A special meeting of the Board of Trustees of the Buffalo and Erie County Public Library was held on Thursday, September 1, 2005, in the Central Library pursuant to due notice to trustees. The following members were present:

Rebecca L. Pordum, Chair
Phyllis A. Horton, Vice Chair
Frank Gist, Secretary
John B. Long, Treasurer
Richard L. Berger
W. Lawrence Buck
Jack Connors
Annette A. Juncewicz
Susan Maggiore
Hormoz Mansouri
Elaine M. Panty
Abdul H. Raoof
Judith K. Summer
Sharon A. Thomas

Excused: Wayne D. Wisbaum

Chair Rebecca L. Pordum called the meeting to order at 4:00 p.m. in the Central Meeting Room.

Agenda Item B – Approval/Changes to the Agenda. The Chair announced the Public Comment segment of the meeting would precede all Board business items to allow trustees to hear comments from the public prior to voting on important matters. There were no objections by trustees.

Agenda Item C – Minutes of the Meetings of July 21, 2005 and August 4, 2005 . On motion by Mr. Buck with a second by Dr. Long, the July 21 st Minutes were approved as submitted. On motion by Ms. Horton with a second by Ms. Summer, the August 4 th Minutes were approved as submitted.

Agenda Item D – Report of the Chair. Ms. Pordum stated the B&ECPL System has entered an era of change. This era has been brought to the Library by circumstances beyond its control due to Erie County 's fiscal crisis. The Board is being fiscally responsible by making changes in the Library System. The Planning Committee held several meetings over the past three months, and other meetings have taken place with area officials to develop a plan that can serve the entire County. The B&ECPL System is unique in that it serves three different segments of the County—urban, suburban and rural. The System's 52 libraries served the public well for many years. The unfortunate circumstance at this time is that the County can no longer afford to sustain all 52 libraries. The Board charged the Planning Committee to generate a fair, equitable plan to determine how many libraries can be kept open under current budgetary constraints and where those libraries should be located.

Ms. Pordum thanked Board members for the many extra hours they contributed during the summer. She thanked Library Administration for spending an inordinate amount of time beyond the hours they normally work to develop a plan that will serve the entire County. The plan that has been devised will provide an opportunity to build new collaborations. Ms. Pordum also thanked the municipalities that met with Library officials. They have proposed some wonderful plans to help their residents receive services from libraries, albeit on a more limited basis. The Director and Chair will continue to meet with other officials to discuss additional collaborations.

Finally, on behalf of the Board, Chair Pordum thanked all the dedicated Library employees who will be laid off due to this fiscal crisis. Funding has been reduced, libraries will be closed, and that inevitably leads to layoffs. These staff members came to work for the Library, giving their knowledge and expertise to the community, and the layoffs are regrettable.

Agenda Item E – Public Comment. Dominic Bonifacio, Niagara District Councilman, requested the Northwest Library be kept open due to needs in that neighborhood.

John Klukowski, 189 Cazenovia, does not think libraries should be closed before 2006.

Jeffrey Gauthier, 189 Cazenovia, spoke in favor of retaining libraries in Erie County.

James Rose, representing Maria Whyte, said libraries are essential community resources. She plans to explore other funding options to retain the Northwest Branch.

ElizaBeth Berry is opposed to closing libraries and new library construction.

Jennifer Dockstader, 128 Congress, stated the Board needs to think about social responsibility as well as fiscal responsibility. The Northwest Library is essential.

Eric Washington, 194 Grant, is a frequent user of the Northwest Library, and he asked trustees to please keep his neighborhood library open.

Mark Hupkowicz, 128 Congress, uses the Northwest Library often for schoolwork.

Pamela Williams, 259 Grant, said the digital divide negatively impacts the diverse community surrounding the Northwest Library. She implored trustees to keep that library open under any circumstances.

Anais Galberth, 259 Grant, uses the Northwest Library and asked that it remain open.

Gudran Dockstader, 128 Congress, explained how important the Northwest Library has been in her life and asked that it be kept open. She suggested Crane be closed instead.

Maria Pratts, 350 Grant, said her family uses the Northwest Library and stated it will be difficult for children to visit other libraries, especially at night during the winter.

Ronald Draffin is an organizer for the Acorn Community Group located at 271 Porter Avenue. He believes the Crane Library is merely a convenience for residents in that neighborhood, whereas the Northwest Library is a necessity to area residents.

Pat Smith of Eden said 52 libraries are too many and feels closing some was necessary. All areas of the County were affected. There is also poverty in the suburbs and rural areas, but there is often no public transportation in many of those areas. She stressed the need for creative solutions to utilize and sustain the libraries that remain.

Chris Barbera, 114 Elmwood, said Board members have a position of responsibility and should work for the people—library patrons, not bankers and politicians.

Susan Minekime, Director of the Eden Library, thanked trustees on behalf of the people of Eden. She encouraged everyone to move on and work towards re-building this Library System back from decimation, to strengthen what remains of the B&ECPL.

Kathleen Byrnes, 52 Keats, Tonawanda, requested the Brighton Library be kept open until a new hub library is built. She developed a plan to keep Brighton open, and she plans to present it to the Town of Tonawanda Town Council.

Christina Tetter, 21 Keats, Tonawanda, would like to keep the Brighton Library open until the new replacement hub library is opened.

Linda Byrnes, 52 Keats, Tonawanda, thinks the Brighton Library should remain open because it would be the only Town library north of Sheridan Drive.

Valerie Niederhoffer, 85 West Avenue, spoke in favor of keeping all libraries open.

Mamie Gennis spoke on behalf of all libraries. They are needed to educate the young leaders of tomorrow and help children develop their minds.

Agenda Item F – Committee Reports.

Agenda Item F.1 – Planning Committee. Report given by Committee Chair Pordum.

Agenda Item F.1.a – 2006 System Plan. Due to the fact that more than 85% of the B&ECPL budget comes from Erie County taxes, Rebecca Pordum, as Chair of the Planning Committee, recommended Resolution 2005-36, which will maintain a 36-unit library system for fiscal year 2006, provided the County delivers funding in the amount of \$21.7 million. Trustee Summer moved for approval and was seconded by Ms. Panty.

Trustee Long stated the Town of Tonawanda has five libraries, but due to fiscal constraints the Town Library Board had no choice but to close two of them, Brighton and Greenhaven. Dr. Long is in favor of Resolution 2005-36 because there is no other option.

Trustee Juncewicz stated she was Planning Committee Chair when the Cohen report was issued. That report introduced the opportunity to build a better System with better

services. She stated she could not support this resolution, which is being forced on the Library System due to non-support by the County Executive and County Legislature . She believes there is still hope that the Legislature will recommend more than \$21 million for Library operations and may restore capital funding for library materials. She said \$21 million will barely sustain operations in the libraries that are being kept open. There will be fewer open hours, less materials and less staffing. The State delegation has been silent in terms of state aid, which has remained stagnant. County Legislators have been silent in responding to the future of libraries in this community.

There being no further discussion, Resolution 2005-36 was approved by a vote of thirteen to one, with Trustee Annette Juncewicz opposing.

## RESOLUTION 2005-36

WHEREAS, in late 2004, a proposed "Red Budget" threatened to curtail virtually all operations of the Buffalo and Erie County Public Library in 2005, and

WHEREAS, a revised County budget, with a property tax levy of \$21.7 million for Library purposes, was adopted in December 2004, saving the Library System from disaster but imposing revenue reductions that necessitated personnel and service cuts throughout the B&ECPL, and

WHEREAS, over the first eight months of 2005, Erie County has failed to provide a \$5 million capital appropriation for the purchase of new library materials, compounding the Library's fiscal dilemma, forcing additional cuts in fourth quarter revenue for every part of the System in order to fund the purchase of a minimal amount of new library materials for public use, and

WHEREAS, the County Executive has indicated formally that he will not recommend 2006 B&ECPL operating support in excess of \$21.7 million, the same levy approved for 2005, and

WHEREAS, this amount is more than \$7 million less in operating and library materials support than Erie County provided in 2004, and

WHEREAS, current estimates project that a \$21.7 million appropriation will sustain only 36 of the present 52 locations, and

WHEREAS, those remaining locations must operate on compressed schedules, with reduced and/or reconfigured staffing, and

WHEREAS, some of those libraries cannot be funded to meet minimum New York State standards and must seek waivers or secure supplemental funding from other sources to meet those mandates, and

WHEREAS, the Board's Planning Committee has conducted an exhaustive inventory of every public library location in Erie County to determine which have the greatest

capacity to deliver the most (in services and resources) to the largest number of people, and

WHEREAS, this comprehensive appraisal was based on 19 individual factors, and

WHEREAS, the results of this System-wide assessment have been reviewed and revised to address various deficiencies and concerns, now therefore be it

RESOLVED, that the B&ECPL Board of Trustees approves a plan to reduce the Library System from 52 to 36 public service locations, and be it further

RESOLVED, that the following libraries have been identified for B&ECPL funding support in 2006:

Angola Public Library Anna M. Reinstein Branch (Cheektowaga)

Audubon Library (Amherst ) Boston Free Library

Central Library (Buffalo ) Clarence Public Library

Clearfield Branch (Amherst) Collins Public Library

Concord Public Library Crane Branch (Buffalo)

Dudley Branch (Buffalo ) East Aurora Library (Aurora )

East Clinton Branch (Buffalo) East Delavan Branch (Buffalo)

Eden Library Eggertsville-Snyder Branch (Amherst)

Elma Public Library Ewell Free Library (Alden)

Merriweather Branch (Buffalo) Grand Island Memorial Library

Hamburg Library Kenilworth Branch (Tonawanda, Town)

Kenmore (Tonawanda, Town) Julia Boyer Reinstein Branch (Cheektowaga)

Lackawanna Public Library Lake Shore Branch (Hamburg)

Lancaster Library Marilla Free Library

Newstead Public Library Niagara Branch (Buffalo)

North Collins Public Library North Park Branch (Buffalo)

Orchard Park Public Library Riverside Branch (Buffalo)

Tonawanda (City) Library West Seneca Public Library

and be it finally,

RESOLVED, that individual contract library boards of trustees be notified of these decisions at the earliest opportunity, for those boards retain statutory authority over the library or libraries within their chartered service area and retain responsibility for any formal action regarding the closing of those libraries.

Agenda Item F.1.b – Buffalo Branch Closings. Director Michael Mahaney reiterated that the Town of Tonawanda Library Board took action within the last few weeks to make the hard, painful decision to close libraries within the Town of Tonawanda. This Board does not have the authority to do that; it is the statutory responsibility of the Town of Tonawanda Public Library Board . The Town of Cheektowaga Library Board also made the painful, but necessary, decision to close two libraries in Cheektowaga. The B&ECPL Board retains statutory authority over the libraries that reside within the City of Buffalo, fifteen branches and the Central Library. It is necessary for the Board to identify the branches within the City that will close. Seven branches are slated for this destiny. The libraries proposed to be closed on October 14 th are Mead and Fairfield. On November 18 th, the Cazenovia, Kensington and Northwest branches will close, and on December 16 th, North Jefferson, which will be replaced by the Frank E. Merriweather, Jr. Branch, Fronczak and M. L. King branches will close. This resolution takes the necessary steps not only to close these libraries and dispose of their assets, but also to notify the appropriate parties who are responsible for the maintenance of the buildings. Ms. Summer moved for approval and was seconded by Dr. Mansouri.

Mr. Buck suggested that if the County Legislature finds additional funding, the Board may reconsider some of these closings, or may re-open some closed branches. The Chair said she believes that no member of the Board is in favor of closing branches, it is simply a matter of fiscal responsibility predicated on a \$21.7 million budget. She asked that everyone continue to advocate for libraries.

On Ms. Summer's motion, Resolution 2005-37 was approved by a vote of thirteen to one, with Trustee Juncewicz dissenting.

#### RESOLUTION 2005-37

WHEREAS, funding reductions in 2005 and projected constraints in 2006

operating income from Erie County mandate the closing of multiple locations of the Buffalo and Erie County Public Library, some prior to the end of 2005, and

WHEREAS, the B&ECPL Board of Trustees exercises governing authority over operations of all 15 branch libraries within the City of Buffalo, now therefore be it

RESOLVED, that the following branch libraries within the City of Buffalo will close effective October 14, 2005 :

Mead and

Fairfield, and be it further

RESOLVED, that the following branch libraries within the City of Buffalo

will close effective November 18, 2005:

Cazenovia,

Kensington and

Northwest, and be it further

RESOLVED, that the following branch libraries within the City of Buffalo will close effective December 16, 2005 :

North Jefferson (to be replaced by the Frank E. Merriweather, Jr. Branch),

Fronczak and

Martin Luther King, and be it further

RESOLVED, that pursuant to terms of the prevailing lease agreement, the Director is authorized to transmit notification of this decision to the City of Buffalo, which retains ownership of all but one of the properties affected, and be it finally

RESOLVED, that pursuant to terms of the prevailing private lease agreement for the Martin Luther King Library, the Director is authorized to transmit notification of this decision to Towne Gardens Plaza, Inc.

Agenda Item F.2 – Budget and Finance Committee. Committee Chair John Long stated he reviewed budget and finance resolutions and recommends approval of all items.

Agenda Item F.2.a – Contract Library Transfers. Deputy Director Kenneth Stone stated this resolution concerns routine transfers within the Orchard Park Public Library. Ms. Horton moved and was seconded by Mr. Buck. Approval was unanimous.

**RESOLUTION 2005-38** 

WHEREAS, a request for budget transfers has been received from the Orchard Park Public Library, now, therefore, be

RESOLVED, that the Board of Trustees of the Buffalo and Erie County Public Library approve transfers totaling \$5,544 within the budget of the Orchard Park Public Library.

Agenda Item F.2.b – National Endowment for the Humanities (NEH) Grant. Mr. Stone explained this action would allow the Library to accept a \$1,000 grant to facilitate the upcoming tour of the NEH exhibit, *Alexander Hamilton: The Man Who Made Modern America*. The B&ECPL is one of 40 libraries selected to participate in this exhibition. Ms. Juncewicz moved for approval. She was seconded by Mr. Gist. The resolution was approved unanimously.

## RESOLUTION 2005-39

WHEREAS, the Buffalo and Erie County Public Library has been selected as one of 40 libraries to participate in the upcoming tour of *Alexander Hamilton: The Man Who Made Modern America*, and

WHEREAS, this traveling exhibit is funded by a major grant from the National Endowment for the Humanities (NEH) to the New York Historical Society and the Society with the Gilder-Lehrman Institute for American History are developing the exhibition in collaboration with the ALA Public Programs Office, and

WHEREAS, Librarian Marguerite Cheman wrote the grant proposal and will serve as the local exhibit coordinator, and

WHEREAS, to facilitate B&ECPL's participation in this program NEH is providing a \$1,000 grant, intended to be used for travel and lodging expenses for the B&ECPL staff member coordinating the exhibit here to attend an exhibit planning workshop and to support local activities in support of the exhibition, therefore, be it

RESOLVED, that the Buffalo & Erie County Public Library Board of Trustees authorizes acceptance of the grant proceeds and establishment of a grant budget to facilitate this opportunity as shown below:

2005 Grants Budget: Alexander Hamilton: The Man Who Made Modern America

Revenue \$1,000

Grant Expenditures \$1,000

Agenda Item F.2.c – Year 2006 Budget Request. On behalf of the Board, Chair Pordum thanked Deputy Director Kenneth Stone for his tireless work in putting together a balanced budget in tight fiscal times, while dealing with time constraints. Mr. Stone replied that he has been in public finance since 1979 and has never experienced a more difficult budget. The proposed budget request stays within the constraints proposed by

both the Fiscal Stability Authority consultants and the County Executive . It is important to note that the \$21.7 million budget that has been proposed for the Library includes no funding for library materials, previously funded in the County's capital budget. This forces the Library to absorb the cost of library materials within that allocation. This is the crux of the problem. At this point, the Library System has no money to purchase library materials. The funding level in the 2006 budget is more than \$7 million, or 24%, less than what the Library actually received in 2004. With 24% less money than what it received two years ago, the B&ECPL can no longer do everything that it did two years ago.

The budget presented is consistent with the adopted Four-Year Plan. It incorporates a moderate fee increase, recommended by the Buffalo Niagara Partnership study, to add a 25-cent fee to request print and audio materials and a \$1 fee to request DVDs or videos, with no charge for any juvenile materials. This resolution also requests that the County Legislature move forward and issue as much of the \$5 million book budget for 2005 as quickly as possible. Whenever reductions of this magnitude are made, it involves laying off staff. When you lay off people, you incur expenses—payouts for terminations and unemployment insurance. Those costs are going to exceed \$1 million. Once the additional payouts are finished, assuming stable funding from the library tax, that money would then be available to support a library materials budget in 2007. Under this plan, the money made available for library materials in 2006 is \$1.9 million, less than half of what the B&ECPL received in 2004. The alternative is to reduce services even more by closing more libraries. It is important that at least some of the capital funding be issued because it is hard to provide good library services if there are no new materials.

The Chair requested a motion to approve the 2006 budget request. Mr. Buck moved, and Dr. Raoof seconded. Ms. Panty requested and received clarification on the new fees being instituted for requested items. Also, in response to public comments made earlier expressing an opinion that the Library's budget should be audited, Ms. Panty stated the Library has excellent staff handling its financial matters and said the Library's accounts are available for inspection. She commended staff for their efforts in operating the Library in a fiscally responsible manner. Mr. Stone replied that the Library's accounts are audited every year, first by the Erie County Comptroller's Office and then by independent auditors hired by Erie County .

Ms. Summer requested clarification regarding the statement that the Grosvenor Room, Business, Science and Technology Department and Children's Room will be closed one day per week. Deputy Director Ruth Collins replied it is intended that all three departments will most likely be closed on Fridays. Services at the Central Library are being cut back just as they are at all other libraries.

Mr. Buck inquired what is considered to be an adequate materials budget for a library system the size of the B&ECPL. Mr. Stone replied it should be at least \$4 million per year. The standard rule of thumb, which the Library achieved in 2003 and 2004, is about 15% of the operating budget. This proposed budget is about half of that.

Ms. Juncewicz asked if the County Executive 's \$21.7 million recommendation was based on a zero percent property tax increase. Mr. Stone said this is the same amount

received in 2005. The Library was able to live within the \$2.5 million reduction in 2005, but the \$5 million shortfall in the materials budget is the main problem, plus the increased costs in retirement, medical, etc. To date, the Legislature has been unable to approve issuance of more bonded debt.

Ms. Juncewicz inquired about the impact of having one health insurer for the County. Mr. Stone said initially there was a savings in 2004, but rates went up substantially last year. The cost of medical insurance is a problem everywhere.

There being no further discussion, the Chair called for a vote on the budget resolution. It was approved unanimously.

#### RESOLUTION 2005-40

WHEREAS, the Library and its patrons have suffered through 2005 budget reductions resulting from the Property Tax for Library Purposes being reduced more than \$2.5 million and the lack of new library materials (books, magazines, books on tape/CD, CDs, DVDs, electronic databases, etc.) resulting from the County's failure to issue bonds to support the 2005 adopted Erie County Capital Budget's \$5 million allocation for said library materials, and

WHEREAS, in a letter dated July 6, 2005, County Executive Giambra requested the Library, within 30 days, submit a draft . . . balanced fiscal plan that includes:

- Holding the library property tax levy constant at the 2005 level for FY 06'.
- A program for addressing the issues raised in the Cohen report (and subsequent documents) regarding branches, specialization and services.
- A purposeful listing of funding needed to re-engineer the Buffalo and Erie County Library System over the 3 subsequent years of the fiscal plan. The ECFSA legislation allows for up to \$10 million per year for re-engineering initiatives. I would support some portion of that funding being designated for library re-engineering, and

WHEREAS, the Library delivered its Four Year Plan and Budget within both the time and appropriation limits as contained in Resolution 2005-34, approved on August 4, 2005, and

WHEREAS, under the plan, the Property Tax for Library Purposes in 2006 would remain unchanged from 2005's \$21,671,833, and

WHEREAS, on August 2 nd, the Library received budget instructions for preparing a formal 2006 budget request conforming to the County Executive's guidelines and at an August 23, 2005 meeting with County Budget staff, these guidelines were again confirmed and a budget request due date of September 2, 2005 was assigned, and

WHEREAS, the attached 2005 Budget Projections & 2006 Budget Request satisfies these requirements, and

WHEREAS, combined with the loss of County Capital support for library material purchases, Erie County's 2006 support for B&ECPL's operating and materials budget would be pushed BELOW the level provided in 1997 and more than \$7 million and 24% LESS than the Library received in 2004, and

WHEREAS, within this reduced allocation, the Library must generate the necessary operating savings to absorb library materials funding back into the operating budget, to offset the growing cost of health insurance and retirement and to offset anticipated termination, unemployment costs, and revenue losses that may result from these reductions, and

WHEREAS, a funding loss of this magnitude cannot be addressed without painful adjustments to library operations throughout the County, and

WHEREAS, these difficult actions will result in loss of funding for 16 libraries and reduced hours of service and staffing throughout the rest of the System, details of which are described in the attached *Impact of Reduced County Funding* document, and

WHEREAS, the County Executive 's plan also presents an opportunity to utilize ECFSA Incentive Grant proceeds to further intra/intermunicipal library consolidation projects that this budget proposal requests \$2.5 million of these proceeds in 2006, now therefore be it

RESOLVED, that the Board of Trustees of the Buffalo & Erie County Public Library adopts the attached 2005 Budget Projections & 2006 Budget Request, and be it further

RESOLVED, that the Board of Trustees urgently requests the Erie County Executive and Erie County Legislature to undertake the actions necessary to provide the 2005 Adopted Erie County Capital budget's \$5 million allocation for library materials to the Library to facilitate an orderly transition of the library materials budget back to the B&ECPL operating budget supported by the Property Tax for Library Purposes as requested in the previously approved Four Year Plan and Budget, and be it further

RESOLVED, that the Director transmit the resulting request to the County of Erie's Division of Budget, Management and Finance as close to the deadline as schedules and preparation time will allow.

Agenda Item G – Report of the Director. Mr. Mahaney thanked the administrative staff, which has spent the better part of the summer trying to make the most out of very little. He thanked staff members, who continue to serve the public, many of whom will not be here next year. He also thanked the Board, which committed itself to accomplishing the tasks presented to it. He said Ms. Pordum spent an inordinate amount of her summer dealing with library issues. As volunteers, he appreciates trustees setting aside personal interests to work on these vitally important matters.

Agenda Item H – Report of the Foundation Director. Executive Director Anne Leary was not in attendance, so no written or verbal report was provided.

Agenda Item I – Unfinished Business. No unfinished business.

Agenda Item J – New Business.

Agenda Item J.1 – Transfer of Public Property. Mr. Mahaney stated the Board has no intention of taking away the last vestiges of a library from a community if a viable alternative plan can be developed. This resolution is the first step toward allowing local governments, some of whom might own the buildings being vacated, or established 501(c)(3) community organizations, to take possession of equipment, materials and other furnishings the Library can no longer use. Perhaps this will contribute on a longstanding or lasting basis to the communities where those library buildings remain. The B&ECPL will establish a proposal process, in consultation with the County, in order to accomplish this. On motion by Ms. Horton, with a second by Mr. Buck, this action was approved unanimously.

# **RESOLUTION 2005-41**

WHEREAS, in the months ahead, multiple libraries in the Buffalo and Erie County Public Library System must close, and the disposition of Library property including books, periodicals, media, furnishings and equipment must be addressed; and

WHEREAS, the B&ECPL Board of Trustees has the authority under New York State Law to use and dispose of all Library property as it deems for the best interests of the institution, so long as prior to discarding any surplus books or reading materials, the B&ECPL Board offers to donate such books or materials to a not-for-profit corporation or political subdivision within the area of the Library System or to sell them to the general public; and

WHEREAS, the B&ECPL Board acknowledges that it does not have sufficient financial resources to sustain library service at each of its current 52 locations but does not wish to remove all Library property from each vacated building if either a political subdivision or a not-for-profit corporation within the area of the Library System is prepared to occupy that vacated space and make appropriate use of the Library property; and

WHEREAS, consistent with this authority and to accomplish these goals, some Library property contained in vacated libraries will be transferred to other libraries in the System for re-use, some sold to the public or otherwise disposed of, and some, upon written proposal for use by a not-for-profit corporation or political subdivision within the area of the Library System and evaluation of same by B&ECPL administration and legal counsel in consultation with Erie County, shall be transferred to such organizations, to assist their missions of service to the community; now therefore be it

RESOLVED that the B&ECPL Board of Trustees approves the transfer of property from closed libraries within the System, as set forth herein.

The Chair announced the Executive Committee would not meet in September. The next Board meeting will be held on September  $15,\,2005$ . There being no further business, on motion by Mr. Buck, seconded by Ms. Horton, the meeting was adjourned at 5:18 p.m.

Respectfully submitted,

Frank Gist

Secretary