

Agenda for the Meeting of the Board of Trustees of the Newstead Public Library

Wednesday, December 13 @ 7 pm

Newstead Public Library

33 Main Street, Akron, NY 14001

- 1) Meeting Called to order and attendance
- 2) Approval of minutes of meeting held on Wednesday, November 8, 2023

Action Required

- 3) Approval of the agenda for December 13, 2023
- 4) Public Comment
- 5) Director's report
 - a. Review of monthly report
 - b. Review of monthly library statistics
 - c. Friends of the Newstead Public Library Report
- 6) Finances
 - a. County paid
 - b. Privately paid
 - c. Other bills
 - d. Approval of Voucher Abstract
- 7) New Business
 - a. Conflict of Interest Policy
 - b. Rules of Conduct Policy
- 8) Building
 - a. Plumbing in Basement
- 9) Old Business
 - a. Fire Panel
- 10) Next Meeting January 10, 2024 @ 7 pm
- 11) Adjournment of Meeting Action Required

**Newstead Public Library
Board of Trustees
Wednesday, November 8 @ 7 pm**

Board Members Present: Mary Mangan, Sue Brown, Sue Sweitzer, Tara Middaugh, Michele Cositore

At Large: Library Director Kristine Sutton, John Jendrowski

Call to Order: 7:08, Motion to approve- Sue S, Mary

Approval of Minutes from October 11, 2023, Motion to approve- Sue S, Mary

Approval of the Agenda for November 8, 2023, Motion to approve – Sue B, Michele

Library Business

Public Comment: None

Directors Report: Reviewed monthly Program Report and Library Statistics. Review of Friends of the Newstead Library Report, the Book Sale was a success raising \$1900.73. Light Up Akron is taking place on 12/9 this year & the library will include activities for the kids

Finances: Bills were all reviewed and approved & reviewed Monthly Financial Report, Abstract approved – Sue S, seconded – Michele

New Business: Reviewed & approved the Investment Policy which was taken from Central Sue B, Mary. Debbie Tiedt donated \$5,000 as a tribute to Bob, discussions will ensue but it was agreed by all that the funds will be focused on the children's areas of our library

Building: The HVAC unit is being installed on Thursday November 9, the crane is arriving at 8 am

Old Business: the fire panel is still a work in progress/deciphering which company/quote will best fit our needs. John will move ahead with re-appointing the brick & flashing on the roof. The bathrooms will be added to our Construction Grant since we are already having the sewer lines done; staying ahead of any future problems

Next meeting: December 13, 2023 @ 7 pm

Meeting Adjourned: 7:54 pm, Motion to adjourn – Mary, Sue S



Rules of Conduct

The Newstead Public Library (B&ECPL) serves as a center for information, education and entertainment. Under Article 5, Section 262 of New York State Education Law, the Board of Trustees of the Newstead Public Library has adopted the following rules to ensure an atmosphere conducive to appropriate use of the services and facilities of the Newstead Public Library. Library users are required to comply with these Rules and Regulations.

The following conduct is prohibited:

1. Engaging in disorderly conduct, fighting or challenging to fight, or using offensive words likely to provoke violence or using language that offends others;
2. Disturbing other patrons, staff or volunteers including but not limited to disruptive behavior such as any loud, unreasonable and/or bothersome noises created by persons or devices; interfering with staff or volunteers in the performance of their duties and persistent, unwelcome attention; obscene or threatening gestures such as staring at another person; or following another person on or around the premises;
3. Carrying weapons of any kind;
4. Possessing, distributing or consuming alcohol or illegal drugs or being under the influence of alcohol or drugs;
5. Engaging in sexual conduct and/or lewd behavior (e.g., exposure, offensive or inappropriate touching, or sexual harassment of other patrons, staff or volunteers);
6. Engaging in discriminatory conduct in violation of the B&ECPL Equal Employment Opportunity and Anti-Harassment Policy;
7. Damaging, destroying, or stealing any Library property or the property of another patron, staff or volunteer;
8. Bringing animals or pets into the library except those required to assist persons with disabilities or those involved in library programs;
9. Selling and/or soliciting; petitioning;
10. Distributing or posting materials/literature that have not been approved by the Library;

11. Vaping, smoking cigarettes, cigars, pipes, smokeless electronic cigarettes or using tobacco products inside of the Library or within one hundred (100) feet of any entrance, exit or outdoor space (in accordance with New York State Public Health Law Section 1399-O).
12. Eating or drinking in designated restricted areas;
13. Making unreasonable use of the restrooms including bathing;
14. Sleeping or lying down;
15. ~~Photography or recording on Library premises without Library permission; and,~~
Photography or recording of Library Patrons without their permission; and
16. Absence of shirts and/or shoes.

No children under six years of age may be left unattended in any library at any time. Library staff will not be responsible for children who have been left without adult supervision. Adult patrons who are not engaged in library activities that require materials from the children's area shall be asked to relocate to other areas of the library. The staff reserves the right to seek the intervention of appropriate law enforcement or social services agencies, as required by individual circumstances.

People who violate these rules will be advised of their infraction(s). Failure to comply with the Library's established policies, rules and regulations or violations of local, state or federal law may result in immediate suspension of library privileges and, where necessary, civil liability and/or criminal prosecution.

Adopted May 16, 2002.

Amended February 20, 2003, September 28, 2006 and June 14, 2012.

Supersedes Rules of Conduct dated May 15, 1997 and Policy Governing Unattended Children dated April 21, 1988.

Amended May 21, 2015.

Amended October 20, 2016.

Amended December 21, 2017.

Amended October 18, 2018.

Amended May 16, 2019

Reviewed by policy Committee June 29, 2020 - No Changes

Adopted by the Newstead Public Library Board of Trustees on December 12, 2018 per Resolution 2018-12

Amended December 11, 2019.

Reviewed December 9, 2020 - No Changes

Amended December 13, 2023

CONFLICT OF INTEREST POLICY

OF THE

NEWSTEAD PUBLIC LIBRARY

(ADOPTED AS OF THE 19th DAY OF October 2016)

ARTICLE I

Purpose

The purpose of this Conflict of Interest Policy is to protect the Newstead Public Library when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, trustee, or Key Employee of the Newstead Public Library, including situations that may give rise to Conflicts of Interest and Related Party Transactions.

ARTICLE II

Definitions

Section 2.1. Interested Person. An Interested Person is any trustee, officer, employee or member of a committee with powers delegated by the Board of Trustees, who (1) has a direct or indirect Financial Interest, as defined below, and/or (2) is a Related Party, as defined below.

Section 2.2. Disinterested Trustee. A Disinterested Trustee is any trustee who is not an Interested Person.

Section 2.3. Relative. A Relative of an individual means his or her spouse or domestic partner (as defined in Section 2994-a of the Public Health Law, ancestors, brothers and sisters (whether whole or half blood), children (whether natural or adopted), grandchildren; great-grandchildren, and spouses or domestic partners of brothers, sisters, children, grandchildren and great-grandchildren.

Section 2.4. Financial Interest. A person has a Financial Interest if the person has, directly or indirectly, through business, investment, or a Relative:

(A) An ownership or investment interest in any entity with which the Newstead Public Library has a transaction or arrangement;

(B) A compensation arrangement with the Newstead Public Library or with any entity or individual with which the Newstead Public Library has a transaction or arrangement, except for compensation payable to a Trustee of the Newstead Public Library for service on the Board that is to be made available or provided to all Trustees of the Newstead Public Library on the same or substantially similar terms; or

(C) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Newstead Public Library is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

Section 2.5. Substantial Financial Interest. A Financial Interest in a Related Party Transaction is a "Substantial Financial Interest" if, in the discretion of the Board after giving due consideration to the material facts and circumstances of the Financial Interest as presented, the Board determines that such Financial Interest is substantial.

Section 2.6. Related Party. A Related Party includes:

(A) any trustee, officer or Key Employee of the Newstead Public Library or any Affiliate of the Newstead Public Library or any other person who exercises the powers of trustees, officers or Key Employees over the affairs of the Newstead Public Library or any Affiliate of the Newstead Public Library;

(B) any Relative of an individual described in clause (A) of this section; or any entity

(C) in which any individual described in clauses (A) and (B) of this section has a thirty-five percent or greater ownership or beneficial interest or, in the case of a partnership or professional corporation, a direct or indirect ownership interest in excess of five percent.

Section 2.7. Key Employee. A Key Employee means any person who is in a position to exercise substantial influence over the affairs of the Newstead Public Library, referenced in 26 U.S.C. §4958(f)(1)(A) and further specified in 26 C.F.R. § 53.4958-3(c), (d) and (e), or succeeding provisions to the extent such provisions are applicable.

Section 2.8. Affiliate of the Newstead Public Library. An Affiliate of the Newstead Public Library means any entity controlled by, or in control of, the Newstead Public Library.

Section 2.9. Related Party Transaction. A Related Party Transaction means any transaction, agreement or any other arrangement in which a Related Party has a Financial Interest and in which the Newstead Public Library or any Affiliate of the Newstead Public Library is a participant.

Section 2.10. Conflict of Interest. A Conflict of Interest exists if an outside interest or activity influences or appears to influence the ability of an individual to exercise objectivity or impair the individual's ability to perform his or her responsibility in the best interests of the Newstead Public Library.

ARTICLE III
Disclosure

Section 3.1. Disclosure Statement. Prior to the initial appointment or hiring, and annually thereafter, a trustee, officer, member of a committee with powers delegated by the Board, or Key Employee shall complete, sign and submit to the secretary of the Newstead Public Library, a written Disclosure Statement, attached as Appendix A, identifying, to the best of his or her knowledge, the following information:

- (A) any entity of which such person is an officer, trustee, member, owner (either as a sole proprietor or a partner), or employee and with which the Newstead Public Library has a relationship; and
- (B) any transaction in which the Newstead Public Library is a participant and in which such person might have a Financial Interest that may give rise to a Conflict of Interest or Related Party Transaction.

The secretary shall provide a copy of all completed Disclosure Statements to the Chair of the Overseeing Committee or, if there is no such committee, to the President of the Board.

Section 3.2 Continuing Duty. All trustees, officers, committee members, and Key Employees have a continuing duty to disclose by oral or written statement the existence of and material facts surrounding any Financial Interest at the time an actual or possible Conflict of Interest or Related Party Transaction arises.

Section 3.3 Violations. Any trustee, officer, committee member, or Key Employee who fails to comply with the disclosure obligations under this Article III or otherwise violates this Conflict of Interest Policy, may be subject to appropriate disciplinary and corrective action, up to and including referral to the New York State Board of Regents for possible removal of a Trustee, pursuant to New York State Education Law section 226.

ARTICLE IV
Procedures

Section 4.1. General Prohibitions. An Interested Person shall not:

- (A) be present at or participate in any Board deliberation or vote related to the transaction or arrangement giving rise to a Conflict of Interest or Related Party Transaction; nor
- (B) directly or indirectly attempt to influence improperly the deliberation or voting on the transaction or arrangement giving rise to the conflict.

Notwithstanding the foregoing, the Board of Trustees may request that an Interested Person present information to the Board prior to the commencement of deliberations or voting relating thereto.

Section 4.2. Initial Determination. After the disclosure required under Article III, the remaining Board shall decide and document in the meeting minutes whether the transaction or arrangement is a Related Party Transaction, including whether any such transaction involves a Substantial Financial Interest, or a Conflict of Interest.

Section 4.3. Consideration of Alternatives. If the transaction or arrangement is a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then the Board must consider alternatives to the proposed transaction or arrangement. If the transaction or arrangement is a Conflict of Interest, then the Board may, but is not required, to consider alternatives.

Section 4.4. Board Decision. The Board of Trustees shall compare the alternatives, if any, with the proposed transaction or arrangement and determine whether the Newstead Public Library can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest or Related Party Transaction. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict of Interest or Related Party Transaction, the Board of Trustees shall determine:

- (A) by a majority vote of the Board, whether the proposed transaction or arrangement is in the Newstead Public Library's best interest, for the Newstead Public Library's own benefit, and whether it is fair and reasonable; and if so, then
- (B) whether to enter into the transaction or arrangement, in accordance with the Newstead Public Library's bylaws. Note that if the transaction or arrangement involves a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then at least a majority of the Board members present at the meeting is required to approve such transaction.

Section 4.5. Documentation Required. The Board of Trustees shall document in the minutes of the meeting at which such determinations are made the following:

- (A) The existence of a Conflict of Interest or Related Party Transaction;
- (B) The resolution of the Board with respect to such Conflict of Interest or Related Party Transaction, including the determination as to whether the transaction or arrangement is fair, reasonable and in the Newstead Public Library's best interest.

(C) The basis for approving the transaction or arrangement which gives rise to the Conflict of Interest or Related Party Transaction, including consideration of any alternatives.

ARTICLE V
Oversight

A designated Committee of the Board comprised solely of Independent Trustees, as defined in the New York Not-For-Profit Corporation Law (the "Overseeing Committee") shall oversee the adoption of, implementation of, and compliance with this Conflict of Interest policy. If there is no such Overseeing Committee, then the Board, shall oversee the adoption of, implementation of, and compliance with this Conflict of Interest policy, and only those trustees who qualify as Independent Trustees shall be eligible to deliberate and vote on matters relating to the Policy.

Reviewed by the Newstead Public Library Board of Trustees Meeting on February 12, 2020

Reviewed by the Newstead Public Library Board of Trustees on February 10, 2021

Reviewed by the Newstead Public Library Board of Trustees on February 9, 2022

Reviewed by the Newstead Public Library Board of Trustees on December 13, 2023

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DISCLOSURE STATEMENT
OF THE
NEWSTEAD PUBLIC LIBRARY

The undersigned, being a trustee, officer, committee member or Key Employee of the Newstead Public Library, hereby acknowledges and confirms the following:

(1) I have received, read and understand the Newstead Public Library's Conflict of Interest Policy in effect as of the date written below, and I agree to comply with the Conflict of Interest Policy.

(2) I understand that the Newstead Public Library is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

(3) **Personal Interests & Relationships.** I am an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or an employee of the following entities with which the Newstead Public Library has a relationship: *[If none, please write "None." If such interests exist, please specify the capacity in which you hold such an interest (for example, employee, director, or owner). If an owner, please specify your percentage ownership].*

(4) **Interests & Relationships of Relatives.** A Relative (spouse or domestic partner, ancestors, brothers and sisters (whether whole or half blood), children (whether natural or adopted), grandchildren; great-grandchildren, and spouses of brothers, sisters, children, grandchildren and great-grandchildren) of mine is an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or an employee of the following entities with which the Newstead Public Library has a relationship: *[If none, please write "None." If such interests exist, please specify the Relative (for example, sibling or spouse) and the Relative's position (for example, employee, director, or owner). If an owner, please specify the percentage ownership].*

(5) **Transactions.** The Newstead Public Library is a participant in the following transactions in which I or my Relative may have a Financial Interest that may give rise to a Conflict of Interest or Related Party Transaction, as defined in the Conflict of Interest Policy. *[If none, please write "None." If such transaction(s) exists, please specify the transaction and the potential financial interest involved and whether you or a Relative has such an interest for any such transaction(s). Please specify the Relative and their position, if applicable.]*

I certify that the above statements are true and correct to the best of my knowledge.

Name: _____

Position: _____

Signature: _____

Date: _____

Abstract of Audited Vouchers For Member Aid Checking Account

Newstead Public Library

Date of Audit: 12/13/23

Month Year

Total Claims(\$) 30,451.15

I certify that the vouchers listed on this abstract were audited by the Newstead Public Library Board on this above date and allowed to be paid to the claimants in the amounts shown.

12/13/23

Date

Authorizing Official

Voucher #	Claimant	Vouchers		
		Amount	Check #	Date
115	Town of Newstead	\$30,375.00	115	12/13/2023
116	B&ECPL	\$76.15	116	12/13/2023

Total: \$30,451.15

Abstract of Audited Vouchers For Private Checking Account

Newstead Public Library

Date of Audit: 12/13/2023

Month Year

Total Claims(\$)1594.52

I certify that the vouchers listed on this abstract were audited by the Newstead Public Library Board on this above date and allowed to be paid to the claimants in the amounts shown.

12/13/2023

Date

Authorizing Official

Voucher #	Claimant	Vouchers		Date
		Amount	Check #	
1435	Mid America Books	\$151.70	1435	12/1/2023
1436	The Penworthy Company	\$1442.82	1436	12/13/2023

Total: \$1594.52

Abstract of Audited Vouchers For County Checking Account

Newstead Public Library

Date of Audit: 12/13/2023

Month Year

Total Claims(\$)394.47

I certify that the vouchers listed on this abstract were audited by the Newstead Public Library Board on this above date and allowed to be paid to the claimants in the amounts shown.

12/13/2023

Date

Authorizing Official

Voucher #	Claimant	Vouchers		Date
		Amount	Check #	
4554	Village of Akron	\$394.97	4554	12/11/2023

Total: \$394.97