

S T A T E O F N E W Y O R K

S. 8053--A

A. 11329--A

S E N A T E - A S S E M B L Y

June 3, 2010

IN SENATE -- Introduced by Sen. McDONALD -- 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

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jordan) -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD17307-03-0

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

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

54 (c) Candidates for the office of member of the board of trustees of
55 the Stephentown Memorial library district shall be nominated by peti-
56 tion. No vacancy on the board of trustees to be filled shall be consid-

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

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

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

55 S 4. Finances. (a) The initial budget for the Stephentown Memorial
56 library district shall be determined by a vote of the voters of the

1 district in the initial election as provided for in this section. All
2 future budgets that increased or decreased the Stephentown Memorial
3 library district proposed total operating expenditures over the total
4 operating expenditures in the last preceding fiscal year's budget shall
5 be submitted to the residents voting at the annual election of trustees
6 pursuant to section two of this act. Funds voted for library purposes at
7 the initial election and at all future budget elections shall be consid-
8 ered an annual appropriation therefor and shall be levied and collected
9 yearly in the same manner and at the same time as other real property
10 taxes in the town of Stephentown.

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

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

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

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

42 (f) The treasurer of the Stephentown Memorial library district shall
43 be custodian of all funds of the library district, including gifts and
44 trust funds paid over to the trustees. The board of trustees may author-
45 ize the investment of funds in the custody of the treasurer in the same
46 manner in which town funds may be invested. Proceeds of obligations
47 received from the town of Stephentown may be invested in accordance with
48 section 165.00 of the local finance law. The town of Stephentown shall
49 promptly pay over to the Stephentown Memorial library district all
50 moneys which belong to or are raised for the library district. No moneys
51 shall be disbursed by the treasurer of the library district except after
52 audit by the board of trustees. The board of trustees of the Stephentown
53 Memorial library district shall audit all claims and shall order the
54 payment thereof, except as otherwise provided by this section. No such
55 claims shall be reviewed or ordered paid by the trustees unless an item-
56 ized voucher therefor shall be presented to the board of trustees for

1 approval and allowance. The foregoing requirement that no moneys shall
2 be disbursed by the treasurer of the district except after approval by
3 the board of trustees shall not be applicable to payment of claims of
4 fixed salaries and amounts which the library district may be required to
5 pay on account of retirement contributions for past or current services
6 to officers and employees of the library district. The treasurer shall
7 keep such records in such manner as the board of trustees may require.

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

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

36 S 7. Education law. Except as otherwise provided by this act, the
37 provisions of the education law relating to public libraries shall be
38 applicable to the Stephentown Memorial library district established by
39 this act.

40 S 8. 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, as separately amended by chapters 233, 283
43 and 422 of the laws of 2008, is amended to read as follows:

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

46 Comsewogue Public Library
47 Rogers Memorial Library Company
48 Hendrick Hudson Free Library
49 Riverhead Free Library
50 Northern Onondaga Public Library District
51 Suffern Free Library
52 Haverstraw King's Daughters Public Library
53 Crandall Public Library
54 Sayville Library
55 Monroe Free Library
56 Harborfields Public Library

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

27 STEPHENTOWN MEMORIAL LIBRARY DISTRICT

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