

**Montville Township Public Library
Board of Trustees Meeting
AUGUST 9, 2010
Montville Township Public Library
90 Horseneck Road
Montville, New Jersey 07045**

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

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

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

Absent: James Sandham

Alternate: Timothy Braden (for James Sandham)

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

PUBLIC COMMENTS

Kathy Lindert, 38 Underwood Road, Montville: Ms. Lindert addressed the Board with her concerns about the library not allowing high school students driving through the library parking lot in the morning and the afternoon. She asked that the Board take into consideration the sharing of facilities and look into a Traffic Safety Report. She said this could affect how the community looks at the library. She asked that this be reviewed with the Traffic Safety Officer. (Ms. Lindert is the High School PTC President.)

Kevin Lindert, 38 Underwood Road, Montville: Kevin (Ms. Lindert's son) addressed the Board stating that mornings are very hectic and the high school parking lot is crowded; therefore his family has used the library parking lot as a means to get him to school on time. He said his mother would pick him up at the library after school as well in order to avoid the heavy traffic at the high school. Kevin said he wanted to continue to use the library parking lot only as a "drop off" station, and not as a place to park all day.

Ms. Lindert said she would work with the library and the high school, sending e-mails stating that students cannot park in the library and if they do they can be ticketed.

Howard said he would be discussing this issue later in the evening. Ms. Lindert asked that she be given floor time when the issue came up. It was agreed that Ms. Lindert would be able to speak at that time.

Ellen Oxild, 11 Glenwood Drive, Montville: Ms. Oxild said she wanted to speak about the use of space in the Pio Costa building. Ms. Oxild said she is a volunteer for Pathways for Exceptional Children. She said they have been using the space for their reading programs for the past two years and had put in a request to use the room again this year. She said she believed the Board was looking at other options and she would be happy to answer any questions the Board might have in that regard.

ADOPTION OF MINUTES

Peter asked for a motion to adopt the July 12, 2010 Minutes.

Thomas moved
Howard seconded

Corrections:

Page 2: 7th paragraph: “It was noted that Howard did receive...”; should be “Howard did **not** receive...”
“Optimum Online was having a problem...”; should be “It was **speculated** Optimum Online...”

Page 2: Reports of Officers, President: “The President appointed the Chairman to...; should be “...appointed the Chairman **of**...”

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Robert said he wanted it to say it was the “Law regarding returned surplus”.

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Should read: “It would be up to a Judge to decide if he would rather rely on personal recollections vs. minutes:

It should be noted that David Dalia and Edward Ernstrom left the Open Session meeting before its conclusion; therefore they did not vote on the motion to approve the Executive Session Minutes for June 14, 2010. Also, Robert voted "No".

Vote to approve the minutes as amended:

Voted Yes: Howard Chesler, David Dalia, Paul Fried, Donald Kostka, Robert Lefkowitz, Peter King

Abstained: Timothy Braden, Edward Ernstrom

REPORTS OF OFFICERS:

President – Peter King

Received letter from the New Jersey State Library inviting the Trustees to a conference meeting to be held September 25, 2010 with a recommendation of sending at least two (2) people to attend. It was suggested that Allan and Robert attend. This would satisfy the three hours a year of trustee training requirement.

Vice President – Edward Ernstrom

No Report

Treasurer – Thomas Mazzaccaro

Since the front entrance project is not moving forward, there is \$91,000.00 in the 2010 Capital Fund, which must be addressed at the end of the year. An amendment is needed and the monies should be returned to the General Fund. Twenty thousand (\$20,000.00) dollars has been dedicated to the 2011 Budget for the same project, which will also have to be amended.

Since the town will be rectifying the handicapped doors at the Pio Costa Center, the \$27,500.00 dedicated in 2011 for the project must be readdressed.

The Survey has been printed and mailed and the cost did not come anywhere near the \$10,000.00 budgeted for the project. (It was noted there are two bills in the packet; one for postage and the second for the printers).

The auditors have completed their work and they have a draft report completed. They said they would meet with the Finance Committee to discuss before the final report is signed. An e-mail has been sent out to the Finance Committee members to see if they could meet on August 19. One member has responded; two have not responded to date. A date would try to be set up to have the auditors come out and give a presentation. Rich Charles would be making the presentation. Mr. Charles said there were some minor issues with disbursements that needed to be addressed. Mr. Charles was asked if he could discuss the audit with the entire Board at the September meeting, if the Board would like. The Board was asked for direction as to whether they would like to have a formal presentation in September.

It was asked if the Finance Committee could receive the report via e-mail prior to the meeting so the members could review before the actual meeting.

Assistant Treasurer – Donald Kostka

The variances to date are running \$200,000.00 below budget.

Line item 6192-Outside Accounting Fees, in the amount of \$12,500.00 was encumbered for the year. Two thousand, five hundred (\$2,500.00) dollars was back billing from Metis.

Secretary – David Dalia

No Report

Report of Attorney – Ann Grossi

This month's check is for a three-month period.

Personnel and a possible litigation will be discussed in Executive Session.

REPORTS OF COMMITTEES

Finance – Thomas Mazzaccaro

No Report

Buildings and Grounds – David Dalia

No Report

Personnel – Edward Ernstrom

No Report

Patron Services – Howard Chesler

Patron Services received excellent results from the survey with new responses coming in every day. They were trying to have it available for the September meeting but decided to hold off until the October meeting, as they would have all the results in by then. The only person that is qualified and has the time to do this is Alexa.

Unattended Children Policy: Children under the age of 11 are being dropped off at the library. There are some issues with DYFS as far as leaving unattended children between the ages of 8 and 11. The library could be responsible in the event an incident occurs. Allan will talk to DYFS and the committee will discuss it further at their next meeting.

There are over 100 children in the library after school until 5:30 p.m. The Library has 76 seats available. Some of the complaints are that there are not enough places for the adults to sit, and the library is too noisy to study. We have not been able to respond to Pathways to approve their use of the Pio Costa Auditorium on Tuesdays and Thursdays until we work out the Library's needs. There has been communication between the library and Pathways to try to work out a solution.

Another issue is that there are paid tutors who conduct business in the library. Currently, there are no Certificates of Insurance for these tutors. This might be an item for the town to get involved with. There

might not be enough space for the children after school due to people conducting “business” in the library. It was suggested that perhaps the high school could find a place for tutors.

At this time Howard addressed one of the public attendees to which David stated, as the Board Secretary, he wanted to say the Board needed to be consistent with the policy of not having members of the public speak whenever they wished during a meeting. He gave examples, noting that in the past, there had been many instances over the years, where people were not given the liberty of speaking out of turn during a board meeting. He noted there is a special time during the meeting where members of the public are given the opportunity to speak and that it was inconsistent with past procedures to allow people to speak whenever they wished during the meeting. Peter said he had made an exception in this case, stating that if the Board were unable to answer any of their questions at the beginning of the meeting, they would be allowed at a later time.

David suggested that members of the public meet with the various committees to discuss their issues (as was done in the past) rather than opening up the door to allow people to speak any time they wished during the course of a meeting. Howard stated that it was agreed at the beginning of the meeting and David should have made his objections at that time. David said it was not unanimously agreed upon and there needed to be a clear established policy.

Ms. Grossi said that David was correct and there needed to be a policy; however, if the Board chose to include the public in speaking on different topics during the course of a meeting, there should be a policy stating that it is to be allowed on a regular basis, but perhaps limit the amount of speaking time so as to maintain control of the meeting. However, the decision to allow the public to speak during the course of a meeting must be consistent – if it is allowed at one meeting, then it must be allowed at all other meetings. Peter said they should put it on the next agenda but wanted to make an exception at this time.

Ms. Grossi asked that Howard complete his Patron Services report and then open the meeting back up to the public.

David pointed out that at the last meeting, an ex staff member wanted to speak out and they were not allowed and it was his belief that a motion to allow someone to speak now would not be a legal motion and they did not have the right to even vote on that. He also said that the President did not have the authority to make an exception.

Timothy asked if the Board had a written policy that prohibits public participation at any time during a meeting. Ms. Grossi said she did not believe there was a written policy nor did she believe the town had a written policy either. Ms. Grossi said that while there is not a written policy, this is how this particular board has conducted their meetings in the past.

It was noted that there is not a “public comments” section after every item on the agenda and therefore the public should not be allowed to have the floor at will.

Howard concluded his report, stating that there have been accidents and near-accidents in the parking lot. Allan had a meeting with the Chief of Police and the following was noted:

- Speed bumps are being considered near the entrance and stop sign
- Township ordinances currently permits township police to ticket
- Library staff have parking stickers
- Lines are to be repainted and cones will be placed at the crosswalks for safety

- Vehicles not allowed to be left running in front of the library, as it is a loading zone. This area will be monitored.

It was noted that parents should be using the high school for picking up and dropping off students and the library parking lot was never intended to be used for that purpose.

Technology Implementation Report – David Dalia

No Report

At this time Ms. Lindert re-addressed the Board.

David called for a point of order and asked for a vote.

Robert made a motion to reopen the Public Session
Howard seconded

Voted Yes: Timothy Braden, Howard Chesler, Edward Ernstrom, Paul Fried, Robert Lefkowitz, Thomas Mazzaccaro, Peter King,

Pass: David Dalia

Voted No: Donald Kostka, David Dalia

Ms. Lindert said she did not see the morning as being an issue with the library parking lot because no one is here. She was in agreement that students and staff should not park at the library. She said they would continue to notify the parents in regards to other parking issues. Allan said that it is a town ordinance and no one should be parking in the library's parking lot before 10:00 a.m. Ms. Lindert said she was willing to work with Allan to get the word out and supposed that Dr. Fried and the high school staff would be willing to do that as well.

She said it would behoove them to use as many entrances and exits as they possibly could to make sure the students get in on time. It was noted the high school does use faculty to direct traffic. Ms. Lindert said at 2:30 p.m. and 3:00 p.m. traffic is much heavier as nursery schools are getting out, elementary school is getting out as well as the high school. She said she would work with the library to inform people that this is not a drop off place; however, there may be times that someone needs to use the library's parking lot.

Allan said he is outside in the parking lot every day at dismissal time and he has no desire to be a witness, on behalf of the library, when someone really gets hurt. He further stated that the mornings are not too much of an issue, but in the afternoon, when you start out with a parking lot that is already packed and 100 + students walking up the hill, coming into the library at the same time as you have 25 to 50 cars, double and triple parked over the entire parking lot, who no sooner do they see their child, race around the lot at anywhere from 25 to 35 mph – this is an accident waiting to happen! Allan said that this lot is not big enough, nor was it designed, to be a drop off and pick up for that amount of traffic.

Ms. Lindert said she understood where Allan was coming from, but asked if there was something they could work on together. Allan said that he was speaking on behalf of the library and for the people who use the library. He said there are many issues and he hoped they could work together on them but the main issue was safety of the children, parents and the people walking in and out of the library.

Ms. Grossi recommended that the library call their liability Insurer and find out what their policy is and to make certain that the library is covered. Ms. Grossi said that the library would be liable if there was an accident in the lot, even if the library were closed and people were using it as a drop off and pick up place.

Peter asked for input from each of the Board members.

Dr. Fried said the high school wants to work with the library regarding this issue. The mornings seem more problematic when there is no one here and parents drop off their children. He suggested that the high school provide their own employees to monitor and supervise the traffic. Dr. Fried said he would check with their insurance provider and attorney.

David said this matter could have been discussed at a committee meeting. He said the level of detail discussed was overwhelming and if every section of the agenda were opened up for discussion and discussed in this manner, they would be there until 4:00 a.m.

Timothy said he believed everything had been covered.

Thomas said he believed everything had been covered.

Edward said he was in agreement with Dr. Fried.

Peter was in agreement and said they would look into the insurance.

Ms. Lindert suggested that perhaps some of the student council members could be invited to the next meeting to get their input as well as their parents.

Allan said the Patron Services committee needed to look into this issue as well. Peter said a meeting should be scheduled for the purpose of discussing these issues.

David made a motion to close the Public Comments section of the meeting.

Edward seconded

Voted Yes: Timothy Braden, Howard Chesler, David Dalia, Edward Ernstrom, Paul Fried, Donald Kostka, Robert Lefkowitz, Thomas Mazzaccaro, Peter King

Interim Library Director's Report – Allan Kleiman

Allan stated that many of the issues in his report were already discussed by some of the library committees. He noted that several attachments were included in the Board member's packets; they are as follows:

- Organization Chart – effective March 8, 2010.
- E-mail regarding background of traffic issues.
- Letter dated October 7, 1997 indicating the library's 501 C3 status

Allan said he met with the township's IT person and the State Library is now providing additional services and he is looking at the cost of broadband with them since they are already hooked up into the automation consortium and a new broadband funding program has just gone into effect.

It was asked if there was any thought of publicizing the \$237,022 refund that was being given back to the town. Peter said there was going to be a ceremony at the library and the press would be in attendance and a check for \$237,022 would be presented to the township. Allan said that by the September Board meeting, they would have the next quarterly check available to be presented to the town. He suggested making up a “mock” check as if it were the entire amount, as it would give them a whole month to let people know what they were going to do and they would be able to work on publicity as well.

Allan suggested the presentation be conducted at 6:30 p.m., September 13, 2010, before the Board Meeting. It was agreed.

Thomas asked how the Organizational Chart became effective March 8, 2010 when on March 5 they received a packet that they didn't really discuss. He said the chart didn't look anything like the Organizational Chart as there was much more on the chart of March 8 than the chart of March 5. Peter thought this was a personnel issue and should be discussed in Executive Session. Thomas objected. Ms. Grossi said it is discussion of what was in the packet therefore it could be discussed in Open Session.

Allan said this is exactly what the Board voted on when they voted on the reorganization plan; nothing was changed. Allan said that two meetings ago the Mayor asked for something with a little more detail in it and this chart is what was created. He further stated there were no changes on the chart from what the Board voted on in March. Thomas said it did not look like the present plan. Robert said they did not vote on it. Allan said they were free to meet with him in his office and he would show them exactly what was voted on and that nothing had been changed.

Thomas said, for the record, it doesn't appear that the Organizational Chart that they were given, matches the documents of the previous chart.

Robert asked the cost of the training mentioned in Allan's report. Allan said the board approved \$8,000.00 of training at a previous board meeting. Allan said the class is being given by Sandy and himself and there is no cost. The cost of training for the staff in Microsoft Office products is being done by Vincent and that is being done out of his hourly salary.

Howard asked if they had gone out to bid for training. Allan said they have a staff member whose job description includes training. Allan further stated they did not vote on any contract to provide outside training.

Thomas asked Allan if he had any solutions for the front sign. Allan said someone would be coming in this Friday to give an estimate as well as several other people who would be getting back to him to give them various options on a new sign or the cost of repairs to the old sign. He said he would have something to report by the next board meeting.

Peter asked if they could move the Executive Session to after the New Business portion of the meeting.

RESOLUTIONS/MOTIONS

(a) Resolution to accept check register dated July 1 to July 31, 2010 in the amount of \$51,382.59.

David moved

Timothy seconded

Voted Yes: Timothy Braden, Howard Chesler, David Dalia, Edward Ernstrom, Paul Fried, Donald Kostka, Robert Lefkowitz, Thomas Mazzaccaro, Peter King

OLD BUSINESS

Robert stated that there was a vote during a previous meeting to put the agenda on the website, but to date, the agendas have never been posted. Allan said he did not have anyone to put the agenda on the website as Alexa is on vacation. Allan further stated that he did not remember a resolution specifically stating that the agendas are to be posted. Allan said if the board wanted to have the agendas posted, dating back to January up to current, he would have Alexa do that when she comes back from vacation.

Allan said they are currently posted in the library, town hall, sent to the town clerk, handed out to both union shop stewards on the same day and they are e-mailed to the board.

Robert asked if Allan was spending an inordinate amount of time on the OPRA requests to which Allan said not any more than he would for any other task. Allan said Robert had given him 5-6 requests, all of which required a good deal of research, which took him the equivalent of a day and a half of his time. He said they were all exploratory and came back with no results because there were no such items that he could find. Allan said the amount of time he had to spend on the requests cost the library several hundred dollars. He said he could have used that time to do other jobs.

Robert said he was told if he wanted information from the library, he had to file an OPRA request. He wanted to know how other trustees received their information. Peter said it would depend on what type of information they were requesting. Robert said he was told "all" information. Allan said he believed that goes back to last year when Robert had several questions on how the library operated and what was suggested to Robert was if he was concerned about library operations that it might be more beneficial to have a discussion with the Director than filing an OPRA request, however, if he were looking for specific documents, that would be what OPRA was for. Allan said that all of Robert's requests were exploratory where he had to spend hours going through resources to assure himself that when he gave Robert an answer the documents did not exist. Allan said he told Robert that it would be more beneficial to discuss his requests with trustees who have been on the board who could explain past practices, rather than have him look for documents that don't exist.

Robert pointed out that at one particular meeting David said that Executive Session tapes are for the Recording Secretary only and he asked where that policy was coming from. David said he wanted it noted on the record that he never said that. Robert said he had a tape.

Robert said he believed he was the only trustee required to file OPRA requests.

Timothy asked Ms. Grossi if it was customary for a sitting board member to have to file an OPRA request for information from the board on which that member sits. Ms. Grossi said if one is to ask for ancient documents that require research that is something that should not be automatically given over to anybody as the Director needs to have a record of what he is turning over. She further stated if the request is something that is going to require many hours of research, then "yes" he should file an OPRA request, especially if they are documents that are not readily available.

Allan further stated that he could not recall any other board member requesting documents. Thomas said he had asked for the 501 C3 documentation and Allan went and found it for him and presented it to the Board and he did not have to file an OPRA request.

NEW BUSINESS

The Bylaws were included in each member's packet. There was an e-mail sent out, by Robert, on July 22, 2010 and it was Peter's concern if this document is considered a legal library document and could it leave the library open to a possible lawsuit. Peter asked Ms. Grossi to please explain.

Ms. Grossi said she did not get a copy and therefore she could not respond. She said she would have to look at it and get back to Peter with an answer.

Thomas said as a member of the Bylaws Committee, the Bylaws Committee did not mail out any copy of the Bylaws to the members because that would be in violation. Peter said it **was** e-mailed to which Thomas said it was only e-mailed to the Director. Peter said it was e-mailed to every member on the Board. Allan said he had the e-mail and it was addressed to: David Dalia, Donald Kostka, Edward Ernstrom, Howard Chesler, James Sandham, Peter King, Timothy Braden, Thomas Mazzaccaro, Allan Kleiman. It stated:

“Attached are the proposed bylaws recommended by the Bylaws Committee for your review. I'm hoping that Allan has Dr. Fried's e-mail address to forward this to. Regards, Robert”.

Robert said that he also sent an e-mail stating they discussed this at the last meeting where he requested Allan send it out to everyone. Allan asked, why then, did he send it out?

Thomas said that every time they send out a “blast” e-mail, and they are conducting board business, they are reprimanded for it. Thomas said he believed that the e-mail was sent to Allan to be distributed and apologized if that was not the case.

Robert asked Ms. Grossi's opinion to which she stated that since she has not reviewed the Bylaws, she recommended that they put it off until next month.

David made a motion to Table the Bylaws discussion until the next meeting, upon attorney's review.
Edward seconded

Voted Yes: Timothy Braden, Howard Chesler, David Dalia, Edward Ernstrom, Paul Fried, Donald Kostka, Thomas Mazzaccaro, Peter King

Voted No: Robert Lefkowitz

David noted that the Statement of Expenditures and Revenues as of July 31, 2010 showed they were falling behind in purchases with collection. He stated that \$8,000 had been budgeted for Young Adult-Non Fiction and nothing has been spent in this category. Allan said when this budget was created, numbers were plugged in and what they were really looking at was the total bottom line. He said that they almost buy nothing in Young Adult-Non Fiction because it comes out of the Adult Non Fiction line. David said that it is approximately \$20,000 short. Allan said that \$8,044.00 is the endowment and that was for them to use for buying multiple materials and/or furniture they needed to house the collection. He said they would be looking at that \$8,000, as indicated in his Board Report, to buy some additional racks and materials as they have run out of space for the AV. He said when you take that off, they are about \$10,000 under.

Thomas said security is of primary concern for the library. He said there are many people who have keys to the building. He asked if they should make a motion and pass a resolution to get back the keys from past trustees or anybody else who may have keys.

David said at their last meeting they had a capital budget that was either tabled or not passed, that included having a card system. He asked if they could revisit that possibility, as it might be more cost effective than trying to retrieve all the old keys. Timothy suggested that perhaps the new door project could incorporate a key-swipe system for the electronic locks.

Robert said he was asked to update the policy manual. He asked why he never received the policy manual to make his modifications. He said he waited two weeks and never received it, so he put together something else. He said he was not receiving the e-mails that were promised to him. Ms. Grossi said she did not recall that but promised he would receive a “red-line” copy of the document when it was completed. Allan said that Robert had sent a page and a half of suggestions and it has taken some time to research. He further stated that it should be placed on a future agenda.

Peter asked for a motion to close the Open Session.

Paul moved
David seconded

All were in favor

Peter read the Resolution for the Open Public Meetings Act.

Timothy moved
Donald seconded

All were in favor

9:32 p.m. Open Session closed to go into Executive Session

10:15 p.m. Open Session reconvened

Peter asked for a motion to approve the Executive Session Minutes of May 10, 2010 and July 12, 2010

David moved
Donald seconded

May 10, 2010:

Voted Yes: Howard Chesler, David Dalia, Edward Ernstrom, Donald Kostka, Robert Lefkowitz, Peter King

Abstained: Timothy Braden, Paul Fried, Thomas Mazzaccaro,

July 12, 2010:

Voted Yes: Howard Chesler, Paul Fried, Donald Kostka, Peter King

Abstained: Timothy Braden, David Dalia, Edward Ernstrom,

No: Robert Lefkowitz, Thomas Mazzaccaro

Robert wanted it noted for the record, the reason he voted “no” was because he wasn’t the individual being discussed.

Allan said he spoke with Centralpack and they said they could take the piece of equipment in question back. There would be a 30% restocking fee, which would cost the library \$300.00. They also suggested if the library was thinking of going forward with this project, the library should think about keeping it.

Thomas made a motion to have someone from Centralpack attend the next Board meeting to explain what the process is and what the item is needed for and what the cost would be.

It was suggested they just agree to have someone come in and give a presentation and there would be no need for a motion. Thomas withdrew the motion.

It was agreed that they would have Centralpack come in and give a presentation.

Robert said he spoke to an attorney on legal issues as to how this impacts him. He said they could not pay for this item, as it would send a message that another trustee could do the same thing. Ms. Grossi said she was in disagreement and if this were the advice given to him by his attorney, she would like his or her name so she could further discuss the issue with them. Robert would not give the name of his attorney.

David called for a Point of Order. He said that Robert's Rule prohibits reading documents into the minutes.

Ms. Grossi said he could not give a legal opinion when he did not have his attorney present to support him.

Howard moved to adjourn

David seconded

Open Session adjourned 10:26 p.m.

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