

**Town of Ballston Community Library**  
**Board of Trustees Monthly Meeting Minutes**  
**February 1, 2023 (postponed from Jan. 25 due to weather)**

**Call to order:** The meeting was called to order at 7:01 p.m. by President Julia Stone.

**Attendance:** []Rebecca Verhayden, Director; []Jenn Richard, Adult Services Librarian, []Alyssa Harvey, Youth Services Librarian.

Trustees present: Steve Burchett, Kate Schofield, Carolyn Speenburgh, Julia Stone, Sue Tomlinson

Trustees excused:

Trustees unexcused: Philip Du

Town Representatives: none

**Minutes of December 28, 2022 Public Hearing:** On a motion by Carolyn Speenburgh, with second by Steve Burchett, the minutes of the December 28, 2022 public hearing were approved.

**Minutes of December 28, 2022 Monthly Meeting:** On a motion by Julia Stone, with second by Carolyn Speenburgh, the minutes of the December 28, 2022 monthly meeting were approved.

**Report of Special Funds:** Special funds for January 2023 were reviewed.

**Monthly Financial Reports:** Financial reports for January 2023 were reviewed.

**Approval of Bills:** The January bills, reviewed by Steve Burchett, were unanimously approved on a motion by Sue Tomlinson, with second by Kate Schofield.

**Librarians' Reports:** See attached.

**Reports of Committees:**

**Town Liaisons:** No reports.

**Unfinished Business:**

**Reopening Plan Update:** No change.

**Local History & Lighting Construction Project:** The room is substantially complete, but heat is still not working. Sage Engineering is coming with the architect on Feb. 2 to try to determine the reason it is cold in there. The electrician needs to return to complete the punchlist.

**Ballston Legislation & Transition:** Carolyn Speenburgh and Director Verhayden attended the Town of Ballston meeting in January. Assemblywoman Walsh indicated that she does not need to wait for a formal resolution from the Town to proceed. There will be a kick-off meeting on Feb. 16, 2023, 12 p.m., with stakeholders. Representatives from Assemblywoman Walsh's office, Assemblyman Tedisco's office, the Town of Ballston, the Library's legal team, Sara Dallas from SALS, and the NYS Librarian Lauren Moore have all confirmed they will attend. The purpose of the meeting is to plan next steps toward getting the draft legislation from 2022 revised, if necessary, home rule resolution from town, and on its way to a vote by the legislature and approval by the governor.

**Trustee Vacancy:** President Stone asked the Town to post the trustee vacancy on their social media which they have. She welcomed potential trustee applicant Bill Bechtel to the meeting, who spoke a bit about his background.

**New Business:**

*Privilege of the floor ONLY on items for consideration and action this evening. (limit 3 mins.)*

None.

**RESOLUTION 23-001** Consider approving the Organizational Resolutions 23-002 through 23-012 and appointments for 2023. Motion was made by Steve Burchett, seconded by Carolyn Speenburgh, and passed unanimously.

**RESOLUTION 23-002** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that all meetings of the Board of Trustees shall be held in accordance with the latest edition of Robert's Rules of Order.

**RESOLUTION 23-003** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that the meetings of the Board of Trustees shall be held in the Town of Ballston Community Library located at 2 Lawmar Lane, Ballston, Saratoga County or any video conferencing platform that allows public participation and transcription in accordance with New York State Open Meetings Law. The regular monthly meeting shall be held at 7:00 p.m. on the last Wednesday of each month.

**RESOLUTION 23-004** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that the Ballston Spa National Bank shall be the official depository for Library funds and, BE IT FURTHER RESOLVED that the funds may be withdrawn, and checks may be signed, in accordance with the provisions of the procedures established by the Board of Trustees.

**RESOLUTION 23-005** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that salaries for Library Employees for 2023 are approved and established in the 2023 budget and that all other salaries and hourly rates for the 2023 budget and any subsequent resolutions be approved with longevity awards to be applied during the year as earned and BE IT FURTHER RESOLVED that the payroll schedule be bi-weekly for all hourly and salaried employees.

**RESOLUTION 23-006** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that the official newspaper as required by NYS Education Department Law shall be The Daily Gazette.

**RESOLUTION 23-007** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that Library Employees shall be compensated at the rate for standard mileage allowance established by the Internal Revenue Service for the approved use of their personal automobiles in the performance of their official duties.

**RESOLUTION 23-008** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that all overnight trips shall require prior approval by the Board of Trustees and BE IT FURTHER RESOLVED that all other conference attendance shall require prior authorization of the Director and BE IT FURTHER RESOLVED that reasonable expense reimbursement for conferences shall be approved by the Director. Any conference enrollee who cannot attend without cause will reimburse the Library for any costs incurred by the Library. Any late fee is the sole responsibility of the conference enrollee.

**RESOLUTION 23-009** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that the agenda and meeting documents be posted on the Library Website and the Library Bulletin Board 24 hours prior to the meeting.

**RESOLUTION 23-010** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library that all official meeting minutes must be written and mailed or electronically distributed to appropriate parties within 14 days of applicable meeting.

**RESOLUTION 23-011** BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library authorizes the Library Director, with Treasurer written concurrence, to make transfers between accounts in the current budget to keep accounts properly funded and the Library Director will report transfers to the Board of Trustees.

**RESOLUTION 23-012** WHEREAS the Board of Trustees of the Town of Ballston Community Library requires varied professional services from experts that are appropriately licensed and registered in New York State; and BE IT RESOLVED by the Board of Trustees of the Town of Ballston Community Library

designates and appoints the following firms, subject to approval of contracts by the Library’s Attorney, or independent counsel:

<b>Firm</b>	<b>Professional Service</b>
UHY, LLC	Accounting Services
The Law Office of Stephanie Adams (LOSA), PLLC	Legal Services
Public Sector HR, LLC	Human Resources Consultant

**RESOLUTION 23-013** Consider approving monthly Transition Status Report to the Town of Ballston as amended. Motion was made by Carolyn Speenburgh, seconded by Steve Burchett, and passed with all in favor.

**RESOLUTION 23-014** Consider approving the agreement between Town of Ballston Community Library and the MVLS/SALS Joint Automation Project. Motion was made by Sue Tomlinson, seconded by Steve Burchett, and passed unanimously.

**RESOLUTION 23-015** Consider accepting the resignation of Michelle Dannenhoffer-Cau, effective January 25, 2023 from the position of Library Assistant, with Ms. Dannenhoffer-Cau remaining on as a substitute employee. Motion was made by Julia Stone, seconded by Carolyn Speenburgh, and passed with all in favor.

**RESOLUTION 22-016** Consider approving the Memorandum of Understanding with the Southern Adirondack Library System to participate in the Senior Planet OATS program. Motion was made by Kate Schofield, seconded by Steve Burchett, and passed unanimously.

**RESOLUTION 23-017** Consider approving agreement between the Town of Charlton and the Town of Ballston Community Library. Motion was made by Sue Tomlinson, seconded by Carolyn Speenburgh, and passed with all in favor.

THIS AGREEMENT made this day, January 25, 2023, by and between the Town of Charlton, a municipal corporation, with its offices at 758 Charlton Road, Town of Charlton, Charlton, New York, hereinafter referred to as the “Town”, and the Town of Ballston Community Library with its offices at 2 Lawmar Lane, Burnt Hills, New York, hereinafter referred to as the “Library” as follows:

WITNESSTH:

WHEREAS, per Section 256 of the Education Law, a town may contract with the trustees of a public library registered by the regents to furnish library services to the people of the municipality, district or reservation for whose benefit the contract is made, under such terms and conditions as may be stated in such contract; and

WHEREAS, also per Section 256 of the Education Law, the amount agreed to be paid for such services under such contract shall be a charge upon the municipal government which agrees to make the payment and shall be paid directly to the treasurer of the public library; and

WHEREAS, the Town of Charlton feels that the general welfare and education of the citizens of the Town of Charlton would benefit from library services provided , and

WHEREAS, the Town Board has budgeted for the fiscal year 2023 the sum of Forty-Seven Thousand Three Hundred Eighty Dollars (\$47,380) for the payment for library services to be rendered by the Library, and

NOW THEREFORE, in consideration of the mutual undertaking herein set forth, the parties do hereby agree as follows:

1. The Library shall provide general library services, including available books and magazines, in accordance with existing library policies and by-laws, to the citizens of the Town of Charlton.
2. The Library shall submit to the Town a report of library activities during the preceding 2022 calendar year on or before 30<sup>th</sup> April 2023.
3. In payment for general library services provided by the Library, the Town shall pay to the Library the sum of Forty-Seven Thousand Three Hundred Eighty Dollars (\$47,380) for the period of January 1, 2023 through December 31, 2023.
4. The Library shall not assign, transfer, or encumber its rights under the Agreement without the Town's prior written consent thereto.
5. The relationship of the Library to the Town is that of an independent contractor. The Library shall conduct itself in accordance with such status, and it will neither hold itself out as nor claim to be an employee or agent of the Town, and it will not make any claim, demand or application to, or for any right or privilege applicable to, an employee or agent of the Town, including, but not limited to, Workers Compensation coverage, unemployment insurance benefits, social security coverage or retirement benefits or credits.
6. Library agrees to hold harmless the Town from any claim arising out of Library acts or omissions.
7. To ensure the amount paid by the Town is rationally related to the library services used, the board of the library shall meet with representatives of the Town to assess the amount for the 2024 contract.

Motion was made by Sue Tomlinson, seconded by Carolyn Speenburgh, and passed with all in favor.

**RESOLUTION 22-018** Consider increasing the Library's HSA matching contribution funding to \$1,425 for employees under 55 years old, and \$1,925 for employees 55 years and older for employees enrolled in the Library's High Deductible Health Plan. Motion was made by Carolyn Speenburgh, seconded by Kate Schofield, and unanimously passed as amended.

*Privilege of the floor on any topic:*

None.

**Adjournment:** At 8:00 p.m., on a motion by Carolyn Speenburgh with second by Julia Stone, trustees voted unanimously to adjourn the meeting.

This is an update on the Transition of the Library to a Special District Library (as currently defined by New York State Education Department (NYSED)). **Content updates for January 2023 are highlighted yellow.** Clerical updates are not highlighted. Transition efforts status is provided in Table 1 and summarized in the descriptive text.

Despite the setback of missing the 2022 legislative cycle, the Library Board of Trustees is continuing the effort to establish clear operational guidelines between the Town Board and the Library Board of Trustees. The Library Trustees hope that the Town Board will join them in this endeavor and consider providing direct accountability to the voters of the Library District.

The Library and the Town continue to discuss the Transition effort for possible implementation through the 2023 session of the NYS Assembly. All of the previously shared or Town administered services on behalf of the Library have transitioned to full Library administration. Library operations do not rely on Town administration, and, in the future, will not, unless, and except as, *ad hoc* efficiencies in collaborating are identified by the Library and the Town and a mutually agreed upon, separate contract is put in place.

In a May 2, 2022 meeting with Library Trustees Zarelli and Shaginaw, and Councilman Carota, Town Supervisor Connolly requested that the Library Board of Trustees revisit the idea of modifying the Legislation to modify the Special District Library definition after the Board Membership changes (July 1, 2022).

On November 1, 2022 Library Trustee Stone, Councilman Carota, and Town Supervisor Connolly met and discussed home rule for legislation, the status of a potential lease agreement, and dual building insurance. The Town Supervisor addressed the above by reaching out to the Town Board members; the Library Trustees will await Town Board feedback and follow up accordingly. **At the December 27, 2022 Town Board Agenda Meeting, the Library requested a Home Rule Resolution from the Town Board that would allow an update of the current charter to that of a true special district; no issues were presented by the Town Board regarding this initiative. At the January 10, 2023 Town Board Meeting, Supervisor Connolly acknowledged receiving a Home Rule Resolution Draft from the Library; a proposed resolution anticipated for the next scheduled Town Board Meeting (2/14/23).**

Reference	Service	Pre-Transition State	Post-Transition State	Status
A	Payroll	Administered by Town	Administered by Library	Complete
B	Bill Paying	Administered by Town	Administered by Library	Complete
C	Funds/Bank Accounts	Held by Town	Held by Library	Complete
D	Annual Budgeting Process	Town Process/Approved by Town	Special District Guidelines/ Public Vote as required	ON HOLD
E	Trustee Appointment	Appointed by Town	Special District Guidelines/Public Vote Administered by Library	ON HOLD
F	Employee Medical Benefits /WC/Retirement/ Disability	Administered by Town	Administered by Library	Complete
G	HR Administration	Administered by Town	Administered by Library	Complete
H	Insurance Coverage (Building, D&O)	Administered by Town	Administered by Library	Complete
I	Building Maintenance	Administered by Library	Administered by Library	Complete
J	Building Ownership	Owned by Town	Transfer to be pursued.	FUTURE
K	Land Ownership	Owned by Town	Transfer to be pursued.	FUTURE
L	Sidewalk Clearance/ Landscaping	Administered by Library	Administered by Library	Complete
M	Parking Lot Snow Plowing/ Lawn Mowing	Performed by Town - transitioned to Library in winter 2020/2021	Administered by Library	Complete
N	Governance/ Compliance Guidance	Administered by Town	Administered by Library	Complete
O	On-going Legal Support	Administered by Town	Administered by Library	Complete
P	Policies	Town and Library blend	Administered by Library	Complete

Table 1. Capture of Services

A. Payroll has been transitioned. Library is processing payroll.

B. Since January 1, 2022, the Library process is being used to administer all new Library procurements. This will continue for future procurements.

C. Library Funds, and the Accounts where those funds reside, are described in the Director’s report in the posted minutes of the Library Board of Trustees meeting. <https://burnthills.sals.edu/>.

The most recent Library-generated financial report was reviewed in the Public Meeting of the Library Board of Trustees on February 1, 2023 (originally scheduled for January 25, 2023). Further, on January 11, 2023, the Library provided the Town with updated additional detailed monthly Financial reports and account reconciliations that had been identified by the Town.

To facilitate continued Library operations, the Town transferred two tranches of 2022 Library Tax Levy to the Library's Treasurer. These transfers occurred on January 7 and March 7, 2022.

On April 25, 2022, the Library Board of Trustees wrote to the Town to initiate the transfer of the remainder of Library District 2022 taxes and of the Library Fund. On May 2, 2022, the Supervisor handed the Library BOT President the balance of the 2022 Library District taxes.

On June 16, 2022, the Town Comptroller contacted the President and Treasurer of the Library Board of Trustees, stating the Town's decision to transfer the Fund Balance to the Library. The Library President subsequently received a check for \$334,493.82 and the money was deposited into the library account that had been established for this purpose.

The Town and Library must coordinate the input of data to the NYS Office of the State Comptroller (OSC) Annual Update Document (AUD). In 2021, and prior years, the Town AUD submission included the account information for the Library. In 2022, reporting on 2021 Accounts must reflect both those held by the Town for the Library, and those of held by the Library. The Town Bookkeeper reached out to the Library on April 25, 2022 to indicate that the Town will submit the joint (Town and Library) AUD and to request initial information to support this action. The Library learned on June 23, 2022 that the Town filed the AUD with the OSC on April 27, 2022 and is looking into the details of the content.

D. The tax levy is currently authorized to be included on the budget submitted by the Town Board, and paid only by those in the district served. After Transition, the Library Tax will continue to be collected by the Town on residents' tax bills. The legislation that was being drafted would have authorized a process by which a budget is directly approved by voters of the Special District Library. The delay in the Legislative process required to execute the Transition means that the Pre-Transition budget process will remain in effect for the 2023 Budgeting cycle.

E. Historically, the Library Trustees are appointed by the Town Board. This is specified in the existing Library Charter. NYSED specifies an election-based approach for selecting Trustees in Special District Libraries. The Transition will modify the existing Library Charter in this regard. Constituents in the Library's Special District (serving the Town of Ballston, excluding the Village of Ballston Spa) will be eligible to vote to select Library Trustees.

In the May 2, 2022, meeting, Town Supervisor Connolly requested that the new Library Board of Trustees (3 new trustees appointed as of 7/1/22) revisit the idea of modifying the Legislation to the Special District Library definition. Consequently, the Library Board of Trustees passed a resolution in the July 27, 2022 meeting recommitting to a charter update.

F. Employee Medical Benefits/WC/Retirement/Disability; beginning on the 1 January 2022, the Library manages this in accordance with local Civil Service rules and guidelines. The last elements of the NYS Retirement have been completed.

G. HR Administration; Beginning on January 1, 2022, the Library manages HR Administration in accordance with local Civil Service rules and guidelines and that handbook.

H. The Library premises and contents have been previously insured through the Town, and paid by Library funds. Presently, the Library has secured its own insurance for the Library's premises and contents that went into effect on January 1, 2022. The process for insuring the building may change as (and, if) building ownership evolves. A copy of the applicable insurance policies has been provided to the Town by the Library. In June, it was discovered that both the Town and the Library are maintaining insurance for the premises and collection. The Library's budget is being used to pay for both. This is the topic of ongoing evaluation and discussion.

I. Building Maintenance is coordinated and paid for by the Library. Capital improvements are coordinated and paid for by the Library, with notice to and upon leave of the Town as property owner.

J & K. The Library premises are owned by the Town, but restricted by deed to the use of the Library. The Library and Town coordinate on property-related issues. The Library Board of Trustees passed a resolution in the September 28, 2022 meeting to consider entering into a lease agreement with Town for use of the library building. The Library wishes to confirm the terms of its occupancy of the library building to ensure clarity regarding key operational issues. Therefore, the Library shall explore a written agreement with the Town, to be finalized before the start of 2023.

L & M. Snow removal and landscaping are administered and paid by the Library.

N. The Library has retained an accountant for the fiscal reports it must file with the State and share with the public and other services.

O. On-going Legal Support of the Library was previously provided by Town, but is currently administered and paid by the Library.

P. Previously, the Library employed Policies of both Town and Library, with the Library leveraging Town policies for many administrative and non-Library specific operations. The Library no longer references Town policies.

**Summary:**

This document describes the aims and activities of the Transition of the Library to a Special District Library (using the Contemporary Definition). It specifically targets the roles of the Town and the Library relative to operations and governance.



Despite the setback of missing the 2022 legislative cycle, the Library Board of Trustees is continuing the effort to establish clear operational guidelines between the Town Board and the Library Board of Trustees. The Library Trustees hope that the Town Board will join them in this endeavor as it provides direct accountability to the voters of the Library District.

The Town and Library serve shared constituents. It is imperative that this transition results in minimal disruption for patrons and employees.