

**MINUTES
BOARD OF TRUSTEES
THE SMITHTOWN LIBRARY
November 21, 2023**

A regular meeting of the Board of Trustees of The Smithtown Library was held at the Commack building, Commack, New York, on the 21st day of November, 2023. The meeting was called to order at 6:30 pm with the pledge of allegiance to the flag.

The following Library Trustees were present: Brianna Baker-Stines, Mildred Bernstein, Annette Galarza, Howard Knispel, Christopher Sarvis and Theresa Stabile. Trustee Thomas Maher was absent with prior notice.

Also present were Library Director Robert Lusak, Library Counsel Kevin Seaman, Assistant Library Director Eileen Caulfield, Assistant Library Director Patricia Thomson, Treasurer Kevin Miller, Clerk Lauren Gunderson and Secretary Linda Taurassi.

Brianna Baker-Stines, President of the Board of Trustees, acted as Chairperson of the meeting.

READING AND APPROVAL OF MINUTES

1. APPROVAL OF MINUTES

Library Board President Brianna Baker-Stines moved to approve the adoption of the following resolution:

- a. *RESOLVED, that the REGULAR MEETING MINUTES of October 24, 2023 be approved as presented.*

The motion was seconded by Trustee Howard Knispel and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

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

2. The BUDGET AND FINANCE COMMITTEE report was presented by Budget and Finance Committee Liaison Howard Knispel who moved to approve the adoption of resolution “a”:

a. TREASURER’S REPORT

RESOLVED, that the TREASURER’S REPORT for the month ended October 31, 2023 be approved for filing (copy of report appended to the original of these minutes).

The motion was seconded by Trustee Annette Galarza and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

b. WARRANTS

Budget and Finance Committee Liaison Howard Knispel moved to approve the adoption of resolution “b”:

RESOLVED, that the following WARRANTS be approved for payment (copy of warrants appended to the original of these minutes):

| | |
|---|----------------------|
| <i>i. Warrant #23 - November (“L” fund) PREPAYS</i> | <i>\$ 18,360.67</i> |
| <i>ii. Warrant #23 - November (“L” fund) WARRANT</i> | <i>\$ 359,439.68</i> |
| <i>iii. Warrant #23 - November (“M” fund) WARRANT</i> | <i>\$ 2,484.77</i> |
| <i>iv. Warrant #23 - Payroll #22 (10/27/23)</i> | <i>\$ 283,701.11</i> |
| <i>v. Warrant #23 - Payroll #23 (11/10/23)</i> | <i>\$ 274,607.57</i> |

The motion was seconded by Trustee Christopher Sarvis and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

c. NYS RETIREMENT – Annual Invoice

Budget and Finance Committee Liaison Howard Knispel moved to approve the adoption of resolution “c”:

RESOLVED, that the Board of Trustees of The Smithtown Library authorizes the Business Manager to prepay the 2024 NYS Retirement annual invoice, due December 15, 2023, in the amount of \$919,862.00 (NOTE: the prepayment amount recognizes a discount of \$6,277.00).

The motion was seconded by Trustee Theresa Stabile and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

d. CERTIFICATE OF RESULTS

Budget and Finance Committee Liaison Howard Knispel moved to approve the adoption of resolution “d”:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby accept the Library’s 2024 Budget Vote and Trustee Election results as presented (appended).

The motion was seconded by Trustee Theresa Stabile and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

3. In the absence of Personnel Committee Liaison Thomas Maher the PERSONNEL COMMITTEE report was presented by Trustee Theresa Stabile, who moved to approve the adoption of resolution “a”:

a. PERSONNEL CHANGES

RESOLVED, that the following PERSONNEL changes be approved as presented:

Full-time Appointment:

- i. *Transfer of Children’s Services Librarian I **Jessica Mudano**, from the Commack Public Library to The Smithtown Library, in the full-time position of Librarian I, Children’s Services Department, Smithtown building, at an annual rate of pay of \$62,428.00, subject to a twelve-week probationary period, effective December 9, 2023, contingent on approval from the Suffolk County Department of Civil Service (to fill the vacancy created by the reassignments of Isabella Ragona to the Children’s Department, Commack building, and Laura Dellova to the Children’s Department, Kings Park building).*

Part-time Appointments:

- ii. *Part-time appointment of **Ellen Ferrara** to the position of Library Clerk, Circulation Department, Nesconset building, at an hourly rate of pay of \$19.20, not to exceed 17.5 hours per week, effective December 4, 2023 (to fill the vacancy created by the release of Lynn Cappellmann from a Library Clerk position and appointment into a full-time Library Assistant position, effective 11/11/23).*
- iii. *Part-time appointment of **Elliot Metcalf** to the position of Librarian Trainee, Reference Department, Smithtown building, at an hourly rate of pay of \$28.92, not to exceed 17.5 hours per week, effective November 28, 2023 (to fill part of the vacancy created by the reassignment of Jessica Weber to Kings Park).*

Resignations:

- iv. *Resignation of **Kelly Filippone**, Librarian II, LI Room/Reference Department, Smithtown building, effective December 1, 2023.*
- v. *Resignation of **John Calo**, Call-In Custodial Worker I, all buildings, effective November 16, 2023.*

Leave of Absence Requests:

- vi. *Leave of absence without pay, due to child care needs, for **Cody Beck**, Groundskeeper I, all buildings, effective December 7, 2023 through February 1, 2024.*
- vii. *Leave of absence without pay, nunc pro tunc, for **Employee #1026**, effective October 21, 2023 through December 15, 2023.*

The motion was seconded by Trustee Howard Knispel and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

b. CONFERENCE ATTENDANCE REQUESTS

Trustee Theresa Stabile moved to approve the adoption of resolution “b”:

RESOLVED, that the following CONFERENCE ATTENDANCE requests set forth hereinafter are hereby approved:

- i. That Librarian II **Kaitlin Brand**, Teen Services Department, Commack building, be authorized to attend, on paid release time, the YASD (Young Adult Services Division) Annual Luncheon, sponsored by YASD, to be held at Toast Coffeehouse, Patchogue, NY, on December 7, 2023, with reimbursement for actual and necessary expenses not to exceed \$55.00.*
- ii. That Librarian II **Lindsay Christ**, Teen Services Department, Nesconset building, be authorized to attend, on paid release time, the YASD (Young Adult Services Division) Annual Luncheon, sponsored by YASD, to be held at Toast Coffeehouse, Patchogue, NY, on December 7, 2023, with reimbursement for actual and necessary expenses not to exceed \$55.00.*
- ii. That Librarian III **Colleen Navins**, Teen Services Department, Smithtown building, be authorized to attend, nunc pro tunc, on paid release time, the “Suffolk County Library Association Annual Meeting & Dinner”, sponsored by the Suffolk County Library Association (SCLA), on October 26, 2023, to be held at the West Sayville Country Club, West Sayville, NY, with reimbursement for actual and necessary expenses not to exceed \$70.00.*
- iv. That Business Manager **Jennifer Piano**, Business Office, Nesconset building, be authorized to attend, on paid release time, the Office of the State Comptroller virtual course entitled “Accounting Principles and Procedures”, sponsored by the New York State Comptroller’s Office, from December 13, 2023 through December 14, 2023, with reimbursement for actual and necessary expenses not to exceed \$85.00.*
- v. That Librarian IV **Sheila Worlow**, Building Head, Commack building, be authorized to attend, on paid release time, the YASD (Young Adult Services Division) Annual Luncheon, sponsored by YASD, to be held at Toast Coffeehouse, Patchogue, NY, on December 7, 2023, with reimbursement for actual and necessary expenses not to exceed \$55.00.*

The motion was seconded by Trustee Annette Galarza and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

4. There was no report of the BUILDINGS AND GROUNDS COMMITTEE.
5. The COMMUNICATIONS COMMITTEE report was presented by Communications Committee Liaison Mildred Bernstein who moved to approve the adoption of resolution “a”:
 - a. DONATION – Rotary Club of Commack/Kings Park

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank the Rotary Club of Commack/Kings Park for their thoughtful donation of a Peace Pole to our Kings Park building; and be it

FURTHER RESOLVED, that the Board of Trustees of The Smithtown Library thanks the Rotary Club of Commack/Kings Park for their support of the Library and the community at large.

The motion was seconded by Trustee Christopher Sarvis and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

6. DIRECTOR'S REPORT – Robert Lusak, Library Director

The Library Director had nothing further to add to his report that had been submitted previously to the Library Board (copy of report appended to the original of these minutes).

UNFINISHED BUSINESS

There was no unfinished business.

PUBLIC COMMENTS

There were no public comments given.

NEW BUSINESS

7. CONTRACT - Monthly Newsletter - Sterling North America

Library Board President Brianna Baker-Stines moved to approve the adoption of the following resolution:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby authorize the Library Director to enter into a contract, subject to verification of insurance requirements, with Sterling North America, Inc., for the purpose of printing the Library District's monthly newsletter; monthly cost to be based upon the number of issues and number of pages per issue; to commence January 1, 2024 and run through December 31, 2024, as per quotes submitted by RFP, with annual costs not to exceed \$19,999.00.

The motion was seconded by Trustee Mildred Bernstein and adopted 6-0 after discussion by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

8. CONTRACT - Spotlight Publication - Sterling North America

Library Board President Brianna Baker-Stines moved to approve the adoption of the following resolution:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby authorize the Library Director to enter into a contract, subject to verification of insurance requirements, with Sterling North America, Inc., for the purpose of printing, folding and delivering the Library District's "Spotlight" publication, for the period January 1, 2024 through December 31, 2024, as per quotes submitted by RFP, with annual costs not to exceed \$19,999.00 (NOTE: postage is directly paid for by the Library).

The motion was seconded by Trustee Theresa Stabile and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

9. SCLS - 2024 Proposed Operating Budget

Library Board President Brianna Baker-Stines moved to approve the adoption of the following resolution:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby APPROVE the proposed SCLS Fiscal Year 2024 Operating Budget.

The motion was seconded by Trustee Howard Knispel and adopted 6-0 after discussion by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

10. REVISED POLICY – **Code of Ethics** [Policy 500-20] (1st reading)

[Note: revisions are noted in underlined bold font; deletions are noted with a strikethrough]

Library Board President Brianna Baker-Stines moved to waive the reading of the Code of Ethics Policy [Policy 500-20]. The motion was seconded by Trustee Howard Knispel and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

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

CODE OF ETHICS

*Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Trustees promulgates these rules of ethical conduct for the officers and employees of the Library. These rules shall be in addition to any provisions of Article 18, Sections 800 to 807, of the General Municipal Law or any other general or special law relating to ethical conduct and **prohibited** interests in contracts of municipal officers and employees **involving the Library**.*

1. DEFINITIONS

- a. "Officer" or "employee" means an officer or employee of the Library, whether paid or unpaid, including members of the Board of Trustees and ~~their~~ **its** appointees.
- b. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires. **"Interest" may also refer to an indirect benefit obtained through a third party.**

2. STANDARDS OF CONDUCT

Every officer and employee of the Library shall be subject to and abide by the following standards of conduct:

a. Gifts

An officer or employee shall not directly or indirectly solicit or accept or receive any gifts, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or **in** any other form, under circumstances ~~in which~~ **whereas** it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

However, nothing herein should be construed as prohibiting the traditional exchange of holiday gifts provided discretion is used to ensure that gifts of value **(those exceeding an expense of \$50.00)** are not accepted by staff employees or officers. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

b. Confidential Information

An officer or employee shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal **or political** interest; specifically, any information obtained during the course of Executive Sessions of the Board of Trustees shall not be disclosed. **Confidential information may include information received through electronic messages that is not publicly available, has not been previously discussed in public session, and including discussions held in Executive Sessions.** A failure of a Trustee to observe this condition (as contemplated under the Open Meetings Law and the General Municipal Law) of Board membership may subject the Trustee to removal from office. **If a Trustee is suspected of disclosing confidential information, a Board investigation may ensue. The suspected Board member must provide a written explanation of the circumstance. The Board will then vote on the acceptance of the explanation. Upon a unanimous vote of the Board determining culpability (excepting the suspected Board member's vote), the suspected Board member's seat may be considered vacant.**

c. Representation before the Board

An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered, or the buying and selling of products, in relation to any matter before the Library which creates a conflict of interest.

d. Representation before the Board for a Contingent Fee

An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter ~~before~~ **concerning** the Library, whereby the compensation is to be dependent or contingent upon any action by the Library with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

e. Disclosure of Interest in Matters Before the Board

To the extent that he/she knows thereof, a member of the Board of Trustees and any officer or employee of the Library, whether paid or unpaid, who participates in the discussion or ~~gives~~ **provides an** official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she ~~has~~ **may have** in such matters.

f. Investments in Conflict with Official Duties

An officer or employee shall not invest or hold any investment directly in any financial, business, commercial, or other private transaction that creates a conflict with his/her official duties.

- g. Private Employment
An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- h. Future Employment
An officer or employee shall not, after ~~their~~ **his/her** termination of service or employment with the Board appear before the Board or any panel of committee of the Board, in relation to any case, proceeding, or application in which he/she personally participated during their period of his/her service or employment or that was under his/her active consideration. This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the Library on his/her own behalf or on behalf of any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
- i. Family Members as Employees
A member of the Board of Trustees who is an immediate family relative to an employee of The Smithtown Library must abstain from sitting-in on any action directly relating to said employee, such as contract negotiation, or any act specifically involving said employee.

3. DISTRIBUTION OF CODE OF ETHICS

The Library Director shall cause a copy of the Board's Code of Ethics to be distributed to every officer and employee of the Library. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. In addition, the Library Director shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the Library's jurisdiction in a place conspicuous to the Library's officers and employees.

4. PENALTIES

In addition to any penalties contained in any other provision of law, any ~~person~~ **officer or employee** who shall knowingly and intentionally violate any of the provisions of the Board's Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

The Board reserves its prerogative to investigate, or direct the investigation of, any potential Code of Ethics violation, including those alleged to be done by Trustees. If a violation is found, the Board may choose the appropriate sanction or action at its discretion, which may range from written notice to removal from office, depending on the nature of the violation. A removal of office may only occur by way of a unanimous vote of present trustees (excluding the suspected Trustee(s)).

11. REVISED POLICY – **Unattended Children** [Policy 700-30] (1st Reading)

[Note: revisions are noted in underlined bold font; deletions are noted with a strikethrough]

Library Board President Brianna Baker-Stines moved to waive the reading of the Unattended Children Policy [Policy 700-30]. The motion was seconded by Trustee Annette Galarza and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

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

UNATTENDED CHILDREN

The Smithtown Library welcomes children of all ages to utilize its facilities and services. However, the Library cannot ~~guarantee~~ **warrant** the safety of children nor can it assume responsibility for them. The following policy regarding the use of the Library by children and their parents, guardians or caregivers is adopted:

- Children, like all other library users, are required to abide by the Library's rules and regulations regarding appropriate behavior in the Library.
- Parents, guardians and caregivers are responsible for the conduct of their children in the Library and must provide such supervision of their children as is warranted.
- ~~Any child who has not yet completed fifth grade must have a parent/guardian/caregiver age 14 or older supervising them at all times in all areas of the Library.~~ **Young people who have completed fifth grade, may visit the Library without a parent/guardian/caregiver. Those young people who have yet to complete fifth grade must be accompanied by a supervisor over the age of 14.** Older youth may use the Library unattended provided they maintain proper Library behavior. Library staff will attempt to notify parents, guardians and caregivers if their minors are left unattended and/or require supervision. In the event a parent/guardian/caregiver cannot be contacted, the library will call for police assistance.
- Parents, guardians and caregivers must be aware of Library opening and closing times and make suitable arrangements to meet and transport their children.
- If a child is unaccompanied in the Library at closing time, every effort will be made to assist the child in ~~calling~~ **contacting** his/her parent, guardian or caregiver to arrange for transportation.
- Under no conditions will Library staff transport children home or to any other destination.
- If a child remains after hours, two (2) Library staff members will accompany the child until his/her parent, guardian or caregiver arrives. If there is no parent, guardian or caregiver contact within 15 minutes **of closing time**, Library staff will call for police assistance and will remain with the child until ~~they~~ **the police** arrive.

12. DISCUSSION – Meeting Dates for 2024 Yearly Planner

a. Annual Organizational meeting – January 2024

After discussion, it was determined that the date of the Annual Organizational meeting was to be held Thursday, January 4, 2024 at 6:00 pm at the Nesconset building (per Board of Trustees Bylaws, Article IV § 7, meeting to be held during the first week of January).

b. 2025 Library Budget Hearing – September 2024

After discussion, it was determined that the date of the 2025 Library Budget Hearing was to be held Tuesday, September 10, 2024 at 6:00 pm at the Nesconset building (Note: meeting to be held no later than the first week of September to meet legal notice deadlines).

13. At 7:05 pm Library Board President Brianna Baker-Stines moved to enter executive session to discuss the employment history of a particular person.

The motion was seconded by Trustee Howard Knispel and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile; AGAINST—none

The following Library Trustees were present and participating in executive session: Brianna Baker-Stines, Mildred Bernstein, Annette Galarza, Howard Knispel, Christopher Sarvis and Theresa Stabile.

Also present were Library Director Robert Lusak, Library Counsel Kevin Seaman, Treasurer Kevin Miller, Business Manager Jennifer Piano, and Secretary Linda Taurassi.

At 7:26 pm Library Director Robert Lusak and Secretary Linda Taurassi left the meeting.

At 7:39 Business Manager Jennifer Piano left the meeting.

14. At 8:14 pm Library Board President Brianna Baker-Stines made a motion to reconvene in open public session. The motion was seconded by Trustee Mildred Bernstein and adopted by a unanimous 6-0 vote.

15. Library Board President Brianna Baker-Stines moved to form an ad hoc committee for the purpose of reviewing administrative/confidential employment agreements. The motion was seconded by Trustee Howard Knispel and adopted 6-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile; AGAINST—none

16. There being no further business, Library Board President Brianna Baker-Stines moved to adjourn the meeting at 8:15 pm. The motion was seconded by Trustee Theresa Stabile and adopted 6-0 by the following roll call vote:

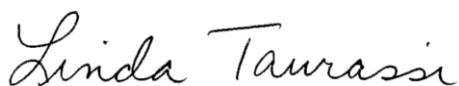
FOR—Baker-Stines, Bernstein, Galarza, Knispel, Sarvis, Stabile AGAINST—none

17. Note: the next “Regular” meeting of the Board of Trustees is scheduled to be held December 19, 2023 at 6:30 pm at the Kings Park building.

Minutes approved this 19th day of December, 2023.



Brianna Baker-Stines, President
Smithtown Library Board of Trustees



Linda Taurassi
Secretary to the Board of Trustees