

5560--A

2013-2014 Regular Sessions

I N S E N A T E

May 21, 2013

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT creating the Reed Memorial public library district in the town of Carmel, New York; 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 Reed Memorial public library district within the provisions of such chapter and 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 Carmel, county of
4 Putnam, a public library district which shall be known as the Reed Memorial public library district, hereinafter referred to as the district,
5 and which shall consist of all the territory within the town of Carmel,
6 excluding the Mahopac central school district. The district will operate
7 a public library to be known as the Reed Memorial library.
8
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 Literary Union of Carmel, New York, and seven trustees are elected by a vote
12 of the majority of the qualified voters voting in an election held, not
13 later than January 31, 2015, pursuant to the following provisions:
14
15 Upon receipt of a petition signed by not less than twenty-five voters
16 qualified to vote at a general election in the district, the board of
17 trustees of the existing Literary Union of Carmel, New York, shall
18 conduct an election at which the issues shall be:

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

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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 Literary Union of Carmel, New York, shall be created or
4 not; and

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

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

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

51 3. Candidates for the office of member of the board of trustees of the
52 Reed Memorial public library district shall be nominated by petition.
53 No vacancy to be filled on the board of trustees shall be considered a
54 separate, specific office. A separate petition shall be required to
55 nominate each candidate for a vacancy on the board. Each petition shall
56 be directed to the secretary of the board of trustees of the existing

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

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

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

1 and at all future elections shall be considered an annual appropriation
2 therefor and shall be levied and collected yearly by the town for the
3 district in the same manner and at the same time as other taxes in the
4 town.

5 2. The district's fiscal year shall run from the first day of January
6 to the thirty-first day of December. The board of trustees of the
7 district shall annually file with the clerk of the town on or before the
8 first day of November an estimate of the proposed budget including costs
9 of library services to be raised by levy for the library district in the
10 fiscal year beginning on the first day of January of the next year. The
11 town shall not make any change in the estimate of revenues or expendi-
12 tures submitted by the board of the district in preparation of its
13 preliminary budget.

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

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

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

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

ment contributions for past or current services to officers and employees of the district. The treasurer shall keep such records in such manner as the board of trustees may require.

S 5. Charter, commencement of operations, and transfer of property and employees. The initially elected trustees of the district shall, within ninety days from the date of approval of the district by the voters of the district, apply to the board of regents for a charter as a public library. Upon the granting of such a charter by the board of regents, title to all liabilities and assets, including all property, both real and personal, and both tangible and intangible, all trust and other funds, and all other obligations, now held by the existing Literary Union of Carmel, New York, shall be transferred to, vested in, and be acquired by the district established by this act. The above provisions for transfer to, vesting and acquisition of real and personal property, both tangible and intangible, and all trust and other funds, are effectuated by operation of law pursuant to the authority of this act, except that, for purposes of clarity of real property records, deeds of conveyance shall be executed and filed for any parcels of real property. Upon the transfer of all such property, the existing Literary Union of Carmel, New York shall be deemed dissolved. Upon the granting of such charter by the board of regents, all employees of the existing Literary Union of Carmel, New York shall become employees of the district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the existing Literary Union of Carmel, New York.

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

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

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

S 9. Section 5 of chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, is amended by adding a new subdivision 46 to read as follows:

46. REED MEMORIAL PUBLIC LIBRARY DISTRICT

S 10. This act shall take effect immediately.