

**KIMBALL LIBRARY BOARD OF TRUSTEES
REGULAR MEETING MINUTES
NOVEMBER 9, 2022**

ATTENDANCE:

Tom Kelley, Chair	Karen Brown, Director
Jill Ottow, Vice Chair	Kathy Watson, Asst Dir/Yth Svcs Dir
Karen Trasatti, Secretary	Nina Gray, Alternate Trustee
Marnie Finn, Treasurer	Linda Jette, Alternate Trustee 1:03pm
Sunaina Chawla, Trustee	Karen Moss, Resident

Call to Order: 1:00 pm

CHAIRMAN REPORT:

Tom expressed his gratitude to all involved in yesterday's election.

SECRETARY REPORT:

Approval of 2 meeting minutes from 10/12/22

Motion by Marnie, seconded by Jill to accept 10/12/22 regular meeting minutes.

5 Yes, 0 No. Motion passed.

Motion by Marnie, seconded by Sunaina to accept 10/12/22 special meeting minutes.

5 Yes, 0 No. Motion passed.

TREASURER REPORT:

October financials provided to Trustees.

General Account: \$18,930.17 (includes Ruth Campbell \$3,891.84 & Copy \$1,291.83)
Fines Account: \$ 3,705.15
Savings Account: \$12,191.20 (includes Elizabeth Smith \$9,724.19)
13 Passports (\$455.00)
2 Donations (\$10 + \$50 = \$60 total)

Motion by Sunaina, seconded by Karen T to accept Treasurer report for October.

5 Yes, 0 No, Motion passed.

Motion by Tom, seconded by Karen T. to accept \$60 in donations (unrestricted).

5 Yes, 0 No. Motion passed.

Marnie provided Trustees with the financials for copy \$ from 2019 to present (public use of copier). As of 9/30/22, \$2,396.73 spent, \$1,318.80 received. Per RSA, the copier is considered income producing equipment and intended to raise \$ for the library. KL currently charges .10

per copy. Due to increased toner costs, we may want to consider an increase in the copy fee. Marnie will research what local libraries charge for copies and report back next month. Topic tabled to next meeting.

DIRECTOR REPORT:

- As of 11/8/22, 16.5% of the budget left. Several bills due in the fall. Projected spending at 1.5%.
- Foot traffic and circulation is higher in October than September. 72 programs, 642 attendees in October. E-content is very popular and KL patrons borrowed 8,459 in the last 12 mos. Kathy Lamarre is a newly trained passport agent.
- Budget: BoS approved on 10/17, BC tentatively approved on 10/18.
- Upcoming staff development program w/ State Librarian Lori Fisher on 11/30
- Facilities: windows, light fixtures, rug, and foyer cleaned.
- Youth Programming (KW): Spooky season in October (parades, parties, movie nights). Curious Creatures event tonight (full w/ wait list). Felting class in Dec for tweens and adults

OLD BUSINESS:

- Solar Panel Study: Trustee consensus is although solar is a good idea, concerns are the timing considering the current age of library roof (midlife) and the return on investment.
- Survey Responses: 400 responses so far (40% paper, 60% online). High scores for the library, high praise for staff, early literacy is ranked high among responses. Not much feedback on what needs improvement. Survey ends 11/14.
- Budget Update: Atkinson Budget Committee meets again Tues, 11/15.

NEW BUSINESS:

- Master Plan Committee: Karen attended a meeting of the Master Plan Committee. The Committee will be reaching out to the library again in the future.
- Revisit of Meeting Room Policy & Posting of Legal Opinion: Tom indicated he had to respond to a recent issue surrounding a political event at the library and he felt this was a good opportunity to educate the community about the role of the public library with political groups to avoid future misunderstandings. Tom read a long prepared statement* (Jill read a portion of Tom's prepared statement). Tom provided Trustees with a document titled: Legal Opinion: Community Political Groups Have a Legal Right to Access Kimball Library Meeting Rooms and he motioned for it to be added to library website. (*statement below)

Motion by Tom, seconded by Sunaina to accept the legal opinions as defined on the document titled Legal Opinion: Community Political Groups Have a Legal Right to Access Kimball Library Meeting Rooms. 4 Yes, 1 Abstain Motion passes.

Friends of the Library meet on 12/21/22 @ 10:15am for a potluck meeting. All Trustees are welcome to attend.

Next meeting 12/14/22 @ 1pm

Tom may cancel the Dec meeting if we have no agenda items but if not he'll keep it on the calendar. Linda J suggested we discuss Christmas gifts for library staff in the event we don't meet in December. Marnie motioned, seconded by Tom to give Christmas gift cards to library staff using Trustee funds. Karen T suggested the motion state how many gift cards are being purchased and for what amounts. Marnie can't recall how many were purchased last year but the total cost was about \$450.00.

Motion amended and made by Jill, seconded by Marnie to issue Christmas gift cards to library staff not to exceed a total cost of \$550.00. 4 Yes, 1 Abstain. Motion passed.

Meeting Adjourned: 2:10pm

Respectfully submitted by,
Karen Trasatti, Secretary

The following remarks were made under New Business and addressed to the TV audience, a Revisit of the Meeting Room Policy

Good afternoon,

I want to make several remarks this afternoon concerning recent objections raised about the use of the Meeting Room at the Kimball Library. I want to believe that the concerns are based upon an unawareness of the full mission of a public library. I also believe that the concerns expressed were from individuals who care very much about the town of Atkinson.

The thought occurred to me that perhaps it would be helpful for the Trustees to clarify the library's role within the community so that the decisions being made by the trustees are seen in the light of conforming with the mission of the Library and established legal opinions.

The residents in the town of Atkinson have been a strong supporter of the library system. We have one of the most active libraries in the State for towns of our size. The Board of Selectmen, Budget Committee and taxpayers have long supported the library budget, programs, and retention of highly qualified staff. We appreciate that support. We have also recently distributed a town-wide survey, the first ever, to gather ideas of what residents want from our Kimball Library. We want to listen.

Almost thirty years ago, there was a legal challenge to the management of libraries, resulting in a legal opinion which clarified the relationship between a town and its public library. It said, "NH public libraries are not town departments, subject to jurisdiction and review by the town manager and/or select board. The NH Supreme Court affirmed in *Town of Lyttleton. Kathryn Taylor* (April 1994) that **the library is a separate and distinct entity from the town. The court ruled that the board of trustees is the sole governing body of the library and that library employees are not town employees.**"

Recently, the Town's Conflict of Interest Ordinance, Section 5 was cited as the reason why a library meeting space couldn't be used by a political group: *Knowingly use town property or labor to influence the political cause of any candidate for public office or any political party.*

The Library is a town building, but legally, the Trustees manage the activities which occur inside the Library. Consequently, a policy was adopted by Trustees that allows community organizations to schedule events in a library meeting Room.

Our Meeting Room Policy was challenged last year when a candidate event was held prompting us to ask the Library Director to seek counsel from the NH Municipal Association which provides legal opinions to NH Towns. **Several opinions were subsequently provided which are important to share.**

- We asked about the use of the Library for political groups to meet. The response we received from Attorney Stephen C. Buckley is instructive.
- With respect to the topic of freedom of speech, Buckley wrote: *The standards by which limitations on speech must be evaluated differ depending on the character of the property. Government property generally falls into three categories — traditional public forums, designated public forums, and limited public forums. State v. Bailey, 166 N.H. 537, 541-42 (2014).*
- *A designated public forum is government property that the government has opened for expressive activity by part or all the public. The regulation of speech on this type of property is subject to the same limitations as that governing a traditional public forum. Doyle v. Comm'r, N.H. Dept. of Res. & Econ. Dev., 163 N.H. 215, 221 (2012). The public meeting room at the Kimball Public Library Meeting room would be deemed a designated public forum.*
- *It is an elementary rule that the government may not exclude speech on the basis of its content from a designated public forum, unless the exclusion is necessary to serve a compelling state interest which cannot be served by a less restrictive action. Cornelius v. NAACP Legal Defense & Educ. Fund, 473 U.S. 788, 803 (1985).*
- *The Kimball Library would not have a compelling governmental interest to exclude political candidates from using its public meeting rooms. Any such exclusion of political candidates, while permitting other groups and individuals to use the meeting room for expressive activity, would be impermissible viewpoint discrimination that would violate both the NH Constitution, Part I, Article 22, and the U.S Constitution, First Amendment.*
- *Consequently, a public library cannot legally deny a group of local candidates from hosting a free meet and greet program in a library meeting room. Furthermore, a public library could not insist that all candidates be formally invited to such a meet and greet event. Finally, a public library meeting room policy cannot be written to expressly prohibit use by political groups.*

Most recently, another question arose about what materials could be used in a meeting room during any political group's meeting. Attorney Buckley wrote,

Consistent with my prior advice on this subject, a public library cannot legally deny candidates for public office from hosting a meet and greet event in a library meeting room. This would include the ability to distribute written information inside that meeting room. A public library meeting room policy cannot be written to expressly prohibit use by political groups, nor could it prohibit distribution of written information while that political group was using the meeting room.

What that political group could not do is post that literature outside the meeting room or on the grounds of the library.

In closing, as Trustee, Chair I want to affirm that the Library will continue to be a location where all opinions will be respected and shared. Meeting rooms are available to ALL groups, irrespective of their politics, religion, color, or beliefs.

Our role as elected Trustees abides by the Oath which we took to support the Constitution and laws of the State concerning the management of a free library and the promulgated rules of RSA 202-A.

When you come through our doors, we don't ask what political party you belong to or your religion. We don't judge what books you wish to read. We fiercely respect your confidentiality and your private reading interests.

Our policy of allowing all groups to use the meeting rooms, without interruption or disruption will continue. We will actively protect all library events from interference. Please know our doors are open to each of you and we hope you will visit us

This is your library where your individual learning may continue and grow. We will continue to offer opportunities to exchange ideas, to grow and learn from each other.
