

TRUSTEES OF THE PUBLIC LIBRARY OF THE CITY OF BOSTON
Meeting of the Trustees as a Corporation and Administrative Agency
Tuesday, March 21, 2023, 8:30 a.m.
Central Library, Rabb Hall
700 Boylston Street, Boston, MA 02116

MINUTES

The Meeting of the Trustees of the Public Library of the City of Boston (“BPL”) held on Tuesday, March 21, 2023, at 8:30 a.m. at the Central Library in Rabb Hall.

All present at the meeting included: Chair Priscilla H. Douglas, and Trustees: Jabari Asim, Navjeet Bal, Joe Berman, Ben Bradlee Jr, Cheryl Cronin, John Hailer, Jose C. Masso III, Representative Chynah Tyler, and Lynn Perry Wooten. Not present: Evelyn Arana Ortiz, Linda Dorcena Forry, Jeff Hawkins, Senator Mike Rush, and Christian Westra. Also present: BPL President David Leonard, Clerk of the Board Pamela Carver, BPL staff, and members of the public.

Chair Priscilla H. Douglas presided, and convened the meeting at 8:35 a.m. She invited Representative Chynah Tyler to read the EDI reaffirmation statement.

A roll call was taken and determined there was a quorum. Everyone was reminded that the meeting was being recorded and to sign up for public comment by 9:00 a.m.

The first matter of business was approving the meeting minutes from January 17, 2023. With no edits, a motion was duly made, seconded, and approved the minutes.

Ms. Douglas gave brief welcome remarks and showed the video featured on NECN’s Dining Playbook that featured the BPL. She then continued the order of business and welcomed President Leonard to give his report.

Mr. Leonard acknowledged there were some time zone issues with the expected guest speaker, Roosevelt Weeks, and would invite him to join on a future date.

Mr. Leonard explained that they submitted budget requests for FY24 to the City of Boston. He reviewed the status of the staffing vacancies which was operating with 50 open positions. This was largely unchanged from a few months prior. Most open positions were in process of interviewing or selection stage and included all levels of positions and locations. They discussed the challenges of cost of living and residency requirements and how that can affect our ability to hire at times.

Next, Ms. Sarah Zaphiris, Chief of Staff reviewed the proposed Draft Photography, Filming, and Digital Recoding Policy. This topic was for the sake of discussion and not a vote of approval. She noted there were several instances in the past year of people entering branches and claiming to be “first amendment auditors”. Their claim was they had a right to film inside the library, including employees and patrons. There were also instances of protesting covid policies on masking and filmed those interactions with BPL staff. At the time, the BPL’s filming policy prohibited any filming inside the library. As a result of these interactions, the BPL consulted with the City of Boston’s Law Department as to whether that policy was still affectual. The Law Department determined that case law allows people to film public employees while they are working, but also that there is additional case law that lets us put some restrictions in place on filming. The draft policy will note that although it allows filming with parameters specifically prohibiting patrons from interfering with staff performing their duties. It also states that filming must not interfere with patrons’ use or enjoyment of the library, or violate their privacy, and filming children under the age of 18 is expressly prohibited.

Ms. Zaphiris acknowledged that this is very stressful for the staff and that this is a challenging topic. Privacy is a primary value of the library and very challenging to balance the two competing rights, as the law department had advised us. As a result, we are aiming to acknowledge the right to film with guardrails in place on it under the “limited public forum” doctrine. She noted that they researched other libraries around the country who have similar policies, including Chicago, Seattle, and Nashville. The City of Cambridge has upheld their no filming policy while they review the concept.

Mr. Hailer asked if there was any validity in what Cambridge is doing. Adding, libraries are a sanctuary of knowledge in an expected safe space. He was not in favor of allowing filming and wanted to understand Cambridge’s standpoint more. Ms. Zaphiris reiterated the legal office’s determination on the law and noted that Cambridge is anticipated to be challenged in court.

Mr. Leonard added that the existing policy does not allow for filming of staff, in particular. The mission is to ensure that any patron can access their information in a confidential manner. He recommended that the trustees stay as paramount in everything that we do to keep our spaces and staff safe to be able to perform their duties. He noted that a formal change to this policy is the purview of the Board.

Ms. Cronin asked if there had been any litigation that was resolved in favor of the challenges to not allow filming in their libraries. Ms. Zaphiris explained that there was litigation regarding filming public employees, that came from filming police officers, but applied to public employees in general. They Board discussed that filming of visitors to the library and the expectation of privacy in our spaces is very different from that of filming a police officer and should not be considered the same.

Mr. Hailer explained his concern for staff safety and the public’s privacy. He felt this was something worth fighting over. Ms. Cronin noted that we should not back down from litigation when it is the right thing to do overall for the benefit and safety of staff and the public. Chynah Tyler mentioned a common issue that occurred at State House. She noted that it is difficult to prevent people from using their phones in a technology-based world. She noted the state put together a task force and developed a report. She suggested it may be a tool to investigate best practices moving forward.

Mr. Masso commented that so much disruption has occurred since 2020 with Covid, the murder of George Floyd, and other incidences around the country. These events have changed the paradigm as to what is normal. It is important that the trustees don’t take this lightly as we speak about the change of policy and question if there is an established formal way for staff to address their concerns or the policy that required to receive permission to film first.

Sarah Zaphiris explained that she has had discussions at various staff meetings throughout our system. There has been lots of feedback and it was clear that staff are not in favor of changing the filming policy.

David Leonard reminded the Board that the American Libraries Association has a very firm take that the “limited public forum” is a basis for not having filming. This new policy modifies the existing policy with more defined statements of limitations for filming. It adds that filming is not allowed to interfere with staff performing their duties whereas the existing policy does not.

Joe Berman and John Hailer stated their opposition to this policy as it is for the record. They recommended more discussion with the City’s Law Department before determining any proposed changes. Mr. Masso and Cheryl Cronin agree that they would welcome litigation if necessary. Mr. Masso asked that it be on record that some amendment to the policy states that permission to film must be asked first as opposed to it as written, felt it was too ambiguous.

Mr. Leonard noted that the process going forward would be to listen to all public comments, have formal union discussions, and additional reviews with the Law Department of the proposed material change and the basis for the “limited public forum: concept in this context. This topic remains an open matter.

Mr. Leonard then reviewed the active capital projects. Mr. Leonard explained that the Faneuil Branch in Oak Square was nearing the completion of its construction phase and anticipated a late summer or early fall reopening. The Fields Corner Branch was currently in the middle of the design phase which will be followed by an anticipated two-year construction. The branch will increase in size and will be one of the first net zero city buildings.

McKim Fire Panel will be upgraded and replaced. This will be under construction later this year.

The Chinatown project will bring in a brand-new space online within a housing development on a BPDA parcel. It will be a full-sized branch of approximately 17,000 square feet, bringing back the first dedicated branch to the Chinatown neighborhood since the 1950s.

Uphams Corner will also be a new branch space within housing development in the city owned parcels in that area. Developer is about to be selected and designs will be considered in spring/summer of 2024.

West End will also be a new branch within a housing development on its current site. It is currently in the early stages of the request for proposals which will go out in the next few weeks.

South End is currently closed due to systems issues. The request for qualification (RFQ) is currently out to hire the design team and will do a combined programming, study and design. We hope to accelerate that process.

Egelston Square redesign is about to go out for RFQ, and we will be in design at the same time, based upon the programming study that was completed last year.

We have requested funding for both the McKim Master Plan and the Collection Storage study in the upcoming fiscal year budget.

There are additional planned projects that are in our capital budget but are not active due to later funding or capacity issues. He named some future projects.

Mr. Leonard reviewed awards received for several capital projects for the renovation and design. Almost every branch renovation that we have done in the last 10 years has won an award, including the AIA Award, the Boston Preservation Alliance, or the Boston Society of Architects award.

Ms. Ellen Donaghey gave a brief update from the Finance and Audit committee. She explained that NEPC, the investments advisor reviewed the status of the portfolio. They noted that there was an 8% increase over the last ten years despite the volatility in the market. They made one recommendation to add a short-term investment grade corporate bond allocation to the investment portfolio. It would be a \$2 million dollar investment; the change would mostly be changing the percentages of the fixed income portfolio. Mr. Hailer provided a bit more explanation of how they determined this change.

With no further questions, a motion was duly made, seconded, and voted unanimously to approve.

VOTED: “that the Trustees of the Public Library of the City of Boston vote to approve NEPC’s recommendation to invest 3% of our portfolio in Vanguard Index Fund (VSTBX), a short-term investment grade corporate bond with sourcing from our existing fixed income managers.”

Next, Ms. Douglas asked if Jose Masso III could provide an update on the Strategic Planning Committee. Ms. Masso III reported that they recently held their first committee meeting. Their focus was gathering input on various areas to get appropriate stakeholders involved. More updates would follow at future meetings.

Ms. Douglas introduced the next topic of New Business. Ms. Douglas explained that Paula Sakey of the BPL Fund's report describes many initiatives supporting the library and reaching out to many communities. LMEC has an extraordinary new exhibit and encouraged all to visit it. Joe Berman explained that April 30th was the upcoming Literary Lights event.

Ms. Douglas noted that Jose Masso III was commended for celebrating 48 years of Con Salsa.

Next, Ms. Douglas asked for Public Comment. The clerk reminded all that they would be taken in the order received and given two minutes each to speak.

Louisa Bissett noted that they hoped for BPL trustee representation at their Literary Lights event and encouraged colleagues and members of the public to consider attending, information was left at the door.

Elissa Cadillic, President, and proud member of AFSCME 1526 for almost 30 years. She represents the library assistants, the mechanical and trade staff, and the clerical workers. They were the ones that showed up daily during Covid to work and continue to do so today. She is here today to address the inequity of staff between those that have a job requiring a degree and those who don't. She noted that the Board voted to approve and ratify the race and equity statement, which she read. Asked that the trustees stand by that statement. Things like the film policy were not presented to unions first but rather presented at staff meetings. Terms used in new job descriptions outside the unit continue to use derogatory terms. Asked for changes, asking for true equity, and respecting the organizational knowledge and skill set, including those of their supervisors when it comes to hiring. Management is asked to commit to the principles of diversity, equity, and inclusion because the union membership which allows this organization to say it is diverse fails to see it. Elissa concluded by respectfully requesting that public comment sign ups stay open until just before New Business to allow people to sign up as they listen to the trustees. She felt allowing 30 minutes at the beginning of the meeting was not sufficient.

Jason Gagnon, member of AFSCME 1526, asked the trustees to ensure the library management respects the skills of AFSCME certificates and real-world experience that are as beneficial as a formal degree. He also suggested that members be allowed to participate in the hiring process, especially those who are going to be in a supervising role. .

Robin Malamud, a cataloger, thanked the trustees for the discussion and delaying any vote on the filming policy. They shared statements from a few employees who were not able to attend due to work conflicts. The first was from a youth librarian, who was concerned how the proposed policy impacted their patrons. The location of their work area in relation to the children's area was troublesome. The Policy doesn't takes into consideration the nuanced and unique challenges of each branch but rather treats them the same. Furthermore, they are openly non-binary and in the past two months, state legislators across the country have proposed 101 educational gag order bills, 26 bills that would criminalize public librarians for doing their jobs, and 340 bills targeting trans and queer people despite MA status as a blue state. They have had patrons ask to leave materials that dehumanize trans people and have overheard others complaining about the existence of queer.

Proposed film.

Albert Han, 5-year librarian, helped many patrons doing all to protect their privacy and need to show that it is not displaced. Librarians are under fire. Loosening on this policy is inviting danger.

Akunna Eneh, of the BPL staff, adds support for what AFSCME coworkers stated about racial inequalities. She added there is language to improve our world languages and should be compensated more for the important work they are doing. Regarding the film policy, from a public facing person, it adds anxiety, and she witnessed a coworker faint. The filming patron recorded it and uploaded it to social media. She added

that staff are not elected, they are not paid very much and can be filmed and do not have the ability to say they do not want to be filmed.

Bryce Healy, a member of PSA and cataloger, stated he works on public desks that are often understaffed. There are many challenges, and lack of support to racial equity. This policy is one more challenge to face. Not just first amendment auditors, there are fascist hate groups as well. Finds it incredible that this is even proposed but was heartened to hear that many board members were against the revision. He asked them to reject it.

Andrew Maxcy feels that staff should participate in hiring committees. They are hearing more policies, more widely, of placing more emphasis on certificates than degrees. Seeing the solidarity of the two unions on this matter. AFSCME employees are professionals and do the best that they can and want treated with dignity.

Councilor Ruthzee Louijeune. Emphasized the importance of really making sure we are creating safe spaces for libraries. Noted that the Trustees' comments were heard. While protecting 1st amendment rights is a difficult issue and suggested to continue to look at other cities policies and trying to find some balance and look at ways to best move forward.

Maty Cropley, past president of PSA and teen librarian noted that the policy has made these incidents very difficult for staff. They explained their own struggle with their own identity and found resources in the safety and privacy of their local library in the late 1980s. They were grateful to hear the trustee's support.

Christ Strunk, of BPL's PSA association. He noted from the meetings with administration and managers. Staff are overwhelmingly upset and scared by this policy. People who will take advantage of this policy are those who are fascists. Think that because of overwhelming upset, most feel betrayal because of this proposal. He asked the trustees to face litigation. He mocked how they were told to react, and advice was to "look boring". Lots of the public come to the library with immigration issues and domestic violence questions seeking support and should not be subjected to filming.

Tresa Owens Powell, and AFSCME member, was asking management to put words of Equity into action. Allow staff to sit in meetings with those we hire and share policies. Respect the skillset of AFSCME workers. Respect what they bring to the table. She is a mechanical engineer.

Anne Marie Clark Borden, a proud member of AFSCME and mechanic representative. She noted that her work is as important as the work of a CEO, and should be acknowledged, compensated in a fair way.

Sophie Leveque, Change in case law was response to law enforcement action however, library staff do not carry guns. She provides info to patrons on very personal matters and can't imagine being filmed while answering these questions. Afraid to end up on the internet without her knowledge. Trustees sound like they have the employees' backs.

Maggie Levine, 11 years librarian. She noted when there was a person who refused to put on a mas, they called her a pedophile. This proposed policy is dangerous to staff.

With no further comments, Ms. Douglas adjourned the meeting at 10:12am

With no further business, Ms. Douglas adjourned the meeting at 10:12 a.m.

Respectfully submitted,



Pamela R. Carver, Clerk of the Board 9.24.23

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