

**Montville Township Public Library  
Board of Trustees Meeting  
April 16, 2012  
Montville Township Public Library  
90 Horseneck Road  
Montville, New Jersey 07045**

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**OPEN SESSION**

Board Member	Present	Absent
Mr. Howard Chesler	X	
Mr. David Dalia	X	
Mr. Peter King, Sr.	X	
Mr. Donald Kostka		X
Mr. Robert Lefkowitz	X	
Ms. Lisa LoBiondo	X	

Board Member	Present	Absent
Mr. Thomas Mazzaccaro	X	
Dr. Paul R. Fried, School Superintendent		X
Dr. Beth Godett, Superintendent's Alternate	X	
Mr. Timothy Braden, Mayor		X
Mr. James Sandham, Mayor's Alternate		X

Allan M. Kleiman - Library Director  
Ann F. Grossi – Board Attorney  
Jeanne Ivy – Temporary Board Recording Secretary

**I. Call to Order**

The meeting was called to order by Howard Chesler, Board President, at 7:32 p.m.

**II. Open Public Meetings Act Statement**

Howard Chesler stated that prior notice of this meeting has been published in accordance with the requirements of the Open Public Meetings Act. Meetings will be tape-recorded. Minutes will be available to the public on the Library's website once they have been officially approved.

**III. Pledge of Allegiance and Moment of Silence**

**IV. Adoption of Minutes**

A. Adoption of March 12, 2012 Open Session Minutes

Howard Chesler asked for a motion to accept the March 12, 2012 minutes. David Dalia made the motion, Peter King seconded.

Vote: All in favor

## **V. Public Comments**

Montville resident Dr. Shashi Jain spoke about how much she enjoyed the library and said that she would like it to be a buzzing place with lots of ongoing activities such as art, music, knitting, exercise and other classes. Library Director, Allan Kleiman, said that Dr. Jain would be a welcome addition to a recently formed advisory group on adult programs and that the timing was perfect because there is a staff member who will be assuming some of the adult programming responsibilities. Board President, Howard Chesler, said that Montville Township offers residents a full schedule of activities but noted that the Library does not duplicate programs that are offered by the Township.

## **VI. Reports of Officers**

### **A. President – Howard Chesler**

Howard Chesler said that this meeting would be the last one for Dr. Beth Godett, Assistant Superintendent of the Board of Education, as she will be retiring at the end of the school year. He acknowledged her contributions to the library and expressed his gratitude on behalf of the Library Board.

### **B. Treasurer – Thomas Mazzaccaro**

No report.

## **VII. Report of Board Attorney – Ann F. Grossi, Esq.**

Ann Grossi reviewed the April 2010 through December 2010 executive session minutes and said that four of them are suitable for release, --April, May, June and October. The other five deal with personnel issues and cannot be released. If someone files an OPRA request for those executive minutes that cannot be released, the material unsuitable for release would be redacted. Robert Lefkowitz mentioned that he spoke with the GRC (Government Records Council) who said that partial minutes can be released to the public.

Ann will present an update on the contract negotiations in the executive session.

## **VIII. Committee Reports**

### **A. Finance – Thomas Mazzaccaro**

No report.

### **B. Buildings and Grounds**

Lisa LoBiondo spoke about the space planners' proposals noting that they varied greatly in price. Questions were raised about the methods of payment and Allan Kleiman said that the payments could be spread out over three, four, five or six months. It was suggested that there be a separate meeting with the architects, the Building and Grounds Committee and the Director to discuss this.

### **C. Personnel - Donald Kostka**

Absent -no report.

#### **D. Patron Services – Peter King**

Peter King said that Dave Dalia and Allan Kleiman met and will soon present some ideas to the Board.

#### **E. Technology - Robert Lefkowitz**

No report.

Allan Kleiman said that he recently spoke to Cablevision about VoIP and that they quoted a price of \$29.95 per phone line which is considerably more than we currently pay with Verizon.

#### **IX. Library Director's Report – Allan Kleiman**

Allan Kleiman spoke with Dr. Godett about the Library working with the Township schools to ensure that all children going into the 6<sup>th</sup> and 9<sup>th</sup> grades have library cards. This would be a good way to get young people and their parents into the library.

#### **X. Resolutions**

- A. Thomas Mazzaccaro made a motion, seconded by Lisa LoBiondo to approve the check register dated March 1, 2012 to March 31, 2012 in the amount of \$112,263.97.

Vote: All in favor.

#### **XI. Old Business**

Allan Kleiman commented on the proposed 2012 budget, and noted that the parking lot paving project had been moved to 2013 since there are water drainage issues that must be taken care of before repaving. Dave Dalia questioned why account 60107 (audio books adult) was only budgeted for \$10,000 since in 2011 almost \$14,000 was spent. Dave said that each line item should be an accurate reflection of spending and that we should not just look at the totals in each category. Dave made a friendly motion, seconded by Robert Lefkowitz to change accounts 60100 (adult fiction) and 60101 (adult non-fiction) from \$24,000 to \$22,000 and change account 60107 from \$10,000 to \$14,000. Thus there would be no net change in the collection budget.

Robert Lefkowitz asked why account 60128 (adult exercise programs) was on the proposed budget since the exercise programs were supposed to be taken over by the Recreation Department. To expedite transfer of this program from the library to the Recreation Department, he suggested allocating funds for only two months. Allan Kleiman requested it be changed to six months in order to ensure a seamless transfer.

Robert Lefkowitz made a motion, seconded by Dave Dalia to change account 60128 (adult exercise programs) from \$2,500 to \$1,250 and to move the \$1,250 balance to account 60129 (restricted programs).

Vote: All in favor.

Thomas Mazzaccaro made a motion, seconded by Robert Lefkowitz to accept the 2012 proposed budget as amended. Dave Dalia made a friendly amendment to include the following changes in the 2012 proposed budget: change accounts 60100 and 60101 from \$24,000 to \$22,000 each and to change account 60107 from \$10,000 to \$14,000.

Vote: All in favor.

**RESOLUTION ESTABLISHING INTENT TO TRANSFER EXCESS FUNDS TO THE MUNICIPALITY OF MONTVILLE TOWNSHIP PENDING THE APPROVAL OF THE STATE LIBRARIAN**

**WHEREAS**, the Montville Township Library Board of Trustees (the “Board”) affirms that it is in compliance with all conditions of NJSA 40-54-15, and

**WHEREAS**, the Board affirms that the municipality and the municipal free library are in compliance with all conditions imposed by rule or regulation by the State Librarian for per capita library aid to public libraries according to the “State Library Aid Law,” (N.J.S.A. 18A:74-1 et seq.) as pertains to appropriations for the maintenance of a municipal free library according to R.S. 40:54-8; and

**WHEREAS**, the Board affirms that there are sufficient funds remaining in the municipal free library’s operating budget for the maintenance of the library for the balance of the fiscal year in which the transfer of funds to the municipality occurs; and

**WHEREAS**, the Board affirms that the Library Board of Trustees has a written plan of at least three years that reflects that the long-term funding needs of the library will be met, and that any capital expense will contribute to the provision of efficient and effective library services; and

**NOW, THEREFORE**, be it resolved by the Montville Township Public Library Board of Trustees that upon approval of its resolution of intent by the State, the Board will make a one-time contribution made in quarterly payments back to the Township taxpayers subject to review by library counsel in the amount of \$396,157.

Thomas Mazzaccaro made a motion, seconded by Lisa LoBiondo, to approve the above Resolution establishing intent to transfer excess funds to the Municipality of Montville Township pending the approval of the State Librarian.

Vote: All in favor.

**XII. New Business**

- A. Howard Chesler made a motion, seconded by Robert Lefkowitz, to accept the resignation of Robert G. Walters, Senior Librarian effective April 20, 2012.

Vote: All in favor.

- B. Thomas Mazzaccaro made a motion, seconded by Lisa LoBiondo, to retain the services of R.A. Fredericks and Company, LLC for 30 days, from April 1 to April 30, 2012, in order to allow time to procure the mandated documents.

Vote: All in favor

- C. Thomas Mazzaccaro made a motion, seconded by Lisa LoBiondo, to retain the services of McEnerney, Brady and Company LLC from April 1 to December 31, 2012, auditors.

Vote: all in favor.

- D. Lisa LoBiondo made a motion, seconded by Thomas Mazzaccaro, to retain the services of RSC Architects in the amount of \$9,200 for library space planning.

Vote: All in favor.

Robert Lefkowitz said that the library has lost two and a half librarian positions. Allan Kleiman said that there should be no problem filling open positions given the current economic conditions and that he will expedite the process.

Thomas Mazzaccaro thanked Allan Kleiman for his input on the 2012 budget and commended him for running the library efficiently, within budget guidelines.

Robert Lefkowitz asked how much notice employees receive when they are given a Rice letter. Allan said there is 96 hours' notice. Robert's recommendation was that employees be given such notice as far in advance as possible. He made a motion that the Board make it a policy that Rice notices be presented with as much advance notice as possible. Howard Chesler expressed concern that this might effectively restrict the Board's actions. This motion was not seconded. Robert amended the motion that there be no delay in issuing a Rice notice once it is recognized that one is needed. This motion was not seconded.

Ann Grossi reported on the April 5, 2012 meeting that she attended with Allan Kleiman, Liz Sutula and Craig Gumpel (both from Morris Council No. 6) and library employees, Ann Kaplan and Marilyn Giancaterino. At that meeting, Ann Kaplan and Marilyn Giancaterino stated that they are not able to work evenings and weekends due to family obligations. As a result, they did not show up for work on the days they were scheduled to work evenings and weekends.

It is the belief of the Library Board, Library Attorney and Library Director that employees' schedules can be changed so that they are scheduled to work when they are needed. Since the library is open seven days a week, and until 9 pm on four of those days, and the contract does not permit full time staff to work on Sundays, there are times when part time employees do need to work on evenings and weekends in order to maintain adequate staffing requirements. The Union's position is that the library does not have the right to change employee's schedules to meet staffing needs.

The question discussed was how to deal with these employees since the library is unable to accommodate them since the entire staff is rotating and sharing responsibilities equally and everyone is expected to work occasional evenings and weekends. It was noted that these employees are good workers and both have been an asset to the library. Howard Chesler asked for a straw poll in order to determine whether the Board should vote on this topic. All were in favor of voting on the issue.

### **XIII. Public Comments**

Ann Kaplan addressed the Board saying that she loved her job at the library and has received positive feedback on her performance. She stated that was originally hired in 2007 to work Mondays, Tuesdays and Wednesday from 9:00 to 12:00. She said she feels that she is being discriminated against as a former full time mother re-entering the workforce since family obligations prevent her from working evenings and weekends. Ann said she was put on the schedule to work evenings and weekends when she made it known that she could not work those hours. On March 12, 2012 she was given a Preliminary Notice of Disciplinary Action and charged with insubordination.

Marilyn Giancaterino, who has worked at the library for three years, addressed the Board saying that she was unable to accept the changes to her work schedule due to family obligations. She said that the library has made accommodations to other employees; namely, accommodations to those who have other jobs and also religious accommodations. Marilyn said that she made it known that she could not work evenings and weekends but she was put on a schedule that did include evenings and weekends. On March 12, 2012 she was given a Preliminary Notice of Disciplinary Action and charged with insubordination.

### **XIV. Executive Session**

**WHEREAS**, the Open Public Meetings Act 1975, Chapter 231 permits the exclusion of the public for a meeting in certain circumstances; and

**WHEREAS**, the Board of Trustees is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Board of Trustees wishes to discuss issues dealing with personnel issues, negotiations, and Executive Session minutes, and

**WHEREAS**, the minutes be kept once the matter involving confidentiality of the above no longer requires confidentiality the minutes to be made public.

**NOW, THEREFORE**, being resolved by the Board of Trustees, the Montville Township Public Library that the public be excluded from this meeting.

Peter King made a motion, seconded by Beth Godett that the Library Board go into Executive Session at 8:57 p.m.

Vote: All in favor.

9:30 p.m. Open Session reconvened.

### **XV. Adoption of Minutes**

- A. Peter King made a motion, seconded by Lisa LoBiondo to adopt the March 12, 2012 Executive Session Minutes.

Vote: All in favor.

## **XVI. Motions**

- A. Howard Chesler made a motion, seconded by Robert Lefkowitz to release the April 2010, May 2010, June 2010 and October 2010 executive session minutes.

Vote: All in favor.

- B. Thomas Mazzaccaro made a motion, seconded by Robert Lefkowitz to proceed with the layoff of Ann Kaplan and Marilyn Giancaterino for reasons of economy and efficiency subject to 45 days notification by the Civil Service Commission.

Vote: All in favor.

- C. Lisa LoBiondo made a motion, seconded by Peter King to accept a 2% annual increase in hourly rates of compensation for the next three years for staff covered under the union contract for supervisory employees.

Vote: All in favor.

## **XVI. Adjournment**

Lisa LoBiondo made a motion, seconded by Dave Dalia to adjourn.

Vote: All in favor.

Open Session adjourned at 9:40 p.m.