

LAWS OF NEW YORK, 2001

CHAPTER 370

AN ACT in relation to creating the Clifton Park-Halfmoon public library district in Saratoga county

Became a law October 16, 2001, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

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

Section 1. Notwithstanding the provisions of any general, special or local law to the contrary, the Clifton Park public library district created by public referendum on September 5, 1985, pursuant to chapter 519 of the laws of 1985 to include all of the town of Clifton Park is hereby enlarged to include that portion of the town of Halfmoon located outside of the limits of the Mechanicville and Waterford public school districts. Said enlarged district shall be known as the Clifton Park-Halfmoon public library district.

§ 2. Election. The Clifton Park-Halfmoon public library district shall not come into existence unless and until it is approved by a vote of the majority of the qualified voters of said district voting at an election conducted as hereinafter provided. Upon receipt of a petition signed by not less than 25 voters qualified to vote at a Clifton Park town election and a petition signed by not less than 25 voters otherwise qualified to vote a general election in the town of Halfmoon and residing outside the limits of the Mechanicville and Waterford public school districts requesting such an election, the board of trustees of the Clifton Park public library district shall give notice of an election to be conducted prior to the thirty-first day of March, 2002. At said election the only issue shall be whether the public library district herein described shall be created or not. This issue shall be voted on separately by the voters of the town of Clifton Park and by the voters of so much of the town of Halfmoon as is located outside of the limits of the Mechanicville and Waterford public school districts. In said election, the polling place for voters residing in the town of Clifton Park shall be the Shenendahowa public library, and the polling place for voters resident in the town of Halfmoon shall be the Halfmoon town hall. If a majority of the voters residing in the town of Halfmoon approve the formation of the district, and a majority of the voters residing in the town of Clifton Park approve the formation of the district then the district shall come into existence on the terms and conditions set forth hereinafter. If either the voters residing in the town of Halfmoon or the voters residing in the town of Clifton Park do not approve the formation of the district by a majority vote at said election, respectively, then the district shall not come into existence and the Clifton Park public library district created pursuant to chapter 519 of the laws of 1985 shall continue in existence as though no election were ever had. The trustees of the Clifton Park library district shall give such notice of said election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The

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

first publication of such notice shall be not less than 13 days and not more than 20 days prior to the date of such election. In addition, the board of trustees of the Clifton Park public library district shall cause copies of such notice to be posted conspicuously in five public places in the district to be served at least 13 days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the single issue to be decided at said election and the hours during which the polls will be open for receipt of ballots. The board of trustees of the Clifton Park public library district shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof from 5:00 p.m. until 9:00 p.m., and such additional consecutive hours prior thereto as the board of trustees of the Clifton Park public library district may have determined and specified in the notice thereof. The board of trustees shall designate a resident taxpayer of such district to act as chairman of the election and shall designate not less than two nor more than four resident taxpayers of the town of Halfmoon and the town of Clifton Park, respectively, to act as election inspectors and ballot clerks at each of the polling places established as aforesaid for said election. No trustee shall serve as such chairman or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services. Such resolution, if adopted, may fix reasonable compensation for the services of each such official. Every voter of the town of Clifton Park otherwise qualified to vote at a general town election and every voter of the town of Halfmoon residing outside of the limits of the Mechanicville and Waterford public school districts and otherwise qualified to vote at a general town election shall be qualified to vote at said election. After the polls have been closed at said election, the election inspectors and ballot clerks shall immediately canvass publicly the ballots cast and the chairman of the election shall publicly announce the results. Within 72 hours thereafter, the chairman, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees and with the town clerks of the town of Clifton Park and the town of Halfmoon.

§ 3. Organization and Structure. 1. General. In the event that the Clifton Park-Halfmoon public library district is created, it shall be organized and operated in all respects as provided for in chapter 519 of the laws of 1985 except to the extent that the provisions of that statute are inconsistent herewith. At the annual election called for in that statute, the qualified voters shall include every voter of the town of Clifton Park otherwise qualified to vote at a general town election and every voter of the town of Halfmoon residing outside of the limits of the Mechanicville and Waterford public school districts otherwise qualified to vote at a general town election.

2. Allotment of representation on the board of trustees. Of the eleven seats on the board of trustees established pursuant to chapter 519 of the laws of 1985, three seats are hereby designated as Halfmoon seats. These three seats, and any other seats subsequently designated as Halfmoon seats as hereinafter provided, may be filled only by qualified voters of the town of Halfmoon residing within the district and nominated by qualified voters of the town of Halfmoon residing within the district or appointed by the board to fill a vacancy. The Halfmoon seats shall be filled by qualified voters of the town of Halfmoon as soon as possible as terms expire or vacancies occur in accordance with the provisions of chapter 519 of the laws of 1985. All seats not designated

as Halfmoon seats may be filled only by qualified voters of the town of Clifton Park nominated by qualified voters of the town of Clifton Park or appointed by the board to fill a vacancy. In any election for trustees, only qualified voters of the town of Halfmoon shall vote for a candidate for the designated Halfmoon seats and only qualified voters of the town of Clifton Park shall vote for candidates for all remaining seats not designated as Halfmoon seats. The terms of office for the trustees appointed or elected to fill a newly designated Halfmoon seat shall be as follows: The term of the first seat shall be filled either by appointment or election shall expire on December thirty-first of the third year following the appointment or election; the term of the second Halfmoon seat filled either by appointment or election shall expire on December thirty-first of the fourth year following the appointment or election; the term of the third Halfmoon seat shall be filled either by appointment or election shall expire on December thirty-first of the fifth year following the appointment or election. Subsequent elections to fill the Halfmoon seats shall be for terms of five years ending in each case on December thirty-first of the last year of such term. The board of trustees shall have authority to and shall alter the aforesaid allotment of representation on the board to continue the proportion of Halfmoon seats on the board aforesaid in conformity with the actual demographics of the district based on current United States Bureau of the Census data. The election of trustees shall otherwise be carried out in accordance with the provisions of chapter 519 of the laws of 1985, and the voters of the district shall retain the right to adopt a proposition providing that in subsequent elections vacancies shall be considered separate specific offices as provided in chapter 519 of the laws of 1985.

§ 4. Finances. 1. The board of trustees of the Clifton Park-Halfmoon public library district shall annually file with the clerk of the town of Clifton Park and with the clerk of the town of Halfmoon in the time and for the purposes specified in section 104 of the town law an estimate of the proposed budget including costs of library services to be raised by levy by each such town, respectively for the library district in the year beginning with the succeeding first day of January following creation of the Clifton Park-Halfmoon public library district. Neither town board shall make any change in the estimate of revenues or expenditures submitted by the board of trustees of said library district in preparation of its preliminary budget as required by section 106 of the town law.

2. The town board of Clifton Park and the town board of Halfmoon shall, in accordance with section six of this act, levy against the real property lying within their respective towns and within the boundaries of the Clifton Park-Halfmoon public library district for their respective shares of the amount to be raised by tax as contained in the annual budget of such district approved by its voters at its annual election, said shares to be determined by the ratio, each to the other, of the full valuation, which term shall mean the valuation which is derived by dividing the appropriate portions of the assessed valuation of the real property concerned, as shown by the last completed assessment rolls of each town, by the town equalization rates established by the authorized state officer or agency for such rolls, of the real property lying within each jurisdiction. The annual budget of such district shall be approved by a majority vote of all qualified voters of the enlarged district. Either town board or both town boards may issue tax antic-

ipation notes pursuant to article 2 of the local finance law to obtain the necessary moneys therefor.

3. The town boards of the town of Clifton Park and the town of Halfmoon shall have the power to authorize, sell and issue bonds, notes or other evidences of indebtedness pursuant to the local finance law in order to permit the library district to provide facilities or improved facilities for library purposes. Upon written notice from the board of trustees of the library district, either town board shall authorize, sell and issue such bonds, notes or other evidences of indebtedness as are necessary to accomplish the improvements specified in the notice. The proceeds of such bonds, notes or other evidences of indebtedness shall be paid to the treasurer of the library district and maintained in a segregated fund in accordance with section 165.00 of the local finance law and expended by the treasurer only on specific authorization by the board of trustees.

4. The treasurer of the library district shall be custodian of all funds of the library district including gifts and trust funds paid over to the trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which town funds may be invested. Proceeds of obligations received from either town may be invested in accordance with section 165.00 of the local finance law. The supervisor of the town of Clifton Park and the supervisor of the town of Halfmoon shall pay over to the library district all moneys which belong to or are raised for the library district. No money shall be disbursed by the treasurer except after audit by the board of trustees. The board of trustees shall audit all claims and shall order the payment thereof, except as otherwise provided by this section. No such claims shall be audited or ordered paid by the trustees unless an itemized voucher therefor, certified or verified by or on behalf of the claimant in such form as the board of trustees shall prescribe, shall be presented to the board of trustees for audit and allowance. The provisions of this section shall not be applicable to payment of claims of fixed salaries and amounts which the library district may be required to pay on account of retirement contributions for past and current services to officers and employees of the library district. The treasurer shall keep such records in such manner as the board of trustees may require.

§ 5. Charter, commencement of operations and transfer of property. The trustees of the Clifton Park public library district shall, within 30 days from the date of approval of the Clifton Park-Halfmoon public library district by the voters of the district, apply to the board of regents for a charter as a public library. Upon the granting of such a charter by the board of regents title to all personal property, tangible and intangible, now held by the Clifton Park public library district, shall be transferred to, vested in and be acquired by the Clifton Park-Halfmoon public library district hereby established. Upon the granting of such a charter by the Board of Regents, all employees of the Clifton Park public library district shall become employees of the Clifton Park-Halfmoon public library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Clifton Park public library district.

§ 6. Ad valorem levy. The several lots and parcels of land within the area of the Clifton Park-Halfmoon public library district are hereby determined to be benefitted by the library facilities and services existing as of the effective date of this act and the town board of the town of Clifton Park and the town board of the town of Halfmoon are

hereby respectively authorized to assess, levy and collect the necessary expenses of operation, maintenance and repair of such facilities and services and such capital improvements, including debt service on bonds, notes or other evidences of indebtedness of either town issued for the purpose of such library district, as may be hereafter authorized pursuant to the provisions of chapter 519 of the laws of 1985 and this act from such lots and parcels of land within the boundaries of the district hereby created in the same manner and at the same time as other town charges.

§ 7. Annual election. In the event that the Clifton Park-Halfmoon public library district is created, its annual election shall be held each year on the second Thursday following Labor Day. The board of trustees of the Clifton Park-Halfmoon public library district shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from 8:30 a.m. until 8:30 p.m., and such additional consecutive hours prior thereto as the board of trustees may have determined and specified in the notice thereof. In the event that the board of trustees of the Clifton Park-Halfmoon public library district determines there is a need to seek taxpayer approval for capital expenditures for the expansion of existing library facilities or for the construction of new library facilities, such approval shall be a separate ballot item to be approved by all qualified voters at an annual election. The board of trustees of the Clifton Park-Halfmoon public library district may, to the extent authorized by law, authorize the use of absentee ballots for the annual election.

§ 8. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly