

LAWS OF NEW YORK, 2008

CHAPTER 422

AN ACT in relation to creating a public library district in the city of Troy, in the county of Rensselaer; 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 Troy public library district within the provisions of such chapter

Became a law August 5, 2008, 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 is hereby created and established in the city of Troy, Rensselaer county, a public library district, to be known as the Troy Public Library, which shall include all the territory within the city of Troy, Rensselaer county.

§ 2. Election. 1. The public library district herein described shall not come into existence unless and until it is approved, the initial proposed budget is approved, and seven trustees are elected by a vote of the majority of the qualified voters voting in an election held pursuant to the following provisions:

Upon receipt of a petition signed by not less than fifty voters qualified to vote at the November 4, 2008 general election and residing within the area of the proposed district, the board of trustees of the existing association library, known as the Troy Public Library, shall give notice of an election to be conducted pursuant to this act. Such election shall be held concurrent with the general election on November 4, 2008. If a majority of the voters approve the formation of the district, then the district shall come into existence on the terms and conditions set forth in this act. At such election, the issues shall be:

(a) whether the public library district therein described shall be created or not;

(b) whether the initial budget therefor proposed by the board of trustees of the existing association library shall be approved or disapproved; and

(c) the election of seven trustees as provided by section three of this act.

The trustees of the existing association 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 existing association library shall cause copies of such notice to be posted conspicuously in three 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

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

and the hours during which polls will be open for the receipt of ballots. The board of trustees of the existing association library shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from 6:00 a.m. until 9:00 p.m. The board of trustees of the existing association library shall designate a resident qualified voter of such district to act as chairperson of any election of such district and shall designate not less than two nor more than four resident qualified voters to act as election inspectors and ballot clerks at such elections. No trustee or candidate for the office of trustee shall serve as chairperson or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairperson, election inspectors and ballot clerks shall be paid for their respective services at the initial election or at subsequent elections, should the new library district be created. Such resolution, if adopted, may fix reasonable compensation for services of such officials. Every voter, otherwise qualified to vote at a general election and residing within the area of the proposed district shall be qualified to vote at said election. After the polls have closed at such election, the election inspectors and the ballot clerks shall immediately canvass publicly the ballots cast and the chairperson of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairperson, election inspectors, and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees and the city of Troy.

2. In the event that the public library district is created, there shall be an annual election conducted by the board of trustees of the public library district in accordance with the provisions of subdivision one of this section, at a time to be set by the public library district's 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 four of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees of the public library district shall be nominated by petition. No vacancy on 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 board of trustees, shall be signed by at least twenty-five qualified voters of the district, shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominees shall withdraw 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 limitation applicable to other candidates is filed with the secretary of the board of trustees. Each petition shall be filed with the secretary of the board of trustees between the hours of 1:00 p.m. and 5:00 p.m., not later than the thirtieth day preceding the election at which time the candidates nominated are to be elected. Petitions for candidates for the initial board of trustees of the public library district shall be filed with the secretary of the existing association library. In the event that the new public library district is created, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the public library district.

4. At any election in such district, the voters may adopt a proposition providing that, in all subsequent elections, vacancies on 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 the 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 adoption of a proposition to repeal the same.

§ 3. Organization and structure. The public library district shall be managed, operated, and controlled by a board of trustees consisting of seven members. The trustees shall take office on the first day of the month following their election and shall, at the first regular meeting of the board, determine when terms of office of each member shall expire as follows: the three trustees receiving the first, second and third highest number of votes shall serve for three years, the two trustees receiving the fourth and fifth highest number of votes shall serve for two years, and the two trustees receiving the sixth and seventh highest number of votes shall serve for one year.

As vacancies occur, trustees shall be elected at the annual election provided for by this act to serve three year terms by the voters of the library district hereby created, such terms to commence on the first day of the month next following the election. Only qualified voters of the district who have been residents of the public library district for at least one year prior to the election shall be eligible for election to the board of trustees. The board of trustees at its first meeting each fiscal year shall elect or appoint a president and vice-president who shall be members of the board and a secretary, treasurer, and such other officers as they deem necessary. If the board so determines, the offices of secretary and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officer may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Finances. 1. The initial budget for the public library district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided for. All future budgets that increase or decrease the public library proposed total operating expenditures over the total operating expenditures in the last preceding fiscal year's budget shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall be considered an annual appropriation therefor and shall be levied and collected yearly in the same manner and at the same time as other taxes in the city of Troy. The initial fiscal year of the library district shall be January 1, 2009 through and including December 31, 2009. Taxes voted on and approved for the support of the library district for the initial fiscal year shall be assessed and levied by December 2008 and shall be included in the tax bill for which payment is due in January 2009. Taxes voted on and approved for the support of the library district for subsequent fiscal years shall be levied in the calendar year directly preceding the library district's fiscal year and shall be included in the tax bills issued during December of the calendar year preceding the fiscal year.

2. The board of trustees shall annually file with the treasurer of the city of Troy, the dollar amount to be raised by levy for the library

district. The city shall not make any change in the dollar amount submitted to the city by the board of the library district.

3. The city legislature shall levy a tax against the real property lying within the city of Troy for the amount to be raised by tax as contained in the annual budget of the public library district. The city legislature may issue tax anticipation notes, anticipation revenue notes pursuant to article two of the local finance law to obtain the necessary moneys thereof.

4. The city of Troy shall have the power to authorize, sell, and issue bonds, notes, and 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 request from the board of trustees of the public library district, after approval by the qualified voters of such public library district, the city of Troy 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 public library district and maintained in a segregated account 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.

5. Upon written request from the board of trustees of the public library district, after approval by the qualified voters of the public library district to provide facilities or improved facilities for library purposes by a separate resolution therefore voted upon at the same time as the annual budget of the library district, the public library district shall have full power and authority to assign and pledge to the dormitory authority any and all public funds to be apportioned or otherwise made payable by the state, or a political subdivision, as defined in section 100 of the general municipal law, in an amount sufficient to make all payments required to be made by such public library district pursuant to any agreement entered into between such public library district and the dormitory authority. All state and local officers are hereby authorized and required to pay all such funds so assigned and pledged to the dormitory authority or upon direction of the authority to any trustee of any authority bond or note issued, pursuant to a certificate filed with any such state or local officer by the authority as required by such agreement.

6. The board of trustees of the public 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.

7. The treasurer of the public 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 city funds may be invested. Proceeds of obligations received from the municipality may be invested in accordance with section 165.00 of the local finance law. Pursuant to section two hundred fifty-nine of the education law, the city of Troy shall promptly pay over to the public library district all moneys which belong to or are raised for the library district. No moneys shall be disbursed by the treasurer of the library district except after audit by the board of trustees. The board of trustees of the public library district 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 shall be presented to the board of trustees for audit and allowance. The foregoing requirement that no moneys shall be disbursed by the treasurer of the district except after audit by the board of trustees shall not be applicable to payment of claims of fixed salaries and amounts which the library districts may be required to pay on account of retirement contributions for past or 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. Extension of the library. The public library district board of trustees may extend the area of the library district to include any contiguous lands within the county not already within a chartered library service area provided that a majority of the voters qualified to vote at a general election and residing within the area of the proposed extension of the library district approve such extension at a special election to be conducted by the public library district board of trustees for this purpose in the manner provided in section two of this act. Upon approval of any such proposed extension of the library district, qualified voters residing within the area of the approved extension area shall be eligible to vote at all annual elections thereafter conducted by the board of trustees.

§ 6. Charter, commencement of operations, and transfer of property and employees. The initially elected 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 liabilities and assets, including all property, real and personal, and all other tangible and intangible property, trust and other funds, and all other obligations, now held by the existing association library shall be transferred to, vested in, and be acquired by the public library district as established by this act. Upon the granting of such charter by the board of regents, all employees of the association library shall become employees of the library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the association library, unless otherwise required by the civil service law; further, all those former employees of the association library who retired from the association library by way of submitting all necessary documentation to the New York state public employees' retirement system will be entitled to have any and all obligations incurred by the association library assumed by the library district. Notwithstanding any provision of law or of this act to the contrary, the existing funding and operations of the association library shall continue until such time as the library district is operational and funded as provided in this act.

§ 7. Ad valorem levy. The several lots and parcels of land within the area of said public library district are hereby determined to be benefited by the library facilities and devices existing as of the effective date of this act, and the city of Troy 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 city issued for the purpose of the public library district, 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 same time as other city charges.

§ 8. 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 district established by this act.

§ 9. Section 5 of chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, as separately amended by chapters 276, 277, 288, 428, 465, 551 and 662 of the laws of 2007, is amended to read as follows:

§ 5. The following libraries shall be eligible public libraries for purposes of title 4 of article 8 of the public authorities law:

Comsewogue Public Library  
 Rogers Memorial Library Company  
 Hendrick Hudson Free Library  
 Riverhead Free Library  
 Northern Onondaga Public Library District  
 Suffern Free Library  
 Haverstraw King's Daughters Public Library  
 Crandall Public Library  
 Sayville Library  
 Monroe Free Library  
 Harborfields Public Library  
 Howland Public Library  
 Patchogue-Medford Library  
 New City Library  
 Babylon Public Library  
 Lindenhurst Memorial Library  
 Great Neck Library  
 Caledonia Public Library  
 Bayport-Blue Point Public Library  
 The Bryant Library  
 Swan Library  
 Bay Shore-Brightwaters Public Library  
 The Albany Public Library  
 Elwood Public Library  
 Peninsula Public Library  
 Smithtown Special Library District  
 Goshen Public Library and Historical Society  
 The Hauppauge Public Library  
 The Nyack Library  
 North Merrick Public Library  
 Southold Free Library  
 The Hampton Library in [~~Bridgehampton~~] Bridgehampton, Inc.  
 John Jermain Memorial Library  
 Westhampton Free Library  
Troy Public Library

§ 10. 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