

STATE OF NEW YORK

S. 6278

A. 7750

2017-2018 Regular Sessions

SENATE - ASSEMBLY

May 11, 2017

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

IN ASSEMBLY -- Introduced by M. of A. PALUMBO -- read once and referred to the Committee on Local Governments

AN ACT to amend chapter 699 of the laws of 1947, relating to authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County, in relation to authorizing the acquisition, construction, equipment and operation of a public ferry for hire from Fishers Island across waters of Long Island Sound; authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County and providing for the election of its officers and management of its affairs; authorizing the collection of ferriage charges; authorizing the issuance and sale of obligations of said town and providing for their payment; authorizing the levy and collection of taxes; and providing for other related matters; and to repeal certain provisions of chapter 699 of the laws of 1947, relating to authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County, relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 2 of chapter 699 of the laws of 1947 relating to
2 authorizing the creation of Fishers Island ferry district in the town of
3 Southold, Suffolk County, as amended by chapter 620 of the laws of 1951,
4 is amended to read as follows:

5 § 2. The object and purpose of the district shall be to acquire,
6 construct, equip, operate and maintain a public ferry for the transpor-
7 tation for hire of persons and vehicles, and goods, wares and merchan-
8 dise, from convenient points on Fishers Island across the waters of Long
9 Island sound and other adjacent waters or tributary thereto to points

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

LBD11540-01-7

1 within and without the state. Such ferry may be referred to as the Fish-
2 ers Island ferry. A further object and purpose of the district shall be
3 to acquire by gift, purchase or lease, an airport or landing field situ-
4 ated on Fishers Island and any other personal or real property necessary
5 for the operation of the district, and to operate and maintain such
6 airport, real and personal property.

7 § 2. Section 3 of chapter 699 of the laws of 1947 relating to author-
8 izing the creation of Fishers Island ferry district in the town of Sout-
9 hold, Suffolk County, as amended by chapter 650 of the laws of 1968, is
10 amended to read as follows:

11 § 3. The [~~town board~~] commissioners of the [~~town of Southold~~] district
12 may construct Fishers Island ferry, and acquire all boats and other
13 equipment and appurtenances necessary, or [~~authorize the commissioners~~
14 ~~of the district to~~] let the necessary contract or contracts therefor.
15 The [~~town board of such town~~] commissioners may acquire all lands,
16 rights or easements in land necessary for the purposes of such ferry,
17 and may [~~with the approval of the superintendent of public works~~],
18 subject to requisite regulatory approvals, may erect or cause to be
19 erected and maintained within the limits of any public highway, all
20 braces, appendages or other equipment and structures necessary for the
21 operation of the ferry. The [~~town board may also authorize~~] commission-
22 ers may also contract with a private person or persons or a corporation
23 for the independent operation of such ferry upon such terms and condi-
24 tions as may be mutually agreed upon, provided, however that any such
25 contract or renewal thereof shall not be for a period of longer than
26 five years. [~~No bids for such contract shall be received as hereinafter~~
27 ~~provided unless the terms and provisions thereof shall have been~~
28 ~~approved by the town board.~~]

29 § 3. Section 4 of chapter 699 of the laws of 1947 relating to author-
30 izing the creation of Fishers Island ferry district in the town of Sout-
31 hold, Suffolk County, as amended by chapter 467 of the laws of 1993, is
32 amended to read as follows:

33 § 4. The cost of acquisition, construction and equipment of the ferry,
34 including lands and rights or easements in lands, shall be paid from
35 taxes levied for the fiscal year in which such expenditure is made; from
36 surplus funds, or from the proceeds of town obligations to be issued and
37 sold in the manner provided by the local finance law. The town board of
38 the town of Southold may borrow the amount needed for such purposes and
39 issue town obligations therefor in an aggregate principal amount not
40 exceeding five hundred thousand dollars. Upon the adoption of a resol-
41 ution by the town board, subject to a permissive referendum by the
42 owners of taxable real property situate within the ferry district as
43 shown by the latest completed assessment roll of said town, such aggre-
44 gate principal amount which the town board may borrow and for which
45 obligations may be issued may be increased to any amount up to but not
46 exceeding the sum of [~~five~~] twenty million dollars.

47 § 4. Section 5 of chapter 699 of the laws of 1947 relating to author-
48 izing the creation of Fishers Island ferry district in the town of Sout-
49 hold, Suffolk County, the opening paragraph as amended by chapter 637 of
50 the laws of 1962, is amended to read as follows:

51 § 5. The affairs of the district shall be under the jurisdiction,
52 control and supervision of a board of five commissioners. [~~The town~~
53 ~~board shall appoint five resident taxpayers of the district who shall~~
54 ~~constitute the board until their successors are elected and have quali-~~
55 ~~fied pursuant to the provisions of this act. Successors to the members~~
56 ~~so appointed~~] Commissioners shall be elected by the electors of the

district as hereinafter provided. ~~[Every person]~~ Natural persons who ~~[is an elector]~~ are registered to vote for town offices of the town of Southold ~~[and the owner of]~~ at the preceding election and whose voter registration has an address within the Fishers Island ferry district, natural persons who own real property situate within the Fishers Island ferry district assessed upon the last preceding town assessment roll ~~[residents of Fishers Island ferry district],~~ and individuals who have resided in the Fishers Island ferry district for twelve months prior to the election shall be eligible to hold the office of ferry commissioner. At least three ferry commissioners must be natural persons who are registered to vote for town offices of the town of Southold at the preceding election and whose voter registration has an address within the Fishers Island ferry district or residents of Fishers Island ferry district. The ferry commissioners shall have power and it shall be the duty of such commissioners:

(a) To prepare or cause to be prepared ~~[and to submit to the town board of the town of Southold for approval],~~ plans for the acquisition, construction and equipment of the ferry;

(b) To supervise the construction of any works or improvements connected with the ferry ~~[and make reports thereon from time to time as the town board shall require];~~

(c) To have jurisdiction, control and supervision over the ferry and to operate and maintain the same;

(d) To purchase all necessary tools, materials and supplies needed for the proper upkeep of the ferry;

(e) ~~[Subject to approval by the town board of the town, to]~~ To enter into contracts or leases for the purpose of the ferry;

(f) ~~[Subject to the approval of the town board of the town, to]~~ To appoint and at pleasure remove a manager and such other employees and assistants as may be necessary to carry out the purposes of this act, and fix their compensation;

(g) ~~[Subject to the approval of the town board of the town,]~~ To promulgate and adopt and from time to time amend rules and regulations governing the operation of the ferry;

(h) To fix and classify ~~[with the approval of the town board and],~~ subject to agreements with bond holders, and from time to time reduce or increase the rates of ferriage charges to be collected for the transportation of persons and of vehicles, and of goods, wares and merchandise;

(i) To fix the days and hours during which the ferry shall be operated and cause notice thereof to be posted at all entrances to the ferry;

(j) To post and keep posted in conspicuous and accessible places outside and adjacent to each entrance to the ferry, in plain view of the passengers upon such ferry, a schedule plainly printed in the English language of the rates of ferriage charges to be collected for transportation over such ferry;

(k) To have and exercise such additional powers and duties relating to the operation, maintenance and up-keep of the ferry ~~[as may be delegated to them by the town board of the town].~~

§ 5. Section 5-a of chapter 699 of the laws of 1947 relating to authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County, as added by chapter 620 of the laws of 1951, is amended to read as follows:

§ 5-a. The town board of the town of ~~[Southold]~~ Southold may acquire, by gift, purchase or lease, on behalf of the ferry district, an airport or landing field situated on Fishers Island, after a public hearing held in the same manner and upon the same notice as in the case of the estab-

1 lishment of the ferry district. The notice of hearing shall state gener-
2 ally the purpose of the hearing, describe the real property to be
3 acquired and the nature of such acquisition, specify the amount of the
4 consideration to be paid therefor and the time, when and place where
5 said town board will meet to consider the proposition and to hear all
6 persons interested in the subject thereof concerning the same. After
7 such hearing and upon the evidence adduced thereat, the town board shall
8 determine by resolution whether or not it is in the public interest to
9 acquire such real property in the manner and upon the terms stated in
10 the notice of hearing. If the town board shall determine that such
11 acquisition is in the public interest, it may proceed to acquire such
12 real property in the specified manner and upon the specified terms.

13 § 6. Subdivision (c) of section 5-b of chapter 699 of the laws of 1947
14 relating to authorizing the creation of Fishers Island ferry district in
15 the town of Southold, Suffolk County, as added by chapter 620 of the
16 laws of 1951, is amended to read as follows:

17 (c) Provide such services and facilities as are usual and incidental
18 to the operation of an airport or landing field, including hangers, and
19 fix, from time to time, the fees, charges, rentals or other consider-
20 ation for the rendering of such services and the use of such facilities.

21 § 7. Section 6 of chapter 699 of the laws of 1947 relating to author-
22 izing the creation of Fishers Island ferry district in the town of Sout-
23 hold, Suffolk County, as amended by chapter 467 of the laws of 1993, is
24 amended to read as follows:

25 § 6. All moneys received from ferriage charges shall be deposited
26 daily in [~~banks~~] a bank or trust [~~companies~~] company in the state of New
27 York and the state of Connecticut, to be designated by the [~~supervisor~~
28 ~~of the town of Southold and to the credit of the such supervisor. The~~
29 ~~supervisor shall execute and file with the town clerk additional securi-~~
30 ~~ty for the safekeeping and lawful application of such moneys in such~~
31 ~~amount and with such sureties as the town board shall approve. The~~
32 ~~expense incurred in connection with any such undertaking shall be a~~
33 ~~charge against the district. The ferry commissioners shall on or before~~
34 ~~the tenth day of each month, file with the town clerk of the town a~~
35 ~~report of their activities during the preceding month in such detail as~~
36 ~~the town board shall require. Each such report shall contain a statement~~
37 ~~showing the amount of ferriage charges collected and all obligations of~~
38 ~~the district unpaid at the time of filing the report. All claims against~~
39 ~~the district shall be audited by the town board and paid by the supervi-~~
40 ~~sor from moneys remaining to his credit and belonging to the ferry~~
41 ~~district. Out of such moneys the town board may establish a revolving~~
42 ~~petty cash fund for the use of the board of commissioners. Such fund~~
43 ~~shall be in such amount as the town board may deem necessary but shall~~
44 ~~not at any time exceed the sum of fifteen hundred dollars and shall~~
45 ~~continue in existence from year to year until abolished. Such petty cash~~
46 ~~fund shall be placed in an account in the name of the commissioners and~~
47 ~~shall be under the control of the manager and expenditures therefrom~~
48 ~~shall be made only for payment in advance of audit of properly itemized~~
49 ~~and certified or verified bills for materials, supplies and services~~
50 ~~other than employment. A statement of expenditures from such petty cash~~
51 ~~fund and their purposes together with the bills or vouchers therefor~~
52 ~~shall be a part of the monthly report to the two board. Upon audit by~~
53 ~~the town board such petty cash fund shall be reimbursed in the amount of~~
54 ~~the expenditures allowed. In the event that any such bills or expendi-~~
55 ~~tures are disallowed the manager shall be personally liable therefor]~~
56 commissioners and to the credit of the commissioners.

§ 8. Section 7 of chapter 699 of the laws of 1947 relating to authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County, as amended by chapter 467 of the laws of 1993, is amended to read as follows:

§ 7. The annual ~~[meeting for the]~~ election of commissioners shall be held on the second Tuesday in August. At the first annual election one ferry commissioner shall be elected for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one ferry commissioner shall be elected for a term of five years, to commence on the date of this election. Successors to such ferry commissioners shall be elected for terms of five years each, or fill the remaining term vacated by a former commissioner. The commissioners shall organize by the election from their number of a chairman who shall preside at all meetings of the board of commissioners. The commissioners shall meet at least monthly on a regularly scheduled day in each month in accordance with a schedule of meetings to be established by them prior to the start of the calendar year for the transaction of the business of the district. Special meetings may be held at the call of the chairman. Each commissioner shall receive for his services the sum of ~~[fifty]~~ one hundred dollars for each meeting of the board actually attended by him in person, provided that the aggregate compensation which any such commissioner may receive for services rendered during any year shall not exceed the sum of ~~[two]~~ five thousand ~~[five hundred]~~ dollars. In addition thereto each commissioner shall receive his expenses actually and necessarily incurred in the performance of the duties of his office. Such expenses shall be paid from the funds of the ferry district after audit ~~[and approval by the town board]~~ and approval by the commissioners. At all meetings of the board of commissioners, a majority of the commissioners, including vacant positions, shall be necessary and sufficient to constitute a quorum for the transaction of business, and action by the commissioners at a meeting shall be upon vote of a majority of the commissioners present at any meeting of the board at which a quorum is present. Commissioners may, upon proper public notice, participate in a meeting of the board by means of a videoconference, or such other means that allow for each participant to see and hear and be seen and heard by each other participant at the same time. Commissioners participating in a meeting by such means shall not receive compensation for participating in such meeting. Whenever a vacancy shall occur among the commissioners, the majority of the remaining commissioners may appoint a qualified person to fill the vacancy and serve as commissioner until the next annual meeting.

§ 9. Section 8 of chapter 699 of the laws of 1947 relating to authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County is amended to read as follows:

§ 8. The manager shall be the administrative head of the district and shall devote his entire time to the duties of his office. Before entering upon the duties of his office, the manager shall take the constitutional oath of office and file the same in the office of the town clerk of the town. The functions, powers and duties of the commissioners relating to the operation and maintenance of Fishers Island ferry shall be exercised and performed by the manager or under his supervision subject to the direction and control of the commissioners. The manager shall execute and file with the ~~[town clerk of the town and]~~ commissioners any undertaking for the safekeeping and lawful application of any funds of the district which may come to his hands in such amount and with such surety or sureties as shall be approved by the ~~[town board of~~

1 ~~the town~~] commissioners. The commissioners shall have the right to
2 appoint more than one person to act as co-managers for the district and
3 to designate duties for each manager. All co-managers shall be bound by
4 the obligations and requirements of this section and this act. The
5 duties of the manager shall be to receive and have the custody of the
6 funds of the district and to disburse the same for authorized purposes
7 on the order of the commissioners, to keep appropriate and required
8 books and records in connection therewith, and to submit same for exam-
9 ination and make reports to the commissioners at any time, upon their
10 request. The manager and commissioners shall furnish to the state comp-
11 troller, upon request, copies of such rules, orders, contracts, forms,
12 and other documents as they shall adopt or employ, and such other infor-
13 mation concerning their activities as it may require in the performance
14 of their duties under this act. The manager shall on or before the tenth
15 day of each month, file with the commissioners a report of his activ-
16 ities during the preceding month in such detail as the commissioners
17 shall require. Each such report shall contain a statement showing the
18 amount of ferriage charges collected and all obligations of the district
19 unpaid at the time of filing the report. All claims against the district
20 shall be audited monthly by the commissioners and paid by the commis-
21 sioners from moneys remaining to their credit and belonging to the ferry
22 district. The commissioners may authorize the district manager to
23 establish and maintain a petty cash fund, not in excess of three thou-
24 sand dollars, for specific district purposes or undertakings, from which
25 may be paid in advance of audit, properly itemized and verified or
26 certified bills for materials, supplies or services procured by the
27 district in accordance with its procurement policy upon terms calling
28 for the payment of cash to the vendor upon the delivery of any such
29 materials or supplies or the rendering of any such services. Lists of
30 all expenditures made from such petty cash fund shall be presented to
31 the commissioners at each regular meeting thereof, together with the
32 bills supporting such expenditures, for audit and commissioners shall
33 direct reimbursement of such petty cash fund from any district moneys in
34 an amount equal to the total of such bills which it shall so audit and
35 allow. Any of such bills or any portion of any such bills as shall be
36 disallowed upon audit shall be the personal responsibility of the manag-
37 er and such official shall forthwith reimburse such petty cash fund in
38 the amount of such disallowances. The commissioners may authorize the
39 district manager to establish revolving fund accounts for specific
40 administrative and operational accounts, which may be carried from one
41 fiscal year to another, and to authorize the district manager temporar-
42 ily to deposit or invest moneys not required for immediate expenditure
43 in special time deposit accounts in, or certificates of deposit issued
44 by, a bank or trust company located and authorized to do business in the
45 state of New York and the state of Connecticut, provided however, that
46 such time deposit account or certificate of deposit shall be payable
47 within such time as the proceeds shall be needed to meet expenditures
48 for which such moneys were obtained and provided further that such time
49 deposits or certificate of deposit be secured by a pledge of obligations
50 of the United States of America or obligations of the state of New York
51 or obligations of any municipality school district or district corpo-
52 ration of the state of New York.

53 § 10. Section 9 of chapter 699 of the laws of 1947 relating to author-
54 izing the creation of Fishers Island ferry district in the town of Sout-
55 hold, Suffolk County, as amended by chapter 637 of the laws of 1962, is
56 amended to read as follows:

§ 9. The annual ~~[meeting]~~ election shall be held within the district at a place to be fixed by the commissioners. The commissioners shall cause notice to be posted in five public places in the district at least ten days before the date of the annual meeting. The notice shall state the time, place and object of the meeting and the hours that the polls are to remain open. The polls shall be open for a period of four hours to be fixed by the commissioners. Voting shall be ~~[by paper ballot to be provided by the commissioners. Such ballots shall conform as nearly as may be to ballots for primary elections provided by section one hundred eight of]~~ in accordance with the procedures set forth in the election law of the state of New York. The expense of such annual ~~[meeting]~~ election shall be a charge against the district. ~~[Electors of the district qualified]~~ Natural persons who are registered to vote for town ~~[officers]~~ offices of the town of Southold at the preceding ~~[town]~~ election and ~~[owners of]~~ whose voter registration has an address within the Fishers Island ferry district, natural persons who own real property situate within the Fishers Island ferry district assessed upon the last preceding town assessment roll, and natural persons who are residents of the Fishers Island ferry district and meet the qualifications for voter registration established by the Suffolk County board of elections shall be eligible to vote at any such annual election. In no instance shall a natural person be entitled to more than one (1) vote in any such annual election. The members of the board of commissioners shall appoint a board of inspectors consisting of a chairman and two tellers, all of whom are resident taxpayers but not members of the board of commissioners and such board shall serve as the inspectors of election and at the close of the polls shall canvass the vote and certify the result of the election. A certificate of the result executed by the inspectors of election shall be filed in the office of the town clerk of the town of Southold.

§ 11. Section 10 of chapter 699 of the laws of 1947 relating to authorizing the creation of Fishers Island ferry district in the town of Southold, Suffolk County, as amended by chapter 637 of the laws of 1962, is amended to read as follows:

§ 10. The fiscal year of the district shall commence on the first day of January and end on the thirty-first day of December. The commissioners shall prepare detailed estimates in writing of the anticipated revenues and expenditures for such district for the purpose of determining the amount of money required to meet the expenses of operation and maintenance of the district and district property and improvements for the fiscal year commencing on the first day of January next succeeding. Upon the completion of such annual estimates, the commissioners shall adopt a resolution specifying the time when and place where a public hearing will be held upon such annual estimates and require the manager to give notice of such hearing. Such hearing shall be held on or before the twentieth day of August in each year. Notice of such hearing shall be published once in one newspaper having general circulation within the district at least ten days prior to the time of such hearing. At the time and place specified in such notice, the commissioners shall meet and review said annual estimates. At such hearing any person may be heard in favor of or against such annual estimates as compiled or for or against any item or items therein contained. After such hearing the commissioners may increase or reduce any item contained in such annual estimates. Thereupon, the commissioners shall approve such annual estimates and submit the same to the town ~~[board]~~ clerk of the town for its action thereon in the manner and within the time specified in section

1 two hundred two-a of the town law. The town board shall add to any such
2 estimate installments of principal and of interest accruing during such
3 fiscal year on any town bonds issued to provide funds for the payment of
4 the cost of acquisition, construction maintenance and equipment of the
5 ferry district. The amount of such estimate [~~as approved by the town~~
6 ~~board~~] shall be raised by tax upon all the taxable real property of the
7 district, at the same time, in the same manner and by the same officers
8 as town charges are raised by tax therein, and when collected shall be
9 paid to the [~~supervisor of the town~~] district, without delay. All of the
10 provisions of section two hundred two-a of the town law, not inconsis-
11 tent with the provisions of this act, shall apply.

12 § 12. Section 14 of chapter 699 of the laws of 1947 relating to
13 authorizing the creation of Fishers Island ferry district in the town of
14 Southold, Suffolk County, is REPEALED.

15 § 13. Section 15 of chapter 699 of the laws of 1947 relating to
16 authorizing the creation of Fishers Island ferry district in the town of
17 Southold, Suffolk County, as added by chapter 916 of the laws of 1983,
18 is amended to read as follows:

19 § [~~15~~] 14. 1. The [~~town board of the town of Southold on behalf of the~~
20 ~~district,~~] commissioners may establish one or more reserve funds for the
21 financing of all or part of the cost a "specific object or purpose" or a
22 "class of objects or purposes", as such terms are defined in Section
23 2.00 of the local finance law, which may be constructed, reconstructed,
24 acquired or provided by or on behalf of such district. The authorization
25 of the establishment of such a fund shall be subject to a permissive
26 referendum in the district and shall set forth the estimated maximum
27 cost of any such specific object or purpose or class thereof.

28 2. There may be paid into such fund such an amount as may be provided
29 therefor by budgetary appropriation or such district revenues as are not
30 required by law to be paid into any other fund or account. Any amount to
31 be assessed, levied and collected in the district to provide money for
32 such a fund shall be assessed, levied and collected in the same manner
33 and at the same time as the amount to provide for the costs of operation
34 and maintenance of such district.

35 3. An expenditure may be made from such a reserve fund only by an
36 authorization of the [~~town board~~] commissioners and only for a specific
37 object or purpose or class thereof, the cost of which may be financed
38 therefrom.

39 4. The [~~town board~~] commissioners may authorize the transfer to the
40 credit of a reserve fund created pursuant to this section for the
41 district, any unexpended balance remaining in another reserve fund
42 created for the district. If the object or purpose or class thereof for
43 which the latter fund was established has been completed, acquired or
44 provided, a sum sufficient to satisfy all outstanding claims arising
45 from such completion, acquisition or provision shall be retained in such
46 fund and not transferred.

47 § 14. Section 16 of chapter 699 of the laws of 1947 relating to
48 authorizing the creation of Fishers Island ferry district in the town of
49 Southold, Suffolk County, is renumbered section 15.

50 § 15. This act shall take effect immediately.