

4116--B

2015-2016 Regular Sessions

I N S E N A T E

February 27, 2015

Introduced by Sens. ORTT, ROBACH -- 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 and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- 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 Seymour public library district in the towns of Sweden and Clarkson, New York including the Village of Brockport; 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 Seymour 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 towns of Sweden and Clarkson,
4 county of Monroe, a public library district which shall be known as the
5 Seymour public library district, hereinafter referred to as the
6 district, and which shall consist of the entire town of Sweden, the
7 entire town of Clarkson and also including the Village of Brockport
8 which lies wholly within such two towns. The district will operate a
9 public library to be known as the Seymour public library.
10 S 2. Election. 1. The district herein described shall not come into
11 existence unless and until it is approved with the initial budget in
12 support thereof proposed by the board of trustees of the existing Seym-
13 our library in the county of Monroe, and nine trustees are elected by a

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

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1 vote of the majority of the qualified voters voting in an election held,
2 not later than January 31, 2019, pursuant to the following provisions:

3 Upon receipt of a petition signed by not less than twenty-five voters
4 qualified to vote at a general election in the district, the board of
5 trustees of the existing Seymour library in the county of Monroe, shall
6 conduct an election at which the issues shall be:

7 (a) whether the public library district herein described with the
8 initial budget in support thereof proposed by the board of trustees of
9 the existing Seymour library in the county of Monroe, shall be created
10 or not; and

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

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

50 2. In the event that the district is created, there shall be an annual
51 election conducted by the board of trustees of the Seymour public
52 library district in the county of Monroe in accordance with the
53 provisions of subdivision one of this section at a time to be set by the
54 board of trustees of the district, at which election vacancies on the
55 board of trustees shall be filled and at which any proposed budget which

1 the board shall determine to submit to the voters pursuant to section
2 four of this act shall be submitted to the voters.

3 3. Candidates for the office of member of the board of trustees of the
4 Seymour public library district in the county of Monroe shall be nomi-
5 nated by petition. No vacancy to be filled on the board of trustees
6 shall be considered a separate, specific office. A separate petition
7 shall be required to nominate each candidate for a vacancy on the board.
8 Each petition shall be directed to the secretary of the board of trus-
9 tees of the existing Seymour library in the county of Monroe, shall be
10 signed by at least twenty-five qualified voters of the district, shall
11 state the residence of each signer, and shall state the name and resi-
12 dence of the candidate. In the event that any such nominees shall with-
13 draw their candidacy prior to the election, such person shall not be
14 considered a candidate unless a new petition nominating such person in
15 the same manner and within the same time limitation applicable to other
16 candidates is filed with the secretary of the board of trustees of the
17 existing Seymour library in the county of Monroe. Each petition shall
18 be filed with the secretary of the board of trustees of the existing
19 Seymour library in the county of Monroe, between the hours of 9:00 a.m.
20 and 5:00 p.m., not later than the thirtieth day before the election at
21 which the candidates nominated are to be elected. In the event that the
22 new district is created, petitions nominating candidates for the board
23 of trustees for all future elections shall be filed with the secretary
24 of the Seymour public library district.

25 S 3. Organization and structure. The Seymour public library district
26 in the county of Monroe shall be managed, operated, and controlled by a
27 board of trustees consisting of nine members. The trustees shall take
28 office at the first regular meeting of the board of trustees following
29 their election. At the first regular meeting of the board of trustees of
30 the district, the trustees shall determine when the terms of office of
31 each member shall expire as follows: the trustees receiving the first
32 and second highest number of votes shall each serve for five years, the
33 trustees receiving the third and fourth highest number of votes shall
34 each serve for four years, the trustees receiving the fifth and sixth
35 highest number of votes shall each serve for three years, the trustees
36 receiving the seventh and eighth highest number of votes shall serve for
37 two years and the trustee receiving the ninth highest number of votes
38 shall serve for one year. As vacancies occur due to expiration of terms
39 of office, trustees shall be elected by the voters of the district at
40 the election provided for by this act to serve five year terms, such
41 terms to commence at the first regular meeting of the board of trustees
42 of the district next following their election. All other vacancies
43 caused by resignation, removal, death, or inability to serve shall be
44 filled by appointment by the board of trustees of the district until the
45 next election, at which time the vacancy shall be filled by election for
46 the remaining portion of the term. At any election where one or more
47 persons are to be elected for the unexpired portion of a term or terms,
48 the candidate receiving the largest number of votes shall be entitled to
49 the full five year term and the candidates receiving the next highest
50 number of votes shall be entitled, in decreasing order of the respective
51 numbers of votes, to the vacancy or vacancies, in decreasing order of
52 the length of the unexpired portion or portions of a term or terms. Only
53 qualified voters of the district shall be eligible for election to the
54 board of trustees. The board of trustees at its first meeting after each
55 annual election shall elect or appoint a president, vice-president, and
56 a secretary, who shall be members of the board, and a treasurer and such

1 other officers as they deem necessary. If the board so determines, the
2 office of treasurer may be held by an individual who is not a member of
3 the board of trustees and, in that event, such officer may, if the board
4 so determines, receive compensation as fixed by resolution of the board.

5 S 4. Finances. 1. The initial budget to support the district shall be
6 determined by a vote of the voters of the district in the initial
7 election as hereinafter provided for. All future budgets that increase
8 or decrease the district's proposed tax levy as compared to the tax levy
9 in the preceding fiscal year's budget shall be submitted to the resi-
10 dents voting at the annual election of trustees pursuant to section two
11 of this act. Funds voted for library purposes at the initial election
12 and at all future elections shall be considered an annual appropriation
13 therefor and shall be levied and collected yearly by the towns of Sweden
14 and Clarkson for the district in the same manner and at the same time as
15 other taxes in the towns of Sweden and Clarkson.

16 2. The district's fiscal year shall run from the first day of January
17 to the thirty-first day of December. The board of trustees of the
18 district shall annually file with the clerk of the towns on or before
19 the first day of November an estimate of the proposed budget including
20 costs of library services to be raised by levy for the library district
21 in the fiscal year beginning on the first day of January of the next
22 year. The towns shall not make any change in the estimate of revenues or
23 expenditures submitted by the board of the district in preparation of
24 their preliminary budgets.

25 3. The town board of the town of Sweden shall levy a tax against the
26 real property lying within the district, except the real property lying
27 within the town of Clarkson, and the town board of the town of Clarkson
28 shall levy a tax against the real property lying within the district,
29 except real property lying within the town of Sweden, which together
30 shall equal the amount to be raised by tax as approved by the voters of
31 the district. Such tax shall be levied by the town of Sweden and the
32 town of Clarkson in proportion to the total combined value of the real
33 property lying within the town of Sweden and the town of Clarkson,
34 including the parcels lying within the village of Brockport. The town
35 boards shall pay the full amount of the tax levy approved by the voters
36 over to the treasurer of the district pursuant to the schedule set forth
37 in this section. The town boards shall each annually pay over to the
38 treasurer of the district on or before the thirtieth day after their
39 respective tax collection period ends, the full amount of the levy due
40 from the parcels subject to their respective pay levy. If necessary to
41 meet this schedule, the town boards may issue tax anticipation notes
42 pursuant to article II of the local finance law to obtain the necessary
43 moneys therefor.

44 4. The town boards of the towns of Sweden and Clarkson shall have the
45 power to authorize, sell, and issue bonds, notes, and other evidences of
46 indebtedness pursuant to the local finance law in order to permit the
47 district to provide facilities or improved facilities for library
48 purposes. Upon written request from the board of trustees of the
49 district, after approval by the qualified voters of such district, and
50 to the extent the proposed capital improvements to the library facili-
51 ties are to be constructed within the respective municipality, the town
52 boards shall authorize, sell, and issue such bonds, notes, or other
53 evidences of indebtedness as are necessary to accomplish the improve-
54 ments specified in the notice. The proceeds of such bonds, notes, or
55 other evidences of indebtedness shall be paid to the treasurer of the
56 district maintained in a segregated account in accordance with section

1 165.00 of the local finance law and expended by the treasurer only on
2 specific authorization by the board of trustees.

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

7 6. The treasurer of the district shall be custodian of all funds of
8 the district, including gifts and trust funds paid over to the trustees.
9 The board of trustees may authorize the investment of funds in the
10 custody of the treasurer in the same manner in which town funds may be
11 invested. Proceeds of obligations received from the town may be invested
12 in accordance with section 165.00 of the local finance law. The town of
13 Sweden and the town of Clarkson shall promptly pay over to the district
14 all monies which belong to or are raised for the district. No monies
15 shall be disbursed by the treasurer of the district except after audit
16 by the board of trustees. The board of trustees of the district shall
17 audit all claims and shall order the payment thereof, except as other-
18 wise provided by this section. No such claims shall be audited or
19 ordered paid by the trustees unless an itemized voucher therefor shall
20 be presented to the board of trustees for audit and allowance. The
21 provisions of this section shall not be applicable to payment of utility
22 costs, claims of fixed salaries, and amounts which the district may be
23 required to pay on account of retirement contributions for past or
24 current services to officers and employees of the district. The treasur-
25 er shall keep such records in such manner as the board of trustees may
26 require.

27 S 5. Charter, commencement of operations, and transfer of property and
28 employees. The initially elected trustees of the district shall, within
29 ninety days from the date of approval of the district by the voters of
30 the district, apply to the board of regents for a charter as a public
31 library. Upon the granting of such a charter by the board of regents,
32 title to all liabilities and assets, including all property, both real
33 and personal, and both tangible and intangible, all trust and other
34 funds, and all other obligations, now held by the existing Seymour
35 library in the county of Monroe shall be transferred to, vested in, and
36 be acquired by the district established by this act. The above
37 provisions for transfer to, vesting and acquisition of real and personal
38 property, both tangible and intangible, and all trust and other funds,
39 are effectuated by operation of law pursuant to the authority of this
40 act, except that, for purposes of clarity of real property records,
41 deeds of conveyance shall be executed and filed for any parcels of real
42 property. Upon the transfer of all such property, the existing Seymour
43 library in the county of Monroe shall be deemed dissolved. Upon the
44 granting of such charter by the board of regents, all employees of the
45 existing Seymour library shall become employees of the district upon the
46 same terms and conditions of employment and at the same rate of pay as
47 their previous employment by the existing Seymour library.

48 S 6. Ad valorem levy. The several lots and parcels of land within the
49 area of the district are hereby determined to be benefited by the
50 library facilities and devices existing as of the effective date of this
51 act, and the towns of Sweden and Clarkson are hereby authorized to
52 assess, levy, and collect the necessary expenses of operation, mainte-
53 nance, and repair of such facilities and services and such capital
54 improvements, including debt service on bonds, notes, or other evidences
55 of indebtedness of the town issued for the purpose of the district, as
56 may be hereafter authorized pursuant to the provisions of this act from

1 such lots and parcels of land in the same manner and at the same time as
2 other town charges.

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

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

12 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
13 authorities law relating to the construction and financing of facilities
14 for certain public libraries, is amended by adding a new subdivision 51
15 to read as follows:

16 51. SEYMOUR PUBLIC LIBRARY DISTRICT IN THE COUNTY OF MONROE

17 S 10. This act shall take effect immediately.