

8368

2009-2010 Regular Sessions

I N A S S E M B L Y

May 15, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee on Local Governments

AN ACT to amend chapter 924 of the laws of 1941 relating to legalizing acts and proceedings of the town board of the town of Southold, Suffolk county relating to the establishment of the Mattituck park district, in relation to election of park commissioners

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

1 Section 1. Section 1 of chapter 924 of the laws of 1941 relating to  
2 legalizing acts and proceedings of the town board of the town of Sout-  
3 hold, Suffolk county relating to the establishment of the Mattituck park  
4 district, is amended to read as follows:  
5 Section 1. The Mattituck park district in the town of Southold,  
6 Suffolk county, heretofore established by the town board of the town of  
7 Southold pursuant to the petition of resident taxpayers of the district,  
8 is hereby continued as a public park district in said town. The legal  
9 voters of the district shall elect three [resident taxpayers] RESIDENTS  
10 OF SUCH PARK DISTRICT thereof to be the park commissioners, [one of whom  
11 may be a female over twenty-one years of age,] for terms of one, two and  
12 three years respectively; and shall also elect a treasurer in such park  
13 district for a term of three years, who shall be entitled to receive and  
14 have custody of the funds of the district and pay out the same for the  
15 purposes herein provided for, on the order of the park commissioners.  
16 The treasurer, before entering upon the duties of his OR HER office,  
17 shall give such security for the safe-keeping and lawful application of  
18 the funds of the district as the town board of the town of Southold may  
19 require. Additional security shall be given from time to time for the  
20 safe-keeping and lawful application of the proceeds of town bonds or  
21 certificates of indebtedness issued and sold for any improvement or  
22 acquisition of land voted by [resident taxpayers] RESIDENTS of the  
23 district and approved by the town board of the town. The commissioners

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

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1 constituting the board of park commissioners, elected pursuant to chap-  
2 ter sixty-one of the laws of nineteen hundred twenty-four, now in  
3 office, shall constitute the board of park commissioners herein provided  
4 for until the expiration of their present terms, respectively, and the  
5 present incumbent of the office of the treasurer of said district shall  
6 continue to be the treasurer of said district until the expiration of  
7 his OR HER term and until his OR HER successor is elected and has quali-  
8 fied. The park commissioners shall receive no compensation for their  
9 services, but shall be reimbursed for their expenses actually and neces-  
10 sarily incurred by them in the performance of their duties hereunder.  
11 The treasurer shall receive a compensation to be fixed by the park  
12 commissioners within the amount authorized by the [taxpayers] RESIDENTS  
13 of the district. The park commissioners may employ a secretary and such  
14 other employees and technical assistants as may be necessary and fix  
15 their compensation within the amount provided therefor.

16 The annual estimates of amounts necessary to provide for the operation  
17 of the park district shall include estimates of amounts necessary to pay  
18 the salary of the treasurer and expenses of the park district for  
19 personal service of employees and expenses of the park commissioners,  
20 and the amount or amounts approved and voted by the [resident taxpayers]  
21 RESIDENTS of the district shall be included and raised by tax on taxable  
22 real property of the park district.

23 S 2. Sections 3, 4 and 6 of chapter 924 of the laws of 1941 relating  
24 to legalizing acts and proceedings of the town board of the town of  
25 Southold, Suffolk county relating to the establishment of the Mattituck  
26 park district, as amended by sections 210, 211 and 212 of part 4 of  
27 chapter 710 of the laws of 1943, are amended to read as follows:

28 S 3. The park commissioners shall have power to acquire lands within  
29 the boundaries of the district from the owner or owners thereof by gift,  
30 purchase, or by condemnation in the manner provided by the condemnation  
31 law. Upon the acquisition of such lands the park commissioners shall  
32 cause the same to be laid out and improved as a public park. Notwith-  
33 standing any inconsistent provision of this act, the town board of the  
34 town of Southold upon application made by the park commissioner may  
35 appropriate and cause to be raised by tax on the taxable real property  
36 of the district, not exceeding one thousand dollars in any year, to be  
37 used and expended for the acquisition of land. The amount or amounts  
38 necessary to pay the cost of land acquired by purchase or by condemna-  
39 tion, may be included and raised by tax on the taxable real property of  
40 the park district if a proposition to that effect is voted by the [resi-  
41 dent taxpayers] RESIDENTS of the district. Such expenditures shall be  
42 made only during the fiscal year for which such taxes are to be levied.

43 S 4. The park commissioners shall have power within the appropriation  
44 voted by [resident taxpayers] RESIDENTS of the district: (1) to rent  
45 land for park purposes; (2) to dredge channels and creeks within the  
46 said district; (3) to erect bulkheads and docks on park property; (4) to  
47 lay out playgrounds and furnish same with buildings and equipment for  
48 recreation and amusement; (5) to rent concessions for the sale of  
49 refreshments and to equip places for that purpose; (6) to build roads  
50 and sidewalks on park property; (7) to sell any of the park district  
51 property; real or personal, with the approval of a majority vote of the  
52 [resident taxpayers] RESIDENTS of the district voting upon a proposition  
53 submitted at a special meeting duly called for the purpose; (8) to keep  
54 said parks and recreation facilities subject to their regulation open  
55 and free to residents of the park district at all reasonable hours and  
56 make suitable rules and regulations with respect to the use and enjoy-

1 ment and the maintenance of order on all the park property; (9) to rent  
2 to organizations, pavilions or other buildings for the purpose of hold-  
3 ing meetings, dances or entertainments to which an admission may be  
4 charged; and (10) to make contracts for any and all purposes within the  
5 appropriations voted by the [resident taxpayers] RESIDENTS of said park  
6 district for the purpose of carrying out the authorization and powers  
7 herein granted. Whenever the park commissioners shall submit a request  
8 in writing for an appropriation of any sum of money for any of the  
9 purposes herein authorized, the secretary of the park district shall  
10 call a meeting of the [resident taxpayers] RESIDENTS of said district  
11 for the purpose of voting upon the question of appropriating such money;  
12 such meeting to be called by notice posted conspicuously in at least  
13 four of the most public places of said park district, and published in a  
14 newspaper published in the town of Southold for two weeks next before  
15 the holding of any such meeting, which notice shall state the time,  
16 place, and purpose of the meeting. At any such meeting the [resident  
17 taxpayer] RESIDENTS OF THE DISTRICT may appropriate the amount requested  
18 by the park commissioners or any less amount for expenditures to be made  
19 during the fiscal year for which such tax is to be levied, and when the  
20 appropriation is made the park commissioners shall file in the office of  
21 the town clerk of the town of Southold a certificate duly signed by them  
22 specifying the amount appropriated and the purpose for which it is made.  
23 Nothing contained in this section shall be construed to prevent the town  
24 from financing the cost of any improvement for such park district pursu-  
25 ant to the local finance law.

26 S 6. After any park improvement is constructed and completed it shall  
27 be maintained by the board of park commissioners. On or before the  
28 fifteenth day of July annually, the park commissioners shall prepare  
29 detailed estimates in writing of the anticipated revenues and expendi-  
30 tures of such park district, including amounts necessary to pay install-  
31 ments of principal and interest on town obligations, for the purpose of  
32 determining the amount of money required to meet the expenses of main-  
33 taining the park district for the fiscal year commencing on the first  
34 day of January next succeeding. Such estimates shall be filed in the  
35 office of the town clerk of the town of Southold where they shall be  
36 available for inspection by any interested person at all reasonable  
37 hours. On or before the first day of August next succeeding, the secre-  
38 tary of the park district shall call a meeting of [resident taxpayers]  
39 RESIDENTS of the district pursuant to notice in the same manner as  
40 provided for calling an election in the district and the [resident  
41 taxpayers] RESIDENTS by majority vote of those present and voting may  
42 adopt the budget of expenditures of the district as submitted or it may  
43 increase, reduce or reject any item or items therein contained, except  
44 those relating to estimated revenues or indebtedness, or add new items  
45 of expenditure and as so modified shall adopt the same. At such meeting  
46 any interested person may be heard in favor or against the estimates as  
47 compiled or against any item therein contained. After such annual esti-  
48 mates shall have been adopted, the amount shall be levied and assessed  
49 against the taxable real property of the park district and collected in  
50 the same manner, at the same time, and by the same officers as the taxes  
51 of the town of Southold are levied, assessed and collected, and when  
52 collected, shall first be applied in payment of installments of princi-  
53 pal and of interest on town obligations maturing in the year for which  
54 the taxes are levied, and the remainder shall be paid over immediately  
55 to the treasurer of the said park district; and the town shall be  
56 responsible for any and all sums so collected until the same shall be

1 paid over to such treasurer. Any expense incurred by the town of Sout-  
2 hold in connection with the performance of its duties under this act or  
3 on account of any park improvement or other matter connected with the  
4 park district shall be a charge against the park district and shall be  
5 included and raised by tax on the taxable real property of the district  
6 and when collected shall be paid to the supervisor of the town. The  
7 provisions of the town law relating to district and special improvements  
8 in towns, not inconsistent with the provisions of this act, shall apply  
9 to the operation and maintenance of the Mattituck park district in the  
10 town of Southold, Suffolk county.  
11 S 3. This act shall take effect immediately.