

**Final**  
**WYCKOFF LIBRARY BOARD OF TRUSTEES**  
**November 16, 2011 Meeting Minutes**  
**7:35 pm, 637 Wyckoff Avenue, Temporary Space**

The meeting commenced with the reading of the Open Public Meeting Statement by Vincent Antonacci, Board President:

“The November 16, 2011 Regular Meeting of the Library Board of Trustees is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our Annual Schedule of Meetings. A copy of said Annual Schedule has been posted on the bulletin board in Memorial Town Hall; a copy has been filed with the Township Clerk, The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting the Agenda thereof was similarly posted, filed and mailed to said newspapers.”

Board Member Attendance: Vincent Antonacci, President, Brian Eller, Lauren DeKorte, Peggy Chagares, Tony Donato, Alma Mader, Lori Peters, and Grace White

Absent: Kevin J. Rooney, Mayor

Staff Attendance: Jackie Denequolo, Acting Secretary, Chris Romney, Project Manager, Mary Witherell, Library Director, Joe Voytus, Board Attorney

Mr. Antonacci opened the meeting for public comment. No one was present in the audience.

**Construction Update:**

1. Chris Romney stated that the electrical, plumbing and framing inspections have been completed allowing the dry wall to be installed. The project is on schedule and on budget. The milling work will need to be rebid which will be received back in about two weeks. Funds from the Friends of the Library may need to be discussed with the Board after reviewing the budget for the millwork. The shelving has been approved with drawings in process which were under \$4,000. Joe Voytus, Board Attorney, stated that the bids looked fine and can be approved. The insurance and bond information is still needed. Mr. Romney will have them bring it to the next meeting. Mr. Voytus stated that a certified copy of the resolution is sufficient.
2. Mr. Antonacci stated that the Overall Budget Resolution passed has \$250,000 for Furniture, Millwork, and a Shelving Allowance. Resolution #2011-08 is to accept the bid for \$104,000 for shelving and other related services from Creative Library Concepts. Alma Mader made a motion to accept the bid pending the submission of insurance and bonds. Tony Donato seconded. Roll call. All members voted in favor. Mr. Romney stated that the millwork bids will be received in two weeks and should be released timely. The line item is for \$250,000 less \$104,000 for the shelving which leaves \$146,000 for the millwork requiring \$150,000 transferred out of contingency. In addition, the vinyl asbestos tile clean up will require \$7,500 transferred out of contingency. Mr. Voytus questioned if Unimak will be doing the clean up and if a change order is needed requiring a resolution? Mr. Romney stated that Unimak will in concert with a licensed asbestos service be cleaning up the tile requiring a change order.
3. Ms. Witherell stated that she had a walkthrough with a full service AV contractor who will be providing a rough draft in a couple of days. Mr. Romney stated that there isn't any money in the budget for AV or security. Ms. Witherell stated that she was still trying to find an IT consultant and may speak with the Franklin Lakes municipality for assistance.
4. Outdoor seating: Tony Donato stated that Riverstone Design has offered their services to design the space for free including the drawings but they don't do engineer work. Ms. Witherell stated that she's done a lot of research on outdoor programming. The south side of the building is far superior multi functional area with at least 5000 to 6000 sq. feet of useable space for a level patio which needs to include emergency access. The north side will have four air conditioning units humming in the summer which could be used for small seating areas leaving the large trees alone. A path all the way around the building needs to be in place. There is still plenty of space in the front of the building that needs to be discussed. Mr. Donato and Ms. Witherell will speak to set up a meeting with Riverstone Design.

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**Secretary's Report:**

Approval of October 19, 2011 meeting minutes.

Ms. Witherell stated that Chris Romney should be added to the staff attendance. In addition, number 7 within the Construction Update, indicates that the library will be open for business before the ribbon cutting which is not the case. The parking lot, landscaping and set up needs to be complete before the ribbon cutting takes place. Number 14, within the Construction Update, indicates the bill as #A-03971 and it should be #A03971.

Alma Mader wanted to ensure that all members understand that the final report does not go to the state unless you owe money back.

Ms. Witherell stated that the Treasurer's Reports naming conventions are not listed as they should be and should be corrected.

Alma Mader made a motion to accept the October 19 meeting minutes as corrected. Lauren DeKorte seconded. All Board Members voted in favor.

Approval of November 2, 2011 meeting minutes.

Ms. Witherell stated that Rudy Boonstra was at the meeting and should be listed and isn't. In addition, number 4 within the Construction Update, doesn't listed a second for the motion. Number 6 indicates that parking would decrease but would actually increase. Instead of 22 spaces, it would be between 12 and 18. Number 10 states that the BCCLS IT consultant would not charge but actually would. Number 4 in the General Board Business section indicates that Mr. Boonstra commented that it was difficult to receive the return of funds several years before 2009. Ms. Witherell inquired from the Board to explain what that means since she was new. Board members didn't know what that meant either.

Alma Mader stated that the Library was never asked to give money back to the Township before 2009. Joe Voytus, Board Attorney, stated that the law changed at the end of 2010 but the procedure is not that different from what it was. The transfer of funds back to the Township has been around awhile but not sure exactly when. Mr. Voytus stated that he wasn't at that meeting and wouldn't know for sure what Mr. Boonstra was referring to.

Alma Mader made a motion to accept the November 2 meeting minutes as corrected. Brian Eller seconded. All Board Members voted in favor.

**Treasurer's Report:**

A motion was made by Lori Peters to approve the Treasurer's Report - Operating Account. Grace White seconded. All board members voted in favor.

The line item for the Rizzo bequest was missing on the copies distributed but was listed as \$1,100,000.

A motion was made by Lori Peters to approve the Treasurer's Report – Renovation Account. Tony Donato seconded. All board members voted in favor.

A motion was made by Lori Peters to approve the November Voucher List – Operating Account in the amount of \$59,624.03. Peggy Chagares seconded. All board members voted in favor.

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A motion was made by Tony Donato to approve Unimak Voucher, Payment #9. Lori Peters seconded. All board members voted in favor.

A motion was made by Lori Peters to approve the November Voucher List - Renovation Account. Peggy Chagares seconded. All board members voted in favor.

Alma Mader stated that the second check from the Rizzo estate in the amount of \$400,000 has been received and was deposited on 11/04/11 at 1%, for 3 months in a CD, with no penalty if an early withdrawal were to take place. The first check was deposited on 5/9/11 for \$700,000 with 2% interest at the same bank with no penalty for early withdrawal. The residual amount is being reviewed by the Attorney General of the state. The rest of the funds will be received after everything is settled with the state. On October 14, \$798,693.78 was transferred from the North Jersey Cash Management Account to the Renovation Operating Account which closes out that account.

General Board Business:

Mr. Antonacci wanted to discuss the response to the township letter with the Board. Mr. Antonacci stated that the documents that need to be discussed are the budget adopted 11/17/10, the resolution that adopted the budget and the minutes from 12/2/10 that referenced the resolution. The fifth paragraph of the resolution states that "the most recent proposed budget for this project projects a Total Project Cost of \$3,950,800, and that such costs are intended to cover the entire cost of the project from December 2, 2010, including all construction costs, furniture, fees, and alternates, but excluding the cost of rented temporary space and staffing, and that all costs above \$3,950,800, including contingencies, shall be paid for by private donations, fundraising, bequests, etc."

Mr. Antonacci stated that he had a conversation with Alma regarding the need to compile dollar amounts before and after December 2. The budget, dated 11/17/10, shows contingency items that fall below the Total Project Cost of \$3,950,800. As stated in the resolution, the contingency items and any other costs incurred, are outside of the Total Project Cost.

Mr. Voytus stated that the budget that was worked out between the Board and the Township Committee was an agreement put in place to get the project off the ground last year.

Mr. Antonacci stated that proposals to do additional design work from Chris Sepp would need to come from other sources other than from the contingency money. Mr. Donato wanted to confirm that even if the contingency money isn't used, it has to go back and cannot be touched for the project. Ms. DeKorte stated that the money has to go back to the Operating Account within three years. Mr. Antonacci confirmed that it's whatever the law requires, but by the resolution, the funds are prohibited from being used.

Ms. Mader questioned that if the resolution was done in good faith and the law changed, what supersedes what?

Mr. Voytus stated that the passed resolution states that all excess funds will be managed in accordance with Statute 40:54-15 which deals with the transfer of funds. The statute is binding but the Board recognizes that the resolution will follow the statute when it comes to dealing with the transfer of funds. In terms of superseding, you have to follow the statute which isn't inconsistent with what the resolution states.

Ms. Mader stated that the statute is referring to operating funds not capital funds. Mr. Voytus agreed. Ms. Mader stated that 20% over and above your operating expenses from the previous year's audited number has to be returned to the township. There's no question about that. The funds in the capital account cannot be transferred back to the municipality which is what these are not operating funds.

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Mr. Voytus agreed that the funds that are in the capital account are not funds that can be transferred to the municipality. The resolution states that future funds should be limited in the capital account and within three years be transferred back to the operating account. This statement is not part of the law but part of the agreement.

Mr. Antonacci questioned if the board were to transfer the funds in less than three years, would they be in violation? Mr. Voytus believed that the three year guideline wasn't part of the law but part of the agreement. The funds would need to be transferred within three years. Mr. Antonacci questioned if the agreement was in violation of the law? Mr. Voytus stated that it wasn't. Mr. Antonacci stated that if by resolution the library can't use those funds, returning them back to the town is fine. Ms. DeKorte questioned why the funds would be returned back to the Township instead of the Operating Budget? Mr. Antonacci stated that if the funds were returned back to the Operating Budget, that's where the law goes into effect. Mr. Voytus stated that it's triggered at the time the audit is done and is not immediate. If the funds were moved now, they wouldn't be part of last year's audit but part of next year's audit.

Ms. DeKorte questioned what the approximate dollar amount would be?

Ms. Mader stated that it will take awhile to calculate everything especially since Lois is on vacation. It's approximately \$500,000.

Mr. Antonacci wanted to tie everything together in order to respond to the Township. Mr. Antonacci couldn't find any reference to Mr. Boonstra's figure of \$205,000 in any of the minutes or documentation.

Mr. Voytus stated that the figure may have been a number determined using the old law which had more discretion in the hands of the board in terms of deciding how much they would transfer back to the municipality over 125% with the old law and 120% with the new law. The new law doesn't allow for any discretion. There's a formula that you plug in and whatever is over the 120% of the prior year's operating account as surplus goes back to the municipality.

Mr. Voytus stated that the Mayor's letter questioning what the board is proposing for 2012 is not that simple. It's based upon the audit, the money that's a surplus and a form provided by the state librarian. The funds transferred are no longer discretionary but are based on a calculation.

Board members did remember a discussion but not agreeing to transfer monies in the sum of \$205,000 back to the municipality.

Ms. Mader stated that it would be best to determine what monies are left over once the construction is complete.

Mr. Antonacci stated that the resolution references numbers. There is \$450,000 below the budget amount. The Board needs to come up with a plan. If the Board is prohibited to use the monies per our agreement/resolution, we should logically be able to inform the town. For the record, Mr. Antonacci didn't think that anyone in the room had a problem returning tax dollars.

Ms. Mader stated that she had a problem with it. Ms. Mader stated that "Until this project is finished and all wrapped up with a bow on it, I just don't understand right now why we have to give money back." The library is still making interest on this money in the capital account.

Mr. Antonacci stated that Alma was entitled to her opinion.

Ms. Mader stated that she spent 18 years of her life running from bank to bank putting the money together. She stated that she did not do it for the town but did it for the library and that's where she has a sticking point.

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Mr. Antonacci stated that the library is getting everything it wants and the money is tax money.

Ms. Mader stated that it wasn't all tax money.

Mr. Antonacci stated that there may be some gifts but the interest is made off of tax dollars. We shouldn't lose focus of all the good things happening.

Ms. Mader stated that she wasn't losing focus but wanted to see the project finished without having to redo bathrooms, etc.

Mr. Antonacci stated that the Board has the ability to allocate the funds from the bequest right now without being held back from anything.

Ms. DeKorte wanted to confirm with Mr. Antonacci that he's stating that if the Library has the \$450,000, it should go back to the town? Isn't the calculation for the amount of money to be returned in 2011 and 2012 still based on what is in the operating account?

Mr. Voytus stated that the funds can be transferred back to operating since the temporary quarters will be partially used next year. It will be difficult to project the operating costs for next year. Funds from the current capital account and moved into general surplus would be done with the intent that there will be a greater surplus next year. When the audit is done, it would be more likely that the money would be transferred back. The way the process works would be difficult to give a concrete number on what exactly would be transferred next year.

Mr. Antonacci stated that a response with some variables would be fine. We can see how the Township Committee responds which is a fair way to go.

Peggy Chagares stated that the Board is operating in good faith.

Ms. DeKorte recommended doing the calculation since we're near the end of 2011 to determine how much would be transferred.

Mr. Voytus stated that he was in touch with the State Librarian and recommended for her to assist us, along with a representative from the township, since everything is based on the form provided by the State Librarian. She's a resource we can use to assist us all in the process and give everyone an idea of what to expect.

Ms. DeKorte suggested transferring the money in portions or 20%. If you transfer it at the end, then all of it will be going back.

Ms. Chagares suggested informing the Township Committee that the Board will honor their commitment.

Grace White agreed to honor the commitment but that we can't honor the \$205,000.

Board Members agreed that they can't honor \$205,000 that they don't remember discussing.

Mr. Voytus stated that the money is controlled by the state law on what is returned this year.

The Board believes that the \$205,000 is for 2011. The \$307,000 was transferred in 2010.

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Mr. Antonacci stated that vouchers approved after 12/2/10 are in question. Mr. Voytus believed that the vouchers in question are the ones subsequent to 12/2/11 not the ones that have been paid. Mr. Antonacci stated that Mr. Voytus should draft a comment for the Township Committee by the 11/18/11 response date asking for an extension of time. Since the letter was received at the last meeting, it's fair that a discussion was had at this meeting and that the Board is working in good faith. To draft a response and incorporate member comments by 11/18 should be in the context of a meeting and would need to be discussed at the next meeting. The appropriate parties can be contacted to inform them that the Board is working on a response.

Ms. Chagares stated that the Board is obligated to discuss the Rizzo funds responsibly which should be understood and is very insulting for the record.

Mr. Voytus stated that the current funds are \$1,100,000 with the remaining funds to be approved by the Attorney General along with discussions on how to honor the Rizzo sisters.

Mr. Antonacci stated that he would place a call tomorrow indicating that a response is in process and if necessary he would put in writing that a response is in process.

Mr. Voytus suggested, if the Board is in agreement, to have a representative from the Township, Mr. Antonacci and Mr. Voytus meet with the State Librarian to explain the funding formula since the letter indicates that it may be confusing.

Mr. Antonacci stated that he would call Mayor Rooney to discuss the response and the possible meeting with the State Librarian. The next meeting is scheduled for 11/30/11. The response letter has to be discussed at a public meeting.

Mary Witherell stated that it was her understanding of the law that the funds to the Township are only to be used for tax relief. How does the Township demonstrate how they use the money? Is there a procedure?

Mr. Voytus wasn't sure how that would be shown in the Township's budget.

Ms. Witherell heard from other Library Directors that it's supposed to be a line item in the budget that reduces for the following year by that exact amount for the total tax bill to the township residents. It's the only way in which the money is supposed to be used. Ms. Witherell indicated that she knew from talking to Township members that that is not what the plan is for the money. The money was being planned to shore up budget lines. How should that be handled?

Mr. Voytus stated that it will be addressed in a letter.

Ms. Witherell stated that that is why the Township is looking for the money to be returned sooner than later. Pressure is being applied to us for that reason. We should all be following the law as it's passed. Other library directors and other consortia have had issues with their townships concerning the proper way and the way the law was intended.

Mr. Donato stated that the Board needs to plan accordingly if the contingency money is off the table.

Mr. Antonacci stated that there is useable money from the Shotmeyer gift, the bequest and Friends of the Library.

Ms. Chagares stated that the Friends of the Library want a wish list. Ms. Witherell stated that they wanted something that the patrons would see instead of book shelves.

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Ms. Mader stated that the Friends of the Library gave us their word that they would pay for the furniture.

Ms. Chagares and Ms. Witherell didn't get the impression that they would pay for it. The Friends of the Library were more interested in something that could be seen by all. Mr. Romney recommended adding names to the shelving.

**Director's Report:**

Ms. Witherell distributed a Director's Report summarizing the following progress and events taken place at library:

- Staff Tours – took staff on a tour of the new library.
- Voicemail – set up auto-attendant on all incoming calls in addition to voicemail mailboxes on seven different extensions.
- Patron Request – Richard Levine agreed to pay and cover the cost of the microfilm cabinet containing the Wyckoff News. Ms. Witherell created a letter of agreement between the library and Mr. Levine which gives him permission to remove the specific issues he's interested in from the premises for a specific period of time and that he would be held responsible for their safe return.
- Mentor – The Director of the Midland Park Library, the BCCLS-appointed mentor, will be an excellent resource.
- Clippings – The Wyckoff Patch and Suburban News both contained articles about the new Library Director.
- Friends of the Library Meeting on November 8 – Discussed ideas for future adult programming and put the finishing touches on the Friends' Museum Pass program.
- Databases – Rocket Languages database was purchased for 15 months. Different types of genealogy databases used in New Jersey are under review.
- Upcoming Board Meetings – The remaining library meetings have been published on the website. The board should discuss the need for the remaining meetings and the 2012 Schedule of Meetings.

Ms. Mader made a motion to change the next Library Meeting from 12/21/11 to 12/14/11. Brian Eller seconded. All Board members voted in favor.

Ms. Mader questioned how much money should be expected from the Friends of the Library?

Grace White stated that Ms. Witherell could meet on 11/29/11 at 9am with all the principals and superintendents. Ms. White could pick up Ms. Witherell at 8:45 am.

Lori Peters made a motion to adjourn the Open Session at 9:15 pm. Brian Eller seconded. All Board members voted in favor.

Mr. Antonacci stated that Jackie Denequolo was no longer needed to stay who left at 9:15 pm. Ms. DeKorte would be preparing the Closed Session minutes for the Library Board.

As per Vince Antonacci, Board members made a motion to go into Closed Session. Once a motion was made to adjourn the Closed Session, the library board meeting was adjourned.

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Mary Witherell, Library Director

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Vincent Antonacci, Library Board President