

5942

2015-2016 Regular Sessions

I N   S E N A T E

June 12, 2015

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Introduced by Sens. ORTT, ROBACH -- read twice and ordered printed, and  
when printed to be committed to the Committee on Rules

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 authori-  
ties 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 ASSEM-  
BLY, 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 in the county of Monroe, hereinafter  
6 referred to as the district, and which shall consist of the entire town  
7 of Sweden, the entire town of Clarkson and also including the Village of  
8 Brockport which lies wholly within such two towns. The district will  
9 operate a public library to be known as the Seymour public library in  
10 the county of Monroe.

11     S 2. Election. 1. The district herein described shall not come into  
12 existence unless and until it is approved with the initial budget in  
13 support thereof proposed by the board of trustees of the existing Seym-  
14 our library in the county of Monroe, and nine trustees are elected by a  
15 vote of the majority of the qualified voters voting in an election held,  
16 not later than January 31, 2018, pursuant to the following provisions:

17     Upon receipt of a petition signed by not less than twenty-five voters  
18 qualified to vote at a general election in the district, the board of  
19 trustees of the existing Seymour library in the county of Monroe, shall  
20 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 Seymour library in the county of Monroe, shall be created  
4 or not; and

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

6 The board of trustees of the existing Seymour library in the county of  
7 Monroe, 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 Seymour library in the county of Monroe, 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 Seymour library in the county of Monroe, 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 Seymour library in the county of Monroe, shall serve as chairperson  
23 or as an election inspector or ballot clerk. The board of trustees of  
24 the existing Seymour library in the county of Monroe, may adopt a resol-  
25 ution providing that such chairperson, election inspectors and ballot  
26 clerks shall be paid reasonable compensation for their respective  
27 services at such election. Every voter who is a resident of the district  
28 and otherwise qualified to vote at a general election in the town of  
29 Sweden, town of Clarkson or village of Brockport shall be qualified to  
30 vote at said election. The board of trustees of the existing Seymour  
31 library in the county of Monroe, may, to the extent authorized by law,  
32 authorize the use of absentee ballots for the election. After the polls  
33 have closed at such election, the election inspectors and the ballot  
34 clerks shall immediately canvass publicly the ballots cast and the  
35 chairperson of the election shall publicly announce the result. Within  
36 seventy-two hours thereafter, the chairperson, election inspectors and  
37 ballot clerks shall execute and file a certificate of the result of the  
38 canvass with the board of trustees of the existing Seymour library in  
39 the county of Monroe, and the town and village clerks. If a majority of  
40 the voters approve the formation of the district with the initial budget  
41 in support thereof proposed by the board of trustees of the existing  
42 Seymour library in the county of Monroe, then the district shall come  
43 into existence on the terms and conditions set forth in this act.

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

52 3. Candidates for the office of member of the board of trustees of the  
53 Seymour public library district in the county of Monroe shall be nomi-  
54 nated by petition. No vacancy to be filled on the board of trustees  
55 shall be considered a separate, specific office. A separate petition  
56 shall be required to nominate each candidate for a vacancy on the board.

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

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

54 S 4. Finances. 1. The initial budget to support the district shall be  
55 determined by a vote of the voters of the district in the initial  
56 election as hereinafter provided for. All future budgets that increase

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

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

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

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

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

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

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

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

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

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

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

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

12 S 10. This act shall take effect immediately.