



Dedham Public Library  
 43 Church Street  
 Dedham, MA 02026  
 781.751.9281

Monika Wilkinson, Chair  
 Margaret Connolly  
 Tracy Driscoll  
 Sarah Santos  
 MaryAnn Sliwa

| <b>DPL TRUSTEES MEETING MINUTES</b>            |  |
|--|--|
| <b>MARCH 3, 2016, ENDICOTT LIBRARY, 7:00PM</b> |  |
| <b>MEETING CALLED BY</b>                       | DPL Trustees   |
| <b>TYPE OF MEETING</b>                         | Monthly Meeting  |
| <b>CHAIRMAN</b>                                | Monika Wilkinson   |
| <b>SECRETARY</b>                               | Sarah Santos   |
| <b>ATTENDEES</b>                               | Tracy Driscoll, Margaret Connolly, Sarah Santos, MaryAnn Sliwa, Rosemarie Shrewsbury |
| <b>PUBLIC ATTENDEES</b>                        | Michael Chalifoux  |

The March 3, 2016 meeting of the Dedham Library Board of Trustees was called to order at 7:07pm by Vice-Chair, Margaret Connolly.

Monika Wilkinson had a medical emergency and could not attend meeting.

**1. Public Input:**

Mr. Chalifoux told the Trustees he has retracted a part of one of the complaints about the October 2015 minutes. He has also modified one of the complaints to specify executive minutes dates from November 23, 2016 to the correct date, November 4, 2016.

Mr. Chalifoux expressed concerns when the Endicott Library closed early for losing power.

**2. Minutes:**

A motion to accept the December 3, 2015 minutes was made by Ms. Driscoll. Ms. Connolly seconded. Ms. Santos voted to accept the minutes. Ms. Sliwa abstained.

A motion to accept the December 7, 2015 minutes was made by Ms. Driscoll. Ms. Santos seconded. Ms. Connolly voted to accept the minutes. Ms. Sliwa abstained.

A motion to accept the December 9, 2015 minutes was made by Ms. Santos. Ms. Sliwa seconded. Ms. Connolly and Ms. Driscoll voted to accept the minutes.

### **3. Financial Report:**

A motion to accept the January 2016 Financial Report was made by Ms. Driscoll. Ms. Sliwa seconded. All voted to accept the January Financial Report.

### **4. Vote:**

Ms. Sliwa made a motion to appoint James Chuck Flaherty as Interim Director of Dedham Public Libraries. Ms. Driscoll seconded. Vote as follows; Ms. Santos, yes, Ms. Connolly, yes.

### **5. Complaints:**

The Trustees received an Open Meeting Law complaint filed by Mr. Michael Chalifoux on December 9, 2015 alleging that the "Marketing Committee" violated the Open Meeting Law by failing to comply with the requirements of the law.

This matter and other complaints by Mr. Chalifoux have been reviewed by the Office of Town Counsel, and what follows is a summary from Lauren F. Goldberg, Esq.

"The threshold question is whether the Marketing Committee is a "public body" subject to the OML. For the reason outlined below, there is a strong argument that the Committee is not a "public body" for purposes of the OML.

Lauren F. Goldberg, Esq. has been informed that the Committee is an informal group appointed by the Library Director, an individual public official, to advise her on matters that she had jurisdiction over. The Committee is comprised mostly of Library staff, a Dedham Savings Bank staffer, and two members of the Board of Library Trustees, has no quorum requirements, meets regardless of whether some or all of the members are present, and takes no votes. Neither the Committee, nor the members of the Trustees sitting thereon, were empowered by the Board of Library Trustees with specific decision making or policy-making authority. It is our further understanding that the Committee serves an essentially administrative function in aiding the Library Director by compiling information, and brainstorming concerning community outreach projects. Moreover, though two Dedham Public Library Trustee members sit on the Committee, the Committee is not a body empowered to act collectively and does not advise or make recommendations to the Trustees. Instead, the Committee functions as a liaison between the public and Library Director. There were very few occasions upon which the Trustees were asked to take any action concerning the Committee's functions or activities. The activities of this committee, i.e., community outreach activities and administrative tasks, and instead more commonly undertaken by "friends of" groups or library staff.

To resolve this matter, the Board should discuss the role and function of the Marketing Committee as described above, as well as any additional facts that are relevant to the within analysis.

(1) The Trustees assert that the action complained of does not violate the Open Meeting Law as the Marketing Committee is not a public body within the purpose of the law;

(2) The Marketing Committee is appointed by the Library Director, is comprised of Library staff, a representative of the Dedham Savings Bank, and two members of the Library Trustees, has no quorum requirements, meets regardless of the number of persons present, and is not authorized to act collectively;

(3) While the Board reserves its rights under the law with respect to the same in any further proceeding, the Library Trustees further vote to instruct the Library Director that only one member of the Board of Library Trustees may be appointed to the Committee, and will ask one of the two appointees to resign;

(4) And, further, the Board authorizes and requests that Town Counsel prepare a response to the complaint to be forwarded to the complainant and the Attorney General's Division of Open Government consistent with this vote.

The Trustees received an Open Meeting Law complaint filed by Mr. Michael Chalifoux on February 25, 2016 alleging a violation failing to release certain executive session meeting minutes violated the Open Meeting Law by failing to comply with the requirements of the law.

The complaint in this case alleges a violation of the Open Meeting Law as a result of the Dedham Public Library Trustees' failing to release certain executive session meeting minutes concerning contract negotiations with a non-union employee who since left the Town's employ. Specifically, the complainant requests the release of the following executive session meeting minutes: April 14, 2015, October 14, 2015, and November 23, 2015. Additionally, the complainant has requested that the regular meeting minutes for October 14, 2015 and October 16, 2015 be released. The complainant has received copies of the open meeting minutes, and has withdrawn his complaint in this regard.

To resolve this matter, the Board should, without disclosing the content of the executive session minutes, briefly outline the content of the complaint, relative facts and law. If there are other relevant facts that are not included herein, please feel free to add them to the discussion, and/or the vote. Thereafter, the Board may take a vote similar to the following:

The Trustees received on February 25, 2016, an Open Meeting Law complaint filed by Mr. Michael Chalifoux alleging a violation of the Open Meeting Law as a result of the Town's failure to release certain executive session meeting minutes and regular meeting minutes, which complaint was later amended to withdraw the complaint with respect to application to the open meeting minutes at issue; the Board votes to resolve the remainder of the complaint as follows:

(1) The Trustees assert that the action complained of does not violate the Open Meeting Law as the executive sessions at issue were properly entered into in accordance with law and the matter of the then-Library Director's employment with the Town was ongoing until relatively recently, and denies that any executive session occurred on November 23, 2015;

(2) While the Board reserves its rights under the law with respect to the same in any further proceeding, the Board chooses to address the issues raised to be responsive to the concerns at issue and further to demonstrate its commitment to compliance with the law;

(3) The Trustees included the matter on the notice for tonight's meeting and will include on the meeting notice for a meeting to be held no later than March 15 an executive session item to review the executive session minutes;

(4) The Trustees will review the requested executive session minutes at such meeting, determine whether some or all of the executive session minutes may be disclosed, and will announce its decision with respect to such minutes at the next open session occurring thereafter;

- (5) If a decision is made to release any or all of such minutes, the Trustees will forthwith file such minutes with the Town Clerk and provide a copy to the complainant;
- (6) And, further, the Board authorizes and requests that Town Counsel prepare a response to the complaint to be forwarded to the complainant and the Attorney General's Division of Open Government consistent with this vote."

Ms. Connolly made a motion to accept the resolutions of both complaints filed by Mr. Michael Chalifoux on December 9, 2015 and February 25, 2016. Ms. Driscoll seconded. All voted in favor.

Mr. Chalifoux notes there is another filed complaint not addressed from December 9, 2015. The February 25, 2016 complaint has been amended with the correct dates.

**6. Old/New Business:**

Ms. Shrewsbury spoke with Andrea Terkelsen about the incorrect budget figure under Books, Periodicals, and Bindings line item. The corrected figure was changed from \$149,200.00 to \$149,980.54.

Ms. Shrewsbury presented the Trustees with the updated State Aid Funds account information.

Ms. Santos asked about the purchase of the Movie Licensing for both library locations. The current quote is \$474.00 yearly.

Ms. Santos asked about update on Keurig machines. Ms. Shrewsbury will update quotes and give staff concerns at next meeting.

**7. Action Item Review:**

| Action Item   | Person   | Date Due                                    |
|---|--|---|
| Sponsor-a-Spot<br>Civic Pride                                       | Ms. Santos   | Spring                                      |
| Policy Review   | Ms. Driscoll will provide info to date; all Trustees | January                                     |
| Develop a survey and then plan focus groups regarding library hours | Trustees & Consultant                                | November/December implementation<br>January |
| Develop new material for Fincom<br>Re: staffing needs               | Ms. Driscoll & Ms. Wilkinson                         | December<br>Implementation January/February |

Ms. Sliwa made a motion to adjourn the meeting. Ms. Driscoll seconded. The meeting was adjourned at 8:24pm. The next meeting is scheduled for Thursday, March 10, 2016 at 7:00pm at the Endicott Library.

Respectfully submitted,

