

MINUTES
SPECIAL MEETING OF THE
BUFFALO AND ERIE COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES
April 12, 2011

A special meeting of the Board of Trustees of the Buffalo and Erie County Public Library was held on Tuesday, April 12, 2011, in the Central Library pursuant to due notice to trustees and to the public. The following members were present:

Sharon A. Thomas, Chair
Jack Connors, Vice Chair
Amy Alvarez Perez
Richard L. Berger
Frank Gist
Phyllis A. Horton
Sharon M. Kelly
Anne M. Leary
Elaine M. Panty
Judith K. Summer
Wayne D. Wisbaum

Absent: Rick Lewis
Hormoz Mansouri
Albert L. Michaels
John G. Schmidt, Jr. (recused himself)

Chair Sharon A. Thomas called the meeting to order and recognized a quorum at 1:04 p.m. in the Joseph B. Rounds Conference Room.

Agenda Item B - Approval/Changes to the Agenda. Executive Session was added to the agenda.

Agenda Item C - Report of the Chair. Ms. Thomas welcomed trustees and indicated that the purpose of this special meeting was to discuss the \$750,000 appropriated by Erie County to the Buffalo & Erie County Public Library (B&ECPL) by interfund transfer in the 2010 Erie County budget not paid over to the B&ECPL. A legal opinion as well as Exhibits A, B,C and D and a letter to Jeremy A. Colby, Esq., Erie County Attorney, dated 3/25/11 prepared by Library Counsel Patrick Martin, Esq. were transmitted to Board members prior to the meeting concerning this. Patrick Martin was invited and present for this meeting. Ms. Thomas remarked Trustee Schmidt recused himself from this meeting due to the subject matter.

Ms. Thomas requested a motion to enter into Executive Session for the purpose of addressing legal matters pertaining to library finances. On motion by Ms. Panty, seconded by Ms. Summer, the motion passed unanimously. The Board entered Executive Session at 1:06 p.m. Deputy Directors Mary Jean Jakubowski and Kenneth Stone as well as Mr. Martin were asked to remain for Executive Session. Trustees Leary and Wisbaum joined Executive Session at approximately 1:08 p.m. and Trustee Alvarez Perez at approximately 1:10 p.m. At approximately 2:04 p.m., after unanimous approval, the Board reconvened in public session.

After lengthy discussion regarding how to proceed with action regarding the \$750,000 portion of the County's 2010 appropriation to the B&ECPL, Chair Thomas brought forth two motions discussed in Executive Session. The first motion was to appoint a Negotiating Committee of two to three trustees to meet with County Executive Chris Collins to work towards an amicable resolution concerning the \$750,000. On motion by Ms. Summer and seconded by Mr. Connors, it was unanimously agreed for Chair Thomas to appoint a Negotiating Committee.

At the request of Trustee Connors, Ms. Jakubowski was asked to reiterate the second motion and stated the second motion discussed in Executive Session is to authorize Library Counsel Patrick Martin to continue to conduct preliminary work for taking legal action in regards to the \$750,000 if an amicable resolution is not obtained upon the Negotiating Committee meeting with Mr. Collins. Mr. Connors made the motion and was seconded by Ms. Panty. Following further lengthy conversation and debate, the motion was put to a vote. The motion to have Mr. Martin proceed with preparation for taking legal action in regards to the \$750,000 if an amicable resolution is not obtained by the Negotiating Committee was carried by a vote of five to four. Trustees Berger, Connors, Horton, Panty and Summer voted in favor of the motion. Trustees Gist, Kelly, Leary and Wisbaum voted against the motion. Trustee Alvarez Perez abstained. Chair Thomas did not vote.

Dependent on availability, if a meeting can be arranged between the Negotiating Committee and County Executive Chris Collins for Friday, April 15, 2011, a Negotiating Committee was appointed consisting of Rick Berger and Jack Connors. If the meeting cannot be arranged until next week, preferably Monday April 18, 2011, a backup Negotiating Committee was appointed consisting of Jack Connors, Amy Alvarez Perez and Sharon Kelly.

There being no further business, on motion by Mr. Connors, seconded by Ms. Panty, the meeting was adjourned at approximately 2:26 p.m.

Respectfully submitted,

Sharon A. Thomas
Chair