

Montville Township Public Library
Board of Trustees Meeting
April 14, 2008
Montville Township Public Library
90 Horseneck Road
Montville, New Jersey 07045

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

Gary Bowen *Timothy Braden Julie Cohan David Dalia
Edward Ernstrom Randee Fox Peter King Donald Kostka

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

Absent: Deborah Nielson
Charles Schmidt

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 March 10, 2008 Minutes.

Edward: Moved the Motion

Julie: Second

All were in favor

Julie noted corrections in March 10, 2008 Minutes to read as follows:

Page 8 - ***David:** "\$758-\$132" – **should read:** \$758,132.00.

***David:** "The item that was on the table was reducing the 762 to \$758" –
should read: ...reducing (salaries) from \$762,000.00 to \$758,000.00.

David asked for approval of amended March 10, 2008 Minutes.

All were in favor.

PUBLIC COMMENTS

There were some attendees for the Public Comments session but when **David** invited them to voice their comments they declined. **David** closed the Public Comments session and reminded everybody that there would be no dialogue during the course of the meeting and that now would be the time if they cared to voice their concerns.

REPORTS OF OFFICERS

President

David said that he had seen a portion of **Patricia's** "Goal and Objectives" as prepared by the Personnel Committee, reluctantly signed by **Patricia**, and was not sure if he were comfortable with them as he had not seen the final version from **Patricia** that she signed. He asked her to supply a copy so he could go over them with her and if need be he would go over them with **Peter** as well and considered them as accepted at that time.

Peter suggested that he would read the reports from the two meetings that he had to which **David** suggested that he would prefer that that be done at the committee level and then approve it at a Board Meeting, but wanted it noted that he did not consider them final and approved as of now.

David suggested that since there was a lot to go over at this meeting, he would like the meeting to be conducted under "strict Robert's Rules" in that when someone has the floor they can speak until they are finished but requested that the comments be directed to the Chair (himself) and when finished he would give the floor to the next person, going counterclockwise until everyone who cared to speak had an opportunity to do so and then go back to the original speaker in order to avoid back and forth dialogue.

Treasurer

Julie noted that the balance sheet showed \$450,000.00 towards payroll and approximately \$500,000.00 in operating expenses at Lakeland Bank where interest was 2.75%. The \$125,000.00 in the CD account would come due in June with 4.25%. She suggested they leave that much money in operating expenses and if there was excess they would be able to put it into a short term CD. She said that they have always experienced a good relationship with Lakeland and therefore felt it was not worth looking elsewhere. **Mark** said that moving the money to another bank would be subject to the Board's approval. **Julie** said that in June she would do the research to which **David** suggested it be addressed at next month's meeting.

Secretary

No Report – (Charles absent)

Finance

Donald said that he and **Peter** had one meeting, (**Julie** was unable to attend) where they met with **Patricia** and discussed the budget and through e-mails and phone conversations, put together a 2008 Goals and Initiatives for the Finance Committee. One of the items included was to examine the Equalized Valuation Trends and prepare a three year revenue projection, establish a target for Capital Reserves, review the Purchase Order process and review their vendors, explore and implement competitive purchasing practices, explore options to in-house staffing, automate time and attendance tracking, consult with private sector experts, review the budget model for NJ minimum staffing standards, review our financial reporting to explore changes, if any, explore economic payback models as it relates to energy and lastly explore tax relief options.

Randee asked for an explanation of "number 1".

Donald noted that number 1 represented the tax receipts that flow into the town based on current valuation of real estate. He said that with real estate going down, that might have a significant impact on the library in terms of future funds. He noted that if you can see that before it actually hits, you can anticipate and make long term planning strategies to meet that.

Edward said that to clarify that point it was important to note that with regards to the library, with the one-third of one million dollars the library receives from the township, it is not based on the assessed but it is based on the equalized and in Montville the rate of increase of equalized, which is the market value, not the assessed value, the rate of increase is dropping so two years ago it might have gone up 9% whereas last year it only went up approximately 5%. He explained that as that trend keeps going down, eventually that can go negative, which would mean that the Library would get less money than the prior year; whereas the assessed value would not change. The library funding is based on perceived **Market** value.

Timothy added that the town has had a record number of tax appeals and they have been very successful in the past year. He also noted that we could expect that to continue with the declining real estate **Market**. **David** inquired if that pertained to commercial as well as residential. **Timothy** said that it was mainly commercial.

Randee inquired if “Number 9 fell under Personnel”. **Edward** said that it was mixed as the dollars come from the Finance Committee to pay personnel and suggested that there be two committees.

Personnel

Peter said that they had approximately five meetings over the past month. At this time **Peter** passed out his one page report of items “A through D” to which he began an explanation of Items A through D. At this time **Mark** advised that by virtue of this being a “personnel” item, it would be more appropriate that any further discussion should be addressed in Executive Session. **Peter** inquired if it were permissible to read the “Goals and Objective”, as it pertained to the Director’s portion of his report to which **Mark** replied that that should be addressed in Executive Session also.

Mark informed **Peter** that he had compelled it to Open Session, **Patricia** had riced herself and the discussion is now open.

At this point **Peter** read his “Goals and Objectives” as part of the Personnel report and expressed his concerns in this area.

It was noted by **Patricia** that the Board did not receive a copy of said report.

Mark advised that since **Peter** was looking for approval for Goals and Objectives, he felt that it might be more appropriate for discussion in New Business or Old Business.

At this time **David** said that before **Peter** proceeded, he wanted it to be known the he had not seen the final version that **Patricia** had signed. He preferred seeing it and then discussing it with **Patricia** and the Personnel Committee and asked that the matter be brought up at the next meeting.

Peter asked that he be able to read it as part of the Personnel Committee report. **Mark** said that since **Peter** would be reading the report, he would feel more comfortable with the Board each having a copy of the report in front of them.

Peter wanted to note that an e-mail was sent out after the first meeting to everyone on the Board, except for the three people who attended the meeting.

Gary asked if they were concluded with the section that compelled this to public with regards to the Director’s situation. **Mark** said that this was a report of the Personnel committee as far as goals and objectives for the library or for **Patricia** in particular. He stated that there is no

resolution offer to adopt either one of those things. It is simply a report of the committee and it is concluded.

Randee had asked when there would be discussion and **David** said he would like it to be next month. **Mark** said when there is a resolution item presented, that would be the time for discussion. **Mark**'s concern was that it be done on an informed basis, which would require each member to have the report in front of him or her and then proceed.

Gary moved for a recess for purposes of copying what was discussed in the Personnel Committee portion of the meeting of the Goals and Objectives read by **Peter**.

Donald: 2nd

David asked for a Roll Call.

Gary Bowen – Yes
Timothy Braden - Yes
Julie Cohen - Yes
David Dalia - No
Edward Ernstrom - No
Randee Fox - Yes
Peter King - No
Donald Koska - Yes

Recessed at 8:05 p.m.

Reconvened at 8:30 p.m.

All were in favor.

(Copies of the Goals and Objectives report from the Personnel Committee had been handed out to each Board member).

David suggested that they finish with the Buildings and Grounds report and then go back to the Personnel Committee report.

Buildings and Grounds

Peter noted that he had received the architect's plan for the front door revisions, but there were some questions in that regard. Therefore he was setting up another meeting to go over any questions or suggestions along with cost estimates. He said that would happen more than likely at the next meeting. He also said that there was an emergent situation with regards to the compressors as two compressors needed to be replaced. The total cost with extended warranties was \$16,970.00 along with cost of supplying chemicals, pressure washed and air cooling condensers of \$1,632.00 for a total of \$18,602.00.

Patricia said there was money in the proposed budget for two failed boilers and one compressor for approximately \$8,000.00 to \$9,000.00 each. **Peter** said that they must be replaced in pairs.

David asked **Mark** if an emergent resolution was needed to move forward.

Mark said that if it is above the bid threshold, then they would need an emergency resolution. He asked if there was a vendor already approved to which **David** said we do. **Patricia** said that if the compressor is below the threshold, we could delay having the coils cleaned. **Mark** advised

that it all be done at once, as needed. **Edward** said that we have a pre-bid hourly rate from the vendor for his labor which his does not include material.

Peter said that supply chemicals for the washing made it a total of \$18,602.00 .

David suggested voting on it when they got to the resolutions.

Patron Services

Randee advised that Charles had asked her to mention that they were working on a sign, getting quotes and they were trying to get a second consultant to come in for a customer service workshop as the first consultant didn't work out.

Resolutions

Resolution (a)... Resolution to accept check register for March 1 through March 30, approving checks exceeding \$750.00 in the amount of \$46,003.82 not exceeding \$750.00 in the amount of \$22,884.16.

Randee moved

Gary: 2nd

Not hearing any discussion, **David** asked for a Roll Call.

All were in favor.

Resolution (b)... Variance between check register and check disbursements and value of checks drawn is attributed to voided check numbers 5642 in the amount of \$464.43, 5663-\$60.00, 5701-\$47.00, 5713 - \$3,890.00, 5526 - \$27.86.

Gary inquired as to what happens by voting affirmatively as a resolution. **David** said it was his understanding that it is a sub-set of (a) where the whole sequence of numbers were being approved and these appear in the register but are voided out. **Mark** said that it is to bring the books into balance.

Peter moved

Randee: 2nd

Not hearing any discussion, **David** asked for a Roll Call.

All were in favor.

Resolution (c)... Resolution to abolish "fill-in pay" for when Director is not in building.

Edward moved

Peter: 2nd

Donald asked to make a friendly amendment... (portion of side B of tape accidentally erased).
THIS IS WHERE INFORMATION IS MISSING DUE TO EARSING THE TAPE

MISSING

Resolution (d)... Resolution to approve the 2008 budget showing Operating expenses of \$1,639,039.00 and Capital expenses of \$248,470.00 bringing total of all expenses to \$1,887,509.00.

Randee wanted to confirm if they were suggesting striking one-tenth of one percent of the budget. is this just for the director or all staff. **David** said that this was the budget for the whole staff.

Julie said that whoever suggested it did not want it to be zero, but was not sure what they wanted it to be.

David said that there was an amendment for zero.

Mark said that if you strike an expenditure item you are technically out of balance in your budget and your revenue should come down in a commensurate amount. If it doesn't, then you are not in balance and the law does not permit that.

David said that the capital has always been the contingency, therefore he believed it to be understood that within this budget that anything goes straight into capital.

David asked for a roll call on a motion as amended

Gary Bowen - No

Timothy Braden – Pass

Julie Cohen - No

David Dalia - No

Edward Ernstrom - Yes

Randee Fox - No

Peter King - No

Donald Koska - Yes

Deborah Nielson - Yes

Timothy Braden - Yes

Motion for amendment to Resolution D fails.

David asked to go back to the original Resolution D.

Peter said that he felt it would be individual and as it came out you would go over them to see what they are. He said he did not see the benefit as it was. It should come before the Board on an individual basis.

David asked if he was referring to 6150 ...

Gary and **Randee** said they were both in favor of the budget.

Donald's friendly amendment was from \$762,132.00 to \$710,589.00 on Account No. 60000 – Salaries & Wages Expense – page 1. He said it would be done in two steps: The first is the elimination of \$33,353.00. This comes from the detail provided by **Patricia**, which totals \$728,597.00. The second step comes from going through the detail as it shows that hours have been increased by 1,521 equating it to dollars it is another \$18,008.00, bringing the final number to \$710,589.00.

Donald's second friendly amendment was from \$65,420.00 to \$54,361.00 on Account No. 60010 – Taxes/FICA/UE – page 1. He said he wanted to adjust it to a new number. It would be reduced in two steps. The first is a reduction of \$9,682.00, bringing it down to \$55,738.00; the second step is \$1,377.00, bringing it down to \$54,361.00.

Donald's third friendly amendment was from \$17,500.00 to \$10,000 on Account No. 60130-Supplies-Business Office/Library & Print – page 3. He wanted to eliminate \$7,500 – by taking the 2007 level and adjusting it for inflation.

Donald's fourth friendly amendment was from \$26,500.00 to \$22,500.00 on Account No. 60172 - Cleaning/Maintenance – page 5. He wanted to eliminate \$4,000.00 by taking the actual number of \$21,400.00 and adjusting for inflation.

Edward: 2nd Approved as a friendly amendment.

Julie noted that regarding salaries, we are in the midst of negotiations and she was not sure if what **Donald** was referring to was before or after negotiations. She said that there might very well be an increase in salaries due to negotiations and that needed to be taken into consideration. In regards to Account 60130 – Supplies-Business Office/Library & Print – having worked on the budget committee, she believed that there was backup for the \$17,500.00. Also, she believed that the Cleaning and Maintenance was based on a contract. She inquired of the Board if anyone had any detail on Accounts 60130 and 60172.

There were no further comments regarding Accounts 60130 and 60172 but **Mark** was concerned as to whether these were friendly amendments or not as his recollection was that **Edward** motioned the resolution and **Julie** seconded it. His concern to **Julie** was that if she did not accept it, it then becomes a “motion to amend” – it is not a friendly motion.

Julie said she did not accept **Donald's** “friendly” amendments and **Mark** wanted that noted for the record.

David asked what the procedure was in this regard to which **Mark** replied that the Board must debate on the amended motion, move it and then vote on it.

Randee asked if there was back up on Account 60130 for the \$17,500.00. **Patricia** said that some line items had been changed, moving them from one line to another. She said she did an exhaustive breakdown of supplies and some new line items were created.

Donald said that he looked at Actual '06 and Actual '07 and when he asked for the detail it was not supplied. He noted that in regards to Maintenance, they did look at the contract and the number that is being left in \$22,500.00 is more than the contract amount.

Gary inquired if we were confident that we could operate on the reduction in salaries. While he agreed that it was good to reduce costs, he asked if this reduction might present a problem in the future and create the need to revisit this issue to make adjustments.

Mark had a bookkeeping issue, stating that any reduction in expenditure automatically goes into the capital expense line item. He stated that townships as well have some level of issues with fungibility of funds, meaning if you move money into a capital line item are you then free to remove that line item at will, depending on the needs of the entity, as your operating budget must be reduced in terms of expense and income. His concern was that if they are over expended in a line item and you are not allowed to move capital dollars out of the capital account freely, then there might be an issue.

David said that it was his opinion that libraries are different from school boards and municipal boards in that they don't have the ability to bond items, so are therefore allowed to budget for future capital improvements based on the difference on revenue expenses and that is how the library has operated for the past six years.

Donald addressed **Gary's** concerns regarding the Salaries and Wages, informing him that that will leave the library more than 5% over last year's actual.

David felt that the salaries and wage expense is a bit too severe a cut and felt he had to vote "no" for this amendment.

Julie noted that with regards to the labor contract, they are in the second year therefore are not settled for the year 2007 either, stating that this is also an issue.

David asked if it was **Julie's** intent to amend this amendment. She said she would not.

There being no further discussion, **David** asked for a roll call.

The following votes pertained to all four (4) amendments:

Gary Bowen – Abstain
Timothy Braden - Pass
Julie Cohen - No
David Dalia - No
Edward Ernstrom - Yes
Randee Fox - No
Peter King - Yes
Donald Koska - Yes
Timothy Braden – No

Motion to all four (4) amendments fail to amend

Back to resolution (d)

Peter (made a motion) noted that the existing budget had been discussed and some discrepancies were found and he wanted to make corrections: 60163 – Utilities – Telephone – Library Usage – \$14,000.00 – page 5 and it should be \$10,000.00. Also 60181 – Circulation - \$1,000.00 – page 6 and should be \$300.00.

60191 – Equipment-Miscellaneous - \$12,000.00 – page 6 and should be \$7,500.00. He also noted that 60134 – Supplies-Break Room - \$3,000.00 – page 3 and should be \$2,000.00 due to elimination of bottled water. He also noted that Copier usage B&W will now be listed under Equipment Maintenance and Telephone T1 line will now be listed under Utilities and Color Copy Usage would be added as a new item.

Julie: 2nd

Randee inquired as to what would happen if the \$1,000.00 is not used on circulation equipment. Account 60181 - \$1,000.00 – page 6 to which **David** replied that it would go into Capital.

Gary questioned the plus or minus of the amendment and assuming if it were a wash, couldn't this be accomplished by transfers later on, as the next month comes about. He felt it was not useful to be adjusting these small amounts. He was curious what was the net for the total amendment.

Peter said it was \$10,200.00 negative.

Edward said it was a friendly motion since **Julie** accepted it.

David asked for a roll call.

Gary Bowen – No

Timothy Braden - Yes

Julie Cohen - Yes

David Dalia - Yes

Edward Ernstrom - Yes

Randee Fox - No

Peter King - Yes

Donald Koska - Yes

David asked to vote on the budget as amended.

Gary said he was curious as to where it was discovered, by virtue of the affirmative vote that was just taken, that there was less competence in those that prepared the budget or when did these discoveries occur and did we lose competence in the accuracy in preparing this budget as proposed and therefore the majority of this body viewed it as a need to amend it.

David said that there are new board members, new thoughts, and while it is always welcomed, it was his opinion that that is where this is coming from and right or wrong, it needs to be addressed so the Board can all work together and have confidence in each other and while he was pleased with the budget as it stands now, he was willing to discuss it further.

Julie had an amendment for line item #40115 – Interest Income - \$20,000.00 – page 9 – she proposed that that number be changed to \$16,500.

Edward: 2nd

Mark asked if they were reducing the revenue from \$20,000 to \$16,500 to which **David** said yes. **Mark** said that they had taken \$10,200.00 out of expense items, which automatically goes into Capital to increase that number – you now need to reduce something by \$3,500.00 to balance. **David** said that Capital has always been a net.

Mark said that the new amended resolution, if we are done with the discussion of D, needs to be restated that your expense of \$1,639,039.00 needs to be reduced by \$10,200.00. Your capital

needs to go up \$6,700.00 and then you would be back in balance with your revenue. He felt that this would be the proper way of accounting for this resolution. He noted that they did not have a revenue line item that they were approving, all they were approving was their expense and capital and not the revenue side. He asked that this would be amended to include the revenue to match the total expenditure.

David said that he believed it was understood that the inverse of any amendment is going to go into capital.

Edward said that Governor Corzine signed a new legislation that will impact on how capital is budgeted in the future. It will give the option to have both a surplus in the budget and a reserve for capital which would be done by resolution and the money could only be used for capital.

David asked if there was any further discussion on the amendment to change the \$20,000 on 40115 to \$16,500 with the balance coming out of the capital.

Not hearing any further discussion **David** asked for a roll call.

Gary Bowen - Pass
Timothy Braden – Yes
Julie Cohan - Yes
David Dalia - Yes
Edward Ernstrom - Yes
Randee Fox - Pass
Peter King - Yes
Donald Koska - Yes
Gary Bowen - Yes

Donald commented that the actual total of all expenses for last year, which is \$1,483,000.00 compared to that of the 2008 Budget, which is \$1,887,000.00, showed an increase of 27%. He said that there had to be a lot of waste. He said if we used a 3% increase we could save \$359,000.00, although he couldn't say where he would have to go through each line item. He had concerns about this budget.

Timothy asked what Account #60128 – Programs-Exercise-Adult - \$2,500.00 (page 2) was. **Patricia** said that there were four exercise programs that the library offers: Belly Dancing, Bela Band Workout, Yoga and Ti Chi. She noted that the library had begun charging for those classes with the exception of Yoga. She also noted the possibility of the Bela Band discontinuing. The fee is \$8.00 per class. She explained that the reason it was put in as a separate line item was so they could track exactly how much revenue comes in towards those classes. At one time it was included in "Programs for Adults".

Timothy felt that it was redundant for a library to get into exercise programs as the Township has a professionally staffed recreational department.

Timothy made a friendly amendment to reduce the budget by \$2,500.00 and eliminate Account #60128

Mark said that it was not an expense item but instead a revenue item.

Julie said that Account #40226 is \$5,000 and is what she believed the library made on the \$2,500.00 expense.

Timothy noted that their budget on this line item was in the black but asked if there was a shortage of meeting rooms in the library where these things are taking up time and using the facilities when there is competition for either educational programs or media related programs.

David felt that it was his understanding that there has never been any major conflicts with the use of the Pio Costa Center, while he did agree with **Timothy's** comment about the exercise programs belonging in the recreation department. **Patricia** said that there were no conflicts or problems and the public was very happy with them.

Timothy withdrew his motion.

Since there was no further discussion of the budget as amended, **David** asked for a roll call.

Gary Bowen – Yes
Timothy Braden - Pass
Julie Cohen - Yes
David Dalia - Yes
Edward Ernstrom - No
Randee Fox - Yes
Peter King - No
Donald Koska – No
Timothy Braden - No

Motion fails

Resolution (e)... Resolution to abolish vacancy for Principal Librarian.

Edward moved
Peter: 2nd

Edward said that this position has been vacant for 20 months.

Gary asked how are you abolishing a vacancy without abolishing the position. **Edward** said they were abolishing the position as it has been vacant.

David suggested an amendment.

Mark said that Dr. Bowen was correct as you do not abolish a vacancy – you just don't fill it.

David asked if this was then an “un-voteable” resolution as it is stated.

Mark said that there is no enforceability in a motion to abolish a vacancy. Therefore he suggested that they withdraw their motion and just do not fill the position.

David said that the resolution was withdrawn for the reason cited and a roll call was not needed.

Resolution (f)... Resolution to increase Jeanne Ivy's hours from 25 to 30 effective March 31, 2008.

Mark said that any discussion of this must go into closed session. If there is no discussion, you can take a vote.

Edward moved the resolution
Peter: 2nd

Since there was no discussion **David** asked for a roll call.

All were in favor

Resolution (g)... Resolution to establish two (2) Library Associate positions for 179 days each at \$16.25 per hour, 37.5 hours per week.

Edward moved the resolution

Peter: 2nd

(**Randee** stepped out of the meeting during this resolution)

David asked for a roll call.

Gary Bowen – Yes

Timothy Braden - Yes

Julie Cohen - Pass

David Dalia - Yes

Edward Ernstrom - Yes

Randee Fox - Absent

Peter King - Yes

Donald Koska – Yes

Julie Cohen - Yes

Resolution (h)... Resolution to appoint Nicholas Jackson to one of the two Library Associate positions effective May 1, 2008, for 179 days at \$16.25 per hour, 37.5 per week.

Edward moved the resolution

Peter: 2nd

Mark said that this would have to go into closed session if there was to be any discussion.

David called for a motion to go into Executive Session for this limited purpose only

Donald: 2nd

All were in favor

At this time **David** asked the members of the public to step out.

9:40 p.m. Open Session Adjourned to go into Executive Session

Open Session reconvened at 9:50 p.m.

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

| | |
|------------------------------------|---------------------|
| May 25 th Sunday | Memorial Day |
| May 26 th Monday | Memorial Day |
| July 4 th Friday | Independence Day |
| September 1 st Monday | Labor Day |
| October 13 th Monday | Columbus Day |
| November 27 th Thursday | Thanksgiving Day |
| November 28 th Friday | Thanksgiving Friday |
| December 25 th Thursday | Christmas Day |

Julie made the motion

Peter: 2nd

Mark said that this is a grievance that needs to be discussed in Executive Session

Moved by **Timothy**

Peter: 2nd

10:05 Open Session adjourned to go into Executive Session

Open Session reconvened at 10:10 p.m.

Timothy made a motion to remove May 25, Sunday and October 13, November 27, 28 and December 25 from the motion.

Edward: 2nd

David asked for a roll call

Gary Bowen (excused himself at 9:50 p.m.)

Timothy Braden - Yes

Julie Cohen - Yes

David Dalia - Yes

Edward Ernstrom - Yes

Randee Fox - Yes

Peter King - Yes

Donald Koska – Yes

Resolution (j)...Resolution to approve the 2008 Library closings:

| | | |
|----------|--|--|
| Sunday | May 25 th | Memorial Day |
| Sunday | June 22 nd | |
| Saturday | June 28 th | 4 th of July Township Celebration |
| Sunday | June 29 th | |
| Sunday | July 6 th , 13 th , 20 th , 27 th | |
| Sunday | August 3 rd , 10 th , 17 th , 24 th , 31 st | |
| Sunday | September 7 th | Montville Day |

Julie moved

Randee: 2nd

David asked for a Roll call

Timothy Braden - Yes

Julie Cohen - Yes

David Dalia - Yes

Edward Ernstrom - Yes

Randee Fox - Yes

Peter King - Yes

Donald Koska – Yes

OLD BUSINESS

Donald asked what happened to the issue on mileage reimbursement. **David** noted that it should have been on this month's agenda but would be sure that it is placed on next month's agenda.

NEW BUSINESS

Mark asked for a motion to approve the Minutes of the Executive Session as amended

Edward moved the motion

Julie: 2nd

David asked for a roll call

Timothy Braden - Abstain

Julie Cohen - Yes

David Dalia - Yes

Edward Ernstrom - Yes

Randee Fox - Yes

Peter King - Yes

Donald Koska – Yes

Timothy commented that you can't discuss something under Old Business but you can bring up items under New Business – so does an Old Business item have to be on the agenda but New Business items aren't. His reference was the issue of the mileage conversation being postponed until the next meeting since it was not on this months agenda.

David said neither needed to be on the Agenda, it is just a distinction as to whether something has ever been discussed, that makes it Old Business.

David asked to move on to the issue of the compressors.

Patricia said we needed to pass a resolution approving the repair work for the two (2) failed compressors.

Peter said it will be for the compressors, the extended warranty on both compressors which comes to a total of \$16,970 with a charge of \$1,632.00 for chemicals and pressure wash the air cool condensers for a total of \$18,602.00. The vendor, Central Pak, has been awarded the contract for the next year. This includes removal of all debris with a 5 year warranty. The warranty was extended from 2 years to 5 years. The manufacturer was Train

David said this was over 10% increase to get the extended warranty.

David asked for a roll call

All were in favor

Donald asked if there were any controls as to when either the Director or Board members can contact the attorney and does there need to be approval before the costs are incurred.

David said there is no policy and the Board has equal access to the attorney and it has never caused a problem. He also stated that he believed the Director had independent access to the attorney for a number of reasons. He said that there has not been an insurmountable expense that may have caused problems.

Donald asked if there were any checks and balances before you get to that point. As an example, back in January he needed some information as it related to fill in pay – he asked questions and as time went on he did not get a response and then asked for the W-2s. The Director said he would have them and what happened from that point, there was discussion with the attorney and with other board members, everyone except himself. He had to call the attorney twice to find out the

status. He eventually received his information but felt it could have been handled much easier had the person just expressed their concerns.

Mark elaborated on this issue saying that the Director was concerned about releasing information such as W-2s, asking if that was allowable. **Mark** said that his liaisons are normally the Director and the President. **Mark** said that he becomes involved when he is asked to and does not insinuate himself in anything.

David suggested that in the future, if **Patricia** felt uncomfortable about releasing personal information, perhaps she should offer an alternative first and then get **Mark** or himself involved.

Patricia reminded him that they did have a conversation in regards to this issue and assured **Donald** that there was no slight intended as her concern was strictly a privacy issue. She noted that **Mark** was in agreement.

David also suggested that perhaps **Donald** could have accepted alternate information as well.

Donald asked to clear the air on a couple of issues. He said that **Patricia** simply redacted the information, which happened. He noted that everyone received a memo except himself and the memo noted it took 2 hours to gather this information regarding the W-2. He noted also, there was a second memo that came out stating Don's request took 24 hours (regarding the fill in pay).

David noted that this had nothing to do with attorney's fee.

Edward asked to shed some light on the subject saying what he believed to be his personal observation on this subject, noting that had **Donald** received the copies that **Patricia** had e-mailed to everyone but himself, it could have saved a lot of time, effort and legal fees, instead **Donald** was excluded just as the most recent series of e-mails regarding the personnel committee was not sent to himself, **Donald** or **Peter**.

Patricia said that was only because they already had the information.

David suggested that it would be better to err on the side of caution in the future and e-mail everyone so as to make each member feel as they are all in the loop. **Patricia** asked that the Board would extend the same courtesies.

Mark warned that as an entity they must be very careful that all of their e-mails in their official capacity are discoverable. They must be retained for the purposes of should they ever become an issue in litigation, its spoliation of evidence and you are liable for sanctions. He advised they also must be careful about having business conducted with a quorum of Board members via e-mail as it becomes a very real issue. That is a violation of the Open Public Meetings Act, electronic conversations.

Julie asked if they had a budget to which **Mark** replied that as of April 30, they do not have a budget.

Edward asked for a 30-day resolution for temporary authority to meet payroll and other recurring expenses.

David said that by default they would go back to the old budget.

Mark said they since they do not have an approved budget, there was a major problem, as you cannot default back to a former budget.

Edward asked to move a thirty (30) day temporary operating authority until the next meeting when they would then adopt a budget.

David: 2nd

Donald suggested 60 days as a friendly amendment to which **Julie** said no as she felt this was going on to long. Therefore it was agreed to leave it at 30 days.

David asked for a roll call.

Timothy Braden - Yes

Julie Cohen - Yes

David Dalia - Yes

Edward Ernstrom - Yes

Randee Fox - Yes

Peter King - Yes

Donald Koska – Yes

Edward moved to adjourn

Peter: 2nd

Open Session was adjourned at 10:35 p.m.