

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

5504--B

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 -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT creating the LaGrange public library district in the town of LaGrange, New York; 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 dormitory authority

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 budget 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 majority
13 of the qualified voters voting in an election held, not later September
14 30, 2013, 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-

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

LBD11825-10-2

tees of the existing LaGrange library shall conduct an election at which the issues shall be:

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

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

The board of trustees of the existing LaGrange library shall give notice of such election by publication of notice at least twice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees of the existing LaGrange library shall cause copies of such notice to be posted conspicuously in three public places in the district at least thirteen days prior to the date of such election. Such notice shall specify the date and time when and the place where such election will be held and the issues to be decided at such election. The board of trustees of the existing LaGrange library shall designate a resident qualified voter of such district to act as chairperson of any election of such district and shall designate not less than two nor more than four resident qualified voters to act as election inspectors and ballot clerks at such election. No trustee of the existing LaGrange library shall serve as chairperson or as an election inspector or ballot clerk. The board of trustees of the existing LaGrange library may adopt a resolution providing that such chairperson, election inspectors and ballot clerks shall be paid reasonable compensation for their respective services at such election. Every voter who is a resident of the district and otherwise qualified to vote at a general election in the town shall be qualified to vote at said election. The board of trustees of the existing LaGrange library may, to the extent authorized by law, authorize the use of absentee ballots for the election. After the polls have closed at such election, the election inspectors and the ballot clerks shall immediately canvass publicly the ballots cast and the chairperson of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairperson, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees of the existing LaGrange library and the town clerk. If a majority of the voters approve the formation of the district with the initial budget in support thereof proposed by the board of trustees of the existing LaGrange library, then the district shall come into existence on the terms and conditions set forth in this act.

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

3. Candidates for the office of member of the board of trustees of the LaGrange public library district shall be nominated by petition. No vacancy to be filled on the board of trustees shall be considered a separate, specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the board of trustees of the existing LaGrange library, shall be signed by at least twenty-five qualified

1 voters of the district, shall state the residence of each signer, and
2 shall state the name and residence of the candidate. In the event that
3 any such nominees shall withdraw their candidacy prior to the election,
4 such person shall not be considered a candidate unless a new petition
5 nominating such person in the same manner and within the same time limi-
6 tation applicable to other candidates is filed with the secretary of the
7 board of trustees of the existing LaGrange library. Each petition shall
8 be filed with the secretary of the board of trustees of the existing
9 LaGrange library, between the hours of 9:00 a.m. and 5:00 p.m., not
10 later than the thirtieth day before the election at which the candidates
11 nominated are to be elected. In the event that the new district is
12 created, petitions nominating candidates for the board of trustees for
13 all future elections shall be filed with the secretary of the LaGrange
14 public library district.

15 S 3. Organization and structure. The LaGrange public library district
16 shall be managed, operated, and controlled by a board of trustees
17 consisting of nine members. The trustees shall take office at the first
18 regular meeting of the board of trustees following their election. At
19 the first regular meeting of the board of trustees of the district, the
20 trustees shall determine when the terms of office of each member shall
21 expire as follows: the trustees receiving the first, second, and third
22 highest number of votes shall each serve for three years, the trustees
23 receiving the fourth, fifth, and sixth highest number of votes shall
24 each serve for two years, and the trustees receiving the seventh,
25 eighth, and ninth highest number of votes shall each serve for one year.
26 As vacancies occur due to expiration of terms of office, trustees shall
27 be elected by the voters of the district at the election provided for by
28 this act to serve three year terms, such terms to commence at the first
29 regular meeting of the board of trustees of the district next following
30 their election. All other vacancies caused by resignation, removal,
31 death, or inability to serve shall be filled by appointment by the board
32 of trustees of the district until the next election, at which time the
33 vacancy shall be filled by election for the remaining portion of the
34 term. At any election where one or more persons are to be elected for
35 the unexpired portion of a term or terms, the candidate receiving the
36 largest number of votes shall be entitled to the full three year term
37 and the candidates receiving the next highest number of votes shall be
38 entitled, in decreasing order of the respective numbers of votes, to the
39 vacancy or vacancies, in decreasing order of the length of the unexpired
40 portion or portions of a term or terms. Only qualified voters of the
41 district shall be eligible for election to the board of trustees. The
42 board of trustees at its first meeting after each annual election shall
43 elect or appoint a president and vice-president, who shall be members of
44 the board, and a secretary, treasurer, and such other officers as they
45 deem necessary. If the board so determines, the offices of secretary and
46 treasurer may be held by individuals who are not members of the board of
47 trustees and, in that event, such officers may, if the board so deter-
48 mines, receive compensation as fixed by resolution of the board.

49 S 4. Finances. 1. The initial budget to support the district shall be
50 determined by a vote of the voters of the district in the initial
51 election as hereinafter provided for. All future budgets that increase
52 or decrease to the district's proposed tax levy as compared to the tax
53 levy in the preceding fiscal year's budget shall be submitted to the
54 residents voting at the annual election of trustees pursuant to section
55 two of this act. Funds voted for library purposes at the initial
56 election and at all future elections shall be considered an annual

1 appropriation therefor and shall be levied and collected yearly by the
2 town for the district in the same manner and at the same time as other
3 taxes in the town.

4 2. The board of trustees of the district shall annually file with the
5 clerk of the town on or before the first day of November an estimate of
6 the proposed budget including costs of library services to be raised by
7 levy for the library district in the fiscal year beginning on the first
8 day of January of the next year. The town shall not make any change in
9 the estimate of revenues or expenditures submitted by the board of the
10 district in preparation of its preliminary budget.

11 3. The town board of the town of LaGrange shall levy a tax against the
12 real property lying within the district for the amount to be raised by
13 tax as approved by the voters of the district. The town board shall pay
14 the full amount of the tax levy approved by the voters over to the trea-
15 surer of the district pursuant to the schedule set forth in this
16 section. The town board shall annually pay over to the treasurer of the
17 district on or before the thirtieth day after its tax collection period
18 ends, the full amount of the levy due. If necessary, the town board may
19 issue tax anticipation notes pursuant to article II of the local finance
20 law to obtain the necessary moneys therefor.

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

34 5. The board of trustees of the district may accept on behalf of the
35 district any absolute gift, devise, or bequest of real or personal prop-
36 erty and such conditional gifts, devises, or bequests as it shall by
37 resolution approve.

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

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

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

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

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

41 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
42 authorities law relating to the construction and financing of facilities
43 for certain public libraries, as separately amended by chapter 533 of
44 the laws of 2011 and chapter 23 of the laws of 2012, is amended to read
45 as follows:

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

- 48 1. Comsewogue Public Library
- 49 2. Rogers Memorial Library Company
- 50 3. Hendrick Hudson Free Library
- 51 4. Riverhead Free Library
- 52 5. Northern Onondaga Public Library District
- 53 6. Suffern Free Library
- 54 7. Haverstraw King's Daughters Public Library
- 55 8. Crandall Public Library
- 56 9. Sayville Library

- 1 10. Monroe Free Library
- 2 11. Harborfields Public Library
- 3 12. Howland Public Library
- 4 13. Patchogue-Medford Library
- 5 14. New City Library
- 6 15. Babylon Public Library
- 7 16. Lindenhurst Memorial Library
- 8 17. Great Neck Library
- 9 18. Caledonia Public Library
- 10 19. Bayport-Blue Point Public Library
- 11 20. The Bryant Library
- 12 21. Swan Library
- 13 22. Bay Shore-Brightwaters Public Library
- 14 23. The Albany Public Library
- 15 24. Elwood Public Library
- 16 25. Peninsula Public Library
- 17 26. Smithtown Special Library District
- 18 27. Goshen Public Library and Historical Society
- 19 28. The Hauppauge Public Library
- 20 29. The Nyack Library
- 21 30. North Merrick Public Library
- 22 31. Southold Free Library
- 23 32. The Hampton Library in Bridgehampton, Inc.
- 24 33. John Jermain Memorial Library
- 25 34. Westhampton Free Library
- 26 35. The Plainview-Old Bethpage Public Library
- 27 36. Commack Public Library
- 28 37. Troy Public Library
- 29 38. Brunswick Community Library District
- 30 39. D.R. Evarts Library District
- 31 40. Norwood Public Library
- 32 41. Stephentown Memorial Library District
- 33 42. LAGRANGE PUBLIC LIBRARY DISTRICT

34 S 10. This act shall take effect immediately; provided that:

35 (a) subdivision 41 of section 5 of chapter 672 of the laws of 1993, as
36 designated by section nine of this act shall take effect in accordance
37 with the provisions of section 9 of chapter 23 of the laws of 2012; and

38 (b) subdivision 42 of section 5 of chapter 672 of the laws of 1993, as
39 added by section nine of this act shall take effect on the same date as
40 the LaGrange public library district shall come into existence pursuant
41 to this act; provided that the trustees of the LaGrange public library
42 district shall notify the legislative bill drafting commission upon the
43 creation of such district pursuant to this act in order that the commis-
44 sion may maintain an accurate and timely effective data base of the
45 official text of the laws of the state of New York in furtherance of
46 effectuating the provisions of section 44 of the legislative law and
47 section 70-b of the public officers law.