
CHAPTER 43

**AN ACT to establish a public library district in the town of Esopus,
Ulster county**

Became a law April 11, 1994, 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 town of Esopus, county of Ulster a public library district which shall consist of the town of Esopus.

§ 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 twenty-five voters qualified to vote at a general town election, the board of trustees of the Town of Esopus Port Ewen library shall give notice of an election to be conducted on the first Tuesday in June of 1994. At said 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 the board of trustees of the Town of Esopus Port Ewen library shall be approved or disapproved; and

(c) the election of nine trustees as hereinafter provided. The trustees of the Town of Esopus Port Ewen library shall give notice of said election by the publication of a notice in one or more newspapers having a general circulation in the town of Esopus. 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 Town of Esopus Port Ewen library shall cause copies of such notice to be posted conspicuously in five public places in the town 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 said election and the hours during which the polls will be open for receipt of ballots. The board of trustees of the Town of Esopus Port Ewen library shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from four o'clock p.m. until ten o'clock p.m., and such additional consecutive hours prior thereto as the board of trustees 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 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 elections. 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 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 town of Esopus 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 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 town clerk of the town of Esopus.

2. In the event that the district is created, then there shall be an annual election conducted by the board in accordance with the provisions of subdivision 1 of this section, at a time to be set by the board, at which election vacancies on the board of trustees shall be filled and at which only the 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 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 or her 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 election at which the candidates nominated are to be elected. If a vacancy occurs on the board of trustees, the board of trustees may appoint an individual to serve until the next annual election, at which time the remainder of the term shall be filled by a candidate duly elected at such election.

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.

§ 3. Organization and structure. The Town of Esopus public library district shall be managed, operated and controlled by a board of trustees consisting of nine members. These 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 - one trustee; after four years - two trustees; after five years - two trustees. As vacancies occur trustees shall be elected at the annual election herein provided for to serve for five year terms by

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

the voters of the library district hereby created, said terms to commence on the first day of September 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, these officers may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Finances. 1. The initial budget for the Town of Esopus public library district shall be approved 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 held 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 as annual appropriations therefor until changed by future vote and shall be levied and collected yearly in the same manner and at the same time as other town charges.

2. The board of trustees shall annually file with the clerk of the town of Esopus 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 shall not make any change in the estimate of revenues or expenditures submitted by the board of the public library district in preparation of its preliminary budget as required by section 107 of the town law.

3. The town board of Esopus shall in accordance with section six of this act levy against real property lying within the town of Esopus 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 Esopus 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 request from the board of trustees of the public 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 evidence 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.

5. 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.

6. The treasurer of the library district shall be custodian of all funds of the public 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 presiding supervisor of the town of Esopus shall pay over to the public library district all moneys which belong to or are raised for the public 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 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 system contributions for past and current services to officers and employees of the public library district. The treasurer shall

keep such records and in such manner as the 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 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, then title to all personal property, tangible and intangible, now held by the Town of Esopus Port Ewen library shall be transferred to, vest in, and be acquired by the public library district hereby established. Upon the granting of such a charter by the board of regents, all employees of the Town of Esopus Port Ewen library shall become employees of the public library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Town of Esopus Port Ewen 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 town board of the town of Esopus is hereby authorized to assess, levy and collect 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 such 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 town 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. Town law. Except as herein provided, said public 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.

§ 9. This act shall take effect immediately.
