

Appeals Court Upholds HathiTrust Verdict

On June 10, the U.S. Second Court of Appeals handed down its latest decision in the continuing legal battle between HathiTrust and the Authors Guild, and it is good news for fair use advocates. A three-judge panel largely confirmed the decision made in 2012 by Judge Harold Baer Jr., which found that the HathiTrust’s activities of digitizing books from its member libraries and increasing their discoverability by letting users search for key terms within titles are fair use. The court also upheld Baer’s finding that the guild lacks standing to bring cases as an association, though individual members can do so.

In its lawsuit, the Authors Guild claimed that HathiTrust was overstepping the bounds of fair use and infringing on author’s copyright by digitizing millions of books from the collections of its member libraries, as well as by making the titles accessible to disabled readers. The 2012 decision found that HathiTrust’s activities were protected by fair use principles and was appealed by the guild, sending it to the panel that handed down this decision earlier this month.

HathiTrust executive director Mike

Furlough characterized the confirmation of Baer’s ruling as a big win for the organization but not one that necessarily said a lot new about fair use generally. “We have been working for years to expand the access to the collections of our membership,” Furlough told *Hotline*. “This ruling says to us ‘you are doing what you need to do, and it is lawful.’”

Taken alongside the recent Google Books decision issued earlier this year by Judge Denny Chin, said Furlough, the courts have recently confirmed what fair use advocates have been saying for years, giving HathiTrust and similar organizations the confidence to double down in their work. “It provides that much more certainty that we have legal space in our mission to be able to preserve and make accessible collections we already hold,” Furlough said. While upholding making works accessible, as well as empowering full-text searches, the panel declined to address the part of the case that concerned preservation, on the grounds that the issue is speculative.



Baer’s holding that libraries could replace old or worn-out copies of books they owned with copies obtained from HathiTrust’s digitization efforts was therefore returned to the lower court.

Though what court that decision will end up in is an open question, following Baer’s death earlier this year.

The Authors Guild, meanwhile, was more circumspect about what the appeal ruling represented for publishers and fair use advocates. “The decision was not a total victory for either side,” guild representatives wrote in a statement. “While the Court, over our objections, allowed HathiTrust to maintain its database of digitized books in light of the present security protections, the Court was clear that any breach of that security leaves HathiTrust at risk of future litigation.” The Authors Guild did not respond to requests for a comment on this story, and whether it intends to pursue the litigation in a further appeal is unclear.

University of California Berkeley law professor and cofounder of the newly formed Authors Alliance Molly Van Houweling contends that the current ruling is a win for fair

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use advocates and authors alike, saying that, rather than demonstrating harm to publishers' bottom lines, the HathiTrust case actually shows how fair use applications can be a boon to authors. "Fair use serves authors who want to be found, not forgotten. HathiTrust allows readers to find books that might otherwise be forgotten...to either check it out from the library or purchase it," Van Houweling told *Hotline*. "Helping readers find relevant resources is a classic func-

tion of libraries and shows what a friend to authors libraries are, not only in acquiring authors' books but also in helping readers find them. For authors who want to find new readers, that's a critical function."

While it is too early to call the case over—the Authors Guild could still appeal the most recent ruling to the U.S. Supreme Court—Furlough is hopeful that the decision will allow HathiTrust to focus on other aspects of its mission going forward. These include the organization's continuing efforts to help coordinate the digitization of government documents and its work in establishing the HathiTrust Research Center, which aims to improve the searchability of documents and aid researchers and academics in turning the trust's significant resources into new scholarship.

San Jose Libraries Funding Set for 25 Years

Near the heart of a revitalized tech boom in Silicon Valley, San Jose, CA, is growing rapidly, topping one million residents this year. The San Jose Public Library (SJPL) will have plenty of concerns about how best to serve those new users in coming years. How to fund those efforts, though, won't be among them. Earlier this month, San Jose voters passed a continuation of the Library Parcel Tax (LPT), which helps to fund SJPL operations, with an astonishing 81 percent of voters in favor.

SJPL is primarily paid for out of San Jose's General Fund, but that amount can waver from year to year. This has been all too apparent in recent years, as budget cuts delayed the opening of new branches and forced existing libraries to make significant reductions in service hours. The LPT, which provides about 25 percent of SJPL's annual budget, is especially crucial when budget cuts threaten as it provides a back-

Interview

Emily Drabinski

In the latest of our In-Depth Interviews with *Library Journal* Movers & Shakers from academic libraries, we caught up with Long Island University, Brooklyn, instruction coordinator Emily Drabinski. Drabinski presents regularly on the intersections between information studies and gender studies.



Where do you see the intersection between gender studies and library studies?

To me they're about where things sit on the shelf, about adjacency and categories. It's a matter of how we think about gender biologically, culturally, and socially.

Talk about your role in the move to open access of the journal *Radical Teacher*, where you're a board member.

I think my perspective as a librarian was helpful to them. I could help them understand the economics of publishing to help make decisions about their future.

How did that move affect your views on publishing?

The partnership between *Radical Teacher* and the University of Pittsburgh has made me a real believer in the worth of the libraries-as-a-publisher model.

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stop for years when other resources are hard to come by. Last year, funds from the LPT were “essential” in minimizing the impact of losses to the library’s budget from the General Fund, SJPL director Jill Bourne told *Hotline*.

Initially passed in 2004, the LPT was set to expire on June 30, 2015. With just a year left, SJPL’s funding situation didn’t feel too stable, so the SJPL and its partners worked to bring a continuation to the ballot box that would ensure solid funding for the foreseeable future, asking voters to approve a continuation of the current funding levels of \$29.84 annually for a single family home, condo, or townhome. That would not expire until 2039, securing library funding at a steady, reliable rate for the next quarter century.

The long-term continuation faced a high bar, needing the approval of 67 percent of voters. In the weeks leading up to the ballot, library staff and supporters were confident they had the votes needed, said Bourne, but no one expected the final tally—an 81 percent landslide victory.

“The results...demonstrate how the Capital of Silicon Valley loves its library system and wants to maintain the current level of library services available to San Jose residents, schoolchildren, and businesses,” SJPL spokesperson Steven Brewster said in a statement.

That 4–1 margin was more than just a victory worth popping champagne over when the ballots were counted on June 3. It represented a huge vote of confidence for the library and its mission, said Bourne.

“Eighty-one percent sends a very strong message about how valued the library is in this community,” Bourne told *Hotline*. “It’s a great place to build on.”

SJPL’s first priority is to take advantage of the newfound stability and invest in returning service hours to libraries that have had them cut in re-

cent years. Once that’s done, Bourne said the library will take advantage of the momentum and goodwill demonstrated by the measure and look to do more and better outreach to

its growing population. That means SJPL will be doing more work outside of its physical buildings in the future, working to meet patrons where they live. The partnerships with local

ALA Announces First Winner of Lemony Snicket Prize

On June 9, the American Library Association (ALA) announced Laurence Copel as the first recipient of the Lemony Snicket Prize for Noble Librarians Faced with Adversity. Copel is a youth outreach librarian and founder of the Lower Ninth Ward Street Library in New Orleans. Daniel Handler, also known as “Lemony Snicket” and the author of much-loved children’s titles, including the “A Series of Unfortunate Events” books (HarperCollins), will present the winner with the prize on June 29 during the ALA annual conference in Las Vegas.

“Copel is a brilliant example of how librarians can serve as change agents,” said ALA president Barbara Stripling.

The Lemony Snicket prize was dreamt up and funded by the author, with co-administration from ALA. According to ALA’s June 9 press release, “The prize...annually recognizes and honors a librarian who has faced adversity with integrity and dignity intact. The honoree will receive a \$3,000 check, \$1,000 travel expenses, a certificate, and an odd object from Handler’s private collection.”

While the odd object to be awarded to Copel remains in question, her unique ability to overcome adversity is not. The youth librarian moved from New York City to New Orleans in 2010 and saw a need to provide age-appropriate material to the city’s youths. She opened a library in her home, funded out of her own pocket along with small donations, while surviving on \$350 a week. Her bicycle became a converted bookmobile carrier so she could reach youths who could not travel to her. She became known as the “Book Lady.”

Providing books for her young readers has been filled with trials and tribulations for Copel, who overcame a burglary, limited financial resources, a lack of assistance from local politicians, and significant weather damage to her home that destroyed many of her library’s books. Still, Copel has provided more than 7,000 titles to children in need.

In the course of her work, she has organized two parades with the help of the children of the Ninth Ward—complete with a marching band and a float—to distribute books. When the cost of the parade permit and escort amounted to hundreds of dollars, she raised the money by selling homemade soaps and raffle tickets.

“What especially struck me is that Copel is dealing not just with an adverse incident but with continuing pervasive adversity,” said award chair Eric Sues. “She has dedicated so much of her time and personal resources, as well as her tremendous affection for the children of the Ninth Ward. My hope is that she will continue to fight to place books in the hands of young readers.”



Daniel Handler aka “Lemony Snicket” is the international best-selling author of the series “Series of Unfortunate Events” and “All the Wrong Questions.”

Photo by Iash Damon / Creative Commons (<https://www.flickr.com/photos/joshdamon/>).

nonprofit organizations, government agencies, and businesses that SJPL honed during its funding campaign will be key to that outreach.

“We’re able to grow in ways that people have wanted for a long time now,” said Bourne, who took the reins of the system just over a year ago. Whereas before, “we were trying to just keep the buildings running for a long time.”

Given the geography and economics of San Jose, a lot of that outreach and new programming will be in partnership with the tech industry. For example, the library is partnering with Tech Shop, a subscription-based hackerspace in which users can gather to take advantage of tech gear they don’t have access to at home, to offer young library patrons free training sessions. Also in the works is a mobile Maker space concept that can travel to parts of San Jose where people have less

easy library access to help to connect them with the region’s tech firms.

Children’s Book Editor Frances Foster Dies at 83

Renowned children’s book editor Frances Foster died Sunday, June 8, following a long illness. She was 83.

The legendary editor had worked in children’s publishing for more than 55 years before retiring from Farrar, Straus, and Giroux in 2013, where her eponymous imprint was founded in 1996. Foster launched an illustrious career seemingly by chance in the early 1950s, when she began working at Scribner’s under Alice Dalgliesh, founding editor of the children’s book department.

Foster told *School Library Journal* in 2012 that she applied for the position on a whim, showing up at

Dalgliesh’s office without an appointment. “I was green, new to the city, and new to job-hunting, so it never occurred to me that she wouldn’t see me. As it happened, when she heard why I had come, she welcomed me and said, ‘An angel must have sent you.’” Dalgliesh’s assistant had just given notice, and Foster was hired immediately. She said, “From that moment on, I have believed in angels and in luck.”

Foster went on to work with authors such as Kate Banks, Roald Dahl, Helen Frost, David Klass, Louis Sachar, Phillip Pullman, Barbara McClintock, and Peter Sís.

Though Foster saw the publishing landscape transform over the course of her career, she said that her commitment to finding quality children’s literature never waned, telling *SLJ*, “We still look for unforgettable stories.” Many of the titles she worked on garnered awards and accolades, such as Louis Sachar’s *Holes* (Farrar, 1998), which won both the Newbery Award and the National Book Award in 1999.

In spite of Foster’s myriad accomplishments, those who worked with her were struck by her humble, down-to-earth nature. Gae Polisner (*The Summer of Letting Go*, Farrar, 2014) described her initial anxiety about working with the eminent editor. Though Polisner “was a bit intimidated when I stepped out of the elevator of the flatiron building for our first meeting,” Foster graciously greeted the author. “I expected to have to wait for her in some lobby or anteroom, but, instead, there she was, out in the hallway waiting for me, warm and welcoming. That has always stuck with me, that and how thoughtful and soft-spoken she was in all our interactions, wise and sophisticated, yet utterly without pretense,” said Polisner.

Foster received an Eric Carle Honor in the mentor category in 2012, and her authors praised her ability to hone and nurture talent. Monika Schroed-

News in Brief

The **University of Delaware Library**, Newark, went live on **OCLC WorldShare Management Services**. It was the 200th library and first member of the Association of Research Libraries to do so.

Yale University’s Beinecke Rare Book & Manuscript Library, New Haven, CT, acquired the papers of authors **Vita Sackville-West** and **Harold Nicolson**. The archive includes drafts of lectures, broadcasts, letters, notes, and typescripts.

eBiblioFile, a cataloging resource for ebooks, announced that it will upgrade to the new **RDA cataloging standard**. The change will take place on July 1.

LYRASIS received a **\$265,000 grant from the National Endowment for the Humanities**. The money will fund preservation programming for its member libraries and other organizations.

The **Westerville Public Library**, OH, has been named one of the **40 Best Employers in Ohio for 2014** by the **Ohio Society of Human Resource Management State Council** and **Best Companies Group**. The library ranked number 16 in the small/medium company category.

New Jersey State Librarian Mary Chute awarded **\$1,000 to three libraries** for creative programming during the **New Jersey Library Association annual conference**: **Lodi Public Library** for its disaster continuity plan; **Long Branch Free Public Library** for its Fresh State program; and **Somerset County Library** for its Cut-rate digital Signboard program.

The **Chili Public Library**, NY, was named **2014 Public Library of the Year by the Rochester Regional Library Council (RRLC)**. It was honored at RRLC’s annual meeting on June 5.

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er (*Saraswati's Way*, Farrar, 2010) said that "[Foster] knew when it was time to hold my hand but also when it was time to push me back to swim on my own. I have learned so much from her, and 'What would Frances say?' will always guide my writing."

Barbara O'Connor (*On the Road to Mr. Mineo's*, Farrar, 2012) emphasized her former editor's sense of humor as well. "I still have a piece of correspondence from her in which she said, 'Thank you for reminding me how bad *Fame and Glory* really was before I got my mitts on it.' Classic Frances."

"For Frances, every project was a passion project," said Margaret Ferguson, publisher of Margaret Ferguson Books, a division of Farrar. "She published the books she loved, not caring so much about the market or trends but believing that excellent books would find their audience. And she was right."

Navy Launches NeRD, a Secure Ereader

The U.S. Navy General Library Program (NGLP) in May announced the release of its new Navy e-Reader Device (NeRD), which comes preloaded with 300 titles including popular fiction, recent best sellers, and content from the Chief of Naval Operations Professional Reading Program. The new e-ink readers were designed by preloaded digital content provider Findaway World (perhaps best known in the library world for its Playaway service) and are the first devices to feature Findaway's new "Lock" security solution.

These preloaded devices do not have Wi-Fi connectivity or accessible data inputs or outputs and are designed to be manipulation free. This design adheres to the navy's security protocols, which include restrictions

on many types of personal electronic devices with rewritable media or recording capabilities aboard ships. In an earlier interview during the request for information stage of the project in 2012, Nilya Carrato, program assistant for the NGLP, said that preloaded, manipulation-free devices would also help ensure that titles are not accidentally deleted during long deployments and that sailors would not use their personal credit cards to add content to the devices. "I want to be able to protect the ebook, as well as our sailors," Carrato said.

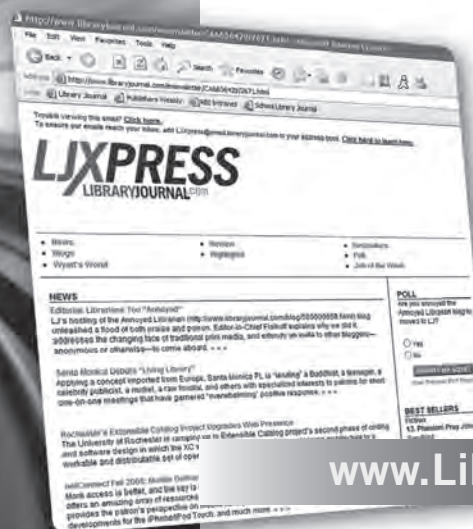
The navy's Morale, Welfare, and Recreation Services branch describes libraries as a "mission essential component," and, as *Hotline* reported previously, NGLP is no stranger to ebook lending. The navy has offered access to popular fiction and nonfiction titles to on-shore personnel through OverDrive, EBSCO, Gale, and others since



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2005. During deployments, however, access to print books, ebooks, and other media can vary significantly from ship to ship. Aircraft carriers offer a selection of print books and DVDs on par with many public branch libraries. At the other end of the spectrum, submarines face significant space constraints. A submarine's library may be limited to a few cubic inches.

For that reason, submarines will be the first to receive NeRDs, with five sent to each of the active submarines in the navy's fleet.

"Commander, Navy Installations Command (CNIC), is constantly looking for innovative ways [to] leverage the latest technologies to provide our sailors and their families around the world with new tools and resources that can enrich their lives," Nellie Moffitt, CNIC's Navy General Library program manager, said in a statement. "NeRD addresses this goal head-on, with a library of digital titles in a convenient and secure package that circumvents long-standing NGLP challenges in content storage."

The Lock ereader devices share several characteristics with the company's preloaded Playaway audiobook and Playaway View video solutions, Ralph Lazaro, VP of digital products for Findaway World, told *Hotline*.

"We have a long-standing relationship with the navy and other government agencies and military branches through our Playaway product," Lazaro said. "At its core, Playaway is a preloaded, locked-down electronic device that's secure, nontransferable, and lends itself well to circulation environments."

Although Findaway's Lock design was inspired by the navy's request for information (RFI) and later request for proposal (RFP), the company believes there will be demand for these preloaded, manipulation-free ereader features from other organizations, including schools and public libraries.

"There's a lot of places where sharing content to a user base is not simple, because of security requirements and device requirements," Lazaro said. "We've been getting inquiries from

other military branches from all over the world, where they have servicemen and -women stationed in remote areas, they have space limitations, or they have someone who is on the go and constantly moving, and you can give them one device with hundreds of titles.... And we've talked to school districts that...don't want to have unrestricted Internet access, and they want to make sure that their content is encrypted and locked down and is a very curated, focused list of titles." Even private sector companies, such as medical organizations, have expressed interest in Lock as a means of circulating their own restricted content, Lazaro added. In these potential scenarios, an organization would provide Findaway World with its restricted files, which would then be encrypted and loaded on the Lock devices by Findaway.

"When we created Playaway, it was a bit counterintuitive to preload content that was then static. But we've now created this marketplace for preloaded content on devices. Now we're seeing the same demand for Playaway happen for ebooks," he said. "At its core, it's enabling content [delivery] in places where it's otherwise challenging to give digital content to users."

Peter Sís Flies High with Airport Tapestries

Though author and illustrator Peter Sís is best known for his evocative, informative picture books, the Czech-born Sibert Award-winning author has found a new way to share his art with the world: by designing tapestries that honor the memory of Václav Havel (1936–2010, former president of the Czech Republic), and Irish poet Seamus Heaney (1939–2013).

Unveiled at the Prague Airport in 2012, Sís's tapestry of Havel, "The Flying Man," originated as an illustration for his picture book *The Conference of the Birds* (Penguin, 2011) that

People

Doug Bryant retired as Librarian at Chavies Elementary School, KY. He has worked in the field for 27 years.

Jennifer Crewe was promoted to President and Director of Columbia University Press. She had been serving as Interim Director for nine months.

Lorene Kennard was appointed Director of Morris Area Public Library, IL. She was previously Interim Director at Pontiac Public Library, IL.

Grant McDougall was named Director of Operations for Europe, the Middle East, and Africa at Innovative Interfaces, Inc. He was previously Librarian for Science and Technology at Robert Gordon University, Aberdeen, UK.

Rachel Mick, Consumer Health Information Services Librarian at Palm Beach County Library System, FL, received the Lighthouse Award from Navigate PBC. She was honored for her efforts to help patrons understand the Affordable Care Act.

Randy Riley was appointed State Librarian at the Library of Michigan, Lansing, following the retirement of **Nancy Robertson**. Riley previously coordinated the library's Notable Books, Center for the Book, and eLibrary programs.

Emily Scherrer was named Library Administrator at Sierra Vista Public Library, AZ. She was previously Youth Services Manager at the Yuma County Library District, AZ.

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the author was unable to incorporate into the book. Sís then planned to use the illustration for a memorial cover for the Czech newspaper *Hospodárské Noviny* tribute to Havel. When Bill Shipsey, founder of Art for Amnesty, Amnesty International's global artist project, saw the picture, he came up with the idea to transform it into a tapestry. Shipsey located tapestry makers in Aubusson, a small village in France famous for its carpets and tapestries, who for months painstakingly and "thread by thread" realized Sís's vision, the author said.

Though the project was a lengthy and expensive endeavor—with high-profile admirers such as musicians Bono, Peter Gabriel, and Yoko Ono contributing to the costs—Sís was gratified to see the result, a striking, 16' x 14' creation depicting a flock of white birds in the shape of a man against a blue sky.

"The colors are just absolutely radiant," Sís told *Hotline*. "It's really done with the utmost care."

After this project came Sís's work for the Dublin Airport. An admirer of Heaney's, Sís had planned to collaborate with the Irish poet/playwright and 1995 Nobel Prize recipient on an illustrated version of his poem "In the Attic," but Heaney died in 2013. The Dublin Airport then suggested that Sís design a tapestry honoring the writer. Sís employed his trademark fantastical style for "Out of the Marvellous," unveiled at the airport this year, which depicts Heaney airborne, floating in the air in a hot air balloon-like contraption, hoisted by pages of his own poetry.

While flying was the theme of both tapestries, as well as that of his recent picture book *The Pilot and the Little Prince* (Farrar, 2014), about author Antoine de Saint-Exupéry, Sís said that he didn't choose this subject consciously. Discussing his tapestry of Heaney, Sís explained that the poet



The **West Tisbury Free Public Library** (pictured), MA, has completed its yearlong renovation and expansion effort (see *Hotline*, 7/8/13), which brought the 5,640 square foot facility up to 13,000 square feet, for a cost of \$5.2 million. The project was undertaken by Oudens Ello Architecture and Nauset Construction and includes updated landscaping and hardscaping, a new study room and meeting room, and new mechanical systems and plumbing, plus a fresh septic system and an elevator, per *Banker & Tradesman*. In keeping with the historic features of Martha's Vineyard structures, the building's façade includes cedar shake shingles, an asphalt shingled roof, and a cupola, according to the *Boston Business Times*. The interior has wood casement and double-hung windows, skylights, built-in bookcases, and prefinished white oak and resilient flooring, among other features.

Also in Massachusetts, the **West Springfield Public Library** began a \$16.1 million project with the demolition of a wing in preparation for the construction of a two-story facility. The

extant Carnegie wing, previously home to book stacks, will be made over into an open reading room, per *MassLive.com*. The work is expected to be completed in September 2015. For the duration, the library will operate out of a former Catholic school.

Something's cookin' in Pennsylvania, with the opening at the

Free Library of Philadelphia's Parkway Central Library of a new Culinary Literacy Center and its state-of-the-art demonstration kitchen. The 2,100 square foot space will be home to classes and programs, most open to the public. The 12-month project was sponsored by Cancer Treatment Centers of America and includes three ovens, a grill top, a walk-in refrigerator, AV equipment, an outdoor patio, and seating for 36, according to Zagat. The outdoor deck will feature an herb garden planted by local schoolchildren. The premier event blended the skills of master chefs Jose Garces and Marc Vetri.

The 100-year-old **Downingtown Library**, PA, will be replaced by a new 7,000 square foot facility that was once the Downingtown Area School District administrative building. The \$2.2 million project is looking to a fall 2014 completion. It is being funded through donations and grants, notably a \$500,000 state grant, with \$1 million outstanding. High on the amenities list for the new space will be 33 parking slots, compared with nine at the original site.

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"was always trying to reach new territories, so I made him with a book and balloon." He added, "I think maybe it's because I'm from a very small country, where you couldn't really think about soaring high or leaving. Maybe it's about being able to see the world from up there."

Sís is familiar with the power of public art, having previously completed mosaics for the Baltimore Airport and three murals for the Champaign Public Library, IL. "The space is [made] much more beautiful. It makes us all feel much better about life."

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Queens Library, located in the county of Queens in New York City, is known for its cultural diversity and city-meets-suburban living. Queens Library serves its community through 62 community libraries and is continuously expanding its virtual presence. Queens residents are savvy, engaged, and consistent library users. Please visit our website, www.queenslibrary.org, for more information.

▶ WHAT WE OFFER

Excellent salary and a comprehensive benefits package that includes generous vacation/sick pay, medical, dental, vision, life insurance, defined benefit pension, 403B, deferred compensation, and more. Relocation incentives available. Opportunities to further your education and professional credentials are plentiful.

▶ CAREER OPPORTUNITIES

▶ DIRECTOR OF COMMUNITY LIBRARY SERVICES

If you are a leader with the passion to deliver stellar service and have demonstrated experience, building talent, thinking strategically, and inspiring a team, talk to us. Requires an ALA accredited Master's degree, and at least (5) five years of professional public library management experience. Must have demonstrated experience in library administration, supervision, budget management, strategic planning, and performance measurement.

▶ LIBRARIAN (CHILDREN, TEEN, GENERAL)

Provides exceptional customer service, takes initiative, demonstrates flexibility. Requires an ALA accredited Master's degree. Must have the ability to work with a diverse population and effectively provide customer service to a large number of customers simultaneously.

▶ COMMUNITY LIBRARY MANAGERS AND ASSISTANT MANAGERS

We are looking for energetic, enthusiastic, and experienced managers looking for an opportunity to make an impact and take ownership of your library. As a mentor to staff, you will be responsible for their professional development and for building a team environment that provides exceptional customer service. The ideal candidate has demonstrated experience in building library talent, team leadership, and a strong commitment to the community. Must have at least 1 year of experience managing a team of Library professionals. Requires an ALA accredited Master's degree.

Queens Library is an equal opportunity employer.

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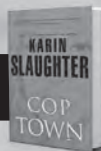
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