

**MINUTES
BOARD OF TRUSTEES
“SPECIAL” MEETING
THE SMITHTOWN LIBRARY
September 4, 2019**

A “SPECIAL” meeting of the Board of Trustees of The Smithtown Library was held at the Nesconset building, Nesconset, New York on the 4th day of September, 2019 at 10:10 a.m. immediately following the Budget Hearing Meeting.

The following trustees were present and participating at the meeting: Brianna Baker-Stines, Gerard J. Cairns, Anita Dowd-Neufeld, Theresa Stabile, and Joseph Vallone. Trustees Annette Galarza and William Zimmerman were absent with prior notice.

Also in attendance were Library Director Robert Lusak, Treasurer Joanne T. Grove, and Clerk Lauren Gunderson. Secretary Linda Taurassi was absent with prior notice.

Anita Dowd-Neufeld, President of the Board of Trustees, acted as Chairman of the meeting.

UNFINISHED BUSINESS

REVISED POLICY – **Maintenance of Public Order on Library Property – Policy 700-10** (2nd reading) [Note: revisions are noted in underlined bold font; deletions are noted with a strike-through, additional revisions are noted in red.]

Trustee Brianna Baker-Stines moved to waive the reading of the Maintenance of Public Order on Library Property (#700-10). The motion was seconded by Board Vice President Joseph Vallone and adopted by a unanimous 5-0 vote.

STATUTORY AUTHORITY

The Board of Trustees of The Smithtown Library is ~~required to~~ **hereby** adopts rules and regulations for the maintenance of order on Library property and to ~~assign~~ promulgate penalties for violations **under the authority of NY Education Law §** ~~(Section 260 et. seq., Education Law).~~

RULES AND REGULATIONS

The Board of Trustees of The Smithtown Library has adopted the following rules and regulations:

1. **Behavior and Conduct:** No person, either singly or in concert with others, shall:
 - a. Fail to comply with the lawful directives of Library ~~officials or their representatives~~ supervisors or staff.
 - b. **Sleep for prolonged periods of time.**
 - c. Make unreasonable noise, use abusive or obscene language, make ~~an~~ obscene gestures, or ~~become involved in~~ **undertake** an act of violence or breach of the peace on Library property.
 - d. Possess or use an alcoholic substance, an illicit narcotic substance, or a dangerous weapon or substance **instrumentality** on Library property.

- e. Willfully misuse, mar, deface, damage or destroy Library property or equipment.
- f. Disrupt, interfere with, or attempt to prevent the orderly conduct of lectures, **patrons**, meetings, ~~and other~~ **or** public events ~~authorized by~~ **conducted at** the Library.
- ~~g.~~ Make excessive noise or **undertake acts that are distracting or disruptive to an environment conducive to reading and study.** ~~Noise will be maintained at levels that ensure a quiet environment for reading and study.~~
 - i. Normal conversational noise levels are permitted for reference and circulation services only. Headphones and laptop computers may be used in the Library; however, noise from headphones and laptop computers must not be audible to others.
 - ii. No talking or whispering is allowed in areas of the Library designated as “silent” study spaces.
 - iii. Cellular telephones may not be used anywhere in the Library except in cases of police or fire emergency.
 - iv. **No running, dancing or physical exercise is permitted within the Library unless undertaken in conjunction with a Library sponsored program.**
 - v. **Snoring is not permitted.**

2. **Proper Dress, Foods and Beverages; Animals:** The Board of Trustees of The Smithtown Library prohibits the following:

- a. ~~Bare Feet.~~ **Dress/Hygiene.** Entry into the Library shall, at all times, require regularly-accepted foot **and bodily** coverings; **hygiene that is not disturbing to patrons or staff is to be observed.**
- b. **Foods and Beverages.** The eating of foods and/or drinking of beverages is not permitted in the public service areas.
- c. **Animals.** Except for ~~trained guide dogs~~ **service animals**, no animals shall be brought into the Library.
- d. **Smoking.** ~~In compliance with New York State Public Health Law Article 13-E §1399-0.~~ No smoking of any kind **nature** is allowed **permitted** in **Library buildings** ~~public libraries~~ **or on Library grounds.** This includes but is not limited to, e-cigarettes, i.e., vaping.

3. **Loitering; Trespassing:** The Board of Trustees of The Smithtown Library prohibits:

- a. **Loitering.** Section 240.35 Penal Law provides in relevant part that any person who loiters ~~on~~ **in** or about ~~the a~~ **a** building in violation of rules and regulations is guilty of disorderly conduct. **It is expected that all patrons will engage in activity that are related to Library functions.**
- b. **Trespassing.** Section 140.05 Penal Law provides in relevant part that any person who unlawfully enters into or remains unlawfully in or upon the premises is guilty of trespass.

4. **Punitive Action:** Violation of any of the Rules and Regulations, as adopted by the Trustees of The Smithtown Library, may result in the following:

- a. **Immediate** ejection from the Library's property.
- b. Prohibition of entry upon Library property **for a stated term.**
- c. Civil and/or criminal prosecution.
- d. Impositions of those penalties ~~within the jurisdiction of~~ **deemed appropriate by** the Library Board of Trustees.

5. **Distribution of non-library materials, gathering of signatures for petitions, etc.:**

The following activities are permitted only when authorized by the Library's Board of Trustees or Library Director:

- Distribution of non-Library related leaflets/fliers/materials.
- Solicitation of opinions through interviews or surveys on Library property.
- Solicitation **of** or the gathering of signatures for petitions on Library property.
- Solicitation of donations.
- Selling products or services

Trustee Gerard Cairns moved to accept adoption of the Maintenance of Public Order on Library Property (#700-10). The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 5-0 vote.

NEW BUSINESS

2. NEW POLICY – Workplace Violence Prevention Policy & Program – Policy 500-80 (1st reading)

Trustee Brianna Baker-Stines moved to waive the reading of the Workplace Violence Prevention Policy & Program (#500-80). The motion was seconded by Trustee Gerard Cairns and adopted by a unanimous 5-0 vote.

The policy will be reviewed and voted on at the September regular board meeting.

1. Statement of Policy

Section "27-b" of the New York Labor Law, enacted on June 7, 2006, requires public employers to perform workplace and risk evaluations at each worksite, and thereafter develop and implement programs seeking to prevent or minimize the prospect of workplace violence caused by assaults and homicides. The statute is designed to ensure that the exposure of workplace assaults and homicides is regularly evaluated by employers and that workplace violence protection programs are implemented to prevent or minimize hazard to public employees.

The Library's implementation of the provisions of the Workplace Violence Prevention Law will be in accordance with Rules and Regulations enacted by the New York State Labor Department.

2. Definition

The Library adopts as the definition of "Workplace Violence" the National Institute for Occupational Safety and Health's (NIOSH), version:

“violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty. Workplace violence is any physical assault, threatening behavior or verbal abuse occurring in the work setting.”

3. Workplace Violence Risk Evaluation

The Library shall conduct a risk evaluation to determine the potential dangers that employees may face from workplace violence risks and assure the development of a workplace violence prevention program. While workplace violence may occur in any workplace setting, certain employment activities may pose higher risks, including:

- Duties that involve the exchange of money and the imposition of fines, penalties and suspensions
- Working alone or in small numbers

- Working late evening hours, walking to cars after closing
- Security and maintenance of public order duties/ potentially disruptive patrons
- Unauthorized loitering outside building/ or in lobby areas
- Unauthorized persons attempting to gain access into non-public areas of library
- Sexual harassment of staff
- Working in community-based settings

4. Library Compliance with Statutory Requirements

The Library shall (1) perform a risk evaluation of the workplace to determine the presence of factors or circumstances that might unduly place employees at risk from occupational assaults and homicides, (2) prepare a workplace violence prevention program, and (3) inform and train employees on the requirements of the law and identify and monitor workplace risk factors. The Library will develop and implement a written workplace violence prevention program and provide employee training on workplace violence prevention measures and other safeguards as contained within the Library's written program.

The Library Administration shall also provide all employees a copy of the written program. Employee workplace violence training will be provided at the time of job assignment and annually thereafter. The written workplace violence prevention program will be pro-active, capable of assessing potential threats before they occur, and capable of immediately responding to actual incidents of workplace violence.

5. Workplace Violence Prevention "Risk Evaluation"

The Library Administration will perform a risk evaluation inspection of the workplace focusing on the identification and assessment of potential hazards and conditions that might place employees at risk of occupational assaults or homicides. Risk evaluation techniques will include the following:

- An examination of the history of past incidents to identify patterns or trends which occurred in the workplace
- A review of Library records of occupational injury and illness logs and incident reports to identify if injuries have resulted from workplace violence incidents
- Inquiries of employees to obtain details associated with the occurrence of workplace violence incidents
- Conducting physical workplace security building surveys
- Adopting a policy of two persons walking to their cars after hours
- Surveillance camera systems monitoring interior and exterior of Library facilities
- Building security system including silent alarms (Panic Button) at a minimum of three (3) service desks and the Rave Panic Button app available to staff to be installed on their personal devices
- Adequate exterior lighting covering parking lots, walkways and building exits
- Non-public areas of the Library requiring key pad entry and codes changed periodically
- Enforcement of existing Library workplace rules
- Board adopted disruptive patrons, unattended children, code of conduct and sexual harassment policies being enforced
- Employee training (initial and annual thereafter) to increase employee awareness and reporting requirements of workplace violence.
- Conducting annual security analyses including the inspection of Library Buildings and sites, with evaluators being the Library Administrators, consultants or law enforcement authorities
- Periodic staff training (including safety issues) throughout the year
- Posting of workplace violence policy statement in staff areas

6. Employee Awareness

The Library employees' best protection from workplace violence is knowledge and understanding of the warning signs of potentially violent individuals or situations. The Library will emphasize training and education programs, as well as reinforcing the Library's "zero tolerance" workplace violence policy in an effort to reduce the possibility of workplace violence. Moreover, the Library will emphasize the necessary immediate reporting of any workplace violence incident to Library Administrators and the local law enforcement authorities to ensure prompt action.

7. Workplace Violence Prevention Training Program

Workplace violence prevention training for employees will be specific to the Library facility and staff duties performed, and shall address essential topics, including:

- Description of Workplace Violence
- Dissemination of information regarding early detection of potential violent conduct
- Expeditious communication of threats or suspicious behavior to Library security staff, supervisors, Building Heads, and Library Administration
- Expeditious communication of acts of violence to Library security staff, supervisors, Building Heads, and Library Administration and local law enforcement authorities
- Protocols for reporting threatened or actual workplace violence
 - a. A person becoming aware of threats of workplace violence or suspicious behavior will immediately report this information to a Library supervisor, security staff and the Library's Administration
 - b. The Library's security staff, supervisors, Building Heads, or Library Administration will approach the person exhibiting threatening or potentially threatening behavior and engage in appropriate inquiry of such person
 - c. If determined reasonably necessary, the Library's security staff, supervisors, Building Heads, or Library Administration will confirm the identity of such person and his/her intentions; and if warranted by reason of the severity of the risk, determine whether such person should be escorted from the Library building or to summon law enforcement authorities
- Strategies for avoiding incidents of Workplace Violence
- Workplace Violence Reporting Procedures
- Mandatory Reporting of all incidents
- Circumstances warranting Library investigation of individuals
- Employees' communications with Library Administrators relating to Workplace Violence

8. Record Keeping and Reporting Requirements

The Library Administration shall comply with all statutory requirements for recording and reporting incidents of workplace violence.

The Library shall record an employee's workplace violence injury if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid and loss of consciousness. Additionally, the Library will utilize accident and illness recordkeeping information to ensure the effectiveness of the Library's written workplace violence prevention plan.

The workplace violence written program shall be reviewed at least annually and the program may be modified to incorporate any needs identified by actual issues of workplace violence which occur during the year. All reports of workplace violence incidents which occur during the previous year shall be discussed at the annual program review.

The workplace violence training program and record keeping and recording requirements shall be observed on a continual basis.

9. Administrative Regulations

The Library Director shall be authorized to enact and implement Administrative Regulations and Procedures to fulfill the requirements of this Policy and the law.

3. Library Board President Anita Dowd-Neufeld noted that the next "regular" meeting of the Board of Trustees would be held Tuesday, September 17, 2019 at 6:30 p.m. at the Smithtown building.
4. There being no further business, Trustee Theresa Stabile moved to adjourn the meeting at 10:23 a.m. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 5-0 vote.

Minutes approved this 17th day of September, 2019.



Anita Dowd-Neufeld, President
Smithtown Library Board of Trustees



Lauren Gunderson
Secretary Pro-Tempore