

5560

2013-2014 Regular Sessions

I N S E N A T E

May 21, 2013

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Education

AN ACT to establish the Reed memorial public library district; and 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 providing for financing through the dormito-
ry authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 Carmel, county of
4 Putnam, a public library district which shall consist of the entire town
5 of Carmel, hereinafter referred to in this act as the "town", and shall
6 be known as the Reed memorial public library district, hereinafter
7 referred to in this act as the "district". The district will operate a
8 public library to be known as the Reed memorial public library.
9 S 2. Election. 1. The district described in this act shall not come
10 into existence unless and until it is approved with the initial budget
11 in support thereof proposed by the board of trustees of the existing
12 Reed memorial library, and seven trustees are elected by a vote of the
13 majority of the qualified voters voting in an election held, not later
14 than September 30, 2014, 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 Reed memorial library shall conduct an election at
18 which the issues shall be:
19 (a) whether the public library district described in this act with the
20 initial budget in support thereof proposed by the board of trustees of
21 the existing Reed memorial library shall be created or not; and
22 (b) the election of seven trustees as provided by this act.
23 The board of trustees of the existing Reed memorial library shall give
24 notice of such election by publication of notice at least twice in one
25 or more newspapers having a general circulation in the district to be

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

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1 served. The first publication of such notice shall be not less than
2 thirteen days and not more than twenty days prior to the date of such
3 election. In addition, the board of trustees of the existing Reed memo-
4 rial library shall cause copies of such notice to be posted conspicuous-
5 ly in three public places in the district at least thirteen days prior
6 to the date of such election. Such notice shall specify the date and
7 time when and the place where such election will be held and the issues
8 to be decided at such election. The board of trustees of the existing
9 Reed memorial library shall designate a resident qualified voter of such
10 district to act as chairperson of any election of such district and
11 shall designate not less than two nor more than four resident qualified
12 voters to act as election inspectors and ballot clerks at such election.
13 No trustee of the existing Reed memorial library shall serve as chair-
14 person or as an election inspector or ballot clerk. The board of trus-
15 tees of the existing Reed memorial library may adopt a resolution
16 providing that such chairperson, election inspectors and ballot clerks
17 shall be paid reasonable compensation for their respective services at
18 such election. Every voter who is a resident of the district and other-
19 wise qualified to vote at a general election in the town shall be quali-
20 fied to vote at said election. The board of trustees of the existing
21 Reed memorial library may, to the extent authorized by law, authorize
22 the use of absentee ballots for the election. After the polls have
23 closed at such election, the election inspectors and the ballot clerks
24 shall immediately canvass publicly the ballots cast and the chairperson
25 of the election shall publicly announce the result. Within seventy-two
26 hours thereafter, the chairperson, election inspectors and ballot clerks
27 shall execute and file a certificate of the result of the canvass with
28 the board of trustees of the existing Reed memorial library and the town
29 clerk. If a majority of the voters approve the formation of the
30 district with the initial budget in support thereof proposed by the
31 board of trustees of the existing Reed memorial library, then the
32 district shall come into existence on the terms and conditions set forth
33 in this act.

34 2. In the event that the district is created, there shall be an annual
35 election conducted by the board of trustees of the Reed memorial public
36 library district in accordance with the provisions of subdivision one of
37 this section at a time to be set by the board of trustees of the
38 district, at which election vacancies on the board of trustees shall be
39 filled and at which any proposed budget which the board shall determine
40 to submit to the voters pursuant to section four of this act shall be
41 submitted to the voters.

42 3. Candidates for the office of member of the board of trustees of the
43 Reed memorial public library district shall be nominated by petition. No
44 vacancy to be filled on the board of trustees shall be considered a
45 separate, specific office. A separate petition shall be required to
46 nominate each candidate for a vacancy on the board. Each petition shall
47 be directed to the secretary of the board of trustees of the existing
48 Reed memorial library, shall be signed by at least twenty-five qualified
49 voters of the district, shall state the residence of each signer, and
50 shall state the name and residence of the candidate. In the event that
51 any such nominees shall withdraw their candidacy prior to the election,
52 such person shall not be considered a candidate unless a new petition
53 nominating such person in the same manner and within the same time limi-
54 tation applicable to other candidates is filed with the secretary of the
55 board of trustees of the existing Reed memorial library. Each petition
56 shall be filed with the secretary of the board of trustees of the exist-

ing Reed memorial library, between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirtieth day before the election at which the candidates nominated are to be elected. In the event that the new district is created, petitions nominating candidates for the board of trustees for all future elections shall be filed with the secretary of the Reed memorial public library district.

S 3. Organization and structure. The Reed memorial public library district shall be managed, operated, and controlled by a board of trustees consisting of seven members. The trustees shall take office at the first regular meeting of the board of trustees following their election. At the first regular meeting of the board of trustees of the district, the trustees shall determine when the terms of office of each member shall expire as follows: the trustees receiving the first and second highest number of votes shall each serve for three years, the trustees receiving the third and fourth highest number of votes shall each serve for two years, and the trustees receiving the fifth and sixth number of votes shall each serve for one year. As vacancies occur due to expiration of terms of office, trustees shall be elected by the voters of the district at the election provided for by this act to serve three year terms, such terms to commence at the first regular meeting of the board of trustees of the district next following their election. All other vacancies caused by resignation, removal, death or inability to serve shall be filled by appointment by the board of trustees of the district until the next election, at which time the vacancy shall be filled by election for the remaining portion of the term. At any election where one or more persons are to be elected for the unexpired portion of a term or terms, the candidate receiving the largest number of votes shall be entitled to the full three year term and the candidates receiving the next highest number of votes shall be entitled, in decreasing order of the respective numbers of votes, to the vacancy or vacancies, in decreasing order of the length of the unexpired portion or portions of a term or terms. Only qualified voters of the district shall be eligible for election to the board of trustees. The board of trustees at its first meeting after each annual election shall elect or appoint a president and vice-president, who shall be members of the board, and a secretary, treasurer and such other officers as they deem necessary. If the board so determines, the offices of secretary and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board.

S 4. Finances. 1. The initial budget to support the district shall be determined by a vote of the voters of the district in the initial election as provided for in this act. All future budgets that increase or decrease to the district's proposed tax levy as compared to the tax levy in the preceding fiscal year's budget shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future elections shall be considered an annual appropriation therefor and shall be levied and collected yearly by the town for the district in the same manner and at the same time as other taxes in the town.

2. The board of trustees of the district shall annually file with the clerk of the town on or before the first day of November an estimate of the proposed budget including costs of library services to be raised by levy for the library district in the fiscal year beginning on the first day of January of the next year. The town shall not make any change in

1 the estimate of revenues or expenditures submitted by the board of the
2 district in preparation of its preliminary budget.

3 3. The town board of the town shall levy a tax against all of the real
4 property lying within the Reed memorial public library district, which
5 shall equal the amount to be raised by tax as approved by the voters of
6 the Reed memorial public library district. Such tax shall be levied by
7 the town in proportion to the total combined full value of the real
8 property lying within the town. The town board shall pay the full
9 amount of the tax levy approved by the voters over to the treasurer of
10 the Reed memorial public library district pursuant to the schedule set
11 forth in this section. The town board shall annually pay over to the
12 treasurer of the Reed memorial public library district on or before the
13 thirtieth day after the town's tax collection period ends, the full
14 amount of the levy due from the parcels subject to the levy. If neces-
15 sary to meet this schedule, the town board may issue tax anticipation
16 notes pursuant to article II of the local finance law to obtain the
17 necessary moneys therefor.

18 4. The town board of the town shall have the power to authorize, sell
19 and issue bonds, notes and other evidences of indebtedness pursuant to
20 the local finance law in order to permit the district to provide facili-
21 ties or improved facilities for library purposes. Upon written request
22 from the board of trustees of the Reed memorial public library district,
23 after approval by the qualified voters of such district, the town board
24 shall authorize, sell and issue such bonds, notes or other evidences of
25 indebtedness as are necessary to accomplish the improvements specified
26 in the notice. The proceeds of such bonds, notes or other evidences of
27 indebtedness shall be paid to the treasurer of the Reed memorial public
28 library district and maintained in a segregated account in accordance
29 with section 165.00 of the local finance law and expended by the treas-
30 urer only on specific authorization by the board of trustees.

31 5. The board of trustees of the Reed memorial public library district
32 may accept on behalf of the district any absolute gift, devise or
33 bequest of real or personal property and such conditional gifts, devises
34 or bequests as it shall by resolution approve.

35 6. The treasurer of the Reed memorial public library district shall be
36 custodian of all funds of the district, including gifts and trust funds
37 paid over to the trustees. The board of trustees may authorize the
38 investment of funds in the custody of the treasurer in the same manner
39 in which town funds may be invested. Proceeds of obligations received
40 from the town may be invested in accordance with section 165.00 of the
41 local finance law. The town shall promptly pay over to the district all
42 monies which belong to or are raised for the district. No monies shall
43 be disbursed by the treasurer of the district except after audit by the
44 board of trustees. The board of trustees of the Reed memorial public
45 library district shall audit all claims and shall order the payment
46 thereof, except as otherwise provided by this section. No such claims
47 shall be audited or ordered paid by the trustees unless an itemized
48 voucher therefor shall be presented to the board of trustees for audit
49 and allowance. The provisions of this section shall not be applicable to
50 payment of utility costs, claims of fixed salaries and amounts which the
51 district may be required to pay on account of retirement contributions
52 for past or current services to officers and employees of the district.
53 The treasurer shall keep such records in such manner as the board of
54 trustees may require.

55 S 5. Charter, commencement of operations, and transfer of property and
56 employees. The initially elected trustees of the Reed memorial public

1 library district shall, within ninety days from the date of approval of
2 the district by the voters of the district, apply to the board of
3 regents for a charter as a public library. Upon the granting of such a
4 charter by the board of regents, title to all liabilities and assets,
5 including all property, both real and personal, and both tangible and
6 intangible, all trust and other funds, and all other obligations, held
7 by the existing Reed memorial library shall be transferred to, vested in
8 and acquired by the district established by this act. The provisions of
9 this act for transfer to, vesting and acquisition of real and personal
10 property, both tangible and intangible, and all trust and other funds,
11 shall be effectuated by operation of law pursuant to the authority of
12 this act, except that, for purposes of clarity of real property records,
13 deeds of conveyance shall be executed and filed for any parcels of real
14 property. Upon the transfer of all such property, the existing Reed
15 memorial library shall be deemed dissolved. Upon the granting of such
16 charter by the board of regents, all employees of the existing Reed
17 memorial library shall become employees of the district upon the same
18 terms and conditions of employment and at the same rate of pay as their
19 previous employment by the existing Reed memorial library.

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

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

34 S 8. The Reed memorial public library district is deemed a special
35 district which is separate and distinct from the town for all purposes,
36 including but not limited to management, appropriations and expendi-
37 tures. Any tax levy for the district shall not be charged or imputed to
38 the town, and shall instead be charged or imputed to the district, for
39 purposes of any general or special laws enacted by the legislature.

40 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
41 authorities law relating to the construction and financing of facilities
42 for certain public libraries, is amended by adding a new subdivision 46
43 to read as follows:

44 46. REED MEMORIAL PUBLIC LIBRARY DISTRICT.

45 S 10. This act shall take effect immediately; provided that subdivi-
46 sion 46 of section 5 of chapter 672 of the laws of 1993, as added by
47 section nine of this act shall take effect on the same date as the Reed
48 memorial public library district shall come into existence pursuant to
49 this act; provided that the trustees of the Reed memorial public library
50 district shall notify the legislative bill drafting commission upon the
51 creation of such district pursuant to this act in order that the commis-
52 sion may maintain an accurate and timely effective data base of the
53 official text of the laws of the state of New York in furtherance of
54 effectuating the provisions of section 44 of the legislative law and
55 section 70-b of the public officers law.