

2460

2011-2012 Regular Sessions

I N S E N A T E

January 21, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to provide for the creation of the Stephentown Memorial library district in the county of Rensselaer; and to amend chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, in relation to including the Stephentown Memorial library district within the provisions of such chapter

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Creation of library district. Notwithstanding the
2 provisions of any general, special or local law to the contrary, there
3 may be created pursuant to this act in the county of Rensselaer, a
4 public library district which shall include all of the town of Stephen-
5 town, and shall be known as the "Stephentown Memorial library district".
6 S 2. Election. (a) The Stephentown Memorial library district shall not
7 come into existence unless and until it is approved, the initial
8 proposed budget is approved, and seven trustees are elected by a vote of
9 the majority of the qualified voters in the district voting in an
10 election held pursuant to this section. Upon receipt of a petition
11 signed by not less than fifty voters qualified to vote at a general
12 election and residing within the area of the proposed district, the
13 board of trustees of the existing Stephentown Memorial library associ-
14 ation shall give notice of an election to be conducted pursuant to this
15 act. Such election shall be held within one year of the effective date
16 of this act. If a majority of such voters approve the formation of the
17 district, then the district shall come into existence on the terms and
18 conditions set forth in this act. At such election the issues shall be:
19 (i) whether the public library district shall be created or not, and
20 whether the initial budget therefor proposed by the board of trustees of
21 the Stephentown Memorial library association shall be approved or disap-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 proved; and (ii) the election of seven trustees as provided by section
2 three of this act. The trustees of the existing Stephentown Memorial
3 library association shall give notice of such election by the publica-
4 tion of a notice in one or more newspapers having a general circulation
5 in the district to be served. The first publication of such notice shall
6 be not less than thirteen days and not more than twenty days prior to
7 the date of such election. In addition, the board of trustees of the
8 existing Stephentown Memorial library association shall cause copies of
9 such notice to be posted conspicuously in three public places in the
10 district at least thirteen days prior to the date of such election.
11 Such notice shall specify the time when and the place where such
12 election will be held, the issues to be decided at such election and the
13 hours during which polls will be open for the receipt of ballots. The
14 board of trustees of the existing Stephentown Memorial library associ-
15 ation shall prepare the ballots for such elections and the polls shall
16 remain open for the receipt thereof at all elections from 7:00 a.m.
17 until 8:00 p.m. Furthermore, the board of trustees, in consultation and
18 cooperation with the board of elections of the county of Rensselaer,
19 shall provide for the distribution and acceptance of absentee ballots in
20 accordance with the provisions of the election law. The board of trus-
21 tees of the existing Stephentown Memorial library association shall
22 designate a resident qualified voter of such district to act as chair-
23 person of any election of such district and shall designate not less
24 than two nor more than four resident qualified voters to act as election
25 inspectors and ballot clerks at such elections. No trustee or candidate
26 for the office of trustee shall serve as chairperson or as an election
27 inspector or ballot clerk. The board of trustees may adopt a resolution
28 providing that such chairperson, election inspectors and ballot clerks
29 shall be paid for their respective services at the initial election or
30 at subsequent elections, should the library district be created. Such
31 resolution, if adopted, may fit reasonable compensation for services of
32 such officials. Every voter otherwise qualified to vote at a general
33 election and residing within the area of the proposed district shall be
34 qualified to vote at said election. After the polls have closed at such
35 election, the election inspectors and the ballot clerks shall immediate-
36 ly canvass publicly the ballots cast and the chairperson of the election
37 shall publicly announce the result. Within seventy-two hours thereaft-
38 er, the chairperson, election inspectors and ballot clerks shall execute
39 and file a certificate of the result of the canvass with the board of
40 trustees of the existing Stephentown Memorial library association and
41 the town clerk of the town of Stephentown.

42 (b) In the event that the library district is created, there shall be
43 an annual election conducted by the board of trustees of the Stephentown
44 Memorial library district in accordance with the provisions of subdivi-
45 sion (a) of this section, at a time to be set by the library district's
46 board, at which election vacancies on the board of trustees shall be
47 filled and at which any proposed budget which the board shall determine
48 to submit to the voters pursuant to section four of this act shall be
49 submitted to the voters.

50 (c) Candidates for the office of member of the board of trustees of
51 the Stephentown Memorial library district shall be nominated by peti-
52 tion. No vacancy on the board of trustees to be filled shall be consid-
53 ered a separate, specific office. A separate petition shall be required
54 to nominate each candidate for a vacancy on the board. Each petition
55 shall be directed to the secretary of the board of trustees, shall be
56 signed by at least fifty qualified voters of the district, shall state

1 the residence of each signer, and shall state the name and residence of
2 the candidate. In the event that any such nominee shall withdraw candi-
3 dacy prior to the election, such person shall not be considered a candi-
4 date unless a new petition nominating such person in the same manner and
5 within the same time limitation applicable to other candidates is filed
6 with the secretary of the board of trustees. Each petition shall be
7 filed with the secretary of the board of trustees at the library during
8 the hours of operation Monday through Saturday, not later than the thir-
9 tieth day preceding the election at which time the candidates nominated
10 are to be elected. Petitions for candidates for the initial board of
11 trustees of the Stephentown Memorial library district shall be filed
12 with the secretary of the Stephentown Memorial library association. In
13 the event that the new district is created, petitions nominating candi-
14 dates for the board of trustees after the initial election shall be
15 filed with the secretary of the Stephentown Memorial library district.

16 (d) At any election of such district, the voters may adopt a proposi-
17 tion providing that, in all subsequent elections, vacancies on the board
18 of trustees shall be considered separate, specific offices and that the
19 nominating petitions shall describe the specific vacancy upon the board
20 of trustees for which the candidate is nominated, which description
21 shall include at least the length of the term of the office and the name
22 of the last incumbent, if any. No person shall be nominated for more
23 than one specific office. Such procedure shall be followed with respect
24 to all nominations and election in subsequent years until and unless
25 such proposition is repealed by the electors of the district at a regu-
26 lar election by adoption of a proposition to repeal the same.

27 S 3. Organization and structure. The Stephentown Memorial library
28 district shall be managed, operated and controlled by a board of trus-
29 tees consisting of seven members. The trustees shall take office on the
30 first day of the month following their election and shall, at the first
31 regular meeting of the board, determine when the term of office of each
32 member shall expire as follows: the three trustees receiving the first,
33 second and third highest number of votes shall serve for three years;
34 the two trustees receiving the fourth and fifth highest number of votes
35 shall serve for two years; and the two trustees receiving the sixth and
36 seventh highest number of votes shall serve for one year. Every trustee
37 shall take and file an oath of office pursuant to section 10 of the
38 public officers law within 30 days of taking office. As vacancies
39 occur, trustees shall be elected at the annual election provided for by
40 this act to serve three year terms by the voters of the library district
41 created pursuant to this act, such terms to commence on the first day of
42 the month next following the election. Only qualified voters of the
43 district shall be eligible for election to the board of trustees. The
44 board of trustees at its first meeting each fiscal year shall elect or
45 appoint a president and vice-president who shall be members of the board
46 and a secretary, treasurer and such other officers as they deem neces-
47 sary. If the board so determines, the offices of secretary and treasurer
48 may be held by individuals who are not members of the board of trustees
49 and, in that event, such officers may, if the board so determines,
50 receive compensation as fixed by resolution of the board.

51 S 4. Finances. (a) The initial budget for the Stephentown Memorial
52 library district shall be determined by a vote of the voters of the
53 district in the initial election as provided for in this section. All
54 future budgets that increased or decreased the Stephentown Memorial
55 library district proposed total operating expenditures over the total
56 operating expenditures in the last preceding fiscal year's budget shall

1 be submitted to the residents voting at the annual election of trustees
2 pursuant to section two of this act. Funds voted for library purposes at
3 the initial election and at all future budget elections shall be consid-
4 ered an annual appropriation therefor and shall be levied and collected
5 yearly in the same manner and at the same time as other real property
6 taxes in the town of Stephentown.

7 (b) The board of trustees shall annually file with the financial offi-
8 cers of the town of Stephentown, the dollar amount to be raised by levy
9 for the library district. Such town shall not make any change in the
10 dollar amount submitted to the town of Stephentown by the board of the
11 library district.

12 (c) The town of Stephentown shall levy a tax against the real property
13 lying within the district for the amount to be raised by tax as
14 contained in the annual budget of the Stephentown Memorial library
15 district. However, nothing in this act shall be construed as superseding
16 any valid property tax exemptions. The town of Stephentown may issue
17 tax anticipation notes, revenue anticipation notes and budget notes
18 pursuant to article 2 of the local finance law to obtain the necessary
19 moneys therefor.

20 (d) The town of Stephentown shall have the power to authorize, sell,
21 and issue bonds, notes and other evidences of indebtedness pursuant to
22 the local finance law in order to permit the library district to provide
23 facilities or improved facilities for library purposes. Upon written
24 request from the board of trustees of the Stephentown Memorial library
25 district, after approval by the qualified voters of such library
26 district, the town of Stephentown shall authorize, sell, and issue such
27 bonds, notes or other evidences of indebtedness as are necessary to
28 accomplish the improvements specified in the notice. The proceeds of
29 such bonds, notes or other evidences of indebtedness shall be paid to
30 the treasurer of the Stephentown Memorial library district and main-
31 tained in a segregated account in accordance with section 165.00 of the
32 local finance law and expended by the treasurer only on specific author-
33 ization by the board of trustees.

34 (e) The board of trustees of the Stephentown Memorial library district
35 may accept on behalf of the district any absolute gift, devise or
36 bequest of real or personal property and such conditional gifts, devises
37 or bequests as it shall by resolution approve.

38 (f) The treasurer of the Stephentown Memorial library district shall
39 be custodian of all funds of the library district, including gifts and
40 trust funds paid over to the trustees. The board of trustees may author-
41 ize the investment of funds in the custody of the treasurer in the same
42 manner in which town funds may be invested. Proceeds of obligations
43 received from the town of Stephentown may be invested in accordance with
44 section 165.00 of the local finance law. The town of Stephentown shall
45 promptly pay over to the Stephentown Memorial library district all
46 moneys which belong to or are raised for the library district. No moneys
47 shall be disbursed by the treasurer of the library district except after
48 audit by the board of trustees. The board of trustees of the Stephentown
49 Memorial library district shall audit all claims and shall order the
50 payment thereof, except as otherwise provided by this section. No such
51 claims shall be reviewed or ordered paid by the trustees unless an item-
52 ized voucher therefor shall be presented to the board of trustees for
53 approval and allowance. The foregoing requirement that no moneys shall
54 be disbursed by the treasurer of the district except after approval by
55 the board of trustees shall not be applicable to payment of claims of
56 fixed salaries and amounts which the library district may be required to

1 pay on account of retirement contributions for past or current services
2 to officers and employees of the library district. The treasurer shall
3 keep such records in such manner as the board of trustees may require.

4 S 5. Charter, commencement of operations, and transfer of property and
5 employees. The initially elected trustees shall, within thirty days from
6 the date of approval of the library district by the voters of the
7 district, apply to the board of regents for a charter as a public
8 library. Upon the granting of such a charter by the board of regents,
9 then the Stephentown Memorial library association shall be dissolved,
10 and title to all liabilities and assets, including all property, real
11 and personal, and all other tangible and intangible property, trust and
12 other funds, and all other obligations, held by the Stephentown Memorial
13 library association shall be transferred to, vested in, and be acquired
14 by the Stephentown Memorial library district established by this act.
15 Upon the granting of such charter by the board of regents, all employees
16 of the Stephentown Memorial library association shall become employees
17 of the library district upon the same terms and conditions of employment
18 and at the same rate of pay as their previous employment by the Stephen-
19 town Memorial library association, and the employees of the Stephentown
20 Memorial library district shall be subject to the civil service law.

21 S 6. Ad valorem levy. The several lots and parcels of land within the
22 area of the library district are hereby determined to be benefited by
23 the library facilities and devises existing as of the effective date of
24 this act, and the town of Stephentown is hereby authorized to assess,
25 levy and collect the necessary expenses of operation, maintenance and
26 repair of such facilities and services and such capital improvements,
27 including debt service on bonds, notes or other evidences of indebt-
28 edness of the library of municipality issued for the purpose of the
29 Stephentown Memorial library district, as may be authorized pursuant to
30 the provisions of this act from such lots and parcels of land in the
31 same manner and at the same time as other municipal charges.

32 S 7. Education law. Except as otherwise provided by this act, the
33 provisions of the education law relating to public libraries shall be
34 applicable to the Stephentown Memorial library district established by
35 this act.

36 S 8. Section 5 of chapter 672 of the laws of 1993, amending the public
37 authorities law relating to the construction and financing of facilities
38 for certain public libraries, as separately amended by chapters 417 and
39 501 of the laws of 2010, is amended to read as follows:

40 S 5. The following libraries shall be eligible public libraries for
41 purposes of title 4 of article 8 of the public authorities law:

42 Comsewogue Public Library
43 Rogers Memorial Library Company
44 Hendrick Hudson Free Library
45 Riverhead Free Library
46 Northern Onondaga Public Library District
47 Suffern Free Library
48 Haverstraw King's Daughters Public Library
49 Crandall Public Library
50 Sayville Library
51 Monroe Free Library
52 Harborfields Public Library
53 Howland Public Library
54 Patchogue-Medford Library
55 New City Library
56 Babylon Public Library

1 Lindenhurst Memorial Library
2 Great Neck Library
3 Caledonia Public Library
4 Bayport-Blue Point Public Library
5 The Bryant Library
6 Swan Library
7 Bay Shore-Brightwaters Public Library
8 The Albany Public Library
9 Elwood Public Library
10 Peninsula Public Library
11 Smithtown Special Library District
12 Goshen Public Library and Historical Society
13 The Hauppauge Public Library
14 The Nyack Library
15 North Merrick Public Library
16 Southold Free Library
17 The Hampton Library in Bridgehampton, Inc.
18 John Jermain Memorial Library
19 Westhampton Free Library
20 The Plainview-Old Bethpage Public Library
21 Commack Public Library
22 Troy Public Library
23 Brunswick Community Library District
24 D.R. Evarts Library District
25 STEPHENTOWN MEMORIAL LIBRARY DISTRICT

26 S 9. This act shall take effect immediately; provided, that section
27 eight of this act shall take effect on the same date as the Stephentown
28 Memorial library district shall come into existence pursuant to this
29 act; provided that the trustees of the Stephentown Memorial library
30 district shall notify the legislative bill drafting commission upon the
31 creation of such district pursuant to this act in order that the commis-
32 sion may maintain an accurate and timely effective data base of the
33 official text of the laws of the state of New York in furtherance of
34 effectuating the provisions of section 44 of the legislative law and
35 section 70-b of the public officers law.