

**Montville Township Public Library
Board of Trustees Meeting
DECEMBER 14, 2009-12-29
Montville Township Public Library
90 Horseneck Road
Montville, New Jersey 07045**

The meeting was called to order by President, David Dalia at 7:30 p.m.

**Howard Chesler Julie Cohan David Dalia Edward Ernstrom
Peter King Donald Kostka Thomas Mazzaccaro Deborah Nielson**

**Allan Kleiman – Interim Library Director
Vincent Sacco – Associate Director for Operations & Technology
Ann Grossi, Esq. – Attorney for Board
Elaine Wood – Recording Secretary**

Absent: Gary Bowen

David Dalia stated that prior notice of the Meeting had been published in accordance with the requirements of the Open Public Meetings act.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES OF MEETING

Meeting was opened at 7:30 p.m.

ADOPTION OF MINUTES

David asked for a motion to adopt the November 9, 2009 Meeting.

Julie moved

Thomas seconded

Julie noted the following corrections for the November 9, 2009 Meeting, page 3 under Finance:
Should read as follows: Julie requested that from the \$321,000.00 in Sovereign, which is giving ½% currently, \$240,000.00 be withdrawn to purchase a \$240,000.00 CD in Boiling Springs. There will still be significant money that is liquid: \$240,000.00 in Hudson Savings and \$75,000.00 in Sovereign.

All were in favor

PUBLIC COMMENTS

Lorrie Brennick commented on Resolution E suggesting that rather than calling it “surplus funds” perhaps call it “savings realization fund” in order to show that the library worked at getting these funds and that it is not just found money. Secondly, Ms. Brennick noted that these monies are to be used for tax relief for the tax payers. She asked if it would be possible for Montville to send out the money they get back from

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the library to the tax payers, as this way the people would know exactly where the money was coming from.

At this time President, David Dalia took a moment to recognize James Sandham, Alternate for the Mayor, Deborah Nielson.

REPORTS OF OFFICERS

President – David Dalia

No Report

Vice President – Peter King

Peter stated that since this is the last meeting of the year, he had anticipated that there would have been a resolution by now to go forward with the front door project, however there were some obstacles that were standing in their way: The \$38,000.00 grant received had to be put forth by the township committee, and to date, this has not been done. Before that happens, which is the process that goes out to bid, they will never know how much this project is going to cost. It was stated that the grant monies would be waived if this is not done in a reasonable period of time. Until the money is approved and goes out to bid they would not know how much this project is going to cost and can not move forward.

Deborah stated that they had received an e-mail from Mr. Brewer that indicated the grant monies are in the name of the Township, however, before the grant could be executed, the Library Board had to vote on whether they wanted to proceed with this project. It was further stated that there has not been a resolution or a vote as to whether the project was going to proceed.

It was stated that the Board could not approve a project when they did not know the cost of the project.. It was further stated that the e-mail was answered.

Thomas asked Deborah when the Library has a major expenditure, is it not up to the Board to go out and have a reasonable idea of what the project is going to cost before moving forward and then make their decision to go forward based on that estimate and then approve the project and then go out to bid. Deborah stated that the Township has a preliminary cost estimate from the consultant and typically that cost estimate is good enough to vote on the project based on the consultant's cost estimate. In this case, it was approximately \$150,000.00 – the Board would say yes or no and then the final documents are prepared and the bid is sent out, and at that point the bids could be either accepted or rejected. She further stated that was what Mr. Brewer was looking for – the authorization to move forward.

Peter stated that might have been what he was looking for but not what he asked for. Apparently there was a misunderstanding and perhaps a meeting with Mr. Brewer would be better than an e-mail.

Treasurer – Donald Kostka

Donald noted that everyone should have received in their packets a Statement of Expenditures. He stated that at this time the Library has a total surplus of approximately \$470,000.00 and is expected to be there at the end of the year. He said that there might be a couple of items that may have to be re-accrued that may bring the surplus down, but each month the Library has been running an overall surplus. It is anticipated that by the beginning of 2010, there should be approximately \$480,000.00.

It was asked if there are any year-end accruals. Donald stated that on the Statement of Expenditures you will see current purchase orders, but Allan is planning to not have any purchase orders open at of December, but if they did, that would be an item that would be accrued.

Julie asked what 60147 was. Allan stated that is the PR Assistant that the Library has been using through Pro Libra, but really should be listed under 60015.

Also, Julie asked if 60151 – Professional Expenses is related to 60245-Computer Instructor. Allan stated that could have been in the past for staff attending Library conferences. Allan stated that they could readjust.

David noted that there are two (2) 60245 accounts. One listed under B-11 Professional Services “Computer Expenses” and the other listed under B-12 Other Expenses “O/E Board Miscellaneous”.

Thomas asked for detail on 60147 – PR-Consultant. Donald said he would look into it.

Julie noted that there was another CD that came due at Atlantic Stewardship about two weeks ago and she took the money, \$246,000.00 and rolled into another CD at Atlantic Stewardship. The rate she is getting is 2 ¼%. She stated that the library has to have 13 months or less, and this is for two years, however, there is no penalty for withdrawal, and in effect, it is liquid and can be pulled out whenever they want.

Julie further stated that there will be a similar situation next month as there is a CD that comes due in December 2009. It was noted that the 13 month restriction is a state law.

Secretary – Edward Ernstrom

Edward noted there will be a new page at the end of the Minutes that will be used for corrections and amendments, which must be submitted by Elaine Wood, within five (5) business days of the last meeting to Jeanne Ivy.

REPORTS OF COMMITTEES

Finance - Donald Kostka

No Report

Buildings and Grounds – Edward Ernstrom

No Report

Personnel – Peter King

Edward stated that they have been working on the Policy Manual and hope to have it ready by the January 2010 Meeting.

Patron Services – Howard Chesler

Howard stated that they had received the documentation from the Trinity Christian School, executed by both the Montville Library and themselves and was forwarded to Allan.

Interim Library Director's Report – Allan Kleiman

Wednesday of this week the Township's Health Department will be using the library all afternoon for the school age H1N1 Flu Clinic. Allan stated that they have been trying to accommodate any of the departments around town who have been calling them for use of the meeting rooms.

Two contributions were received this month: One for \$1,000.00 and one for \$100.00 that were contributed anonymously. Allan asked that in the future, could these contributions be added to the Endowment rather than just putting it in gifts and grants. David stated that the Endowments is a separate organization and therefore the checks would have to be made out directly to that. Allan suggested that perhaps the money could be used for something that is needed in the library.

Lastly, Allan stated that there have been some website issues. The PR Consultant left two weeks ago and a new person will be starting tomorrow and hopefully these issues will be taken care of.

Associate Director for Operations & Technology - Vincent Sacco

No Report

RESOLUTIONS/MOTIONS

(a) Resolution to approved the November 1 to November 30, 2009 check register in the amount of \$67,909.59.

Thomas moved
Deborah seconded

Discussion: Howard inquired about check #7001 – BroDart Co.. in the amount of \$2,442.68. Allan stated that the library is converting their DVDs, and the current storage will be replaced with locking cases so that everything can go out front. This is the Children's collection.

Thomas inquired about checks #7010 – Electronic Office Systems and 7011 – Excellent Building Services. Allan stated that Excellent Building Services is the library's cleaning service and the Electronic Office Systems are they company the library has a lease for the Kyocera copier with.

Julie inquired about check #5947 which is outstanding since June 25, 2008 in the amount of \$90.00. Allan said he would look into that.

All were in favor.

(b) Resolution for Request for Quotation (RFQ) for the furnishing, installation and technical support of a video projection system in the Pio Costa Auditorium.

Julie moved
Peter seconded

Discussion: Deborah stated that while this is a great project, it did not appear on the Capital Projects until the middle of this year and she did not know under what level of importance this project would occur. She further stated that there is not a mission statement regarding this project and she does not know where this project figures in, going forward in the next five years, and would have to vote "no" at this time.

Thomas inquired about issue #3 of the RFQ, page 2. “This proposed design shall modify the #2 design, once installed, to meet the requirements of #1 within one year after installation of #2”. He asked if prices for further installation be included as part of the RFQ. Vincent said yes it would. Vincent further stated that they were requesting three (3) separate quotes. Quote #1 – 90% of the screen, quote #2 – 50% of the screen, quote #3 – the option to use quote #1 instead of #2 should they have additional money to spend in a year’s time. Vincent suggested that they get the quotes and then make their decision as to which option they should chose.

Thomas asked if we knew what the specified amount was (with regards to item #4 of page 1 of the RFQ). It was noted that they would not be bound by a price.

(c) Resolution to close early on December 24th and December 31st, 2009 at 3:00 p.m.

Discussion: Allan noted that on the 31st, full timers are scheduled to work and it would be considered a regular day (and evening) unless people put in for their own vacation day and did not work. Part timers are scheduled to work the evenings. It was asked what the contract said about part timers who were scheduled to work and then “unscheduled” to work. Ms. Grossi stated that two weeks noticed would have to be given if time were to be taken away from the part timers. She further stated that the resolution could be passed subject to her speaking to the attorney and to the union. David brought up the fact that the full timers would then be paid on the 31st for not working and then the other full timers who did not get that same benefit would file a grievance. The only full timer scheduled to work in the evening on December 31st would be Elaine Reiss.

David introduced an amendment to Resolution (c):

Resolution to close early on December 24th and December 31st, 2009 at 3:00 p.m. subject to Library Board Attorney, Ann Grossi’s discussion with Union representative and subsequent approval.

Edward moved
Julie Seconded

Voted Yes: Howard Chesler, Julie Cohan, Edward Ernstrom, Peter King, David Dalia
Voted No: Donald Kostka, Thomas Mazzaccaro, Deborah Nielson

It was suggested that this be built into next year’s schedule so as to avoid future problems.

It was asked if the staff were asking for time off early or was it generated by the Library to which it was noted that it was the Library’s request.

Deborah noted for the record that the municipal employees do not close early in circumstances such as this but work their normal hours.

(d) Resolution to transfer Board designated restricted funds in the amount of \$298,444.00 back to unrestricted/undesignated funds.

Discussion: Donald noted that this was brought to his attention through two processes: (1) to return money to the town, (2) the audit. There was no breakout in terms of restricted and unrestricted funds. At the completion of the audit, Ralph Frederics, brought to Donald’s attention that there was Board designated restricted funds, to which Donald stated he was not aware. Board restricted funds consisted of money left over from money that was budgeted by the Board for capital projects. The unspent money

would remain in Board restricted funds for the following year. Should the same thing happen the following year, the unspent money would remain in Board Restricted Funds, therefore, over the years, its balance grew. As of 1/1/09 the Board did not have money spent on Capital Improvement Funds and Mr. Frederics indicated that the only way to clean up the books, so it is consistent is to have this resolution to remove the \$288,444.00 from Board designated restricted funds to unrestricted funds.

David made an amendment to Resolution (d) to read as follows:

“...transfer Board designated funds in the amount of \$298,844.00 back to undesignated funds.”

Donald Moved
Thomas Seconded

All were in favor

(e) Resolution establishing intent to transfer excess funds to the Municipality of the Montville Township pending the approval of the NJ State Librarian. The Board will make a one-time contribution made in quarterly payments back to township taxpayers subject to review by library counsel in the amount of 50% of the 2009 surplus estimated to be between \$400,000 and \$500,000.

Discussion: Deborah noted that this resolution was not on the draft agenda and requested that in the future resolutions be posted on the ordinary agenda and distributed. She further stated that this should have been fully vetted before the public in case someone from the public wanted to comment on it.

David noted that this already voted on in March 2009 and posted on the website, and therefore felt it was restating something that has already been stated.

David inquired where the estimated \$400,000 and \$500,000 came from. Donald stated that it came from the Statement of Expenditures and Revenues. The net budget surplus on a year-to-date is \$478,000.00.

Donald stated that it was his understanding the Resolution of Intent would be passed in the year 2009 so that the town can anticipate this money in 2010. He further stated that if they waited until 2010, the town would not be able to utilize this money until the year 2011. He said that the language would be crafted by our attorney and therefore creating a record to let the town know that it was the Library’s resolution to do this in 2009, but the final numbers will not be available until 2010.

David made an amendment to Resolution (e) to read as follows:

“...subject to review by library counsel in the amount of 50% of the 2009 “calendar year” surplus estimated to be between \$400,000 and \$500,000.

James Sandham stated that whatever the tax rate would have been, with or without state funding, if the library board gave the town \$288,000, which is one tax point currently, the tax rate would go down 1%, whatever that works out to be, whether it is a 4% increase next year it would come down to 3%, if it's 3.5% it will come down to 2.5%.

Ann stated that a three-year plan needs to be put in place and the state librarian is going to look at that to be certain that the funding is the correct amount. She further stated the three year plan could impact whether they approve this funding or not. David stated that he didn't feel that affected what they were doing this evening at all.

Edward noted that the state had notified the library that they would be getting less money in 2010 from the town than they did in 2009 and this is the first time since 1993 that our municipal funding has dropped, therefore they should look at what that total drop is and take that as a deduction.

Ann stated that there must be a three-year technology plan.

Julie asked if the Board was going to make a one-time contribution to the township. It was stated that is correct, but it would be paid out quarterly.

Deborah Moved
Donald Seconded

Voted Yes: Howard Chesler, Donald Kostka, Thomas Mazzaccaro, Deborah Nielson, David Dalia

Passed: Julie Cohan, Edward Ernstrom

Voted No: Peter King

Voted Yes: Julie Cohan, Edward Ernstrom

OLD BUSINESS:

Deborah said that she received a call from a member of the Rutgers Environmental Commission, who is working together with woman's Val Halla Gardening Club on the rain garden. She further stated they approached Mr. Kleiman in that regard and were told that some of the Board members were not in favor of a rain garden and stated that it was to be on the agendas this evening, however, it was never placed on the agenda. David stated that it was simply a matter of time due to the fact that this was going to be a busy night and suggested that the matter be discussed at February's or March's meeting. Deborah stated that she suggested that they prepare a letter and distribute it to each of the Board of Directors. Allan stated that they did leave him a message requesting a meeting perhaps between now and the January board meeting with the Buildings and Grounds Committee. Allan stated that he was going to discuss this further with them.

Deborah requested the Table of Organization. Edward stated that the Personnel Committee is currently working on that with Allan and anticipate a draft of the Reorganization of the library to be presented to the board at the January board meeting.

Deborah also requested a Three Year Capital Projects List. She further requested a Mission Statement with regards to the library's plans for the future. Allan stated that the library does have a Mission Statement and has been in place for at least the five months that he has been on board and is listed on the website.

Deborah further stated that she found some of the files, with regards to the "door" project were not the same files that she and Thomas had reviewed in the spring of 2009. She stated that some of the documents that were placed in the file in the spring were no longer there. She said she did have copies of them at her home and one of the items was a memorandum from May 24, 2009 from James Cutillo, Architect, stating that he has reviewed two proposals to replace the front doors for handicapped access and he further stated in the memorandum that both proposals seemed reasonable and also meet 88 criteria. She presented copies to each of the board members and asked that they be placed back in the files. The proposals are for the both sliding doors and one for an automatic door, which are both acceptable and they are in the \$7,000 - \$15,000 range. These are the front doors and have no bearing on Pio Costa.

Ann Grossi stated that she had spoken with Mr. Cutillo about the project and it was noted that there was a problem with doors because when you open one, and then the other, there is a huge draft that comes into the library, therefore there were other reasons why there was another plan placed in the files. Both doors could not be opened at the same time because there was not enough room. The sliding doors didn't open and close at the right time.

NEW BUSINESS

No New Business

David moved that they go into Executive Session to approve the Executive Session Minutes of November 9, 2009.

Allan requested that they go into Executive Session for the purpose of discussing negotiations with the Township on their Operating Agreement with them.

Thomas requested that they go into Executive Session for the purpose of discussing any pending legal actions.

Donald Seconded

All were in favor

9:12 p.m. - Open Session closed for the purposes of going in to Executive Session

9:20 p.m. – Open Session reconvened

David asked Allan if he required some guidance in terms of setting up a meeting with regards to the e-mail sent by Frank Bastone to Allan concerning the Library Agreement. Allan stated that the Agreement expires December 31, 2009 and since the library nor the township have given

either party 30 days notice, the library is presuming that the Agreement will carry through but if they do not come to some conclusion this evening, Allan stated that he will put something in writing to Frank but requested some guidance as to what he needed to bring back to the town.

David noted that the first item in the Agreement – Qualifying Purchasing Agent Services - stated that they need to negotiate compensation for the service and since there is not a number, there was nothing they could do this evening. David stated that since it rolls over into 2010, pro rata, that it would just take on its natural course and further stated that the Personnel Committee look into this. With regards to the burglar alarm systems, Buildings and Grounds would have to look into that.

Howard asked why this was written November 13 but presented on December 14. Howard also suggested that Allan needed some guidance as to how many years the Agreement should be for. The contract has originally been for three years. Allan stated that he would get together with Buildings and Grounds to further discuss.

Vincent stated that the contract does not say anything about lettering the marquee sign and in the past the township had been doing it all along and it should be considered for the future contract.

David asked for a motion to adjourn

Howard Moved

Peter Seconded

All were in favor

9:25 Open Session Adjourned