

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 14-119**

**A RESOLUTION SUPPORTING AND AUTHORIZING THE REINSTATEMENT OF TWO FULL
TIME LIBRARY EMPLOYEES THAT WERE TERMINATED BY THE LIBRARY BOARD OF
TRUSTEES**

Councilwoman Horgan offered the following resolution and moved its adoption:

WHEREAS, the Red Bank Public Library is Free Public Library that was established by the Borough of Red Bank (the “Borough”) pursuant to *N.J.S.A. 40:54-1*; and

WHEREAS, the Trustees of the Library Board (the “Board”) are appointed by the Mayor; and

WHEREAS, the Board is vested with powers to manage and operate the Library pursuant to *N.J.S.A. 40:54-12*; and

WHEREAS, the employees of the Library are Borough employees; and

WHEREAS, the cost of the operation of the Library is borne by local taxation, and the moneys for its operation are appropriated by the Governing Body, although the amount of the appropriation is mandated by the Legislature; and

WHEREAS, despite the independent nature of the Board, New Jersey Courts have recognized that a free public library is an adjunct of local government in the field of education and intellectual recreation, and under its control; and

WHEREAS, the New Jersey Courts have further recognized that regardless of the status of the Board as an independent municipal agency, the municipality as a whole, and the governing body in particular, have a substantial involvement with the welfare and management of the library business in the areas of finance and personnel; and

WHEREAS, in preparing its 2014 budget, the Board advised the Borough that layoffs of certain library employees were purportedly necessary due to budgetary constraints; and

WHEREAS, in response to the proposed layoffs, the Borough Administrator requested a copy of the Library’s proposed budget; and

WHEREAS, the proposed budget was not provided to the Borough prior to the Board effectuating the layoffs; and

WHEREAS, on March 12th, 2014, the Library Director with the approval of the Library Board of Trustees gave Notice of Layoff and essentially terminated the employment of persons in three full-time and three part-time positions; and

WHEREAS, subsequent to the termination of the Library employees, the Borough was provided with a copy of the Library’s proposed 2014 budget from the Director; and

WHEREAS, the Borough’s Chief Financial Officer (“CFO”) and Administrator have reviewed the Library’s proposed 2014 budget and have met with the Library Board on several occasion to address the Borough’s concerns regarding the budget and layoffs of the employees; and

WHEREAS, the CFO has determined that the Board erroneously included certain items in its budget, including capital improvements & purchases, that the Borough, and not the Library, is responsible for as part of its capital improvements budget; and

WHEREAS, based on her review of the Board’s proposed budget and the removal of certain expense items from the budget, including the capital improvements, the CFO has prepared an alternate budget for 2014 and a projected budget for 2015 that would allow the

Library to continue to operate within the budgeted amounts without the need to terminate the two full time employees; and

WHEREAS, the Borough has recommended to the Library Board that it adopt the budget proposed by the CFO and that the Library reinstate the two full time employees who were terminated; and

WHEREAS, the Library Board has declined to reinstate the two full time employees; and

WHEREAS, the Borough Administrator is the personnel officer of the Borough pursuant to the Borough's Revised General Ordinances, Article IV, Section 2-15; and

WHEREAS, as the personnel officer, Borough Administrator has the authority to make recommendations to the Borough Council regarding the hiring or dismissal of Borough Employees; and

WHEREAS, the Borough Administrator believes it is in the bests interest of the Borough that the two full time library employees who were previously terminated for purported budgetary reasons be immediately reinstated to their prior positions with the Library at the same salary and benefits that they had at the time of their termination; and

WHEREAS, the Mayor and Council also believe that it is in the best interests of the Borough to reinstate the employment of the two full-time Library employees given that important role of the Library within the community and to ensure that the Library is able to continue to provide the level and type of services that the residents of the Borough have come to expect from a free public library; and

WHEREAS, the Mayor and Council would prefer that the Library Board act on its own to reinstate the two full time employees upon presentation by the CFO of a proposed budget that would allow them to re-hire these employees, but given the lack of action by the Board, the Mayor and Council are compelled to support and authorize the Administrator's recommendations regarding the reinstatement of two full time employees.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank that:

1. The recommendations of the Borough Administrator to reinstate the employment by the Borough of the two full time Library employees who were previously terminated by the Library Board is hereby authorized and approved; and
2. The Administrator is hereby authorized to take whatever action is necessary to ensure that subject personnel are re-employed by the Borough as soon as practicable as full time Library employees in the positions that they held at the time of their termination and with the same salary and benefits that they had at the time of their termination; and

BE IT FURTHER RESOLVED by the a copy of this Resolution be provided to the Library Board, the Library Director, the Borough Administrator, and CFO.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	(x)	()	()	()
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Lewis	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	()	()	()	(x)

Dated: April 9, 2014