

**Montville Township Public Library  
Board of Trustees Meeting  
DECEMBER 13, 2010  
Montville Township Public Library  
90 Horseneck Road  
Montville, New Jersey 07045**

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

**David Dalia   Howard Chesler   Paul Fried   Peter King  
Donald Kostka   Robert Lefkowitz   Lisa LoBiondo   Thomas Mazzaccaro   James Sandham**

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

Absent: Dr. Paul Fried  
James Sandham

Alternate for Dr. Fried: Dr. Beth Godett  
Alternate for James Sandham: Timothy Braden

Peter King stated that prior notice of the Meeting had been published in accordance with the requirements of the Open Public Meetings Act.

**MINUTES OF MEETING**

Meeting was opened at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ADOPTION OF MINUTES**

Peter asked for a motion to adopt the November 8, 2010 Minutes.

Robert moved  
Howard seconded

Abstained: Timothy Braden, Lisa LoBiondo  
Voted Yes: Dr. Godett, Howard Chesler, David Dalia, Donald Kostka, Robert Lefkowitz, Thomas Mazzaccaro, Peter King

Peter asked for a motion to adopt the Special Meeting of November 29, 2010 Minutes.

David moved  
Lisa seconded

Montville Township Library  
Open Session Minutes  
December 13, 2010

Peter said he wanted to “**mention that he did not see anything in the November 29 Special Meeting where it was said that there was a bill sent in for work done and it was said that the attorney didn’t do the work but bill them, but the Mayor remembered that there was a meeting and he said “yes” they did discuss policy.**” Peter also stated “**there was an e-mail that was sent and it was shown to an attorney and it was stated that the e-mail was not received but it was shown to the attorney and the attorney said that they would never write such an e-mail**”

Peter said he would like the above to be included in the Special Meeting of November 29, 2010.

Timothy moved that the approval of the Special Meeting of November 29, 2010 Minutes be tabled until James Sandham could clarify what actually occurred.

Donald seconded

Voted Yes: Timothy Braden, Dr. Godett, Howard Chesler, David Dalia, Donald Kostka, Robert Lefkowitz, Lisa LoBiondo, Thomas Mazzaccaro, Peter King

### **REPORTS OF OFFICERS:**

Robert made a motion to alter the agenda

Thomas seconded

David called the question (A vote on whether they would allow the question to be brought out on the floor or not as to altering the agenda).

Peter seconded

All were in favor

Robert made a motion to move up the Personnel Issues from the Reports of Committees to the beginning of the meeting.

Timothy seconded for the purpose of discussion. He stated that Robert was entitled to a rebuttal of the statements made concerning him in the November 2010 meeting. However, he felt the library had items that needed to be discussed and it would be more appropriate to address those items first.

Voted No: Timothy Braden, Howard Chesler, David Dalia, Dr. Godett, Donald Kostka, Lisa LoBiondo, Peter King

Voted Yes: Robert Lefkowitz, Thomas Mazzaccaro

### **Vice President – Vacant**

### **Treasurer-Thomas Mazzaccaro**

There will be two resolutions coming up this evening:

1. Acceptance of the check register. All checks and purchase orders were reviewed to his satisfaction.

2. A resolution to transfer \$91,000.00 from the 2010 Capital Budget to the 2010 Operating Budget. The \$91,000.00 comes from the door project as it is not going forward this year, therefore it will be returned to the 2010 Operating Budget.

**Assistant Treasurer – Donald Kostka**

To date the library is running with a \$453,000 surplus as compared to a budget of \$318,000.00 and they are running a little bit more than \$135,000.00 ahead of what they anticipated. Donald stated that is a credit to the library as to how they are managing their finances.

**Secretary – David Dalia**

No Report

**Report of Board Attorney – Ann Grossi**

Ms. Grossi reported she was asked to contact the State Librarian regarding the Strategic Plan concerning returning funds to the township for the year 2011. She spoke with Michele Stricker at the New Jersey State Library. The only difference in the law from last year to this year is that last year was discretionary as to whether the library gives funds to the township and this year it is not discretionary – they must be turned over. However, the same rules apply as to how it is approved; one of them is the strategic plan. The library must provide a strategic plan and it does have to be approved by the State Librarian. The State Librarian stated that last year she gave the library a pass on the plan that they submitted, however, the plan will be rejected this year if it does not comply with the state standards; therefore, causing a significant delay in turning the funds over to the township. Ms. Grossi stated that Ms. Stricker said she would be happy to speak with any of the board members if they so desired. Ms. Grossi further stated that Ms. Stricker strongly urged they look at the sample plan, which can be found on the New Jersey State Library website, should they chose not to have someone work on the plan for them.

Donald asked if they needed to have a resolution of intent, stating that they were going to turn over their excess funds, and they anticipate that amount to be in excess of \$1 million, therefore the town would have an amount to work with.

Timothy made a motion to have a resolution of intent.

Donald seconded

Allan reported the resolution that would be made this evening is a resolution of intent, but it is not qualified for the resolution of intent that has to have the exact wordings as described by the law. He noted that last year the board did three (3) resolutions: two in 2009 and one in 2010 – the one in 2010 was the one that had the exact wordage.

Timothy asked Allan that in order for the township to anticipate these funds in our budget, do they need the properly worded resolution from the library to which Allan answered “yes”. He further stated that they will not know until they have paid their last bill in January and/or February what their actual number is and then take 20% of that, which they can keep, and the 80% goes back to the township – and that is what that resolution would be which is why they ended up waiting until they had actual numbers in March. Allan said the resolution is more like an “intent to intent that the board has committed itself to doing this as soon as the final number is known.”

Timothy said that his motion is to follow the law, and therefore he withdrew is motion.

Donald seconded.

Ms. Grossi continued, stating that Robert had received (hand-delivered) a Rice letter and it was incorrectly dated November 10, 2010 and should have been December 10, 2010. She said she did receive an e-mail from Robert stating that he wished to proceed with his comments in Open Session.

Lastly, Ms. Grossi reported that Robert had asked her about the Open Public Records Act and she wanted to respond. She reported that he said he did not feel that the library needed to have anyone fill out an OPRA Request. Ms. Grossi said she had addressed this issue with Robert in the past at the February 8, 2010 Executive Session Meeting. Ms. Grossi said that you must file an OPRA Request: Statute NJSA47:1A-5G requires the request to be in writing, NJSA47:A-5F stipulates what is required in a request. Ms. Grossi said the person making the request does not have to use the library's request form but their requests must contain the information that is required by statute.

Ms. Grossi stated that a library board member can always come in to look at documents, however, if they want copies of these documents, it should be in writing and it should be noted that these documents are being prepared by the custodian of records and handed over to the party requesting them.

It was suggested that a Policy Manual be developed and that this issue be addressed so that there is a clear and definitive answer to this question.

## **REPORTS OF COMMITTEES**

### **Finance – Thomas Mazzaccaro**

No Report

### **Buildings and Grounds – David Dalia**

No Report

### **Personnel – David Dalia**

David reported that the Personnel Committee did meet but any discussion would be addressed during the Executive Session portion of the meeting.

### **Patron Services – Howard Chesler**

There was a meeting to review the Survey and the results will follow.

The police in the township have been contacted to take 2-3 more days to review the parking lot situation.

There is an article included in everyone's packet regarding job hunting and the library. The article justifies the need for more computers stating that the library is a major source where people can go, given the unemployment, and if they have the ability to use the library they would have the resources for job hunting.

### **Technology – David Dalia**

No Report

### **By-Laws – Robert Lefkowitz**

No Report

### **2011 Budget – Allan Kleiman**

Allan reported that after meeting with the Personnel Committee there were some suggestions, which will be discussed during the Executive Session, also there were some revisions to the budget and there will be a meeting between now and the end of the year so that the budget can be presented at the first meeting of 2011.

### **2011 Nominating Committee – Donald Kostka**

No Report.

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

#### **HVAC Controls Project**

There is a proposal in each member's packet from Central Pack that they had issued after the presentation they had in September. They also provided the library with a bill for the restocking fee for the server. Allan planned to bring further information to the board to have them make a decision at a meeting. Allan shared discussions and e-mails with Joe Rivera, who is the head of maintenance for the Board of Education and he has some suggestions on how the library and the Board of Education might be able to work out the Honeywell controls. Allan reported that he would have more information and a recommendation for the board next month.

#### **Personnel Manual**

Allan reported that he and Jeanne Ivy were still reviewing the Personnel Manual before they make their recommendations to the Personnel Committee.

#### **Purchasing Manual**

Allan reported that he and Jeanne Ivy were reviewing the Purchasing Manual and hopefully they will have more information for the Finance Committee for the next time they meet.

#### **Library Sign**

Allan reported that Alexa had reduced her hours and that and a combination of the weather has put them back to square one with the inability to change the sign. Allan suggested that perhaps the Budget Committee could make a recommendation for the proposal of a new sign at the January meeting.

### **PUBLIC COMMENTS**

Sarah Foye – 38 Buckingham Circle addressed the board thanking them for their service to the Montville Library stating that it was a great library and she loved it. She stated that she was aware that there was some conflict going on with the board and hoped it would be resolved so that the library could continue being the great library that it is.

## **RESOLUTIONS/MOTIONS**

a) Resolution to accept check register dated November 1 to November 30, 2010 in the amount of \$125,612.95.

Thomas moved  
Timothy seconded

Discussion: Robert questioned the 3½ hour charge from the board attorney to prepare a formal presentation for a document.

Ms. Grossi said that it took far longer to prepare this document but being a public servant herself and considering the state of the economy, she did not want to charge for the real amount of time she had put into preparing this document.

Robert stated that Ms. Grossi charged the library twice for a Rice letter that was sent to him and wanted to know if the library should be charged twice for something that was not mailed out on time. Ms. Grossi stated that she did get it out on time – the first one was sent on the fourth of the month, unfortunately it was not delivered until the 8<sup>th</sup>. It was shipped via UPS and it was delivered at 11:00 a.m. on the morning of the day that the meeting was conducted. She further stated that when she asked Robert if he had received it he told her he had not, hence the second letter.

All were in favor

b) Resolution to transfer \$91,000 from the 2010 Capital Budget to the 2010 Operating Budget.

Timothy moved  
Donald seconded

All were in favor

## **OLD BUSINESS**

### **Trustees Policy Manual**

It was noted that the Trustees Policy Manual needed to be amended since the OPRA information was not included, therefore it was suggested that this portion of the meeting be postponed until the next meeting.

Robert moved  
David seconded

All were in favor

### **Strategic Plan**

Allan reported that this was put on the agenda as a follow up to last month's discussion and he believed that Ms. Grossi covered some of the issues already. He further stated that by next month's meeting there should be discussion as to how the board wants to proceed with the entire package to return the excess funds with a strategic plan and all the other documents. He said he could print out for the board the entire packet for next month so that everyone could see all the forms that were filled out for this year that need to be filled out again for next year.

Ms. Grossi reported that one component of this plan is public participation. She said that there was a survey that went out that would be very helpful.

It was asked if it would be possible to find out how much a consultant would charge to help the library through this process before they even begin the discussion.

It was suggested that they look into how other municipalities handle the process of returning funds.

### **Special Meeting November 29, 2010**

At this time Robert Lefkowitz began to read his response to the November 29, 2010 discussion.

Robert made a motion “that my presentation be sent out to the Board in the next packet for everyone to see and that that motion cannot be countermanded”.

Lisa seconded

Discussion: It was asked if Robert intended to hand out the presentation this evening as well, to which Robert said “no”. He said he would e-mail the presentation but that he and Ann had agreed that it would be part of the official minutes.

It was asked what Robert meant by “countermanded”. Robert responded that no one would have the authority to alter what was going out in the packets.

David asked that Robert amend his resolution and state specifically what he wanted.

Robert stated his motion as follows: “My presentation will be sent out with the packet and that it will be included attached to the minutes”.

Timothy seconded:

Robert further stated that the full presentation, with supporting material, would be the document attached to next month’s minutes, and not the abbreviated presentation that he was giving today.

It was stated that the way this motion reads, would mean that Robert could basically include anything that supports his argument, to which Robert answered “yes”.

Voted Yes: Timothy Braden, Howard Chesler, Dr. Godett

Voted No: David Dalia

(Roll call was interrupted)

It was asked if the word “countermanded” is to be included in Robert’s motion to which Robert replied “yes, it is”.

It was noted that Robert was asking for things to be included in the packet as an amendment to the minutes of this meeting tonight and there is information in here that is not going to be presented tonight, therefore it might not be proper. It was asked if Robert could send this information to each library board member via the Director. Robert said he would like it to be in the minutes. It was noted that if he was

sending out information that is not presented here tonight, it should not be in the minutes. Robert said he was willing to present it all this evening, but it would take much longer.

It was asked if it would be possible for Robert to present the extract from his presentation that he was going to present as part of the minutes with an indication that he is then submitting to the trustees a copy of his full report without having that being made part of the minutes.

It was further stated that Robert would not be allowed to add anything he wants later on but that the trustees be able to see copies of something that he makes reference to.

It was concluded that Robert would make his presentation this evening and he would like his supporting documents included in the packets for the next meeting. They would not be part of the minutes, but only documents included in the packets. Robert's concern was that someone could go on line and see what happened in November's meeting, that specific charges were made against him and those charges would be a part of the minutes. Ms. Grossi wanted to clarify that Robert was not "charged" with anything, but they were only comments and general statements of things that needed to be made "better".

It was asked that Robert once again restate his motion precisely.

Robert stated the following: "The presentation should be sent to all members in the next packet as part of the minutes and get confirmation that this will not be countermanded".

Thomas seconded

Discussion: It was asked if the supporting documents would be brought out this evening regarding the presentation given this evening. Robert said it would just be references to e-mails and minutes.

The motion was amended to read: It is to be made perfectly clear that a written presentation be sent to all members in the next packet as part of the minutes and not be countermanded, limited to e-mails and minutes.

Voted Yes: Timothy Braden, Howard Chesler, Dr. Godett, Donald Kostka, Robert Lefkowitz, Lisa LoBiondo, Thomas Mazzaccaro, Peter King

Voted No: David Dalia

At this time Robert gave his presentation regarding what he referred to as "charges" made against him at the prior month's meeting. This document is to be attached to next month's minutes and will be included in each board members' packets.

Due to the volume and length of Robert's presentation, it was requested that each board member receive this document prior to the next month's meeting.

Timothy made a motion to take this business up at the regular January 2011 after a full review of the document.

Lisa seconded

All were in favor

**NEW BUSINESS**

**Library Township Agreement 2011**

Allan reported that they do not currently have a signed agreement with the township. They did begin negotiations during early 2010 and those were not completed, however, they have been paying a monthly fee to the township. Allan urged the Township Committee to look at the agreement as it did expire December 31, 2009 and it would be incumbent upon the Library Board and the Township to have something written and signed by both parties as they move forward in 2011.

Peter moved that they go into Executive Session for the purpose of approving November 8, 2010 Executive Session Minutes and discussing Personnel Issues.

Lisa seconded

Voted Yes: Timothy Braden, Howard Chesler, David Dalia, Dr. Godett, Donald Kostka, Robert Lefkowitz, Lisa LoBiondo, Thomas Mazzaccaro, Peter King

9:45 p.m. Open Session closed to go into Executive Session

10:02 p.m. Open Session reconvened

Thomas requested permission to open up the Personnel Committee Report  
Robert seconded

Voted Yes: Timothy Braden, Robert Lefkowitz, Thomas Mazzaccaro

Voted No: Howard Chesler, David Dalia, Dr. Godett, Donald Kostka, Lisa LoBiondo, Peter King

It was noted that the next meeting for 2011 is January 10, 2011.

Peter made a motion to approve the Executive Session Minutes.  
Howard seconded

Voted Yes: Timothy Braden, Howard Chesler, David Dalia, Dr. Godett, Donald Kostka, Robert Lefkowitz, Thomas Mazzaccaro, Peter King

Abstained: Lisa LoBiondo

Howard moved to adjourn  
Timothy seconded

All were in favor

10:10 p.m. Open Session adjourned

Corrections to the November 29, 2010 Special Meeting:

**Peter said he wanted to “mention that he did not see anything in the November 29 Special Meeting where it was said that there was a bill sent in for work done and it was said that the attorney didn’t do the work but bill them, but the Mayor remembered that there was a meeting and he said “yes” they did discuss policy.” Peter also stated “there was an e-mail that was sent and it was shown to an attorney and it was stated that the e-mail was not received but it was shown to the attorney and the attorney said that they would never write such an e-mail”**