

4116--A

Cal. No. 265

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

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
14 vote of the majority of the qualified voters voting in an election held,
15 not later than January 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

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

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1 trustees of the existing Seymour library in the county of Monroe, shall
2 conduct an election at which the issues shall be:

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

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

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

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

54 3. Candidates for the office of member of the board of trustees of the
55 Seymour public library district in the county of Monroe shall be nomi-
56 nated by petition. No vacancy to be filled on the board of trustees

1 shall be considered a separate, specific office. A separate petition
2 shall be required to nominate each candidate for a vacancy on the board.
3 Each petition shall be directed to the secretary of the board of trus-
4 tees of the existing Seymour library in the county of Monroe, shall be
5 signed by at least twenty-five qualified voters of the district, shall
6 state the residence of each signer, and shall state the name and resi-
7 dence of the candidate. In the event that any such nominees shall with-
8 draw their candidacy prior to the election, such person shall not be
9 considered a candidate unless a new petition nominating such person in
10 the same manner and within the same time limitation applicable to other
11 candidates is filed with the secretary of the board of trustees of the
12 existing Seymour library in the county of Monroe. Each petition shall
13 be filed with the secretary of the board of trustees of the existing
14 Seymour library in the county of Monroe, between the hours of 9:00 a.m.
15 and 5:00 p.m., not later than the thirtieth day before the election at
16 which the candidates nominated are to be elected. In the event that the
17 new district is created, petitions nominating candidates for the board
18 of trustees for all future elections shall be filed with the secretary
19 of the Seymour public library district.

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

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

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

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

40 4. The town boards of the towns of Sweden and Clarkson shall have the
41 power to authorize, sell, and issue bonds, notes, and other evidences of
42 indebtedness pursuant to the local finance law in order to permit the
43 district to provide facilities or improved facilities for library
44 purposes. Upon written request from the board of trustees of the
45 district, after approval by the qualified voters of such district, and
46 to the extent the proposed capital improvements to the library facili-
47 ties are to be constructed within the respective municipality, the town
48 boards shall authorize, sell, and issue such bonds, notes, or other
49 evidences of indebtedness as are necessary to accomplish the improve-
50 ments specified in the notice. The proceeds of such bonds, notes, or
51 other evidences of indebtedness shall be paid to the treasurer of the
52 district maintained in a segregated account in accordance with section
53 165.00 of the local finance law and expended by the treasurer only on
54 specific authorization by the board of trustees.

55 5. The board of trustees of the district may accept on behalf of the
56 district any absolute gift, devise, or bequest of real or personal prop-

1 erty and such conditional gifts, devises, or bequests as it shall by
2 resolution approve.

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

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

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

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

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

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

14 49. SEYMOUR PUBLIC LIBRARY DISTRICT IN THE COUNTY OF MONROE

15 S 10. This act shall take effect immediately.