



**TOWNSHIP OF ROCHELLE PARK
151 WEST PASSAIC STREET
ROCHELLE PARK, N.J. 07662
MINUTES – SPECIAL MEETING
November 12, 2015 – 7:00 PM**

Call to order at 7:35 PM

According to the Open Public Meetings Act, this meeting of November 12, 2015 was sent to the Our Town newspaper on November 4, 2015, posted on the municipal web-site and posted on the bulletin board in the Municipal Building and has remained continuously posted as the required notice under the Statute and is being taped. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Roll Call:

Comm. M. Kazimir
Comm. J. Kovalcik
Comm. J. Scarpa-Absent
Comm. F. Valenzuela
Mayor J. Ouellette

Pledge of Allegiance was led by Mayor Ouellette.

Mayor Ouellette asked that everyone remain standing for a moment of silence remembering our troops overseas.

A motion was offered by Comm. Valenzuela and seconded by Comm. Kazimir to approve the agenda. Motion carried on a voice vote - all present voting "Aye"

Library-Attorney Rotolo advised that the Township Committee and the library board has been working together for several months to try and establish clarity in the way the library is structured within the Township. He stated the library has been operating the same way for about 60 years. He commented that the code book does not currently establish a designation in which the library operates under and it does not have an ordinance establishing the position of Library Director, which is a full-time position. He stated that the Township has always hired, fired, supervised and paid for the position of Library Director without the benefit of an ordinance creating the position. He stated the law requires a position must be created by ordinance or technically it does not legally exist. He stated that a library can only be one of two things an Association Library or a Public Library established by referendum. He advised that the Township Committee had addressed one of the issues by establishing an ordinance to create the position of Library Director within the Township. He stated that the introduction of this ordinance codifies the legacy of the position and the protocol. He commented that the issue of designating the way in which the library operates will continue to be discussed. Comm. Kazimir stated that the Township Committee will continue to work hard in supplying the library with new books and material and creating new programs. Attorney Rotolo advised that the Township Committee understands the legal structure of the library board and stated that there has not yet been a decision on the direction of the designation.

A motion was offered by Comm. Valenzuela and seconded by Comm. Kovalcik to open the meeting to the public. Motion carried on a voice vote – all present voting "Aye".

Attorney Rotolo stated regarding introduction of the Indemnification ordinance, he found a reference to the library board. He commented that this ordinance addresses how employees and officers would be legally defended in the event of a lawsuit. He stated that technically there is no library board and the introduction of this ordinance will remove that terminology from the ordinance. Michael Sero, Attorney for the library board, asked Attorney Rotolo how long the Library Director has been paid directly through the Township as a Township employee. Attorney Rotolo stated he does not have the answer to that question. Administrator Davidson stated that approximately 27 years as Judith Sands retired with 25 years of service and she was paid through payroll while employed.

Marie Alfano-45 Chestnut Avenue-Asked the Township Committee if they are recognizing a Rochelle Park Library Board of Trustees or if the Township Committee would have say in all library matters. Attorney Rotolo stated that the Rochelle Park Library Association has the authority for certain purposes set forth in their charter. He stated that the Township Committee would like them to continue their set purpose. Ms. Alfano asked for clarity on what the

Township Committee expects of the Library Board and what role the Township Committee would play in the future. Attorney Sero stated that decision has yet to be made. Attorney Rotolo stated that the Township Committee has always made personnel decisions in regards to library staff. Comm. Valenzuela stated that the interaction between the Library Director and the Township Committee over the years has been setting up a budget, ascertaining what tools the library needed to operate in the year ahead, which he believed were in accordance with what the Library Board discussed with the Director. He stated that the Township Committee handled the employment of paid employees and the Director in the past. Attorney Rotolo stated that at present time nothing will change in regards to the way the Board operates, the introduction of the ordinance was to create a position within the Township of Library Director.

Sandy Ross-180 Chestnut Street- Stated that when the Library Board meets once a month they discuss matters involving the library along with the Library Director present. She asked the Township Committee if the Library Board suggests something for the Director to do in the library and she chooses not to heed that suggestion, are the board members wasting their time since she is under the command of the Township Committee. Comm. Valenzuela stated if the Library Board suggests an additional program the Library Director would speak with the Administrator and present the Township Committee with an outline of the new program for their approval. Mayor Ouellette stated that is how the system currently works. Ms. Alfano stated that she believed the purpose of the Library Board was to make decisions in regards to the libraries operation. She commented that this is the reason there are lawyers involved at this point as there is a misunderstanding of responsibilities and duties. She asked if BCCLS would be accessible to the Township for 2016. Attorney Rotolo stated that he does believe the Township would continue with BCCLS for 2016. Comm. Valenzuela and Mayor Ouellette stated that the Township has satisfied its monetary obligation to BCCLS and have no reason to believe the Township will have any issues continuing their membership. Comm. Valenzuela asked the Library Board what they would like to see in regards to the future of the Library Board. Ms. Alfano stated that the group of residents is very dedicated to the improvement of the Rochelle Park Library. She stated that the Board has built a relationship with the new Director, Julia Perrotta, and they are willing to give the Library 100% of their dedication and time. She commented that she doesn't understand why the Township Committee wouldn't want the Library Board to assume responsibility when she believes the Township Committee has many other matters to address. Comm. Valenzuela asked the Library Board members if the Township Committee has done anything that the Library Board members are unhappy with. Attorney Sero commented that he believes the problem may be that the Library Board believes they are the entity responsible for operating the Library. He stated that currently that is not what is happening. Administrator Davidson stated the Library has a budget and once it is established that is what the Library Director works with. He commented that if the monies are available for the Director to utilize and the Library Board suggests a program, the Director has the authority to implement that program under her budget guidelines. Ms. Alfano stated that many times the Library Board has gone to the Library Director and the Library Director has stated "You don't sign my paycheck." Ms. Alfano stated that she feels it is time for a change. She asked the Township Committee to allow for an Association Library. Attorney Sero clarified that the Township Committee would appoint the members of the Board if it was a Municipal Library. He commented that within an Association Library the Township Committee would provide money to the Library Board for operations and that there are very few Association Libraries left in Bergen County. Comm. Valenzuela stated that if the library becomes a municipal library it becomes a separate line item on resident's tax bills and tax payers would pay for the Library. The Administrator stated that under a true Association Library the Library Director would not be an employee of the Township. Attorney Sero stated that is correct as well as any library employee would be paid under the Association. Administrator Davidson also stated that under an Association Library the Library Director would not be covered under NJ Pension or Health Benefits through the Township. Attorney Sero stated that he understands the implementation of creating the Library Director position through ordinance. He stated that this does not end the discussion of the future of the Library and Library Board. Comm. Valenzuela asked members of the Library Board to draft a list of their concerns and things they would like to see implemented in the future. Comm. Kovalcik stated that there may be some issues that can be addressed immediately. Ms. Alfano stated that she frequently asks Comm. Kazimir for a meeting with the Township Committee. Comm. Valenzuela stated there have never been restrictions on meeting with the Township Committee. Mayor Ouellette stated the members are welcome to attend the Public Meetings each month to express their concerns. Ms. Alfano asked Administrator Davidson to attend Library Board meetings so that they do not have to wait for answers to their questions. Mayor Ouellette stated logistics can be worked out in the future. Attorney Rotolo stated that currently Rochelle Park is a hybrid library which needs to be corrected as he believe the Township does not currently operate as a Public Library or an Association Library. Ms. Katherine Baccala stated that for the past four years the reports to the State of NJ stated that Rochelle Park is an Association Library. Attorney Sero stated that the dialogue this evening is a good first step to correcting the fundamental situation of the library for the future. He stated that

he will work with the Library Board in providing their concerns to the Township Committee as soon as possible. Comm. Kovalcik stated that he would like to reinforce that the Township Committee is trying to remain fiscally responsible while allowing the library to run in the most effective way possible. Ms. Alfano asked if Attorney Rotolo wrote a letter in the Community News. Attorney Rotolo emphatically denied writing a letter to the Community News.

A motion was offered by Comm. Kovalcik and seconded by Comm. Kazimir to open the meeting to the public. Motion carried on a voice vote - all present voting "Aye".

No members of the public spoke.

A motion was offered by Comm. Kovalcik and seconded by Comm. Kazimir to close the meeting to the public. Motion carried on a voice vote - all present voting "Aye".

A motion was offered by Comm. Kazimir and seconded by Comm. Kovalcik to adjourn the meeting. Motion carried on a voice vote - all present voting "Aye".

Respectfully submitted,

Elizabeth Kroll
Municipal Clerk