

LAWS OF NEW YORK, 1995

CHAPTER 515

authorizing the establishment of the Northern Onondaga Public Library District 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 expanding the list of such eligible libraries

Became a law August 2, 1995, 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. Public library district establishment. Notwithstanding the provisions of any general, special or local law to the contrary, there is hereby established in the county of Onondaga, a public library district, to be known as the Northern Onondaga Public Library District which shall include all the territory within the town of Cicero and within the town of Clay exclusive of those portions of the town of Clay that are within the Liverpool, Baldwinsville or Phoenix school districts. Such 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 as are inconsistent with the provisions of this act.

§ 2. Election. The Northern Onondaga Public Library District shall come into existence if it is approved by a vote of the majority of the voters casting votes at an election as provided in this section. Qualified voters, for the purposes of this section, shall be the residents of the town of Cicero and the town of Clay, exclusive of those residents residing within the Liverpool central school district, the Baldwinsville central school district or the Phoenix Central School District, otherwise qualified to vote at a general town election. Upon receipt by each of the boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, respectively, of copies of identical petitions signed by not less than twenty-five qualified voters of the Town of Cicero and not less than twenty-five qualified voters of the Town of Clay, the boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, jointly, shall give notice of an election to be conducted pursuant to the provisions of this act. Such election shall be held within six months after this act shall have become a law. The propositions proposed to the voters at such election shall be:

(a) whether the Northern Onondaga Public Library District shall be established; and

(b) whether the budget proposed by the board of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, jointly, for the Northern Onondaga Public Library District shall be approved. In addition, the boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, jointly, shall cause copies of such notice to be posted

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

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conspicuously in at least one public place in each of the towns of Cicero and Clay, respectively, and published at least once in the officially designated newspaper having a general circulation in the Towns of Cicero and Clay, 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 in each town, the issues to be decided at said election and the hours during which the polls will be open. The polling places to be used shall be designated by each board of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library. The expense of such election shall be paid by the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, jointly. The boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, jointly shall prepare or cause the ballots to be prepared for such election and the polls at such election shall remain open for the receipt thereof from noon until seven o'clock p.m. and such additional consecutive hours prior thereto as such boards of trustees may have determined and specified in the notice thereof. Each board of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library shall designate a resident of each affected library district to act as chairperson of the election in such district and shall designate not less than two residents thereof to act as election inspectors and ballot clerks at each polling place. Each board of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library may adopt a resolution providing that such chairpersons, election inspectors and ballot clerks shall be paid for their respective services at such election which shall be paid by the boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, jointly. Such resolution, if adopted, may fix reasonable compensation for the services of each official. Every voter of the town of Cicero and town of Clay, exclusive of those residents residing within the Liverpool Central School District, the Baldwinsville Central School District or the Phoenix Central School District, otherwise qualified to vote at a general town election shall be entitled 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 chairpersons of the election district in each town shall publicly announce the results. Within seventy-two hours thereafter, the chairpersons, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the boards of trustees, and with the clerks of the towns of Cicero and Clay.

§ 3. Organization and structure. 1. The Northern Onondaga Public Library District shall be managed, operated and controlled by a board of trustees consisting of twelve members; upon approval of the proposition proposed to the voters at the election as to whether the Northern Onondaga Public Library District shall be established, the boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library shall each appoint four members to serve on the Northern Onondaga Public Library board of trustees which shall be comprised of twelve members who are qualified voters of the Northern Onondaga Public Library District at the time of appointment and throughout their respective terms. Each library's appointed trustees shall at the first regular meeting of the board determine by lot the year in which each of their terms of office expire. The terms of office of each library's four trustee appointments shall expire as follows: after one

year-one trustee; after two years-one trustee; after three years-one trustee; and after four years-one trustee. As vacancies occur trustees shall be elected at the annual election held pursuant to this act to serve for four year terms by the voters of the library district hereby established, said terms to commence on the first day of January next following the election.

2. The board of trustees of the Northern Onondaga Public Library District shall establish and maintain not less than three nor more than twelve election districts within the Northern Onondaga Public Library District from which trustees are to be elected and which shall be drawn and adjusted from time to time as necessary and appropriate based upon the total population of the district and in conformity with the Constitutions of the United States and the State of New York.

3. As vacancies occur, pursuant to subdivision one of this section, annual elections shall be conducted by the board of trustees of the Northern Onondaga Public Library District. Such elections shall be conducted in accordance with the provisions of this act, at which election, vacancies on the board of trustees shall be filled.

4. The board of trustees at the first meeting each 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 officers may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Northern Onondaga Board of Trustees and Budget. 1. Upon approval of establishment of the Northern Onondaga Public Library District as provided for by this act and after the initial appointment of the board of trustees, as provided in this act, annual elections shall be conducted by the board of trustees at times to be set by such board, at which vacancies on the board shall be filled and at which any proposed budget which the board shall determine to submit, pursuant to section five of this act, shall be submitted to the voters. The expense of such election shall be borne by the Northern Onondaga Public Library District. At the annual election, the board of trustees shall give notice of such election by the publication of a notice at least once in the officially designated newspaper having a general circulation in the Towns of Cicero and Clay. Publication of such notice shall be not less than thirteen days nor more than twenty days prior to the date of such election. In addition, the board shall cause copies of such notice to be posted conspicuously in at least one public place in each of the municipalities at least thirteen days prior to the date of such election. Such notice shall specify the time and places such election will be held, the issues to be decided at said election and the hours during which the polls will be open. At an election held other than at a general election, the board shall designate the polling places to be used and shall prepare or cause the ballots to be prepared for such election. The polls at such an election shall remain open for the receipt of ballots from noon until seven o'clock p.m. and such additional consecutive hours prior thereto as the board may have determined and specified in the notice thereof. At an election held other than at a general election, the board shall designate a resident of each of the municipalities to act as chairperson.

2. Candidates for trustee of the board shall be nominated by petition. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary

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of the board and shall be signed by at least ten qualified voters of the election district in which the vacancy occurs. Each petition shall state the residence of each signer, and shall state the name and residence of the candidate and 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. Each petition shall be filed in the office of the secretary of the board, not later than the thirty-sixth day preceding the election at which the candidates are to be elected. The candidates receiving the largest number of votes in each election district shall be elected to fill the vacancies on the board occurring in each such election district.

3. At no time shall an election district have more than four members serving on the board of trustees and in no instance shall a trustee serve four consecutive terms.

4. No vacancy on the board to be filled shall be considered a separate specific office. At any election of the district the voters may adopt a proposition providing that in all subsequent elections vacancies on the board shall be considered separate specific trustees and that the nominating petitions shall describe the specific vacancy on the board 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 trustee. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the voters of the district at an election by the adoption of a proposition to repeal the same.

§ 5. Finances. 1. The initial annual budget for the Northern Onondaga Public Library District shall be determined by a vote of the voters of the district in the initial election as hereinbefore provided. All future annual budgets that increase or decrease the appropriation last approved by the voters shall be submitted by the library board to the residents of the library district for approval by a majority of those residents voting at the annual election. 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. In the event the budget is defeated, the district shall operate at the same level approved by the voters in the preceding year.

2. The board of trustees shall annually file with the clerks of the town of Cicero and town of Clay 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 boards 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 as required by section 106 of the town law.

3. The town boards of the town of Cicero and town of Clay, in accordance with section seven of this act, shall levy against the real property lying within each town within the library district for the total appropriation as approved by the voters as hereinbefore provided.

4. Upon written request from the board of trustees of the library district, after approval by the qualified voters of the library district

to provide facilities or improved facilities for library purposes by a separate resolution therefor voted upon at the same time as the annual budget of the library district, the Northern Onondaga Public Library 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 one hundred of the general municipal law, in an amount sufficient to make all payments required to be made by such public library pursuant to any agreement entered into between such public library 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 the 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.

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 town funds may be invested. The supervisors of the town of Cicero and town of Clay shall pay over to the library district all moneys which belong to or are raised for the library district. Such moneys shall be paid over to the library district on or before the twenty-eighth day of February of each year. Any additional moneys, including accrued interest and penalties thereon, collected after February twenty-eighth by such towns shall be paid to the library district within sixty days of receipt thereof. 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 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.

§ 6. Charter, commencement of operations, and transfer of property and employees. The Northern Onondaga Public Library board of trustees first appointed, pursuant to section three of this act, by the boards of trustees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library 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 and subsequent dissolution of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, title to all personal property, tangible and intangible, now held by the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library shall be transferred to, vested in and be acquired by the library district hereby established. Upon the

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granting of such a charter by the board of regents and dissolution of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library, all employees of the Cicero Free Library, the North Syracuse Free Library and the Brewerton Free Library shall become employees of the Northern Onondaga Public Library District upon similar or comparable terms of employment and compensation as their previous employment by the Cicero Free Library, the North Syracuse Free Library or the Brewerton Free Library.

§ 7. Levy of taxes. The several lots and parcels of land within the area of said 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 boards of the town of Cicero and town of Clay are hereby authorized to assess levies 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 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 town charges.

§ 8. Education law applicability. 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.

§ 9. Whenever the North Syracuse Central School District includes an appropriation for the Salina Free Library in its annual budget, such appropriation shall be submitted to the voters of that portion of the school district within the town of Salina in a separate resolution. Upon approval by those voters, the appropriation shall be apportioned solely to the portion of the school district within the town of Salina as part of the apportionment of taxes pursuant to section 1314 of the real property tax law. The moneys received shall be kept as a separate library fund by the school district and shall be paid over to the treasurer of the library upon the written demand of the trustees.

§ 10. 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 amended by chapter 233 of the laws of 1994, 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

Northern Onondaga Public Library District

§ 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