October 14, 2009

Present: Ron Gagnon, Karen Pangallo, Lorraine Jackson, Martha Holden, Brian Courtemanche, Linda Hummel-Shea, Pat Cirone, Doug Rendell, Dennis Kelley

Meeting began at 2:08 p.m. – Martha Holden made the Call to Order.

Approval of Minutes – Ron Gagnon

Motion to approve by Lorraine Jackson; seconded by Linda Hummel-Shea; unanimously approved.

Treasurer's Report – Doug Rendell

Copies of the latest budgetary information were distributed by Ron and reviewed by those present.

Ron Gagnon reports that NOBLE is undergoing its annual audit procedure and reports that the auditor says the NOBLE financial numbers look all right. Ron reports that the audit process is almost completed and that we will see the audit report at next month's meeting.

Pat Cirone made motion to approve the Treasurer's Report; Karen Pangallo seconded the motion. It was unanimously approved.

Executive Director's Report – Ron Gagnon

Grant Update – work on the tri-network grant is proceeding.

As reported last month, Evergreen was selected by the three networks as being the only choice, due to consortium capabilities built-in. All three networks will vote on the choice at November meetings, necessary to get grant funds rolling.

The first use of grant funds will be to pay for a project coordinator, starting in January 2010. The position is paid in full by grant funds. The position has been posted at job-seeker destination sites such as MBLC, the Simmons College GSLIS network, etc. Applications are coming to NOBLE on behalf of the tri-network group. E-mail applications sent to NOBLE are automatically sent to the other two network administrators as well.

Two introductory meetings are being held to introduce the project to our librarians. The first is at the Palmer Public Library on Wednesday, October 21st; the second is in North Andover at the MVLC complex on October 29th. Key staff from all three networks will participate in both sessions. Registration information is on the Staff Information System. We will also be doing a presentation at our Members Meeting on Thursday, October 22nd.

It was recently announced that Bibliomation, a network of 40 public libraries and 24 K-12 schools throughout Connecticut, currently on Dynix Horizon will be switching to Evergreen and funding development. They will be attending our Palmer session; we will go out and meet with them in December.   Bibliomation libraries are particularly on the New York side of the state and some are along the Massachusetts border.

Comcast Installs – all public libraries have been visited by installers, although there may be a hanging issue or two. Conversion is a slower process.

De-installing Bluesocket wireless devices and accommodating Envisionware PC registration systems make for a more complicated conversion. Working with Derek Ketchopoulos and two Bluesocket pilot projects in Reading and Marlblehead. Marblehead is adding additional wireless access points and setting up a staff wireless in addition to removing Bluesocket. NOBLE will pay for getting Bluesocket out of the way. Fortunately, Derek takes a more practical and lower cost view in terms of equipment needed as compared to Cisco enterprise outfits like Atrion, which will save libraries and NOBLE significant dollars.

Once those two are completed, we will decide if we want Derek or NOBLE staff to remove the remaining Bluesockets.

NISO Conference – Ron attended the NISO Library Management Systems conference in Boston last week. It was a national conference that brought together many of the big names in the field. New models like open source are manifesting but vendor systems continue going strong. Remote-hosting, software as a service, cloud computing is a growing trend, as are increased interconnections and interoperability.

Elizabeth attended the NELINET Open Source conference on Friday, October 9th.

Martha and Ron will be attending the statewide delivery day conference on Friday, October 16th. One of the agenda items is a recommendation that the networks participate in funding the next step of the automated sorting project, which is $10,000 for an RFP by Galecia Group. An RFI process was conducted over the summer and the results were mixed, some detailed, some not, no firm pricing.

Ron and some of the other network administrators have concerns about contributing to funding a delivery project at this stage. The cost per network is just over $800, but putting network money into what has been a clear Regional responsibility seems to set the stage for further funding requests. All network members are by definition region members so it seems funding should stay on that side, and networks will need to contribute in-kind time and perhaps software to accomplish the project when it comes to fruition. And perhaps the matter is "if" it comes to fruition, given the current financial situation and a multi-million dollar, decade-long project.

Linda says she agrees with Ron – we're providing the content. Network is organizing the content. Where's the state in this process? Once we open this door, we've set a precedent.

Karen says $800 is the tip of the iceberg.

Pat says that the Regional System is up in the air; if the state does away with regions, this burden will fall upon the networks.

Numerous members at the Executive Board table expressed the view that the Regions are seemingly unresponsive to the regular requests to focus their resources upon delivery services.

Karen asked is it in the networks' mission to fund ILL delivery. Ron responded that it is not.

Martha affirmed that delivery is expected from state resources, not the network.

Brian motioned to accept the Executive Director's report; Pat Cirone seconded the motion; unanimous approval.

FY2011 Pricing for Auxiliary Services (items not in the operating budget) - Ron

PC Support – Costs for personnel, mileage and anti-virus software continue to rise slowly.

Almost two years ago NOBLE added a part-timer one day per week in addition to the full-time PC Support Specialist and that has worked out very well, both in customer service response time terms as well as two heads being better than one in terms of knowledge and expertise. NOBLE did not raise the costs to add the part-timer, indentifying past surpluses to fund the part-timer. NOBLE has not dipped into the surpluses, actually paid through ongoing budgeted surplus in PC Support.

Surplus is approximately $55,000. Budget projections would take approximately $1,100 to fund current fiscal year and $6,000 to fund next fiscal year.

The surplus is not entirely there for the taking, it is also insurance. Should the PC Support Specialist go on long-term leave, the work would still need to be done while the Specialist is still being paid on sick leave, etc. That is the insurance part, as NOBLE would need to hire part-time additional days and/or bring in another part-timer for which there is no budget.

The last increase was for FY2009, $5.00 per PC. At this stage, $5.00 per PC would bring in another $3,540 and cost the average participating library $221 per year (16 libraries participate with 708 PCs and network printers, average 44.35 devices, range is 7 to 81).

Overdrive – While additional formats such as e-books are rising in importance, it would be difficult to start an e-book collection while maintaining the audiobook collection on the current $20,000 budget from members for content. NOBLE also contributes $20,000 to fund the server space.

Now that NOBLE has approximately a year's worth of usage, there are options on dividing the content cost. The first two years are based on an average of population, circulation and registered borrowers since NOBLE had no usage figures. Two (provided via handout) charts show the result of purely dividing the cost by usage, which results in some large swings in cost, vs. a blend of last year's figures and usage in equal amounts.

Lorraine reports that Salem is moving toward usage count with Overdrive, but is not there yet. It would not bother Lorraine to stay with the same invoicing configuration as the current year.

Dennis reports that all Overdrive assessments are low figures; no library is over $1,000.

Martha advised that NOBLE adhere to a blended pricing configuration, as usage counts alone are too much of a jolt. We want everyone on board. Go with the 50/50 blend.

Pat also said go with blend. It is less impactful on the heavy-use libraries.

Karen pointed out that some students have two cards (public library card and college library card).

Martha asked if everyone comfortable going forward with the blended pricing configuration.

Linda motioned that we should go with the blended configuration; motion seconded by Karen; unanimously approved.

Pat advised that maybe we should have a cutoff date for the usage, as it is nice to plan ahead for budgets. Also, it should be made clear that the usage figures are exact, real numbers, not a formula.

Members around the table agreed to a 9.18.09 cutoff date for usage figures.

EBSCO – the NOBLE contract is up at the end of the fiscal year, so there are not any concrete figures for next year at this point. Ron has spoken to EBSCO, but EBSCO has been focused on this academic year up to this point. EBSCO did not increase costs for FY2010, though contractually they were due a 5% increase under the terms of the EBSCO/NOBLE contract.

At this point, NOBLE wishes to provide libraries a guideline, such as a 5% increase, and negotiate to that point at worst.

Website Costs – no change.

PC Reservation – pass through of costs from Envisionware.

Wireless Maintenance/Bluesocket – Bluesockets are being removed. Public wireless is being moved to Comcast for public libraries. Libraries responsible for maintaining/replacing/upgrading wireless equipment as needed.

Conflict of Interest Policy - Ron

No penalty for not having one, but NOBLE should have one.

Ron looked at NMRLS – a single paragraph.

Ron asked both NOBLE's auditor and NOBLE's attorney regarding best way to approach drafting a Conflict of Interest policy. Both auditor and attorney said to model a policy based on the one in use by the Internal Revenue Service.

Ron borrowed Peabody Foundation statement – spliced in "NOBLE" for "Peabody Foundation." Word for word this policy uses the language found in the IRS statement.

Ron distributed copies of the North of Boston Library Exchange, Inc.'s Conflict of Interest Policy for the Executive Board members to review.

Martha - Any discussion?

Doug motioned that the Conflict of Interest policy drafted by Ron be brought forward to the upcoming Members Meeting; motion seconded by Karen; approved unanimously.

Discussion of State Budget Situation - Ron

State revenue continues to be down. MBLC exempted from current round of 9-C cuts. However, not out of the woods yet. Ron attended Oct. 1st budget meeting. Ultimately, what MBLC originally proposed will go to the governor.

MBLC hopes to gain ground with the legislature over the winter and spring.

Since the Oct. 1st meeting:

Rally at Statehouse Wed. Nov. 4th.

Legislative committee looking to move up Legislative Day to a month earlier.

Dennis: $120 million cut to local aid from state as a 9-C cut.

Numerous directors of state college and public libraries have heard word from local administrators that 9-C cuts are on the horizon.

CD Copying Issue – Ron

Ron shared with us a handout detailing the response from NOBLE's attorney, Rod Hoffman:

"Ron,

In response to your questions regarding the legality of a library making copies of music and book recordings, here is a summary analysis of the relevant copyright law:

1. *Although this issue comes under the general concept of what is 'fair use' of copyrighted materials, the Copyright Act has a specific provision, Section 108, that addresses "Reproduction by Libraries and Archives."*
2. *Section 108 provides that it is not infringement for a library to reproduce copyrighted material, subject to a series of requirements. Most of the requirements are straightforward and would be met by NOBLE members.*
3. *However, there are two further sets of conditions relating to the categories into which the material falls.*
4. *First, if the material is an "unpublished work," the library may make a copy for archival purposes of preservation and security. An example of this might be a recording of conversations with residents recounting local history. This is not the issue you raised to me, but may be of interest to some member.*
5. *Second, if the material is a "published work," the library may make a copy to replace an original that is "…damaged, deteriorating, lost, or stolen, or if the existing format in which the work has been stored has become obsolete" if both:*
   (i) *The library, after making a "reasonable" effort, has been unable to obtain a replacement at a "fair" price; and*
   (ii) *Any copy that is reproduced in a digital format is not used outside the premises of the library.*

Based on our discussion, I think perhaps (i) and certainly (ii) will be a problem for NOBLE members.

6. *As to (i), it is most likely the case that a replacement copy will be available from the publisher. What is a "fair" price is obviously open to interpretation. If, as you believe, replacement copies for individual discs are not available outside the library 'plans' offered by the publishers, then we could argue that it is not a 'fair' price to have to pay for the cost of an entire new set of ten discs if we only really need one disc.*
7. *In any case, the limitation of (ii) – that the copy cannot be circulated – makes the exception impractical for the purposes you describe; that is, to restore a circulating copy of the material. (I note that this (ii) requirement was added by the "Digital Millennium Copyright Act," an*

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amendment to the Copyright Act that was generally seen as being very favorable to rights holders.)

Finally, I don't know whether this is the sort of thing that should be adopted by NOBLE as a formal policy. One alternative is for me to re-cast this analysis as a memo to NOBLE members.

Let me know what you think.

Rod"

Ron stresses that this is a point of education – not a formal policy – as Federal law is already in place.

Ron will make it an agenda item at the next Members meeting.

Adjournment - Martha

Martha asked for a motion to adjourn the Executive Board meeting.

Dennis motioned to adjourn; Brian seconded the motion; unanimously approved. Meeting adjourned.

Respectfully submitted,

Brian Courtemanche
Secretary