MINUTES BOARD OF TRUSTEES THE SMITHTOWN LIBRARY December 19, 2023

A regular meeting of the Board of Trustees of The Smithtown Library was held at the Kings Park building, Kings Park, New York, on the 19th day of December, 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, Thomas Maher, Christopher Sarvis and Theresa Stabile.

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

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 November 21, 2023 be approved as presented.

The motion was seconded by Trustee Mildred Bernstein and adopted 7-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Maher, 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 November 30, 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 7-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Maher, 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.	Warrant #23 - December ("L" fund) PREPAYS	\$ 922,026.87
	Warrant #23 - December ("L" fund) WARRANT	\$ 406,030.88
iii	Warrant #23 - December ("M" fund) WARRANT	\$ 2,139.00
iv.	Warrant #23 - Payroll #24 (11/24/23)	\$ <i>274</i> ,113.19
	Warrant #23 - Payroll #25 (12/08/23)	\$ 275,986.58

The motion was seconded by Trustee Theresa Stabile and adopted 7-0 by the following roll call vote:

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

c. BUDGET TRANSFERS

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

RESOLVED, that the Business Manager be authorized to execute budget transfers in the dollar amounts and expenditure lines as follows:

BUDGET TRANSFERS						
Account	Account Title	Original Budget	(FROM)/TO	Adjusted Budget		
L.4130	Periodicals	40,000	10,000	50,000		
L.4290S	Summer Reading Program	24,450	(3,000)	21,450		
L.4291	Staff Development	7,725	1,000	8,725		
L.4330	Postage & Freight	16,000	1,200	17,200		
L.4350	Travel	8,000	800	8,800		
L.8300	Workmans Compensation	91,750	(10,000)	81,750		
		<u>187,925</u>	0	187,925		

The motion was seconded by Trustee Christopher Sarvis and adopted 7-0 by the following roll call vote:

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

3. The PERSONNEL COMMITTEE report was presented by Personnel Committee Liaison Thomas Maher who moved to approve the adoption of resolution "a":

a. PERSONNEL CHANGES

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

Temporary Promotional Appointment:

i. Temporary full-time promotional appointment of Angelique Daley to the position of Senior Library Clerk, Circulation Supervisor, Kings Park building, at an annual rate of pay of \$50,556.00, not to exceed a six-month period, subject to Civil Service approval, nunc pro tunc, effective November 28, 2023 (Immediate need due to medical leave for employee #1026.)

Full-time Appointment:

ii. Full-time permanent appointment of **Thomas Augusta** to the position of Library Clerk, Circulation Department, Kings Park building, at an annual rate of pay of \$34,938.00, subject to a 26-week probationary period, effective January 8, 2024 (to fill the vacancy created by the resignation of Maria Torquato, effective 10/20/23).

Part-time Appointments:

- lii. Part-time appointment of **Erica Howland** to the position of Librarian Trainee, Children's Department, Nesconset building, at an hourly rate of pay of \$28.92, not to exceed 17.5 hours per week, effective January 2, 2024 (to fill the vacancy created by the resignation of Librarian I Katelyn Zanetti, effective 8/30/23).
- iv. Part-time appointment of **William Monahan** to the position of Driver Messenger, all library buildings, at an hourly rate of pay of \$16.00, not to exceed 17.5 hours per week, effective January 2, 2024 (to fill the vacancy created by the release of Kyle Tilden from a part-time Driver Messenger position into the part-time position of Library Assistant, effective 9/5/23).

Retirement:

v. Retirement of **Carolyn M. Muhlenbruck**, Library Clerk, Circulation Department, Smithtown building, effective December 9, 2023 (last day of employment – December 8, 2023).

Leave of Absence:

vi. Extended medical leave of absence without pay for **Employee #1026**, effective December 16, 2023, until further notice, pending medical clearance.

The motion was seconded by Trustee Howard Knispel and adopted 7-0 after discussion by the following roll call vote:

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

Personnel Committee Liaison Thomas Maher moved to approve the adoption of resolution "b":

b. CONFERENCE ATTENDANCE REQUESTS

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

i. That Librarian II **Rachel Cecchini**, Teen Services Department, Kings Park building, be authorized to attend, nunc pro tunc, 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 **Will Salas**, Reference Department, Smithtown building, be authorized to attend, on paid release time, a virtual self-scheduled course titled "NY Remote Online Notary Licensing", sponsored by Notary Licensing Classes New York Online 2023, with reimbursement for actual and necessary expenses not to exceed \$67.00, on a date TBD.
- iii. That Librarian III Caren Zatyk, Long Island Room, Smithtown building, be authorized to attend, nunc pro tunc, on paid release time, the RASD (Reference and Adult Services Division) Annual Luncheon, sponsored by the Reference and Adult Services Division of the Suffolk County Library Association (SCLA), to be held at the Brentwood Public Library, Brentwood, NY, on December 5, 2023, with reimbursement for actual and necessary expenses not to exceed \$15.00.
- iv. That Librarian III Caren Zatyk, Long Island Room, Smithtown building, be authorized to attend, nunc pro tunc, on paid release time, the "America 250 in 2026" roundtable, sponsored by the Long Island Museum Association, to be held at the Vanderbilt Museum & Planetarium, Centerport, NY, on December 11, 2023, with reimbursement for actual and necessary expenses not to exceed \$15.00.

The motion was seconded by Trustee Annette Galarza and adopted 7-0 by the following roll call vote:

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

Personnel Committee Liaison Thomas Maher moved to approve the adoption of resolution "c":

c. RETIREMENT – Resolution of Appreciation – Carolyn Muhlenbruck

WHEREAS, Carolyn Muhlenbruck has announced her retirement as of December 9, 2023 and

WHEREAS, having begun her tenure with The Smithtown Library on November 22, 2000, as a Page at the Commack Building; and

WHEREAS, on January 30, 2010 she became a part-time Library Clerk in the Circulation Department and then appointed to full-time on October 31, 2013; now therefore be it

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby express its appreciation to Carolyn Muhlenbruck for her twenty-three years of dedicated service and contributions to the Library; and be it

FURTHER RESOLVED, that the Board of Trustees of The Smithtown Library extends to Carolyn Muhlenbruck their best wishes for many years of health and happiness during her retirement.

The motion was seconded by Trustee Mildred Bernstein and adopted 7-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Maher, 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 Norman Keil Nurseries Pointsettia Plants

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Norman Keil Nurseries for their generous donation of sixty-eight (68) poinsettia plants and twenty-one (21) dwarf Alberta Spruce plants, to be divided among all Library buildings; and be it

FURTHER RESOLVED, that the Board of Trustees of The Smithtown Library extends their appreciation for the past support and donations received from Norman Keil Nurseries that enhance all Library buildings during the holidays.

The motion was seconded by Trustee Christopher Sarvis and adopted 7-0 after discussion by the following roll call vote:

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

Communications Committee Liaison Mildred Bernstein moved to approve the adoption of resolution "b":

b. DONATION - Barbara Scherr Trenk

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Mr. Robert Scherr for his generous donation of ONE HUNDRED DOLLARS (\$100.00) to The Smithtown Library in memory of his beloved sister Barbara Scherr Trenk, and be it

FURTHER RESOLVED, that the Board of Trustees extends their appreciation to Mr. Scherr for past donations received in memory of his sister Barbara Scherr Trenk.

The motion was seconded by Trustee Theresa Stabile and adopted 7-0 by the following roll call vote:

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

Communications Committee Liaison Mildred Bernstein moved to approve the adoption of resolution "c":

c. ONLINE DONATION – Marie Jordan

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Marie Jordan for the generous online donation of FIFTY DOLLARS (\$50.00), and be it

FURTHER RESOLVED, that said donation is to be used as necessary at the Library's discretion.

The motion was seconded by Trustee Theresa Stabile and adopted 7-0 by the following roll call vote:

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

Communications Committee Liaison Mildred Bernstein moved to approve the adoption of resolution "d":

d. ONLINE DONATION - Stuart Michaels

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Stuart Michaels, of Commack, NY, for the generous online donation of FIFTY DOLLARS (\$50.00), and be it

FURTHER RESOLVED, that said donation is to be used as necessary at the Library's discretion.

The motion was seconded by Trustee Theresa Stabile and adopted 7-0 by the following roll call vote:

FOR—Baker-Stines, Bernstein, Galarza, Knispel, Maher, 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

7. REVISED POLICY – **Code of Ethics** [Policy 500-20] (2nd 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 Christopher Sarvis and adopted 7-0 by the following roll call vote:

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

Library Board President Brianna Baker-Stines moved to approve the adoption of the Code of Ethics Policy [Policy 500-20]. The motion was seconded by Trustee Theresa Stabile and adopted 7-0 by the following roll call vote:

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

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 <u>prohibited</u> 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 <u>in</u> any other form, under circumstances <u>in which whereas</u> 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 may 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 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).

8. REVISED POLICY – **Unattended Children** [Policy 700-30] (2nd 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 7-0 by the following roll call vote:

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

Library Board President Brianna Baker-Stines moved to approve the adoption of the Unattended Children Policy [Policy 700-30]. The motion was seconded by Trustee Christopher Sarvis and adopted 7-0 by the following roll call vote:

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

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.

PUBLIC COMMENTS

In the time allotted for public comments one member of the public spoke.

NEW BUSINESS

9. PRESENTATION: Resolution of Appreciation – **Thomas Maher**

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

WHEREAS, Thomas Maher has been a member of the Board of Trustees ("Board") of The Smithtown Library ("Library") from July 21, 2020 through December 31, 2023; and

WHEREAS, on July 21, 2020, recognizing his interest to serve the Library, the Board appointed him to serve a vacated seat until the October 10, 2020 election; and

WHEREAS, having gained the public's confidence, he was elected to serve a threeyear term beginning January 1, 2021 and ending December 31, 2023; and

WHEREAS, during his three and one-half years serving on the Board of Trustees of The Smithtown Library, which included one year serving as Vice President of the Board; and

WHEREAS, the Board recognizes the excellent and dedicated service that Thomas Maher has rendered the Library during that time; now therefore be it

RESOLVED, that the Board of Trustees of The Smithtown Library extends a unanimous vote of thanks to Thomas Maher for his dedicated service to the community; and be it

FURTHER RESOLVED, that this resolution becomes a part of the permanent record of the minutes of this meeting.

The motion was seconded by Trustee Theresa Stabile and adopted 7-0 by the following roll call vote:

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

10. DISCUSSION – Administrative/Confidential employment agreements; Director's Evaluation

At 7:01 pm Library Board President Brianna Baker-Stines moved to enter executive session to discuss the employment history of particular persons.

The motion was seconded by Trustee Howard Knispel and adopted 7-0 by the following roll call vote:

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

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

Also present were Library Director Robert Lusak, Library Counsel Kevin Seaman, Personnel Assistant Lori Mauceri and Secretary Linda Taurassi.

At 8:19 pm Library Director Robert Lusak, Personnel Assistant Lori Mauceri and Secretary Linda Taurassi left the meeting.

At 8:38 pm the following staff members were invited to enter executive session: Library Director Robert Lusak, Assistant Library Director Patricia Thomson, Assistant Library Director Eileen Caulfield, Business Manager Jennifer Piano, Treasurer Kevin Miller, Kings Park building head Andrew Salomon, Network & Systems Specialist II James Buckman, Personnel Assistant Lori Mauceri, Senior Account Clerk Mindi Goonan, and Secretary Linda Taurassi.

- 11. At 8:43 pm Library Board President Brianna Baker-Stines made a motion to reconvene in open public session. The motion was seconded by Trustee Annette Galarza and adopted by unanimous consent.
- 12. At 8:44 pm Library Board President Brianna Baker Stines made a motion to accept the recommendations of the Contract Committee pertaining to the confidential salary contracts. The motion was seconded by Trustee Howard Knispel and adopted 7-0 by the following roll call vote:

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

- 13. There being no further business, Library Board President Brianna Baker-Stines moved to adjourn the meeting at 8:45 pm. The motion was seconded by Trustee Annette Galarza and adopted by unanimous consent.
- 14. Note: the Library Board's annual Organizational meeting is scheduled to be held January 4, 2024 at 6:00 pm at the Nesconset building. The next "Regular" meeting of the Board of Trustees is scheduled to be held January 16, 2024 at 6:30 pm at the Smithtown building.

Minutes approved this 16th day of January, 2024

Annette Galarza, President

If the

Smithtown Library Board of Trustees

Linda Taurassi

Secretary to the Board of Trustees