

August 20, 2009

The 696th Meeting of the Board of Trustees of the Elmont Public Library, Elmont Union Free School District, Town of Hempstead, Nassau County, New York, was held at the Elmont Public Library on August 20, 2009.

CALL TO ORDER/EXECUTIVE SESSION

The meeting was called to order by Ms. Tania Lawes, President, at 7:00 p.m.

MEMBERS PRESENT: Ms. Tania Lawes, President
Ms. Joanne Mazzeo, Vice President
Ms. Maria Gregori
Ms. Monique Hardial
Ms. Kathleen Harsch
Mr. Patrick Nicolosi

ABSENT: Ms. Pauline Johnson (prior notice given)

ALSO PRESENT: Ms. Maggie Gough, Director
Robert O'Brien, Esq., Library Board Attorney
Mr. Frank Marino, Advanced Consulting Corp.
Catherine Antioco, Library Board Clerk

PUBLIC: See attached sign in sheet.

Ms. Mazzeo moved to go into executive session at 7:00 p.m. to discuss personnel. Seconded by Ms. Gregori.

Unanimously carried.

The Board reconvened in Public Session at 8:20 p.m.

SALUTE TO THE FLAG

Agenda Items

No discussion.

Meeting Room/Theatre Requests

Girl Scouts of Nassau County Troop 1092 requested meeting room use from September 2009 through June 2010 every other Thursday commencing September 12, 2009. Ms. Joan Dixon represented the group. The group meets the criteria for meeting room use.

Ms. Gregori moved to approve the meeting room request of Girl Scouts of Nassau County Troop 1092, subject to availability. Seconded by Mr. Nicolosi.

Unanimously carried.

Brownie Troop 1078 requested meeting room use from 12:00 to 2:00 p.m. commencing October 3, 2009 through June 5, 2009. The group meets the criteria for meeting room use.

Ms. Gregori moved to approve the meeting room request of Brownie Troop 1078, subject to availability. Seconded by Ms. Harsch.

Unanimously carried.

Girl Scouts of Nassau County Troop 1465 requested meeting room use. This request was tabled to later in the meeting.

Divine Celebrations Inc. requested meeting room use. As no representative was present, the request was not entertained. Mr. O'Brien will contact the individual who filed the application to learn more about the group so he may advise the trustees.

The Alden Terrace PTA Sixth Grade Committee filed a one-time meeting room request for September 2, 2009 from 7:00 to 9:00 for the purpose of hosting a meeting to discuss fund raising for sixth grade activities. Ms. Susan Nichols represented the group.

Ms. Gregori moved to approve the meeting room request of the Alden Terrace PTA Sixth Grade Committee for September 2, 2009, subject to availability. Seconded by Mr. Nicolosi.

Unanimously carried.

The Argo Civic Association requested meeting room use from September 2009 through June 2010. This is a renewal request and there has been no change in their bylaws.

Mr. Nicolosi moved to approve the meeting room request of the Argo Civic Association. Seconded by Ms. Harsch.

Unanimously carried.

TOPS requested meeting room use from September 2009 through June 2010. This is a renewal request, and there has been no change in their bylaws.

Mr. Nicolosi moved to approve the meeting room request of TOPS. Seconded by Ms. Mazzeo.

Unanimously carried.

The Jamaica Square Improvement League requested meeting room space every third Monday. This is a renewal request, and there has been no change in their bylaws.

Ms. Gregori moved to approve the meeting room request of the Jamaica Square Improvement League. Seconded by Ms. Mazzeo.

Unanimously carried.

The Race Track Chaplaincy of America requested meeting room space on a monthly basis. The group was represented by Omar Aracena. The purpose of the use for the meeting room is to provide a space for speakers to supplement a free tutoring program that is to begin with 7th graders in the fall. There is no religious component to this totally educational program. He expects about 20 participants at one time, who will have adequate adult supervision. Their preference is Thursdays from 6:00 to 9:00 p.m., but flexibility would not be an issue.

Ms. Mazzeo moved to approve the use of a meeting room for a September date, subject to availability. Seconded by Ms. Hardial.

Unanimously carried.

At this time, Ms. Jennie Witherspoon arrived to represent Divine Celebrations, Inc. It is a not-for-profit organization that provides consultations for couples who could not otherwise afford a wedding celebration. It provides a venue, gowns and all accessories to host a wedding free of charge to the clients. The meeting room will be used for board of directors meetings. All of the board members will be Elmont residents. The organization receives its clients through advertising, but clients must have letters of recommendation before being considered. The organization has been in existence since January of 2000. After discussion, the Board agreed to table a decision until the September meeting.

APPROVAL OF THE MINUTES

Minutes of the Meeting of July 23, 2009

Page 2, Meeting Room Requests, 1st paragraph, change “Mr. O’Brian” to “Mr. O’Brien.”

Page 4, 3rd motion, change “Mr. Mazzeo approved” to “Ms. Mazzeo moved to approve.”

Page 9, Committee Reports, 3rd paragraph, add “Ms. Hardial, Ms. Johnson and Ms. Lawes will serve on the committee.”

Page 10, last paragraph, change “The Trustees congratulated Ms. Barbara Olson for her 30 years of service...” to “The Trustees congratulated Ms. Barbara Alston for her 35 years of service....”

Page 11, 1st paragraph, change “A trustee inquired as to the new sound system in the theatre” to “A trustee inquired as to the news sound dome for the YA section.”

Ms. Gregori moved to approve the Minutes of the Meeting of July 23, 2009, as corrected. Seconded by Ms. Mazzeo.

Unanimously carried.

FINANCE

Administrative Fund Disbursements dated August 14, 2009

Checks numbered 3172, 3173 and 3174, Code 489 payable to A Time for Kids, each in the amount of \$340.00. The Director will look into the specifics.

Check numbered 3180, Code 489, payable to Nancy Gerace for “Stuff-able Animals.” Eighty-seven five through eight-year-olds participated and assembled stuffed bears. The cost of the materials were included in the fee for the program.

Check number 3194, Code 489 to Leonora Knight “Toddlers in Motion” in the amount of \$165.00. The Director will look into whether this program would fall under the category for money in an existing grant.

Check number 3200, Code 489, payable to Play Hooray for “PlayHooray Baby and Me” in the amount of \$105.00. The Director will look into whether this program would fall under the category for money in an existing grant.

Brief discussion followed regarding money expended for persons who lose books.

Credit Card Expense Report

Ms. Mazzeo moved to approve the Credit Card Expense Report for the billing cycle 7/10/09 through 7/24/09 in the amount of \$1,603.98. Seconded by Ms. Gregori.

Unanimously carried.

Treasury Warrants

Ms. Mazzeo moved to approve Treasury Warrant #1961 dated July 29, 2009 (Payroll Warrant) in the amount of \$59,937.20. Seconded by Ms. Gregori.

Unanimously carried.

Ms. Mazzeo moved to approve Treasury Warrant #1963 dated August 12, 2009 (Payroll Warrant) in the amount of \$81,478.22. Seconded by Ms. Gregori.

Unanimously carried.

Ms. Mazzeo moved to approve Treasury Warrant #1964 dated August 20, 2009 (August Bill Warrant) in the amount of \$59,871.87. Seconded by Ms. Gregori.

Unanimously carried.

Ms. Mazzeo moved to approve Treasury Warrant 1966 dated September 1, 2009 (Independent Contractors Warrant) in the amount of \$11,774.36. Seconded by Ms. Gregori.

Unanimously carried.

Monthly Position Paper for the period July 16, 2009 through August 14, 2009

No Discussion.

MAIN LIBRARY AND BRANCHES

Director's Report

Ms. Gough reported.

Two new staff members, Victoria Bruno and Veronica Henriquez, have been cross-trained for Childrens and Young Adults departments.

Staff meetings are a huge success. There have been excellent presentations by staff members.

The anniversary celebration is progressing and is sure to be a success, with guest authors, musical entertainment, crafts and additional activities throughout the day.

The new web page has been well received and presently contains upcoming events through to December.

Since the Sewanhaka High School District is not offering ESL classes this year, the Library will be offering additional classes. This is a federally funded program, but every effort will be made to give Elmont residents priority in enrollment.

On August 19th, Ms. Gough attended a “No Wrong Door” program presented by Tom Suozzi. Basically, the county does not have any more funds. One-third of the budget is being spent on human services. He is looking for agencies within Elmont to form an integrated approach to human services in an effort to save money. Mr. Suozzi requested use of the Elmont Library to hold meetings for Elmont agencies only. Ms. Gough gave his office a request for meeting room use form to fill out and recommended approving use of a meeting room for 1 ½ hours. The Board was in agreement.

Advanced Consulting Corporation Report

Mr. Marino reported.

Discussion followed regarding extra concrete work which needs to be done. The Board gave direction to the business manager go out to bid for extra concrete work which includes a new drop curb at the rear emergency gate, a small retaining wall on the back side of the flower planter at the driveway entrance, a sidewalk near the stores, a small piece of sidewalk at the driveway exit and a piece of sidewalk between the shed and the building.

Town Attorney Joseph Ra has responded in the affirmative to the Library’s request to change the voting date for the unserved library districts. Plans are being formulated to bring out the voters.

Mr. Marino has received prices for tote bags for the open house After discussion,

Mr. Nicolosi moved to purchase 2,500 tote bags at a cost of \$4,020.00, \$2,500.00 of which will come from grant money received from ALA, the remaining \$1,520.00 to come from surplus. Seconded by Ms. Gregori.

Unanimously carried.

Discussion followed regarding the two projects under consideration: the early childhood learning house in Childrens; and the gaming center room in the YA area. As these jobs will cost in excess of \$10,000.00, if the trustees decide to go ahead with these projects, an outside architect will have to be hired and the job would have to be filed with and approved by the State Education Facilities Planning Department. In addition, as this building is owned by the EUFSD, all the paperwork will have to pass through them for signatures. It will take approximately seven months for all the paperwork and accompanying signatures to be completed. It will be up to the trustees to hire an architect. Mr. Marino also advised that, although it is not a part of his contract, he would be willing to provide the services of a construction manager at no extra fee.

Mr. Marino recommended holding off another month on the project for the early childhood learning house because he is involved in a similar project elsewhere, and he would like to gain the additional experience that its completion there will provide.

COMMITTEE REPORTS

There were no committee reports for the Board's consideration.

NASSAU LIBRARY SYSTEM

No discussion.

LEGAL

Mr. O'Brien reported.

Mr. O'Brien received a response from the CSEA regarding union negotiations. Their proposals should be received shortly.

Mr. O'Brien responded to a portion of a letter received from Mr. Thomas Madera dealing with legal issues pertaining to Advanced Consulting. Mr. O'Brien explained that the IRS utilized a 20-point test in determining whether a person or entity was an employee or independent contractor, and that Domenick Tarantino, CPA, the Library's accountant, completed a questionnaire in which he concluded that Advanced Consulting was an independent contractor. Under Civil Service rules, the Board can hire independent contractors. At the time the current business managing firm, attorney, accountant, treasurer and clerk were hired, they were collectively given the title "Board Employees." The Board is now referring to them as "Board Independent Contractors" or "Board Appointees" because of a current statewide controversy with New York State over pension rights, and to better explain their relationship to the Library.

Under applicable law, trustees are charged with acting in the best interests of the Library and with annually reviewing the Library's procurement policy. The Trustees can hire Board appointees without a bidding process, but, under recent amendments to the general Municipal Law, it would appear it would be improper to do so over an extended period of years without there being extraordinary circumstances. Mr. O'Brien recommended that the Policy Committee make sure it reviews the Library's procurement policy before the end of the year and develop an RFP (request for proposal) with Mr. Marino's assistance for the Business Manager's position for

the next fiscal year. He also recommended that the Policy Committee require an RFP for the position no less frequently than once every five (5) years. Mr. O'Brien also stated that, under the law, the Board is required to hire as Business Manager the person or firm that they think is best for the Library not necessarily the lowest responsible bidder for the position.

CORRESPONDENCE

Mr. Nicolosi took issue with Mr. Madera's comments with regard to continuing education of Board Members and Mr. Madera's comparison of the Elmont Library Trustees with those of the Roslyn School District. He said the Library's budget is such that it would be easy for anyone to determine if funds were being misused. As to continuing education, it is not necessary for the Board to spend thousands of dollars on conferences to become educated to best serve the community.

Regarding Mr. Tom Madera's letter expressing his concern as to the spirit of the law versus the letter of the law as it relates to meeting notices, he was informed that the Library complies with the law by posting notices 72 hours before meetings and placing a flier in one or more visible places. Mr. Madera stated that over the last year or more, he noted that fliers were only posted by the reference desk, and if patrons didn't go to the rear of the library, they would not see the notices of upcoming meetings. He noted that notice of tonight's meeting was in the front of the Library. Mr. Marino also called Mr. Madera's attention to the flat screen monitor in the front of the library that posts upcoming events. In addition, fliers are posted at the branches.

OLD BUSINESS

There was no unfinished business for the Board's attention.

NEW BUSINESS

Nassau County Legislature is hosting a breakfast. Anyone interested in attending, please notify Ms. Gough.

Regarding the RFP Committee, Ms. Mazzeo will chair. Mr. Nicolosi and Ms. Hardial will serve on the Committee.

PERSONNEL

No items for discussion.

OTHER

Ms. Gough was asked to contact the Elmont Herald and ask them to correct our address and include the new web page in their listing of the Library.

PUBLIC

Mr. Thomas Madera thanked Mr. O'Brien for his fair-minded response to his letter.

He stated that the accountant, Mr. Tarantino, is not an expert in education law, and in his opinion, was not the best person to complete the 20-point test.

He asked the record to reflect that he does not have anything against Mr. Marino or Advanced Consulting and, in fact, considers the firm and Mr. Marino an asset to the Library.

With regard to his comments that compared the trustees of Elmont Library to those of the Roslyn School District, it had nothing to do with financial issues, but the fact that Roslyn abdicated its responsibility for years and took only the opinion of their attorney and did not conduct themselves in a proper manner. When the attorney was found to have been giving them bad information, each board member had to hire their own legal counsel. He used this example only to advise the Board to get educated and not rely on the business manager, attorney and accountant in making decisions. He wanted the trustees to attend conferences so that they could have a basis to refute or question their advisors on behalf of the community. Money spent on conferences is money well spent.

With regard to Mr. Madera's accusations that Mr. Marino is overstepping his responsibilities, he stated that Mr. Marino's purpose is to take care of the facility and advise the director on financial matters as they relate to the budget. He has heard Mr. Marino comment on issues that do not fall into that category.

Mr. Madera stated that his purpose is to get the Board to take more responsibility, so that Mr. Marino is not doing or commenting on things that are not within his jurisdiction.

Ms. Lawes stated that the Board welcomes the input of Mr. Marino, Mr. O'Brien and Mr. Tarantino. Ms. Gregori stated that, since the Trustees are not present at the Library as much as Mr. Marino, they rely on his experience of being there on a daily basis along with the guidance of the Director. The Board Members are not abdicationing their decision making responsibility to anyone, including the business manager or attorney, but use the input from Mr. Marino, Mr. O'Brien and Ms. Gough to make intelligent, responsible decisions.

Mr. O'Brien welcomed the Board members seeking other counsel if they are not convinced that his input is correct or that they need further clarification of anything he brings to the table.

ADJOURNMENT

The next meeting of the Board of Trustees will be held on September 24, 2009 at 7:00 p.m. The Board will immediately go into executive session and reconvene into public session at 8:00 p.m. It is possible that the Board may convene at 6:00 p.m.

Ms. Gregori moved to adjourn the meeting at 10:50 p.m.
Seconded by Ms. Mazzeo.

Unanimously carried.

* * * * *

Respectfully submitted,

Catherine Antioco