

**BOARD OF LIBRARY TRUSTEES MEETING  
TUESDAY, SEPTEMBER 13, 2016  
MASHPEE LIBRARY CONFERENCE ROOM**

**Present:** Carlo D’Este, Joan Lyons, Mary LeClair, Allen Waters, Mark Wright, and Kate Milde.

**Absent:** Marcia MacInnis.

**Also Present:** Kathy Mahoney – Library Director

Carlo D’Este, Chairman, called the meeting to order at 4:01 p.m.

**Approval of Minutes**

Kate Milde motioned to approve the Regular Meeting minutes of August 9, 2016 as presented.

Motion was seconded by Joan Lyons.

VOTE: Yes-3; 3-abstain.

Roll Call Vote:	Kate Milde, yes	Allen Waters, abstain
	Carlo D’Este, yes	Mary LeClair, abstain
	Joan Lyons, yes	Mark Wright, abstain

**Proposed MOU**

Carlo D’Este provided some of the background. He said Kathy Mahoney and he attended a meeting with the Town Manager and the newly appointed Assistant Town Manager about 2 months ago. The Town Manager wanted to discuss lines of authority between Library Director/Town Manager/Board of Library Trustees. The Town Manager stated he wanted to clarify his authority with regard to the Library Director position and the Town Manager sent a letter to Town Counsel requesting an Opinion on Town Manager’s authority. A copy of the emailed request to Town Counsel, as well as response from Town Counsel, dated June 23, 2016 was provided to the Trustees by Carlo.

Carlo explained the wording of the Mashpee Charter does not define Trustees authority clearly—he said it spells out the authority of the School Committee and that the School Committee appoints the Superintendent of School, but does not spell out Library Trustees’ authority to appoint the Library Director, which authority has always been under the Board of Library Trustees.

Mary LeClair pointed out that in the Town Charter the duties of the Town Manager contain the following clause:

*“Except as otherwise specifically provided in this charter, the Town Manager shall appoint all other town employees, except those serving under town officers or multiple member bodies elected directly by the voters. The Town Manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency”*

It was noted that this would seem to indicate that the Library Director reports to the Library Trustees, which has always been the accepted past practice.

## **Proposed MOU (continued)**

Carlo said the Charter takes precedence over past practice, the Town Administrative Code (which clearly states that the Library Director does not report to the Town Manager), and any Massachusetts State Trustee handbooks produced by the Massachusetts Board of Library Commissioners. Carlo said at last Charter Review the Trustees did not act to amend the Charter because they were assured that they had the authority to manage the Library, and did not need to request additional language. However, it is now clear we have to have the Charter spell out clearly the Library Trustees authority and we must act swiftly on this at next Charter Review session. The Trustees unanimously agreed this must be done.

Carlo said the Town Manager is proposing the MOU, which would only be valid as long as he holds the Town Manager position. If he vacates that position, then the MOU ends. Carlo said the Town Manager feels he is not abrogating Trustees' authority.

In reviewing the proposed MOU, the Trustees were in agreement to sign since the MOU provides either party may terminate the MOU at any time with written notice.

**Motion:** Mark Wright motioned to accept the proposed MOU between the Town Manager and the Board of Library Trustees. Motion was seconded by Joan Lyons.

VOTE: Yes-6.

Roll Call Vote:	Kate Milde, yes	Allen Waters, yes
	Carlo D'Este, yes	Mary LeClair, yes
	Joan Lyons, yes	Mark Wright, yes

## **Library Landscape Design Project**

Carlo D'Este requested approval of Phase 1 of the Talbot landscape design project proposed and reviewed at the last Trustees meeting.

**Motion:** Allen Waters motioned to approve up to \$10,000 for Phase 1 of the landscape design project submitted by Talbot Ecological Land Care.

Motion was seconded by Mary LeClair.

VOTE: Yes-6.

Roll Call Vote:	Kate Milde, yes	Allen Waters, yes
	Carlo D'Este, yes	Mary LeClair, yes
	Joan Lyons, yes	Mark Wright, yes

## **Library Trustees – Annual Reorganization**

### **Election of Officers**

**Motion:** Mark Wright motioned to nominate Carlo D'Este to serve as Chair for one year term.

Mary LeClair seconded the nomination.

VOTE: Yes-5; and 1 abstain.

Roll Call Vote:	Joan Lyons, yes	Mary LeClair, yes
	Kate Milde, yes	Mark Wright, yes
	Allen Waters, yes	Carlo D'Este, abstain

## **Library Trustees – Annual Reorganization (continued)**

**Motion:** Mark Wright motioned to nominate Joan Lyons to serve as Vice Chair for one year term. Carlo D’Este seconded the nomination.

VOTE: Yes-5; and 1 abstain.

Roll Call Vote: Joan Lyons, abstain	Mary LeClair, yes
Kate Milde, yes	Mark Wright, yes
Allen Waters, yes	Carlo D’Este, yes

### **Subcommittee Appointments**

The following Subcommittee appointments were confirmed:

- Finance – Mary LeClair and Joan Lyons.
- By-Laws – Mark Wright.
- Advocacy – Mark Wright and Allen Waters.
- Personnel – Carlo D’Este, Joan Lyons, and Mark Wright.
- Friends – Kate Milde.

### **Meeting Schedule:**

- 4 p.m. on Tuesday, October 18, 2016 in Library Conference Room.
- 4 p.m. on Tuesday, November 15, 2016 in Library Conference Room.

### **Adjournment**

Mary LeClair motioned the meeting be adjourned; Mark Wright seconded the motion; and the meeting adjourned at 5:05 p.m.

Respectfully submitted,

Jean Giliberti  
Recording Secretary

### **LISTED DOCUMENTS**

June 23 Town Manager/Town Counsel email.  
Proposed MOU document.