

Goodnow Library

Board of Trustees

Minutes

Tuesday, March 2, 2021, 6:30 p.m.

Recording of the proceedings can be found at sudburytv.org

Call to order: Ingrid called the meeting to order at 6:34PM.

Attendance: By roll call, the chair took attendance and the following members were present: Alan Gordon, Lily Gordon, Esmé Green (sec.), Ingrid Mayyasi, Barbara Pryor, Marie Royea, Beth Whitlock (v. ch.)

Vote to approve minutes of the January 19, 2021 and February 2, 2021 meetings: Ingrid asked for a motion to approve the January minutes. Ingrid noted that the last paragraph of her statement as written should be stricken, as it was not part of what she said. Barbara clarified her statement as well, and suggested several minor typographical edits. Moved by Beth and seconded by Alan. By a roll call vote the minutes were unanimously approved. Ingrid then asked for a motion for the February minutes. Ingrid noted the adjournment time was incorrect. Lily moved to approve the minutes, and the motion was seconded by Barbara. By a roll call vote the February minutes were also unanimously approved.

Trustee Report:

Review response to Open Meeting Law complaint filed by Henry Sorett: On February 11, the trustees received an open meeting law complaint. Ingrid read it out loud. (see attached). The trustees strenuously deny violating open meeting law. Esmé and Ingrid met with town counsel to go over the facts. He then prepared a written response on behalf of the board, which has been distributed, and needs to be discussed and approved by the members of the board to be sent to Mr. Sorett and the Attorney General's office. Ingrid read the response aloud. (see attached). Marie wanted to clarify that several votes were taken, and the first vote taken before public comment was regarding the Friends MOU, not the decision to separate from the Friends. It wasn't specifically addressed in the legal response and she didn't want people to misconstrue the different votes. Alan pointed out that the issue has been discussed for a number of years and should not have come as a surprise to anyone on the board of the Friends. Marie added that the complaint is confusing because none of what the complaint alleges occurred. Alan added he hoped that this would put the issue behind us, and addressed Henry and asked that the Friends remove the complaint from their website, as would be appropriate. Other board members added that they take the open meeting law seriously. Ingrid asked for a motion to approve the letter as drafted. Moved by Alan and seconded by Beth. By roll call, the motion passed unanimously.

Director's Report:

Financial Report: We are 66% through the fiscal year. Staff are working on spending down the budget lines for books and materials. The office supplies are ahead of spending due to covid. Salary lines, in particular the Subs and Other lines are at virtually 0% due to limited staffing due to covid. We expect that to change somewhat when we reopen.

COVID-19 update:

- CARES Act funding: the awning is currently being installed. This wraps up the major spending for this account.

- Reopening plans: the governor announced a return to Phase III, step 2 as of March 1, and on March 22, Phase IV, the “new normal.” This is a real indication that we are moving forward, however, there is a lot to consider. The public pressure to reopen is increasing, and we are working on a way to feasibly move forward, taking into consideration staffing, access to the vaccine, input from various parties, balancing in-person service with virtual and contactless services. The plan we are currently formulating allows for two days a week of in-person access with limited hours. The first hour for people who are 65 and older, or underlying conditions. A maximum of 35 people will be allowed in the building at a time, for 15-minute time slots, with access to the first floor only. Patrons will be required to wear face masks and use hand sanitizer. Services will be added and limitations lifted as possible. We are hoping to begin in April depending on vetting by the town’s reopening taskforce.
- Vaccine: library staff are not considered eligible at this time.

Annual Report: Esmé presented the annual report. She and Barbara did a lot of copyediting. Esmé reviewed the statistical numbers, and noted some decreases due to covid. Beth made a motion to accept the report. It was seconded by Ingrid. The motion passed unanimously by a roll call vote.

Historic Room renovation update: not a lot to report. Esmé is working with Facilities to write up short descriptions of the work needed in various areas, such as acoustics, cabinetry, electrical, furnishings so we can get estimates for each. The Foundation is working on the funding piece. We are working on starting in the spring and finishing by summer. We can do the work while the library is open with minimal disruption.

Book sale: We are working on reformatting the book sale. Esmé met with the Foundation board last week with a proposal for taking on the book sale and managing the income. Two of the people who were previously helping with the sale have offered to continue, and we will be starting with a book drive. This is great for two reasons. The first is that people are anxious to donate their extra books, which they haven’t been able to do for a year because of covid. Second, we need a new supply of books to sell. The drive is going to be held on March 13, and then begin online book selling in April.

Other: To increase the library’s reach in print media, we have entered into a contract with a public relations firm utilized by other town departments such as fire, police and schools, called Guilfoil. We are in need of redoing the website, and Karen and Esmé are starting in earnest to work on this project. We have gotten good information from other libraries about their RFQs and the companies they have used. We will keep you posted.

Policy updates: Use of Meeting Rooms, Gifts and donations, Use of bulletin boards: tabled until next month.

Foundation Report:

- The Foundation just emailed an issue of “News from the GLF” to its support base. The intention is to display positivity and enthusiasm for the Foundation’s work with a commitment to Esmé, her staff and the Trustees. The Foundation also welcomed two new Board members – Mark Minassian and Jill Rizzotti.
- Be Bold “Get Outdoors” series continues. Tonight, March 2nd, the Foundation is hosting Hannah Traggis re Growing your own food garden. This wraps the 3-part “Get Outdoors” series for this winter.

- The Foundation is planning to invite prospective Historical Room renovation donors to small Zoom gatherings in the coming weeks. The Foundation is in the editing stages in writing a letter of invitation, and creating a PowerPoint presentation to show at via Zoom regarding the GLF's work to date, and the plans for the upcoming renovation.
- Barbara gave an update on the project to create description plates for each of the thirteen Hudson paintings with the generous help of Susan Litowitz, a local graphic designer.
- The Foundation is just starting to think about what a fundraising event might look like for this fall. An event is important to the bottom line for its sponsorship revenue and ticket-sales income.

Old Business:

Staff Appreciation-update: the fleece jackets arrived and everyone really loves and appreciated getting them.

Barton Repair-update: it's still out for repair. Esmé will update at the next meeting.

New business: Ingrid acknowledged the receipt of a certified letter from Friends President, Alice Levine with a legal opinion regarding the independent status of the Friends. Alan took it to mean they aren't giving up the money.

Any other items not known 48 hours in advance of the meeting: none.

Adjournment: Alan made a motion to adjourn at 7:59pm. By roll call, the motion passed unanimously.

Next meeting: Tuesday, April 6, 2021 6:30PM



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Henry Last Name: Sorett

Address: 58 Longfellow Road

City: Sudbury State: Mass Zip Code: 01776

Phone Number: +1 (617) 899-2854 Ext. _____

Email: HankSorett@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

2021 FEB 11 PM 1:36
TOWN CLERK
SUDBURY, MASS

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Board of Trustees of the Goodnow Library

Specific person(s), if any, you allege committed the violation: The entire board and its chair, Ingrid Mayyasi

Date of alleged violation: 19 January 2021

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On January 19, 2021, the Board of Trustees held a meeting via Zoom noticed to consider their relationship with the Friends of the Goodnow Library, Inc. ("Friends") The meeting commenced at approximately 6:30 p.m. Without allowing anyone to comment, the Trustees announced their conclusions, voted to disassociate with the Friends and purported to order the Friends not to use the Goodnow Library name further. There were no deliberations and none of the people who had asked to be heard were permitted to speak until after the vote. I and several others spoke in opposition to the Trustees' action but our comments made no difference to the Trustees who had obviously reached their decision outside of this meeting. The meeting concluded at approximately 7:45 p.m. The Trustees issued a formal written statement at 8:30 p.m. which had obviously been written prior to the meeting. The "public" meeting on January 19, 2021 was not the time or place where deliberations over this issue actually occurred and the outcome was a foregone conclusion. The Sudbury Town Clerk advises that the Trustees did not hold a duly convened executive session prior to this meeting. Before this meeting, the Friends were served with a demand that they surrender their funds and their independence as a separate 501(c)(3) entity and turn over their funds to the Library with a proposed memorandum of understanding ("MOU"). The Friends responded with a counter proposed MOU based on mutual respect, recognizing that the Friends is an independent entity with its own fiduciary obligations. In the "public" meeting, the Trustees did not debate the merits of the Friends' proposal. The January 19, 2021 "public" meeting's outcome had obviously been discussed amongst the Trustees without compliance with the requirements of the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

(1) The Trustees must admit their violation of the Open Meeting Law and apologize. (2) Void the action taken as to the Friends. (3) Engage in a public process and a mediation to resolve any disagreements that might exist, recognizing the Friends' independent 501(c)(3) status, the work that Friends' volunteers have provided to the Library and the monies that the Friends have donated to the Library. (4) Commit to handling all future discussions in accordance with the Open Meeting Law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body **AND** to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.

April 2, 2021

Brian W. Riley
briley@k-plaw.com

BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Sudbury – Goodnow Library Board of Trustees
Open Meeting Law Complaint from Henry Sorett, received February 11, 2021

Dear Attorney Benedon:

Please be advised that this office serves as Town Counsel to the Town of Sudbury. The Town’s Goodnow Library Board of Trustees (“Board”) is in receipt of an Open Meeting Law Complaint received February 11, 2021 from Mr. Henry Sorett (“Complaint”). A copy of the Complaint is enclosed. The Board notes initially that the Complaint is neither signed nor dated, as required by 940 CMR 29.05(1), but the Board has elected to respond to the Complaint.

The Complaint alleges that the Board did not permit public participation in its January 19, 2021 meeting before voting to “disassociate with the Friends [of the Goodnow Library],” and claims without evidence that the Board had conducted an illegal meeting that did not comply with the Open Meeting Law (“Law”) because the Board’s decision regarding the Friends “had obviously been discussed” outside of a meeting. The Complaint further alleges that after the January 19 meeting, a letter signed by the Board chair was issued “which had obviously been written prior to the meeting.”

The Board denies that it committed any of the alleged Open Meeting Law violations. It should first be noted that while the Complaint appears to state that this issue between the Board and the Friends arose for the first time on January 19, without discussion, the issues between the two bodies actually go back several months or even years. For example, the Board’s meeting minutes (publicly available at <https://goodnowlibrary.org/about/trustees/>) demonstrate that the Board’s issues with the Friends were previously discussed on many occasions, including but not limited to the six consecutive Board meetings held immediately prior to January 19, 2021. The Board discussed its issues with the Friends extensively in these open session meetings, and this allegation is clearly meritless.

The Board further submits that while the Law does not require that a public body allow any participation by the public (“No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent.”), the Board chair in fact

{Name of Recipient}

April 2, 2021

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recognized numerous participants to speak before a vote was taken to discontinue the Board's relationship with the Friends.

Finally, the Complaint claims that the Board's letter to the Friends dated January 20 had been drafted before the January 19 meeting. This statement is accurate, but it is obviously a commonplace practice for a board member or staff person to draft a letter and then finalize it after the public body approves it at a meeting. The Board submits that there was no quorum involved in drafting the referenced letter and the Complaint offers no evidence otherwise.

In summary, the Board denies all allegations of the Complaint, there were no violations involving its January 19, 2021 meeting and no remediation is necessary.

Very truly yours,



Brian W. Riley

BWR/

cc: Board of Library Trustees
Mr. Henry Sorett