

Marilla Free Library – 11/05/19 Special Board Meeting Agenda

1. **Call to order** - 6:28pm. In attendance: Shannon Thompson, Rachelle Walker, Judy Farmer, and Joanne Goellner. Absent: Marsha Wingate, Kathy Winde.
2. **Unfinished/Tabled Business**
 - a. **Library Lift** – Shannon updated the Board regarding correspondence with the Town Supervisor and with Elevator Maintenance of Buffalo about the Lift.
 1. Elevator Maintenance of Buffalo came back with an estimate of \$8,990 with a maximum of no more than \$9000 to get the Marilla Free Library repaired. This cost includes a new motor, replacing the starter contacts that were left open and to rewire the entire Lift.
 2. The Town of Marilla Supervisor dropped off a memo from the Town Attorney regarding the Town’s authority on the maintenance, repair and/or replacement of the library’s lift in reference to the town’s contract with the library. (*see attached*) Shannon shared with the Supervisor that Elevator Maintenance of Buffalo would be able to repair our Lift and he recommended that we do that stating that the Town would not be able to help, but maybe in the following year (2020) with a revised contract.
 3. Shannon shared with the Board a spreadsheet of the Library’s private financials so an informed decision about the Lift repair could be made. The Board also discussed the history of the Library’s contract with the Town of Marilla as well as Lift maintenance, records and repair payment.
 4. A motion was made by Judy Farmer with a second by Joanne Goellner to schedule an appointment to have Elevator Maintenance of Buffalo repair the Lift to working order. All in favor with none opposed. Patrons have inquired about using the Lift and the Library would like to be ADA compliant.
 5. In response to the miscommunication and confusion regarding the Lift, contract and Marilla Free Library history with the Town, the Board decided it would be a good idea to attend and present at a Town Board meeting. Rachelle Walker will call and ask when the Board could be added to a meeting agenda and the Board will discuss presentation information at the next scheduled meeting on November 19th.
 - b. **Election of Board Officers – Treasurer’s Position**
 1. The position of Marilla Free Library Board Treasurer ran unopposed. Secretary Joanne Goellner cast one ballot for Kathy Winde to fill the role.
 2. Joanne Goellner will contact Marsha Wingate regarding change in position.
 3. Due to a change in roles, Marsha Wingate and Kristen Matthews need to be removed from the library bank accounts listed below. Officers Rachelle Walker and Kathy Winde, needs to be added to the same accounts.
 1. Fundraiser Checking -3627
 2. Business Advantage (Memorial) -1792
 3. Business Advantage (Checking) -9336
 4. Business Advantage (Savings) -1741

5. Town Funds -8434
6. Capital Funds CD -0190

3. Other Business

- a. **Young Waterproofing Co.** – Young Waterproofing Co. took care of the removal of mold/water damage from the library basement closet on 11/05/19.
- b. **Light Replacement** – Shannon shared the Library would soon receive a quote for the new energy efficient LED lights and ballasts.
- c. **Needed Items** – Shannon asked the Board if she could use a check to order some new lawn markers for winter, a garbage can with a lid for the bathroom to go with the new changing table that was installed and a dehumidifier recommended by Young for the moisture issue in the basement. A motion was made by Judy Farmer with a second by Joanne Goellner to give Shannon the authority to use a check to purchase these items rather in lieu of self-purchase with reimbursement. All in favor with none opposed.

4. Next Regular Meeting: 11/19/19 6:30pm

- 5. Adjournment** - There being no further business to conduct, a motion to adjourn the meeting was made by Joanne Goellner at 7:09pm with a second by Judy Farmer. All were in favor with none opposed.

Meeting Minutes Respectfully Submitted, November 12th, 2019 by Joanne Goellner, Secretary.

MEMO

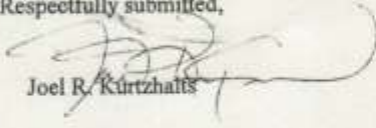
TO: Earl Gingerich Jr., Supervisor
FROM: Joel R. Kurtzhaltz, Esq.
RE: Marilla Free Library building Elevator
DATE: October 21, 2019

You have asked what if any authority the Town of Marilla has with respect to elevator maintenance, repair and replacement at the Marilla Free Library building. The Marilla Free Library is a stand-alone entity under the Buffalo and Erie County Public Library System and is separate and distinct from the Town of Marilla. The property is owned by the Marilla Free Library and not the Town of Marilla.

Article VIII Section 1 of the New York State Constitution prohibits a Town from gifting or loaning Town property to any third party whether public or private except for certain enumerated purposes. The Town of Marilla has been able to pay money over to the Marilla Free Library on an annual basis because of the existence of a Contract whereby the library provides certain services to and for the citizens of Marilla in return for a specific dollar payment as agreed upon. The Town of Marilla does not have the constitutional authority to purchase and install an elevator for the Marilla Free Library as such expense is not part of the Contract. Nor does the Town of Marilla have the authority to maintain and repair the existing elevator at the Marilla Free Library as that is not part of the 2019 Contract.

If there are any further questions do not hesitate to contact me.

Respectfully submitted,


Joel R. Kurtzhaltz