

(a) d. Board of
Library Trustees
response



WAYLAND FREE PUBLIC LIBRARY

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Lea Anderson, Chair,
Wayland Board of Selectmen
41 Cochituate Road, Wayland, MA 01778
July 19, 2018

Dear Ms. Anderson,

The Board of Library Trustees (Trustees) recently attended the May 23, 2018 Board of Selectmen meeting to discuss the Special Act for a Town Manager (the Special Act). The Trustees expressed their deep concern that the Special Act removes the legislative authority granted the Trustees by the Massachusetts Legislature over the library and transfers this authority to a Town Manager. Thank you for attending a recent Trustee meeting when we again discussed the Special Act. This letter summarizes that discussion and concerns and expresses the opinion of the Library Trustees that an exclusion for the Library is necessary in this Special Act.

The Massachusetts Legislature, established and codified library services for the Commonwealth in Massachusetts General Laws c. 78. This statute, from the 1800's, established library services independent from the governing structure of local governments placing them under the jurisdiction of independently elected boards, accountable only to the voters. The Legislature established the town libraries, requiring the election of trustees (sec. 10) and vested the following authority in the trustees: the custody and management of the land, building and funds of the library (sec. 11); the submission of an Annual Report (sec. 12); the development of policies for the collection of materials (American Library Association standards) and policies for the use of the materials and the building (sec. 33); the hiring, evaluation and firing of a director (sec. 34); requiring all patron information and records of inquiry be excluded from the Public Records Law (sec. 7), and more.

By establishing the public libraries (MGL c. 78) and the public schools (MGL c. 69-77) similarly, the Legislature insulated libraries and schools from political pressure in the development of materials, instruction and policies. Both the public libraries and the public schools have educational missions and these missions are quite distinct from running a municipality. The Legislature recognized these distinctions by giving school committees explicit jurisdiction as stated in the statutes, and by giving trustees complete authority over the Library as stated in MGL c. 78.

Both the schools and the library must be able to pursue their educational missions in as unfettered a way as possible. The schools' primary mission is the education of students, and the library's primary mission is to foster the education of the town's citizens by providing free access to a rich array of information in many formats. To safeguard intellectual freedom, the Library needs to be protected from challenges or undue pressure brought by private groups, individuals, and /or public authorities that may seek to impose particular points of view on its collection or implementation of its mission. The authority vested in trustees by the Legislature ensures this freedom.

The Special Act does allow for the continued election of the Trustees as required by state law and states that the powers, duties and responsibilities of elected officials, such as the Trustees, will remain the same except as stated in the Special Act. We read the Special Act as removing vital powers, duties and responsibilities of the Trustees in the performance of their legislative duties.

The Trustees read the Special Act as removing the following authority, transferring it to the Select Board and the Town Manager in these sections:

1. Sec. 2 (c), policy making, goal setting and implementation thereof;
2. Sec. 2 (e), appointment and oversight of subcommittees;
3. Sec 2 (j), review of proposed annual budget. *The annual proposed budget meets the ongoing needs of the Library and ensures qualification for State Aid and Certification of the Library.*
4. Sec. 6A (b), supervision of the Library and of its day to day affairs;
5. Sec. 6A (e), oversight and development of evaluation policies and practices and the evaluation of the Director and staff. *Trustees access the Human Resources staff as a resource when hiring, evaluating, removing the library director, as needed. We thank the Town for managing the collective bargaining agreements of staff in collaboration with the Director;*
6. Sec. 6A (i), examination of its director, employees or affairs;
7. Sec 6A (l), maintenance of the library building and land. *The Trustees and Director acknowledge this work requires the assistance of the Facilities Department and DPW and thank them for their attentiveness and expertise to maintain the property and building well for the public's use and staff safety;*
8. Sec. 6B (c), control of the appropriated budget expenditures for the operations of the library. *Trustees are concerned that warrants and payroll can be rejected. The Trustees have a long history of faithful management of the funds appropriated for and donated to the library. Trustees review the warrants before submission to the Treasurer or Finance/Accounting office;*
9. Sec. 6B (d) and (g), preparation of the operating budget for the ATM warrant. *The Trustees and Director follow guidelines presented by the FinCom/Selectmen to ensure a budget which meets the library's operational needs and qualifies Wayland for state aid and continued certification;*
10. Sec. 6B (i), filing all grant applications. *The Trustees and Director seek and apply for grants on a regular basis to better the library services and facility. Only the state building grant application required the signature of the Town Administrator/Chief Procurement Officer;*
11. Sec. 6C (a) appointing and removing subordinates and employees of the Director, i.e. the staff;
12. Sec. 6C (c), appointment of the Library Director, development and implementation of policies for discipline and termination of the Director;
13. Sec. 6C (d), *this section needs clarification. We read it to state that the statutory authority for the Trustees will be changed and be non-administrative policy making authority only. It effectively strips the Trustees of all authority to implement policies, oversee the library and the director;*
14. Sec. 6E Procurement Responsibilities and Power of the Town Manager
The town manager shall be (the chief procurement officer and be) responsible for *all* purchasing for the Library and for awarding *all* contracts for the operation of the Library;
15. Sec. 7 Organization of Agencies. The town manager may *reorganize, consolidate, establish or abolish* the Library, or any Library *position* under the town manager's discretion/supervision, at the town manager's discretion, with the select board's approval. The Special Act proposes to place the Library, Director, staff under the direction/supervision of the town manager.

Throughout the history of this town, the Trustees have managed the Library in an exemplary manner. The Trustees are collaborative, responsive, deliberative. Throughout the years, Trustees have been in discussion with other town boards and committees, most recently in the effort to better library services for the Town with the state library grant application for a new library building.

This letter is a brief overview of the concerns of the Trustees regarding the Special Act. We believe an exclusion for the Library in this Special Act is appropriate and will not weaken the position of a Town Manager. The Trustees welcome further discussion elaborating upon these concerns.

Sincerely, 
Aida Gennis, Chair, Board of Library Trustees