

HMML Library Trustee Meeting
DRAFT
April 17, 2018

Meeting Called to Order: 7:04

In Attendance:

Michelle Hogan

Ben Brown

Michelle Wheeler

Elaine Miskinis

Lara Croft

John Clark

Charlie Goodspeed

Sara Warner (Alternate)

Cody Belanger (Board of Selectmen)

Pledge of Allegiance

Secretary's Report:

- Motion to accept 11/2117 accepted with one abstention (John Clark wasn't on the board on 11/21/17)
- Motion to accept 2/20/18 accepted with one abstention (John Clark wasn't on the board on 2/20/18)
- Motion to accept 3/20/18 accepted unanimously
- Board decided to hold off on accepting the March Minutes until it airs on TV and the board members can review the information

Treasurer's Report:

Michelle said there will be some minor changes and a few updates haven't been made yet (water will change by around \$100). We have not been spending beyond what we should at this point.

Gross Budgeting: We budget the Town appropriated money, but there is also money above and beyond what comes from the town (from a trust, from planned donations, etc). So, if the town appropriates a certain amount but we have a gross amount above what the town has appropriated we need to disclosed the gross budget. The net budget is what the town appropriates.

Unanticipated Funds: There are also unanticipated funds (an unexpected donation, a large fundraiser). Unexpected funds can be accepted by the trustees and used as long as the town

has voted for the RSA that allows us to do that. Michelle emailed Erica to make sure that that RSA is on the books. (Lara confirmed that it is). If it's under \$5,000 we can vote on it in our meetings, if it's over \$5,000 they have to be voted on in a public meeting. So every time the donation jar is emptied at the library we need to vote on that amount whenever Ben gives in to Michelle. Part of our agenda can be to vote on donations every month. Any money that is not spent that year then needs to be budgeted for.

Other Money - This also goes into the non-lapsing account (fines, lost books, income generating equipment..the copier etc.). There is an RSA that allows for libraries to keep the "Other Money" as long as the RSA has been voted on (Erica is checking on that). The "Other Money" is limited to purchase of books, supplies, and repairs of income-generating equipment. We do not need to budget these. On the spreadsheet we are separating donations vs. fees etc. but, we have not been reporting what is being spent in relation to the non-lapsing account. Michelle will make sure that we add a section in the spreadsheet so that we can more easily track that. Donated money sometimes comes in with a specific purpose. The large donation we get yearly for the Summer Reading Program has always been put in the "Donation" column, Michelle will continue to make sure that that the funds will continue to be clearly marked as to where they're coming from and where they're being spent.

Director's Report:

Downloads are up from last year, but computer use is down from last year. Interlibrary loan is way up, but the ILL system is still down so they have to do it the "old fashioned way". The book clubs are driving some of that. The state run part of the ILL system has been down since December so the librarians have had to call individual libraries to request loans.

The copier was down for most of the month, so those figures are down.

The emergency closing pay policy. Ben drafted a new Emergency Closing Pay Policy. Lara asked that Ben rewrite the policy as one so that we can approve it. In the event of an emergency closing it's already in the minutes so if necessary the library staff can abide by that policy even before it's officially voted on.

Closed for 2 ½ days in March (3 ½ days and one full day for snow).

Youth Room Report:

Storyhour: 6 sessions 52 people
Children's Yoga: 4 sessions 20 people
SLC Storytime: 1 session 7 people
Paws to Read Therapy Dog: 4
Girl Scouts Meeting: 10
Dr. Seuss Birthday Party:48

Adult/All Ages Programs:

Dusty Olde Mystery Book Club 9

Contemporary Book Group 11

Classic Book Group 7

Garden Club 8

Great Gardens Lecture Series 18

Knitting Group 3

Society of Eloquent Artists 5

Map and Compass Class 19

Irish Harp Concert 53

Computer Use 11

Youth Room Attendance 764

Total Activity: 1,052

Total Money collected from copy machine \$3.30

Total money collected from Book Room \$15.00

We registered 6 new patrons in the Youth Room!

Upcoming Events and Programs

4/24 Chickens & Chicks Visit

4/24 Contemporary Book Club

4/26 Game Afternoon

4/27 Lamprey River Program

5/17 Great Gardens Lecture Series

Other Business:

Welcome to New Trustee Alternate Sara L Warner

- Sara needs to be sworn in at Town Hall
- Sara is a long time member of the Epping community. She went to school here and her mom was a guidance counselor here for 20 years. She is a children's librarian in Stratham. She is also the proud owner of Jimmy the Pig.

Discussion of Board of Selectman Rep Cody Belanger

- Most towns do not have a Board of Selectmen Rep on their board, but the few that do have raved about it. The board agreed that having a Selectman on the board is a positive move .
- Cody Belanger spoke about the value of having a Board of Selectmen rep and the discussions that took place on the selectmen's. Cody will be a voice on the board but not a voting member.

- The question was raised as to the Board of Selectmen's wording of "oversight assignment" in their minutes. Cody clarified that "Oversight assignment" means that the position is there in a non-voting capacity. It does not imply that the Selectman's role will be one of "overseeing" or in any way regulating the decisions of the members of the Board of Trustees
- Michelle moved to accept the recommendation of the selectman to include a representative from the Board of Selectmen on the Library Trustee Board. The board voted unanimously to have a representative from the Board of Selectmen sit on on the Library Trustee board
- John moved to accept the recommendation of the Board of Selectmen that Cody Belanger would act as the Board of Selectmen representative on the Library Trustee board; the motion was seconded and passed unanimously.

Board of Selectmen Meeting April 9th recap

- Discussed invitation to hold a joint meeting on April 23rd at 7pm regarding Library Expansion project
- We will have a quorum on the April 23rd meeting so we will have the opportunity to discuss any issues that are raised.

Building Committee report from Charlie Goodspeed

- Charlie was asked to present the breakdown of the \$600,000 plans for the expansion
- Charlie said that there are no plans to show at this time and no drawings to show at this time. Charlie said that until we hear from the Selectmen about how they'd like to proceed he there is nothing to show. Michelle asked about the decisions the Selectmen need to make. (The question was tabled since a representative from the Board of Selectmen was on the agenda for later in the meeting and could speak to that).
- Charlie said that the Library Building Committee had been formed and he gave the board the names of the members: Charlie Goodspeed, Michelle Hogan, Ben Brown, Dave Reinholdt, Michael Vose, Miss Eva, Teresa Kucera. (Mike Yergeau might be the Selectmen's rep on the board but that is not confirmed)
- Charlie said that no meetings are scheduled at the time and nothing will be scheduled until after Monday night's Board of Selectmen meeting but that he has spoken at length to members of the committee that is being formed. Meetings will be convened after the Board of Selectmen.
- Lara pointed out that Charlie needs to either hold meetings or he will be out of compliance with "Right To Know". Lara gave Charlie a copy of RSA 91-A: 1-a VI. *Any subcommittee of a municipal body is a public body and must comply in all respects with the Right to Know Law. Minutes must be kept and meetings must be posted in accordance with RSA 91:A*
- The minutes of the building committee should be posted on our website along with our trustee minutes

- Ben asked about the rules regarding a quorum and discussions that can take place - Charlie and Ben can discuss library issues for example, but no decisions can be made and if there's a quorum there needs to be an agenda and an official meeting.
- Michelle asked about the "control" over the library addition regarding which board (Selectmen or Library Trustee) makes the decisions regarding the building process. So, it might be the Board of Selectmen's decision, but there is some dispute regarding who has the authority. (This discussion was continued when Adam Munguia spoke as a member of the Board of Selectmen)

Q&A with architect: Jason LaCombe:

Architect with SMP Architects. Jason came to speak about the role of architects, specifically "Library Architects" (which, while that's not an official title is a role that many libraries use). Jason offered to answer questions by the board regarding the role of architects in the process. SMP Architecture has been in business for 35 years and has built over 20 libraries in the state. Jason stated that what he has seen in the Bond presentation and the budget presented leads him to believe that there seems to be a disconnect between the two, and the question then becomes "when does that become an issue and what can be done about it?" Jason said that he sees some red flags and concerns between the proposed plan, 3,500 square feet addition and 3,500 square foot renovation. The town of Bradford had an issue where there was a disconnect, it went over budget and then the voters shut it down and now it's boarded up. Cody asked Jason what the average fee for design for a project like this. Jason pulled up a comparable from Tuffonboro total cost \$1,533,704 for a 5,180 square foot addition. So, based on those figures ours would come to around 1.2 million. In the comparable the architecture, design, structural engineering and mechanical engineering fee came to roughly 9% of the budget.

Lara was rereading old minutes and found some information regarding this project when the \$600,00 that furnishings were not included. Renovations to the existing building were not included either. Charlie confirmed that it was a "guesstimate" .

Lara read from the minutes of November 18, 2014 regarding the cost of getting the existing building up to code.

The numbers that Jason included in his figures also did not include "soft costs" (furniture, etc.) Elevators etc. further the concern regarding the budget. Charlie confirmed that we will not secure any funding until we can ensure that we can construct it for the cost proposed.

Lara brought up the question of a CMR so that we'd be covered and we'd reduce our liability in the event that we go over budget. Jason said that it really comes down to how we're going to execute the project. A library is considered an "Assembly Use" which does require the seal of a designer. Since we're working with public money we might be required to have a bonded construction manager at risk or a general contractor (the law would have to be checked on that). If the town is holding the subcontracts then the town would be open to a lot of risk. Charlie confirmed that the plan is to use subcontractors and he said that's fully ensured but he's not bondable. Michelle had asked Greg about whether or not we're bonded and Greg said that we're all bonded (Michelle asked if there's a difference between bonded as trustees and bonded

for construction. Cody recommended that we consult with town counsel regarding the different kinds of bonding. The board will follow up on that.)

Jason's advice was that now that we're in a position to manage a construction project we need to minimize risk to the town and the money we're spending. Every contract that we would execute is a shifting of risk and responsibility and when you sign with a construction manager you transfer most of the risk to them. They help to protect the town and the town's dollars. The more risk you're asking the contractor to take on the more that will cost. If the town is taking on all of it who is overseeing it, who will be making sure that they're fulfilling that contract. If you can figure out how to do it for the budget then you also need to know the risks and how to protect for the risks. It's all about mitigating risks for the town.

Michelle asked about the set of plans that was presented to the town. Let's say that we do realize that the amount of money will not fulfill those plans, if that happens and we need to make decisions regarding the scale of the project do we then need to go back to the town and disclose that we have changed the plans. We voted for \$600,000 for a 3,500 square footage. Cody read the Warrant Article and it does indicate that the vote is specifically for a 3,500 addition so we would need to construct a 3,500 square foot addition in keeping with the Warrant Article.

Jason said that Epsom, NH is one of the success stories where they were able to do it on a shoestring budget because they were able to secure a lot of volunteer labor, donations etc. Jason also raised the question of "What happens to the library while the building process is taking place?". He said that we would want a defined line around the scope of the project so that you minimize the renovations to the existing building. Focus on the renovation and not making upgrades to the existing building. The structural challenges are such that you need to think about - reroofing the whole building, cutting into exterior brick - every time you touch the existing structure you impact the cost.

Charlie ran the numbers and if we have volunteers working on it the numbers should come out okay in terms of cost. Jason said to be careful about starting a project with the assumption that we'll have volunteers. Lara brought up the question of "discovered conditions" and her concerns regarding what will happen in terms of our risk if we don't have protection from liability and it all falls on the town.

Cody asked if Lara is saying that the project should be scrapped. She said no.

Cody said that there is no rush for the bond and there's time to get the final numbers before we do anything.

QA With civil engineer: Peter Welch (Peter Welch was asked not to come because we're not at that point yet.

Lara said that she's very comfortable with the fact that we're not asking for the bond until we get more information. Lara would like to see the RSA that shows that the Board of Selectmen has control over the building. Terry Knowles, an attorney for the Steve Buckley and Margaret Burns

who said per (RSA 41- 11A) including who builds it etc. (Get info from Lara regarding the RSAs) since we're ultimately responsible if we get sued, or there are fines involved
RSA 447:16 is the performance and payment bond (Jason said to talk to town council to see if that's required)

Meeting adjourned for a short break

After a 7 minute break meeting resumed at 9:07pm

Adam Munguia Chairman of the Board of Selectmen:

Adam wanted to address two items

He stated that RSA 202 A-6 is the election clause and that property is defined as property of the town and that RSA 41-1, again is the election clause.

Adam stated that we're all public servants and bound to the people. The people have instructed us as to what to do and now we have our marching orders.

Adama said that the role of the selectmen is clearly defined in the Warrant Article that was voted on in March. The Board of Trustees is not on the Warrant Article, the Board of Selectmen is.

He pointed out that as individuals we have no power, we speak as a board. No motion has been made, no vote has been taken and there is nothing to indicate that the Board of Selectmen should do anything other than to move forward as the voters intended. The Town Attorney reaffirmed that the Board of Selectmen is on the same page as the Library Trustees, The skill set level of the two boards together along with the building committee can accomplish our goals together, since we have to, since it's the will of the people. We need all of our stakeholders stakeholders input and interest. Adam said that while we can and should keep Charlie Goodspeed as a chair of the building committee he can't just select the members the committee without any input or discussion with the other boards. Adam's proposal for the building committee includes 3 members selected by The Board of Selectmen, as well as 2 members selected by the Board of Trustees.

Reporting out construction timeline, all of the details, reporting out to the Board of Selectmen including any political litigation that may arise. The last thing is to adopt a trackable, phased approach. We would get the plans approved, then you get the cost estimates, etc. (all of the phases can be reported out). All of plans can be costed out before we start, since we have very little latitude in terms of budget. Adam presented the a proposal for the phases of the expansion for the Board of Trustees to look at and decide on.

Michelle asked if the disagreement is between the NHMA and our attorneys regarding the liability on the part of the library trustees. It seems that that is the issue, but Adam reaffirmed that the Board of Selectmen has every intention of working with the Board of Trustees and any issues that arise will be handled; it was Adam's sense that liability would not fall on the Board of Trustees. Regarding subcontractors and building it ourselves Adam reaffirmed that self-building was always part of the plan. There was some discussion regarding whether or not the community knew that, and Adam stated that in the Warrant Article there is no mention of who will do the building, only that it will be done.

Lara brought up the issue of the chain of command if the Board of Selectmen is ultimately responsible. If the library trustees report to the building committee and the building committee

chair (Charlie) then reports to the Board of Selectmen that might be too many steps and information could get lost or miscommunicated. Adam restated the because there will be members of each of the boards sitting on the building committee there should be transparency. Adam again restated the fact that the town has tasked us with this addition and those are our “marching orders” and we’re all going to work together to make that happen.

Decision was made to table discussion of bylaws until next month.

Memo to send to town officials, board etc regarding Library Board of Trustees

Draft:

The Library Trustees of the Harvey Mitchell Memorial Library have created this memo to distribute to officials of the town of Epping to prevent future confusion and frustration in the process of conducting library business. We respectfully request that instruction from any individual Library Trustee board member be accompanied by minutes from a HMML meeting specifically verifying the instruction via approval of a majority of trustees.

Thank you for your time.

Decision made to send the letter to Greg Dodge and let him distribute it to the committees/people he feels necessary.

Point of Order: We have always said that we “request to adjourn to executive session” but it should be “request to move to executive session” and from now on, that is what we will say.

Motion to adjourn made at 9:52pm. Motion passed unanimously. Meeting adjourned 9:52pm.