AN ACT to establish the Reed memorial 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:

Section 1. Creation of library district. Notwithstanding the provisions of any general, special, or local law to the contrary, there is hereby created and established in the town of Carmel, county of Putnam, a public library district which shall consist of the entire town of Carmel, hereinafter referred to in this act as the "town", and shall be known as the Reed memorial public library district, hereinafter referred to in this act as the "district". The district will operate a public library to be known as the Reed memorial public library.

Section 2. Election. 1. The district described in this act shall not come into existence unless and until it is approved with the initial budget in support thereof proposed by the board of trustees of the existing Reed memorial library, and seven trustees are elected by a vote of the majority of the qualified voters voting in an election held, not later than September 30, 2014, pursuant to the following provisions:

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

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

The board of trustees of the existing Reed memorial 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

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
served. The first publication of such notice shall be not less than three
thirteen days and not more than twenty days prior to the date of such
election. In addition, the board of trustees of the existing Reed memo-
rial library shall cause copies of such notice to be posted conspicu-
sly 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
Reed memorial 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 Reed memorial library shall serve as chair-
person or as an election inspector or ballot clerk. The board of trus-
tees of the existing Reed memorial 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 other-
wise qualified to vote at a general election in the town shall be quali-
fied to vote at said election. The board of trustees of the existing
Reed memorial 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 Reed memorial 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 Reed memorial 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 Reed memorial 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
Reed memorial 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
Reed memorial library, shall be signed by at least twenty-five qualified
voters of the district, shall state the residence of each signer, and
shall state the name and residence of the candidate. In the event that
any such nominees shall withdraw their candidacy prior to the election,
such person shall not be considered a candidate unless a new petition
nominating such person in the same manner and within the same time limi-
tation applicable to other candidates is filed with the secretary of the
board of trustees of the existing Reed memorial library. Each petition
shall be filed with the secretary of the board of trustees of the exist-
ing Reed memorial library, between the hours of 9:00 a.m. and 5:00 p.m.,
not later than the thirtieth day before the election at which the candi-
dates nominated are to be elected. In the event that the new district is
created, petitions nominating candidates for the board of trustees for
all future elections shall be filed with the secretary of the Reed memo-
rional public library district.

S 3. Organization and structure. The Reed memorial public library
district shall be managed, operated, and controlled by a board of trus-
tees consisting of seven members. The trustees shall take office at the
first regular meeting of the board of trustees following their election.
At the first regular meeting of the board of trustees of the district,
the trustees shall determine when the terms of office of each member
shall expire as follows: the trustees receiving the first and second
highest number of votes shall each serve for three years, the trustees
receiving the third and fourth highest number of votes shall each serve
for two years, and the trustees receiving the fifth and sixth number of
votes shall each serve for one year. As vacancies occur due to expira-
tion of terms of office, trustees shall be elected by the voters of the
district at the election provided for by this act to serve three year
terms, such terms to commence at the first regular meeting of the board
of trustees of the district next following their election. All other
vacancies caused by resignation, removal, death or inability to serve
shall be filled by appointment by the board of trustees of the district
until the next election, at which time the vacancy shall be filled by
election for the remaining portion of the term. At any election where
one or more persons are to be elected for the unexpired portion of a
term or terms, the candidate receiving the largest number of votes shall
be entitled to the full three year term and the candidates receiving the
next highest number of votes shall be entitled, in decreasing order of
the respective numbers of votes, to the vacancy or vacancies, in
decreasing order of the length of the unexpired portion or portions of a
term or terms. Only qualified voters of the district shall be eligible
for election to the board of trustees. The board of trustees at its
first meeting after each annual election shall elect or appoint a presi-
dent and vice-president, who shall be members of the board, and a secre-
tary, treasurer and such other officers as they deem necessary. If the
board so determines, the offices of secretary and treasurer may be held
by individuals who are not members of the board of trustees and, in that
event, such officers may, if the board so determines, receive compen-
sation as fixed by resolution of the board.

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

2. The board of trustees of the district shall annually file with the
clerk of the town 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 shall not make any change in
1 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 Reed memorial public library district, which
shall equal the amount to be raised by tax as approved by the voters of
the Reed memorial public library district. Such tax shall be levied by
the town in proportion to the total combined full value of the real
property lying within the town. The town board shall pay the full
amount of the tax levy approved by the voters over to the treasurer of
the Reed memorial public library district pursuant to the schedule set
forth in this section. The town board shall annually pay over to the
treasurer of the Reed memorial public library district on or before the
thirtieth day after the town's tax collection period ends, the full
amount of the levy due from the parcels subject to the levy. If neces-
sary to meet this schedule, the town board may 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 facili-
ties or improved facilities for library purposes. Upon written request
from the board of trustees of the Reed memorial 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 Reed memorial public
library district and maintained in a segregated account in accordance
with section 165.00 of the local finance law and expended by the treas-
urer only on specific authorization by the board of trustees.

5. The board of trustees of the Reed memorial 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 Reed memorial 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 shall promptly pay over to the district all
monies which belong to or are raised for the district. No monies shall
be disbursed by the treasurer of the district except after audit by the
board of trustees. The board of trustees of the Reed memorial public
library district shall audit all claims and shall order the payment
thereof, except as otherwise provided by this section. No such claims
shall be audited or ordered paid by the trustees unless an itemized
voucher therefor shall be presented to the board of trustees for audit
and allowance. The provisions of this section shall not be applicable to
payment of utility costs, claims of fixed salaries and amounts which the
district may be required to pay on account of retirement 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.
library 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, held
by the existing Reed memorial library shall be transferred to, vested in
and acquired by the district established by this act. The provisions of
this act for transfer to, vesting and acquisition of real and personal
property, both tangible and intangible, and all trust and other funds,
shall be 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 Reed
memorial library shall be deemed dissolved. Upon the granting of such
charter by the board of regents, all employees of the existing Reed
memorial library 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 Reed memorial library.

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 is hereby authorized to assess, levy and collect the
necessary expenses of operation, maintenance and repair of such facil-
ties 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 Reed memorial public library district, as may be
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 Reed memorial public library 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 expendi-
tures. 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; provided that subdivi-
sion 46 of section 5 of chapter 672 of the laws of 1993, as added by
section nine of this act shall take effect on the same date as the Reed
memorial public library district shall come into existence pursuant to
this act; provided that the trustees of the Reed memorial public library
district shall notify the legislative bill drafting commission upon the
creation of such district pursuant to this act in order that the commis-
sion may maintain an accurate and timely effective data base of the
official text of the laws of the state of New York in furtherance of
effectuating the provisions of section 44 of the legislative law and
section 70-b of the public officers law.