

LAWS OF NEW YORK, 1996

CHAPTER 433

AN ACT to create the Wallkill public library district in the town of Shawangunk, Ulster county

Became a law August 2, 1996, 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 established in the town of Shawangunk, county of Ulster, a public library district which shall consist of that portion of the town of Shawangunk that is in the Wallkill central school district. The public library district shall be known as the Wallkill public 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 fifty voters qualified to vote at a general town of Shawangunk election and who reside in the Wallkill school district, the board of trustees of the Wallkill public library shall give notice of an election to be conducted on the third Tuesday next succeeding the first Monday in September, 1997, between the hours of 12:00 pm to 9:00 pm following receipt of said petition. At the election, the issues shall be:

- (a) whether the public library district herein described shall be created;
- (b) whether the budget therefor proposed by the board of trustees of the Wallkill public library shall be approved; and
- (c) the election of eleven trustees as herein provided.

The trustees of the Wallkill public library shall give notice of said election by the publication of a notice in one or more newspapers having a general circulation in that portion of the Wallkill school district that lies within the town of Shawangunk. 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 Wallkill public library shall cause copies of such notice to be posted conspicuously in five public places in that portion of the Wallkill school district that lies within the town of Shawangunk 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 the receipt of the ballots.

2. In the event that the district is created, then there shall be an annual election conducted by the town in accordance with the provisions of subdivision one of this section. At the annual election, vacancies on the board of trustees shall be filled and any proposed budget which the

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

CHAP. 433

2

board shall determine to submit to the voters pursuant to section four of this act shall be so submitted.

3. Candidates for the office of member of the board of trustees 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 of the district, shall be signed by at least fifty qualified voters of the district, shall state the residence of each signer and shall state the name and residence of the candidate. For the first election year, all petitions nominating any person for a position as trustee shall be filed with the president of the board of trustees of the existing Wallkill public library before 5 o'clock p.m. on the thirteenth 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.

§ 3. Organization and structure. The Wallkill public library district shall be managed, operated and controlled by a board of trustees consisting of eleven 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 expires, and the terms shall expire as follows: After one year: one trustee; after two years: two trustees; after three years: three trustees; after four years: three trustees; and 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 the voters of the library district thereby created, said terms to commence on the first day of December next following the election. Only persons living within the Wallkill school 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.

§ 4. Finances. 1. The initial budget for the Wallkill public library district shall be approved by a vote of the voters of the district in the first election of the trustees. The budget shall be considered an annual appropriation until changed by a vote. These fees 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 Shawangunk in the time and for the purpose 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 library district in preparation of its preliminary budget as required by section 106 of the town law.

3. The town board of the town of Shawangunk shall, in accordance with section six of this act, levy against real property lying within the district 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 Shawangunk shall have the power to authorize, sell, and issue bonds, notes, or other evidences of indebtedness pursuant to the local finance law to permit the library district to provide facilities or improve facilities for library purposes. Upon

written request from the board of trustees of the 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 the 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 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 the custodian of all funds of the library district, including gifts and trust funds paid over in the custody of the treasurer, which shall be invested 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 Shawangunk shall pay over to the library district all moneys which belong to or are raised for the library district. No money 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 library district. The treasurer shall keep such records 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 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, the library board of the Wallkill public library shall apply to the regents for a cancellation of its charter and title to all personal property, tangible and intangible, now held by the Wallkill public library shall be transferred to, vested in, and acquired by the Wallkill public library district established by this act. Upon the granting of such a charter by the board of regents, all employees of the Wallkill public 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 Wallkill public 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 benefitted by the library facilities and services existing as of the effective date of this act and the town board of the town of Shawangunk 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 purposes of such library district as may be hereinafter authorized pursuant to the

CHAP. 433

4

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, 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.

§ 9. 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