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Cal. No. 833

I N S E N A T E

April 20, 2012

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT creating the Grinnell 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 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 towns of Wappinger and Pough-
4 keepsie, county of Dutchess, a public library district which shall
5 consist of the entire village of Wappingers Falls, including both the
6 portion located in the town of Wappinger and the portion located in the
7 town of Poughkeepsie, hereinafter referred to as the village, and also
8 including the town of Wappinger, hereinafter referred to as the town,
9 except for those parcels in the town that are located in the Beacon City
10 School District, and shall be known as the Grinnell public library
11 district, hereinafter referred to as the district. The district will
12 operate a public library to be known as the Grinnell public library.

13 S 2. Election. 1. The district herein described shall not come into
14 existence unless and until it is approved with the initial budget in
15 support thereof proposed by the board of trustees of the existing Grinnell library, and nine trustees are elected by a vote of the majority of
16 the qualified voters voting in an election held, not later than September 30, 2013, pursuant to the following provisions:

17 Upon receipt of a petition signed by not less than twenty-five voters
18 qualified to vote at a general election in the town, the board of trustees of the existing Grinnell library shall conduct an election at which
19 the issues shall be:
20
21
22

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

LBD15382-02-2

1 (a) whether the public library district herein described with the
2 initial budget in support thereof proposed by the board of trustees of
3 the existing Grinnell library shall be created or not; and
4 (b) the election of nine trustees as provided by this act.

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

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

48 3. Candidates for the office of member of the board of trustees of the
49 Grinnell public library district shall be nominated by petition. No
50 vacancy to be filled on the board of trustees shall be considered a
51 separate, specific office. A separate petition shall be required to
52 nominate each candidate for a vacancy on the board. Each petition shall
53 be directed to the secretary of the board of trustees of the existing
54 Grinnell library, shall be signed by at least twenty-five qualified
55 voters of the district, shall state the residence of each signer, and
56 shall state the name and residence of the candidate. In the event that

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

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

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

town and the village for the district in the same manner and at the same time as other taxes in the town and the village.

2. The board of trustees of the district shall annually file with the clerks of the town and the village 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 or the village shall not make any change in the estimate of revenues or expenditures submitted by the board of the district in preparation of its preliminary budget.

3. The town board of the town shall levy a tax against all of the real property lying within the Grinnell public library district except the real property lying within the village, and the village board of the village shall levy a tax against the remainder of the real property lying within the Grinnell public library district, which together shall equal the amount to be raised by tax as approved by the voters of the Grinnell public library district. Such tax shall be levied by the town and village in proportion to the total combined full value of the real property lying within the town, excluding the parcels lying within the village and excluding the parcels lying within the Beacon City School District, and of the real property lying within the village. The town board and village board shall pay the full amount of the tax levy approved by the voters over to the treasurer of the Grinnell public library district pursuant to the schedule set forth in this section. The town board and village board shall each annually pay over to the treasurer of the Grinnell public library district on or before the thirtieth day after their respective tax collection period ends, the full amount of the levy due from the parcels subject to their respective levy. If necessary to meet this schedule, the town board and village board may each issue tax anticipation notes pursuant to article II of the local finance law to obtain the necessary moneys therefor.

4. The town board of the town shall have the power to authorize, sell, and issue bonds, notes, and other evidences of indebtedness pursuant to the local finance law in order to permit the district to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of the Grinnell public library district, after approval by the qualified voters of such district, the town board shall authorize, sell, and issue such bonds, notes, or other evidences of indebtedness as are necessary to accomplish the improvements specified in the notice. The proceeds of such bonds, notes, or other evidences of indebtedness shall be paid to the treasurer of the Grinnell public library district and maintained in a segregated account in accordance with section 165.00 of the local finance law and expended by the treasurer only on specific authorization by the board of trustees.

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

6. The treasurer of the Grinnell public library district shall be custodian of all funds of the district, including gifts and trust funds paid over to the trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which town funds may be invested. Proceeds of obligations received from the town may be invested in accordance with section 165.00 of the local finance law. The town and the village shall promptly pay over to the district all monies which belong to or are raised for the district.

1 No monies shall be disbursed by the treasurer of the district except
2 after audit by the board of trustees. The board of trustees of the Grinnell public library district shall audit all claims and shall order the
3 payment thereof, except as otherwise provided by this section. No such
4 claims shall be audited or ordered paid by the trustees unless an item-
5 ized voucher therefor shall be presented to the board of trustees for
6 audit and allowance. The provisions of this section shall not be appli-
7 cable to payment of utility costs, claims of fixed salaries, and amounts
8 which the district may be required to pay on account of retirement
9 contributions for past or current services to officers and employees of
10 the district. The treasurer shall keep such records in such manner as
11 the board of trustees may require.

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13 S 5. Charter, commencement of operations, and transfer of property and
14 employees. The initially elected trustees of the Grinnell public library
15 district shall, within ninety days from the date of approval of the
16 district by the voters of the district, apply to the board of regents
17 for a charter as a public library. Upon the granting of such a charter
18 by the board of regents, title to all liabilities and assets, including
19 all property, both real and personal, and both tangible and intangible,
20 all trust and other funds, and all other obligations, now held by the
21 existing Grinnell library shall be transferred to, vested in, and
22 acquired by the district established by this act. The above provisions
23 for transfer to, vesting and acquisition of real and personal property,
24 both tangible and intangible, and all trust and other funds, are effec-
25 tuated by operation of law pursuant to the authority of this act, except
26 that, for purposes of clarity of real property records, deeds of convey-
27 ance shall be executed and filed for any parcels of real property. Upon
28 the transfer of all such property, the existing Grinnell library shall
29 be deemed dissolved. Upon the granting of such charter by the board of
30 regents, all employees of the existing Grinnell library shall become
31 employees of the district upon the same terms and conditions of employ-
32 ment and at the same rate of pay as their previous employment by the
33 existing Grinnell library.

34 S 6. Ad valorem levy. The several lots and parcels of land within the
35 area of the district are hereby determined to be benefited by the
36 library facilities and devices existing as of the effective date of this
37 act, and the town and the village are hereby authorized to assess, levy,
38 and collect the necessary expenses of operation, maintenance, and repair
39 of such facilities and services and such capital improvements, including
40 debt service on bonds, notes, or other evidences of indebtedness of the
41 town issued for the purpose of the Grinnell public library district, as
42 may be hereafter authorized pursuant to the provisions of this act from
43 such lots and parcels of land in the same manner and at the same time as
44 other town or village charges.

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

48 S 8. The Grinnell public library district is deemed a special district
49 which is separate and distinct from the town and the village for all
50 purposes, including but not limited to management, appropriations, and
51 expenditures. Any tax levy for the district shall not be charged or
52 imputed to the town or the village, and shall instead be charged or
53 imputed to the district, for purposes of any general or special laws
54 enacted by the legislature.

55 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
56 authorities law relating to the construction and financing of facilities

1 for certain public libraries, as separately amended by chapter 533 of
2 the laws of 2011 and chapter 23 of the laws of 2012, the forty-second
3 undesignated paragraph as added by a chapter of the laws of 2012 amend-
4 ing chapter 672 of the laws of 1993, amending the public authorities law
5 relating to the construction and financing of facilities for certain
6 public libraries, relating to including the Guilderland public library
7 within the provisions of such chapter, as proposed in legislative bill
8 numbers S.6450-A and A.9236-A; and the forty-third undesignated para-
9 graph as added by a chapter of the laws of 2012 amending chapter 672 of
10 the laws of 1993, amending the public authorities law relating to the
11 construction and financing of facilities for certain public libraries,
12 relating to including the Ethelbert B. Crawford public library district
13 within the provisions of such chapter, as proposed in legislative bills
14 numbers S.6287 and A.9159, is amended to read as follows:

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

- 17 1. Comsewogue Public Library
- 18 2. Rogers Memorial Library Company
- 19 3. Hendrick Hudson Free Library
- 20 4. Riverhead Free Library
- 21 5. Northern Onondaga Public Library District
- 22 6. Suffern Free Library
- 23 7. Haverstraw King's Daughters Public Library
- 24 8. Crandall Public Library
- 25 9. Sayville Library
- 26 10. Monroe Free Library
- 27 11. Harborfields Public Library
- 28 12. Howland Public Library
- 29 13. Patchogue-Medford Library
- 30 14. New City Library
- 31 15. Babylon Public Library
- 32 16. Lindenhurst Memorial Library
- 33 17. Great Neck Library
- 34 18. Caledonia Public Library
- 35 19. Bayport-Blue Point Public Library
- 36 20. The Bryant Library
- 37 21. Swan Library
- 38 22. Bay Shore-Brightwaters Public Library
- 39 23. The Albany Public Library
- 40 24. Elwood Public Library
- 41 25. Peninsula Public Library
- 42 26. Smithtown Special Library District
- 43 27. Goshen Public Library and Historical Society
- 44 28. The Hauppauge Public Library
- 45 29. The Nyack Library
- 46 30. North Merrick Public Library
- 47 31. Southold Free Library
- 48 32. The Hampton Library in Bridgehampton, Inc.
- 49 33. John Jermain Memorial Library
- 50 34. Westhampton Free Library
- 51 35. The Plainview-Old Bethpage Public Library
- 52 36. Commack Public Library
- 53 37. Troy Public Library
- 54 38. Brunswick Community Library District
- 55 39. D.R. Evarts Library District
- 56 40. Norwood Public Library

1 41. Stephentown Memorial Library District

2 42. Guilderland Public Library

3 43. Ethelbert B. Crawford Public Library District

4 44. GRINNELL PUBLIC LIBRARY DISTRICT

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

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

9 (b) subdivision 42 of section 5 of chapter 672 of the laws of 1993, as
10 designated by section nine of this act shall take effect on the same
11 date and in the same manner as a chapter of the laws of 2012 amending
12 chapter 672 of the laws of 1993, amending the public authorities law
13 relating to the construction and financing of facilities for certain
14 public libraries, relating to including the Guilderland Public Library
15 within the provisions of such chapter, as proposed in legislative bill
16 numbers S.6450-A and A.9236-A, takes effect;

17 (c) subdivision 43 of section 5 of chapter 672 of the laws of 1993, as
18 designated by section nine of this act shall take effect on the same
19 date and in the same manner as a chapter of the laws of 2012 amending
20 chapter 672 of the laws of 1993, amending the public authorities law
21 relating to the construction and financing of facilities for certain
22 public libraries, relating to including the Ethelbert B. Crawford Public
23 Library District within the provisions of such chapter, as proposed in
24 legislative bills numbers S.6287 and A.9159, takes effect; and

25 (d) subdivision 44 of section 5 of chapter 672 of the laws of 1993, as
26 added by section nine of this act shall take effect on the same date as
27 the Grinnell public library district shall come into existence pursuant
28 to this act; provided that the trustees of the Grinnell public library
29 district shall notify the legislative bill drafting commission upon the
30 creation of such district pursuant to this act in order that the commis-
31 sion may maintain an accurate and timely effective data base of the
32 official text of the laws of the state of New York in furtherance of
33 effectuating the provisions of section 44 of the legislative law and
34 section 70-b of the public officers law.