

5504--A

2011-2012 Regular Sessions

I N S E N A T E

May 26, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 672 of the laws of 1993 amending the public authorities law relating to the construction and financing for certain public libraries, in relation to creating the LaGrange public library district in the town of LaGrange, New York

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 is hereby created and established in the town of LaGrange, county of
4 Dutchess, a public library district which shall be known as the LaGrange
5 public library district, hereinafter referred to as the district, and
6 which shall consist of all the territory within the town of LaGrange,
7 hereinafter referred to as the town. The district will operate a public
8 library to be known as the LaGrange public library.
9 S 2. Election. 1. The district herein described shall not come into
10 existence unless and until it is approved with the initial tax levy in
11 support thereof proposed by the board of trustees of the existing
12 LaGrange library, and nine trustees are elected by a vote of the majori-
13 ty of the qualified voters voting in an election held, not later Novem-
14 ber 15, 2012, pursuant to the following provisions:
15 Upon receipt of a petition signed by not less than twenty-five voters
16 qualified to vote at a general election in the town, the board of trus-
17 tees of the existing LaGrange library shall, at least sixty days prior
18 to the general election, file such petition with the board of elections
19 of Dutchess county which shall cause the board of elections of Dutchess
20 county to give notice of an election to be held with the general
21 election in the town. If a majority of the voters approve the formation

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

LBD11825-04-1

1 of the district with the initial tax levy in support thereof proposed by
2 the board of trustees of the existing LaGrange library, then the
3 district shall come into existence on the terms and conditions set forth
4 in this act. At such election the issues shall be:

5 (a) whether the public library district herein described with the
6 initial tax levy in support thereof proposed by the board of trustees of
7 the existing LaGrange library shall be created or not; and

8 (b) the election of nine trustees as provided by this act.

9 The board of elections of Dutchess county shall give notice of such
10 election with the general election for the town of LaGrange in accord-
11 ance with the rules relating to such notice in the election law. In
12 addition, the board of trustees of the existing LaGrange library shall
13 cause copies of such notice to be posted conspicuously in three public
14 places in the district at least fourteen days prior to the date of such
15 election. Such notice shall specify the issues to be decided at such
16 election and that the election will be held as part of the general
17 election. Every voter otherwise qualified to vote at a general election
18 and residing within the town shall be qualified to vote at said
19 election.

20 2. In the event that the district is created, there shall be an annual
21 election conducted by the board of elections of Dutchess county in
22 accordance with the provisions of subdivision one of this section in
23 conjunction with the general election in the town, at which election
24 vacancies on the board of trustees shall be filled and at which any
25 proposed tax levy which the board shall determine to submit to the
26 voters pursuant to section four of this act shall be submitted to the
27 voters.

28 3. Candidates for the office of member of the board of trustees of the
29 LaGrange public library district shall be nominated by petition. No
30 vacancy on the board of trustees to be filled shall be considered a
31 separate, specific office. A separate petition shall be required to
32 nominate each candidate for a vacancy on the board. Each petition shall
33 be directed to the board of elections of Dutchess county, with a copy to
34 the secretary of the board of trustees of the existing LaGrange library,
35 shall be signed by at least twenty-five qualified voters of the
36 district, shall state the residence of each signer, and shall state the
37 name and residence of the candidate. In the event that any such nominees
38 shall withdraw their candidacy prior to the election, such person shall
39 not be considered a candidate unless a new petition nominating such
40 person in the same manner and within the same time limitation applicable
41 to other candidates is filed with the board of elections of Dutchess
42 county, with a copy to the secretary of the board of trustees of the
43 existing LaGrange library. Each petition shall be filed with the board
44 of elections of Dutchess county, with a copy to the secretary of the
45 board of trustees of the existing LaGrange library, between the hours of
46 9:00 a.m. and 5:00 p.m., not later than the thirty-first day of August
47 preceding the general election at which the candidates nominated are to
48 be elected. In the event that the new district is created, petitions
49 nominating candidates for the board of trustees for all future elections
50 shall be filed with the board of elections of Dutchess county, with a
51 copy to the secretary of the LaGrange public library district.

52 S 3. Organization and structure. The LaGrange public library district
53 shall be managed, operated, and controlled by a board of trustees
54 consisting of nine members. The trustees shall take office on the first
55 day of January following their election. At the first regular meeting of
56 the board of trustees of the district, the trustees shall determine when

1 the terms of office of each member shall expire as follows: the trustees
2 receiving the first, second, and third highest number of votes shall
3 each serve for three years, the trustees receiving the fourth, fifth,
4 and sixth highest number of votes shall each serve for two years, and
5 the trustees receiving the seventh, eighth, and ninth highest number of
6 votes shall each serve for one year. As vacancies occur due to expira-
7 tion of terms of office, trustees shall be elected by the voters of the
8 district at the election provided for by this act to serve three year
9 terms, such terms to commence on the first day of January next following
10 the election. All other vacancies caused by resignation, removal, death,
11 or inability to serve shall be filled by appointment by the board of
12 trustees of the district for the remaining portion of the term being
13 filled. Only qualified voters of the district shall be eligible for
14 election to the board of trustees. The board of trustees at its first
15 meeting each year shall elect or appoint a president and vice-president,
16 who shall be members of the board, and a secretary, treasurer, and such
17 other officers as they deem necessary. If the board so determines, the
18 offices of secretary and treasurer may be held by individuals who are
19 not members of the board of trustees and, in that event, such officers
20 may, if the board so determines, receive compensation as fixed by resol-
21 ution of the board.

22 S 4. Finances. 1. The initial tax levy to support the district shall
23 be determined by a vote of the voters of the district in the initial
24 election as hereinafter provided for. All future increases or decreases
25 to the district's proposed total tax levy as compared to the total tax
26 levy in the preceding fiscal year shall be submitted to the residents
27 voting at the annual election of trustees pursuant to section two of
28 this act. The question to be placed on the ballot shall be given to the
29 board of elections of Dutchess county for inclusion on the ballot at
30 least thirty-six days prior to the annual election. Funds voted for
31 library proposes at the initial election and at all future elections
32 shall be considered an annual appropriation therefor and shall be levied
33 and collected yearly by the town for the district in the same manner and
34 at the same time as other taxes in the town of LaGrange.

35 2. The town board of the town of LaGrange shall levy a tax against
36 the real property lying within the LaGrange public library district for
37 the amount to be raised by tax as approved by the voters of the LaGrange
38 public library district. The town board shall pay the tax levy approved
39 by the voters over to the treasurer of the LaGrange public library
40 district as those revenues are collected and received by the town. If
41 necessary, the town board may issue tax anticipation notes pursuant to
42 article II of the local finance law to obtain the necessary moneys
43 therefor.

44 3. The town board of the town of LaGrange shall have the power to
45 authorize, sell, and issue bonds, notes, and other evidences of indebt-
46 edness pursuant to the local finance law in order to permit the district
47 to provide facilities or improved facilities for library purposes. Upon
48 written request from the board of trustees of the LaGrange public
49 library district, after approval by the qualified voters of such
50 district, the town board shall authorize, sell, and issue such bonds,
51 notes, or other evidences of indebtedness as are necessary to accomplish
52 the improvements specified in the notice. The proceeds of such bonds,
53 notes, or other evidences of indebtedness shall be paid to the treasurer
54 of the LaGrange public library district and maintained in a segregated
55 account in accordance with section 165.00 of the local finance law and

1 expended by the treasurer only on specific authorization by the board of
2 trustees.

3 4. The board of trustees of the LaGrange public library district may
4 accept on behalf of the district any absolute gift, devise, or bequest
5 of real or personal property and such conditional gifts, devises, or
6 bequests as it shall by resolution approve.

7 5. The treasurer of the LaGrange public library district shall be
8 custodian of all funds of the district, including gifts and trust funds
9 paid over to the trustees. The board of trustees may authorize the
10 investment of funds in the custody of the treasurer in the same manner
11 in which town funds may be invested. Proceeds of obligations received
12 from the town may be invested in accordance with section 165.00 of the
13 local finance law. The town of LaGrange shall promptly pay over to the
14 LaGrange public library district all monies which belong to or are
15 raised for the district. No monies shall be disbursed by the treasurer
16 of the district except after audit by the board of trustees. The board
17 of trustees of the LaGrange public library district shall audit all
18 claims and shall order the payment thereof, except as otherwise provided
19 by this section. No such claims shall be audited or ordered paid by the
20 trustees unless an itemized voucher therefor shall be presented to the
21 board of trustees for audit and allowance. The provisions of this
22 section shall not be applicable to payment of utility costs, claims of
23 fixed salaries, and amounts which the district may be required to pay on
24 account of retirement contributions for past or current services to
25 officers and employees of the district. The treasurer shall keep such
26 records in such manner as the board of trustees may require.

27 S 5. Charter, commencement of operations, and transfer of property and
28 employees. The initially elected trustees shall, within forty-five days
29 from the date of approval of the district by the voters of the district,
30 apply to the board of regents for a charter as a public library. Upon
31 the granting of such a charter by the board of regents, title to all
32 liabilities and assets, including all property, both real and personal,
33 and both tangible and intangible, all trust and other funds, and all
34 other obligations, now held by the existing LaGrange library shall be
35 transferred to, vested in, and be acquired by the district established
36 by this act. The above provisions for transfer to, vesting and acquisition
37 of real and personal property, both tangible and intangible, and
38 all trust and other funds, are effectuated by operation of law pursuant
39 to the authority of this act, except that, for purposes of clarity of
40 real property records, deeds of conveyance shall be executed and filed
41 for any parcels of real property. Upon the transfer of all such property,
42 the existing LaGrange library shall be deemed dissolved. Upon the
43 granting of such charter by the board of regents, all employees of the
44 existing LaGrange library shall become employees of the district upon the
45 same terms and conditions of employment and at the same rate of pay as
46 their previous employment by the existing LaGrange library.

47 S 6. Ad valorem levy. The several lots and parcels of land within the
48 area of the district are hereby determined to be benefited by the
49 library facilities and devices existing as of the effective date of this
50 act, and the town of LaGrange is hereby authorized to assess, levy, and
51 collect the necessary expenses of operation, maintenance, and repair of
52 such facilities and services and such capital improvements, including
53 debt service on bonds, notes, or other evidences of indebtedness of the
54 town issued for the purpose of the LaGrange public library district, as
55 may be hereafter authorized pursuant to the provisions of this act from

1 such lots and parcels of land in the same manner and at the same time as
2 other town charges.

3 S 7. Education law. Except as otherwise provided by this act, the
4 provisions of the education law relating to public libraries shall be
5 applicable to the district established by this act.

6 S 8. The LaGrange public library district is deemed a special district
7 which is separate and distinct from the town for all purposes, including
8 but not limited to management, appropriations, and expenditures. Any tax
9 levy for the district shall not be charged or imputed to the town, and
10 shall instead be charged or imputed to the district, for purposes of any
11 general or special laws enacted by the legislature.

12 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
13 authorities law relating to the construction and financing of facilities
14 for certain public libraries, as amended by chapter 501 of the laws of
15 2010, is amended to read as follows:

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

18 Comsewogue Public Library
19 Rogers Memorial Library Company
20 Hendrick Hudson Free Library
21 Riverhead Free Library
22 Northern Onondaga Public Library District
23 Suffern Free Library
24 Haverstraw King's Daughters Public Library
25 Crandall Public Library
26 Sayville Library
27 Monroe Free Library
28 Harborfields Public Library
29 Howland Public Library
30 Patchogue-Medford Library
31 New City Library
32 Babylon Public Library
33 Lindenhurst Memorial Library
34 Great Neck Library
35 Caledonia Public Library
36 Bayport-Blue Point Public Library
37 The Bryant Library
38 Swan Library
39 Bay Shore-Brightwaters Public Library
40 The Albany Public Library
41 Elwood Public Library
42 Peninsula Public Library
43 Smithtown Special Library District
44 Goshen Public Library and Historical Society
45 The Hauppauge Public Library
46 The Nyack Library
47 North Merrick Public Library
48 Southold Free Library
49 The Hampton Library in Bridgehampton, Inc.
50 John Jermain Memorial Library
51 Westhampton Free Library
52 The Plainview-Old Bethpage Public Library
53 Commack Public Library
54 Troy Public Library
55 D.R. Evarts Library District
56 LAGRANGE PUBLIC LIBRARY DISTRICT

1 S 10. This act shall take effect immediately; provided, that section
2 nine of this act shall take effect on the same date as the LaGrange
3 public library district shall come into existence pursuant to this act;
4 provided that the trustees of the LaGrange public library district shall
5 notify the legislative bill drafting commission upon the creation of
6 such district pursuant to this act in order that the commission may
7 maintain an accurate and timely effective data base of the official text
8 of the laws of the state of New York in furtherance of effectuating the
9 provisions of section 44 of the legislative law and section 70-b of the
10 public officers law.