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January 10, 2018

To the Pound Ridge Library District Community:

The Library Board of Trustees is issuing this statement in response to Ms. Paula Cappa's and Ms. Audrey Insoft's challenge to the meeting held by the Board on December 3, 2017. Madams Cappa and Insoft sought an advisory opinion from the Committee on Open Government based on their perception of the legality of the December 3<sup>rd</sup> Board meeting.

In responding to their request for an advisory opinion, the Committee on Open Government made it crystal clear that it was not taking any view on whether the Board violated its fiduciary responsibilities or any law by holding the December 3<sup>rd</sup> meeting. Additionally, it is very important to note that an advisory opinion is only based on the representations made by the individuals seeking the opinion. No one on the Committee contacted the Board to obtain the facts surrounding the December 3<sup>rd</sup> meeting. Thus, the Advisory Opinion is limited to the representations, accurate or not, made by Madams Cappa and Insoft.

It is also very important for the Pound Ridge community to know that the December 3<sup>rd</sup> meeting was exempt from the Open Meetings Law because the purpose of the meeting was for the Board to obtain legal counsel and to determine what action would be taken in response to the Appellate Division's directive to find another penalty to impose on Marilyn Tinter in connection with the charges that were upheld against her by the Court.

Because of the confidential nature of the meeting at which the Board's attorneys attended, there was no requirement for notification to the public. This is clearly spelled out in Section 108 of the Open Meetings Law.

Contrary to the statements being made by Madams Cappa and Insoft, Minutes were taken of the December 3<sup>rd</sup> meeting. However, the posting of the Minutes was delayed to ensure attorney client privileged communication would not be disclosed. Once it was determined the Minutes would not breach the attorney client privilege, said Minutes were made available to the public.

Contrary to the insinuations of Madams Cappa and Insoft, the Minutes state clearly that the decision to demote Ms. Tinter was approved. In an effort to be sensitive to Ms. Tinter, the Board did not use the word "unanimously" approved. However, the record maintained by the Library with respect to this meeting makes clear that each Trustee present at the meeting, all seven of them, voted to demote Ms. Tinter to the position of Librarian 1 as an appropriate penalty for the charges that were upheld against her by the Appellate Division.

It is also important to note that even the advisory opinion issued to Madams Cappa and Insoft specifically states that “[the record on how each Trustee voted can be] incorporated in the minutes or maintained as a separate record.” This is exactly what this Board did.

The Board is saddened by the continuing unnecessary controversies spawned by Madams Cappa and Insoft in connection with the Board’s legitimate and proper conduct throughout its fifteen-month tenure. This recent controversy follows yet another needless distraction and use of Library resources to respond to baseless challenges to election ballots in September of 2017 regarding purported write-in votes for Marilyn Tinter to serve as a Board Trustee.

None of this has served anyone any good. If Madams Cappa and Insoft truly have the welfare of the Library in mind, then it is difficult to discern from their constant drumbeat how their actions further the mission and goals of the Library.

In order to leave no room for doubt as to the legitimacy of the December 3<sup>rd</sup> meeting, the Board of Trustees will hold a Special Open Meeting on January 11, 2018 at 7:30 pm at which time the Board will take up this matter and take all proper and necessary actions as may be required in connection therewith.

Board of Trustees  
Pound Ridge Library District