



Elan Parra Esq.
Managing Director
260 Madison Avenue, Third Floor
New York, New York 10016-2401
+1 212.359.2922
eparra@guidepostsolutions.com



Guilderland Public Library Investigation

July 20, 2024

Submitted to:

Girvin Ferlazzo, PC
Erin R. Morris, Esq.
20 Corporate Woods Boulevard
Albany, New York 12211
(518) 462-0300
emm@girvinlaw.com

Background

On September 5th, 2023, Melanie Partak, CEO of Diaz Enterprises NY, LLC d/b/a Cafe Con Mel (“Café”) entered into a lease agreement with the Guilderland Public Library (“GPL” or “Library”) for a one-year term beginning on September 6, 2023. The Board of Trustees (“Board”) for GPL contracted with the Cafe to operate a fixed space at the library to provide food and beverages for the patrons and staff.

By all accounts, there were various ideas about the vision for the Café. Some wanted a vendor who could provide a grab-and-go menu, others envisioned a fuller service menu that included food cooked to order. The menu seemed to evolve over time resulting in an eventual need for additional infrastructure in the Cafe not originally anticipated, all at a higher cost to the GPL.

The Cafe opened the first week of September with a ribbon-cutting ceremony officially welcoming the Cafe on September 13, 2023. The Cafe operated until February 21, 2024, when Ms. Partak, who co-owned the Cafe, posted a public comment on the Cafe con Mel Facebook page announcing its closure. In the Facebook post Ms. Partak alleged:

“Today I abruptly closed and I'm making this announcement of our indefinite closure. I have faced racism, harassment and constant disrespect. These issues have not only come from patrons, which I am no stranger to dealing with, but they have come worse surprisingly from the Library staff members.”¹

The Facebook post immediately caused public concern, beginning with online responses and eventually a public GPL board meeting about the allegations. The Board of Trustees responded quickly to questions raised by members of the community and announced that an independent third party would investigate Ms. Partak’s allegation of racism and harassment. Guidepost Solutions (“Guidepost”) was retained by Girvin & Ferlazzo, counsel representing the library, at the end of March 2024 to conduct the investigation.

Over the last three months, Guidepost has reviewed emails, text messages, GPL policies and procedures, a police report, board meetings, board meeting minutes, business records and conducted interviews with current and former GPL personnel, including one member of the Board of Trustees. The investigation was conducted independently from Board oversight, or instruction by Girvin & Ferlazzo.

On April 29, 2024, Ms. Partak’s attorney, Adrial Colon-Casiano, informed Guidepost in response to our request to interview her, that Ms. Partak has “declined to participate in the investigation.” Guidepost also attempted to contact three former members of the Cafe staff via email and by phone, to which, we received no response. However, Guidepost was able to interview Ms. Partak’s business partner in Café con Mel, a number of current and past employees of the GPL and a member of the Board of Trustees. We found all of the individuals we spoke with credible. There were no obvious inconsistencies in the facts

¹ This is an excerpt from the Facebook post.

presented to us, and each of the individuals with whom we spoke presented as cooperative and forthcoming about their involvement and knowledge of the facts.

We found no evidence of comments or affirmative acts by employees of GPL directed to Café staff based on race or any other protected class. We also found no record of any complaints made by either of the Café partners to GPL or the Board, of any alleged violations of the GPL Non-Discrimination / Anti-Harassment Policy. We did find that comments were made, often referred to as micro-aggressions, from Library patrons to Café staff about the type of food served and the ethnic backgrounds of certain staff members.

Our factual findings are summarized below, together with our recommendations for consideration by the Board of Trustees.

Cafe Selection and Operating Terms

Approximately five years ago, GPL began developing a concept for an on-site library café. Timothy Wiles, the former Executive Director, working with a Design Committee designated by the Board, started to identify minimal requirements for a café. Mr. Wiles initially described the proposal as “a proprietor, who will staff, manage, and operate the café separately from the library.” It was to be located in what was then the Normanskill Room. It was contemplated “that the café can be open even when the library is not, so a tenant can set their own hours” offering “coffee and tea, bottled beverages, and light fare, cooked elsewhere and brought on site daily.” In 2021, GPL issued a solicitation intending to identify a café vendor. Despite efforts, there were no formal responses, and after several walk throughs and inquiries from local businesses, no prospective vendors responded to the solicitation.

During the Spring of 2022, Elish Melchiade, a member of the Board, became aware of the difficulties GPL was experiencing in identifying a vendor for the café space. Ms. Melchiade knew that Melanie Diaz owned Café con Mel (“Café”) with a business partner/co-owner, at the time located at 133 Remsen Street in Cohoes. She reported that she, “heard about the café and the library wasn’t having any luck finding someone to lease the space. I was told it was the number one priority. I thought it would be a good fit. So, I asked Mel if she was interested in expanding and she said absolutely, so I passed it off to Tim Wiles.”²

Ms. Melchiade first met Melanie Diaz through a mutual friend around 2019. They would occasionally spend time together, sometimes with their children. In May 2022, Mr. Wiles convened a meeting with members of the Board at the Café con Mel location in Cohoes. At this point, no other vendor had formally expressed interest in the café opportunity at the GPL by submitting a proposal. In June 2022, Ms. Diaz submitted a business proposal for consideration by the Café Committee. The proposal was considered during the June 2022 Board meeting and a decision was made to move the process forward with Café con Mel.

Over the next several months, various matters had to be addressed. Contract terms were discussed among and between the Executive Director, the Board, and GPL attorneys. At the outset, concerns were raised by a Library staff member about the terms of the lease and whether the Café would have access to an already existing auxiliary kitchenette in an adjacent room to the Normanskill room. The kitchenette, referred to as the Helderberg kitchen, was used by library staff for community programming. A lease, and then a subsequent amendment to the original terms, were initially presented to the Board in August and September 2022. After additional revisions, the lease was approved by the Board in April 2023.

For approximately the next six months, meetings and emails were exchanged between Ms. Diaz, Ms. Melchiade, the Executive Director, and various other staff at the GPL to prepare the space for the Café. Leading up to the signing of the lease, there were emails and discussions about design iterations

² On the Café con Mel website, Ms. Partak explains “a very good friend of mine is on the board and suggested it to me,” referring to the decision to pursue the opportunity to open a Café in the GPL. Ms. Melchiade disclosed the connection to Mr. Wiles and the Board.

associated with building out space for the Café. According to one employee interview, there was no communication to the wider Library staff announcing the decision to bring in a café. He said “we never found out officially” until it was on the Facebook page. It is noteworthy that the GPL was undergoing major renovations and construction in connection with a large library expansion project at the time. However, since a café vendor had not been selected during the design phase of construction, the elements necessary to house a functioning café were not included on original building plans.³ Efforts to include the infrastructure required for Café con Mel to operate began as the larger renovation and construction work was coming to an end.⁴ As a result, work to accommodate the needs of the Café was piecemeal, resulting in procurement hurdles, and the vendors required to complete certain work were no longer available. Every effort was made by the GPL staff and the Board to bring the Café into the library.

On September 6, 2023, GPL entered into a lease agreement (“Lease”) with Café Con Mel, co-owned by CEO Melanie Diaz Partak and her business partner. The term of the lease was for one year. The lease specified that the Café would occupy the Normanskill Room, pay monthly rent in the amount of \$200 per month, and the GPL was “responsible for the cost of routine cleaning, maintenance and repair to the common areas, as well as snow removal to the parking lots” while the Café was “responsible for the care and cleaning of the café and the outdoor seating area shall [sic] insure it meets all health and safety requirements.”

Library Operations and Café con Mel

Early during the process of negotiating contractual terms with the Café, certain GPL staff raised concerns and were not generally welcoming of a café concept. There was a fractured relationship between some library staff and the Café. Interviews revealed an “us vs. them” attitude rooted in the fundamental idea that the library is a non-profit entity that provides a service to the community, and the Café, contrary to the broader mission of the library, was a for-profit entity. Mr. Wiles described the “library staff [as] very much in a not-for-profit mindset.” Staff raised “ethical concerns” about the Café’s involvement with library operations, in one instance questioning the legitimacy of the Café’s involvement with a book sale. A Library Department Head raised concern about library staff optics if the Café is “making a profit” at a library program. One manager described it as, “the bottom line is that staff don’t want the café to make a profit off of their patrons with a library program.” This was confirmed in multiple interviews. Mr. Wiles described, “it blew some minds to have a café in the same building as a library.” It is unclear whether this issue was raised with the Board.

³ According to interviews, construction for a 6500 square foot expansion of the Library began in the Fall of 2020, with the bulk of construction occurring in 2021 through the COVID pandemic.

⁴ According to the Maintenance Supervisor, “they had no vendor, it was an allocated space, it was gonna [sic] be a café,” referring to the Normanskill meeting room. They were putting in equipment, but I was pointing out that we didn’t know what was coming.” In 2023, and for six months while the Café was operating, the lack of proper planning resulted in operational issues including a lack of electrical and plumbing infrastructure, and eventual HVAC issues related to cooking odors.

Issues also arose related to library programming. In one example, a Department Head directed complaints to the Executive Director regarding upcoming programs that the Café had planned on dates the GPL had scheduled programming. The conflicts were mostly focused on confusion among the community that Café events were either ticketed or came with a cost, as opposed to free programming offered by the GPL. There was a concerted effort demonstrated in emails by the GPL management team to mediate GPL staff concerns about comingling library events with the Café operation. One manager described the relationship between the Café and GPL staff as “difficult and there hasn’t been great communication.” She acknowledged the conflict in a text message to Ms. Partak about the Café “book[ing] programs independently because of constant resistance to anything you tried to accomplish in that space.” The same Department Head, in another example when discussing a programming conflict said in an email, “I’m still very wary, though, of having overlap between cafe events and those typically held by the library, and there being confusion among patrons about things like the Café being suddenly closed and folks being shut out of something the Café promoted.”

A cultural divide between the library staff and the Café continued to evolve leading to increased tension. Mr. Wiles said, “of 70 employees, I’d be surprised if more than 15 people ever used the Café the prices seemed high and library people don’t make a ton of money.” Soon after the Café began operations, an issue developed regarding the Helderberg kitchen in the room adjacent to the Normanskill room, the same space that presented concern to library staff during lease negotiations. That auxiliary kitchen is used by library staff for organized community events. Certain library staff were fundamentally against permitting the Café to use the kitchen because it was not included as part of the lease, and it was the only kitchen space available for library staff to use for community events. Nonetheless, the Executive Director decided to permit Café access to the space for storage. Soon there were complaints by the Café that the door to the kitchenette was purposefully being locked by the Maintenance Supervisor, preventing access. Then there was an incident where bottled drinks went missing, and both Café staff and library staff accused each other of removing one another’s bottled drinks. The Executive Director admitted that his leniency with the Café may have caused some of the conflict, acknowledging that, “I guess the lease prevented use of that auxiliary kitchen,” but then deflected by saying “I wouldn’t’ say it was my choice but that it was the direction the Board [] wanted to go.”⁵

Several months after the Café was fully operational, in November 2023, Library staff expressed complaints about cooking odors emanating from the Café. Mr. Wiles recalled, “there was a point before Café con Mel where they were going to use their kitchen in Cahoes and bring food over, so there was no plan for dealing with food odors. I’m very hazy on when that changed but I’m not the one who initiated it. I would imagine it changed by the Board at the request of the Café.” Ms. Melchiade, in her role as the head of the Board’s Building and Grounds Committee, scheduled time at the Library to attempt to identify the cause. In an email to the GPL management team, she concluded that, “I can confidently say there is zero way to get rid of ALL smells ... that is how fresh-cooked food works.” Her email went on to explain that addressing

⁵ Mr. Wiles referred to the Board, indicating Ms. Melchiade

GPL staff complaints about the Café has been “harrowing” and that “Melanie has called me crying multiple times as well ...”

At the time, several library staff complained to the GPL management team of food odors causing them to feel ill, one employee made a formal complaint to the Department of Health. In another correspondence, a Library Manager said, “the trouble seems to lie with the design of the building or HVAC system,” but if “we can’t keep the smell contained, then yes, this ... is not going to work out,” and then suggested “a coffee shop with pastries and cold prepared foods cooked off site would likely work well.” This set back contributed to further alienate the Café from Library staff. In an effort to continue mitigating the issue, the GPL Executive team and the Board were working to obtain and evaluate HVAC quotes for exhaust solutions to improve air circulation to address staff complaints of odors as recently as February 2024, within a week of the Facebook post and allegations by Ms. Partak.

The sentiment by Library staff expressed during interviews with Guidepost was that Mr. Wiles was partial to the Café and its success, as a legacy milestone prior to retirement. In early February 2024, a GPL staff member emailed the Interim Executive Director stating that “Tim told them they can do whatever they want and gave them full access to the building” and “there is an overall sentiment among some staff that what was originally agreed upon with the Café operations and procedures has not been upheld.” The email referenced an incident where trash leaked through an interior Library hallway, which was otherwise not supposed to be accessible to Café staff. Other examples, discussed in more detail below, indicate that the staff viewed Mr. Wiles as overly tolerant to Café needs contributing to some discontent by GPL staff.

Since its opening, the Café did not produce the revenue, or the business originally contemplated by Ms. Partak. During planned events, the Café was not profitable. Mr. Wiles indicated that “the Café told me they had to leave the Cohoes location due to a rent issue, so they changed the business plan for cooking at the Library” which was not equipped to house a fully operational kitchen. The original business plan, submitted to the Board, contemplated \$200,000 in annual revenue. In just four months after opening, in December 2023, the Café admitted in an email to Grub Hub that they “had not been performing as well as needed to survive in the space for the month of December.” One employee reported “people would complain about reduced hours and unannounced closures.” Closures were often posted on the Café’s website, but the Library staff would not be informed. This continued after the New Year and text messages confirm that Ms. Partak ultimately decided to reduce Café operating hours beginning the second week of February 2024, around the same time of her public allegations against the Library.

Personnel and Library Patron Interactions – Allegations of Harassment and Racism

I. Café con Mel Co-Owner

Ms. Partak, through her attorney, chose not to participate in the investigation of her allegations set forth in the February 21, 2024, Facebook post. Guidepost was able to identify members of the Café con Mel staff and made multiple attempts to contact three staff members, both by email and by telephone. None

of the staff members returned our emails or telephone calls to be interviewed. On May 8, 2024, the co-owner of Café Con Mel (“Co-Owner”) contacted Guidepost.

During our interview with the Co-Owner, she said her initial contact was with Mr. Wiles, and described him as “very accommodating and welcoming.” She opined that he did not “anticipate all the repercussions of opening up a food service in the library” citing the architect as part of the problem when efforts began to bring on the Café. They thought we would bring in pre-made pastries, but our goal was to cook fresh food,” which proved to be difficult because the “kitchen wasn’t compliant with DOH.” The Co-Owner cited several hurdles making it difficult for the Café to operate, all of which were not contemplated well enough in advance by the Executive Director or the Board.⁶

When asked about her thoughts about allegations made by Ms. Partak of racism and harassment, the Co-Owner focused her responses on interactions with one particular individual, the Maintenance Supervisor, and more broadly about the general sentiment of the library staff and the public. She provided no specific examples of incidents demonstrating discrimination or harassing behavior by the Maintenance Supervisor. She described him as “dismissive of anything we were doing.” She said it “seemed like he was leering at people, and she described not feeling safe around him.” When pressed for more detail, the Co-Owner explained that “it’s the way he stared at people, if I looked at him to talk to him, he would look away.” She was dissatisfied with how this particular individual responded but couldn’t identify anything specific that the Maintenance Supervisor did, except generally that she perceived an issue based on “the way he looked at me, and sometimes he would get too close.”

When asked whether the Maintenance Supervisor ever threatened her, she said, “no, it was just his expression and the way he acted around me.” She described instances where he would respond to her by rolling his eyes or being irritated because of a request. She said, “he just didn’t want to do anything with the Café.” The Co-Owner said she never reported any issues or concerns to the GPL Executive Director but had conversations with Ms. Partak.⁷ When asked whether she heard offensive comments directed towards her or the Café staff, the Co-Owner could not identify any specific instance and responded that “I’ve shielded myself from comments like that. You just know when someone is talking about you, and they are talking about your ethnicity. It’s more of a feeling, it’s an atmosphere.” When specifically asked about the Maintenance Supervisor, and whether the Co-Owner believed he was harassing or just difficult to work with, she said, “he just didn’t want us there I think, he made it extremely difficult for us to be

⁶ Correspondence during 2022 involving an architect engaged by the Library discussed electrical and infrastructure requirements for the Café to operate. Text correspondence between Ms. Partak and Ms. Melchiade during the latter half of 2022 also discussed Café equipment requirements, operational needs, and likely limitations to the Café menu due to the lack of certain kitchen equipment. Most correspondence occurred prior to the signing of the lease in 2023. Food preparation equipment, storage requirements, and related unresolved operational needs were not defined adequately during contract negotiation, nor were those specifics incorporated into the lease agreement. This occurred, in part, because the infrastructure cost for the Café build out were not defined and would eventually need to be absorbed by the Library.

⁷ Mr. Wiles indicated, regarding the staring complaint by the Café’s Co-Owner, “Mel came to me with urgency for other things, but not that one.”

there.” She went on to say, “I think it would be fine if they [café staff] were white.” The Co-Owner acknowledged that her conclusions about the Maintenance Supervisor, and other staff at the GPL were generally based upon the way she felt but could provide no specific examples of any comments directed towards her or Café staff.

II. Maintenance Supervisor

Interviews and emails suggested tension between Ms. Partak and the staff of Café con Mel and a particular Maintenance Supervisor. Interviews, emails, and text correspondence include multiple conclusory statements made, by Ms. Partak, Mr. Wiles, Ms. Melchiade, and other Library managers and employees that the Maintenance Supervisor was harassing Ms. Partak and the Café staff. Guidepost was unable to identify a single complaint of discrimination or racism during this investigation attributable to any Library employee, including the Maintenance Supervisor.⁸ This led us to inquire into those matters which appeared to be most relevant to the issue of harassment.

The Maintenance Supervisor had concerns about the Café coming into the Library from the outset of the project. He was not supportive, he said “it should be a zero-sum game, you lease it out, you take care of it.” He presented as particularly concerned about the additional work that would be required of him and his team to assist in the maintenance of the space. He expressed concern about the lack of preparation and analysis required during construction to ensure a Café could operate in the building. He was impacted by what he perceived as disloyalty from the Executive management team explaining that “he was no longer consulted or delegated the responsibility to identify vendors and to scope out work for vendors in connection with the Café or occurring in other parts of the Library.” He described work as happening outside of his knowledge and gave one example of pillar repair work slated to occur where he was forced to “step in” and insist that roof repairs were conducted first before repairing the pillar.

Our assessment of the Maintenance Supervisor is that he was a twenty-three-year public employee with whom it often was difficult to work. There were multiple accounts from all interviews that suggest the Maintenance Supervisor did not communicate well; he rejected additional work; and was generally cantankerous. His disposition likely frustrated Ms. Partak. He reported that a colleague heard Ms. Partak say, “[Maintenance Supervisor] needs to pull up his big boy pants and get over it,” referring to additional cleaning responsibilities in connection with the Café space.

a. Café Key Access

Access to the Café space required keys and reconfiguration of security codes. In an email from Ms. Melchiade on June 22, 2023, she indicated, “the Café owners need keys to access the space” among other issues. Within minutes the Assistant Director forwarded the email to Human Resources indicating, “This is for notes on [Maintenance Supervisor]. It looks like a lot of Café holdup was on his end. Frustrating.” This response suggests a perception that the Maintenance Supervisor intentionally creating a roadblock.

⁸ This includes comments by Café con Mel’s co-owner referenced during her interview.

When contacted with the request, the Maintenance Supervisor responded, “the keys and code have been prepared and ready for almost two 2 months ... I don’t have the authority to give ‘non-employees’ keys and the code to the building.” During an interview with the Maintenance Supervisor he said, “we hear the Café is coming in, but there is no signed lease.⁹ We had to get separate keys for the Café. I had the keys in my office.” In an email from Mr. Wiles later that same afternoon, he acknowledged, “Please give her the keys and the code today. I do have the authority,” the email went on to suggest it was the Maintenance Supervisors responsibility saying, “if that was what you were waiting on, all you had to do was ask me.”

Email correspondence by the management team later categorized this as an intentional delay by the Maintenance Supervisor. No incident report of non-compliance or intervention occurred.

b. Staring Compliant

Mr. Wiles advised during his interview with Guidepost that “there was a verbal complaint from Melanie” about the Maintenance Supervisor “gazing through the window into the café” near the book sale area. This corresponds with the incident described by Ms. Mercado which she categorized as “leering.” Mr. Wiles said that there had been “staring” complaints in the past, between library patrons, but said he was “confused about filing incident reports for things happening in the Café.” He went on to describe the report as “Mel came to me with urgency for other things, but not that one,” referring to the staring complaint.

An undated unsigned incident report was completed in connection with this complaint indicating “It was reported that [Maintenance Supervisor] was seen watching/observing the café staff for an extended period of time that made the Staff feel uncomfortable. One of the staff members said “Hello?” to see what it was that he wanted, but he then just walked away.”

During our interview with the Maintenance Supervisor, he indicated that he or his staff would occasionally look through door windows into the Library rooms explaining, “we are always looking in rooms, we had teenagers doing inappropriate things in the study rooms.” He suggested that his team are essentially the caretakers for the maintenance of the Library and try to maintain an awareness generally of all the spaces.

No action was taken to further investigate this complaint and no intervention occurred as a result of this incident.

c. Inconsistent / Failure to Clean

From our interview there appeared to be disagreement about the responsibilities of the Maintenance staff and those of the Café staff in connection with the Café space. The Assistant Director reported that she had a conversation with Ms. Partak, explaining that “she [Ms. Partak] can’t take it personally, but [Maintenance Supervisor] would do this to any vendor because the Café made him do more work. He was

⁹ The lease was signed on September 6, 2023.

going to do this to anyone who came in.” Prior to the Café opening there was a meeting with the union specifically on the issue of performing cleaning work in the Café. The maintenance staff were pushing back. According to the Assistant Director, Mr. Wiles told the Maintenance Supervisor, “you are responsible for this room.” She went on to explain that it became a “negotiation regarding what they would do ... it ended up being they were responsible for cleaning windows, mopping the floors and snow removal.” Maintenance was initially also required by Mr. Wiles to remove the garbage, but it ended up that maintenance stopped doing that and the Café staff picked up that responsibility.

The lease provides that, “landlord will be responsible for the cost of routine cleaning, maintenance and repair to the common areas, as well as snow removal to the parking lot ... Tenant shall be responsible for the care and cleaning of the café and the outdoor seating area ... “

In early January there were a series of emails reporting complaints about the Café floors not being mopped. On January 18, 2024, following a snowstorm, Mr. Wiles acknowledged that the [Maintenance Supervisor] was the only maintenance worker at the library that day, that there was a big snowstorm and that he was outside shoveling for 90% of the day. No incident or non-compliance reports were completed in connection with these complaints.

The Maintenance Supervisor explained that he told Mr. Wiles that the maintenance staff “shouldn’t be going in there at night. They lease space from us, and our staff shouldn’t be in their locked space, with their cash register and their property.” According to the Maintenance Supervisor, Mr. Wiles insisted “no you have to clean it, it’s in the lease.” The Maintenance Supervisor speculated that Mr. Wiles “lied to us, because we always asked for a copy of the lease, and he wouldn’t give it to us.”

d. Failure to Shovel

On January 16, 2024, there was a snowstorm and the Executive Director decided to close the GPL early. In an email the Assistant Director said, “maintenance didn’t shovel the walkway and mop the floor, Tim didn’t explicitly say that [the maintenance team] had to still do these tasks, but it is implied.” The next day, an email from the GPL Assistant Director indicated that “the walkway to the Café was not shoveled out during the storm yesterday ... you can see the path to the Café is not shoveled at all.” This was prompted by a photograph sent by Ms. Partak to the Assistant Director.

During our interview Mr. Wiles recalled that “there was one time with a snowstorm where [Maintenance Supervisor] didn’t clean their walkway. There is a legal requirement of clearing exterior doors for fire exits, but in his defense, the storm was going on all day and there were other priorities.” In an email on January 18, 2024, Mr. Wiles said, “it is explicitly [Maintenance Supervisor’s] responsibility” but went on to note that the Maintenance Supervisor was the only maintenance staff member working at the library on that day and he was outside 90 percent of the day because it snowed most of the day.

After the Assistant Director texted the Maintenance Supervisor, he asked the night-time custodian to shovel, and it was remediated shortly thereafter. In our interview with the Maintenance Supervisor, he

said, “one of the guys didn’t know if it should be done” referring to his staff, they probably “assumed its winter, no one was using it.” He went on to say that the Café could be accessed by two other doors and said that “technically it should be done because it’s a fire exit ... but I’m not surprised one of my guys thought they didn’t need to do it.”

Email correspondence by the management team later categorized this as intentional act by the Maintenance Supervisor and the Assistant Manager sought advice from the Library’s attorneys to take further action. No incident report of non-compliance or intervention occurred.

e. [Locking of the Helderberg/Auxiliary Kitchen](#)

The lease agreement for the Café was limited to use of the Normanskill Room. After the Café opened, there was an appeal by Ms. Partak to use space in an adjacent room which housed an auxiliary kitchen used by library staff for community events. Mr. Wiles said during his interview that “the lease prevented use of that auxiliary kitchen.” He went on to explain that “the way that the Café owners got the ability to use the kitchen was, on a day when I wasn’t working, Melanie made an appeal to the [Assistant Director] that day about really needing to use it.” The issue “went to Ms. Melchiade to ask if we would allow the use of that kitchen.” Mr. Wiles concluded that, “I wouldn’t say it was my choice but that was the direction the Board wanted to go.”

There was an internal dispute amongst the GPL staff regarding use of the auxiliary kitchen. One manager was adamant that the kitchen was for public use and for library programming and should not be made available for use by the Café. This dispute emerged as yet another issue that divided the library staff from the Café. Mr. Wiles reported that “[Maintenance Supervisor] would lock the door to the auxiliary kitchen, and then do it every 5-10 minutes through the day, ... I think it happened 3 times that morning.” The Maintenance Supervisor said, “the Café wanted to knock a wall down to have full access to the kitchen.”

The Maintenance Supervisor said there was “an impact on employee morale.” The “kitchen was locked unless there is a meeting going on, ... then all of a sudden, I got an email from the Executive Director saying, “I told you guys, that kitchen needs to be open at all times.”

There was a subsequent email discussion involving members of the management team, some of whom concluded the Maintenance Supervisor was intentionally preventing access to the kitchen. No investigation or further inquiry occurred. Instructions were sent via email to the Maintenance Supervisor to keep the door unlocked.

f. [Grub Hub Package](#)

Ms. Partak’s departure from GPL, was attributed in part to an incident she described in public comments to CBS News and in text messages as harassment by the same Maintenance Supervisor who was identified by Ms. Mercado to Guidepost during our interview. On February 21, 2024, after receiving confirmation that the Maintenance Supervisor would not be disciplined or fired for an incident, involving a misplaced

Grubhub package, Ms. Partak announced the closure of the cafe. She communicated via text message that, “I’m going public today and it will definitely be covered ... once I post the news will come to me.”¹⁰

According to those interviewed, on January 2, 2024, a marked box from Grubhub Inc. was delivered to GPL via Federal Express. The package contained a tablet for the Café to begin accepting online orders. Ms. Partak corresponded with a Grubhub representative via email and received a response from Grubhub indicating the package was “delivered adn [sic] signed for by [the Maintenance Supervisor]” referencing the FedEx tracking number. For several days Ms. Partak looked for the missing package with the assistance of Library staff. The Executive Director was aware that staff were looking for the package and reported that initially, he believed he did not need be involved. On January 9, 2024, Ms. Partak notified the Executive Director again about the missing package, explaining that FedEx delivered it, and it was signed for by the Maintenance Supervisor. In response to the complaint, the Executive Director sent out an email at approximately 11:30am to the library staff inquiring about the missing package. The Executive Director also contacted the Maintenance Supervisor directly, who was offsite, but promptly responded and later indicated that he did not recall signing for the package.

Multiple staff at the library began looking for the missing package in response to the complaint by Ms. Partak. The missing package was located on the same day, within hours of her initial inquiry, in the maintenance storage room among cleaning supplies. It was unclear from interviews and from emails who exactly found the package. However, one of the maintenance staff located the package and the Maintenance Supervisor returned it to the GPL manager, who in turn, returned it to Ms. Partak at approximately 1:30pm on January 9th.

This incident immediately prompted allegations that the Supervisor intentionally sequestered the package as part of broader motive to harass Ms. Partak and the Café. The email correspondence identifying the individual who signed for the package was circulated to the Executive Director and other GPL managers, in response, there was a presumptive conclusion by GPL staff that the Supervisor purposefully received and hid the package. Ms. Partak made a similar conclusion and filed an incident report with the Guilderland Police Department (“GPD”), indicating that the Supervisor signed for a package of hers and kept it in a storage room for a week before returning it. She reported that the package was returned, opened, but undamaged. The GPD took no further action.

During the search for the package one GPL manager circulated an email asking, “has anyone directly asked [the Maintenance Supervisor] if he knows where the missing tablet is,” later writing, “I’m just curious if this is another ‘nobody asked me’ thing.” In a later email the same manager wrote, “I have a feeling ...” suggesting the Maintenance Supervisor knew more or was perhaps responsible. The Executive Director drafted a conclusory report categorizing the Maintenance Supervisor’s behavior as “passively-aggressively

¹⁰ In another text message correspondence on February 21, 2024, Ms. Partak said, “I was told that nothing case be done about [Maintenance Supervisor], and it just doesn’t sit well with me. Apparently, the money does not want to be wasted on a case against him since he is leaving in May anyway. That shows me a complete lack of care or protection.”

attempting to inconvenience or sabotage the café.” Another GPL manager indicated M. Partak showed me the package was signed for by the Maintenance Supervisor on January 2, 2024, and indicated that she “shared concern” because the Maintenance Supervisor has made it known that he does not care for the café, it’s occupants” which he has demonstrated. When the GPL manager spoke with the Maintenance Supervisor, he indicated that “he did not remember signing for anything for the café.”

A thorough investigation of the underlying circumstances in connection with the missing package was not conducted. The Maintenance Supervisor who allegedly hid the package was not formally interviewed, nor were any other individuals. The Executive Director described the inquiry as, “all conversations in the hallway” and went on to explain, “the goal was to find it, and once you find it then you look into it more.”¹¹ One of the Trustees acknowledged that “there was never a formal compliance person in the library or director taking control [to do] an investigation ... [or arriving at a] conclusion into what happened,” referring to the missing package.

The Maintenance Supervisor revealed an alternate version of events, which appears to be confirmed by Federal Express. On January 2, 2024, Federal Express delivered the Grubhub package together with an order of maintenance supplies from HD Supply. Invoices and shipping records confirm that both deliveries occurred at the same time and date. During our interview with the Maintenance Supervisor, he explained that the Federal Express deliveries would be dropped off in the hallway between the Maintenance Office and Technical Services offices. This is located in a hallway that leads out to the loading dock. Parcels are delivered via the receiving/loading dock. The Maintenance Supervisor said that “there is no way I’m signing for it given our relationship,” referring to the package. He also said if a delivery was made, “If my staff sees it, they might take [boxes] and put them in the closet.” He went on to explain that he “didn’t hear anything more about it until ... an article in the Times Union or Altamont Enterprise saying that someone was stealing the café’s mail,” confirming the lack of a thorough investigation. He explained that packages had been misplaced in the past and, once when a package could not be located, it was found in the Information Technology department.

Guidepost spoke with a representative from Federal Express on May 7, 2024, who confirmed that there was no signature confirmation for either package delivered on January 2, 2024.¹² Federal Express also could not conclude whether someone received the package and provided their name, or if the delivery person input the name of the receiving party from one of the two packing slips.

On July 19, 2024, Guidepost contacted customer service at Federal Express again to confirm earlier representations regarding package handling and the Grub Hub delivery. Guidepost spoke with an employee, Nico (Employer ID#6298184), who confirmed that the Grubhub package sent to Ms. Partak did not require a signature and no actual signature was recorded at the time of delivery. Federal Express could

¹¹ Incident reports in connection with this incident were completed by the Executive Director and the head of Human Resources.

¹² Referring to the Grubhub package addressed to Melanie Partak, or the cleaning supplies addressed to the Maintenance Supervisor.

only confirm that the name of the Maintenance Supervisor was entered into their system as the recipient by the Federal Express delivery person. When asked if the driver may have entered that name because it was the name on several of the boxes being delivered that day, the representative from Federal Express (Nico) responded “Yes that may be the case.”

III. Library Patron Encounters

During our investigation we were advised that several unpleasant encounters with Library patrons occurred during the six months the Café operated at the GPL. These interactions with patrons were reported during interviews and revealed in emails and text messages. These incidents were casually reported and discussed amongst Ms. Partak, Library management, and the Board. There were no formal incident reports, nor was there a request for any action to be taken by Library management in response, except in the circumstance of an aggressive patron explained in more detail below.

Within the first week of opening, at the ribbon cutting, a patron walked in from the farmer’s market and commented to Ms. Melchiade, “I like the Mexican thing they are doing in here.” In response, Ms. Melchiade said, “she is not Mexican, she’s Puerto Rican and her partner is from the Philippines.” The patron went on to ask whether “they were visiting,” and Ms. Melchiade replied, “no.” This was reported to the Board.

In another encounter, Ms. Melchiade reported that Ms. Partak told her that a patron came into the Café and said, “this smells really good, what is that seasoning, is it curry?” According to Ms. Melchiade, Ms. Partak replied, “no I’m making chicken and rice.” According to Ms. Melchiade, Ms. Partak was annoyed, but found it funny. It was unclear whether this was reported to the Board.

There was also an encounter where a woman approached Ms. Partak and said that she should be ashamed for only paying \$50 a week in rent compared to the amount paid by vendors for the farmer’s market considering the space used by the Café. The patron said, “cheaters never prosper, you are paying the same as what vendors pay in the farmer’s market, yet you have all this space.” This issue was reported to the Board.

In January 2024, Ms. Partak had an encounter with a female patron from the GPL that she described as “the woman who came in and verbally attacked me.” The Library management team acted on this. According to emails and accounts by Library staff, the incident prompted the management team to develop a new procedure to address patrons who have “violated the law and/or [Library] Rules of Public Behavior.” The procedure was a broad response on dealing with banned patrons and handling aggressive or violent patrons. In an email exchange with the Interim Executive Director, the Library addressed Ms. Partak’s concern and explained that although the Library had a photo of the woman (from security cameras), nobody at the Library could identify the woman. No race-based complaints or ongoing harassment claims in connection with this incident was identified by Ms. Partak in emails or text messages.

Management, Policies, and Procedures

Tim Wiles began as the Executive Director of the Library in 2014 and ended his tenure after ten years this past February 2024. He recalled some of the biggest challenges he encountered as “inheriting a culture of enduring distrust between the unionized staff, the board, and management.” Mr. Wiles categorized staff into those who were good, or over-communicators, and those that are poor communicators. He admitted that he was a “a top-heavy leadership type person and some staff would take advantage of that.” He explained that “some people thought I wasn’t correctly qualified” because “I didn’t know how to look over the shoulders of some employees and tell them what they were doing wrong.” Certain staff accounts attribute the cultural differences to the Executive Director and his management style, describing a situation where “Tim would tell Mel one thing and then staff another thing to avoid angering people.”

Mr. Wiles acknowledged difficulties with certain staff over the years emphasizing discouragement when attempting to discipline problematic employees. He explained the process took a substantial amount of work and documentation. He was well aware of a gap in human resources and took steps to hire a certified human resource professional who began in October 2022.

When asked about documenting non-compliance and deficient performance, Mr. Wiles admittedly said that there were no efforts to document deficient performance, insubordination, or non-compliance until the incident involving the missing Grub Hub package. His response was not specific to the Maintenance Supervisor, it was a general response about addressing human resource matters. In connection with the Maintenance Supervisor, he said that issues “involving locked doors, and forgetting to mop were handled by email and during in-person conversations. Most of it didn’t rise to the level of an incident report.” Mr. Wiles also expressed general frustration about holding staff accountable saying that he may “let small things go to focus on the big things.” He recounted a past incident when he spent substantial time and effort to document an employee’s non-compliance, describing the effort as a 2-year process, with no guarantee of success. He went on to say, “I don’t think the board understands ... the Board seems to run under the assumption that they think one person can handle everything.”

The Library policies and procedures reviewed by Guidepost appear to be robust.¹³ Substantively they are on par with that of other non-profits. Existence of the policies and procedures is only the beginning. In practice, policies and procedures are as effective as the individual leaders of the organization who educate and train staff about procedures, promote their use, and incorporate the organization’s policies and procedures into everyday practice. This includes monitoring conduct that occurs in the workplace. As demonstrated in this report, and apart from allegations by Ms. Partak, routine monitoring, reporting and, documentation of incidents and staff performance, including that of the management team, are lacking, and will be imperative for the successful improvement and culture change at the GPL.

¹³ Policies and procedures reviewed as part of this investigation include the Code of Ethics for Employees; Code of Ethics for Officers; Non-Discrimination / Anti-Harassment Policy and Complaint Procedure; Employee Handbook.

Communication appears also to be a key issue. One staff member reported that the dissolution of regular department head meetings heavily impacted the level of communication and cross-functionality across Library departments. He said that regular weekly meetings kept staff informed and provided a forum to discuss issues and planning. He indicated that the meetings stopped very abruptly, approximately a year and a half ago. The new Executive Director may consider whether implementing a regular meeting cadence will have a positive impact on GPL culture and staff morale.

During the latter part of 2023, the management team and the Board began a strategic planning effort, focused on conducting a review of job descriptions, evaluating and realigning responsibilities to proper job titles, and assigning the correct titles to the proper departments. The process was intended to determine whether operational gaps exist in Library departments and to develop a plan to either fill those gaps or reallocate resources to address Library staffing needs. The goal was for an equitable, collaborative, and productive working environment. A comprehensive strategic plan was last completed in 2016 and various adjustments have been made in roles and responsibilities to account for staffing changes since. An essential component of the planning effort was staffing adjustments and development of an early retirement incentive option for eligible staff.

The Board, with input and assistance from the GPL management team and assistance from Library attorneys, developed a retirement incentive program for eligible staff who volunteered to participate in 2023. Four GPL employees fit the eligibility criteria for the retirement incentive program and decided to participate. The Maintenance Supervisor was the first. In a letter dated January 8, 2024, identifying his last day as April 12, 2024, the Maintenance Supervisor resigned.¹⁴ The remaining three individuals who elected to participate were scheduled to retire during 2024. In correspondence by Ms. Partak, there was some speculation that the Maintenance Supervisor was offered retirement in lieu of being disciplined for prior complaints. His departure was voluntary and part of broader reorganization at the Library that began in 2023.

Conclusions

A full review of the documents collected, and analyses of interviews conducted in this matter indicate that neither Ms. Partak, nor the members of her staff at Café con Mel, made a complaint to library staff, of discrimination or harassment by GPL staff or any other 3rd parties based on their status as a protected class. There were insensitive comments by Library patrons and/or Café customers that were reported to the GPL Board and the Executive Director. However, the reported incidents, discussed in this report, were by members of the community at large. The Board evaluated potential mitigation strategies to address the issue (e.g., signage). We also learned that the GPL management team would often make conclusory statements, reaffirming each other's version of events about issues such as harassment and poor work

¹⁴ The Maintenance Supervisor last day was pushed back to May 28, 2024, due to an administrative error processing documents for his retirement.

performance without conducting adequate necessary investigative inquiries, compiling evidence and properly documenting findings.

While our investigation was focused on the very discrete issue of alleged racism and harassment of a protected class, the breadth of the inquiry became necessarily broader due to the lack of specificity by Ms. Partak in her Facebook post, and her unwillingness to participate in the investigation. As a result, our investigation did touch on other matters and revealed a number of long-standing issues at the GPL that requires deliberative consideration and remediation by the Board, the new Executive Director, and the GPL management team.

Recommendations

- Provide Board training on fiduciary responsibilities, conflicts of interest, and the NYS civil service law.
- Hire and/or appoint a Compliance Officer tasked to conduct a risk evaluation and to conduct investigations, as set forth in the Discrimination and Harassment Policies; alternatively, hire a Human Resources professional capable of performing these tasks.
- Provide the Library Executive team basic training on form and process of conducting and documenting investigations, securing evidence, and conducting interviews.
- Update the Employee Handbook and other relevant policies and procedures; and task the Compliance Officer to conduct annual updates of policies and procedures.¹⁵
- Create key performance indicators for the Executive Director and conduct regular evaluations of the Executive Director and the managerial staff.
- Delineate roles and responsibilities for all titles and conduct regular evaluations of staff.¹⁶

¹⁵ Email correspondence confirm that that the GPL Executive team planned to update the Employee Handbook as recently as at the end of last year. Further inquiry with the Library’s counsel confirmed that work to update the Handbook is underway.

¹⁶ There may be some challenges with the CSEA on this recommendation; however, it is highly recommended. It should remain a priority for managerial titles.