

CHAPTER 942

AN ACT to create the Ethelbert B. Crawford library district in portions of the towns of Thompson, Bethel, Forestburgh* and Fallsburg in Sullivan county

Became a law December 21, 1990, 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 county of Sullivan a public library district which shall include that portion of each of the towns of Thompson, Bethel, Forestburgh* and Fallsburg which is located in the Monticello Central school district. The public library district shall be known as the Ethelbert B. Crawford library district.

§ 2. Election. 1. The public library district herein described shall not come into existence unless and until it is approved and the initial proposed budget is approved 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 one hundred voters qualified to vote at a general town election in each of the towns within the proposed district which shall include signatures of not less than twenty-five voters from each town in the district, the board of trustees of the Ethelbert B. Crawford Memorial library shall give notice of an election to be held on the second Thursday in October, 1991. The issue shall be voted on separately by the voters of each of the towns which comprise the district. If a majority of the voters residing in each of the towns approve the formation of the district, then the district shall come into existence on the terms and conditions set forth hereinafter. If the majority of voters residing in one town do not approve the formation of the public library district, then the district shall not come into existence. At said election the issue shall be:

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

(b) whether the budget therefor proposed by the board of trustees of the Ethelbert B. Crawford Memorial library shall be approved or disapproved; and

(c) the election of seven trustees as hereinafter provided. The trustees of the Ethelbert B. Crawford Memorial library shall give 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 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 Ethelbert B. Crawford Memorial library shall cause copies of such notice to be posted conspicuously in three public places in the portion of each town in the district at least thirteen days prior to the date of such election. Such notice shall specify the time when and the places where such election will be held, the issues to be decided at said election and the hours during which polls will be open for the receipt of ballots. The board of trustees of the Ethelbert B. Crawford Memorial library shall prepare the ballots for such election and the polls shall remain open for the receipt thereof at all elections from seven p.m. until ten p.m., and such additional consecutive hours prior thereto as the board of trustees of the Ethelbert B. Crawford Memorial library may have determined and specified in the notice thereof. The board of trustees shall designate a resident qualified voter of such district to act as chairman of any election of such district and shall designate not less than two nor more than four resident qualified voters at each polling place to act as election inspectors and ballot clerks at such elections. The board of trustees shall designate four polling places, one to be located in the portion of each town comprising the district. No trustee shall serve as 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

* So in originals. ("Forestburgh" should be "Forestburg".)

clerks shall be paid for their respective services at the initial election or at any annual election or at any subsequent special election. Such resolution, if adopted, may fix reasonable compensation for the services of each such official. Every voter of the towns of Thompson, Bethel, Forestburgh* and Fallsburg residing in the Monticello Central school district, otherwise qualified to vote at a general town election shall be qualified to vote at said election. After the polls have closed at said election, the election inspectors and the ballot clerks shall immediately canvass 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 canvass with the board of trustees and with the clerks of the towns of Thompson, Bethel, Forestburgh* and Fallsburg.

2. In the event that the district is created there shall be an annual election conducted by the board in accordance with the provisions of subdivision one of this act, at a time to be set by the board to be no later than the fourth Thursday in October of each year, 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 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 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 board of trustees. Each petition shall be filed with the secretary of the board of trustees between the hours of nine a.m. and five p.m., not later than the thirtieth day preceding the election at which the candidates nominated are to be elected. In the event the district is created, petitions nominating candidates for the board of trustees after the initial election shall be filed with the clerk of the 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 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 Ethelbert B. Crawford library district shall be managed, operated and controlled by a board of trustees consisting of seven members. The trustees shall at the first regular meeting of the board determine by lot 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-three trustees. As vacancies occur trustees shall be elected at the annual election herein provided for to serve three year terms by the voters of the library district hereby created, said terms to commence on the first day of July 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

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

that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Finances. 1. The initial budget for the Ethelbert B. Crawford 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 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 pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall, unless otherwise directed by such vote, be considered an annual appropriation therefor until changed by further vote and shall be levied and collected yearly in the same manner and at the same time as other taxes in the portions of the towns of Thompson, Bethel, Forestburgh and Fallsburg located within the Monticello Central school district.

2. The board of trustees shall annually file with the clerks of the towns of Thompson, Bethel, Forestburgh* and Fallsburg on or before the first day of November an estimate of the proposed budget including costs of library services to be raised by levy for the library district in the fiscal year beginning on the first day of January of the following year. The towns shall not make any change in the estimate of revenues or expenditures submitted by the board of the library district in preparation of its preliminary budget.

3. The town boards of the towns of Thompson, Bethel, Forestburgh* and Fallsburg shall levy a tax against the real property lying within the portions of each town which comprise the 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 town boards or one separately 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 boards of the towns of Thompson, Bethel, Forestburgh* and Fallsburg 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 library district, after approval by the qualified voters of such district, the board of education 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 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. The board of trustees of the 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 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 school district funds may be invested. Proceeds of obligations received from the school district may be invested in accordance with section 165.00 of the local finance law. The president of the board of education shall promptly 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 of the library district 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 shall be presented to the board of trustees

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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 or current services to officers and employees of the library district. The treasurer shall keep such records in such manner as they board of trustees may require.

§ 5. 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 property, real and personal, tangible and intangible, trust and other funds, now held by the Ethelbert B. Crawford Memorial library shall be transferred to, vest in, and be acquired by the Ethelbert B. Crawford library district hereby established. Upon the granting of such charter by the board of regents, all employees of the Ethelbert B. Crawford 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 Ethelbert B. Crawford Memorial library.

§ 6. 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 services existing as of the effective date of this act and the board of education of the Monticello Central school district 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 school district issued for the purpose of such 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 school district charges.

§ 7. 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 herein established.

§ 8. This act shall take effect immediately.
