

Montville Township Public Library
Board of Trustees Meeting
June 9, 2008
Montville Township Public Library
90 Horseneck Road
Montville, New Jersey 07045

The meeting was called to order by Peter King at 7:45 p.m.

Julie Cohan David Dalia Edward Ernstrom
Peter King Donald Kostka Deborah Nielson Charles Schmidt

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

Absent: Julie Cohan
David Dalia

Peter King 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 7:45 p.m.

Peter asked for a motion to adopt the May 12, 2008 Minutes.

Edward moved the Minutes

Charles: 2nd Discussion

Patricia asked that her name be removed from May 12, 2008 Minutes as she was not present for that meeting.

All were in favor.

Peter asked for a motion to adopt the May 12, 2008 Executive Session.

Charles moved

Edward: 2nd

Edward noted a correction on page 3 of the Executive Session: change spelling of "Ultra Virus" to "Ultra Vires" and "council" to "counsel". Also, include "not" to: "He later found out it was "not" a Board act..." in the same paragraph.

All were in favor.

PUBLIC COMMENTS – (There was no one in attendance for this portion of the meeting).

REPORTS OF OFFICERS

President

Peter said that **David Dalia** did not have a report.

Treasurer

Julie was not present as she was on vacation. However, **Patricia** said that **Julie** had e-mailed her and wanted it noted for the record that she did renew the CD at the same rate she had before.

Secretary

No report.

Finance

No report.

Personnel

No report

Buildings and Grounds

Peter noted that they had gone over the letter from James Cutillo, Architect.

Patron Services

Charles said they had discussed the sign and were leaning toward what the High School is doing as they were trying to go for a bit of a different look. He noted that the price range was \$24,000.00, not including installation. He said that they were considering going in with the High School so as to receive a discount. **Donald** asked why there was a need for a new sign and **Charles** said that the current sign was very inadequate as it is difficult to change and a hinge was broken which made it dangerous to open.

It was noted that **Mark Tabakin** usually receives his “packet” for the previous Board Meeting too late for the upcoming Board Meeting. It was decided that in the future his packet would be mailed to his home and not his office.

Peter asked why there was a 3 page draft copy of “Goals and Objectives” included in this month’s packet. **Patricia** said that David asked her to include them to which **Peter** said that it was the April 2nd “Goals and Objectives” ... **Patricia** said that he wasn’t specific but said to “put in your Goals and Objectives”. **Patricia** said she had included both. **Peter** said that they were going to review the April 2nd Goals and Objectives, not the draft copy.

(**Deborah Nielson** arrived at 7:50 p.m.)

Resolutions/Motions

Resolution (a) ... to accept check register for May 1 through May 30 approving checks exceeding \$750.00 in the amount of \$36,786.08 not exceeding \$750.00 in the amount of \$10,815.55.

Edward moved

Donald: 2nd

Peter asked for a Roll Call.

Edward Ernstrom – Yes
Randee Fox – Yes
Peter King – Yes
Donald Kostka – Yes
Deborah Nielson – Yes
Charles Schmidt – Yes

Resolution (b) Variance between check register and cash disbursements and value of checks drawn is attributed to voided check numbers #5843 in the amount of \$400.00, check #4569 in the amount of \$250.00, check #5733 in the amount of \$303.55, check #5901 in the amount of \$1,252.00, check #5828 in the amount of \$40.00.

Edward moved

Charles: 2nd

Peter asked for a Roll Call

Edward Ernstrom – Yes
Randee Fox – Yes
Peter King – Yes
Donald Kostka – Yes
Deborah Nielson – Yes
Charles Schmidt – Yes

Resolution (c) ... to eliminate compensating time for all exempt employees. (It was noted by **Peter** that there was a typo and the word “compensating” should read: “compensatory”.

Edward moved

Donald: 2nd

Charles asked what sort of impact this resolution would have. **Edward** said it would be helpful as the goal was to have people working in the library and not on leave therefore it helped the scheduling. **Randee** asked for further clarification. **Edward** said they wanted to eliminate compensatory time, i.e., - should a person want to work extra hours in order to take extra time off at a later date, that person would not be in the library. He also noted that if an employee is exempt, they would not be eligible for overtime or compensatory time anyway. **Randee** asked if non-union employees were included. **Patricia** said that there is one non-union person who is exempt as well as the Business Manager and herself. **Peter** said the purpose was to encourage people to be in the library and not on compensatory leave. It was further explained that compensatory time meant time off in lieu of time worked. **Peter** noted that exempt employees were not entitled to extra compensation. However, flex-time was acceptable if an employee needed to adjust their hours due to extenuating circumstances. **Donald** said that it is understood with exempt positions that there were times where overtime was required and necessary.

Edward said that basically they were trying to establish a work-policy.

(**Gary** Bowen arrived 7:55 p.m.)

Gary asked if this was policy, policy development, statute, contractual or was it just varied opinions.

Mark said that FLSA (Federal Labor Standards Act) was Federal Law. One is either exempt or non-exempt. If you are deemed an exempt employee, meaning you are not eligible for overtime; those employees will not be receiving compensatory time. **Mark** further explained that compensatory time

means that one would be compensated for hours in excess of your regular workweek. The notion of compensatory time was in lieu of overtime.

Randee asked why they would not want to make exceptions and leave it at the discretion of the professional, as long as they were not abusing or taking advantage of the privilege. **Edward** said that basically they were trying to establish a policy for the exempt employees and they could always revisit individual cases. He said that currently there is no record of any employee abusing time taken off, but thought it would be wise to have a policy in force as a guideline. **Gary** said he was supportive of policy development as it gives the Director guidelines to follow. He asked who would be doing the writing and provisions of the policy to which **Edward** said it would be the Personnel Committee that would be implementing guidelines and then it would be voted on by the Board.

Randee asked if the Director would be part of the committee to establish this policy for the people that report to her. **Edward** said that she would as they move into the area of Learned Professionals, (another category of an employee that is not supervisory but they have gone for advanced training such as a Master's Degree in Library Science) and they utilize that skill in their job at the library. He noted that there are currently 9 employees, with the exception of **Patricia Anderson**, with MLS Degrees. He noted that they are not exempt at this time, until they pass a Board Resolution exempting Learned Professionals after they establish a public accountability for their hours during the work.

Mark explained that one only earns compensatory time under the Fair Labor Standards Act if you are eligible for overtime, rather than being paid in dollar amounts one would be paid in "time" and rather than paying the overtime, one would be allowed to take time off equal to the amount of overtime worked. He further explained the following examples should be a matter of policy and should be coming forward to this Board and the policy of the library is that they will follow the guidelines of the FLSA and will be done under these procedural aspects:

- Under what conditions one is allowed to take time off
- How does one take the time off
- Who does one ask for time off
- Who approves the time off

He also said that for the people who are non-exempt and work overtime, they will have to be paid for their overtime, there will be no more comp-time.

Edward noted that their objective was having people working in the library as compensatory time does not work well when you have to staff the library and it is open to the public

Randee asked how they are going to pay overtime when they do not want overtime.

Donald said that this does not affect overtime as this class of employee is not eligible for overtime.

Peter asked for a Roll Call

Gary Bowen - No

Edward Ernstrom – Yes

Randee Fox – No

Peter King – Yes

Donald Kostka – Yes

Deborah Nielson – Yes

Charles Schmidt – No

Motion Passed

Resolution (d) ... to ratify Director's Goals and Objectives to be effective 6/1/08.

Edward moved (Goals received in the Board packet signed April 2, 2008)

Donald: 2nd

Randee asked what will occur if these goals are not met.

Peter said that this was discussed two meetings ago and a copy of the Goals and Objectives and all documentation was distributed to everyone at that meeting. He noted that at that time the Board asked if anyone had any comments to please get back to them. He said to date; no one has gotten back to him or to his knowledge, any of the other Board members.

Randee referred to the 2008 Goals, dated 3/29/08 – Item 1. H.

Peter said that this would be an inventory that is taken of everything in the library. He said that this would cost money as they do not have the library personnel to do it. He said if they don't have the money and it is not approved then it becomes a non-issue and it would be taken right off the table. He said that should it be done – then the Director would get the reward for it being completed.

Randee asked what the score would be, to which **Peter** said 70 would be satisfactory. If it were less than 70 it would be unsatisfactory.

Donald said that one of the other things they intended to do was sit down on a quarterly basis with the Director and have a progress report. They would not wait until the end of the year as they wanted the Director to succeed, therefore they would keep the lines of communication open. He also noted that the quarterly meetings were not separate reviews, but only “sit-downs” in terms of certain things having time lines and it would be beneficial to know what kind of progress was being made.

Edward noted that there was an explanation of the guidelines on page 17 of the Trustee Manual from the State Library.

Charles suggested that since this is a relatively new procedure, what about the concept that before there is an actual judgment made when it is reviewed, that it is agreed upon by the Board.

Donald said that the Personnel Committee would try to make each goal as quantifiable as possible and would report to the Board and submit their findings. He also said he felt that this was a work in progress and the intent was to move in a positive direction.

Randee asked how the Committee would measure 2. A. **Edward** said that would be up the local Fire Inspector. **Peter** said that he believed that goal had been met. **Peter** noted that the report in the packets that went out had all the information.

Patricia said there were numerous items listed that were not an issue and there were only a couple of things that she had an issue with. **Peter** asked that she allow **Deborah** to have the floor at which time **Patricia** said she felt that she was not being given an opportunity to speak.

Deborah used the example of their administrator. She said that when they reviewed with him they wanted him to bring the budget in at “x” amount of dollars but Governor Corzine had cut the state budget's local funding by \$233,000.00. They asked their administrator to revisit the department heads and have them cut back further. She said that they could not be punitive as there are extraordinary circumstances and there is an understanding that there could be reasons why certain goals are not met.

Peter was in agreement and said that should there be any extraordinary circumstances, that would be taken into consideration and they would make adjustments accordingly. It was also noted that it would come before the Board and the Board would have to vote on it.

Charles said that at the end of the year, he would like for the Board to be able to say that 70% of these items were met and then discuss why the 30% was not met, and if perhaps some of the things were unrealistic, therefore the 70% would be an excellent review.

Peter said that should there be any unrealistic goals that could not be met they would be discarded and the points that were given for that item would be redistributed amongst the other items. However, he added that he felt there was nothing unrealistic about these goals.

At this point **Patricia** asked who else is expected to raise \$10,000.00. She also noted that the \$10,000.00 was in addition to the sign. She noted that fund raising is not in her job description and she felt it was unfair.

Gary said that these goals looked meaningful but needed to be attainable. He also noted that as unforeseeable circumstances come in, they need to be factored in. They need to be measurable and agreeable between the goal setting body and the person who is expected to deliver. He felt that there might be some concerns regarding the “agreeable” portion of the goals. He said that in his experience on effective goal setting, all four elements were needed.

At this point, **Edward** said he was ready to vote.

Deborah said that it does not always have to be agreeable. She said that this is a policy setting Board. **Peter** said that there should be “stretch goals” which means that they may be tough to reach but you really try.

Donald said when the committee met with **Patricia** they significantly reduced the amount of funds to be raised. He said that if she came up with \$5,000.00 as opposed to the \$10,000.00, she would not receive zero points, but instead she would receive half (5 points). He said the only way she would get zero points would be if she did absolutely nothing. He said that this was an area that they wanted emphasized.

Randee asked if this was in the job description for most Library Directors. **Peter** said that it was in **Patricia**’s goals and objectives for the past three years.

Patricia noted that it read “applied for a grant”.

Edward said that **Patricia** had required Mary Ellen to obtain \$6,000.00 in grants to which **Patricia** said that was not true.

Randee wanted to know what **Patricia**’s objections were. **Peter** wanted to know why **Randee** had not contacted **Patricia** within the last two months but instead waited this long to ask her objections. **Randee** felt it was inappropriate to handle it that way and felt it was more professional to handle it in this forum with everyone present. **Peter** said that during this portion of the meeting **Patricia** should not be responding as the Public portion of the meeting was concluded.

Gary said he had one question which would determine how he voted: If it were in her job description – then yes; if it is not in her job description – then he would not fall back on any and all other assignments.

Peter said that **Patricia's** signature did not mean that she agreed to this, it only meant that she had an opportunity to review it.

Edward said that he called the New Jersey Department of Personnel and fund raising by Library Directors is fairly traditional; they have a generic job description that only outlines typical duties that are suggestive of what a Board might want a Library Director to do under civil service.

Donald said that when they met with **Patricia** in April there was concern over the fund raising and that goal had been reduced a couple times. At that meeting what they decided to do was to cross out Goal E. He said that they did want an emphasis on fund raising but tried to make the goal reasonable, and it may be a stretch, but felt that she should give it her best effort and perhaps make modifications for next year, if need be.

Patricia said that since she is not allowed to leave the building, how could she possibly be expected to do fundraising.

Peter asked for a Roll Call.

Gary Bowen - No
Edward Ernstrom – Yes
Randee Fox – No
Peter King – Yes
Donald Kostka – Yes
Deborah Nielson – Yes
Charles Schmidt – Yes

Motion Passed

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

Mark said that the contract terms that are expired are in full force and effect until the new contract. He said that the new contract has not been executed by the parties or the Board so the existing holiday schedule in the collective bargaining agreement should govern all employees covered by that agreement. In that agreement there is no Columbus Day. **Mark** said that these dates are not in compliance with the existing terms and conditions.

Peter said that they would like to administratively withdraw it.

OLD BUSINESS

No report

NEW BUSINESS

Charles noted that some of the line items on the new budget are already overspent; therefore **Patricia** would have to come to the Board for approval on these items. He wanted to know if it would be necessary for her to come before the Board every month or will there be a little leeway.

Edward said that perhaps they could give some latitude to the Finance Committee with regards to solve that.

Patricia said that they were already over budget on certain line items but were paid.

Edward said that they needed to look back at the first four months of the year when they were under the continued resolution.

Donald said that back in January there was a resolution that what they were going to do in 2008, until they passed the budget, was to hold standing at 2007 levels with no increase. And through the first five months of the year 7 line items had been overspent. **Donald** asked who is responsible to ensure that there is no overspending. **Peter** said he believed that would be part of the Director's responsibility.

Donald noted that one of the areas that was over was line item 60112 – Video/DVD-Adults in May was \$2,061.00. One suggestion for 2008 was to the extent that you have a category like Collections where you have room, the Director ought to have leeway within that category just to ensure the category itself is not overspent. To the extent that you are over – if that were the case then there would be a freeze on spending. He said his feelings would be that you didn't want to take the money out of capital or surplus as surplus should be for emergencies. He also said that when he compared the run rates to last year, there was an awful lot of concern over the amount of surplus that was built in and that budget appeared to be too lean. He said the fact actually was that it was not as in 2007 where there was a surplus of \$305,000.00. He said that for 2008 all they really did was, in essence, was put a cap on operational expenses and try to hold them down because the way the budget was put forth, operational expenses are going to go up 15%, which is ludicrous.

Gary asked **Donald** to name the specific accounts where there was concern. **Donald** noted that as they appear less than accurate, they read as follows:

60112 Video/DVD-Adults	YTD \$2,061.00	2007-Actual \$1,699.00
60128 Program-Exercise-Adults	YTD \$2,265.00	2007-Actual \$0
60131 Supplies--Tech Services	YTD \$6,7433.00	2007-Actual \$126.00
60113 Freight/Ship.-Collection	YTD \$1,959.00	2007-Actual \$0
60135 Supplies-Children Dept.	YTD \$1,490.00(thru May)	2007-Actual - ?
60146 Staff/Volunteer Rec.	YTD \$745.00(thru May)	2007-YTD-\$564.00
60175 Plant-Lawn Sprinklers	YTD \$2,325.00	April YTD \$0 & May \$0
60241 Payroll Service Fee	YTD \$1,732.00 (thru April)	2007- \$171.00 May - YTD \$0
60247 Other Professional Svcs.	Actual YTD April \$3,653.00	2007-\$790.00 May YTD \$3,130.00
60253 O/E Contingency		
60221 Engineering/Architect	YTD \$0/April \$0/May \$0	YTD \$1,332.00

Gary asked if the expectation was clear to the Director not to exceed those lines. **Peter** said it was his understanding that it was the Director's obligation to monitor these line items, although he said that there could be exceptions where the line items were exceeded. **Gary** said that the reason he asked was if the budget has been cut back substantially that surely there will be a reduction in services or materials, equipment, supplies, etc. and if that's the direction of the trustees then the Director needs to carry that out and the public needs to see a consequence of a lower budget.

Donald said that they did not cut the budget but instead cut the rate of growth. The intention being that the monies were being more efficiently spent.

Gary said that if the dollars don't reach, then there is a consequence to be seen and they either remedy that by a transfer or the consequence prevails.

Patricia said that there are already approximately 10 items that are over to which **Peter** said that they will have to rectify that somehow. **Patricia** asked how you would handle something like postage as they are currently over budget by \$257.00. **Donald** said that as long as you stayed within the category you could do line item transfers to make up deficiencies. Although he said they would rather stay away from that so as to get a clear picture of what is really happening. He suggested that perhaps for the next meeting the Finance Committee could put out a written summary as to how that will work.

Randee suggested that they show by category, not line items, something that would tell them that they are half way through the year but three quarters the way through the money that is allotted for the category

Patricia said what they did was highlight where they were already over budget.

Gary asked about Zero Based Appropriation. **Donald** said that there was a category in DVDs and what was actually spent for the first five months exceeded all of 2007 and it brought up in the context that back in January there was a resolution that said that for spending purposes they were going to adhere to the 2007 Actual spending level. He said he was only pointing out that while this is good and helpful, that should have been done with what was actually going on in those first five months.

Gary said that he had a problem with that if they have exceeded the direction of the Trustees, as that line as an example, as they did not follow the expectation.

Edward said that everyone had expectations that they would not spend more than they spent in 2007 while they were still under a continued resolution.

Patricia said that one of her concerns was the \$1,699 that was shown, as what they spent in 2007 was incorrect. They actually spent \$3,500.00.

Randee asked why that is incorrect to which **Patricia** noted there were some problems with bookkeeping. The amount of \$126.00 for postage in 2007 was incorrect as well – it was more like \$1,800.00.

Peter asked how these incorrect numbers got in there in the first place and who is responsible for reviewing them. **Patricia** said that it is the Business Manager and she does report to directly to her.

Randee asked if **Donald** was working off the budget that **Julie** and **David** presented back in January. **Donald** said he looked at that and at prior years and then tried to put something together since they did not have a budget at all. He said that going forward; they would go zero-base for every category. **Randee** asked if they were not working with real numbers to which **Peter** said he had no idea as he wasn't involved.

Patricia said she had a draft of the budget that was prepared and the postage line item, before it was cut, was \$900.00. She said we need another \$500.00 to get through the year but that was taken out at the last Board Meeting. She noted that there is no money in postage which results in no money to mail the bills. She said she was asking the Board for direction as how to handle this situation. **Peter** suggested that perhaps the Finance Committee get together and come up with a reasonable solution to address these over- expenditures at this time and see which direction they should take. **Patricia** said one item that should have been in the budget, which was never brought up, was the storage unit up the street, RHEA.

Peter said he thought they were going to go the basement of the town hall if they could. **Patricia** said she has been asking for four years for a cage with no results. **Deborah** said she would look into it.

Donald noted two liability accounts on the Balance Sheet (“PO Year End Accrual” and “PERS 414/CS Withholding”) and asked why they have debit balances. He stated that with liability accounts you would either expect it to be “credit balance” or “zero”.

Patricia said that the library gets billed from the township so there are adjustments made every time they receive a quarterly bill and with so many part time employees the amount that is submitted changes, depending on how many hours they work in a quarter and therefore you might come up with a negative number if they didn’t work the number of hours that was anticipated. **Patricia** noted that it used to be a positive balance due to the fact that they were taking pension money out when the person was provisional and then when the person left they never refunded the money.

Donald stated that during the month he sent **Patricia** an e-mail regarding the Inter Library Loan, as to how many items a patron could take out at once to which **Patricia** responded that someone could ask for up to 200 items (DVDs) at one time – there is not limit. **Donald** wanted to know if the library monitors that and he noted that **Patricia’s** response was “we keep statistics” but he noted that she could not tell who was taking them out. **Patricia** said you can tell initially when someone puts a hold on the item as you have to identify who the hold is for. Although, once the transaction is put into place the identifiable part of it disappears because it will go out on the patron’s record but eventually it comes off the record. She explained that is a M.A.I.N. policy that records are not kept of what someone takes out – as it is a privacy issue.

Donald’s said that there was concern such as copyright infringement to which **Patricia** agreed that this is a large concern in Morris County

Peter asked if there could be a limit set as to how many items a patron could take from the library. **Patricia** said that they recommend that people only take five (5) per week but that doesn’t stop some other patron from another library placing a request or returning items. In one particular case, someone returned over 50 DVDs in one day to the Montville library, which is not permitted as it is a M.A.I.N. policy.

Donald said he was not suggesting that they keep statistics but from a management point of view, why can’t they know who is taking what out. **Patricia** said you can’t know the “who”, as it is a violation of the Patron Law Confidentiality but you can know the “what”. **Donald** felt that that has an impact on the library in terms of staffing. **Patricia** said she does know who some of the patrons are who take out large volumes of items but there is nothing that can be done about it. She said that they do have an internal policy where they ask patrons to limit their

requests to five (5) per week. Some people abide by it, some do not. She noted that one person in particular takes five items from this library and then goes to 5 or 6 other libraries and does the same thing and then returns the 30 items all back to Montville. She said she had no control over what people do at other libraries.

Deborah asked if it were possible to adopt a resolution and send it to the consortium with their concerns and ask them to adopt a policy. She said that these books, DVDs, etc., are available to the public and with one person “hogging” them they are no longer available to the public which defeats the purpose.

Everyone was in agreement that 200 was an exceptional amount of items to take out in one day and found it hard to believe that this is the policy set by the consortium. **Peter** asked how often these meetings occur to which **Patricia** said there are monthly planning council meetings. He asked how one got a vote in and **Patricia** she you had to be elected.

Deborah said that there should be a guideline and it should be enforced. **Patricia** said that they do try to enforce it at their level but have no control over what happens at other libraries. She noted that their internal policy is five items per week.

Donald asked **Patricia** if there was a way for her to put something together for the Board that provides them with more information as to what is going on. **Patricia** asked if the chart that is included in his packet every month doesn’t work for him. He said it tells him everything except for “who” to which **Patricia** said that they were not going to get “who” as that is a state law. **Donald** asked what if she identified the patrons with a number. **Patricia** said she would have to talk to Sandy Calderone.

Patricia commented about the DJ and Pizza Party, noting that there was a tremendous response from patrons requesting more programs for teens. Also, as a library, the Patron Services Committee requested that the teen programs be beefed up. They wanted to see more activities for teenagers, specifically Susan Max, when she was on the Board, was very much involved in creating one of the Teen Advisory Boards and noted that they really were not serving the teens. **Donald** asked what the DJ did to which **Patricia** said that he came and played music, the kids enjoyed it. There were 40 kids who came over after school. **Donald** also asked about the Baby Time Play Group, which **Patricia** replied that this program was huge. They meet on Thursday mornings at 10:00 a.m. and there are approximately 40 mothers and fathers in attendance with their babies from the age of 16 mos. to two years. There is a short story and a finger play, music with 15 minutes of structure and 45 minutes of playtime.

Peter said that there was one more item that **Patricia** asked to bring up which was that the Library needed to adopt a Fee Schedule for programs and services. He said the township would like the library to adopt a fee schedule and they will incorporate it into their township fee schedule approved by ordinance.

Computer Classes \$10.00 local - \$20.00 non-local – Local Seniors – Free
Story time-Non-Locals \$10.00 per child (Outsiders are permitted)
Exercise Class-Belly Dancing – Tai Chi - \$48 for 6 classes paid in advance (\$10.00 at the door)
Yoga – Free – Self Run
Art Classes – Adult \$15.00 (materials included)
Notary Services

Fax Services - \$1.00 per page
Copier - \$.10 per page
Computer Printing - \$.10 per page

Deborah asked where these numbers came from. **Patricia** said that it could be a little bit less than Staples or Kinkos but there is not much of a business to begin with as these services are not called for too often. **Patricia** said she was just putting forth a schedule because Frank brought it up and he wanted to standardize some things. He asked the Board to pass a Fee Schedule and then he would incorporate it.

Deborah said she didn't know what the town charges but suggested that they were consistent. **Patricia** said this could wait until July.

Edward suggested that the fax should be increased for the first page at \$2.50 as a library employee has to run the machine.

Peter said they would send this over to Trudy and have her look at it and then get back to them.

Peter called for a motion to go in to Executive Session.

Charles made a motion to go out of Open Session and go into Executive Session.

Randee: 2nd

All were in favor

Open Session adjourned at 9:25 p.m.

Open Session reconvened at 9:35 p.m.

Peter asked who keeps the Director's personnel file and where is stored.

Patricia said that all personnel files for all employees are in the Director's office in a file cabinet that is locked at night and that is where it has been kept for all the years that she has been there and probably even before she came.

Edward asked who reviews the personnel files.

Mark said that normally personnel files are never reviewed unless there is a specific reason to be looking at them and then it would be the person who had a reason to review it.

Patricia said they must be reviewed in the office – they cannot be removed.

Edward asked how and who updates them.

Mark said that would depend on who you are referring to - as it pertains to the individual, that is where the file would go. **Donald** suggested that the "keeper of the records" should be the Secretary of the Board.

Mark said that the distinct person by law, for OPRA (Open Public Records Act) the custodian of records, is the official keeper of all official documentation for the library. **Mark** said he suspected that would be **Patricia**.

Donald said that with regards to the Personnel records, it would seem that the Board would want to maintain those records.

Randee said she wanted the Director to have access to all that information. **Donald** said the Board should have their own records.

Edward said for sound internal controls, **Charles** should, as the Board Secretary, should be the one to have access.

Patricia said she needed access to the files as well mostly for civil services reasons. **Donald** felt the Director's file should be kept by the Board Secretary.

Randee asked why. **Donald** said it should be someone other than **Patricia** herself, preferably the Secretary. **Mark** said that if the Board wishes for him, as the Board Attorney, to maintain a copy of documents that go to **Patricia**, he would do it.

Peter asked for a motion for the appointment of independent counsel to complete the investigation of the Library Director's charges.

Edward made a motion

Donald: 2nd

Charles asked why there was a need to which **Peter** said that he believed it will show that there is no inappropriate action being taken by this Board and that their attorney would be relieved of the responsibility of having to deal with the Director, with whom he deals with on a constant basis, would show it as above board and totally unbiased. And that he, as one of the members that was being accused, felt it should be done.

Charles said that when they dealt with Lorenza there was not separate counsel.

Mark said that the Board should feel free to hire separate counsel. His only comment was that, and he wanted it recorded in the minutes, "is that the two people who are the subject of the complaint, I'm not sure of the propriety of you making this motion since you are the subject of it". He noted that there appeared to be a conflict in that "you are seeking to exonerate yourself".

Peter said that **Mark** started the investigation and **Mark** said he did at the request of the Board.

Mark said that there might be a level of conflict for the people who were the subject of the complaint to be involved in the decision making of retaining counsel for the purposes of investigating the complaint, but he did note that it was entirely up to them.

Charles asked if there were legal ramifications with this complaint.

Edward said it was under investigation currently.

Patricia said it was a complaint against a policy that was created by the Board. **Edward** said that accusations were made. **Mark** said that **Patricia** had not filed any legal action and there is no lawsuit, but only a complaint filed and the policy calls for an investigation to take place with findings and some level of recommendation back to the Board.

Charles asked what kind of money this will cost to which **Peter** said it will not cost any more than if **Mark** were going to handle the investigation. **Charles** asked if a retainer would be needed for a new attorney. **Peter** said since they have not hired anyone to date, he was not certain but he said he would be sure to get costs prior to getting approval.

Gary said that the only time, in his experience, to hire an outside attorney, was when you had a specialty area that your in-house counsel did not have expertise, and then you would go to a “niche” lawyer or if there was a conflict of interest.

Peter said that was the reason for an independent counsel, so as to avoid any conflict of interest.

Deborah asked if this was within the budget or is it over and above or to be determined.

Peter said that the total cost would be determined once they got the hourly rate but he felt it would not exceed **Mark**’s fees. He noted that they wanted Board approval before they looked further into hiring someone. He also noted that if the Board denied the request he would hire someone at his one expense.

Deborah said she would make the motion.

Mark said that he was not sure that there was an actual formalized motion and suggested that it be withdrawn. He said he was not certain that the Board could hire an attorney, and spend public money, for the purpose of exonerating three of its members as opposed to this Board hiring an attorney to conduct an investigation, which it is free to do, arising out of the complaint that was filed.

Peter said that that was a good clarification.

Randee asked why we would not want to use **Mark** when he is familiar with the case to which **Peter** replied that he did not want for anyone to suggest that **Mark** might be biased since he deals with the Director on a daily basis and that might cause him to be impartial.

Edward noted he was concerned that **Mark** did not ask the Director to sign a waiver of counsel.

Mark said that he was recusing himself from any involvement in this particular case given that there was an obvious concern over his involvement in this. He also noted that he strongly objected to any inference that he would be nothing less than fully impartial to the Board. He noted that he does not work for **Patricia** but instead, he is the Board’s attorney and he represents the institution that is the Montville Library and there would be no reason for anyone to believe that he would be anything other than that.

Deborah made a motion to have the investigation of a workplace civility complaint.

Gary said the motion would be to hire a special investigative legal counsel resulting from the Trustees’ counsel recusing himself.

Deborah said that the Board would get RSPs (Request For Proposals).

Mark asked if there was a second to the motion to go for RSPs for the purpose of hiring independent counsel to conduct the investigation of the workplace civility policy complaint.

Gary said “resultant of **Mark** recusing himself”, to which **Mark** said “sure – as an accommodation to people at this table”.

Edward: 2nd

The first motion which was made by **Edward** and 2nd by **Donald** was withdrawn.

The new motion came from **Deborah**
2nd **Edward**

Peter asked for a Roll Call

Gary Bowen - Pass
Edward Ernstrom – Yes
Randee Fox – Pass
Peter King – Yes
Donald Kostka – Yes
Deborah Nielson – Yes
Charles Schmidt – Pass
Gary Bowen – Yes
Randee Fox – Yes
Charles Schmidt – Abstain

Not hearing any further discussion **Peter** asked for a motion to adjourn

Gary moved
Edward: 2nd

Open session was adjourned at 10:00 p.m.

