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Sent: Monday, August 31, 2015 12:29 PM

To: tsloan@midhudson.org

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Subject: Restriction on Loaning Non-print Library Materials to Town of Union Vale Residents

Dear Mr. Sloan:

We are the attorneys to the Town of Union Vale, and we are writing to you in consequence of the actions taken by the Mid-Hudson Library System (MHLS) against the residents of the Town of Union Vale. We have reviewed Education Law § 272, the Regulations of the Commissioner of Education found at 8 NYCRR § 90.3 and the Mid-Hudson Library System Direct Access Plan dated July 11, 2012. Based on our analysis, it is our professional judgment that the actions taken by MHLS are entirely unwarranted for the reasons set forth below and we respectfully ask MHLS to retract its determination against the residents of the Town of Union Vale.

At the outset, it must be understood that the Town of Union Vale has one of the smallest populations in Dutchess County. Town of Union Vale residents already have one of the highest real property tax rates in the County. The financial contribution requested by MHLS would impose an even higher tax burden on the taxpayers of the Town. The small size of the Town and the cost of establishing a library has prevented the Town from creating its own public library. The whole purpose of Education Law §272 and the associated regulatory provisions are to provide library services to small unserved communities, like Union Vale, by funding public library systems and local libraries with State funding.

The Town of Union Vale is located within the area served by the MHLS and the residents of the Town of Union Vale are included within the population totals provided by MHLS when it seeks funding from New York State authorized under Education Law § 272. As a result of the State and Federal funding provided to MHLS pursuant to Education Law § 272, Town of Union Vale residents are entitled to onsite and direct access to MHLS resources on the same basis as that specified for cardholders in each individual library, with certain exceptions regarding items purchased with local funds. Onsite and Direct Access, with the noted limitations, must be provided to Town of Union Vale residents even if the Town of Union Vale provides no funding to MHLS. 8 NYCRR § 90.3(a)(3) requires the access as a condition for receiving State funding and there is no requirement that unserved municipalities make any contribution. Improper termination of library access to residents of the Town of Union Vale is a matter within the jurisdiction of the Commissioner of Education and a copy of this letter is being sent for her information and action.

The MHLS press release describing the restrictions on Union Vale residents lists you as a contact and states:

Based upon the MHLS Board of Trustees acceptance of the official claims, MHLS and its 66 member libraries will implement a restriction, as authorized in the state approved MHLS Direct Access Plan, on loaning non-print library materials to the residents of the Town of Union Vale. The restriction is effective August 3, 2015.

The restrictions as stated in the press release are illegal since they are not limited to non-print materials that are purchased with local funds. Restriction of access to non-print materials purchased with State, Federal, County or private funds violates the explicit provisions of 8 NYCRR § 90.3(d)(2) and is also a breach of the agreement between MHLS and the Town of Union Vale. Any restrictions on direct access beyond those set forth in 8 NYCRR § 90.3(d)(2) are not enforceable until approved by the Commissioner of Education and we have no evidence that such approval was received.

Please provide a detailed inventory of what non-print items were purchased with local funds and what non-print items were purchased with other than local funds for each library within the MHLS. Please also provide an inventory of what items were purchased with funds provided by the Town of Union Vale as Town Residents are permitted to access those materials. Please provide these inventories as soon as possible because, by law, Town of Union Vale residents are entitled to access to print materials and non-print materials that were paid for by state, federal, county or private funds. Based on the statistical information provided, Town of Union Vale borrowers impact the Beekman, Lagrange and Millbrook libraries. It suggested that lifting restrictions at the unaffected libraries would be less costly then generating inventories of items that are off limits.

It is unfortunate that the MHLS is taking unauthorized actions against the Residents of the Town of Union Vale that may jeopardize state and federal funding that is targeted to provide library services to unserved areas within the MHLS service area, like the Town of Union Vale. We look forward to your prompt response.

Very Truly Yours

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