

**MINUTES  
BOARD OF TRUSTEES  
THE SMITHTOWN LIBRARY  
November 15, 2016**

A regular meeting of the Board of Trustees of The Smithtown Library was held at the Commack Branch, Commack, New York on the 15<sup>th</sup> day of November, 2016 at 7:00 p.m.

The following Library Trustees were present and participating at the meeting: Gerard J. Cairns, Suzanne Mohr, Diana Schilling-Held, Joseph Vallone and Rudy Zientarski. Trustees John C. Martins and Otis M. Thornhill were absent with prior notice.

Also present were Library Director Robert Lusak, Clerk Laura Poppe and Secretary Linda Taurassi. Treasurer Joanne T. Grove was absent with prior notice.

In the absence of both the Library Board President and Vice President, Trustee Gerard J. Cairns acted as Chairman of the meeting.

**READING AND APPROVAL OF MINUTES**

1. Acting Chairman Gerard Cairns moved to accept adoption of the following resolution:

*RESOLVED: That the REGULAR MEETING MINUTES of October 25, 2016 be approved as presented.*

The motion was seconded by Trustee Rudy Zientarski and adopted by a unanimous 4-0 vote.

**REPORTS OF OFFICERS, BOARDS, STANDING COMMITTEES & DIRECTOR'S REPORT**

2. The BUDGET AND FINANCE COMMITTEE report was presented by Committee Liaison Suzanne Mohr. Trustee Joseph Vallone moved to accept adoption of resolution "a":

a. *RESOLVED: That the TREASURER'S REPORT for the month ended October 31, 2016 be approved for filing (copy of report appended to the original of these minutes).*

The motion was seconded by Trustee Rudy Zientarski and adopted by a unanimous 4-0 vote.

Trustee Suzanne Mohr moved to accept adoption of resolution "b":

b. *RESOLVED: That the following WARRANTS be approved for payment.*

<i>i.</i>	<i>Warrant #16-November ("L" fund) PREPAYS</i>	<i>\$ 18,649.25</i>
<i>ii.</i>	<i>Warrant #16-November ("L" fund) WARRANT</i>	<i>\$ 118,101.50</i>
<i>iii.</i>	<i>Warrant #16-November ("M" fund) WARRANT</i>	<i>\$ 1,125.00</i>
<i>iv.</i>	<i>Warrant #16-November (PAYROLL #23 – 11/4/16)</i>	<i>\$ 241,045.40</i>

The motion was seconded by Trustee Joseph Vallone and adopted by a unanimous 4-0 vote.

Trustee Suzanne Mohr moved to accept adoption of resolution “c”:

- c. *RESOLVED: That the Board of Trustees of the Smithtown Library authorizes the Treasurer to pay the NYS Retirement 2017 annual invoice, due December 15, 2016, in the full amount of \$938,458.00 without electing to amortize an amount under the Contribution Stabilization Program.*

The motion was seconded by Trustee Joseph Vallone and adopted by a unanimous 4-0 vote.

Trustee Diana Schilling-Held entered the meeting at 7:05 p.m.

- 3. The PERSONNEL COMMITTEE report was presented by acting Chairman Gerard Cairns, who moved to accept adoption of resolution “a”:

- a. *RESOLVED: That the following PERSONNEL changes be approved as presented:*

- i. *Appointment of **Wendy Johnson** from a part-time Librarian I (Children’s Services) position into a permanent part-time appointment in the position of Librarian I (Children’s Services), Children’s Department, Nesconset Branch, at an hourly rate of pay of \$33.20, subject to a 26-week probationary period (due to staff member’s Suffolk County Department of Civil Service certification), effective November 21, 2016 (to fill part of the vacancy created by the resignation of Librarian Trainee Thomas Powell on September 21, 2016).*
- ii. *Resignation of **Elizabeth Fudens**, Librarian I, Reference Department, Nesconset Branch, effective November 11, 2016.*
- iii. *Release of **Matthew DiPietro** from a Page position, Reference/Circulation Department, Smithtown Main building, and appointment into the part-time position of Library Clerk, Audio-Visual Desk, Smithtown Main building, at an hourly rate of pay of \$16.96, not to exceed 17.5 hours per week, effective November 16, 2016 (to fill the vacancy created by the resignation of Andres Posada).*

The motion was seconded by Trustee Diana Schilling-Held and adopted by a unanimous 5-0 vote.

Acting Chairman Gerard Cairns moved to accept adoption of resolution “b”:

- b. *RESOLVED: That the following CONFERENCE/WORKSHOP ATTENDANCE requests set forth hereinafter are hereby approved:*

- i. *That Librarian II **Amanda Lentino**, Young Adult Librarian, Reference Department, Nesconset Branch, be authorized to attend, on paid release time, the Young Adult Services Division (YASD) of the Suffolk County Library Association (SCLA) “December Luncheon,” sponsored by Suffolk County Library Association, to be held at the Outerbanks Restaurant, Riverhead, NY, on December 1, 2016, with reimbursement for actual and necessary expenses not to exceed \$68.00.*

- ii. *That Librarian II **Sheila Worlow**, Young Adult Librarian, Reference Department, Commack Branch, be authorized to attend, on paid release time, the Young Adult Services Division (YASD) of the Suffolk County Library Association (SCLA) “December Luncheon,” sponsored by Suffolk County Library Association, to be held at the Outerbanks Restaurant, Riverhead, NY, on December 1, 2016, with reimbursement for actual and necessary expenses not to exceed \$70.00.*

The motion was seconded by Trustee Diana Schilling-Held and adopted by a unanimous 5-0 vote.

4. The BUILDINGS AND GROUNDS COMMITTEE report was presented by Committee Liaison Gerard Cairns, who moved to accept adoption of resolution “a”:

- a. RESOLUTION – Computers

*RESOLVED: That the Board of Trustees of The Smithtown Library approves the purchase of 24 Hewlett-Packard computers in the amount of \$19,950.24, in addition to transportation expenses, for the purpose of replacing existing children’s computers at all four library buildings as part of our technology update program; OGS purchase contract #PM20860 (note: such payment will require a \$2,000 budget transfer).*

The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

Acting Chairman Gerard Cairns moved to accept adoption of resolution “b”:

- b. *RESOLUTION: That the following banner/building requests set forth hereinafter are hereby approved:*

- i. *RESOLVED: That the Smithtown Special Library District grants permission to the Rotary Club of Smithtown, Inc. for the following: 1) to place a banner on the corner of the property of the Smithtown Main building from November 16, 2016 through December 4, 2016, advertising their “Annual Christmas Tree Lighting Ceremony” scheduled for Sunday, December 4, 2016; 2) to conduct a tree lighting ceremony on Sunday, December 4, 2016 on the property of the Smithtown Main building; and 3); to erect a Menorah and a nativity scene on the property of the Smithtown Main building for the duration of the holiday season; and*

*BE IT FURTHER RESOLVED, that the request be approved provided that the Smithtown Special Library District is named as an additional insured on a certificate of insurance from the Rotary Club of Smithtown, Inc.*

- ii. *RESOLVED: That the Board of Trustees of The Smithtown Library approves the request of the Village of the Branch Soccer Club, to place a banner on the corner of the property of the Nesconset Branch building from January 15, 2017 through January 29, 2017 advertising their spring youth soccer registration.*
- iii. *RESOLVED: That the Board of Trustees of The Smithtown Library approves the request of the Village of the Branch Soccer Club, to place a banner on the corner of the property of the Smithtown Main building from January 30, 2017 through February 14, 2017 advertising their spring youth soccer registration.*

The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

- 5. The DIRECTOR'S REPORT was submitted previously to the Library Board by Library Director Robert Lusak (copy of report appended to the original of these minutes).
  - a. The Library Director reported additionally that the Friends of the Smithtown Library had approved a donation of \$25,000.00 to the Library for the purpose of purchasing signage for all library buildings.

## **UNFINISHED BUSINESS**

- 6. REVISED POLICY – FREEDOM OF INFORMATION (Policy 700-110) 2<sup>nd</sup> reading)

Acting Chairman Gerard Cairns moved to waive the reading of the revised policy. The motion was seconded by Trustee Diana Schilling-Held and adopted by a unanimous 5-0 vote.

Acting Chairman Gerard Cairns moved to accept adoption of the revised policy. The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

The Freedom of Information Law, which took effect on January 1, 1978, as amended, provides **the public** the right of access to Library records.

The public may view official Library records such as the minutes of The Smithtown Library Board of Trustees, written policies, and Library financial records. It shall be the policy of the Library to make available for public inspection all records subject to such inspection in accordance with the provisions of Article 6 of the Public Officers Law. However, no records pertaining to the circulation of Library materials which contain names or other personally identifying details of patrons will be released for inspection to an unauthorized person.

The Board of Trustees has adopted regulations governing when, where, and how an individual can view public records as follows:

- I. Designation of Records Management Officer
  - 1. The Records Management Officer shall be the Clerk. The Records Management Officer shall ensure that Library records that are not permitted to be released are not released. He/she shall receive requests for records of the Library and make such records available for inspection or copying when such requests are granted.

2. The Records Management Officer shall compile and maintain a detailed current list by subject matter of all records in the possession of the Library whether or not available to the public. In addition, he/she shall develop and oversee a program for the orderly and efficient management of Library records, including maintenance of information security as it pertains to the release of Library records.

## II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Library in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes, and emails.
2. The Records Management Officer will have the responsibility for compiling and maintaining the following records:
  - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes; and
  - b. a record setting forth the name, office address, title and salary of every employee of the Library;
  - c. a reasonably detailed current list by subject matter of all records in possession of the Library whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Library to create any record not possessed or maintained by it.

## III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Management Officer, located at the Nesconset Branch, 148 Smithtown Boulevard, Nesconset, NY, during the hours of 10:00 a.m. to 5:00 p.m. on any business day on which the Library Administration offices are open. Records may also be requested via e-mail at the following address: smithlib@smithlib.org.
2. Fees: The fee for documents up to 8-1/2" x 14" is 25 cents per page. To determine the actual cost of reproducing a record that is either in excess of 8-1/2" x 14" or is in a different format (i.e. tape or cassette record), the Library will charge an amount equal to the hourly rate attributed to the lowest paid Library employee who has the necessary skill required to prepare a copy of the requested record, as well as the cost of reproduction of said record. However, no fee shall be charged for records maintained digitally and sent via email, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited as to the discretion of the Records Management Officer.
3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing to the Records Management Officer either in person, by mail or e-mail, or by completing the Library's Freedom of Information Application.
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Management Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.

5. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the Library must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
6. Denial of Access: When a request for access to a public record is denied, the Records Management Officer shall indicate in writing the reasons for such denial, and the right to appeal.
7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Library Director within 30 days after the denial from which such appeal is taken.
8. The applicant will be informed of the Library Director's determination in writing within 10 business days of receipt of an appeal. The Library Director shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

#### IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Library and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:
  - a. interfere with law enforcement investigations or judicial proceedings;
  - b. deprive a person of a right to a fair trial or impartial adjudication;
  - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which, if disclosed, would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
  - a. statistical or factual tabulations or data;
  - b. instructions to staff which affect the public;
  - c. final Board policy determinations; or
  - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which, if disclosed, would jeopardize the Library's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

V. Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the Records Management Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Library which are not relevant or essential to the ordinary work of the Library;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Library if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Library; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

**NEW BUSINESS**

9. MEMORIAL DONATION – Barbara Scherr Trenk

Acting Chairman Gerard Cairns moved to accept adoption of the following resolution:

*RESOLVED: That the Board of Trustees of The Smithtown Library does hereby graciously accept and thank the Friends of the Smithtown Library for their “pass-through” donation received from Mr. Robert S. Scherr; and*

*WHEREAS donation was given in memory of Barbara Scherr Trenk in the total amount of one hundred dollars (\$100.00); and*

*WHEREAS said donation is to be used, as requested, to support women’s studies or projects for new writers; now*

*THEREFORE, BE IT RESOLVED, that appreciation be expressed to Mr. Robert S. Scherr for his generous donation.*

The motion was seconded by Trustee Diana Schilling-Held and adopted by a unanimous 5-0 vote.

10. RESOLUTION: 2017 Proposed SCLS Operating Budget

Trustee Joseph Vallone moved to accept adoption of the following resolution approving the SCLS Operating Budget:

RESOLVED: *That the Board of Trustees of The Smithtown Library does hereby approve the proposed SCLS Fiscal Year 2017 Operating Budget (copy of budget attached to the original of this agenda).*

The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

11. REVISED POLICY - USE OF PUBLIC ACCESS COMPUTERS (Policy 700-80) (1<sup>st</sup> reading)  
(note: revisions are in bold font; deletions have a line running through)

Acting Chairman Gerard Cairns moved to waive the reading of the revised policy. The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

Note: This was the first reading of the policy; it will be reviewed and voted on at the December board meeting.

Public access ~~personal~~ computers are made available to ~~library district residents~~ **all patrons with preference given to residents of Smithtown Special Library District cardholders** on a first-come, first-served basis. The equipment may not be **utilized** for commercial or other profit-making purpose.

### PROCEDURES

1. An **individual** ~~Smithtown Special Library District resident~~ who wishes to **utilize** a computer ~~may~~ **must first sign-in to a computer utilizing** at the appropriate service desk ~~and surrender his/her Smithtown Library card~~ **possessing an existing password. A password may be assigned to a Library card through the catalog or at a public service desk. If a person does not possess a Smithtown Library card, he/she can obtain a guest pass by displaying proof of identification at a public service desk.** ~~The library card will be returned to the user at the end of the use session.~~ **Patrons ten (10) years of age or older may use computers provided written permission is provided by a parent.**
2. ~~Normally,~~ Use of a computer is **limited to** a one-hour session. This may be extended in one-hour increments **provided** no other ~~patron~~ **individual** is ~~waiting~~ **seeking** to use the equipment computer. ~~The use period may also be shortened if demand for the equipment is very high.~~
3. **Computers are automatically turned off ten (10) minutes prior to the closing of the Library. The Library assumes no responsibility for lost work due to the automatic shutting off of equipment, or for any other scheduled or unscheduled event.** ~~Should demand warrant it and order require it, a user reservation list may be established. A patron may reserve a one-hour time slot, but this may be done no more than 24 hours prior to the actual scheduled usage. A reservation will be canceled should the user fail to arrive within ten minutes of the scheduled appointment start time, and another patron may then use that time slot.~~
4. ~~Computer use must be completed at least 15 minutes prior to the closing of the library.~~
4. Flash drives are available for purchase from the Circulation Desk. Work cannot be saved to the computer. All information will be automatically erased at the end of the work session when one logs off.
5. ~~Should a patron wish to save his work, he must provide his own disks or buy one for \$1.00 from the Library. Work cannot be saved to the hard drive.~~

5. **The first fifty-cents (\$0.50) of printing per day are complimentary for Smithtown Library cardholders who use their Library card to sign in. Additional pages and pages for those utilizing a guest pass cost ten-cents (\$.10) per page for black and white, and twenty-five cents (\$.25) per page for color. Patrons may not supply their own paper.**
- ~~6. The first five printed pages are complimentary. Additional printed pages are ten cents per page. Patrons may supply their own paper (standard 20 lb. weight; card stock, poster weight, etc., may **not** be used.)~~
6. **The library ~~does not~~ provides formal instruction in the use of computers by appointment ("Book A Librarian"), and in technology programs that are offered at the Library.**
- ~~7. If reference copies of manuals are available for the software the library owns, they are kept at the appropriate service desk and may be borrowed by the patron during his computer use time.~~
7. **Patrons are not permitted to alter or to attach equipment to a library computer, with the exception of flash drives or external hard drives. ~~nor may a patron load his own software onto a library computer.~~ Patrons may run programs not already installed.**
8. Any malfunctions of the computer and/or printer are to be reported to the appropriate department immediately.
9. **The Library assumes no responsibility or liability for any ~~software~~ programs used on Library computers, or for any loss of information.**
- ~~10. Library owned computer programs are for use on library computers only. They may not be copied or removed from the premises.~~
10. **It is illegal to copy or to duplicate commercially produced software programs. Copying such software may result in legal action by the software publisher or licensor against the person copying the software. Further, any criminal, harassing or illegal use is prohibited.**
11. **Users who damage computers or computer programs for any reason through careless treatment, or in an attempt to make an unauthorized copy or to alter a program or configuration, will be charged the replacement cost of the damaged program, and/or the repair cost of the computer. Programs may not infiltrate local or remote computers or computer systems.** In addition, a user who damages, alters, or copies software may be denied future use of the Library's computer and software. Denial of future use also applies to users who damage Library computer hardware or peripheral equipment.
12. **Use of the Library's public access computer to display or disseminate obscene or pornographic material is prohibited.**
13. **Users must respect other users' privacy.**
14. **Users of public access computers will hold harmless and indemnify the Library as to all claims, actions and judgments which accrue against the Library as related to such use.**

## PUBLIC COMMENTS

12. Kim Seliger - Principal Library Clerk, Smithtown Circulation Department – Ms. Seliger thanked the Board for recently approving certification of staff members and stressed the importance of certification.
13. At 7:34 p.m. acting Chairman Gerard Cairns moved that the Board enter executive session pursuant to Article 7, §105 (E) of the Public Officers Law to discuss matters pertaining to collective negotiations pursuant to Article 14 of the Civil Service Law. The motion was seconded by Trustee Joseph Vallone and adopted by a unanimous 5-0 vote.

The following trustees were present and participating in executive session: Gerard J. Cairns, Suzanne Mohr, Diana Schilling-Held, Joseph Vallone and Rudy Zientarski.

Also present were Library Director Robert Lusak, Assistant Library Director Sue McManus, Clerk Laura Poppe and Secretary Linda Taurassi.

14. Upon a motion by acting Chairman Gerard Cairns, seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote, the meeting reconvened in open public session at 7:47 p.m.
15. It was noted that the next regular meeting would be held at the Kings Park Branch on December 20, 2016 at 7:00 p.m.
16. There being no further business, Trustee Joseph Vallone moved to adjourn the meeting at 7:48 p.m. The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

Minutes approved this 20<sup>th</sup> day of December, 2016



John C. Martins, President  
Smithtown Library Board of Trustees



Linda Taurassi  
Secretary to the Board of Trustees