

**MINUTES
BOARD OF TRUSTEES
THE SMITHTOWN LIBRARY
October 25, 2016**

A regular meeting of the Board of Trustees of The Smithtown Library was held at the Nesconset Branch, Nesconset, New York on the 25th day of October, 2016 at 7:00 p.m.

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

Also present were Library Director Robert Lusak, SCLS Director Kevin Verbese, Treasurer Joanne T. Grove, Clerk Laura Poppe and Secretary Linda Taurassi.

John C. Martins, President of the Board of Trustees, acted as Chairman of the meeting.

READING AND APPROVAL OF MINUTES

1. Library Board President John Martins moved to accept adoption of the following resolution:

RESOLVED: That the REGULAR MEETING MINUTES of September 27, 2016 be approved as presented.

The motion was seconded by Trustee Gerard Cairns and adopted by a unanimous 5-0 vote.

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

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

- a. *RESOLVED: That the TREASURER'S REPORT for the month ended September 30, 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 5-0 vote.

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

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

<i>i. Warrant #16-October ("L" fund) PREPAYS</i>	<i>\$ 38,843.06</i>
<i>ii. Warrant #16-October ("L" fund) WARRANT</i>	<i>\$ 250,425.55</i>
<i>iii. Warrant #16-October ("M" fund) WARRANT</i>	<i>\$ 56,259.54</i>
<i>iv. Warrant #16-October (PAYROLL #20 – 9/23/16)</i>	<i>\$ 243,428.63</i>
<i>v. Warrant #16-October (PAYROLL #21 – 10/7/16)</i>	<i>\$ 243,025.84</i>
<i>vi. Warrant #16-October (PAYROLL #22 – 10/21/16)</i>	<i>\$ 236,883.77</i>

The motion was seconded by Trustee Joseph Vallone and adopted by a unanimous 5-0 vote.

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

- c. *RESOLVED: That the Treasurer be authorized to execute the following budget transfer in the amount of \$3,176.00: to decrease budget line L.4120 (Recordings) and increase budget line L.4100 (Books). Note: This transfer reflects patron demand at all buildings.*

The motion was seconded by Trustee Gerard Cairns and adopted by a unanimous 5-0 vote.

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

- d. Certificate of Election Results:

RESOLVED: That the Board of Trustees of The Smithtown Library does hereby accept the Library’s Budget Vote and Trustee Election results as presented (appended).

The motion was seconded by Trustee Joseph Vallone and adopted by a unanimous 5-0 vote.

- 3. In the absence of Committee Liaison Diana Schilling-Held the PERSONNEL COMMITTEE report was presented by Trustee Gerard Cairns, who moved to accept adoption of resolution “a”:

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

- i. *Appointment of **Anne Sancilio** from a part-time Library Clerk position into a permanent full-time appointment in the position of Library Clerk, Technical Services Department, Nesconset Branch, at an annual rate of pay of \$35,558.00, subject to a 26-week probationary period, effective November 8, 2016 (to fill the vacancy created by the resignation of Joseph Robert on August 19, 2016).*
- ii. *Resignation of **Andres Posada**, Library Clerk, Audio Visual Desk, Smithtown Main building, effective October 29, 2016.*
- iii. *Medical leave of absence without pay for **Elizabeth Fudens**, Librarian I, Reference Department, Nesconset Branch, effective November 11, 2016 through February 3, 2017 pursuant to the Family Medical Leave Act (FMLA).*

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

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

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

- i. *That Librarian III **Julie DeLaney**, Community Relations Department, Nesconset Branch, be authorized to attend, on paid release time, the “SCLA Annual Membership Meeting & Dinner”, sponsored by Suffolk County Library Association, to be held at The Meadow Club, Port Jefferson Station, NY, on November 10, 2016, with reimbursement for actual and necessary expenses not to exceed \$54.00.*

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

4. At this time, Library Board President John Martins requested that the meeting be taken out of order and introduced Suffolk Cooperative Library System Director Kevin Verbese who congratulated the Library on its successful budget passage and explained some of the highlights of the SCLS 2017 draft budget.
5. The BUILDINGS AND GROUNDS COMMITTEE report was presented by Committee Liaison Gerard Cairns, who moved to accept adoption of resolution “a”:

- a. RESOLUTION: Sonnenberg Nursery – Snow Plowing & Salt Sanding Operations

RESOLVED: That the Board of Trustees of The Smithtown Library does hereby authorize the Library to enter into a contract with Sonnenberg Nursery, Inc. for the purpose of providing snow plowing and salt sanding operations for driving surfaces in the parking lots of the Smithtown, Commack, Kings Park & Nesconset library buildings; said contract to be in effect for the period October 26, 2016 through April 30, 2017.

Library Board President John Martins stated that he would abstain from the vote as his father worked as a sub-contractor for Sonnenberg Nursery, Inc.

The motion was seconded by Trustee Suzanne Mohr and adopted 4-1 by the following vote: AYES—Cairns, Mohr, Vallone; Zientarski; ABSTAINED—Martins.

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

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

- i. *RESOLVED: That the Board of Trustees of The Smithtown Library approves the request of the St. James/Smithtown Little League, to place a banner on the corner of the property of the Smithtown Main building from December 5, 2016 through January 3, 2017 advertising their annual Little League open baseball registration.*

- ii. *RESOLVED: That the Board of Trustees of The Smithtown Library grants permission for all Library buildings to be used as a drop-off location for the U.S. Marine Corps Reserve “Toys for Tots Program” for the purpose of collecting new unwrapped toys for distribution as Christmas gifts to needy children in the community and throughout the United States for the period November 1, 2016 through December 16, 2016.*

The motion was seconded by Trustee Joseph Vallone and adopted by a unanimous 5-0 vote.

6. The COMMUNICATIONS COMMITTEE report was presented by Committee Liaison Rudy Zientarski who spoke about the Library video he had been featured in with information pertaining to the Library’s budget vote and proposed tax increase. Trustee Zientarski noted that he had received excellent assistance from Library staff in the making of the video.

7. 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).

The Library Director asked Trustee Gerard Cairns and Trustee elect Anita Dowd-Neufeld to expound on the recent reception held at the Commack Branch of talented artists who are developmentally disabled.

UNFINISHED BUSINESS

8. REVISED POLICY – CIRCULATION OF MATERIALS (Policy 800-10) (2nd reading)
(Note: supplemental additions are underlined in bold)

Library Board President John Martins moved to waive the reading of the revised policy. The motion was seconded by Trustee Gerard Cairns and adopted by a unanimous 5-0 vote.

Library Board President John Martins moved to approve the following revised policy:

Section A. 7. (only)

The Smithtown Library provides Homebound Mail Service to those eligible for Smithtown Special Library District cards who are eligible for National Library Service for the Blind and Physically Handicapped services and/or who meet the criteria of having a permanent or temporary disability that prevents them from leaving their home and do not have a representative who can go to the Library for them. Disabilities may require professional verification. Residents of nursing homes within The Smithtown Special Library

District that apply for our ~~Books by Mail~~ **Homebound Mail Service** can use the nursing home in which they reside as their address. A special application must be filled out to get these services. A library card will be issued to the individual whose name is on the ~~Books by Mail~~ **Homebound Mail Service** application. That individual will be responsible for all material checked out on that library card.

The motion was seconded by Trustee Rudy Zientarski and adopted by a unanimous 5-0 vote.

NEW BUSINESS

9. REVISED POLICY – FREEDOM OF INFORMATION (Policy 700-110) (1st reading)

Library Board President John Martins 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.

Library Board President John Martins noted that this was the first reading of the policy and it will be reviewed and voted on at the November board meeting.

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.

10. DONATION – Kincaid Piano (Nesconset Branch) – Sue Campbell

Library Board President John Martins moved to accept adoption of the following resolution:

RESOLVED: That the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Sue Campbell, of Buffalo, NY, for her generous donation of a Kincaid upright walnut piano with matching piano bench, that had been owned by her mother Nancy A. Sheehan, of Nesconset, NY, and be it

FURTHER RESOLVED, that the aforementioned piano is to be used for library programs at the Nesconset Branch.

The motion was seconded by Trustee Rudy Zientarski and adopted by a unanimous 5-0 vote.

11. DONATION – Rosalie Scariza

Library Board President John Martins moved to accept adoption of the following resolution:

RESOLVED: That the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Rosalie Scariza and her family for their thoughtful donation of TWO HUNDRED FIFTY (\$250.00) dollars in memory of her late husband, Joseph G. Scariza, to be used as necessary for Library materials.

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

12. At 7:45 p.m. Library Board President John Martins moved that the Board enter executive session 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, John C. Martins, Suzanne Mohr, Joseph Vallone and Rudy Zientarski.

Also present were Library Director Robert Lusak, Assistant Library Director Patricia Thomson, Treasurer Joanne T. Grove and Secretary Linda Taurassi.

13. Upon a motion by Trustee Joseph Vallone, seconded by Trustee Gerard Cairns and adopted by a unanimous 5-0 vote, the meeting reconvened in open public session at 9:02 p.m.

14. RESOLUTION – Stipulation of Settlement

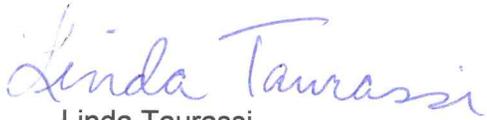
Library Board President John Martins moved to accept adoption of the following resolution:

RESOLVED: That Library Board President John Martins is authorized to execute the Stipulation of Settlement, signed October 25, 2016, between The Smithtown Library and Serena Brooks.

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

15. Library Board President John Martins noted that the next regular meeting would be held at the Commack Branch on November 15, 2016 at 7:00 p.m.
16. There being no further business, Library Board President John Martins moved to adjourn the meeting at 9:04 p.m. The motion was seconded by Trustee Suzanne Mohr and adopted by a unanimous 5-0 vote.

Minutes approved this 15th day of November, 2016



Linda Taurassi
Secretary to the Board of Trustees



Gerard J. Cairns, Trustee
Smithtown Library Board of Trustees