

Montville Township Public Library
Board of Trustees Meeting
July 14, 2008
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.

Julie Cohan David Dalia Edward Ernstrom
Peter King Donald Kostka Deborah Nielson Charles Schmidt

Patricia K. Anderson, Library Director
Maggie Miller for Mark Tabakin, Attorney for Board
Elaine Wood, Recording Secretary

Absent: Randee Fox

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.

David asked for a motion to adopt the June 9, 2008 Minutes.

Julie moved the Minutes

Deborah: 2nd

Peter noted corrections in the June 9, 2008 Minutes: Page 14 ... “should read “**Mark** did not ask the Director...” **not “Peter”**”.

Julie noted corrections in the June 9, 2008 Minutes: “Motion Passes or Fails” should be indicated after Roll Call when there is a mixed vote. Also, page 4 “... with the exception of **Patricia Anderson**” should be inserted in the third paragraph (**Randee** speaking) after “... currently 9 employees with MLS Degrees”.

All were in favor.

David asked if there were any comments that are necessary to go into Executive Session. **Peter** said yes.

Peter moved for a motion to table Executive Session.

Deborah: 2nd

David asked if all were in favor for tabling the Executive Session Minutes until the Executive Session.

All were in favor.

PUBLIC COMMENTS

Vincent Sacco, President of the Montville Township Library Endowment Fund, Inc. addressed the Board, acquainting them with what they do as an organization and what their goals were and suggested a possible donation. He introduced Mrs. Rosalind Pio Costa, as well as Kathy Codella. He noted that there was a total of 10 members in their group and passed out a list indicating who they were and what their titles were. He said that they are now certified as a charitable organization. He also passed out a brochure that highlighted their purpose and mission. He noted that they had received money from their two (2) Barn Theater benefits as well as from the "Friends of the Library", who donated \$5,000.00. He said that the money they have is a combination from two fund raisers plus the donation from "Friends of the Library". He said that the family of James Glick, asked upon his death, that instead of flowers, donations be made to the library. He said that they had accumulated approximately \$1,500.00 to which they are going to use towards CD musicals, as they were very musically oriented. He also noted that they currently have approximately \$12,000 in active funds and approximately \$6,000 in CDs, totaling \$18,000.00. He said they were looking for an appropriate place to donate these monies to the library. He said they had numerous meetings with regards to where to donate these monies and two areas came up: He noted that there is a lot of activity going on in the library during the weekends, where people are renting DVDs. He felt the process for renting the DVDs was cumbersome and he suggested that some of the money could go toward somehow "computerizing" the process. Although he was concerned whether or not there was enough space for the console for it; the second thought was to convert the sign in front of the library to an electronic sign. He felt that that would have some significant advantages due to the fact activities are changed often and it would be easier to have an electronic sign as opposed to changing it manually. He suggested they would offer the library \$10,000.00 toward the purchase of the electronic sign.

However, Mr. Sacco was concerned as he observed an item in the library's budget titled "Surplus" with \$320,000.00, to which he asked, was there really a need for their \$10,000.00 contribution. He noted they were going to have a meeting at the end of this month to make their final decision as to where their \$10,000.00 would go. He said they would like to offer the library the \$10,000.00 to be put toward a marquee sign but asked why they could not use money from their \$320,000.00 "Surplus".

David thanked Mr. Sacco for coming in and offered an explanation as to the term "Surplus" as mentioned in their budget and noted it was an unfortunate choice of words. He said what that represented was Capital budget for future improvements to the library or future maintenance to the library. He said that he was not sure what the town commitment would be if such a need were to arise in the future. He said that in the 7 years since he has served on the Board they have expended approximately \$600,000 at one time to renovate the interior and to create computer space. He also noted that they put in an HVAC system for over \$1,000,000.00 and a couple hundred thousand for the roof. He said basically that is what that money is used for.

Mr. Sacco said that their \$10,000.00 offer still stands towards a sign. He suggested that the Board get back to him before they had their meeting so they could finalize their donation, specifically for the purchase of the sign.

Charles informed Mr. Sacco that the Board is currently waiting for the High School to get their sign installed so they could see how it looks as they are using the same company and would like to see how it turns out.

David asked that they go to item IX – New Business - and make a motion to accept the donation from the Endowment Fund in the amount of \$10,000.00 for use of the sign.

David asked for a resolution to accept the Library Endowment donation of \$10,000.00 for purposes of procuring an electronic sign.

Edward: 2nd

David asked for a Roll Call

Gary Bowen – Yes
Julie Cohan – Yes
David Dalia – Yes
Edward Ernstrom – Yes
Peter King – Yes
Donald Kostka – Abstain
Deborah Nielsen – Yes
Charles Schmidt – Yes

Motion passed

REPORTS OF OFFICERS

President

No Report

Treasurer

No Report

Secretary

No Report

REPORTS OF COMMITTEES

Finance

No Report

Personnel

No Report

Buildings and Grounds

No Report

Patron Services

Charles noted the only item was the issue with the sign and that was just discussed during the “Public Comments” section of the meeting.

Resolutions/Motions

Resolution (a) ... to accept check register for June 1 through June 30, approving checks exceeding \$750.00 in the amount of \$36,786.08 not exceeding \$750.00 in the amount of \$10,815.55.

Charles moved

Julie: 2nd

Not hearing any further discussion David asked for a Roll Call.

Gary Bowen – Yes
Julie Cohan – Yes
David Dalia – Yes
Edward Ernstrom – Yes

Peter King – Yes
Donald Kostka – Yes
Deborah Nielsen – Yes
Charles Schmidt – Yes

Motion passed

Resolution (b) ... Variance between check register and cash disbursements and value of checks drawn is attributed to voided check numbers #5843 in the amount of \$400.00, check #4569 in the amount of \$250.00, check #5733 in the amount of \$303.55, check #5901 in the amount of \$1,252.00, check #5828 in the amount of \$40.00.

Charles moved
Edward: 2nd

Not hearing any further discussion David asked for a Roll Call.

Gary Bowen – Yes
Julie Cohan – Yes
David Dalia – Yes
Edward Ernstrom – Yes
Peter King – Yes
Donald Kostka – Yes
Deborah Nielsen – Yes
Charles Schmidt – Yes

Motion passed

Resolution (c) ... to approve the salary increase for Jeanne Ivy, Payroll Clerk from \$10.19 to \$16.00 effective July 14, 2008.

Edward moved for discussion
Peter: 2nd

Edward asked that the words “per hour” be added to the dollar amounts.

Not hearing any further discussion David asked for a Roll Call.

Gary Bowen – Yes
Julie Cohan – Yes
David Dalia – Yes
Edward Ernstrom – Yes
Peter King – Yes
Donald Kostka – Yes
Deborah Nielsen – Yes
Charles Schmidt – Yes

Motion passed

Resolution (d) ... to appoint special counsel to conduct investigation of civility complaint against Board members by **Patricia** Anderson.

Charles moved for discussion
Edward: 2nd

Charles noted that this process was going to take 15 to 25 hours at \$125.00 per hours and estimated the cost to be \$3,100.00. He inquired as to whether this could not be settled with just “normal conversation” between **Patricia** and the Board in order to resolve the complaint without having to incur legal expenses.

Edward said he thought it was very important that the Board have independent counsel.

Julie was in agreement with **Charles** and said she would like to see if the matter could be settled “person to person”.

Deborah inquired if the people who were named were in favor of counsel to which **Peter** and **Edward** replied yes.

Gary asked does the law firm represent the Trustees or the individuals. **Maggie Miller** said they would represent the Board not the individuals.

Charles asked for clarification as to whether independent counsel would represent the Board against the Complainant to which **Maggie** said she would have to do an independent investigation. **Charles** asked if “independent” meant the person would be neutral but paid by the Board to which **Maggie** said, “correct”. **Charles** asked if there would be any legal actions against the complaints and what could possibly develop from this.

Maggie said the Board would either accept the recommendations/findings or not and then move forward from there.

Charles was concerned about spending the additional \$3,000.00 when it could possibly be handled on Board level with the hopes of resolving the matter.

Gary recapped stating that there was an inherent conflict perceived by the Board. He asked if the firm had the conflict. **Julie** asked if it was the Board who had the conflict or was it counsel who had the conflict.

Maggie said she was not here that day and was not certain. **Edward** said that **Mark Tabakan** recused himself. **Maggie** said that **Mark** is counsel for the Board and there is a daily relationship that has to continue after the investigation, suggesting that it would be better for all parties if independent counsel were used.

Not hearing any further discussion David asked for a Roll Call.

Gary Bowen – Yes

Julie Cohan – Pass

David Dalia – Yes

Edward Ernstrom – Yes

Peter King – Yes

Donald Kostka – Yes

Deborah Nielsen – Yes

Charles Schmidt – Yes

Julie Cohan - Abstain

Resolution (e) ... to approve the remainder of holidays for 2008:

October 13th Monday
November 27th Thursday
November 28th Friday
December 25th Thursday

Columbus Day
Thanksgiving Day
Thanksgiving Friday
Christmas Day

Peter moved

Julie: 2nd

Peter asked if there was still a problem with Columbus Day due to negotiations. **Julie** said she believed that it was an issue that if it's not a part of the agreement that is currently in force, then they can not make it a holiday because they are in the middle of negotiations.

It was noted that the Board could not vote on approving the remainder of holidays for 2008 as they were still in negotiations.

David asked that the mover of that motion would table that.

Peter made a motion to table

Julie: 2nd

OLD BUSINESS

No Old Business

NEW BUSINESS

Peter said that he received a copy of the Montville Township Public Library Purchasing Manual and asked if anyone else received it. **Julie** said she received one as well but did not have an opportunity to review the final copy. **Peter** noted that on page 11 "Friends of the Library" was mentioned. He suggested that it be removed as they are no longer in existence. **Patricia** said that they are now in the process of being dissolved.

Patricia said that the Purchasing Manual was something that was just completed but it was really for review. She suggested that she would make copies if the entire Board wanted to see it. **Edward** said he would like a copy.

Patricia distributed copies of the new ordinance that was passed. She said the Township had just approved a new ordinance regarding the facility's use of all the buildings in the Township. She noted that that affects the library as well. She said that the second page of the Policy for Use of the Township Facilities, show all the departments and all the buildings that are listed and under Pio Costa Auditorium it says the library is responsible and then it lists the three rooms that are for reservations: the lobby, the auditorium and the conference room. In the last column it says there is no fee for the library. On the next page under the definitions of groups and organizations (#5) includes "for profit making businesses" which defines what groups can reserve the various rooms. It lists it in a hierarchy of preferences, but those being the lowest preference, are the for-profit making organizations – that is a change from past policy. Up to this point the library has not had any for-profit businesses reserve meeting room space or any space in the library. Approximate 10 years ago that was the situation and the Township used to charge \$100.00 but they changed their policy. She noted that it does bring up a couple of concerns and Adam Brewer who presented it to the township committee, and is the management assistant to Frank Bastone, felt there were some other oversights. She thought that possibly the Board might want to think about what's going to transpire with the new policy. It opens the door for every for-profit business as well as any individual who might want to have a birthday party, demonstrations, etc. She also noted that there is no fee attached.

Julie asked what about the Yoga group to which **Patricia** replied that that is not a for-profit organization. She said that that is a library-sponsored club.

Charles asked, hypothetically, if he called up to reserve a room for a birthday party and it is available and it is reserved under his name, what would happen if nos. 1, 2 or 3 calls and wants that same room on the same date – does that mean he gets bumped. **Patricia** said this is new territory and up to this point they

have never been faced with that issue. She said they often do rearrange rooms to benefit the group that is at the top of the hierarchy. She felt that this might be cause for serious concern.

Deborah said that this was in draft form and it should have been distributed to the library before it was adopted. **Patricia** said she only had a week to respond. **Deborah** said there are two public meetings: the first is a reading and then a public hearing is set for discussion. She noted that this actually was a subject for discussion. She said that the library was not the focus of these private parties. She said it was understood that Mr. Brewer and Mr. Bastone had met with **Patricia** and everyone was in agreement. She noted the library was never discussed at any time nor was it brought to any of the Township Committee's attention and that she was not aware that it would impact the library. She said she did regret that that specific language was not in this ordinance because it was never to be extended to the library. It was limited to the Field House where they currently have small parties and the Youth Center where they have requests for parties and perhaps the Senior House as well.

David asked **Deborah** if this ordinance could be amended. **Deborah** said it could not be amended in one meeting but she suggested that if the library is not in agreement with it, that they go through the entire thing and not pick up only one or two items as there may be other oversights. She also noted that Mr. Brewer had been in his capacity for approximately a year and he was in charge of ironing this out.

David asked **Patricia** if her concern was to scratch out #5 to which **Patricia** nodded yes. **David** asked if anyone else had any issues concerning the library. **Charles** noted that the schools were not involved in this at all because they are a separate entity, therefore he inquired of **Maggie** if they as a library, being somewhat of a separate entity from the township, do they fall under this ordinance. He asked who had control over the use of the library – the township or the library. **Maggie** said she believed it would be the township since essentially they owned the property.

David noted that currently one of the groups that use their rooms is a town condominium homeowner's association. He asked **Patricia** which of these categories would that fall into. **Patricia** said it would be #3.

Patricia also said that they would have to be very concerned about people selling anything on library property as it could jeopardize their tax-exempt status.

Charles pointed out item #7 stating that it could mean drugs of any sort, including prescription drugs.

Patricia passed out to the Board members an Application for Use of Facility and stated that there was a significant change, as the Library would be doing all of the bookings for the entire township. She noted that at one time they only booked library-sponsored events. She pointed out that the "colored paper" in her report shows who uses the meeting room, noting that whatever is bolded is library-sponsored, whatever is not bolded is township sponsored.

Gary asked **David** if it would be appropriate if he were to refer this matter to a committee of his choosing to assess this in cooperation with the Director and come back with a recommendation for the Board.

David said he believed they were in agreement straight through #5 but asked if anyone had any other comments. He suggested that if **Patricia** had more considerations they should go to Patron Services. **Patricia** agreed as she said she believed that they needed to develop their guidelines to be very tight.

David asked **Deborah** if it were possible to not abide by #5 until they formally got back to the township on this. **Deborah** said she didn't believe anyone was aware of the change in policy.

David asked if there was any other New Business.

Julie commented that their interest revenue was down and she had Bernice check and apparently the interest that the banks are paying them is down to 1.75%, which is down approximately one point from

two months ago. She proposed that they purchase another CD and the rate that they can get if they get a 35 month CD, which has a provision that they can cash it in whenever they want, is 3.78%. She suggested that they get another \$100,000.00 CD. She said that currently they had approximately \$600,000.00 in the bank, which would leave them \$400,000.00 for operations.

David asked how she came up with the \$100,000.00 figure as opposed to \$200,000 or \$300,000. She said that they had to keep \$200,000 for three months for operating. She noted that they currently spend approximately \$130,000.00 per month – that would leave \$400,000.00. She said that should the rates change drastically they would have the ability to cash it in.

Donald asked what their investments were limited to, to which **Julie** replied “CDs”. **David** asked if they at one time had Merrill Lynch and **Julie** said that it was almost down to nothing. **Julie** was not sure what Merrill Lynch was paying and she noted that they fund an investment in bonds. She believed that currently it was down to \$6,000.00.

David suggested getting a short term CD. **Julie** said she would call Merrill Lynch the following day. She suggested that if the Merrill Lynch account didn’t offer anything more substantial, she would go ahead with the Lakeland. If it did, then she said she suggested waiting until next month.

Julie made the motion

Peter: 2nd

David asked for a Roll Call.

Gary Bowen – Yes

Julie Cohan – Yes

David Dalia – Yes

Edward Ernstrom – Yes

Peter King – Yes

Donald Kostka – Yes

Deborah Nielsen – Yes

Charles Schmidt – Yes

Motion Passed

With regards to the Statement of Expenditures and Revenues As of June 30, 2008, **Peter** pointed out that the “Total Programs – MTD Actual” column was \$1,260.00 and the “MTD Budget” column is \$1,229.00, noting the difference of (121) in the “MTD Over (Under)” column is incorrect. His concern was if this is incorrect, how he could be certain there weren’t other errors throughout the report.

Julie said that there have been instances of discrepancies and for the most part she has picked them up.

Donald pointed out that Postage #60136 was over \$284 on the Monthly Variance Report – June 2008. However, when he viewed the detail he noticed that there were two Pitney Bowes reimbursements: one on 2/21/08 and one on 3/31/08, both in the amount of \$350.00, yet when he observed this account last year they had only spent \$126.00. He asked for an explanation.

The second item he questioned was under “Contingencies” and why were items for the library listed in contingencies.

Julie said that if you do not know about it before the fact, it becomes a contingency.

Patricia said the RAIA Storage was an oversight. It should have been budgeted in a regular category. **Julie** said that currently there isn’t any place to put it since there is no line item set up for it. She also said that when a category doesn’t fit into any of the line items it would be better off to put it in “contingency”

and then see exactly what went into contingency rather than let it fall into something else and perhaps have it get lost and then you really don't know what it is.

Donald suggested that it should just be put where it belongs. **Julie** said that currently they do not have a place for storage.

Donald stated that in the Director's Report, there was mention that the carpet was really dirty and needed cleaning. (Indiscernible – speaking too softly). He noted that the carpet was last cleaned in November and probably would be good until January of next year.

Patricia said that there have been a number of problems with accidents in the library. She said that there are over 500 people in the library every day, including babies and toddlers who have accidents. While there are ten public bathrooms, people don't always make it to the rest room. She said that there are times that they have to call the township maintenance people to come over and help clean up.

David asked how much the cleaning company does. **Patricia** said they vacuum, dust and clean the bathrooms. **David** noted that at one time they did emergency carpet cleaning and asked if that is still available to which **Patricia** said they have no money for it. **David** said that it was actually in the contract and was called "Emergency Porter Service". **Patricia** said she would look into it. **David** asked if the contract would have a provision as well for "spot cleaning" in the event of non-emergency. **Patricia** said she would look at the contract.

Donald asked what the status of the Union negotiations was.

David said it should be addressed in Executive Session.

Peter asked if they needed to be in Executive Session to discuss policy issues. He said that they have a Policy Binder, which has never been approved. **Patricia** said the Board voted on it on July 14, 2004.

David said that this Board does not have a Policy Binder. **Peter** said he felt it needed to be reviewed, as it did not appear to be up to date. **David** asked if **Peter** would like to review it to which **Peter** said he would be glad to do it.

David asked for a motion to go into Executive Session.

Peter moved

Donald: 2nd

Open Session adjourned at 8:35 p.m.

All were in favor.

Open Session reconvened at 9:05 p.m.

David asked for a motion to approve the amended Executive Session Minutes.

Peter moved

Donald: 2nd

David asked for a Roll Call

Gary Bowen – Yes

Julie Cohan – Abstain

David Dalia – Yes
Edward Ernstrom – Yes
Peter King – Yes
Donald Kostka – Yes
Deborah Nielsen – Yes
Charles Schmidt – Yes

Motion Passed

David asked for a motion to adjourn

Charles moved
Julie: 2nd

All were in favor

Open Meeting was adjourned at 9:07 p.m.