Woodbury Public Library  
Board of Trustees Meeting  
October 25, 2022  
Highland Mills Branch

Trustees in Attendance:  
Cathy Schmidt, President  
Robert Anzalone  
Elan Luding  
Ellie Pastel  
Gail Tummarello  
Beth Zoumas

Trustees Absent:  
Patricia Coogan

Library Personnel:  
Sara Johnson, Library Director

Town Board Liaisons Present:  
(none)

Also Present:  
Rachel Bruce  
Mike Pastel  
Grace Riario, Executive Director RCLS

The meeting was called to order at 7:00 p.m.

Acceptance of Minutes:  
Motion by R. Anzalone, seconded by G. Tummarello to accept the special meeting minutes of the October 18, 2022 meeting. All voted in favor of said motion.

Payment of Vouchers:  
Motion by E. Pastel, seconded by G. Tummarello to accept 20 vouchers for payment. All voted in favor of said motion.

Budget Modifications:  
Motion by E. Luding, seconded by R. Anzalone to make the following budget transfer:  
  - $800 from L7410.464 Equipment maintenance to L7410.466 Expenditure of Donations.  
All voted in favor of said motion.

Facility Use Policy:  
Motion by E. Pastel, seconded by R. Anzalone to accept the proposed Facility Use Policy changes to include insurance information. All voted in favor of said motion.

RCLS 2023 Budget:  
Motion by C. Schmidt, seconded by B. Zoumas to approve the RCLS 2023 Budget. All voted in favor of said motion.
Items Discussed not Requiring Motions Included:

- Mini Art Show reception is coming up on November 2 at the Central Valley branch from 5 - 7 p.m.

- Woodbury Public Library will be attending two Trunk or Treat events, one being held by the Central Valley PTA on 10/27 and the one by the Chamber of Commerce one on 10/31.

- Friends of the Library is coming to WPL! A steering committee is being assembled and will meet to brainstorm how to advertise and help recruit members.

- The Library has received several questions from the public regarding the relationship between Town and Library along with questions on what the actual roles are of each board. In an effort to avoid the confusion of personal opinion, three “municipal relationship” info sheets have been created using established Education Law and NYS Comptroller Opinion (see attached). This will help clarify the legal roles of the boards when it comes to finance, staff and board of trustee relationships.

  There is a fourth document (Selection from Charter) which shows the transfer of all rights of the Library to the Town of Woodbury. This transaction was “upon condition [the library] shall be used and maintained under the provisions of Education Law of the State of New York”.

- The Revitalization Committee has offered to decorate Central Valley/Ida Cornell branch library for the holidays and/or seasons each year. The Library has gratefully accepted this offer.

Unfinished/Old Business:

Security Cameras – MOA (Memorandum of Agreement) – The installation of the unauthorized video surveillance system at Highland Mills library, has been completed and all non-essential library footage is now being recorded onto a private server by Woodbury Police. There is no mutually approved MOA in place, nor was time given for the Library to update their video surveillance policy.

The Town’s building ownership doesn’t negate the need for communication between the boards, nor does it invalidate patron privacy laws governing public libraries in New York State. A mutually approved MOA must be completed in the very near future to protect the Library. The Library’s attorney, Dan Petigrow, will reach out to the Town in an attempt to expedite the creation of this agreement.

Staffing – The previous Librarian I list being held by the Town Supervisor since August 1 has expired. Two new emails have been sent, requesting a new list of Librarian I, Civil Service applicants. The Library has been without an Adult programmer since December 2021 and hopes to soon have the cooperation of the Town so this position can be filled, and the patrons of Woodbury can once again enjoy these programs.
The Library continues to struggle to cover shifts when staff are out due to the extra hours worked earlier this year by many staff who reached their maximum allowable hours for 2022. Staff were working extra hours to cover shifts left open from a Clerk who left in March and the position left unfilled until September, and the Adult Services position which has been unfilled for a year.

Adjournment:
Motion by B. Zoumas, seconded by C. Schmidt to adjourn the meeting at 7:53 p.m. All voted in favor of said motion.

Next Meeting:
The next meeting will be held on Tuesday, November 22, at 7:00 p.m. at the Central Valley branch.

Respectfully Submitted,

Cathy Schmidt, President
Municipal Libraries and the Relationship with the Municipality

Financial Relationship

The State Comptroller, in many opinions, has recognized the independence of public libraries over it’s own fiscal matters. Among them are the following:

Although sometimes regarded by municipalities as a department of government, public libraries are, for most purposes, fiscally autonomous from the sponsoring municipality... The ultimate control of the use, disposition and expenditure of the library fund moneys is vested in the library board even when the municipal treasurer has custody. Op State Compt 93-15

While it is up to the municipal governing board to determine the amount to be appropriated for library purposes, library boards have broad authority relating to the expenditures of library monies. Line item appropriations for library appropriations made by a municipal governing board may be disregarded by the library board. Op State Compt 83-96

A municipal governing body may not place restrictions and limitations upon the expenditure by the library board of trustees of funds appropriated for library purposes. [T]he library trustees are not bound by their budget. Provided an expenditure is made for a valid library purpose, there is no way the town board may prevent that expenditure. Op State Compt 72-6

[Education Law] sections permit a municipality to control the amount to be appropriated for its public library but not the manner in which it is to be spent by the library board of trustees. Op State Compt 72-553

Unexpended library fund moneys remain the property of the library and surplus monies in a municipal library fund may be carried over from year to year and accumulated for proper library purposes as determined by the library board. We find no constitutional provision or statute requiring or authorizing a referendum on the expenditure of library fund monies accumulated for capital purposes. Op State Compt 2002-7

There is no limit to reserve funds in law or regulation...recent State Comptroller’s audits have questioned extraordinary reserves (i.e. in excess of the library’s annual budget). Pg. 51 Trustee Handbook NYS (2018)

Every library in the University [Board of Regents], other than a school library, shall transmit to the [Education] department annually, on March 1st, a report for the previous year ending December 31st in such form as shall be prescribed by the commissioner... 8 NY Comp Codes Rules and Regs § 11.4

The gist of the Comptrollers opinions about the financial relationship is perhaps best summarized in the following opinion:

[T]he library board [is] not bound by the categories of expenditures appearing in estimates which it submitted to the municipal governing board at budget-making time. That is, it could change the purposes of expenditures without approval of the municipality, on the theory that once appropriations had been made and the money earmarked, it became the absolute property of the library trustees, subject only to the municipal fiscal officer’s custody and the requirement that the vouchers be submitted to him for payment.

Furthermore, any unexpended balances of library appropriations in his hands at year’s end did not revert to the municipality, but continued to belong to the library and could not be offset against library appropriations in the upcoming budget. Op State Compt 76-554

"There’s nothing nefarious about [Woodbury Public Library] having a large fund balance. Having as much as you do is a testament to [WPL’s] smart spending over the years.” Stephen Hoefer. RCLS Fiscal Officer 12/6/21
Municipal Libraries and the Relationship with the Municipality

**Library Staff**

A chartered free public library is an entity with a legal existence separate from and distinct from the municipality which creates and supports it. Library staff have been held to be employees of the public library, not the municipality... In the Matter of the Town of Webster... 1987, 20 PERB Reports 2022

As the library’s governing body (and the entity with ultimate accountability for the institution), the board of trustees has the responsibility to hire a competent, professional and qualified library director as “CEO”. Pg 43 Trustee Handbook (2018)

As a general rule, the town library board of trustees, and not the town board has the authority to appoint and dismiss library personnel.


The library board exercises direct control and supervision over library personnel and for most purposes, including labor negotiations under the Taylor Law (Civil Service Law s200, et. Seq.) the library board is considered to be the employer of library personnel...

Op State Compt 81-431

All personnel actions must be approved by the board of trustees at a legal meeting... the board creates all positions, established salaries and formally appoints staff upon the recommendation of the director. The director selects, the board appoints... Compensation for library personnel is fixed by the library board and paid from the library fund.

Pg 44 Trustee Handbook (2018), Education Law § 226 (7), 259 (1)

**Personnel action** by the library board of trustees is not subject to the approval of either the librarian or the town board.

Op State Compt 62-34

"As the Library is an independent entity chartered by the Board of Regents, the Library is the employer. Having the Town process the payroll or coordinate benefits does not make the Town the employer of library staff, because the Library exists as a separate entity...Though the city owns the realty and the buildings occupied by the library and supplies three fourths of the library’s operating funds and channels the payment of the salaries of the library’s personnel through the city’s payroll system, the trustees of the library corporation hire and fire their own employees (even though they use the services of the city’s civil service commission) and fix their salaries (even though within the limits of budgetary provisions) and negotiate their own labor relations (even though with the same collective bargaining agency as the city itself does)." (Binghamton Public Library Unit of the Broome County Chapter of the Civil Service Employees Association v. City of Binghamton, 69 Misc. 2d 1005, 331 NYS 2d 515, May 3, 1972) (p.171)

Jane Minotti, NYSED, New York State Library Division of Library Development, 10/14/2022

**Relevant Public Employment Relations Board (PERB) Opinion**

[A] chartered public library is a separate employer with a legal existence distinct from the municipality which creates and supports it. ...[T]he specific identity of the municipality, whether town, village or city, is immaterial to the status of the public library as an employer....[H]ere, the financial and administrative support the Village contributes to the Library is no different in kind or degree than that customarily rendered by supporting municipalities and that support has been held insufficient to establish the municipality as an employer...


The Village’s power to appoint members of the Library’s board of trustees is similarly immaterial... Citing Queenborough Public Library v. PERB, 104 A.D. 2d 993, 17 PERB 7020 (2d Dept 1984), aff’d 64 N.Y.2d 1093, 18 PERB 7007 (1985)

The Village’s control, which is dependent on the Library’s consent, does not negate the Library’s legal status...

Citing Public Library...and Village of Pound trips, and Pound trips Branch of the Civil Service Employees Association... 1988, Case No: C-5296, 21 PERB Reports 40523

**Civil Service:** When a library wishes to fill a vacancy in a competitive class position, the [library] contacts the jurisdiction’s civil service agency to determine if there is an eligible list for the title. If there is, the [library] requests a certification of the eligible list. Depending upon the rules of the local civil service agency, a library has a maximum period of thirty to sixty days from the certification’s issue date to make its final decision regarding appointment.

NYLA – New York Library Assoc. Librarian’s Guide to Civil Service in NYS
Municipal Libraries and the Relationship with the Municipality

Library Board of Trustees

...[T]ransfer and convey to the Town of Woodbury all right, title and interest of...property known as Rushmore Memorial Library...subject to the following condition set forth in said deed...conveyed to the grantee upon condition that the same shall be used and maintained as public library under the provisions of the Education Law of the State of New York. In the event that it shall cease to be so used and maintained...shall revert to her heirs and assigns forever.

Pg. 56 WPL Absolute Charter

Bylaws may not conflict with federal or state law and regulations; nor the library’s charter. Such law and regulation is the highest authority governing the library’s affairs.

Pg 22 Trustee Handbook (2018)

The basic powers and duties of all library boards of trustees are defined in Education Law § 226...details important powers such as the right to hold and control property and hire staff.

Pg 7 Trustee Handbook (2018)

All public libraries are required to have and share online with their communities access to current library information...to facilitate the community’s understanding of library services, operations and governance.

Pg 12 Trustee Handbook (2018)

The trustees of every corporation created by the regents may...buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution.

Education Law § 226 (6)

In regard to matters which are properly the concern of the library board of trustees, the operation of the public library, the town board has no power to prohibit them from taking such steps as they deem proper in the performance of their duties...[T]he town board lacks power to direct the library board to take action.

Op State Compt 72-6

[T]he library trustees are not bound by their budget. Neither are they subject to the will of the town board in the performance of their duties. Provided an expenditure is made for a valid library purpose, there is no way the town board may prevent that expenditure.


As the citizen control over the public library, the board of trustees has a responsibility for telling the library’s story to the taxpayers, donors and funding bodies that support it.

Pg 71 Trustee Handbook (2018)

[T]he citations Opinion NYS Comptroller 90-5 and Education Law 260 address the appointment of library trustees and their full terms, not unexpired terms. Education Law 226 (4) however, does address the filling of a vacancy resulting from an unexpired term, stating that trustees may fill a vacancy of an unexpired term. That procedure is also specified in the Library’s charter.

Jane Minotti, NYSED, New York State Library Division of Library Development, 10/14/2022

[A] town public library shall be managed by trustees numbering “not ... less than five nor more than eleven” (Education Law, §260(1)). The town board appoints the trustees of a town library.

Op State Compt 90-5

The trustees of public libraries authorized to be established in towns shall be appointed by the town board.

Education Law § 260 (2)

The trustees of every corporation created by the regents may...fill any vacancy occurring in the office of any trustee by electing another for the unexpired term.

Education Law § 226 (4)

“Thereafter, as such terms expire, their successors shall be appointed by the town board of the incorporated Town of Woodbury for a full term of five years. Vacancies due to cause other than expiration of term shall be filled for the balance of the unexpired term by the board of trustees”.

WPL Absolute Charter pg. 56
Mr. Hunter offered the following resolution and moved its adoption:

WHEREAS, at a special district meeting of the qualified voters of former common School District #2 of the Town of Woodbury (also known as the Highland Mills School District) duly called and held in this School District on the 12th day of September 1956, and

WHEREAS, the proposition to convey and transfer to the Town of Woodbury all right, title and interest formerly of common School District No. 2 of the Town of Woodbury in and to land, building and appurtenant property known as the Rushmore Memorial Library was unanimously carried by a vote of 21 in favor to 0 against,

Now, therefore, be it

RESOLVED BY THE BOARD OF EDUCATION OF CENTRAL SCHOOL DISTRICT NO. 1 OF THE TOWNS OF BLOOMING GROVE, CHESTER, MONROE.

TUXTET DEO AND WOODBURY, IN THE COUNTY OF ORANGE, NEW YORK, TO TRANSFER AND CONVEY TO THE TOWN OF WOODBURY ALL RIGHT, TITLE AND INTEREST FORMERLY OF COMMON SCHOOL DISTRICT NO. 2 OF THE TOWN OF WOODBURY IN AND TO LAND, BUILDING AND APPURTENANT PROPERTY KNOWN AS THE RUSHMORE MEMORIAL LIBRARY, SITUATED AT HIGHLAND MILLS, N.Y. HEREBY CONVEYED TO TRUSTEES OF SAID COMMON SCHOOL DISTRICT BY JEANETTE E. RUSHMORE BY DEED DATED JULY 1st 1939, RECORDED AUGUST 21st 1939, SUBJECT TO THE FOLLOWING CONDITION SET FORTH IN SAID DEED:

"The lands and premises hereinbefore described are conveyed to the grantees upon condition that the same shall be used and maintained as a public library under the provisions of the Education Law of the State of New York, and in event that it shall cease to be so used and maintained, then the estate of the parties of the second part, their successors and assigns shall cease and determine, and the said lands and premises shall revert to the said party of the first part, her heirs and assigns forever."

SUBJECT TO APPROVAL BY THE BOARD OF REGENTS OF THE STATE OF NEW YORK AND UPON CONDITION THAT THE TOWN BOARD OF THE SAID TOWN OF WOODBURY SHALL AGREE TO FORM A TOWN PUBLIC LIBRARY UNDER A CHARTER FROM THE SAID BOARD OF REGENTS AND TO APPROPRIATE ANNUALLY FOR THE MAINTENANCE OF SUCH LIBRARY THE SUM OF NOT LESS THAN $750.00 PER YEAR.

The foregoing resolution was seconded by Mrs. Stahl and upon being duly put to a vote on roll call was unanimously carried.

There being no further business, the meeting was adjourned.

Seymour Newman
District Clerk.