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

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R. R. 251

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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 by residents of such district

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

Section 1. Section 1 of 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, is amended to read as follows:

Section 1. The Mattituck park district in the town of Southold, Suffolk county, heretofore established by the town board of the town of Southold pursuant to the petition of resident taxpayers of the district, is hereby continued as a public park district in said town. The legal voters of the district, AS DETERMINED BY THE SUFFOLK COUNTY BOARD OF ELECTIONS LIST OF ELIGIBLE VOTERS IN EFFECT AS OF THE PREVIOUS GENERAL ELECTION, shall elect three [resident taxpayers] RESIDENTS OF SUCH PARK DISTRICT thereof to be the park commissioners, [one of whom may be a female over twenty-one years of age,] for terms of one, two and three years respectively; and shall also elect a treasurer in such park district for a term of three years, who shall be entitled to receive and have custody of the funds of the district and pay out the same for the purposes herein provided for, on the order of the park commissioners. The treasurer, before entering upon the duties of his OR HER office, shall give such security for the safe-keeping and lawful application of the funds of the district as the town board of the town of Southold may

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

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require. Additional security shall be given from time to time for the safe-keeping and lawful application of the proceeds of town bonds or certificates of indebtedness issued and sold for any improvement or acquisition of land voted by [resident taxpayers] RESIDENTS of the district and approved by the town board of the town. The commissioners constituting the board of park commissioners, elected pursuant to chapter sixty-one of the laws of nineteen hundred twenty-four, now in office, shall constitute the board of park commissioners herein provided for until the expiration of their present terms, respectively, and the present incumbent of the office of the treasurer of said district shall continue to be the treasurer of said district until the expiration of his OR HER term and until his OR HER successor is elected and has qualified. The park commissioners shall receive no compensation for their services, but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties hereunder. The treasurer shall receive a compensation to be fixed by the park commissioners within the amount authorized by the [taxpayers] RESIDENTS of the district. The park commissioners may employ a secretary and such other employees and technical assistants as may be necessary and fix their compensation within the amount provided therefor. RESIDENCY WITHIN THE MATTITUCK PARK DISTRICT SHALL BE DETERMINED BY THE VOTER'S ADDRESS AS SET FORTH ON THE SUFFOLK COUNTY BOARD OF ELECTIONS LIST OF ELIGIBLE VOTERS IN EFFECT AS OF THE PREVIOUS ELECTION AND SHALL BE WITHIN THE BOUNDARIES OF THE MATTITUCK PARK DISTRICT AS SET FORTH IN THIS CHAPTER.

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

S 2. Sections 3, 4 and 6 of 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, as amended by sections 210, 211 and 212 of part 4 of chapter 710 of the laws of 1943, are amended to read as follows:

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

S 4. The park commissioners shall have power within the appropriation voted by [resident taxpayers] RESIDENTS of the district: (1) to rent land for park purposes; (2) to dredge channels and creeks within the said district; (3) to erect bulkheads and docks on park property; (4) to

lay out playgrounds and furnish same with buildings and equipment for recreation and amusement; (5) to rent concessions for the sale of refreshments and to equip places for that purpose; (6) to build roads and sidewalks on park property; (7) to sell any of the park district property; real or personal, with the approval of a majority vote of the [resident taxpayers] RESIDENTS of the district voting upon a proposition submitted at a special meeting duly called for the purpose; (8) to keep said parks and recreation facilities subject to their regulation open and free to residents of the park district at all reasonable hours and make suitable rules and regulations with respect to the use and enjoyment and the maintenance of order on all the park property; (9) to rent to organizations, pavilions or other buildings for the purpose of holding meetings, dances or entertainments to which an admission may be charged; and (10) to make contracts for any and all purposes within the appropriations voted by the [resident taxpayers] RESIDENTS of said park district for the purpose of carrying out the authorization and powers herein granted. Whenever the park commissioners shall submit a request in writing for an appropriation of any sum of money for any of the purposes herein authorized, the secretary of the park district shall call a meeting of the [resident taxpayers] RESIDENTS of said district for the purpose of voting upon the question of appropriating such money; such meeting to be called by notice posted conspicuously in at least four of the most public places of said park district, and published in a newspaper published in the town of Southold for two weeks next before the holding of any such meeting, which notice shall state the time, place, and purpose of the meeting. At any such meeting the [resident taxpayer] RESIDENTS OF THE DISTRICT may appropriate the amount requested by the park commissioners or any less amount for expenditures to be made during the fiscal year for which such tax is to be levied, and when the appropriation is made the park commissioners shall file in the office of the town clerk of the town of Southold a certificate duly signed by them specifying the amount appropriated and the purpose for which it is made. Nothing contained in this section shall be construed to prevent the town from financing the cost of any improvement for such park district pursuant to the local finance law.

S 6. After any park improvement is constructed and completed it shall be maintained by the board of park commissioners. On or before the fifteenth day of July annually, the park commissioners shall prepare detailed estimates in writing of the anticipated revenues and expenditures of such park district, including amounts necessary to pay installments of principal and interest on town obligations, for the purpose of determining the amount of money required to meet the expenses of maintaining the park district for the fiscal year commencing on the first day of January next succeeding. Such estimates shall be filed in the office of the town clerk of the town of Southold where they shall be available for inspection by any interested person at all reasonable hours. On or before the first day of August next succeeding, the secretary of the park district shall call a meeting of [resident taxpayers] RESIDENTS of the district pursuant to notice in the same manner as provided for calling an election in the district and the [resident taxpayers] RESIDENTS by majority vote of those present and voting may adopt the budget of expenditures of the district as submitted or it may increase, reduce or reject any item or items therein contained, except those relating to estimated revenues or indebtedness, or add new items of expenditure and as so modified shall adopt the same. At such meeting any interested person may be heard in favor or against the estimates as

compiled or against any item therein contained. After such annual estimates shall have been adopted, the amount shall be levied and assessed against the taxable real property of the park district and collected in the same manner, at the same time, and by the same officers as the taxes of the town of Southold are levied, assessed and collected, and when collected, shall first be applied in payment of installments of principal and of interest on town obligations maturing in the year for which the taxes are levied, and the remainder shall be paid over immediately to the treasurer of the said park district; and the town shall be responsible for any and all sums so collected until the same shall be paid over to such treasurer. Any expense incurred by the town of Southold in connection with the performance of its duties under this act or on account of any park improvement or other matter connected with the park district shall be a charge against the park district and shall be included and raised by tax on the taxable real property of the district and when collected shall be paid to the supervisor of the town. The provisions of the town law relating to district and special improvements in towns, not inconsistent with the provisions of this act, shall apply to the operation and maintenance of the Mattituck park district in the town of Southold, Suffolk county.

S 3. This act shall take effect immediately.