

FIRST SELECTMAN TIMOTHY M. HERBST AND TOWN ATTORNEY DENNIS J. KOKENOS PROVIDE INDEMNIFICATION AGREEMENT TO DR. RICHARD RESNICK AND ATTORNEY BRUCE ELSTEIN

March 4, 2015 - - First Selectman Timothy M. Herbst and Town Attorney Dennis J. Kokenos on Wednesday provided Dr. Richard Resnick and his Attorney, Bruce Elstein with an [indemnification agreement](#) to be signed by Dr. Resnick and the Town of Trumbull. The agreement holds the Town harmless from any third party claims and also holds the town harmless if the artwork is somehow damaged, destroyed or stolen. The agreement also requires the owner of the artwork to provide an insurance certificate to the Town. The Town Attorney indicated that this agreement will be used going forward for all other art displayed in municipal buildings in the Town of Trumbull.

The Town Attorney noted that the artwork that currently hangs in the library without an agreement is valuable and the Town needs to be protected. "I think it is critical to point out that Trumbull's Art Director has estimated that the Great Minds Collection can be worth upwards of \$7000 to \$10,000 per piece in the collection," Town Attorney Dennis Kokenos wrote to Attorney Bruce Elstein. "This would bring the estimate of the total thirty-three piece collection in a range of \$231,000 to \$330,000. For the Town to continue to display this collection it absolutely must have assurances as set forth in the attached agreement." The Town Attorney further noted that as soon as the agreement is executed the controversial artwork in question could be re-hung. "As soon as the agreement is executed by Dr. Resnick, the artwork can be re-hung in the library. Absent a formal agreement between Dr. Resnick and the Town, all of the artwork will have to be removed to protect the Town from liability."

In his letter to Elstein, Kokenos noted that the Town of Trumbull was eager to complete the execution of the agreement and put the matter to rest. "Given your client's email confirming that he will in fact indemnify the Town and your statements to the Connecticut Post and Fox 61, I would imagine that I will have the signed agreement forwarded to my office immediately as not to delay this matter any further. What is proposed herein is nothing more than what has already been agreed upon by you and your client and will bring much needed closure to this issue. I look forward to a speedy response and amicable resolution to this matter," Kokenos wrote.

First Selectman Timothy M. Herbst noted that the Town of Trumbull requires written indemnification from third parties for artwork hung at the Town Hall and that the Trumbull Library should be no exception. "I am deeply troubled that the

Library Director and Library Board of Directors did not consider the implications of hanging valuable artwork in a public facility without an agreement being executed between the owner and the Town. It is unfortunate that an agreement was not in place to begin with, as this entire situation would have likely been avoided,” Herbst said. “Our job is to take corrective action to make sure that this does not happen again in the future. The ball is now in Dr. Resnick’s court. As soon as this agreement is signed, the sooner we bring closure to this issue.” The First Selectman noted that he also spoke to the Town’s Insurance Broker, who advised him that it was imperative that an indemnification agreement and certificate of insurance be secured as quickly as possible if the artwork remains in the library.

Herbst said that public libraries should be cultural centers that bring communities together. Instead, Herbst said, the approach of the Library System brought division within the community and going forward, the library system needed to be cognizant of how actions might impact alternate points of view. “Good people can disagree on issues of public importance. That is what makes our country such a special place. But public buildings should bring people together to have an open exchange of alternate points of view. Public buildings should not make any member of the community feel that their point of view is secondary to another. That in and of itself is “un-American” and going forward, as I appoint citizens to serve on the Trumbull Library Board of Directors, my litmus test will be whether members approach their duties fairly and impartially, placing the good of the Town ahead of any personal or partisan considerations.”

[Indemnification Agreement.pdf](#)