

# The Law Office of Stephanie Adams, PLLC

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To: Town of Massena

From: Stephanie A. Adams, Esq., legal counsel to the Massena Public Library

Re: Ownership of the Library's building and grounds

Date: May 9, 2024

I hope this message finds all who read it doing well.

Because it appears there may be some confusion, the purpose of this memo is to clarify that **the Massena Public Library, and no other entity, owns the Massena Public Library building and grounds.**

The paragraphs below establish this fact.

1. In assessing any question of real property ownership, it is important to confirm that the **Massena Public Library is an independent corporation**, not a department or division of the Town of Massena.
2. **The current Library was first chartered as an independent corporation in 1935.** The charter was issued by the New York State Education Department, which is the chartering body for all education corporations (such as colleges, museums, and public libraries).
3. **As an independent corporation, the Library is governed by a board of trustees**, who are responsible for its operation, just as the board of directors of a not-for-profit corporation is responsible for its well-being. In fact, New York State's Not-for-Profit Corporation Law—along with the Education Law—applies to the governance of the Massena Public Library.
4. **As a corporation, the Massena Public Library is empowered to own property**—not only the books on the shelves but the library's land, building, and financial assets. This power is established by the New York State Education Law and Not-for-Profit Corporation Law.
5. **As allowed by relevant law, the Massena Public Library was deeded the property in 1946.** The deed conveying the property only granted it to the Library, not to the Town or any other separate entity.

Interestingly, the deed to the current library entity was from a prior incarnation of the library, the "Massena Library," which was granted the property by a resident of Massena, Hattie Anderson, in 1916. The Library can provide copies of the library's deeds and charters over time to anyone who would like copies.

6. It might be helpful to know that, to increase operational efficiency, **public libraries in New York State often get support from their sponsoring municipalities.** This can be a shrewd move financially (because services like snow removal can be bundled), but it can create the impression that the Library is merely a department of the school district or municipality. That impression is contrary to governing law, and **any inquiry to the New York Attorney General**



**Charities Bureau, the Office of the State Comptroller, or the New York Department of Education will confirm that.**

7. The Massena Public Library is the sole owner of the library's grounds, building and assets. If the current vote to change the way the library operates (moving from appointed to elected trustees and to direct voter approval of the budget) passes, **the library will remain in the building**, for terms set by the library's governing board.

8. If you need any information regarding the independent status of library, the chain of title to the library's property, or the impact of the upcoming vote, please contact either the library board president, Joseph Savoca at [josephsavoca@hotmail.com](mailto:josephsavoca@hotmail.com) or me as legal counsel at [info@losapllc.com](mailto:info@losapllc.com).

Thank you.

Stephanie A. Adams, Esq.