

4116

2015-2016 Regular Sessions

I N S E N A T E

February 27, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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, and nine trustees are elected by a vote of the majority of
14 the qualified voters voting in an election held, not later than January
15 31, 2018, pursuant to the following provisions:
16 Upon receipt of a petition signed by not less than twenty-five voters
17 qualified to vote at a general election in the district, the board of
18 trustees of the existing Seymour library, shall conduct an election at
19 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 Seymour 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 Seymour 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 Seymour
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 Seymour
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 six resident qualified voters to act as
19 election inspectors and ballot clerks at such election. No trustee of
20 the existing Seymour library, shall serve as chairperson or as an
21 election inspector or ballot clerk. The board of trustees of the exist-
22 ing Seymour 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 voter
25 who is a resident of the district and otherwise qualified to vote at a
26 general election in the town of Sweden, town of Clarkson or village of
27 Brockport shall be qualified to vote at said election. The board of
28 trustees of the existing Seymour library, may, to the extent authorized
29 by law, authorize the use of absentee ballots for the election. After
30 the polls have closed at such election, the election inspectors and the
31 ballot clerks shall immediately canvass publicly the ballots cast and
32 the chairperson of the election shall publicly announce the result.
33 Within seventy-two hours thereafter, the chairperson, election inspec-
34 tors and ballot clerks shall execute and file a certificate of the
35 result of the canvass with the board of trustees of the existing Seymour
36 library, and the town and village clerks. If a majority of the voters
37 approve the formation of the district with the initial budget in support
38 thereof proposed by the board of trustees of the existing Seymour
39 library, then the district shall come into existence on the terms and
40 conditions set forth in this act.

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

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

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

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

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 towns on or before
8 the first day of November an estimate of the proposed budget including
9 costs of library services to be raised by levy for the library district
10 in the fiscal year beginning on the first day of January of the next
11 year. The towns shall not make any change in the estimate of revenues or
12 expenditures submitted by the board of the district in preparation of
13 their preliminary budgets.

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

33 4. The town boards of the towns of Sweden and Clarkson shall have the
34 power to authorize, sell, and issue bonds, notes, and other evidences of
35 indebtedness pursuant to the local finance law in order to permit the
36 district to provide facilities or improved facilities for library
37 purposes. Upon written request from the board of trustees of the
38 district, after approval by the qualified voters of such district, and
39 to the extent the proposed capital improvements to the library facili-
40 ties are to be constructed within the respective municipality, the town
41 boards shall authorize, sell, and issue such bonds, notes, or other
42 evidences of indebtedness as are necessary to accomplish the improve-
43 ments specified in the notice. The proceeds of such bonds, notes, or
44 other evidences of indebtedness shall be paid to the treasurer of the
45 district maintained in a segregated account in accordance with section
46 165.00 of the local finance law and expended by the treasurer only on
47 specific authorization by the board of trustees.

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

52 6. The treasurer of the district shall be custodian of all funds of
53 the district, including gifts and trust funds paid over to the trustees.
54 The board of trustees may authorize the investment of funds in the
55 custody of the treasurer in the same manner in which town funds may be
56 invested. Proceeds of obligations received from the town may be invested

1 in accordance with section 165.00 of the local finance law. The town of
2 Sweden and the town of Clarkson shall promptly pay over to the district
3 all monies which belong to or are raised for the district. No monies
4 shall be disbursed by the treasurer of the district except after audit
5 by the board of trustees. The board of trustees of the district shall
6 audit all claims and shall order the payment thereof, except as other-
7 wise provided by this section. No such claims shall be audited or
8 ordered paid by the trustees unless an itemized voucher therefor shall
9 be presented to the board of trustees for audit and allowance. The
10 provisions of this section shall not be applicable to payment of utility
11 costs, claims of fixed salaries, and amounts which the district may be
12 required to pay on account of retirement contributions for past or
13 current services to officers and employees of the district. The treasur-
14 er shall keep such records in such manner as the board of trustees may
15 require.

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

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

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

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

1 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
2 authorities law relating to the construction and financing of facilities
3 for certain public libraries, is amended by adding a new subdivision 49
4 to read as follows:

5 49. SEYMOUR PUBLIC LIBRARY DISTRICT

6 S 10. This act shall take effect immediately.