

EXHIBIT 5

Commentary



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The tangled web of Spinney

As a diabetic, there's one fact I live with every single day – I can't have my cake and eat it too. That's a lesson that's been somehow lost on many Spinney Memorial Library supporters.

For the record, this paper has always supported the fund-raising efforts behind the proposed Onset library project. To my knowledge, we have published every single press release the Spinney Building Committee has ever sent us. We've published every letter to the editor we've received in support of the project. My daughters have gleefully planted daffodil bulbs in support of Spinney the past two years. We believe in the Spinney Library and would consider it a tremendous asset to the Onset community. If the supporters of this project can raise enough funds to privately construct and operate a small library in Onset, their dedication should be honored for generations to come.

But there's a fine line between dedication and obsession. And it's become increasingly clear that the realization of this dream may come with severe consequences.

Supporters of the project were particularly vague in the early stages on who would eventually finance the library's operational costs. Even if private donations covered the cost of renovations, day-to-day operating expenses such as staffing, utilities and insurance would require some sort of consistent revenue stream.

With the town already slicing its budget with a machete, it seems inconceivable that taxpayers could handle the additional burden of a second library, especially following the histrionics that ensued over the existing library budget at Annual Town Meeting in April.

When pressed on the issue, Spinney supporters said the entire operation would be privately funded. Again, if they can pull that off, they'll end up in the "Cheers" Hall of Fame. But we can't help but wonder if they will eventually try to push operating and maintenance costs on to the town. We've already seen their power as a voting block and how willing they are to push their agenda past all other concerns. It isn't hard to imagine a future Town Meeting where they stack the audience and muscle the rest of the voters aside.

But the recent controversy with the former trustees of the Wareham Free Library is far more troubling. There is growing speculation that the lawsuit they recently filed against selectmen has little to do with the request they reapply for their positions. Many believe the suit was specifically designed to thwart Town Counsel's demand that they turn over their financial documents to the town treasurer, as required by state law (trustees cannot appoint their own treasurer unless the town votes to allow it; if the town doesn't authorize such an appointment, the town treasurer automatically becomes treasurer of the board of trustees, according to Massachusetts General Law 78, section 10).

With the law clearly working against the trustees, there appears no logical reason for them to refuse to comply. But the key to all this may lie in a vote the trustees took this spring to establish a private foundation for the benefit of "any library in town."

Wareham only has one public library. What other library could this have been referring to? If you said Spinney, go to the head of the class.

If Spinney supporters are sincere in claiming their proposed library will be private funded and operated, how can the trustees vote to give public funds to a private entity? In their lawsuit, the trustees argue they aren't, in fact, a public board. That's nonsense. They're sworn in by the town clerk and post all their meetings 48 hours in advance, as required by open meeting law. If they are a private board, they wouldn't need to do that. Every time they posted a meeting in Town Hall they were, in fact, acknowledging they were a public board.

The media campaign the former trustees have launched speaks volumes about this issue. Their attorney sent copies of the lawsuit to the press without bothering to serve selectmen with it first. It is clear trustees hope to drum up so much negative publicity against the town that selectmen will eventually back down. It's the only card they have left to play because they know their lawsuit is frivolous.

If the former trustees think selectmen will blink first, they're sadly mistaken. A town board simply cannot be allowed to transfer \$350,000 of town money into a private account to be potentially used for a private entity. State law clearly says money donated for a specific public library can only be spent on that library. The trustees could be courting numerous lawsuits against the town from private donors if that money has, in fact, been channeled elsewhere.

There is also growing speculation that the whole Town Meeting fiasco this spring, when library supporters forced an immediate vote on a budget favorable to their interests, was aimed at helping Spinney. If the library budget had been cut to the extent former Town Administrator Michael Hartman had suggested, donations made to the Wareham Free Library may have actually needed to go to the Wareham Free Library and not to Spinney. If that's the case, police officers and lifeguards were eliminated to support a private endeavor, and that is truly frightening.

The Observer will continue to enthusiastically support the concept of a privately owned and operated Spinney Library. But we cannot support the idea of using public funds to subsidize it, nor will we be in favor of the town accepting Spinney as an official branch, especially if it cuts the town budget so sharply that police and other emergency personnel would lose their jobs.

If the trustees have channeled public money into the Spinney fund, it must be returned to the town immediately. The public trust is at stake here, and that trust could be permanently shaken if a string of indictments follows.

All this may push Spinney's opening back for awhile, but a library built on deception and lies will never truly be a home for knowledge.