

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

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MARTHA GREENBERG et al.,

Index No.: 64093/2014

Plaintiffs,

-against-

THE PURCHASE COMMUNITY, INC. et al.,

**AFFIDAVIT OF MARTHA  
GREENBERG IN SUPPORT OF  
THE COMPLAINT AND  
MOTION FOR RELIEF TO  
SAVE THE PURCHASE FREE  
LIBRARY**

Defendants.  
-----X

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER            )

MARTHA GREENBERG, being duly sworn, deposes and says:

1. I am an individual plaintiff in this action along with a number of my neighbors from the Purchase, New York area as a resident and as a member of defendant The Purchase Community, Inc. ("PCI). I am also President of the Board of Trustees of plaintiff The Purchase Free Library, which operates the local library for the Purchase area (the "Purchase Library" or the "library") in the historic Purchase Community House on Purchase Street in Purchase, New York (the "Community House). I submit this affidavit in support of the motion by order to show cause and plaintiffs' complaint for the relief sought therein, including relief to stop the eviction of the Purchase Library from the Community House and prevent irreparable harm to me, my fellow residents of the Purchase community and the library.

2. My husband, Bill, and I reside in the town of Harrison, New York. We have lived in our current home for 32 years. Our home is zoned for the Purchase Elementary School, where my children attended through kindergarten. My understanding is that that is an area that generally

encompasses different Post Office areas such as the Purchase Post Office area and part of the West Harrison Post Office area, all of which is recognized by residents as part of the Purchase area or hamlet.

3. In the years we have lived in the Purchase area Bill and I have been members of defendant PCI, the not-for-profit corporation that owns and operates the Community House. Over the years we or our children have participated in the many programs offered at the Community House, including the nursery school, summer camp, after-school programs, the pool and the local library services offered the Purchase Library. I was the first nurse for the Purchase Children's Center (the nursery school at the Community House) while my daughter, Rebecca, attended the pre-school nursery. I held that title for 3 years.

4. Defendant PCI's web site notes that "[t]he center of community activities in Purchase is the Community House" and, for the reasons I explain below, the Purchase Library has long been, and is today, a critical and essential part of those community activities in Purchase.

5. **The Purchase Library and My Role With The Library.** I have served on the Board of Trustees of the Purchase Library for more than 20 years, and I have served as President of that Board for the past six to seven years. I do so as a volunteer.

6. The Purchase Library is a "free association" or "association" library, as distinct from a public library. This means that the Purchase Library was formed by the community residents to serve the community and not by a government entity. The Purchase Library is governed by an independent, eight-person, Board of Trustees who are residents of the Purchase area.

7. Since 1954 the library has had an absolute, non-provisional charter from the New York Board of Regents to serve the Purchase area. Since 1967, it has also been part of the Westchester Library System ("WLS"), an affiliation that permits the library to provide better services (for example, inter-library loan) to our local patrons.

8. The Purchase Library is not a public facility. It may only be used by people with a WLS library identification card and, in any event, the vast majority of our patrons are from the Purchase area and well-known to our staff. No one has an absolute right to be in the library or the parking lot fronting the library at the Community House. The library has broad discretion and authority to restrict access and direct the removal of anyone in or near the premises at any time, and our staff is trained to exercise that authority if necessary.

9. The Purchase Library is the smallest library in Westchester. It occupies a space at the Community House that consists of a small room that has the books and periodicals, a bathroom and a small back office, all totaling about 700 square feet (my estimate). However, the library's impact on the community is much bigger than its small physical size as I explain below in further describing the library and its current programs.

10. The Purchase Library has always been located in the Community House. Its identity is very much tied to the Community House. Indeed, the façade of part of the Community House where the library is located is recognizable in the community and an old penciled sketch of the façade is used in the library's logos and web site motif.

11. **The Inseparable History of The Creation of the Community House and the Library and The Library's Central Place In Fulfilling The Purpose of the Community House and PCI, As A Not-For-Profit Corporation.** I am knowledgeable about the library, its history and the deep, close and historic interconnection between PCI/Community House and the

library in their mutual service of the Purchase area community through my service as a member (and now President) of the Purchase Library Board of Trustees, from my own experience in the community, and based on my review of Purchase Library and other historical records.

12. Defendant PCI's web site tells part of the story of the founding of the Community House. A copy of a page from the PCI web site describing that history is annexed hereto as **Exhibit A here.**

13. The PCI web site notes that "Mr. William A. Read first recognized the need for club rooms where the people of Purchase could come together for social and for civic purposes. On October 7, 1915, he informed the Purchase Property Owners Association of Harrison Township, Inc. that he had bought a saloon on Purchase Street, and that he intended to buy additional land which he would present to the Community for the above purposes. He planned to build on this property a Community House which would contain an auditorium, living quarters for a neighborhood nurse and for school teachers, and a gymnasium for men and boys." (See **Exhibit A hereto**).

14. As the PCI web site further explains, Mr. Read died before he "could carry out his plans" and his widow, Caroline Seaman Read, "erected the William A. Read Memorial House" -- that is, the Community House that currently houses the Purchase Library and other activities -- and donated it to PCI. (See **Exhibit A hereto**).

15. The PCI web site also explains that the completed Community House was initially leased for a few years to local community associations and then, in 1926, Mrs. Caroline Read transferred ownership of the Community House to defendant PCI, the corporate entity formed from the Purchase Community organization. (See **Exhibit A hereto**).

16. PCI's November 9, 1926, certificate of incorporation states the purposes for which the not-for-profit corporation was formed, namely: "to provide for the people of Purchase in the Town of Harrison in the County of Westchester and State of New York, opportunity for closer fellowship and for the encouragement of all such wholesome activities as tend to unite the neighborhood in loyalty and services to the Community, the State and the Nation." A copy of PCI's certificate of incorporation that the Purchase Library obtained is **Exhibit B hereto**.

17. The precise language of the grant in the indenture from Mrs. Caroline Read to PCI that I have obtained states that "[t]his conveyance is made and accepted upon the express condition that the premises hereinabove described [*i.e.*, the Purchase Community House] are to be used only as a community house in such manner as to provide for the people of Purchase opportunity for closer fellowship and for the encouragement of all such whole-some activities as tent to unite the neighborhood in loyalty and service to the community, the State and the Nation, and that when the said premises are not longer used as aforesaid the title to said premises is to revert back to the grantor, the party of the first part, or to her heirs." (The word spellings are exactly as they appear in the document.) I attach a copy of the January 26, 1927 indenture by Mrs. Caroline Read transferring the Community House to PCI as **Exhibit C hereto**.

18. PCI's web site states that Mrs. Caroline Read's donation of the Community House to PCI was "made contingent upon the continued use of the Community House for the following purposes: to foster fellowship among Purchase residents, and for wholesome activities which unite the neighborhood in loyalty and service to the community, the state and the nation." (See **Exhibit A hereto**).

19. As I further explain below, the creation and history of the Purchase Library as an occupant of the Community House is tied to, and inseparable from, the creation and history of the

Community House, the intent of the Read family in donating the Community House to our community, and the purposes for which PCI and the Community House were created.

20. In that regard, I refer the Court for general background to a copy of a chapter entitled "The House Was Born" in Purchase, New York, A History, a book by Gretchen Delaney (the "Delaney History"). That book is in the Purchase Library collection and that chapter, a copy of which annexed as **Exhibit D** hereto, discusses the simultaneous birth of the Community House and the library.

21. A February 28, 1916, article in the Harrison Observer recounted Mr. William A. Read's plans to build what became the Community House and specifically noted that [o]ne of Mr. Read's aims is to provide better educational facilities for the young people of that section [the Purchase area] and one of the features of the building will be a high class library." (Emphasis added.) A copy of that Harrison Observer article is annexed hereto as **Exhibit E** here.

22. One of the original floor plans for the building shows a "reading room" that I believe was the first location of the library. A copy of that floor plan is annexed hereto as **Exhibit F** here. (See also page 34 of **Exhibit D** of the Delaney History describing that "[i]n the beginning the library was in the House, and it was simply a small (750 square feet), very loosely organized reading and lending room.")

23. The historical records show that the founding of the Purchase Library at the Community House was close to the heart of Mrs. Caroline Read after her husband died and she donated the Community House to PCI. PCI's certificate of incorporation from 1926 notes that PCI formed a number of committees, including a "Library and Educational Committee" with Mrs. Caroline Read as Chairman. (See the third page of **Exhibit B** hereto).

24. The Purchase Free Library was formally formed as a free association library at a meeting of Purchase residents on December 17, 1927. The first trustees of the library were Mrs. Caroline Read, and four other individuals, all of whom were also founders and first directors of PCI. (*Compare Exhibit B* (PCI Certificate of Incorporation) *with* the Purchase Library's "Certificate of Establishment of New Of A New Library", a copy of which is annexed hereto as **Exhibit G hereto**).

25. In January 1928, the Purchase Library applied for a provisional charter from the New York Board of Regents and -- in what appears to be one of the first references to the lease/rent arrangement that has existed between the library and PCI since their founding -- that application stated that the library is kept in the Community House and "for these quarters the [library] trustees will pay a rental of \$25 a year." It also states that the library's expected income for the year consisted of gifts or subscriptions of "\$100 from Mrs. Wm. A. Read" (*i.e.*, Mr. William Read's widow, Caroline Read) "and possibly others." A copy of the 1928 application for provisional charter is annexed hereto as **Exhibit H hereto**.

26. As the Delaney History recounts, at the beginning the Purchase Library occupied a small reading and lending room or rooms in one part of the Community House, and in 1979 the library moved to its current location in the Community House that I have described above. (**Exhibit D, page 34**).

27. According to a brief history of the Purchase Library that the library has, the library board consisted of a committee of the Community House (PCI) board and the Community House Director even acted as the librarian for many years. In the late 1960s steps were taken to (a) separate the management of the library from the Community House by creating a separate, independent library Board of Trustees of Purchase residents (the first President of this new Board

was Mrs. Donald Read, who I believe is Jean Read, the wife of Donald Read, the grandson of the Community House donors, Mr. William Read and Caroline Read discussed above), and (b) professionalize the library's operations by hiring professional librarians and joining the WLS to obtain the enhanced services and support that participation in WLS could provide.

28. The Purchase Library always occupied the Community House and paid rent for its space, with the amount of monthly rent being adjusted from time to time. The Purchase Library has disbursement ledgers going back to the late 1960s that reflect the monthly payments of rent to the Community House (PCI), with the first entry being a payment of \$100 per month. With adjustments over time the monthly rent amount has increased to the current amount of \$1,800 per month. Except for one occasion that I can remember and that was quickly corrected, the library has always paid the rent on time for all the time that I have been associated with the library.

29. I can assure the Court that the library will continue to pay rent on time for its premises in keeping with past practice.

30. Until December 2013, the Purchase Library's presence in the Community House was never questioned. For all the time I have been on the Purchase Library Board until December 2013, the Purchase Library's lease was regularly and automatically renewed with occasional rent adjustments in accordance with the practice that had been established for many years.

31. However, in the period of December 2013 into 2014, PCI refused to renew the Purchase Library lease consistent with the usual practice over many years. PCI's Board at that time and PCI's Executive Director said that it was evaluating the future use of the library space and so-called security concerns.



32. PCI Executive Director specifically explained to me that one of the reasons PCI wanted to terminate the library was because the parking spaces in front of the library, the front playground bordering Purchase Street, and tennis courts will be relocated, and that the library parking spaces create a traffic flow problem during camp and that removing the library from its space would facilitate traffic flow and upgrade the Community House facilities substantially.

33. Those “security” concerns were purportedly triggered by a couple of non-threatening loitering “incidents” in the Community House parking lot during the summer of 2013 that were supposedly attributable to the presence of the library.

34. As President of the library Board of Trustees, and as a mother of my own children, I certainly take security seriously, and the Purchase Library has made clear to PCI that it is prepared to cooperate with PCI on appropriate security measures and the Purchase Library has already taken steps to do so.

35. However, in my humble opinion, the idea that our little library has become a security threat and cannot be reasonably secured is patently absurd and, I believe, as do others in the community, that the “security” excuse is a pretext for the PCI’s desire to take the library’s space and/or parking area for other purposes that have not been communicated publicly to the members of PCI (*i.e.*, the Purchase community).

36. The Purchase Library was quite surprised by PCI’s position with respect to the library remaining at the Community House, and expressed its disagreement with that position to the PCI Board and to the public.

37. The accompanying affidavit of Rosanna Spadini accurately and briefly describes the steps the library initially took to mobilize community support before we stopped to have some quiet discussions with PCI, the June 4, 2014 PCI annual member meeting that purportedly

elected a PCI Board of Directors with the support of very few PCI members, and PCI's notice and threat on or about July 31, 2014 to take legal action to evict the library if the library did not move out (which the library has not done) and I will not repeat that description here.

38. I add the following to what Ms. Spadini has said with respect to those events. While I heard about the planned June 4, 2014 annual meeting, and I attended, I did not actually receive any written notice of the meeting in the mail or otherwise from PCI. I am told by others in the community that they did not receive any such notice of the meeting either, and some community residents have signed affidavits for this court confirming that fact. That suggests to me that written notice may not have been mailed or otherwise given by PCI to all the members of PCI (*i.e.*, residents of the Purchase area) who were entitled to notice and an opportunity to attend the annual members meeting.

39. **The Importance of the Purchase Free Library To The Purchase Community and The Valuable Services and Programs That It Provides To People of All Ages.** Libraries have been important to the civic life of the United States since the colonial era. As our country grew libraries sprouted up in virtually every community, big or small, and the Court is no doubt familiar with this phenomenon here in Westchester and the surrounding areas. The library system in this nation is an incredibly strong complement to our educational system, and free access to library services is essential to every thriving community.

40. Their support for a library at the Community House suggests that its founders, Mr. William Read and Mrs. Caroline Read, recognized that libraries played a central role in fostering community unity and civic purpose in the United States, and could do so in Purchase, and they would see that this is precisely what occurred if they could look down on the Community House and the Purchase Library today.

41. Purchase today is an unusual area within the Town of Harrison, New York. Unlike most other communities within Westchester County, Purchase has an extremely limited number of non-residential offerings. There is no downtown or village where the community can congregate.

42. As a result, there are just a few institutions that comprise the educational, recreational and service core of the Purchase community and that are of paramount importance to Purchase residents. In no particular order those institutions are: SUNY Purchase (which has a Performing Arts Center), Manhattanville College, the Purchase Elementary School, Purchase Fire Department, Purchase Post Office, our Anderson Hill Road restaurants and deli, the Purchase Community House, and the Purchase Library. I know that the Purchase Library is one of the institutions that real estate brokers tout as a benefit of our community to prospective home buyers.

43. The Purchase Library plays an exceptionally important role in our Purchase community. One of the greatest advantages to the community is that the library at the Community House is situated within walking distance of the Purchase Elementary School. Thus, it is of enormous benefit to the large number of children who take part in library programs and use the resources of the excellent children's book collection. Many Purchase school children use the library as part of their after school activities. The library is an extension and enhancement of their early literacy skill development. There is no fee paid for any of the library services so that all children in the community have equal access to this early path to lifelong learning.

44. The Purchase Free Library also supplements the excellent education provided by the Purchase Elementary School. The range and scope of books that are available through the library's own collection as well as through the interlibrary system is truly unlimited. Multiple

copies of books are available through the WLS when they are needed. Children who have special interests or who wish to expand on the school curriculum can do so. The availability of books for research assignments is crucial in raising the bar to excellent performance. The role of the library during the formative kindergarten through fifth grade years cannot be overestimated.

45. The Summer Reading Program at the Purchase Library reinforces the idea that books are part of a student's life even when school is not in session. Research shows that children who do not read over the summer lose some of the reading gains that they made during the previous school year. The summer allows each child to read at a comfortable pace and level of difficulty with material that is of specific interest to him or her. The incentive is provided by special rewards at the end of the summer along with the praise, support and encouragement of the library staff.

46. The lives of the youngest members of the Purchase community are also greatly enhanced by the presence of the Purchase Library. From the very beginnings of life, the acquisition of language skills is of primary importance. The library provides access to an outstanding array of picture books.

47. Story time at the library heightens auditory skills, vocabulary development, and exposure to different ideas and cultures. Listening skills are honed and the importance of books for fun and for learning is launched for the pre-school group. In fact, the library provides Story Time for every pre-school class of children who attend the Purchase Children's Center nursery school at the Community House, a program that could not be provided if the library was not at the Community House.

48. The commitment to lifelong learning -- one of the missions of the Purchase Library -- is demonstrated by its attention to the needs of its entire adult group of patrons. The

library is, in fact, the hub of social interaction for young parents, working people and senior citizens. The library staff provides information about the current book scene and they are tireless in their efforts to fulfill requests for books that may be available only from remote out-of-state public and college libraries. Members of the Purchase community have unlimited access to books that are near and also far away.

49. The Purchase Library is also the site of the “Boohoo Breakfast” for parents of incoming kindergarten children who will be attending the Purchase Elementary School. This event is for new residents of Purchase who are paired with a veteran Purchase Elementary School parent. This is just one example of the way in which the library enhances social interaction and support in its relaxed and welcoming atmosphere.

50. The Purchase Library offers many other programs for adult residents and patrons. It sponsors a Book Club that meets the needs of readers who seek a venue for discussing both fiction and non-fiction in a convenient location. The library is able to provide multiple copies of the selected book through the inter-library system.

51. It is not readily known that many Purchase residents do not have access to Wi-Fi, computers or printers in their homes. For some, it is a question of financial circumstances and for others a lack of computer know-how. The Purchase Library provides free Wi-Fi and printing for these residents. These services are extremely important and valued by those who need access to them.

52. In addition, the Purchase Library has a very active Friends group. The Friends of the Purchase Free Library offer a multitude of programs, and financial support for the library. These programs are free and have covered such areas as gardening, birds and other wildlife, mahjong and computer skills.

53. The Friends of the Purchase Free Library have also sponsored the Wiggles and Giggles program that integrates reading, music and movement for the very young.

54. **The People Of Purchase Will be Harmed Beyond Measure If The Library Is Kicked Out Of The Purchase House.** The Purchase Library and many Purchase residents like me do not believe that the library should be required to move out of the Community House and that is one of the reasons we have commenced this proceeding.

55. Moreover, the library has no place to move. Thus, if the library is evicted it will have to close, the Purchase community will lose its library and library services, and the Community House itself will lose a local treasure that has been central to PCT's fulfillment of its corporate mission and the conditions of the Read family donation since the founding of the Community House.

56. If the Purchase Library closes then the people of Purchase will have no access to the extensive library services, and intimate community setting, that the Purchase Library provides. Contrary to what some may assume, the Harrison and West Harrison Public Libraries -- which, in any event, are not nearly as convenient for most Purchase residents -- cannot fill the huge hole that will be left in our community even if they wanted to do so.

57. The Purchase Free Library service area as defined by New York state does not overlap with the service area of the Harrison public libraries. In fact, the service areas are mutually exclusive and have nothing to do with municipal or tax boundaries. This means that even if Harrison or other WLS libraries wanted to serve fully the library needs of Purchase area residents, they would be prohibited from doing so by the rules that apply to residents of an area without a library.

58. My understanding is that under the New York State Education Commissioner's regulations individuals residing in Westchester County, but outside of a member library's chartered service or contracted service areas, can only receive walk-in access to on-site materials at any member libraries, state-funded Central Library services, and WLS website and online catalog services that do not require a library card.

59. Thus, with the closing of the Purchase Library Purchase residents would no longer have a valid library card and would not be eligible to get one. They would not be able to check out any materials or books; they would not be able to use the inter-library loan services; they would not be able to take advantage of most of the services offered by the public libraries of Harrison or otherwise with the highly limited exceptions I just described. This was all explained in a May 3, 2014 letter to PCI from Dave Donelson, a Purchase area resident and member of the WLS and Harrison Public Library Board of Trustees, and a copy of that letter is annexed as **Exhibit I hereto.**

60. In short, if PCI is permitted to evict the library from the Community House then the residents of Purchase will be left without a local library, an important and vital service that is the cornerstone of any viable community.

61. The Purchase Library is a tremendous asset to Purchase residents whose lives have been tremendously enriched by its presence over the 88 plus years of its existence in the Community House. It is not an exaggeration to stress that the consequences of our unique little library being thrown out of the Community House would be devastating to the Purchase community.

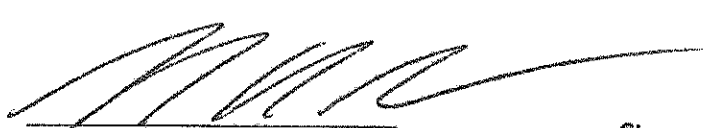
62. In addition to the terrible impact on the community, the Court should also know that the library has employees -- one full-time and four part-time -- whose jobs are also in jeopardy if the library loses its space at the Community House.

63. In my opinion, and as confirmed by the accompanying affidavit of their grandson, Donald Read, Mr. William A. Read (after whom the House is named) and his wife, Mrs. Caroline Read, who donated the House, would be horrified by this state of affairs possibly facing their beloved Purchase community, as are many current residents of good faith in Purchase at the present time. The Purchase Library is critical to PCI's fulfillment of its commitment to the terms of the donation of the Community House made by the Reads, and it is imperative that the library be allowed to continue to do so at the Community House.

WHEREFORE, I respectfully request that the Court grant plaintiffs' motion by order to show cause and the relief sought in plaintiffs' complaint, including relief to stop the eviction of the Purchase Library from the Community House.

  
Martha Greenberg

Sworn to before me this  
3rd day of September 2014

  
NOTARY PUBLIC

Steven R. Schoenfeld  
Notary Public, State of New York  
No. 02SC6245972  
Qualified In Westchester County  
My Commission Expires 08-08-2015