

**MONTVILLE TOWNSHIP PUBLIC LIBRARY
BOARD OF TRUSTEES
PROPOSED AGENDA FOR MEETING
November 12, 2007**

- I. **Open Public Meetings Act Statement**
(Meetings will be tape recorded; Minutes will be available to the public at the Montville Library)
- II. **Pledge of Allegiance**
- III. **Moment of Silence**
- IV. **Adoption of Minutes**
- V. **Public Comments**
- VI. **Reports of Officers**
 - A. President
 - B. Treasurer
 - C. Secretary
- VII. **Reports of Committees**
 - A. Finance
 - B. Personnel
 - C. Buildings & Grounds
 - D. Patron Services
- VIII. **Library Director's Report**
- IX. **Resolutions/Motions**
- X. **Old Business**
- XI. **New Business**
- XII. **Executive Session**
- XIII. **Adjournment**

-- End

Note: These minutes have not been formally approved by the Board and are subject to change at the next meeting.

**Montville Township Public Library
Board of Trustees Meeting
October 15, 2007 – 7:30 p.m.
Montville Township Public Library
90 Horseneck Road
Montville, New Jersey 07045**

Summary of Actions Taken

1. October Minutes Meeting has not been approved.
2. Approved Resolutions:
 - a. Approved Resolution to accept check register from September 1 to September 30, 2007.
 - b. Approved Resolution for Minutes from July 9, 2007 meeting.
 - c. Approved Resolution for Minutes from August 13, 2007 meeting.
 - d. Approved Resolution for Minutes from September 10, 2007 meeting.

The Meeting was called to order by President, **Charles Schmidt** at **7:30 p.m.**

Present: **Julie Cohan Dave Dalia Art Daughtry**
 Ed Ernstrom Susan Max Charles Schmidt

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

Guest: Bernice Bailine, Business Manager

Absent: **Gary Bowen Peter King**
 Randee Fox James Sandham

Public:

Carolyn Klabin: 6 Robin Court, Montville, and 136 Changebridge Road, Montville

Milton Grossman: 5 Lee Court, Montville

Patricia Markazinie: 13 Sunrise Way, Towaco

Gloria Potenza: 20 Breton Drive, Montville

Carol Ortell: 815 Main Road, Towaco

Marcia Grossman: 5 Lee Court, Montville

Laurie Zazlow: 30 Hilton Terrance, Montville

Charles Schmidt 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

Corrections: Change date on first page of September's Minutes to read from:
"October 15, 2007" to September 10, 2007

Motion to accept July 2007 Minutes: **Susan Max**, Seconded by **Dave Dalia**
APPROVED, unanimously

Motion to accept August 2007 Minutes: **Art Daughtry**, Seconded by **Susan Max**
APPROVED, unanimously

Motion to accept September 2007 Minutes: **Ed Ernstrom**, Seconded by **Julie Cohan**
APPROVED, unanimously

Charles Schmidt opened the meeting to the public for comments.

PUBLIC COMMENTS:

The following items were addressed:

- Belly Dancing Classes
- Tai Chi Classes
- Bella Band
- Yoga Classes

Each attendee was invited, individually, to the podium to present their comments and concerns regarding the above-mentioned classes/program. It was brought to the attention of the Board, by each speaker, that all of the classes were well received, enjoyed and appreciated and all had hopes of these classes continuing.

Some of the comments were as follows:

Carolyn Klabin: "...participants are well pleased – everyone supports these programs".

Milton Grossman: "... would like to see classes continue".

Patricia Markazinie: (who is a volunteer teacher) "...everyone enjoys this class, the oldest participant is 90"; Patricia would like to continue teaching this class.

Gloria Potenza: "...just started the Yoga class, would not like to lose this class.

Carol Ortell: "...was ill, but now attends Yoga and health is improving - would like this class to continue".

Marcia Grossman: "... Attends Tai Chi – great feeling of community".

Laurie Zazlow: "Takes Tia Chi – likes it and appreciates it".

It was noted by all that the classes were beneficial and enjoyed immensely by the community and since the facilities are available, at no cost to the Library, they would like to see these programs continued.

7:50 p.m. Hearing no further Public comments, **Charles Schmidt** closed the Public portion of the meeting and went on to **Reports of the Officers**.

(Public was invited to stay.)

OLD BUSINESS

Charles Schmidt asked **Dave Dalia** if he was the one who wanted these programs on the agenda.

Dave Dalia indicated that at the March Meeting, there was a vote to communicate with the Recreation Department regarding these programs.

Charlie Schmidt informed the Board and public attendees that the reason these programs were on the agenda was that it was thought the town handled these classes and that there was never any intent to cancel them. He believed the classes were very functional and an asset to the library, the only possible problem being the scheduling i.e., other people wanting to use the facility at the same time.

Patricia Anderson brought to the Board's attention that the library was taking in revenue with the belly dancing but anticipated raising the student fee for Tai Chi because they were not breaking even and were trying to keep costs down. She suggested that while it is not official, there may be an increase per class fee starting in January. She said the Yoga class is free and did not have much information on the Bella Band workout since it just started. She informed the Board that basically the classes do run themselves, requiring minimal time and effort on the staff of the library, stating that all they had to do was provide the facility and make sure it was booked on the calendar and collect fees. Otherwise the programs were running smoothly.

Susan Max stated she was very happy to see so many people using the library in a new and creative way and invited them to use some of the other services that the library provides.

The following discussion involved Certificates of Insurance for the programs being held at the library:

Dave Dalia mentioned his concerns were that of whether the Recreation Department had approved these activities, making sure that the facility was appropriate to which **Art Daughtry** replied he had not heard but it was his understanding that Deputy Nielson was

the liaison for the Recreation Department and Maryanne Witty inquired of **Patricia Anderson** if she had heard anything from her.

Patricia Anderson stated she had e-mailed Maryanne Witty asking her if she were interested in assuming classes of this nature at the Rec. Department and she replied, via e-mail, that she was “not interested and if it’s not broke – don’t fix it”.

Dave Dalia felt that we still needed to hear from the Rec. Department, as this was what was decided in March. He stated that they have the expertise to oversee the facility and make sure these sorts of activities can be held here.

Art Daughtry asked **Dave Dalia** if his concerns were coming from an insurance perspective. Such as: “Is this facility acceptable from an insurance standpoint, safety or liability standpoint”? **Dave Dalia** said it was and he wanted to hear from the Rec. Department. **Art Daughtry** informed him that it is not the Rec. Department’s responsibility but rather it is really up to our insurance carriers. Stating that he didn’t foresee a problem other than perhaps we should have pads/mats for these classes.

Ed Ernstrom’s concerns were if each instructor had a Certificate of Insurance on file with the library. **Patricia Anderson** said instructors as well as participants sign a Hold Harmless Agreement. **Ed Ernstrom** inquired if the Instructor furnishes insurance for the class. **Patricia Anderson** responded that, like any other program that we offer, we request that most of the instructors are certified.

Charles Schmidt addressed **Dave Dalia’s** concerns as being legitimate and suggested that perhaps **Patricia Anderson** could inquire of the insurance carries if there is anything further that the Board needs. He also stated, believing the Board was in agreement; their intentions were to fully go forward with these programs and not interrupt them. The only concern is the scheduling, and should anything come up in the future, the public would be given ample notice, but as of now, there were no intentions of changing anything that is running well.

Patricia Anderson was asked by **Ed Ernstrom** if she could supply Certificates of Insurance at the next Board Meeting. **Patricia Anderson** informed him that not all programs have Certificates of Insurance but she would do her best to supply them.

Mark Tabakin explained they would be covered under a general liability policy and it was not necessary to have individual Certificates of Liability Insurance.

Art Daughtry made the suggestion of simply informing your insurance carrier of the specific program to be conducted and inquire of them very specifically what is needed in terms of insurance.

Dave Dalia’s concerns were regarding the programs that were more “physical” – indicating that there was more of a need for insurance for these types of activities as

opposed to a “book signing”. To which **Art Daughtry** made the suggestion of informing the carriers of the specific event and inquire if they are covered or not.

Charles Schmidt suggested that Patricia Anderson should look into it.

8:00 p.m. Public is dismissed

8:00 p.m. **Art Daughtry** excuses himself for a brief discussion with Mr. Grossman regarding the “gardens”

REPORTS OF OFFICERS

President

Charles Schmidt reported that everything is running well. He informed the Board that elections are coming up in January for reorganization and appointed **Ed Ernstrom** as a Chair on this committee along with **Julie Cohan** and **Peter King**.

Treasurer

Julie Cohan commented on the P& L, referring to the Utilities Section stating “we have been over-running really big time”, suggesting that the right number was not assessed on the HVAC system. Electric was \$66,000 year to date and the budget for the year is \$68,000. She stated that the next three months would probably run approximately \$5,000 a month, which would mean electric would be approximately \$80,000. Gas was also “off the charts” -we budgeted \$15,000 and year to date is \$30,000 and we will easily spend another \$5,000 a month on gas since the cold weather is approaching. Our utilities are going to be running over a \$50,000 a year.

Julie Cohan stated that **Bernice Bailine** had looked at the meters and it is an accurate reading and hopefully we will learn from this for next year for our budgeting. Salaries and wages were \$60,000 below budget primarily because we are understaffed.

(**Art Daughtry** returned 8:10 p.m.)

Julie Cohan stated that we are under-running the rest of the budget but asked to keep in mind that the fourth quarter is a big-spending quarter. She also stated that she didn’t believe the town had been paid yet, but we received the state aid income in October.

Secretary

No Report

Finances

No Report

Personnel

Ed Ernstrom stated there will be a meeting on October 25th and they will be discussing the development of a recruiting program for filling library vacancies.

Buildings & Grounds

Ed Ernstrom informed the Board that progress was being made regarding the hot water heaters. Randy Zigarelli, the host of the Saturday WOR Home Improvement Radio Show lives in town and he suggested the solution to the problem would be something called an “insinkerator”. It has approximately 2 ½ gallon storage and can mount on the wall.

It was suggested by **Bernice Bailine** that this may not be a good idea as children use these bathrooms and one never knows if and when a child may touch it or play with it, and possibly hurt themselves.

Charles Schmidt noted that this would be taken into consideration.

Patricia Anderson informed the Board that there was an inspection 3 weeks ago and it was discovered that 10 out of 20 strobes were not working. She spoke with Steve Toth and asked if she should call SMS and he said he would take care of it. Two weeks went by without any word from SMS so she contacted Steve via e-mail and he informed her that he called again and said we are on their list and they are supposed to be out here next week. Her concerns were that some of the strobes were in the bathroom and being a public building, she felt this was lax.

Art Daughtry asked if it was proven that it was done during the construction phase, was the contractor paid in full? **Patricia Anderson** responded he had a \$5,000 retainer and was paid in full.

Art Daughtry said the person that has the responsibility is the fire official. He could tell us we have 24 hours to fix this or he could shut the library down. He believed it was unlikely that they would do that but nonetheless it would be prudent to push SMS to have this problem rectified as it is dangerous.

Charles Schmidt stated that all of the audibles are working, it is just the visuals that are not and when asked by Susan Max whose responsibility it was to have it fixed, **Charles** responded that he believed it was the town’s responsibility. **Art Daughtry** stated that technically it is not really a township building, we manage our own building, but we fall under their contract.

Patricia Anderson advised that we have to maintain it and we are responsible for any repair bills, to which **Art Daughtry** replied that technically, it is Steve Toth.

Charles Schmidt asked if we could you call him and ask him to take care of this. **Art Daughtry** said he would.

Patron Services

No Report

Director's Report

Patricia Anderson advised that he majority of her time has been interviewing candidates for various jobs. Stating we are down by another person at the front desk and should anyone call in sick or needs to be out due to appointments, the situation has become acute. She also stated that she has been doing stints at the reference desk herself and that it's better since Ron Rizzo was hired but she was still filling in on Monday mornings since there is not enough staff. While she is happy to do it, it does cut into her time.

She also informed the Board that a New Jersey statewide survey was conducted stating that the library is the second most desired community asset after parks and recreation, while police came in third, with elementary schools being even further down the list. They did the same study in Maryland and the results were pretty much the same. Also, Food for Fines was started this week and donations are being accepted, such as canned goods and there is a list of things that can be brought in for the Interfaith Food Pantry in Morristown and they will pick it up. There are approximately 75% to 80% of the libraries in Morristown who are participating in this program. Regarding independent reports, some reference questions of the month are interesting, getting a feel for the kinds of things that people come in and ask and should you get a chance you might enjoy reading that.

Susan Max inquired how the business meeting went.

Patricia Anderson stated it went well, lightly attended but good quality. A few bankers came and some investment firms from Morristown and local furniture businesses. Speaker Jack Lavery, who is an economist, attended and was very good. He spoke about the condition of our economy stating that presently, it is not very good. She also stated that those who attended informed her that they enjoyed it. Also, for the month of December, she would be trying to bring in the author of "The Big Box Swindle".

Julie Cohan agreed that it was nice, but was disappointed that the attendance was so small.

Patricia Anderson said that Ron Rizzio is doing some cold calls and is getting himself out there for PR purposes. Ron did introduce himself to Christina Renfer of the Landauer Café, who has access to 600 businesses in Towaco. **Patricia** also made some calls two or three days before the event. Many of the people who came attend the Chamber of Commerce monthly luncheons. She advised that the time was 9:00 a.m., which was a little late for some of these people.

Dave Dalia asked why it was held during business hours.

Patricia Anderson stated they won't come at 10 or 11 as most of these people are business people and they won't interrupt their business schedule. Out of the 30 people expected, only 9 attended, but in spite of that the feedback was positive. "It takes time to nurture"; noting if the topic is something they're interested in they will come. It's a new service and it costs us nothing to run.

Julie Cohan asked if it would help if they were e-mailed. **Patricia Anderson** responded that it would but thought it would be wiser if Ron Rizzio do so as to promote himself and become more proactive in this area.

Charles Schmidt agreed that while it was good to help Ron, it would be far more beneficial in the end for Ron to take on responsibility himself

Charles Schmidt – "How about consent agenda for the resolutions"?

Mark Tabakin : c & d have already been passed.

Charles Schmidt: "Do I have motion to approve a, b, e, f and g"?

Dave Dalia: First

Susan Max: Second

Charles Schmidt: Asked if there is any further discussion? Not hearing any discussion, **Charles Schmidt** asked for a roll call:

Gary Bowen - Absent

Julie

Dave

Art

Ed

Randy - Absent

Pete - Absent

Susan

James - Absent

Charles

Charles Schmidt asked if there was any further discussion under Old Business.

Dave Dalia wanted to clarify that at the next meeting we would be able to see the \$1 million liability certificates for each of these four classes that are being held. He stated that he believed it was something needing to be discussed and if the town was not going to give advice as how to handle, the Board should then at least mirror the town as to how they handle this matter. **Patricia Anderson** acknowledged that she was to ask the insurance carriers specific questions regarding these classes.

Ed Ernstrom stated that it was the Board's policy to require a \$1 million Certificate of Insurance from whoever is using that room. **Patricia Anderson** inquired if that included authors as well. **Charles Schmidt** responded that it was just for programs that involved physical activities but to be sure we should inquire of the insurance companies exactly what it is we need.

The topic of discussion was mainly concerning which types of activities require Certificates of Insurance.

Art Daughtry stated that it was his understanding that every program is sponsored by the library, especially if the library is collecting funds to which **Mark Tabakin** responded that even if no monies are collected; as long as they are using this building you are approving the use of this building for that purpose.

Ed Ernstrom added that it was his belief that the "our policy and the town's policy is that organizations that are not sponsored by the board, must provide a certificate". **Mark Tabakin** stated that "this board being an autonomous body, whatever policy we have governing acceptable use of your facilities, is what governs, regardless of the activity".

Dave Dalia: "I would draw the line at physical activity".

Mark Tabakin: "Whatever the policy says is what you should be doing".

Charles Schmidt asked Patricia Anderson to find the policy.

Patricia Anderson believed the policy was written over 15 years ago and was a township policy not a library policy. 75% of the use of that room is township sponsored and they don't go through her but through Lillian at town hall. When asked by **Ed Ernstrom** if Lillian handles the certificates, Patricia replied that she cannot attest to what Lillian does, but she is supposed to, she sometimes sends us a copy but not always. The remaining 25% is library sponsored and they have general liability insurance through the township. She informed the Board that Frank Bastone just set up an appointment to go over the policy to discuss coverage (possibly in early November). She stated that there are a variety of programs in the library that involve activity, i.e. children's library has a carnival one a year and they do relay races, ball throwing, etc.

Dave Dalia: "Patty mentioned that she had certificates and I think we should see them. We were led to believe we have them and if we don't we should rethink this".

Charles Schmidt told **Dave Dalia** that his point is taken and asked to hear from **Ed Ernstrom**. Ed responded that he had to disagree with Patty saying that the town's policy was updated about 7 years ago, and "I don't mean insurance policy – I mean outside groups using buildings in the town. The same policy was passed for the library and the town requires if it is an outside group and if the township committee does not sponsor it, then they should produce a certificate of insurance naming the town as additional insured."

Mark Tabakin stated if the board allows this library to be used by anyone outside of it's employees giving a lecture, story-time, something that is an employee generated activity – you are endorsing it, your approving it.

Art Daughtry gave an example of Towaco Civic Association and Jazz Festival - Towaco getting many requests for different types of events in town, some using township employee and tax payer money:

The question finally arose, “is this a town sponsored event or an endorsed event by the town?” We actually have a policy that will be introduced in January where we identified (the example being) we have identified the fourth of July being a township sponsored event, which means it is under the umbrella of the township and the insurance is covered by the township – the jazz festival is an endorsed event and they have to provide a certificate of insurance.

Mark Tabakin stated this is exactly what happens with the Board of Ed because outside groups use board facilities to run all types of programs, they do it, not endorsing it, not sponsoring it, but it's called an “acceptable use” and they say there are certain things that we will allow our buildings to be used for, i.e., boy scouts, church activity, other civic groups, etc. That's what this board must decide - how to use this building and under what conditions. **Mark** suggested that the Board is the body which must decide on what it is they require.

Charles Schmidt suggested **Patricia Anderson** talk to the insurance agent and ask what we are covered for and how much – what his recommendations are and lastly, the Board should review the existing policy.

Ed Ernstrom said “when anyone uses the Pio Costa room, they give a copy to the Town Hall”.

Charles Schmidt suggested **Dave Dalia** and **Ed Ernstrom** review this policy.

Dave Dalia inquired of **Art Daughtry** “Are the sports organizations in town that use the facility endorsed or sponsored”?

Art Daughtry replied they were sponsored – i.e., the soccer team does not produce an individual policy of their own, it's all under the umbrella of the town - being almost 95% positive being a town event. He also suggested that if **Patricia Anderson** were meeting with Frank (founder of JIF), the Board should put their questions in writing so she could submit them to Frank and have him give a formal answer.

Susan Max recapped by suggesting the Board should ascertain if they are adequately covered. **Charles Schmidt** suggested that **Patricia Anderson** write a letter, which he would endorse, asking of the insurance company “what is the amount of coverage in the umbrella per incident”?

Mark Tabakin told the Board he would give them an “Acceptable Use Policy” which he has drafted for other school districts, to use as an example. He further stated he would not charge the library for this service.

NEW BUSINESS

Patricia Anderson informed the Board that the holiday invitations have gone out.

At 8:40 p.m. Charles Schmidt, not hearing anything further requests a motion to go out of Open Session and into Executive for the purposes of negotiating, attorney-client privilege, and litigation.

Susan Max 1st
Ed Ernstrom 2nd
All were in favor.

At 9:05 p.m. Open Session was briefly reconvened to discuss Ralph Fredericks/construction audit.

Ed Ernstrom informed the Board that Ralph Fredericks’ renewal was the same price as last year with no charge for the 15-20 hours of consulting time. When Patricia Anderson inquired if the Board was obligated to get three quotes, Ed said “no, as Ralph is considered special services. He recommended it be placed on the next Agenda for approval.

Charles Schmidt suggested he have Ralph mail it to **Patricia Anderson** and himself.

9:30 p.m. Charles Schmidt took a motion to adjourn.

Susan Max 1st
Dave Dalia 2nd
All in favor

