

LAWS OF NEW YORK, 2001

CHAPTER 97

AN ACT to establish two public library districts, to be known as the "Hyde Park library district" and the "Staatsburg library district", in the town of Hyde Park, county of Dutchess

Became a law July 17, 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 there are hereby created and established in the town of Hyde Park, county of Dutchess two public library districts which shall be known as:

- a. the "Hyde Park library district" and shall include all of the town of Hyde Park, except those portions of such town which are within the Staatsburg fire district or the Hillside fire district; and
- b. the "Staatsburg library district" and shall include all those portions of the town of Hyde Park which are within the Staatsburg fire district and/or the Hillside fire district.

§ 2. Creation of the Hyde Park library district and the Staatsburg library district. Neither of the public library districts herein described shall come into existence unless and until each is approved and the initial proposed budget of each district is approved by a vote of the majority of the qualified voters casting votes in elections held pursuant to the provisions set forth in sections three and four of this act. These issues shall be voted on separately by the voters of the Hyde Park library district and the Staatsburg library district. If a majority of the voters residing in the Hyde Park library district approve the formation of a district and the initial proposed budget and a majority of the voters residing in the Staatsburg library district approve the formation of a district and the initial proposed budget then the two districts shall come into existence on the terms and conditions set forth herein. If either the voters residing in the Hyde Park library district or the Staatsburg library district do not approve the formation of a district by a majority vote at said election respectively, then the districts shall not come into existence.

§ 3. Election; Hyde Park library district. 1. Upon receipt of a petition signed by not less than twenty-five voters qualified to vote in the Hyde Park library district at a general town election from such public library district hereby created requesting such an election, the board of trustees of the Hyde Park free library shall give notice of an election to be conducted on the second Thursday in September of 2001. At such election the issues shall be:

- a. whether the public library district herein described shall be created or not;
- b. whether the budget therefor proposed by such board of trustees shall be approved or disapproved; and

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

c. the election of two trustees. The trustees of the Hyde Park free library shall give notice of such election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees of the Hyde Park free library shall cause copies of such notice to be posted conspicuously in five public places in the district at least thirteen 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 issues to be decided at such election and the hours during which the polls will be open for receipt of ballots. The board of trustees of the Hyde Park free library shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from seven o'clock p.m. until ten o'clock p.m., and such additional consecutive hours prior thereto as the board of trustees of the Hyde Park free library may have determined and specified in the notice thereof. The board of trustees shall designate a resident taxpayer of the town of Hyde Park to act as chairman of any election of such district and shall designate not less than two nor more than four resident taxpayers to act as election inspectors and ballot clerks at such 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 at the initial election. At any annual or special election after the creation of such library district, the board of trustees of the Hyde Park library district may adopt a resolution providing that the chairman, election inspectors and ballots clerks at the election 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 library district otherwise qualified to vote at a general town election in the town of Hyde Park shall be qualified to vote at the initial election. After the polls have been closed at such election, the election inspectors and ballot clerks shall immediately canvas publicly the ballots cast and the chairman of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairman, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvas with the board of trustees and with the town clerk of the town of Hyde Park.

2. In the event that the Hyde Park library district is created, then there shall be an annual election conducted by the board of trustees in accordance with the provisions of subdivision one of this section at a time to be set by such board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section six of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees shall be nominated by petition. No vacancy upon the board of trustees to be filled shall be considered a separate specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the district, shall be signed by at least twenty-five qualified voters of the district, or two percent of the voters who voted in the previous annual election of the members of the board of trustees, whichever is greater, (such number to be determined by the number of persons recorded on the poll list as having voted at such election) shall state the residence of

each signer, and shall state the name and residence of the candidate. In the event that any such nominee shall withdraw his candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitations applicable to other candidates is filed with the secretary of the district. Each petition shall be filed in the office of the secretary of the district between the hours of nine o'clock a.m. and five o'clock p.m., not later than the thirtieth day preceding the meeting or election at which the candidates nominated are to be elected.

4. At any election in such district, the voters may adopt a proposition providing that, in all subsequent elections, vacancies upon the board of trustees shall be considered separate specific offices and that the nominating petitions shall describe the specific vacancy upon the board of trustees for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. No person shall be nominated for more than one specific office. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the electors of the district at a regular election by the adoption of a proposition to repeal the same.

§ 4. Election; Staatsburg library district. 1. Upon receipt of a petition signed by not less than twenty-five voters qualified to vote in the Staatsburg library district at a general town election from such public library district hereby created requesting such an election, the board of trustees of the Staatsburg library society shall give notice of an election to be conducted on the second Thursday in September of 2001. At such election the issues shall be:

a. whether the public library district herein described shall be created or not;

b. whether the budget therefor proposed by such board of trustees shall be approved or disapproved; and

c. the election of two trustees. The Staatsburg library society shall give notice of such election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees of the Staatsburg library society shall cause copies of such notice to be posted conspicuously in five public places in the district at least thirteen 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 issues to be decided at such election and the hours during which the polls will be open for receipt of ballots. The board of trustees of the Staatsburg library society shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from seven o'clock p.m. until ten o'clock p.m., and such additional consecutive hours prior thereto as the board of trustees of the Staatsburg library society may have determined and specified in the notice thereof. The board of trustees shall designate a resident taxpayer of the town of Hyde Park to act as chairman of any election of such district and shall designate not less than two nor more than four resident taxpayers to act as election inspectors and ballot clerks at such 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 at the initial election. At any annual or special election after the

creation of such library district, the board of trustees of the Staatsburg library district, as the case may be, may adopt a resolution providing that the chairman, election inspectors and ballot clerks at the election 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 library district otherwise qualified to vote at a general town election in the town of Hyde Park shall be qualified to vote at the initial election. After the polls have been closed at such election, the election inspectors and ballot clerks shall immediately canvas publicly the ballots cast and the chairman of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairman, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvas with the board of trustees and with the town clerk of the town of Hyde Park.

2. In the event that the Staatsburg library district is created, then there shall be an annual election conducted by the board of trustees in accordance with the provisions of subdivision one of this section at a time to be set by such board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section six of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees shall be nominated by petition. No vacancy upon the board of trustees to be filled shall be considered a separate specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the district, shall be signed by at least twenty-five qualified voters of the district, or two percent of the voters who voted in the previous annual election of the members of the board of trustees, whichever is greater, (such number to be determined by the number of persons recorded on the poll list as having voted at such election) shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominee shall withdraw his candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitations applicable to other candidates is filed with the secretary of the district. Each petition shall be filed in the office of the secretary of the district between the hours of nine o'clock a.m. and five o'clock p.m., not later than the thirtieth day preceding the meeting or election at which the candidates nominated are to be elected.

4. At any election in such district, the voters may adopt a proposition providing that, in all subsequent elections, vacancies upon the board of trustees shall be considered separate specific offices and that the nominating petitions shall describe the specific vacancy upon the board of trustees for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. No person shall be nominated for more than one specific office. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the electors of the district at a regular election by the adoption of a proposition to repeal the same.

§ 5. Organization and structure. Each of the library districts created by this act shall be managed, operated and controlled by a board of trustees consisting of ten members; the members of the board of trustees of the Hyde Park free library or Staatsburg library society, as the case may be, in office on the date the district comes into existence, except

for two such members to be determined by that board, shall, together with the two trustees elected at the initial election, constitute the board of trustees of a library district established pursuant to this act. These trustees shall at the first regular meeting of the respective boards determine by lot or other means agreeable to the board the year in which each of their terms of office expire, and the terms shall expire as follows: after one year - two trustees; after two years - two trustees; after three years - two trustees; after four years - two trustees; after five years - two trustees. As vacancies occur trustees shall be elected at the annual election to serve for five year terms by the voters of the library district, such terms to commence on the first day of January next following the election. Only qualified voters of the district shall be eligible for election to the board of trustees. The board of trustees at its first meeting each year shall elect or appoint a president and vice-president who shall be members of the board and a clerk, treasurer and such other officers as they deem necessary. If the board so determines, the offices of clerk and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 6. Finances. 1. The initial budget for a library district created by this act shall be determined by a vote of the voters of the district in the initial election as provided in this subdivision. All future budgets that increase or decrease the appropriation last approved by the voters shall be submitted to the residents of the library district for approval by a majority of those residents voting at the annual election of trustees held pursuant to this section. Funds voted for library purposes at the initial election and at all future budget elections shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly in the same manner and at the same time as other town charges.

2. The boards of trustees shall each annually file with the clerk of the town of Hyde Park 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 for the library district in the year beginning with the succeeding first day of January. The town board of such town shall not make any change in the estimate of revenues or expenditures submitted by the boards of the library districts in preparation of its preliminary budget as required by section 106 of the town law.

3. The town board of Hyde Park shall, in accordance with section eight of this act, levy against the real property lying within the library districts for the total expenditures as approved by the voters as hereinbefore provided. The town board may issue tax anticipation notes, anticipation revenue notes and budget notes pursuant to article 2 of the local finance law to obtain the necessary moneys therefor.

4. The town board of the town of Hyde Park 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 a library district to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of a library district, the 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 accord-

ance with section 165.00 of the local finance law and expended by the treasurer only on specific authorization by the board of trustees.

5. The board of trustees of a library district may accept on behalf of the district any absolute gift, devise or bequest of real or personal property and such conditional gifts, devises or bequests as it shall by resolution approve.

6. The treasurer of a library district created pursuant to this act 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 the town may be invested in accordance with section 165.00 of the local finance law. The town supervisor of the town of Hyde Park shall pay over to the library district all moneys which belong to or are raised for the library district. No moneys 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 have been presented to the board of trustees for audit and allowance. The provisions of this section shall not be applicable to the 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 and in such manner as the board of trustees may require.

§ 7. Charter, commencement of operations, and transfer of property and employees. The initial trustees shall, within thirty days from the date of approval of the 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, then title to all personal property, tangible and intangible, now held by the Hyde Park free library or Staatsburg library society, as the case may be, shall be transferred to, vest in, and be acquired by the appropriate library district hereby established. Upon the granting of such a charter by the board of regents, all employees of the Hyde Park free library or Staatsburg library society, as the case may be, shall become employees of the appropriate library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment.

§ 8. Ad valorem levy. The several lots and parcels of land within the area of a public library district created pursuant to this act are hereby determined to be benefited by the library facilities and services existing as of the effective date of this act and the town board of the town of Hyde Park is hereby 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 the town issued for the purpose of the Hyde Park library district and/or the Staatsburg library district, as the case may be, as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land in the same manner and at the time as other town charges.

§ 9. Education law. Except as otherwise provided by this act, the provisions of the education law relating to public libraries shall be applicable to the public library districts established pursuant to this act.

§ 10. Town law. Except as herein provided, each such library district shall constitute an improvement district within the meaning of the town law and shall be subject to all of the provisions thereof relating to improvement districts except such as are inconsistent with the provisions of this act.

§ 11. 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