furniture. The HVAC in Local History required repair. Still waiting for rooftop unit repair. First quarter mandatory safety training on Incident Reporting was conducted on January 19. The Trustee Election was held January 10, voter turnout was strong with 175 votes. Tracy Dressner, Steve Cea and Tamara Jhashi were elected. Attended several meetings during the month; Nyack Basics strategic planning meeting; RCLS Systems Services meeting; Rotary Club Cocktails for Charity event, to benefit the Library. Worked with Department Heads on their LRP projects.

Upon motion by Ms. Berg, seconded by Ms. Dressner, the Board unanimously accepted the Personnel Actions. The yes vote, 9-0.

Upon motion by Mr. Henry, seconded by Mr. Murrell, the Board unanimously approved the Inventory Report. The yes vote, 9-0.

Committee Reports:

Development Committee:

Upon motion by Dr. Williams-Sanchez to accept the Gifts & Grants Report for January 2022, and seconded by Mr. Murrell, the Board resolved to accept with appreciation \$625 in Designated support to the Annual Appeal and \$75 in Designated support from the Thursday Reading Class. The 2022 Annual Development Appeal total to date has brought in \$14,607 in donations. The yes vote was unanimous 9-0.

Policy Development & Long-Range Planning Committee:

Ms. Berg reported the Committee is currently working on revising the Conflict of Interest Policy and then the Bylaws.

Building & Property Committee:

No report. Still waiting for the Condition Study report.

Personnel Committee:

No report.

Nominating Committee:

No report.

Audit Committee:

No report.

Finance Committee:

Mr. Murrell reported the Committee met last week. Mr. Murrell thanked the voters for their support in the passage of the FY 2022-23 Budget.

Financial Reports:

Treasurer's Report:

Mr. Murrell reviewed the Treasurer's Report in detail with the Board. Cash balances at the end of January totaled \$2,126,465. Current Bond Status, \$6,958,077 in long term debt remaining on the 2017 tax-exempt bond with TD Bank. Property tax revenue still outstanding \$335,792, should be received around April 2022. Mr. Murrell discussed the details of the monthly disbursements, which require Board approval. Current fiscal year-to-date the Library operated at a \$37,120 surplus and the DePew House operated at a \$6,069 surplus.

Upon motion by Mr. Murrell, seconded by Mr. Penn, the Library Board unanimously accepted the Financial Statements as presented including the Summary of Key Balance Sheet Amounts as of January 31, 2022 and the January 2022 Performance Report. The yes vote 9-0.

Upon motion by Mr. Murrell and seconded by Dr. Stone, it was resolved that the Nyack Library Board of Trustees approve the following disbursements reported for January 2022 which have been reviewed by the President and/or the Vice President, Secretary and the Treasurer: General Fund Expenses of \$58,919.93, Rental Fund Expenses of \$10,680.75, Debt Fund Expenses for \$36,322.88, Payroll Disbursement for pay date January 14, 2022 for \$57,401.10 and Payroll Disbursement for pay date January 28 for \$55,719.44 for a total of \$219,044.10. The yes votes, 9-0.

Old Business:

None.

New Business:

Upon motion by Dr. Stone, seconded by Ms. Berg, the Board agreed to contract for safety security coverage with Global Security & Investigative Service. Six days a week, five hours each day, not to exceed \$45,000 annually. The yes vote 9-0.

Upon motion by Dr. Stone, seconded by Mr. Seiler, the Board unanimously accepted the appointment of Valerie Williams-Sanchez to the Executive Committee, by Mr. Growney. The yes votes, 9-0.

8:45 pm Upon motion by Dr. Stone, seconded by Ms. Berg, the Board unanimously agreed to go into Executive Session to discuss Board Governance and the Election. The yes vote, 9-0.

9:49 pm Upon motion by Dr. Stone, seconded by Ms. Dressner, the Board unanimously agreed to come out of Executive Session. The yes vote, 9-0.

Adjournment:

Upon motion by Dr. Stone, seconded by Ms. Dressner, the Board unanimously agreed to adjourn at 9:50 pm. The yes vote 9-0.

Respectfully submitted,
Minerva Parker
Board Clerk

APPROVED