

**Montville Township Public Library**  
**Board of Trustees Meeting**  
**SEPTEMBER 14, 2009**  
**Montville Township Public Library**  
**90 Horseneck Road**  
**Montville, New Jersey 07045**

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**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   Thomas Mazzaccaro   Deborah Nielson**

**Allan Kleiman – Interim Library Director**  
**Vincent Sacco – Acting Director**  
**Ann Grossi, Esq. - Attorney for Board**  
**Elaine Wood - Recording Secretary**

**Absent: Gary Bowen**  
**Donald Kostka**

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 August 10, 2009 Meeting.

Edward moved.

Peter Seconded.

The following corrections to the August 10, 2009 Minutes were noted:

- Page 2 – Thirteenth paragraph, forth sentence – “**Grossi**” should be removed
- Page 4 – Third paragraph, last sentence - ...and “**than** the debit ...”, should be “...**that** the the debit...”
- Page 7 – Second paragraph – 15<sup>th</sup> sentence – “...the money they **though**...”, should be “... the money they **thought**...”
- Page 8 – “Donald moved, Deborah seconded should be removed
- Page 9 – Forth paragraph - “All were in favor” should be deleted.

Page 9 – Resolution (d) “...until **pricked up**” ... should be “...**picked up**...”

Page 11 – First paragraph, first sentence “...expressed **her**...”, should be “...expressed **here**...”

Page 11 – Third paragraph, “...**concurrent**” should be “**current**”

All were in favor of the Minutes as amended.

### **PUBLIC COMMENTS**

There were no comments from the public.

### **REPORTS OF OFFICERS**

#### **President – (David Dalia)**

No Report

#### **Vice President – (Peter King)**

No Report

#### **Treasurer – (Donald Kostka)**

Absent – No Report

#### **Secretary – (Edward Ernstrom)**

Edward noted that there was an article that was distributed to each Board member by Eli Mina on the issue of verbatim minutes. At this time there was discussion regarding the style of Minutes to be taken: summary vs. verbatim. It was felt that the minutes were too lengthy and summary minutes were preferred. Elaine made a suggestion that perhaps the minutes could be taken as summary minutes, with the exception of when a member specifically requested that they would like something “noted for the record”. At that time their statement would be taken verbatim.

### **REPORTS OF COMMITTEES**

#### **Finance – (Julie Cohan)**

No Report

Mr. Steve Kobel, from METIS addressed the Board stating that Donald requested that he attend this meeting for the purpose of distributing the P&L Statement and discuss some issues that he identified and to give the Board members an opportunity to meet him. Mr. Kobel called Donald to see if he would like him to proceed with a presentation, however, Donald could not be reached; therefore he left the information with David.

### **Buildings and Grounds – (Edward Ernstrom)**

No Report

### **Personnel – (Edward Ernstrom)**

Edward stated that he would give his report in Executive Session.

### **Patron Services – (Howard Chesler)**

Howard stated that he is still looking into the survey. Howard said that he would like to bring up the issue of Trinity School under Old Business.

### **Interim Library Director's Report – Allan Kleiman**

Allan stated that the Webmaster will no longer be doing work for the Library and Allan is looking at various ways to keep the website up to date. He noted they are currently looking for someone who is on staff. It was suggested that they contact Dr. Bowen and possibly find a high school student who could do this short term.

October 28, 2009 the New Jersey State Library and New Jersey L.T.A. will be doing a training session at the Library on Resources, Law and Competencies for Library Trustees. Allan requested that some of the Board members attend and asked that he be notified if they would be attending.

There will be a table on "Montville Day" and it was requested that some of the Trustees attend. Allan stated that they are currently working on handouts for the event and stated that any ideas from the members would be welcome.

Allan handed out an article from the Library Journal entitled "Self-Service Library". He stated that he thought this might be a possible outreach for future projects. He thought that putting it in the Train Station would be an outlet for the Library.

It was asked if Allan had found other libraries were doing more or less than Montville to which Allan stated that he had visited Rockaway Township Library and when comparing budgets, Montville's budget was 1.8 and Rockaway's was 1.4 with fewer staffing in all their departments, and are better cross trained with more adult and teen programs than Montville. Allan said he would go back to get more data. Allan stated that Montville's potential for programming is not being met. He also stated that Montville's space is not being utilized properly for the community or library programs. Allan said that he is also working on how to bring more enthusiasm into the workplace and got a lot of feedback from the Director of Rockaway that he felt would be useful to Montville for the future.

### **Associate Operating Directors Report – (Vincent Sacco)**

Vincent distributed an article that appeared in the Daily Record, Morris County, September 11, 2009 and noted his Operation's Report for September 9, 2009 as follows:

- RFI was released and responses are required by October 5, 2009.

- Vincent had been working with Ann Grossi regarding the Unfair Practices hearing in Trenton.
- The ADP Time/Attendance program is on course and working very well, with the only exceptions being when people are out sick or taking personal time off.
- Scheduling is now being developed and Vincent is working with Allan, where the staff is required to give a two-week plan.
- There was a trial “meeting recorder” that was used at August’s meeting and the device used was extremely clear. The meeting was recorded on CDs. The amount was approximately \$1,500.00.

**RESOLUTIONS/MOTIONS**

RESOLUTION R-2009-09-01

Date Passed: September 14, 2009

(a) Resolution to approve the August 1 to August 31, 2009 check register in the amount of \$49,441.27.

Thomas moved  
Julie seconded

Discussion: Howard asked if the JCP&L bill was for one month to which it was noted that it was for two months.

All were in favor.

RESOLUTION R-2009-09-02

Date Passed: September 14, 2009

(b) Resolution to ratify the emergency purchase order for Centralpack’s proposal Q6702 RPL CMP #2386-119385 to supply and install new Trane compressor with extended warranty for an amount not to exceed \$11,300.00.

Edward moved  
Peter seconded

Discussion: The extended warranty was for three (3) more years. It was stated that they had decided to use the existing boilers and keep the old chillers, the compressors and the condensers.

Abstained: Howard Chesler (excused himself from the meeting at time of roll call).  
Voted Yes: Julie Cohan, David Dalia, Edward Ernstrom, Peter King, Thomas Mazaccaro, Deborah Nielson.

(c) Resolution to close the Library on October 4, 2009 for Montville Day.

Julie moved  
Peter seconded

Discussion: It was noted that due to the use of the Library’s parking lot on Montville Day, the staff could not get into the building and therefore Allan asked for the Board’s approval to close on that day.

Montville Day is Sunday, October 4, 2009 – 12:00 p.m. to 4:00 p.m. – Admission: Free. All entertainment that was provided last year, i.e., pony rides, train rides, petting zoo, black hawk helicopter landing and live music will still be provided. What is not provided this year is free food; however there will be vendors in attendance. Allan stated that he had some staff that has volunteered as helpers for Montville Day.

Resolution (c) was tabled for Executive Session

(d) Resolution to open a new account at the Boiling Springs Savings Bank.

Edward moved  
Thomas seconded

Discussion: Julie stated that the motivation for this was that the Library had CDs in a few different banks but a money market in Sovereign Savings with more than \$250,000.00 in it, which the Library does not want to do because of the FDIC insurance. When the money was originally deposited, most of the rates in various banks were at 1.85% and it would have to be kept for 13 months or less. However, Boiler Springs is opening a branch in Montville at the end of October, with rates at 1.85%. Julie proposed that they open an account and place the money in a money market, which they are paying 1.5% and then next month, when they open the bank, the money could be moved. Julie further stated that upon speaking with the bank manager at the Lake Hiawatha branch, the money could not be moved from Lake Hiawatha to the Montville branch – it must be “new money”. Therefore, Julie said that Hudson Bank has a money market for 1.75% and proposed that they take \$240,000.00 from Sovereign, and move it into Hudson Bank. Once Sovereign Savings opens their Montville Branch, see what their rates are and then move the cash – making sure that they always have enough cash that is liquid.

Edward made a friendly amendment for Resolution (d) to read as follows:

(d) Resolution to open new Money Market account at the Hudson Savings Bank, to be funded by a \$240,000.00 transfer from Sovereign Savings Bank.

Edward moved  
Julie Seconded

All were in favor

## **OLD BUSINESS**

Howard stated that Trinity School made a request that their staff and children be brought to the library should there be an emergency situation. Howard felt that after much discussion, there were too many issues not addressed.

- There were 170 students at Trinity School. Montville only has 7-8 lavatories and may not be adequate to accommodate that many students, plus staff.
- Monday through Thursday, Montville Library is opened until 9:00 p.m. School hours end at 3:00 p.m. On Friday the library is opened until 5:00 p.m., what would happen to the children left behind? Would the teachers take them home with them?
- It was noted that Dr. Bowen stated, at the last meeting, that their public schools use other facilities, such as the Firehouse, etc.
- Plans are currently very vague and Trinity School should make a proposal for the Board to review.
- Guaranties were needed stating that the children would not be left at the library unattended. Would teachers remain with the children, would they take them home with them, or what other alternative were there.

Moving forward, Deborah asked if there was any progress on their discussion from last month's meeting on a policy regarding maximum usage. Vincent stated that he had pointed out that there was some concern on the Pathways to Learning as they often use the area twice a week. He asked how do they handle the continuing needs for a group that wants to use their facility twice a week on a continuing basis. Deborah stated that the library is meant to be used for everyone and one group should not monopolize the library, therefore it was requested that one of the sub-committees look and see if there should be an additional policy developed. Edward stated that the library's children's department does not make their plan until 90 days before they need the space. The concern was that some groups in town that wanted to reserve space 8-10 months in advance, therefore prohibiting the library from having use of their own space. It was suggested that they look into policy.

Deborah inquired as to the "six-year capital plan" and asked for an update. It was noted that Donald is currently working on that. Deborah's concern was that the budget that was passed this year for the library indicated that half the surplus would go back to the municipality and last month Donald stated that he felt that could not occur until such time as a six-year capital plan was in place. It was further noted that the State Library requires a copy of the capital plan before they approve how much money can go back to the municipality. Donald stated that when they voted on the budget, they allocated half of their surplus go back to the town, subject to state approval. Deborah stated that Frank Bastone had asked for this information as well. It was stated that it is currently in the works.

Deborah noted a meeting where a visitor from the township had inquired about the "enhanced handicapped access" into the Pio Costa room. Deborah asked for the status of

the program. Peter stated that he had informed the visitor at the time of the meeting that that would be Phase II as the front door project would take precedence. It was noted that Jim Cutillo was asked to submit a proposal for Phase II. It was believed that Jeanne Ivy had the proposal. Deborah requested a copy. It was noted that Phase I needed to be put out to bid and they were waiting for state approval.

Deborah noted that the Township is doing an energy audit as Montville has applied to be a "Green Sustainability's Community". Deborah further noted that she was uncertain that the library is included in the energy audit and advised that they contact Mr. Brewer. It was stated that there is a cost for the audit but there are grants available.

It was noted that attorney's fees were over \$10,000.00 this month. Deborah requested a tally to date. Ms. Grossi stated that last month was over \$20,000.00.

Peter requested a copy of Deborah's statement, which she read at last month's meetings. It was noted that it was typed, verbatim, in last month's minutes.

There will be a Smoking Cessation – Hypnosis Class, conducted by Kathy Lindert at \$35.00 – September 15<sup>th</sup>, 7:00 p.m. At this time the Board was not certain as to whether or not this adheres to the policy. It was noted that there were two policies: one put out by the municipality and one put out by the library as to how to use the facilities. It was stated that these policies must be reexamined to see if this particular smoking program conforms to that policy, as the library is a non-profit entity. David stated that if it does not conform, it must then be a free program. Allan stated that a true policy of use of the meeting room never went to the Board. David suggested that someone check as to the number of persons who have signed up for this program and possibly reach out to them to cancel the program. Deborah suggested that they allow Ms. Lindert to conduct the program this one time. Ms. Grossi thought that by doing that, the library would then have to allow other people to do it. Ms. Grossi said that they might want to set on the record that they are waiving the policy this one time because of miscommunication and an error in recognizing that this was not part of the policy. At this time Vincent left the meeting to contact Ms. Lindert to see how many people registered. Deborah recommended putting it on the payroll and have them make the checks out to the library and that would then become her fee.

It was noted that four (4) people had signed up for the Smoking Cessation Course and the reason Ms. Lindert charges for the program is to make people more accountable to showing up for the program. The program includes a CD for reinforcement. David recommended finding out the price of the CD and to see if Ms. Lindert would be agreeable to reducing the charge to the price of the CD.

David suggested that whatever the differential is between the \$35.00 fee and the cost of CD would be refunded to the participants.

(e) David suggested a resolution to reimburse the four (4) individuals who signed up for the Smoking Cessation Class, the difference between the \$35.00 registration fee and the cost of the CD provided, as agreed by the instructor or to not have the program if the instructor is not able to abide by those terms and to cancel the program.

Peter seconded

Edward requested that this be made a resolution rather than a motion

Discussion: Deborah noted that she had no problem with the first part of the motion, but felt that since this was the library's error, she felt the second portion of the resolution was too harsh. For clarification, Julie asked if they do keep Mr. Lindert at the \$35.00, do they then set a precedent? Ms. Grossi stated that if you allow her to collect the \$35.00, then they would be voting against their own policy and they could be setting a precedent.

Voted Yes: Howard Chesler, Julie Cohan, David Dalia, Edward Ernstrom, Peter King, Thomas Mazaccaro

Voted No: Deborah Nielson

At this time Vincent placed a call to Ms. Lindert to inform her.

It was recommended that someone follow up on the Boating License as well.

### **NEW BUSINESS**

At this time Meeting Minutes were discussed. The following was noted:

- Currently the Minutes taken each month have been very close to verbatim Minutes, therefore an additional \$50.00 fee was requested by the Recording Secretary for the time, effort and additional typing.

At this time Ms. Grossi stated that she did not believe verbatim minutes should be taken as it set a bad precedent. Minutes are supposed to give brief details of the subject matter and the conclusions. Detailed conversations should not be used as it becomes easy to lose focus on what the main issue really is. She also felt that it was not the best way to go in terms of litigation. She also felt the additional expense was not necessary for the library at this time. Lastly, since the tapes are being kept for three years, they would always be accessible should the need arise to go back and listen to actual conversation.



(f) Resolution to create a policy on the recording and memorialization of Open and Executive Session Minutes. Be it resolved that Open Meeting Minutes and Executive Session Minutes will be summary minutes and the Executive Session tapes will be maintained for the requisite period of time pursuant to the record retention schedule, which is eighty (80) days from the day they are approved. The Open Session tapes will be retained for a period of three (3) years.

Voted Yes: Howard Chesler, Julie Cohan, David Dalia, Edward Ernstrom, Peter King, Thomas Mazaccaro, Deborah Nielson

At this time Vincent reported on the outcome of his conversation with Ms. Lindert, noting that much effort goes into the making of the CD, including musical background and is certainly more than \$35.00 per CD. She stated that she would be willing to come down to the board meeting to discuss with the members.

It was suggested that she should be treated as a vendor and have the participants of the program make the check payable to the library and then the library pay her. Ms. Grossi suggested that the cost of running the program, \$35.00 per CD, should be placed on the record and that it was not a “for profit” program.

At this time it was determined that the library would purchase the four (4) CDs with the program on it, using a purchase order and then the library would distribute them to the people who are attending the course. Ms. Lindert would bill the library \$140.00 for her services. She did not receive any money from the participants.

David asked if all were in favor of going into Executive Session for the purpose of discussing matters of personnel and approving the Executive Minutes and Litigation.

All were in favor

Open Session closed to go into Executive Session 9:19 p.m.

Open Session reconvened 10:03 p.m.

Vincent spoke with Ms. Lindert and suggested an alternate plan; that she would run the course at \$140.00 and bill the library to which the library would then pay her as a vendor. She was reluctant but she did accept the proposal, as she wanted to maintain a relationship with the library. There was some concern as Ms. Lindert stated she spoke with different companies, informing them there would be a program at the library.

Discussion: It was determined that only the people who previously signed up will get a CD. Ms. Lindert could then charge whatever she chooses should she give any other CDs out.

RESOLUTION R-2009-09-07

Date Passed: September 14, 2009

(g) Be it resolved that Kathy Lindert, who is putting the Smoking Cessation Program on September 15, 2009 at 7:00 p.m. will be paid \$140.00 for her services, which will permit her to distribute only four (4) CDs to the four (4) people who previously signed up for her program and it will be up to Ms. Lindert if she wishes to provide CDs at no cost to any other attendees.

Voted Yes: Howard Chesler, David Dalia, Edward Ernstrom, Peter King, Thomas Mazaccaro

Abstained: Julie Cohan

Voted No: Deborah Nielson

RESOLUTION R-2009-09-08

Date Passed: September 14, 2009

(h) Resolution of the Board of Trustees of the Montville Township Public Library vacating the provisional appointment of Ronald Rizio;whereas Ronald Rizio has worked in the provisional civil service title of Senior Librarian pursuant to NJAC 4A: 4-1.5 and 4A:4-4.2C2ii and;

whereas, as a provision employee, Ronald Rizio holds no permanent status and;

whereas, there is no complete list of eligible employees and;

whereas, it has been determined by the appointing authority that Ronald Rizio will not be appointed to the permanent civil service title of Senior Librarian and now;

therefore, be it resolved by the Board of Trustees of the Montville Township Public Library in the County of Morris, in the State of New Jersey as follows:

Ronald Rizio's employment with the Montville Township Public Library shall be vacated as of the close of the workday on Friday, September 25, 2009.

Peter moved

Howard seconded

Voted Yes: Howard Chesler, Julie Cohan, David Dalia, Edward Ernstrom, Peter King, Thomas Mazaccaro, Deborah Nielson

(c) Resolution to close the Library on October 4, 2009 for Montville Day.

Peter made a motion to withdraw Resolution (c).

Howard seconded.

Voted Yes: Howard Chesler, Julie Cohan, David Dalia, Edward Ernstom, Peter King,  
Thomas Mazaccaro, Deborah Nielson

David made a motion to adjourn  
Deborah seconded

All were in favor

Open session adjourned 10:14 p.m.