

Minutes of the SCHSFLA Board of Trustees Meeting on November 18, 2024

The meeting was held at the Main Library on High School Road, Montrose, PA

Call to Order at 4:15 PM by President Steve Spero.

President Steve Spero called the meeting to order at 4:15 PM.

Board Members in Attendance: Steve Spero, Vickie Calby, Rob Vermette, Joann Reimel, Dawn Augenti, Lorraine Chidester, Jim O'Pecko, Fred Cicilione, Kathy Matis, Craig Benson, Will Squier, Eileen Baessler, Cathy Harter.

Staff Present: Kris Ely, Administrative Director, Rita Cooley, Katherine Cruz, Forest City Librarian

Absent: Angie Zick

Steve welcomed guests to this meeting, which had been preceded by the Annual Meeting.

Approval of Minutes

1. Kathy Matis 2. Vickie Calby

In Favor: All Opposed: none

Approval of Written Reports:

1. Rob Vermette 2. Jim O'Pecko

In favor: All Opposed: None

Finances: Rob Vermette

See Attachment A.

Rob made a motion to re-balance all investments to 50/50. This will take approx. 3-6 months to accomplish.

1. Rob Vermette 2. Fred Cicilione

All in Favor: All Any Oppose: None

We received an extra \$21,000.00 in our county tax check that we were not expecting. We received \$56,000 instead of \$35,000.

Do we keep this in the operating account to use for upcoming expenses or put it back into our investment account? Should we wait till end of year to put back in investment account?

Steve Spero requested a motion to retain the \$21,000.00 to use for upcoming and end of year expenses.

1. Vickie Calby 2. Kathy Matis

All in Favor: all

Any oppose: None

William Owens, Accountant with Williams Owens and Company, has completed the 990 Form and has the draft of the Audit complete for 2023. Question was raised if we should request him to attend the January Finance Committee meeting to discuss this form and our financial status. It was agreed to request this.

Kris Ely is to contact William Owens and will invite Mr. Owens to attend the January Finance meeting via Zoom.

Strategic Planning: Rob Vermette

See Annual Meeting Minutes

Historical Society: Steve Spero

See Annual Meeting Minutes

Bylaws & Policy – Jim O’Pecko

See Attachment B. By Laws/Policy Committee Meeting 11/14/24

Will Squire has made a motion to reinstate the former circulation policy and the former privacy and confidentiality of library records policy, i.e. - the policies that were replaced by vote of the Board at the Sept 2023 Board Meeting. See **Attachment C** for Current Board Policy.

Will gave a presentation on all his points of view on why this needs to happen.

He stated that parents should have the right to review all the items borrowed from the Library by their children. He also stated that children cannot legally enter into any contract under the age of 18.

He said this is based on the PA Title 24 Statute - Dept. of Education.

Minimum would be that children cannot remove the name of parents currently listed on the child’s card without contacting the parent before doing so.

Kris Ely gave a presentation explaining why our current policies do follow Title 24 Guidelines. Kris Ely explained that our Northeast Library District Consultant, Michele Legate indicates that all the other libraries in our district follow the guidelines that we had accepted last September. Our policy was reviewed and approved by our legal counsel. A copy of the Scranton Public Library Confidentiality of Library Records Policy is attached as **Attachment D**.

After 45 minutes of debate, Steve Spero asked for a motion to table a vote on this policy until no later than our February 2025 Board Meeting, thus giving the Board more time to review the legal aspects of this with our attorney.

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|----------------|-------------------------|
| 1. Jim O'Pecko | All in Favor: All (yes) |
| 2. Kathy Matis | Oppose- None |

Public comment:

- Follow law- Title 24
- Ron Parsons gave view points on Parental rights. He stated that the community needs to work together. Mr. Parsons stated that we need to only concern ourselves with our Susq. County residents, not those who live in other parts of our state or nation.
- Another audience member stated she is in favor of the new policy.
- Another audience member requested that the Board move our meeting times to later in the day, for example: 6:00 PM. This would make it easier for more county residents to attend the meetings.
- Another indicated the need for more parent awareness regarding the library cards of their children.

Steve Spero thanked everyone for attending and supporting the library.

Steve requested a motion to adjourn at 6:52 PM

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|-----------------|-------------------------|
| 1. Vickie Calby | All in Favor: All (yes) |
| 2. Jim O'Pecko | Oppose: None |

Respectfully Submitted,



Joann Reimel, Recording Secretary

Attachment A

FINANCE COMMITTEE NOTES- NOVEMBER 2024

The finance committee met on November 15. All members except Craig Benson were in attendance plus Kris Ely and Steve Spero.

Highlights from October financial statements: total YTD income \$1,018,388; total YTD expenses \$992,566; net YTD income \$25,822; total assets as of 10/31/24 \$1,434,935; total endowments as of 10/31/24 \$1,119,085.

The Committee discussed the 10-month financial reports, January - October. There are still some issues with the handling of endowment receipts. They should show up as non-operating income at the bottom of the report. It appears that we will not meet the 12% of annual expenditures on materials, as about \$22,000 more purchases is needed. We will have to deal with the state library overseers next year. We are still improving the comparison of actual to budget figures. It was requested that insurance premiums be broken out separately.

The draft 2025 budget was presented by Kris Ely. It appears that there will be a \$9,000 shortfall based on the assumptions used. The budget includes taking the maximum withdrawal of 9% from the Sue Stone endowment at the Community Foundation.

Based on the information presented by Christine Marrazzo of Janney at last month's committee meeting, we will make a motion to rebalance the three endowment funds to a 50/50 equity/fixed ratio. This will decrease equity from the Post and Lott funds and increase equity in the McKeage fund. We will request Janney to do these changes over a reasonable period of time. Also, the current direction from the Board is to return \$21,000 to our endowments at Janney due to receiving more county tax than anticipated. Kris discussed this with Janney and they would prefer not to do this if we are going to request more monies at year- end. While there are no costs involved, it is more work for everyone.

Other items discussed:

- 1) The non-payment of lottery tax withholdings is an ongoing issue. We are waiting for a response from the IRS as to our request for abatement of penalties and interest from 2022.
- 2) The draft audit for 2023 and the 990 reports have been received from Owens.

Attachment B

By-laws/policy meeting, 11/14/2024


Present: Jim O'Pecko, Steve Spero, Kris Ely, Dawn Augenti, Joann Reimel, George Conner, Chris Hall, Lorraine Chidester, Will Squier, Fred Cicilioni

Absent: Eileen Baessler

The meeting was held to allow Will Squier to present his views on the previously approved "circulation policy" and "privacy and confidentiality of the library records" policies. There were eleven guests present for this meeting.

Will Squier stated that our parental guidelines do not meet state requirements and provided a booklet (reinstatement proposal of former circulation and confidentiality/privacy library policies). This booklet contained the points relating to this proposal. One of the points of the booklet is to state that minors (children under the age of 18) can make no legal decisions.

It was stated that these policies are not in agreement with the Federal Education Rights and Privacy Act (FERPA).

 Will Squier made a recommendation to the committee to revert to the old policy and then review the policies, yet again. He also stated that he would bring this up at the November 24, 2024 board meeting.

Kris Ely noted that this request to revert to previous policies is being driven by political rights movement and that their concerns should be reviewed by the court system.

Kris Ely also stated that library policies are controlled by Title 24 and not FERPA.

A motion was submitted to the committee as follows:

Motion to reinstate the former Circulation Policy and former Privacy and Confidentiality of Library Records policy that were both terminated and replaced with the current policies at the September 2023 Board meeting, then further review these policies.

This motion passed to allow Will Squier to bring up his proposal to the full board.

Attachment C

Susquehanna County Historical Society and Free Library Association Susquehanna County Library - Privacy and Confidentiality of Library Records Policy

Last Updated: 8 September 2023 Board Vote / Effective Date: 18 September 2023

1. The Board of Trustees of the Susquehanna County Historical Society and Free Library Association (Board) specifically recognizes the confidentiality of records related to the circulation of Library materials that contain the names or other personally identifying details regarding the users of the Library in accordance with Pennsylvania law: 24 Pa. Cons. Stat. Sec. 9375:

24 PA C.S.A. Education 6 9375

Records of the following institutions which related to the circulation of library materials and contain the names or other personally identifying information of users of the materials shall be confidential and may not be made available to anyone except by a court order in a criminal proceeding:

- (1) The State Library
 - (2) A local library established or maintained under the provisions of this chapter.
 - (3) The library of a university, college or educational institution chartered by the Commonwealth.
 - (4) The library of a public school.
 - (5) A library established and maintained under a law of this Commonwealth.
 - (6) A branch reading room, deposit station or agency operated in connection with a library described in this section.
2. The Board supports the concept of intellectual freedom and the right of each citizen to free access to information without fear of intimidation or

recrimination. The Library's confidentiality policy safeguards the First Amendment and privacy rights of Library users. The Library advises employees, volunteers, and patrons that all Library records that contain names or other personally identifying details regarding the users of the Library are confidential.

3. The Board further subscribes to the American Library Association Library Code of Ethics, Section III, which states, "We protect each Library user's right to privacy and confidentiality with respect to information sought or received and materials consulted, borrowed, acquired, or transmitted."
4. In all instances and regardless of circumstances, the Library safeguards access to patron Library records and restricts access to that information to only the patron who owns the Library card, with the stipulations and exceptions specified below.
5. No patron records will be made available to federal, state, or local law enforcement agencies except by a court order as required by law.
 - 5.1. Court orders from law enforcement officers will be referred to the Administrator/ Librarian who will consult legal counsel. Other Library employees will not provide any patron records to law enforcement agencies under any circumstances.
 - 5.2. The Library will take such action as is necessary to determine that any court order or process issued by any court or pursuant to any court rule or any agency of government requires that such records be made available.
 - 5.3. If law enforcement officers bring a court order in the form of a Search Warrant:
 1. A search warrant is executable immediately unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
 2. The most senior staff person on duty will request that the law enforcement officers wait until the Administrator is contacted and legal counsel is able to examine the search warrant and to assure

that the search conforms to the terms of the search warrant.
(IMPORTANT: The law enforcement officials are not required to accede to our request to delay the search.)

3. The Administrator or their designee will work with the officers to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.

6. At SCHS&FLA the term "circulation records" refers to the following:
 - 6.1. Records from the Integrated Library System that link a patron to a specific resource.
 - 6.2. Records of computer usage including browser histories.
 - 6.3. Printouts associated with a specific patron.
 - 6.4. Anecdotal reporting by staff on an individual's library usage.
 - 6.5. Security camera footage.
 - 6.6. Verification of an individual's presence (or lack thereof) in a library facility, vehicle, or virtual service.

7. Exceptions. In the following instances, the procedures outlined above can be bypassed:
 - 7.1. Clear and present danger to library staff or patrons (to be determined by the Administrator).
 - 7.2. Internal library investigation assuming legal counsel determines utilizing documentation, data, or records in specified manner does not violate existing laws.

Attachment D

Scranton Public Library Confidentiality of Library Records Policy

Adopted by Scranton Public Library Board of Trustees 6/16/22

Overview

The Scranton Public Library protects the privacy of library records and the confidentiality of patron use of the library as required by relevant laws and reflected in the library's Values Statements. This policy seeks to establish protocols that will give staff and Board of Trustees direction in the enforcement of these laws and values.

Legal Requirements: Commonwealth of Pennsylvania

24 Pa.C.S.A. Education § 9375

Records of the following institutions which relate to the circulation of library materials and contain the names or other personally identifying information of users of the materials shall be confidential and may not be made available to anyone except by a court order in a criminal proceeding:

- (1) The State Library.*
- (2) A local library established or maintained under the provisions of this chapter.*
- (3) The library of a university, college or educational institution chartered by the Commonwealth.*
- (4) The library of a public school.*
- (5) A library established and maintained under a law of this Commonwealth.*
- (6) A branch reading room, deposit station or agency operated in connection with a library described in this section.*

At SPL the term "circulation records" refers to the following:

1. Records from Integrated Library System that link a patron to a specific resource.
2. Records of computer usage including browser histories.
3. Printouts associated with a specific patron.
4. Anecdotal reporting by staff on an individual's library usage.
5. Security camera footage.
6. Verification of an individual's presence (or lack thereof) in a library facility,

vehicle, or virtual service.

Staff Procedures

1. Requests received by staff should be referred to a member of the Leadership Team or the CEO.
2. The member of Leadership Team or CEO will ask the requestor if they have a subpoena or search warrant. If No the requirement will be explained to the requestor. If a subpoena go Step 3. If search warrant, go to Search Warrant section below.
3. If a subpoena the CEO will confer with legal counsel.
4. If the subpoena is acceptable to legal counsel, the CEO or their designee will supervise the transfer of information ensuring that no other user records are disclosed.

If law enforcement officers bring a court order in the form of a **Search Warrant**:

1. A search warrant is executable immediately, unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
2. A member of Leadership Team or CEO will request that the law enforcement officers wait until legal counsel is able to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (IMPORTANT: The law enforcement officials are *not* required to accede to your request to delay the search.)
3. the CEO or their designee will work with the officers to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.

Exceptions

In the following instances, the procedures outlined above can be bypassed:

1. Clear and present danger to library staff or patrons.
2. Internal library investigation assuming legal counsel determines utilizing documentation, data, or records in specified manner does not violate existing laws.
3. If a caller inquires as to the presence or lack thereof of a specific patron, staff will ask for a description of the patron and take the caller's number. If a patron matching the caller's description is present, staff will record name and phone number of the caller and invite patron to use library phone to call if they wish.