

Montville Township Public Library
Board of Trustees Meeting
September 15, 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.

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

Patricia K. Anderson, Library Director
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 August 11, 2008 Minutes

Peter moved

David: 2nd

David asked if there was any discussion regarding the August 11, 2008 Minutes.

All were in favor – Charles Schmidt abstained

PUBLIC COMMENTS

Bernice Bailine asked to be heard. She noted that she lived at 31 Gabrielle Drive, Montville, N.J. She stated that she was aware that Resolution (e) affected her employment and requested the opportunity to address the Board in this regard. At this time **Bernice** noted that at the time of her hiring in November 2006 the library was under construction and was rushing to reopen in record time. Her predecessor had left 6 to 7 months prior and the library was working with a part-time employee fill-in. She noted that by the time she came on board she was basically left “on her own” for the first six months of her employment as neither the temporary fill-in, nor her predecessor left any information or guidelines on her new position as Business Manager for Montville Township Library. She also stated that she was never advised that she would be required to take the “Business Manager Civil Service Battery Test”. **Bernice** stated that this presented a problem for a number of reasons: The first being was that she was advised of the test only three weeks prior to the actual testing date (she noted she failed by one (1) point); secondly,

Bernice noted that she has a certifiable medical disability and has been approved by the State for ADA (Americans with Disability Act) assistance, as her disability impedes her from testing as well as someone without her disability. She stated that the ADA protects a person from discrimination and the law allows for “reasonable accommodations, including adjusting or modifying examinations or policies”

She continued, stating that she has 25 years of work experience in the corporate world and 10 years in retail, having “owned her own successful business”. She stated that she has a strong work ethic and has applied that work ethic to her job by “maintaining organization in the library” as well as devoting whatever time is necessary to complete a job as she has never been a “clock watcher” and is always dedicated to see a job completed.

She requested that the Board “accept the Resolution to offer her the position of Office Supervisor on a full time basis which would include health coverage, pension, vision and dental”. She also requested that a “wavier be given if a test is needed”.

She concluded by stating that she believed she has “worked well with the Board”... and she “looked forward to continuing that working dialogue with the Board for years to come”.

At this time **David** announced that the Public Comments session was concluded and asked for a motion to move into Executive Session.

Julie moved
Charles: 2nd

All were in favor

7:40 p.m. Open Session closed to go into Executive Session

9:20 p.m. – **David** asked for a motion to reconvene to Open Session

Charles moved
Julie: 2nd

All were in favor

REPORTS OF OFFICERS

Finance

No report

Personnel

No report

Building and Grounds

Patron Services

Charles noted the following:

1. He distributed to the Board members the Montville Twp. Library Meeting Room Guidelines.
2. He asked if the Board members could review them and perhaps adopt them at the next meeting.

Donald commented on question #1 – “the room could be used free of charge for any non-profit (indiscernible). **Donald** said that they had eliminated “for profit”. **Charles** said that they were going by the town’s new ordinance. **Donald** asked how “for profit” is defined.

Charles said that it came down to different programs and under certain situations it would be at the discretion of the library. **Patricia** said that the library goes under the ordinances.

David said that if it falls under something that should be charged for and be charged for by the town then that’s where it should go. He asked how the library could compete with the town and give something for free if the town is charging for it.

With regards to the sign, **Charles** said that he looked into the company in Livingston, which happens to be the same company that put the township sign up. He said that they came back with some proposals. **Charles** said he had some questions with regards to color. He noted that this particular color sign could give you a similar picture as a television – nothing that would run a T.V. program but a picture can be changed over with words to go along with the picture. Deborah said the town does not allow that. **Charles** said that there is nothing mentioned in the ordinance to which Deborah said that it’s color and that is not allowed.

Peter asked what the square footage was. **Charles** said the dimensions of the sign are approximately 33” x 94”. At this time **Peter** showed a scale of the library sign and the size of the letters, noting that they would be giving up space on the proposed new sign. He noted that with the old sign they could use 26 letters in three rows and on the new sign it would be approximately 14 letters. He also noted that to refurbish the existing sign, it would not cost \$30,000.00.

Charles noted there are two different signs: One sign is 33” x 94”; the second sign is 36” x 92”. The price, for black for non-color is approximately \$17,500 and then there is installation, which is approximately \$10,000.00. The color sign would be approximately \$23,000.00 with approximately \$10,000.00 for installation. He noted that a smaller sign, which would not be as clear, would be \$14,900.00 for non-color, for the color it would be \$18,800, and an additional \$10,000.00 for installation for each. **Charles** said that the town spent approximately \$28,000.00 on their sign without the work around it.

Donald said he contacted an outside contractor and to replace the plexi-glass on the existing sign, front and back, at a price not to exceed \$3,500.00. He said they could fix what they have for \$3,300.00 or spend \$30,000.00 for a new sign.

Peter asked if they were certain that they were going to receive the \$10,000.00 from the Library Fund. **David** said he didn’t believe that they could count on that.

Resolution (a)... to accept check register for August 1 through August 31 approving checks exceeding \$750.00 in the amount of \$21,173.14 not exceeding \$750.00 in the amount of \$12,074.85.

Peter moved
Julie: 2nd

David asked for a Roll Call

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

Motion passed

Resolution (b) ...There was no variance between check register and cash disbursements.

Resolution (b) was administratively withdrawn

Resolution (c)...to approve the hiring of Marilyn Giancaterino as a temporary page not to exceed 179 days at a rate of pay of \$9.00 an hour starting August 18, 2008.

Edward moved

Peter: 2nd

Donald noted that West Caldwell was hiring student pages for \$6.50 per hour. **Patricia** said that they could not find anyone.

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

Motion Passed

Resolution (d)... to approve the purchase of six Water Fall Displayers for the CDs and DVDs at a cost of \$6,759.00 per the quote given by Brodart charging the monies to the Capital Improvements account.

Peter moved

Edward: 2nd

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

Motion passed

Resolution (e)...to abolish the Business Manager position effective October 1, 2008.

Peter moved
Edward: 2nd

Julie asked if the position were abolished, would they then hire someone from the outside to do the work. **Peter** said not all the work, but a portion. **Donald** described some of the work responsibilities of an outside source would be to cut the checks, reconcile the bank statements ... (indiscernible) ... they would put in between 12 to 16 hours per month ...

Charles asked if he was talking about approximately \$1,600.00. **Donald** said between \$800.00 and \$1,600.00. **Charles** asked what we pay for that process now. **Peter** said it could be pro-rated based on the existing hours of the job and pro rate it on salary. **Charles** asked if it was approximately 30% of the job. **Peter** said it would be somewhere in that neighborhood. **Edward** said it would be a net savings, combine the part time office service manager along with the outsourcing, the total cost of both would be less than the current in-house cost. **David** asked if that 30% percent took into consideration the benefits that go with that job. **Peter** said that they factored in the benefits. He said that there would be neither holidays nor benefits.

Edward said the base salary would be approximately \$14,500 base salary plus 30% of the health benefits. **Patricia** said that we are currently paying \$24.00 per hour. **Donald** suggested that the savings would come in by eliminating health benefits, pension, vacation, sick days.

David asked for a Roll Call

Julie Cohan – Pass
David Dalia – Yes
Edward Ernstrom – Yes
Peter King – Yes
Donald Kostka – Yes
Deborah Nielson – Yes
Charles Schmidt – Abstain
Julie Cohan – Abstain

Motion Passed

Resolution (f)... to establish a Full Time Office Supervisor or Part Time Office Supervisor position effective October 1, 2008, with an hourly compensation of \$20.00 per hour.

Edward moved
Peter: 2nd

Edward said that the correct title is Office Service Manager

David noted that there was an amendment to change the “Full Time Office Supervisor” to read “Full Time Office Services Manager” and the “Part Time Office Supervisor” to read “Part Time Office Services Manager”.

Edward said that this job would be to pick up the unspecified duties forms that would not be amenable to outside contracting.

Mark said that his trouble with this resolution was that it was indefinite. **Mark** asked what they were doing this for: full-time or part-time. **Edward** said it would be part-time. **David** said it was written that way for purposes of discussion.

Edward noted that if they take at least 30% of the Business Manager's responsibilities away and possibly more, he believed then it would become a part-time position. He said the committee had a suggestion that it could become a full-time job and the other two days would be worked in the I.L.L. group, but he believed that to be a violation of the contract because the I.L.L. group people are union members and this position is a non-union position.

Mark noted that union membership is not contingent on title designation. What matters is whether that position shares the community of interest with those people in the union. He noted that the only personnel in this building that are non union are in Confidential, Management and Temporary and Seasonal.

Edward said that the Office Services Manager would be investigating grievances, for example as part of their duties so it would essentially take over the confidential duties of the Business Manager. **Charles** asked for a description of the job. **Edward** handed **Charles** a document showing a description – item #4417.

David asked if this was anticipated to be a non union job and **Edward** replied that is correct.

Donald ask if this person were non union, could they work a union job. **Mark** said that it would depend on whether the union objected and it would depend on what the duties to be worked in the I.L.L. were. He stated that it could be possible that not every duty to be done is union work, therefore he stated he didn't have an answer in that regard.

Donald added that he would recommend that the rate be changed to a range and the range would be \$10.00 to \$20.00 an hour.

Patricia stated that the Office Services Manager would supervise the Payroll Clerk. She said that the Payroll Clerk currently earns \$15.00 per hour.

Mark said that **Mr. Ernstrom** moved and Mr. King seconded this motion. He asked if the friendly amendment would be to make it Part Time Office Services Manager at an hourly compensation of a range from \$10.00 to \$20.00.

Edward said that he was in agreement

Peter said he was amenable to this amendment

Charles asked if this job required five years of supervision. **Edward** said that was correct and that their private industry experience could be counted.

David requested that they begin looking to fill this position. **Edward** said they would begin working on it immediately.

Patricia asked to make a recommendation with regards to be considered that the person work four (4) days a week due to the fact that if that person is not there, she would have absolutely no help at all. **Edward** said that they could work that out in the recruitment process.

David asked what a part time temporary was allowed to work. **Patricia** said they could work up to 37 ½ hours. **Edward** said that their policy was to stop at 30 hours. **Patricia** noted that health benefits do not kick in until a person has worked 37 ½ hours. She also stated that an employer defines what is full time.

Edward said this job would be considered part time and not to exceed 24 hours a week. **Peter** asked if that would be in four (4) days. **Peter** asked **Patricia** how many hours she was suggesting to which **Patricia** replied 25 to 28 hours.

Edward said that they could work that out between now and the next Board meeting.

Donald believed that less than 30 hours, health benefits would kick in. **Patricia** said that he was possibly thinking about a state guideline and the guideline says that the employer cannot offer health benefits below 25 hours, as that is the State recommended guideline. She noted that some organizations have grandfathered in twenty hours, but it differs amongst different libraries, but at Montville Library it is 37 ½ hours before you qualify for health benefits. She stated that it is based on the definition of full time that you set.

Edward said for the purposes of the resolution and discussion, he said he believed that between now and the next meeting they would be able to work out the hours.

David asked for a roll call.

Julie Cohan – Yes

David Dalia – Yes

Edward Ernstrom – Yes

Peter King – Yes

Donald Kostka – Yes

Deborah Nielson – Yes

Charles Schmidt – Yes

Motion Passed

At this point **Bernice** Bailine asked if she had just lost her job to which **Mark** replied “yes – effective October 1st the position no longer exists”.

Edward asked to introduce an emergent resolution to retain the services of **Bernice Bailine** for a period of sixty (60) days from tonight’s meeting.

Peter: 2nd

Mark noted that the Board was most likely going to have a salary disapproval order being issued by the Civil Service for this position, but by the time that they caught up with them, most likely the sixty (60) days will have lapsed. **Edward** suggested that they appoint **Bernice** to the Office Services Manager. **Mark** said “no” as he was not comfortable with that. He suggested that they work with the emergent hiring for sixty (60) days, if **Bernice** was willing to accept the position as her position no longer exists as of October 1, 2008.

Peter asked what is the worse thing that could happen to which **Mark** replied that they could tell them that they cannot pay her under the Salary Disapproval Order. There could be a fine of \$2,500.00.

David asked what her title and job responsibility would be. **Mark** said she would act under the title of Business Manager.

Peter asked if **Bernice** could be moved into the new job that was created for sixty (60) days. **Mark** said that they could do whatever they wished. Although he stated that he did not know what the impact of this new title would be with regards to the Civil Service or whether they would view that as simply an artifice to get around the list that was produced already.

David noted that they did have some time.

Mark asked if the motion was to hire on an emergent basis for sixty (60) days with existing title and existing rate to which **David** and **Edward** both replied “yes”.

Edward made the motion

Peter: 2nd

Patricia asked if it would create a problem to hire at the same existing title when the title was just abolished. **Mark** said that it does since the title will be abolished as of October 1 but the duties of that title are going to continue for a sixty (60) day period. **Patricia** asked if there would be no title for the individual serving in that job. **Mark** said that the **Bernice** will continue with the same title and Civil Service will straighten this out if and when they catch up to the Board. **Patricia** noted that there is a list of eligibles who will be making a lot of phone calls. She stated that she was told by Civil Service that the individuals will invoke the I-9 Rule. **Mark** asked if either one of them was a veteran to which **Patricia** said they are not but they can invoke the I-9 Rule. **Mark** asked how many people are on the list. **Patricia** stated there were two (2). **Mark** stated that it was an incomplete list and that **Patricia** had the discretion to dispose of the list as she saw fit. She should dispose of the list on a bypass code, not an incomplete code. **Edward** asked should they then make the sixty (60) day job with a different title. **Mark** said the title was not of importance but rather it was the duties of the job. **Edward** said the duties would be to prepare the scope of work for outsourcing. **Mark** said that would be fine, and then there would be no title. **Edward** said to give her a 1301 and that they would find a title.

Mark said the resolution should read: **Hiring Bernice Bailine on an emergent basis for sixty (60) days at her existing rate for Transition Services.**

David asked for a Roll Call

Julie Cohan – Yes

David Dalia – Yes

Edward Ernstrom – Yes

Peter King – Yes

Donald Kostka – Yes

Deborah Nielson – Yes

Charles Schmidt – Yes

Resolution (g)... to create a 179-day temporary position for Associate Director for Operations.

Edward moved

Donald: 2nd

Edward stated that the purpose for this resolution was to establish a vacant temporary position to give **Patricia** the maximum latitude to appoint anyone she chooses as acting Associate Director for Operations. The title code would be a 1301, Community Library Assistant. Therefore, enabling her to appoint anyone currently in the library without going to the Board for whatever time she may be out of the library. **Edward** noted that between now and the next meeting the Personnel Committee will work with **Patricia** to identify individuals that will express an interest in this career development position. **Edward** felt that this was an excellent opportunity for people to get more exposure to different parts of the library enabling them to further their career.

David asked if there was a rate of pay associated with this to which **Edward** replied “no”.

Julie asked if she were a union person getting paid to do a union job, would this create any kind of conflict. **Edward** said it was a career development opportunity, which means they are not obligated to do it. **Patricia** added that it is a non-union position.

David asked for a Roll Call

Julie Cohan – No

David Dalia – Yes

Edward Ernstrom – Yes

Peter King – Yes

Donald Kostka – Pass

Deborah Nielson – Yes

Charles Schmidt – No

Donald Kostka – Yes

Motion Passed

OLD BUSINESS

Charles asked what the status was on the sign and how the Board wanted to proceed – to act on purchasing a new sign or repairing the old sign. He noted that originally they determined not to repair the sign.

David asked that the Board look over **Charles’** packet on the new sign as well as look at the cost with regards to **Donald’s** suggestion of repairing the sign. He asked that they compare them side-by-side at the next Board meeting.

Charles asked if there would be any consideration of spending approximately an extra \$4,000 to \$6,000 more for color and if so he would ask that the signs be brought to the library so that they could see them.

David felt it might be more than they wanted to spend.

Julie asked for a bit more information with regards to the pros and cons of each sign.

Deborah noted that the town has monies that was originally appropriated to offset the cost and she thought it was important to know if there was funding or at least a partial funding source because she didn't think that the Board expected to expend \$25,000 to \$30,000 as they were relying on at least the \$10,000 to \$12,000 gift from the Library Fund. She inquired if that offer was still on the table or not.

Charles said he believed that it still was on the table. **Julie** asked how they could verify that and **Charles** suggested that they ask Vince directly.

Patricia noted that Vince is no longer on the Board but suggested that they speak with Janet Menkins as she is the current acting president. She said she would get her number for them. **Charles** said he would contact her.

Edward said it might be helpful to get their plan of dissolution.

NEW BUSINESS

Edward said he just want to put out a discussion item to be further explored and discussed at the next meeting with regards to the downward trend in the number of active card holders that they have in the township. He noted that approximately 8 years ago there were 11,000 active cardholders and a population of 15,000 and currently they have 22,000 population and they have less than 5,000 people who have used their card once in the past year. He stated that they are spending \$1.8 million per year to provide services for approximately 5,000 cardholders. **Patricia** noted that all the libraries in Morris County are experiencing the same thing. He asked that at the next meeting they could discuss ways in which to make their library more relevant to the people who live in town.

David asked for a motion to adjourn

Peter moved

Donald: 2nd

All were in favor

Meeting adjourned at 10:00 p.m.