

Montville Township Public Library
Board of Trustees Meeting
JUNE 8, 2009
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.

Julie Cohan David Dalia Edward Ernstrom
Peter King Thomas Mazzaccaro Deborah Nielson

Vincent Sacco – Acting Director
Ann Grossi, Esq. - Attorney for Board
Elaine Wood, Recording Secretary

Absent: Gary Bowen
Howard Chesler
Donald Koskta

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.

ADOPTION OF MINUTES

David asked for a motion to adopt the May 11, 2009 Meeting.

Julie moved, Peter Seconded

All were in favor.

PUBLIC COMMENTS

No one present

REPORTS OF OFFICERS

President – (David Dalia)

No Report

June 8, 2009
Open Session
Montville Township Public Library

Vice President – (Peter King)

No Report

Treasurer – (Donald Kostka) - Absent

Secretary – (Edward Ernstrom)

No Report

REPORTS OF COMMITTEES

Finance – (Provided by Donald Kostka) – Absent

Buildings and Grounds – (Provided by Edward Ernstrom)

No Report

Personnel – (Provided by Peter King)

No Report
(7:50 p.m. – Deborah Nielson arrived)

Patron Services – (Provided by Julie Cohan)

Julie reported that the Patron Services Committee did meet but had nothing to report at this time, as it was just a time to exchange ideas. She further stated that by the next meeting there would be something to report.

Library Director’s Report – (Provided by Vincent Sacco)

Vincent distributed his report to all Board members. The following are the highlights of the Library Director’s Report:

- Time/Attendance Monitoring was moving forward. Ms. Ivy completed her training program at ADP and approximate start date is June 22, 2009.
- The scanner is currently in use.
- Vincent is continuing to work with potential vendors with regards to the Rear Screen Video Projector. He stated that there was a demonstration this evening, which covered approximately 3.5% of the screen. He noted that instead of a glass screen there would be a Mylar screen, which will reduce the cost significantly. At this time he is encouraging other vendors to submit information with regards to various price options. Currently Fran Vanderhoof has the proposal to “boiler plate” requirements. Once specs are put together, they will be put out to bid and the library can then pick the one that serves them best.

At this time Ms. Grossi spoke about the bidding as it pertains to the local budget law and the Local Public Contracts Law. She stated that it depends on how much money the contract is going to be for – that really determines whether they need to do competitive bidding or not. She noted also the Pay to Play Laws must also be taken into consideration.

Vincent stated that the monetary range between the two vendors fee would be anywhere between \$10,000 to \$25,000. He also noted that once the proposals come in, there will be a committee selected (of two to three people) to do the evaluation and make a recommendation on the proposals.

Ms. Grossi stated that it is over \$21,000.00 without a qualified purchasing agent and \$29,000 with a qualified purchasing agent. Without a qualified purchasing agent and it is less than 15%, which is if the contract comes in between \$3,150.00 and \$20,990.00, there must be a solicitations for quotations. The trustees must authorize all contracts that exceed the threshold and the library must submit at least two competitive quotations.

Ms. Grossi further stated that the duration must be considered as well – i.e., a one year duration must comply with the Pay to Play Laws, which means there must be a certification from the state that says they are an equal opportunity vendor and must outline all of the their employees and what their races are. Also, they would have to disclose any kind of contributions that they may have made to any of the elected officials in the township. There are a number of forms that must be completed, basically trying to prevent people from getting favors for contracts.

Vincent said he believed Fran was aware of the necessary forms.

David said that when the time comes when the committee is ready to present it to the board, they would vote on it.

Ms. Grossi said that it must be done by resolution. David agreed but noted they were not at that point as of yet.

Deborah said she received a copy of the proposed RFP stating that this proposal as minimal audio system, with the intention of being upgraded. Vince said that in Phase II. He further stated that Phase I would be the video portion and at some time they would consider doing the audio, but currently the audio was acceptable. Deborah requested a full proposal.

Vincent continued with his report.

- Thomas asked about the Rothman Institute as it was all new to him. It was stated that it was training program for Vince to enable him to come back and train the board. It was also stated that the program would not be affiliated with the Rothman Institute and it would be better to go with “Arcadia”.

- With regards to the offsite storage, Vince stated that Jeanne would go there within the next couple of weeks and evaluate the material that is currently there and determine what can be discarded and what should be kept and stored at the Municipal Building.
- Vincent stated that there has been an increase in interfacing with M.A.I.N. in a number of programs.
- Vincent said that there was still a question on the negative numbers for Patron Traffic Monitoring but felt that the incoming data appears to be the more accurate indicator.
- Summer Plans – the library would be closed on Sundays starting June 28th, Father’s Day and the outside banner would be changed to reflect the new hours.
- There are a lot of children programs and much traffic is anticipated.
- There will be an Ice Cream Social scheduled for June 22nd at 6:30 p.m.

With regards to the people-counter; when staff comes in before 10 a.m., they are not counted as incoming, but when they leave they are counted, which would explain why the last numbers are negative.

Deborah asked for a target date that would show an accurate count.

Ms. Grossi brought up an issue with regards to the “Summer Plans – Father’s Day Closing”, stating that they needed to be mindful of the Union contract for the full time and part time employees as to how it would be worked out as it could potentially be a violation of the contract if full time employees’ hours were to be reduced. It was stated that this has always been the policy in the past.

Father’s Day date was corrected to read June 21st – not the 28th.

Resolutions/Motions

David noted that normally the first resolution is the check register, however, it was omitted from the Resolutions/Motions for the June 8, 2009 Agenda. He suggested that Resolution (d) be designated for the “Check Register” for the purpose of not having to renumber all the Resolutions.

He further stated that, as a reference, the check register that was in everyone’s package totals \$30,771.83. He stated that in reviewing the checks, the first three were not there. The \$30,771.83 should be less \$608.24, \$141.15, less \$180.00, (Vince had copies of checks 663, 664 and 665.)

Please see Resolution (d)

Thomas questioned the Staples bill of \$1,075.00, check #6704, and inquired “who makes the purchases”. Vince said that what was submitted was reasonable, but could not answer why there might have been more this particular month. He said that sometimes there is a standing order, which is placed over the phone.

(a) Resolution to ratify prior payment of \$9,000.00 to James P. Cutillo Associates on February 2, 2009. Cutillo was the architectural firm that provided the bid specs and architectural drawings for the front door entrance project. The drawings were utilized in the successful effort in obtaining the \$38,000.00 grant.

Edward moved, Seconded by Peter

Thomas asked for the meaning of “ratify” to which Edward explained that ratify means that an action was taken and now the entire Board is going to take responsibility for the action that the individual who signed the purchase order took.

Discussion: Deborah noted that it appeared that there was a contract that was approved; it was a resolution of professional services by this board and that this has already been paid out. She stated that if the Board was in error in any way, it doesn’t remedy it. Ms. Grossi stated that the engineer brought this up through one of the phases and the \$9,000.00 represents a certain amount of work and the next stage would be to formalize it in a contract form. She stated that proposals can be used as a contract because he has already done all of the work and they would not go out and get another engineer to do basically the same work that he has already done. The next step would be to get quotations so they could then determine which vendor would be the best contractor for the vestibule. Deborah questioned the “Phase II” of the proposal as well as a “Phase III”. She noted that she was “still uncomfortable with it”.

Edward Ernstrom made a friendly amendment based on Thomas Mazzaccaro’s question of the meaning “to ratify” to read as follows:

“Resolution to ratify prior purchase order and payment...”

Seconded by Peter

Voted Yes: Julie Cohan, David Dalia, Edward Ernstrom, Peter King, Thomas Mazzaccaro

Voted No: Deborah Nielson

(b) Resolution to approve a two day conference for the Acting Director, given by the Library Management Institute. The conference will be devoted to current issues in Library management and administration. The conference will be held on the campus of Arcadia University, in Glenside, PA. Total expenses for the two-day session should not exceed \$500.00.

Discussion: Deborah asked if that was in the budget to which Peter replied “yes”.

Edward moved, Seconded by Thomas

All were in favor

RESOLUTION R-2009-06-03

Date Passed: June 8, 2009

(c) Resolution to appoint Jeanne Ivy to the NJDOP title of Library Associate with a working title of Resource Manager. This position is 40 hours a week, non-union. Her current hourly rate will remain in effect.

Edward moved, Seconded by Peter

Discussion: Julie was not certain as to why they were increasing Ms. Ivy's hours to 40 hours as everyone else in the library who is full time is 37 ½ hours. It was noted that the hours for management were changed to 40 hours, last month. Julie questioned why Ms. Ivy could not do her job in 37 ½ hours and why she needed more hours. Edward explained that the library staff consists of a mix of full time and part time personnel. He further stated that last month there was a vote to change the management employees back to the 40 hour work week, which would enable them to make certain strategic changes which would be further discussed in Executive Session concerning the vacancy of the Library Director. Deborah asked if Ms. Ivy would get health care benefit if she were a full time employee, to which Edward said "yes". Deborah asked if Ms. Ivy could be made a permanent employee at 32 hours and then reevaluate in a year. Edward said that there needed to be at least one person working 40 hours for the purposes of our state aid, which consists of \$22,000.00. Deborah stated that she was under the impression that they were going to be looking for a permanent Library Director. Thomas asked why they do not have a permanent Library Director. Edward said that they could discuss the issue further during Executive Session as it is part of the options that they were looking at, i.e., privatization, contracting, etc. Deborah stated that once someone is on full time, their benefits and extra salary almost negate the state aid. Edward noted that there was not a need for a full time Library Director because only 35 hours were needed in order to get full time state aid. Thomas asked what would happen to Ms. Ivy's position once a permanent Library Director was hired and would she need to work all those hours. Edward said she would continue to be the Resource Manager in charge of Human Resources and he believed it would still be necessary for Ms. Ivy to continue working those hours since so many other jobs have been abolished. Deborah noted that there might be some long term issues here in terms of health benefits and bringing on someone full time. She noted that Ms. Ivy just received a healthy raise, with an increase in hours. She said she would be more than happy to make her a permanent employee because she is on 179 days currently, and that is up, but without further information, she did not have any further recommendations at this time. (Vincent made a correction stating that currently Ms. Ivy is working 34 hours.)

Thomas' concern was that if they do make this move and then hire another Director, that there would be a Direction AND somebody in that full time position that might be better

served by a part time position. Peter suggested that possibly, in the future, they could evaluate how the library was running and they might not need a full time Director.

David asked if the Board would like to move into Executive Session at this time to further discuss this item.

Ms. Grossi stated that her concerns with going into Executive Session in order to discuss Ms. Ivy was that she should have been riced as they were going to discuss her benefits. Vincent said that she was riced.

David asked if all were in favor of going into Executive Session for matters of Personnel.

Julie Cohan, Thomas Mazzaccaro, Deborah Nielson voted No, with Thomas stating that if his questions were answered then they could go into Executive Session. He asked if they would be discussing specific personnel or would they be discussing general policy.

Ms. Gross said that the topic on hand was Jeanne Ivy. She noted that other questions were coming up relative to her employment. She further stated that since Vincent just gave her the rice notice and Ms. Ivy would want this to be discussed in closed session and based on that request that is where they had to go.

Deborah stated that she would rather take care of all the Open Session business that they can and then go into Closed Session.

David asked that they go into to Executive Session while the topic was fresh in everyone's mind.

At this time Thomas changed his vote to yes. Deborah voted no.

Open Session closed: 8:26 p.m.

Open Session reconvened: 8:46 p.m.

A vote was taken on Resolution (c)

Voted Yes: David Dalia, Edward Ernstrom, Peter King

Voted No: Julie Cohan, Thomas Mazzaccaro, Deborah Nielson

Edward Ernstrom made a motion to modify Resolution (c) to read as follows:

“To appoint Jeanne Ivy to the NJDOP title of Library Associate with a working title of Resource Manager. This position is 37 ½ hours, and non-union.”

Discussion: Thomas asked if benefits had to be mentioned. Edward said it was 37 ½ hours without health benefits.

Passed: Julie Cohan

Voted Yes: David Dalia, Edward Ernstrom, Peter King

Voted No: Thomas Mazzaccaro, Deborah Nielson, Julie Cohan

Discussion: Edward noted that Vincent has been putting in 10 hours per week without charging the Library and therefore needed a couple more hours from Ms. Ivy. He asked Deborah if she would agree to 35 hours to which she replied that she wanted Ms. Ivy to have the same hours that she currently has. Deborah said that this is not permanent, but only interim so they could understand the full scope of it – and it can be changed at a later date,

Edward Ernstrom made a further motion to modify Resolution (c) to read as follows:

“To appoint Jeanne Ivy to the NJDOP title of Library Associate with a working title of Resource Manager. This position is 34 hours, and non-union.

All were in favor

RESOLUTION R-2009-06-04

Date Passed: June 9, 2009

(d) Emergent Resolution to accept the June 1 to June 30, 2009 check register in the amount of \$31,266.83.

Julie moved, Seconded by Peter

All were in favor

It was noted by Vince Sacco that check #6713 is not on the check register as the recipient of the check claims he never received the check and therefore payment was stopped on the check and a new check was reissued.

Check #6713, dated June 5, 2009 paid to the order of Jeff’s Custom Blinds, LLC, replaces check #6423.

OLD BUSINESS

Peter noted that last month there was a discussion concerning the dimensions of the library doors as compared to the Township Hall doors. Peter stated that he was told by Thomas that they were the same dimensions and was also told that the township hall doors were 30 inches, and they were measured. At this time Thomas stated that he said they were 36 inches. Peter disagreed with Thomas’ statement. Peter further stated that

he thought this was strange as he had been through the doors many times and was certain that Thomas' measurements were incorrect. Peter said he measured the Township doors, and the township doors were 18.3 inches, which are not the same dimensions as the library doors. At this time Thomas' made an objection stating he was being misrepresented. However, Thomas did say that he had made a mistake when he stated Peter said he measured the doors at township hall. Thomas requested the tapes from May's Board meeting to verify. Thomas insisted that he stated the doors were the same size as well as the distance between the two doors was the same size at town hall as it is at the library.

Deborah said that she wanted to acknowledge that on page 2 of May's minutes, she was not present when Mr. King announced that the township had a public meeting and was fully aware of the scope of the project for the doors and the grant request. She said that someone did provide the township committee meeting minutes of January 13, 2009 regarding the public hearing. She stated that the township did not know the scope of the project and the minutes were available should anyone care to read them where it discusses the specifics of the grant requests. Deborah noted that she was the one who brought up the potential for the library to be applicable. She further noted that the application was submitted without architectural drawings and was submitted without a cost estimate. She stated that the first time she did see a cost estimate was some time in the spring and it was dated February 19, 2009 but she did not see it until April 2009. She said that there was a revised estimate that was prepared April 2nd or 4th that revised that estimate down from \$179,000 to \$152,000 or \$154,000. She said that although the statements made in the May 2009 Library Minutes were correct, she requested for the record, that she wanted the statement corrected with regards to what the township committee knew and when they knew it.

Secondly, Deborah noted that this Board of Trustees voted in the past that the tapes be destroyed, which they are legally allowed to do after the minutes are adopted. At this time Deborah respectfully requested that be reconsidered and revisited. She further stated that the township committee does not destroy any tapes and are kept in perpetuity as does the Planning Board and the Zoning Board of Adjustment. Deborah stated that the Board Secretary did "wonderful minutes". She stated that last year the minutes were getting to be twelve pages long and they were "verbatim and transcript minutes" and she felt they were "terrific". However, this year, at the Board's request, she went to summary minutes, but since the board is getting into debates, she requested that we go back to more detailed minutes, as some of the discussions that went on last month were not reflected in these minutes. Deborah asked that the tapes be kept in perpetuity or at least for five (5) years. She noted that last year the Board was involved in a lawsuit and there were questions about what was said and when it was said and would like to make sure that the records were clear. She also stated that she did not feel that last month's minutes reflected what really went on and she thought they should be expanded.

David noted that upon the advice of the board's former attorney, that the tapes be destroyed. He said that the topic could be open for discussion and possibly change the procedure but the current procedure would remain in place until further notice.

Deborah noted that since there were questions about what went on at the last meeting, she respectfully requested that those minutes be retained. She further stated that if she (or anyone else) desired they could actually come into this meeting and bring their own tape recorder and obtain their own recordings of the meetings.

Deborah said that since we have gone from transcript minutes to summary minutes, often times the intent of the meetings are sometimes lost. David stated that that is why the minutes are voted on – giving each member the opportunity to either approve or disapprove of any minutes. However, David said that the procedures would stay in place, with the exception of May’s tapes, since there was a request to review them in order to revisit the topic of the measurements of the library doors and township hall doors.

Deborah asked if all prior tapes had been destroyed to which the Board Secretary stated that “not all of the tapes had been destroyed”. Deborah requested that they not be destroyed until this matter is revisited and reaffirmed, or not, by this Board, at the next meeting.

David said that procedures needed to be followed regarding the destruction of the tapes, unless there is a particular tape in question. At this time the Board Secretary noted that it was requested by the former Board Attorney (Mark Tabakin) and the board members that all meeting tapes, once approved, be destroyed. It was further noted that some of the tapes had been destroyed, but were not disposed of in any particular order. The secretary noted that past minutes reflect the decision to destroy the tapes.

Deborah said that it would be acceptable to her if the board went back to “verbatim” minutes. She also noted that no other board in the town of Montville destroys their tapes, included the Board of Education, the Planning Board, the Zoning Board, the Environmental Commission and the Township Committee.

Peter brought to Deborah’s attention the fact that when she has her board meetings there is a switch that can be turned on and off for the purpose of selective editing. Deborah said that “no – the entire meeting is recorded”.

David said that comparing the Library Board’s procedures with the town procedures – he has never seen minutes and resolutions without discussion as in the case with the town’s minutes. Deborah said that was correct.

Deborah stated that the library project was not the original cost and further stated that the library was fortunate to have gotten the grant as it was not fully vetted with drawings, in front of the public, as it should have been. Edward said that the costs are noted on page 10 of her minutes - \$38,000.00. Deborah said that is only because it was put in the resolution.

Thomas asked if we got our first numbers from the architect in February, how would they have even had numbers in January. Deborah said that they didn’t. Deborah asked who

requested the township minutes that were placed in the members' packets. David said that he requested them. Deborah stated that since they were not signed, she was uncertain as to whether they were approved or not. She said that the township committee did not have this information. She suggested reading the minutes into the record this evening.

Deborah suggested calling Morris County and indicate that the library project was not fully vetted, and perhaps they would reconsider the grant request. Thomas noted that at the last meeting that somebody made a statement that when this was presented to the Township Committee, they were presented the full scope of this project, and that doesn't appear to be true. He further stated that it didn't appear that there was any presentation made at all. David noted that no one ever asked for the full details. Thomas said that someone here said "it was presented to them" and there was no mention of that in the minutes.

Deborah read the Montville Township Committee Meeting Minutes – January 13, 2009: Page 1 - Community Development Block Grant Application – Longview Low/Mod Heat Pump Conversions; continued on page 2, paragraphs 1 through 8. She noted that that was the original application and had nothing to do with this library. She stated that it was determined subsequent to this meeting, that in fact, the Heat Pumps and the windows were not a suitable application, so they went to Option 4, which was the library option. She further stated that this should have been vetted in front of the entire township committee with drawings and a cost assessment, as everything else is in this town – and it was not done. She stated that if the Board would like to do that before the township committee and totally vet this, it would be a wonderful idea and she would get them on the agenda for either tomorrow night or in two weeks.

At this time the Board Secretary inquired as to how the Board wanted the Minutes recorded. David said that until it is decided on change, it should be as in the past, which are summary minutes, with the exception of saving the tapes for a special request. David said that he would put on the next agenda to discuss "Minute taking".

Deborah asked if they received their "draft" minutes in their packet, if they have a question about the minutes, because their recollection is not 100% after four weeks, how do they listen to the tape, before the meeting, so they can ask questions or correct the record. David said that has never come up before but she could make a phone call and get the tapes. Deborah asked what is the procedure for transcribing the minutes. The board secretary noted that the Resolution/Motions are transcribed and handed in within 48 hours and the minutes are transcribed and distributed, via Priority Mail, on the Wednesday before the Monday evening meeting, to all board members.

It was asked what the procedure would be for listening to the tapes. Ms. Grossi said that she didn't think it was a good idea for people to be able to take the tapes outside the building, but rather they should listen to them inside the library simply because there is only one tape, and for purposes of not losing them or misplaced. It was suggested that copies be made of the original tape. Ms. Grossi thought that that might not be a good

idea simply because the board had not decided on whether or not to destroy the tapes, and it would not be a good idea to have multiple copies floating around. Deborah said that shouldn't be a concern since it is acceptable for anyone to come into any of the meetings and tape the meetings.

It was suggested that there be a copy made so that the original is kept safe and secure. David said that he would be a resolution on the next agenda.

NEW BUSINESS

Deborah noted that last year there were goals and objectives that were set up for the former Library Director and asked if we were doing the same with our acting Library Director.

Edward said that Vince's IDP (Individual Development Plan) was being developed currently and it will be signed within the next week. Vince noted that he worked with the Personnel Committee and worked on an individual program and they laid out three phases: Phase I – the Broad objective, Phase II – What have I accomplished to day – Phase III – What are the plans for the future. Edward said that he would bring this before the Board at the July 2009 meeting.

David made a motion to move into Executive Session.

Ms. Grossi stated for the purpose of discussing attorney/client privileged information, possible litigation, grievances with the Union that represent the members. There was also an issue that dealt with Vincent Sacco that Ms. Grossi wanted to discuss, which dealt with e-mail that was sent by Thomas to Vincent.

Open Session closed to go into Executive Session at 9:24 p.m.

Open Session reconvened at 9:51 p.m.

MOTION M –2009-06-01

Date Passed: June 8, 2009

There was a motion made to rescind the Voluntary Separation Agreement that was previously approved for the employees of the Montville Township Library.

All were in favor.

Vincent asked how this information would be conveyed to the Union to which Ms. Grossi replied that she would put it in a letter. She said that she would tell the Union that it has been rescinded based on their objections and it is not something that they want to negotiate with them. The trustees were just trying to do a nice thing for the employees.

David asked for a motion to adjourn

Peter Seconded

All were in favor

Open Session adjourned 10:30 p.m.