

**MINUTES
BOARD OF TRUSTEES
THE SMITHTOWN LIBRARY
September 21, 2021**

A regular meeting of the Board of Trustees of The Smithtown Library was held at the Smithtown building, Smithtown, New York, on the 21st day of September, 2021. The meeting was called to order at 6:30 p.m.

The following Library Trustees were present and participating at the meeting: Brianna Baker-Stines, Anita Dowd-Neufeld, Annette Galarza, Joseph Gregurich, Thomas Maher and Theresa Stabile.

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

Annette Galarza, President of the Board of Trustees, acted as Chairman of the meeting.

1. RESIGNATION - Library Trustee James Hornef

Trustee Brianna Baker-Stines moved to accept adoption of the following resolution:

RESOLVED: That the resignation of James Hornef as a member of the Board of Trustees of The Smithtown Library, as evidenced by an emailed resignation letter dated September 14, 2021 (appended), is hereby accepted, and that the Clerk is hereby instructed to notify James Hornef of the Library Board's acceptance.

The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 6-0 vote.

READING AND APPROVAL OF MINUTES

2. APPROVAL OF MINUTES

Trustee Theresa Stabile moved to accept adoption of the following resolution

RESOLVED, that the REGULAR MEETING MINUTES of August 17, 2021, the SPECIAL BUDGET MEETING MINUTES of September 2, 2021, and the SPECIAL MEETING MINUTES of September 2, 2021 be approved as presented.

The motion was seconded by Trustee Anita Dowd-Neufeld and adopted by a unanimous 6-0 vote.

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

3. The BUDGET AND FINANCE COMMITTEE report was presented by Budget and Finance Committee Liaison Thomas Maher.

a. TREASURER'S REPORT

Trustee Brianna Baker-Stines moved to accept adoption of resolution "a":

RESOLVED, that the TREASURER'S REPORT for the month ended August 31, 2021 be approved for filing (copy of report appended to the original of these minutes).

The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 6-0 vote.

b. WARRANTS

Trustee Brianna Baker-Stines moved to accept adoption of resolution "b":

RESOLVED, that the following WARRANTS be approved for payment:

<i>i. Warrant #21-September</i>	<i>("L" fund) PREPAYS</i>	<i>\$ 18,998.04</i>
<i>ii. Warrant #21-September</i>	<i>("L" fund) WARRANT</i>	<i>\$ 321,779.78</i>
<i>iii. Warrant #21-September</i>	<i>("M" fund) WARRANT</i>	<i>\$ 8,881.50</i>
<i>iv. Warrant #21-September</i>	<i>(PAYROLL #17 – 8/20/2021)</i>	<i>\$ 323,741.08</i>
<i>v. Warrant #21-September</i>	<i>(PAYROLL #18 – 9/03/2021)</i>	<i>\$ 265,508.93</i>
<i>vi. Warrant #21-September</i>	<i>(PAYROLL #19 – 9/17/2021)</i>	<i>\$ 262,973.06</i>

The motion was seconded by Trustee Anita Dowd-Neufeld and adopted by a unanimous 6-0 vote.

c. EARLY RELEASE OF WARRANT PAYMENTS

Trustee Thomas Maher moved to accept adoption of resolution "c":

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby approve the early release of designated warrant payments prior to the October 26, 2021 board meeting to avoid lateness and penalties (note: such meeting is scheduled late in the month due to the Library Budget Vote and Trustee Election); and be it

FURTHER RESOLVED, that any bill that would incur a penalty and/or interest fee can be released by the Treasurer prior to the October 26, 2021 board meeting pending approval by the Board of Trustees Budget & Finance Committee Liaison or Library Board President before payment is made.

The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

4. The PERSONNEL COMMITTEE report was presented by Personnel Committee Liaison Brianna Baker-Stines.

a. PERSONNEL CHANGES

Trustee Thomas Maher moved to accept adoption of resolution “a”:

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

Full-time appointment:

- i. *Permanent full-time appointment of **Lori Mauceri** to the position of Personnel Assistant, Business Office, Nesconset building, at an annual rate of pay of \$52,000.00, subject to a 26-week probationary period, effective October 4, 2021 (to fill the vacancy created by the resignation of Regina Spencer, effective 4/30/2021).*

Part-time appointment:

- ii. *Part-time appointment of **Lena O'Brien** to the position of Page, Reference/Circulation Departments, Smithtown building, at an hourly rate of pay of \$14.00, effective September 25, 2021 (to fill the vacancy created by the resignation of Paige Hurst, effective 8/24/2020).*

Resignation:

- iii. *Resignation of **Lauren Tannenbaum**, Page, Children’s Department, Smithtown building, effective September 2, 2021.*

Retirement:

- iv. *Retirement of **Joanne T. Grove**, Associate Administrator (Treasurer), Business Office, Nesconset building, effective August 19, 2021 (last day of work – 8/18/2021).*

Leave Request:

- v. *Leave of absence without pay for **Christine Baum**, Librarian I, Children’s Department, Smithtown building, effective October 21, 2021 through October 22, 2021.*

The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 6-0 vote.

b. CONFERENCE / WORKSHOP / WEBINAR ATTENDANCE REQUESTS

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

RESOLVED, that the following virtual conference requests set forth hereinafter are hereby approved:

- i. *That Librarian II **Kelly Filippone** be authorized to attend, on paid release time, the 26th Annual Long Island Archives Conference (theme - The 1920’s: Style and Design), sponsored by the Long Island Library Resources Council (LILRC), to be held virtually on October 18, 2021 from 10:00 a.m. to 3:00 p.m., with reimbursement for actual and necessary expenses not to exceed \$25.00.*

- ii. That Librarian I **Marissa Finocchiaro** be authorized to attend, on paid release time, the 26th Annual Long Island Archives Conference (theme - The 1920's: Style and Design), sponsored by the Long Island Library Resources Council (LILRC), to be held virtually on October 18, 2021 from 10:00 a.m. to 3:00 p.m., with reimbursement for actual and necessary expenses not to exceed \$25.00.
- iii. That Librarian III **Caren Zatyk** be authorized to attend, on paid release time, the 26th Annual Long Island Archives Conference (theme - The 1920's: Style and Design), sponsored by the Long Island Library Resources Council (LILRC), to be held virtually on October 18, 2021 from 10:00 a.m. to 3:00 p.m., with reimbursement for actual and necessary expenses not to exceed \$25.00.

The motion was seconded by Trustee Anita Dowd-Neufeld and adopted by a unanimous 6-0 vote.

c. MANAGEMENT CONFIDENTIAL EMPLOYMENT AGREEMENT

Trustee Theresa Stabile moved to accept adoption of resolution "c":

*RESOLVED, that effective October 4, 2021, the employment agreement between The Smithtown Library and Personnel Assistant **Lori Mauceri** be approved as presented.*

The motion was seconded by Trustee Anita Dowd-Neufeld and adopted by a unanimous 6-0 vote.

- 5. The BUILDINGS AND GROUNDS COMMITTEE report was presented by Buildings and Grounds Committee Liaison Anita Dowd-Neufeld.

a. TELEPHONE SYSTEM ANALYSIS – Network & Systems Specialist II – James Buckman

After a presentation and analysis of the Library's telephone system by Network and Systems Specialist II James Buckman, Trustee Brianna Baker-Stines moved to accept 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 agreement for telephone system support and maintenance for all Library buildings with LAN Rover (Ring Central) (NYS Contract PM68236), effective December 1, 2021 through November 30, 2024, for a cloud based telephone service; with a monthly cost of \$2,707.74, which includes a one-time initial on-board installation cost of \$2,850.00; (Note: as needed, "per-call" service calls outside of normal business hours or "due to" issues outside contract agreement and/or purchase of new phones/licenses can incur an additional expense). Cancellation is permitted.

The motion was seconded by Trustee Thomas Maher and adopted by a unanimous 6-0 vote.

NOTE: this revised proposal was subsequently rejected by Smithtown Library legal counsel]

b. EAGLE SCOUT SERVICE PROJECT – Life Scout Ryan Petermann

Life Scout Ryan Petermann was introduced to the Library Board and offered a verbal presentation of his Eagle Scout Project consisting of the design and construction of a collection bin to properly retire worn American flags, to be located at the Smithtown building.

After the presentation Trustee Joseph Gregurich moved to accept adoption of the following resolution:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby accept the Eagle Scout Service Project presented by Life Scout Ryan Petermann, of Boy Scout Troop 565 of Smithtown, to design and build a collection bin, to be located at the Smithtown building, for the purpose of properly retiring worn American flags.

The motion was seconded by Trustee Thomas Maher and adopted by a unanimous 6-0 vote.

c. SNOW PLOWING & SALT SANDING OPERATIONS – Sonnenberg Nursery

Trustee Brianne Baker-Stines moved to accept 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 one-year contract renewal (with an option for Board renewal for a period of one additional year in 2022-2023) with Sonnenberg Nursery, Inc., at a cost as dictated by contract terms, 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 buildings; said contract to be in effect for the period September 15, 2021 through May 15, 2022.

The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 6-0 vote.

6. The COMMUNICATIONS COMMITTEE report was presented by Communications Committee Liaison Theresa Stabile.

a. Memorial Donation – Nancy Deloris Scarola

Trustee Brianne Baker-Stines moved to accept adoption of resolution “a”:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Mr. William Scarola, for his generous memorial donation, totaling \$1,959.00, of a Cassidy arched back six foot bench in memory of his beloved wife Nancy Deloris Scarola, and be it

RESOLVED, that said bench will be affixed with a bronze plaque personalizing this memorial donation, and be it

FURTHER RESOLVED, that said bench will be placed on the grounds of the Library’s Kings Park building.

The motion was seconded by Trustee Joseph Gregurich and adopted by a unanimous 6-0 vote.

b. Memorial Donation – Barbara Scherr Trenk

Trustee Brianna Baker-Stines moved to accept adoption of resolution “b”:

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

RESOLVED, that the funds will be used, as requested, toward benefitting programs empowering young women writers, developing the collection with the work of women writers, or presenting local writers at the Library’s discretion, and be it

FURTHER RESOLVED, that the Board of Trustees of The Smithtown Library extends their appreciation to Mr. Scherr for the many past donations received in memory of Barbara Scherr Trenk.

The motion was seconded by Trustee Joseph Gregurich and adopted by a unanimous 6-0 vote.

c. Online Donation – Matt Torres

Trustee Anita Dowd-Neufeld moved to accept adoption of resolution “c”:

RESOLVED, that the Board of Trustees of The Smithtown Library does hereby graciously accept and thank Mr. Matt Torres, of Nesconset, NY, for his generous online donation of TWENTY-FIVE DOLLARS (\$25.00) to The Smithtown Library, 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 Joseph Gregurich and adopted by a unanimous 6-0 vote.

7. DIRECTOR'S REPORT

The Library Director presented his Director’s Report that had been submitted previously to the Library Board (copy of report appended to the original of these minutes).

UNFINISHED BUSINESS

8. NEW POLICY – **Anti-Bullying Policy [Policy 500-85]** (2nd reading – updated)

Note: Revisions are noted in underlined bold font; deletions are noted with a strikethrough

Trustee Brianna Baker-Stines moved to waive the reading of the Anti-Bullying Policy [Policy 500-85]. The motion was seconded by Trustee Thomas Maher and adopted by a unanimous 6-0 vote.

Trustee Theresa Stabile moved to accept adoption of the Anti-Bullying Policy [Policy 500-85] as revised. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

The Smithtown Library considers bullying unacceptable and will not tolerate it under any circumstances. This policy shall apply to all employees, regardless of his or her employment status (i.e. managerial vs. hourly, full-time vs. part-time, employee vs. independent contractor). Any employee found in violation of this policy will be disciplined to the extent permissible by law, up to and including termination. Independent contractors found to be in violation of this policy may be subject to contract cancellation.

The Smithtown Library defines bullying as malicious and unwelcome mistreatment that seeks to harm, to intimidate, or does offend, degrade or humiliate an employee, whether by way of verbal, physical or other means, on or off the worksite and/whether or not in the course of employment. The Smithtown Library seeks to promote a healthy workplace culture where all employees are able to work in an environment free of bullying behavior.

The Smithtown Library encourages all employees to report instances of alleged bullying behavior. Any report of this type will be treated seriously, investigated promptly and impartially. The Smithtown Library further encourages all employees to formally report any claims of assault, battery, or other bullying behavior of a criminal nature to the local Police Department. The Smithtown Library requires any employee who witnesses any bullying, irrespective of reporting relationship, to immediately report such conduct to the Library Director or if involving the Director to the Board President. The Smithtown Library will seek to protect an employee who reports bullying conduct from retaliation or reprisal.

The Smithtown Library considers the following types of behavior to constitute workplace bullying.

Please note, this itemization is not meant to be exhaustive and is only offered by way of example:

- ~~Staring, glaring or other~~ Nonverbal demonstrations of hostility or prejudice
- Exclusion or social isolation
- Excessive monitoring or micro-managing
- Work-related harassment (work-overload, unrealistic deadlines, meaningless tasks)
- Being held to a different standard than the rest of an employee's work group
- Constant ignoring or interrupting of an employee in front of co-workers
- Personal attacks (angry outbursts, excessive profanity, or name-calling)
- Encouragement of others to ostracize the targeted employee
- Sabotage of a co-worker's work product or undermining of an employee's work performance
- Stalking
- Unwelcome touching
- Invasion of another's personal space
- Unreasonable interference with an employee's ability to do his or her work (i.e., overloading of emails)
- Infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets
- Conduct that may be considered as hostile, offensive, and unrelated to the employer's legitimate business interests

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period is established, The Smithtown Library strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken, The Smithtown Library will make every effort to prevent or interrupt alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees. Individuals who believe they may have experienced conduct that they believe violates this policy, or who have concerns about an observed conduct, should report their

complaints verbally or in writing to his or her supervisor, or **any of the designated contact persons.** ~~the Library Director.~~ Written reports are to be made using the Bullying/Harassment Incident Report Form. Individuals should not feel obligated to report their complaints to their immediate supervisor prior to bringing the matter to the attention of **any of the designated contact persons.** ~~the Library Director.~~ The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

Designated Contact Persons:

Robert Lusak
Library Director
Administration

Patricia Thomson
Assistant Library Director
Administration

Lori Mauceri
Personnel Assistant
Business Office

rlusak@smithlib.org
631-360-2480

pthomson@smithlib.org
631-360-2480

lmauceri@smithlib.org
631-360-2490

9. NEW POLICY – **LearnLab Policy [Policy 700-600]** (2nd reading)

Trustee Theresa Stabile moved to waive the reading of the LearnLab Policy [Policy 700-600]. The motion was seconded by Trustee Thomas Maher and adopted by a unanimous 6-0 vote.

Trustee Anita Dowd-Neufeld moved to accept adoption of the LearnLab Policy [Policy 700-600]. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

PURPOSE

The Smithtown Library and the Friends of The Smithtown Library provide the Library's community access to new and emerging technologies. It is the Library's hope to inspire an interest in design as well as to assist the community in transforming creations to life through the technology provided in the LearnLab.

POLICY

Appropriate Use

The use of the LearnLab is available for all The Smithtown Library cardholders in good standing. Equipment may only be used for lawful purposes. Use of the space does not equate endorsement by the Library of the creations made. The views and opinions expressed by patrons using the LearnLab do not necessarily reflect the views and opinions of the Library or any of its officers or employees.

Unacceptable use of the LearnLab includes but is not limited to:

- 1. Creating materials prohibited by local, state, or federal law;*
- 2. Creating materials that are unsafe, harmful, dangerous, or pose an immediate threat to the well-being of others; such use may violate the terms of use of the manufacturer;*
- 3. Creating obscene materials or otherwise inappropriate for the library environment;*
- 4. Creating materials in violation of intellectual property rights; objects that would violate patents, copyrights, trademarks, registered designs, or other proprietary objects;*
- 5. Operating an on-going business or using the room to promote any product, service, business, or pecuniary interests.*

The Library reserves the right to review, refuse, or confiscate projects requested or brought into the LearnLab. Use of the LearnLab not consistent with the Library's policies and procedures may result in loss of privileges.

Operation of Technology

Patrons should be familiar with the technology they intend to use and are required to review any related training videos and modules. Staff is available to explain how to use equipment and will make instructional materials, such as manuals, accessible upon request.

Certain equipment in the LearnLab is limited to staff operation only. Equipment designated for patron use may necessitate staff supervision, instruction, or training prior to or during use. General usage and safety guidelines are posted in the LearnLab; strict adherence is required. Any issues or accidents in the room should be reported to Library staff immediately. Patrons may be held responsible for the repair or replacement cost of missing or damaged equipment.

Library staff manage all hardware and software in the LearnLab. Staff will consider modification requests, but reserve the right to refuse requests. Users are not permitted to modify hardware or software, or install new programs onto equipment. Any work saved on the computers in the LearnLab will be deleted when logged off and cannot be recovered. Users must provide their own external storage devices. Library staff will have the right to examine and approve patron external storage devices and materials.

Hold Harmless

The Library holds no responsibility for damage to patron materials, or for any loss of data or information. Users of the LearnLab will hold harmless and indemnify the Library as to all claims, actions, and judgments which accrue against the Library related to the use of Library software or hardware.

PROCEDURES

Appointments may be required for use of certain equipment and must be made at least 24 hours in advance with a limit of five 1-hour appointments in a month. The LearnLab is a shared space; an appointment for one piece of equipment is not to be considered an appointment for all of the technology, nor a reservation of the entire room for private use. The Library reserves the right to photograph or record any works created in the space for promotional purposes.

The LearnLab is open to everyone; however, with the exception of program attendance, patrons under the age of 12 must have a parent or guardian present who will be responsible for that child while in the space. Every patron that uses equipment in the LearnLab, no matter how brief, must sign this policy. Patrons under the age of 18 must arrive to their appointment with this policy signed by a parent or guardian.

Food and drink are not permitted in the LearnLab. The LearnLab closes one hour before the Library's closing. Patrons are expected to leave the space in the condition existing when they entered it.

Submission Projects

Please note that there is no guarantee of anonymity. Projects may be observed by Library staff and patrons utilizing the Library or LearnLab while being developed. Staff may review projects and advise patrons to make changes if any problems are foreseen. No refunds or credits will be given for unsatisfactory results.

Costs

Fees may be charged for some materials and services, as posted in the LearnLab.

By signing below, you are agreeing to the policies and procedures of the LearnLab as listed above.

Name: _____ Barcode: _____
Please Print

Signature: _____ Date: _____
If under the age of 18, signature of parent/guardian

10. UPDATED POLICY – **The Library Bill of Rights [Policy 200-30]** (2nd reading)

Trustee Brianna Baker-Stines moved to waive the reading of the The Library Bill of Rights [Policy 200-30]. The motion was seconded by Trustee Thomas Maher and adopted by a unanimous 6-0 vote.

Trustee Theresa Stabile moved to accept adoption of The Library Bill of Rights [Policy 200-30]. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

[Note: The American Library Association (ALA) updated the Library Bill of Rights effective January 29, 2019].

Note: Revisions are noted in underlined bold font

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- 1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.*
- 2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.*
- 3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.*
- 4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.*
- 5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.*
- 6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.*
- All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.***

11. REVISED POLICY - **Freedom of Information Policy [Policy 700-110]** (2nd reading)

Trustee Brianna Baker-Stines moved to waive the reading of the Freedom of Information Policy [Policy 700-110]. The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 6-0 vote.

Trustee Theresa Stabile moved to accept adoption of the Freedom of Information Policy [Policy 700-110]. The motion was seconded by Trustee Anita Dowd-Neufeld and adopted by a unanimous 6-0 vote

NOTE: Freedom of Information Application 700-110a (appended)

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~~ **review** 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~~ **storage media**, 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 **business** 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. ~~Procedures:~~ Requests to inspect or secure **printed or electronic** copies of records shall be submitted in writing (**or by completing the Library's Freedom of Information Application**) to the Records Management Officer **at 148 Smithtown Boulevard, Nesconset, NY 11767** either in person or by mail. **Requests may also be submitted via** ~~or e-mail at smithlib@smithlib.org.~~ ~~or by completing the Library's Freedom of Information Application.~~ (moved up to 1. From 3.)
2. ~~Time and place records may be inspected:~~ Records may be requested from, and inspected **in-person** ~~or copied at,~~ the Office of the Records Management Officer, located at the Nesconset ~~Branch~~ **building**, 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 **received via email**. ~~requested via e-mail at the following address: smithlib@smithlib.org.~~
3. ~~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~~ **storage media** 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.
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 or 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.

12. TO BE REMOVED – Freedom of Information Law Request [Policy 700-110a & 700-110b] (2nd reading)

Trustee Thomas Maher moved to waive the reading of the Freedom of Information Law Request [Policy 700-110a & 700-110b]. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

Trustee Theresa Stabile moved to accept adoption of the Freedom of Information Law Request [Policy 700-110a & 700-110b]. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

Policy 700-110a

Date

.....
~~Records Access Officer
The Smithtown Special Library District
1 North Country Road
Smithtown, New York 11787~~

~~RE: Freedom of Information Law Request~~

~~Dear Records Access Officer:~~

~~Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to _____~~

~~(attempt to identify the records in which you are interested as clearly as possible)~~

~~If there are any fees for copying the records requested, please inform me before filling the request (or: please supply the records without informing me if the fees are not in excess of \$ _____).~~

Sincerely,

(Signature)

9/21/21

_____ Name

_____ Address

_____ City, State, Zip Code

Policy 700-110b

SAMPLE APPEAL LETTER

_____ Date

~~Name of Agency Official
Appeals Officer
The Smithtown Special Library District
1 North Country Road
Smithtown, New York 11787~~

RE: Freedom of Information Law Appeal

Dear _____

I hereby appeal the denial of access regarding my request, which was made on _____ (date) and sent to

_____ (Records Access Officer,
The Smithtown Special Library District, 1 North Country Road, Smithtown, New York 11787.

The records that were denied include: _____

_____ (enumerate records that were denied).

_____ Sincerely,

_____ (Signature)

_____ Name

_____ Address

_____ City, State, Zip Code

13. REVISED POLICY – Program Policy [Policy 700-170] (2nd reading)

Note: Revisions are noted in underlined bold font; deletions are noted with a strikethrough

Trustee Thomas Maher moved to waive the reading of the Program Policy [Policy 700-170]. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

Trustee Brianna Baker-Stines moved to accept adoption of the Program Policy [Policy 700-170]. The motion was seconded by Trustee Theresa Stabile and adopted by a unanimous 6-0 vote.

Programming is offered as a Library resource. Its purpose is to promote Library materials, facilities, or services, as well as provide cultural, educational, and recreational enrichment to the community.

Selection of Library-approved program topics, speakers, courses, classes, and resource materials should be made by Library staff on the basis of the interests and needs of Library users and the community.

Library programs are offered as availability of staff, funds and other resources allow.

The Library may partner with another agency, community organization, or the Friends of the Library ~~or the Library Foundation~~ when presenting programs.

Library programs will generally be provided at “no charge” except as noted below.

- *The library may charge a fee, payable to the Library, for programs to defray the expense of the presentation only in those circumstances when, in the assessment of the library, such is warranted on the basis of the program’s value.*
- *In a workshop situation a participant may be charged for the cost of materials used.*
- *The Library may charge a fee for programs where the number of registrants is restricted and individual certification or instruction is provided.*
- *Public programs planned for Library fund-raising by the Friends of the Library ~~or Library Foundation~~ may include an admission charge with approval of the Library Director.*

Library programs must be non-commercial in nature. Although a businessperson or other professional expert may present a program, the information offered should always be generic in nature. No solicitation of business or sale of products is permitted except as noted below:

- *Because the Library wants to encourage reading, writing, and an appreciation for literature and music, exceptions are made for authors selling copies of their books and artists selling recordings of their music.*
- *The Friends of the Library ~~and Library Foundation~~ may sell items at Library programs they sponsor for the purpose of Library fund-raising.*

In the process of presenting a program, a speaker may include informational material that may be distributed; however, the material may contain only information that is generic in nature.

Under no circumstances may a speaker/presenter solicit personal information from program attendees. All informational material distributed at a program, including press releases and other promotional material, must be approved in advance by the Library Director or Program Coordinator.

All children’s programs are to be carefully planned to meet the developmental needs and interests of a particular age group. Access to programming may be limited to specific ages depending on the nature of the program, and at the discretion of the presenter or the Library staff member in charge. It is in the best interests of all the children concerned that age requirements specified for each program be adhered to.

The Library Board supports the creation of reasonable rules for attendance requirements.

The Library does not offer programs that support or oppose a specific religious conviction. Holiday programs may be offered. The Library will endeavor to provide programs that reflect the community's diversity.

The Library does not offer programs that support or oppose any political candidate or ballot measure, however, election information, such as candidates' forums that include invitations to all recognized candidates, may be offered.

In conjunction with its role as an important source of community information, "Town Hall Meetings," an informal public forum where everyone in a community is invited to attend, voice their opinions, and hear the responses from public figures and elected officials, may be allowed. Town Hall Meetings are not to be associated with an election or campaign.

Some programming may involve food or refreshments.

Library-approved programs are funded in part by the operating budget with additional support from grants, contributions or other gifts and donations. Program coordinators may solicit donations from outside sources, in which case, some type of acknowledgement may be noted during the program or in publicity.

Presentation at the Library of any specific idea, strategy, financial plan or investment is not to constitute endorsement of the group's or individual's policies or beliefs. Organizational affiliation of presenters used by the Library in programs and promotions does not constitute endorsement, merely acknowledgement.

The Library welcomes recommendations from residents concerning programming. Questions or concerns should be addressed with an appropriate Library staff member. Requests for review of Library programs should be submitted on the "Request for Re-Evaluation of Library Material" (Policy 300-10a) form. Requests for review of Library programs will be considered in the same manner as requests for reconsideration of Library materials.

The Library reserves the right to cancel any program.

PUBLIC COMMENTS

Public comments were given.

NEW BUSINESS

14. REVISED POLICY – **Wireless Acceptable Use Policy [Policy 700-95] (1st reading)**

Note: Revisions are noted in underlined bold font; deletions are noted with a strikethrough

Trustee Brianna Baker-Stines moved to waive the reading of the **Wireless Acceptable Use Policy** [Policy 700-95]. The motion was seconded by Trustee Thomas Maher and adopted by a unanimous 6-0 vote. The policy will be reviewed and voted on at the October regular board meeting.

*The Smithtown Library recognizes that the Internet has become an essential research and educational tool. The Internet offers access to many valuable local, national, and international sources of information. However, it is a fluid environment with the content and format of information constantly changing. Some information on the Internet may be inaccurate, incomplete, dated, or offensive to some users. You must evaluate the validity and appropriateness of the information found **as the Library can take no responsibility for such content.***

The Smithtown Library cannot guarantee that children and youth will never access inappropriate web sites. We recommend that parents/legal guardians take an active interest in, and responsibility for, their children's Internet use.

Prior to accessing the Internet at The Smithtown Library, users shall be required to indicate their agreement that they shall not display, print, transmit or distribute threatening material; expressions of bigotry, racism or hate; obscene or sexually provocative material.

The Smithtown Library assumes no responsibility for costs, liabilities, claims, or damages arising from the use of the Internet.

The user understands that the wireless Internet connection is unsecured and open to everyone. The Library is not responsible for any financial loss that may occur while using the wireless network. This includes but is not limited to, loss due to improper use of online financial tools, personal information intercepted while being transmitted, and identity theft.

Computer users must be considerate of nearby patrons. Please use headphones/earbuds while using applications that require sound, such as audio/video players, or turn the volume off. Use of Internet phone applications, including but not limited to Skype and Google Call Phone, are not permitted in the Library as they are considered equivalent to cell phone use. Please do not use an excessive amount of workspace as Library workspace is limited.

The Library cannot guarantee that the wireless Internet access service will be available at any specific time nor can the Library accept reservations for wireless access. Signal strength may vary in each building.

Users may not plug equipment into the Library's computer network. Use of electrical outlets on table-tops is permitted.

Users are responsible for knowing how to configure their own equipment. Library staff cannot provide technical support for establishing or maintaining a connection. The Library will not support configurations and cannot be responsible for any changes made to an individual's computer settings.

Virus and security protection are the user's responsibility. The Library assumes no responsibility for damage, theft, or loss of any kind to a user's equipment, software, data files or other personal property brought into or used at the Library.

*The wireless Internet access service is available for use **on premises, both interior and exterior** during library hours only. ~~There will be no announcements or warnings pertaining to availability. Please plan your usage accordingly.~~*

~~There are no printers available for wireless network users. Saved files can be copied to a USB drive or a diskette and brought to one of the Library's public access computers for printing.~~

Printers are available for wireless network users; please see smithlib.org for details.

Misuse or abuse of this Wireless Internet Acceptable Use Policy will result in the loss of ~~your~~ Internet Access privileges.

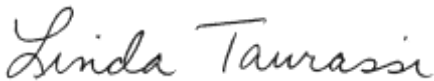
Due to the ever-changing nature **and impact** of these services, this policy is subject to change without notice at the Library's discretion.

15. Library Board President Annette Galarza noted that the next "regular" meeting of the Board of Trustees was scheduled for Tuesday, October 26, 2021 at 6:30 p.m. at the Nesconset building.
16. There being no further business, Trustee Anita Dowd-Neufeld moved to adjourn the meeting at 8:17 p.m. The motion was seconded by Trustee Brianna Baker-Stines and adopted by a unanimous 6-0 vote.

Minutes approved this 26th day of October, 2021.



Annette Galarza, President
Smithtown Library Board of Trustees



Linda Taurassi
Secretary to the Board of Trustees