

**PEABODY INSTITUTE LIBRARY
BOARD OF TRUSTEES**

**Minutes of Meeting
January 11, 2010**

The meeting was called to order by Board President Martha Cavanaugh at 7:30 pm.

President Cavanaugh requested the representatives who were there to make the presentation of the grievance of Christine Spinale to please introduce themselves and proceed with their presentation.

Present at the meeting to make the presentation were: Phil Katz consultant to the American Federation of Teachers of Massachusetts, Bruce Nelson, President of the Peabody Federation of Teachers and Kathleen P. Walsh, West Branch Librarian and Union Representative (Massachusetts Federation of Teachers) for local 1289.

Mr. Katz stated they were there to present a grievance by Ms. Spinale that was submitted, considered and rejected by Library Director Martha Holden and the Board of Trustees. Mr. Katz stated the grievance was then sent to the Mayor's office, who suggested they meet with the Board of Trustees to present the grievance once again for their reconsideration. Mr. Katz thanked the Trustees for that opportunity.

Mr. Katz provided the Board with a packet of information on the grievance and the history of the process to date. The packet of information included: a copy of the relevant section of the "Agreement Between the City of Peabody and the Peabody Federation of Teachers, Local 1289 AFT Massachusetts, AFL-CIO" to the grievance, a copy of the original grievance, a copy of the response letter by the Board of Library Trustees dated December 14, 2009, a copy of the letter sent by Kathleen P. Walsh to Mayor Michael Bonfanti dated December 16, 2009 requesting a date to meet regarding the grievance, and a copy of the letter sent to each member of the Board of Library Trustees written by Kathleen P. Walsh dated December 30, 2009 requesting a meeting at the January Board of Trustees meeting.

Mr. Katz explained that Ms. Spinale was an employee of the Library for 13 years, the last three of which had been full-time, the first ten of which had been part-time. Mr. Katz stated that Ms. Spinale was grieving that she had been denied Longevity pay for her 13 years of service for which she believed she should be eligible based on the article stating that "All full-time employees shall receive a career monetary award. Such award shall be computed as follows:...Ten (10) years of continuous service...\$500". Mr. Katz stated it was their understanding the Library denied the Longevity pay because Ms. Spinale was part-time for some of her years of service. Mr. Katz stated it was their position that the employee only needed to have consecutive years of service and that the contract did not require all of those years of service were full-time.

Mr. Katz stated that as Ms. Spinale had been at the Library for more than ten years, and was currently a full-time employee, it was their belief that she should have received a \$500 Longevity award. Mr. Katz stated that nowhere in the contract did it state that all of the years of service to be eligible for a Longevity award by a full-time employee needed to be full-time; the contract stated that the requirement were the number of years of continuous service. Mr. Katz stated that if the requirement were years of continuous, full-time employment, the contract would be written in that manner.

Trustee David Hallinan inquired as to whether or not Ms. Spinale would be eligible for the Career Service Award which was awarded to part-time employees on a pro-rata basis. Mr. Katz explained she would not be eligible for that award as she was no longer a part-time employee but was currently a full-time employee.

Trustee Robert Walsh inquired as to whether or not Ms. Spinale had received a Career Service Award or a Longevity Award in the past. Mr. Katz stated Ms. Spinale had not received a Career Service award in the past as that award was not in place until 2009; she had not received a Longevity Award in the past as it was for full-time employees and she was not a full-time employee when she was last eligible.

Mr. Katz explained that the Career Service Award for part-time employees was not adopted until 2009. Mr. Katz stated that while the Career Service Award was not relevant to the situation of Ms. Spinale, she should not lose the benefit of receiving a monetary award as she would have should she have remained a part-time employee, just because she was now a full-time employee. Mr. Katz stated Ms. Spinale should receive a Longevity award as she had 13 years of continuous service and was currently a full-time employee.

In response to a question from the Board, Mr. Katz stated that while they did not do full investigation on past practice, they were aware of at least once instance where a former part-time employee received a Longevity award for a period of time which included their part-time employment. Mr. Katz asked Ms. Walsh to explain as she was the employee who had received that benefit.

Ms. Walsh stated when she first began her position, it was a shared full-time position, therefore she worked part-time hours at that time. Ms. Walsh stated she shared both hours and benefits with the other person. She had previously received a Longevity award based on the time she worked at the Library both in the shared full-time position and her full-time position. Ms. Walsh stated that she felt that it did not make sense to her that should a person remain part-time they would be eligible for a prorated Career Service Award, however if they transitioned to a full-time position, they then lost that benefit and had to start all over again in terms of years of service to be eligible for full-time Longevity award benefits.

President Cavanaugh inquired as to whether or not Ms. Walsh was the only person who fell into the past practice. Mr. Katz stated that without further research, they did not know the answer to that question.

Library Director Martha Holden stated that to her knowledge, everybody who was on the Longevity Plan had continuous, full-time service. Director Holden stated that Ms. Spinale was considered an 18-hour employee prior to becoming full-time, therefore did not hold a benefited position as Ms. Walsh had when she job-shared prior to becoming a full-time employee herself.

Mr. Katz stated that again, the representatives felt that the language was very clear in the contract that a full-time employee needed continuous service, not full-time continuous service, as it was not stated anywhere in the contract that the continuous service needed to be all full-time in nature.

The Board and Mr. Katz discussed the appropriate timeline in which the Board should respond to the grievance. Trustee McAllister, representing the Personnel Committee that would meet to discuss the grievance and make a recommendation to the Board as a whole, stated the Committee would schedule a meeting prior to the next Board of Trustees meeting on February 1, 2010. As that was the case, a written response to the grievance could be issued by the end of that week, February 5, 2010. Mr. Katz agreed that the timeline would be acceptable. Therefore, it was mutually agreed upon the Board would respond to Ms. Spinale's grievance by Friday, February 5, 2010.

Mr. Katz, Mr. Nelson and Ms. Walsh thanked the Board for its time.

As there was a quorum present, the roll call was taken:

Present

Martha Cavanaugh
Jerry Bellew
Don McAllister
Robert Walsh
Margaret Tierney
Wes Merrill
Anne Quinn
Richard Shruhan

Absent

Nancy Sue Keller
Ted Quinn
Maria Dakos
David Hallinan

President Cavanaugh stated that as the Board did not currently have a Secretary to oversee the election of Officers, she would like to appoint a Secretary pro tem. President Cavanaugh appointed Don McAllister as Secretary pro tem.

A **MOTION** was made by Don McAllister calling for the suspension of the rules of the Board in order to elect officers for the 2010 term. The motion was seconded by Robert Walsh.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee Don McAllister assumed the Chair and the nominations of the Officers commenced.

A **MOTION** was made by Martha Cavanaugh to open nominations for President of the Board of Trustees for the 2010 term. The motion was seconded by Margaret Tierney. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee McAllister called for nominations of the President of the Board of Trustees. A **MOTION** was made by Martha Cavanaugh nominating Don McAllister as President of the Board. The motion was seconded by Jerry Bellew.

As there were no additional nominations, a **MOTION** was made by David Hallinan to close the nominations for the President of the Board of Trustees. The motion was seconded by Martha Cavanaugh. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee McAllister called for a vote of the nomination. The nomination of Don McAllister as President was unanimously approved by the Trustees in attendance by a voice vote.

Don McAllister was unanimously elected President of the Board of Library Trustees for the 2010 term on a vote of the Board cast by its Secretary pro tem, Don McAllister.

A **MOTION** was made by David Hallinan to open nominations for Treasurer of the Board of Trustees for the 2010 term. The motion was seconded by Jerry Bellew. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee McAllister called for nominations of the Treasurer of the Board of Trustees. A **MOTION** was made by David Hallinan nominating Margaret Tierney as Treasurer of the Board. The motion was seconded by Martha Cavanaugh.

As there were no additional nominations, a **MOTION** was made by David Hallinan to close the nominations for the Treasurer of the Board of Trustees. The motion was seconded by Wes Merrill. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee McAllister called for a vote of the nomination. The nomination of Margaret Tierney as Treasurer was unanimously approved by the Trustees in attendance by a voice vote.

Margaret Tierney was unanimously elected Treasurer of the Board of Library Trustees for the 2010 on a vote of the Board cast by its Secretary pro tem, Don McAllister.

A **MOTION** was made by Martha Cavanaugh to open nominations for Secretary of the Board of Trustees for the 2010 term. The motion was seconded by David Hallinan. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee McAllister called for nominations of the Secretary of the Board of Trustees. A **MOTION** was made by Jerry Bellew nominating David Hallinan as Secretary of the Board. The motion was seconded by Margaret Tierney.

As there were no additional nominations, a **MOTION** was made by Robert Walsh to close the nominations for the Secretary of the Board of Trustees. The motion was seconded by David Hallinan. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Trustee McAllister called for a vote of the nomination. The nomination of David Hallinan as Secretary was unanimously approved by the Trustees in attendance by a voice vote.

David Hallinan was unanimously elected Secretary of the Board of Library Trustees for the 2010 term on a vote of the Board cast by its Secretary pro tem, Don McAllister.

Following the election of the new Officers for the Board, newly-elected President Don McAllister assumed the Chair.

President McAllister moved that the Board begin selecting seating assignments for the 2010 term. The selection process commenced. Following the selections by the Board members who were present, the Board requested recording secretary Allison Lytle assist in randomly selecting the remaining seats for the Trustees not in attendance.

The seating assignments for the 2010 term are as follows:

Trustee	Seat #	Trustee	Seat #
Don McAllister	1	Maria Dakos	7
Wes Merrill	2	Robert Walsh	8
Jerry Bellew	3	Nancy Sue Keller	9
David Hallinan	4	Martha Cavanaugh	10
Margaret Tierney	5	Ted Quinn	11
Anne Quinn	6	Richard Shruhan	12

A **MOTION** was made by David Hallinan to resume the normal rules of the Board. The motion was seconded by Robert Walsh. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

President McAllister thanked Martha Cavanaugh for her years of service as the President of the Board of Trustees. President McAllister commended her hard work and dedication to the Board.

Approval of minutes from previous meeting

As there were no changes or corrections to the minutes, a **MOTION** was made by David Hallinan to accept the minutes from the December 17, 2009 meeting as amended. The motion was seconded by Margaret Tierney. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

Receipt of Communications

President McAllister reported the Board of Trustees received a letter from the MBLA outlining Peabody's grant funding for the year.

President McAllister reported the Board received a thank you note from former Trustee Daryl Ann McCarthy for remembering her at her final meeting in December and for the gift from the Board.

Report of the Library Director

Staffing: Director Holden reported West Branch Library Aide Robyn Johns had recently resigned her position. Director Holden stated she would meet the next day with Finance Director Patti Schaffer and Director of Human Resources Heidi Henson to request authorization to post the position. Director Holden stated she did not anticipate any problem with the request.

Buildings & Grounds: Director Holden reported that ATC Associates of Woburn would conduct an asbestos survey of the Main Library on Thursday, January 14th and Friday, January 15th. The survey was recommended by the Library's HVAC project engineer who stated the survey should be completed prior to the commencement of the HVAC project so that the Library would be aware of any areas that would need to be avoided or specially treated during the larger project work.

Director Holden reported Purchasing Agent Daniel Doucette, Clerk of the Works Louie Karamas, Building Inspector Kevin Goggin and herself met with the principals from RDK Associates, who would oversee the project in the areas of electrical, controls and architecture. Director Holden stated they also met with RDK's proposed commissioning agent who explained the process and would provide a quote for the City's review. Commissioning would be included in the project for the first time in the City's history. Director Holden reported that, per the Mayor's offer of establishing a building committee for the project, she would give him a recommended list of six or seven people who would meet as necessary (more frequently at the beginning and end of the project) to oversee and make recommendations regarding the project. Trustee Richard Shruhan would be on the list as would Trustee Wes Merrill who recently expressed interest, and Dan Doucette. Director Holden stated she was looking for people who had interest in the project, plus experience with HVAC projects or major public projects. Director Holden requested that if any members of the Board would like to recommend a person for the committee, please let her know by the end of the week.

Director Holden reported the first two items of business with regard to the HVAC project was determining requirements for ADA compliance, as the Library would reach the threshold for mandatory ADA upgrades; and an architect's report that could be used as the basis of the Library's request to the Massachusetts Historical Commission for a determination of non-adverse historical impact on the historic structure. The historic improvements to the first floor lobby area should offset any minimal change to the exterior of the building. Director Holden stated that, regardless, the Library could not apply for local and Commonwealth authorization without a statement of impact from the architect. Director Holden stated that both of these items were identified as early action items for the project engineering/architectural team.

Director Holden reported that on December 23rd there was a minor car accident in the parking lot at the West Branch Library. A section of the wooden fence on the east side of the lot was destroyed but, fortunately, the driver was not injured. Director Holden reported the city filed an insurance claim with the driver's insurance company and as soon as the company responded to the claim, the Library would replace the missing section of the fence. In the meantime, the area had been cleaned. Director Holden reported that the Library hoped to repair and paint the entire fence in the spring if funds allowed.

Director Holden reported other building repairs over the past month included burner work at the South Branch Library. The burner had not been operating effectively to provide sufficient heat.

Technology/Equipment: Director Holden reported Technical Services Librarian Yunan Guo added another PC at the West Branch Library so that there were now four internet, plus one public catalog PC at the West Branch Library. The addition was made at the request of West Branch Library staff who reported that three public internet stations were not sufficient to handle demand. Director Holden stated the Library would continue to monitor demand and add additional stations if necessary, and if possible, consider funding.

Director Holden reported that it was the second year of the two-year Gates Grant that was awarded to the Library for 2009-2010. That year, the Library would add another public PC station at the South Branch Library and would replace equipment at two other stations. Director Holden stated the Library no longer qualified for the latest-announced Gates initiative that would provide minimum bandwidth (T-1) for public library buildings. The Library's recent switch to Comcast service now provided adequate bandwidth for the Library's needs.

Director Holden reported the public copier lease at the Main and West Branch recently expired. The Library recently negotiated a new lease with similar terms with Konica Minolta. Both locations had new equipment that was installed last week. Director Holden reported the contract expired at the end of three years.

Director Holden reported the Library would use Library Insight software for managing meeting room reservations, adult service programs, and museum passes beginning next week. Director Holden stated the Library currently used a manual record for those services with the result that there were occasional clerical mistakes that might be avoided with new software. Director Holden stated most area libraries had migrated to either that software, or similar software, within the past few years. Director Holden stated the Library had not heard any negative reports thus far.

Collection Security: Director Holden reported the Library had recently started purchasing security cases for its new DVD purchases that hopefully would eliminate the need for bulky binders at the circulation desks. Director Holden reported the new cases had a magnetized lock and unless the lock was removed at the circulation desk, the case could not be opened without breaking the DVD inside. Director Holden brought an example for the Board. Director Holden stated the protection had been very successful in its test phase. Director Holden stated the Library would try to incorporate the security system as funds allow, to branches and other departments. Director Holden stated that, unfortunately, the security cases added almost \$1.00 to the cost of processing each item, therefore they would be incorporated as the Library was able.

Director Holden reported that both the *Salem Evening News* and the *Boston Herald* ran articles recently that highlighted the Peabody Institute Library's efforts to locate people who owed excessive fines to the Library, and to make arrangements for payment of such. Director Holden stated she tried to stress the fact that the number of people who owed excessive amounts was statistically insignificant (3 out of 32,000+) and that the Library's policies were relatively lenient. Director Holden stated that someone could only generate fines that high by refusing to return multiple items, not by late returns (that max out at \$2.00/item). Director Holden stated that hopefully those points were clear in the article. Director Holden stated that, in any event, it was her responsibility to try to recover the missing items and the public feedback to such had been overwhelmingly positive.

Grants: Director Holden reported Nancy Barthelemy submitted a grant application for the restoration of the life-sized George Peabody portrait that hung in the elevator lobby. Because of the portrait's massive size and its method of attachment, moving the portrait and removing the canvas from the frame was a complex process. Director Holden reported the restoration would require a moving company, a frame restoration specialist and a portrait conservator. Director Holden stated it was the Library's hope to remove the portrait before the HVAC project commenced and replace it when construction in that area of the building was completed.

Director Holden reported Nancy Barthelemy would submit a grant application for a Mass Memories Roadshow that the Library hoped to host in the spring. Director Holden explained the Mass Memories Roadshow was an event in which people were invited to bring in photographs taken locally, either of family or an event significant to local history. The image was then described by the participant on recorded videotape, scanned and added to the Library and Mass Memories databases, and returned to the participant.

Director Holden stated the particular emphasis for the project was placed on immigrants – photos of citizenship celebrations, new experiences, or several generations of families.

Programming/Services: Director Holden reported some highlights to the Library's schedule of programs and services in January and February included: AARP Tax Assistance by appointment at all buildings, beginning in February; a new Microsoft Office Word course led by Technical Services Librarian Yunan Guo, starting in February; White Goods sticker sales at all locations, starting today. On Valentine's Day, the Children's Departments in all three locations, in cooperation with Torigian Community Life Center's staff would send over 250 hand-made valentines to all recipients of Torigian Community Life Center's Meals-on-Wheels program. On January 25, Children's Librarian Carol Bender and Young Adult Librarian Melissa Rauseo would host "For the Love of Books" at the Peabody School Department's Parent Academy in the high school auditorium at 7pm.

Director Holden reported the "Food for Fines" program ended on December 23rd. During that period, the Library collected donations of non-perishable food items in lieu of overdue fines. Director Holden reported the response was very positive in 2009 as the Library collected approximately 20 large trash barrels full of donations.

Budget: Director Holden provided the Board with a copy of the most recent report for its review. Director Holden reported the Library was on track for that year. Director Holden explained payroll looked slightly off because there were 14 payroll periods in the first half of the fiscal year, and there were 13 in the second half. Director Holden stated the Library was comfortably within its payroll projections for the year. Director Holden reported in late-December, the Library received the Workforce Investment Board reimbursement for Maria Bresnahan, who worked for the federally-funded 1st Jobs Program in the Library's Summer Food Program.

Trustee Visit to TKM Studios: Director Holden reported she called TK McClintock to arrange a tour of his facility for the Trustees; she reserved the date of Friday, January 29th at 10am. Director Holden explained TKM Studios had been restoring the Library's Audubon prints in batches as they could cover the cost of the restoration. TK and his staff had been generous and flexible in their management of the project and the quality of their finished product was excellent. Director Holden reported that on several occasions, the Studio had sent a representative to give a public presentation of the project and their restoration process. Director Holden stated she hoped they could arrange another such visit in 2010.

Miscellaneous: Director Holden reminded the Trustees that they had to fill out a Conflict of Interest form if they had not already done so. Director Holden provided copies of said form for those Trustees who still needed one. Director Holden reminded the Board that they also had to go online and take a test on the subject by the end of April.

As there were no additional questions from the Board, a **MOTION** was made by Robert Walsh to accept the Director's Report as presented. The motion was seconded by Martha Cavanaugh. A vote was taken.

All in favor: Yes. Any opposed: No. The motion was unanimously approved.

Report of Committees

AUDUBON PRINTS: Committee Chair Jerry Bellew stated there was no new report from the Committee.

BUILDINGS & GROUNDS: There was no new report from the Committee in addition to the report provided by the Library Director.

FINANCE: There was no new report from the Committee in addition to the report provided by the Library Director.

PERSONNEL: There was no new report from the Committee in addition to the report provided by the Library Director.

FUNDRAISING: There was no new report from the Committee.

FUTURE PLANNING: There was no new report from the Committee.

LIAISON TO THE FRIENDS OF THE PEABODY INSTITUTE LIBRARY: There was no new report.

LIAISON TO THE PEABODY HISTORICAL SOCIETY: Liaison Jerry Bellew reported that at the request of the Mayor, the Historical Commission was working to recapture one of the jail cells downstairs at City Hall that was used from the Police Department from the 1880s to about 20 years ago. Trustee Bellew explained the jail cells in City Hall were currently being used mainly for storage and the Historical Commission was given the space by the Mayor with permission to clean out the space so the history of the police department and jail could be interpreted. Trustee Bellew stated the project should be up and running in about two to three months.

POLICY REVIEW: There was no new report from the Committee.

SPECIAL EVENTS: There was no new report from the Committee.

A **MOTION** was made by David Hallinan to accept the reports of the Committees as presented. The motion was seconded by Robert Walsh. A vote was taken.

All in favor: Yes. Any opposed: No. The motion was unanimously approved.

President McAllister stated that he would work on preparing a new list of committee members for each of the committees. President McAllister stated he would plan on keeping all of the committee members on the committees on which they serve, unless there were any objections, and would also add the new Trustees to the committees as

he saw appropriate. President McAllister requested that should any new, or former Trustees, have any special requests or preferences, to please let him know.

President McAllister stated that at the December Board of Trustees meeting, the Board voted to add Trustee Richard Shruhan to the HVAC Advisory Committee. As that was the case, President McAllister stated he would like to appoint Trustee Shruhan as the Chair of the Buildings and Grounds Committee as the committee did not have a chair with the departure of Christopher Burbridge. Trustee Shruhan agreed to the position.

President McAllister stated the Trustees would need a new representative to sit on the Peabody Institute Library Foundation Board of Directors. President McAllister explained the bylaws of the Foundation required that two members of the Trustees sit on the Board; however with the departure of Darryl Ann McCarthy from the Board of Trustees, there was only one representative from the Trustees on the Foundation Board. President McAllister stated the Foundation was a 501c3 who worked to raise funds on behalf of the Library. President McAllister asked the Trustees to think about whether or not they would be interested in serving on the Foundation Board. Trustee Anne Quinn expressed interest in joining the Foundation Board.

President McAllister reported the Trustees currently did not have a Liaison to the Friends of the Peabody Institute Library due to the departure of Rosemary O'Brien from the Board of Trustees. President McAllister inquired as to whether or not any of the Trustees attending the meeting of the Friends of the Library regularly or if there was anyone who was interested in becoming the Liaison to the Friends. President McAllister stated that should no one be available for that position, the Trustees could accept a report of behalf of the Friends.

Unfinished Business

President McAllister stated there was no unfinished business on which to report.

New Business

Director Martha Holden reported that the mother of John McCarthy, President of the Peabody Institute Library Foundation Board of Directors, passed away unexpectedly on Saturday at the age of 69. Director Holden stated the McCarthy family had been very supportive and generous to the City over the years. President McAllister stated that the Foundation would be postponing its next meeting from the following night to January 19th so that anyone who was interested in attending the wake could do so. Director Holden stated she had already sent flowers on behalf of the Library.

President McAllister stated he would discuss setting up a meeting with the Personnel Committee with Committee Chair Nancy Sue Keller to discuss the grievance of Christine Spinale. Trustees Margaret Tierney and David Hallinan expressed interest in joining the committee if they were not already on the committee.

Trustee Cavanaugh inquired as to whether or not there were any plans yet to celebrate George Peabody's birthday. The Board discussed the issue and agreed to plan the wreath-laying ceremony for February 13th, with a snow date of February 20th. Director Holden stated she would work on the invitations for the event.

In response to a question from the Board, Director Holden stated she would work on an updated version of the contact list for the Board of Trustees. Director Holden stated she hoped to have it done for the next meeting, along with a list of the updated committee assignments.

As there was no additional business to come before the Board, a **MOTION** to adjourn was made by Jerry Bellew and seconded by Martha Cavanaugh. A vote was taken.

All in Favor: Yes. Any Opposed: No. The motion was unanimously approved.

The meeting was adjourned at 8:55pm.

Submitted by,

Allison M. Lytle

Allison M. Lytle
Recording Secretary