

STATE OF NEW YORK

S. 5359--B
Cal. No. 1121

A. 8866--B

2001-2002 Regular Sessions

SENATE - ASSEMBLY

May 22, 2001

IN SENATE -- Introduced by Sen. BRUNO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee to third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Prentiss, Casale) -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to creating the Clifton Park-Halfmoon public library district in Saratoga county

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Notwithstanding the provisions of any general, special or
- 2 local law to the contrary, the Clifton Park public library district
- 3 created by public referendum on September 5, 1985, pursuant to chapter
- 4 519 of the laws of 1985 to include all of the town of Clifton Park is
- 5 hereby enlarged to include that portion of the town of Halfmoon located
- 6 outside of the limits of the Mechanicville and Waterford public school
- 7 districts. Said enlarged district shall be known as the Clifton Park-
- 8 Halfmoon public library district.
- 9 § 2. Election. The Clifton Park-Halfmoon public library district shall
- 10 not come into existence unless and until it is approved by a vote of the
- 11 majority of the qualified voters of said district voting at an election

12 conducted as hereinafter provided. Upon receipt of a petition signed by
13 not less than 25 voters qualified to vote at a Clifton Park town
14 election and a petition signed by not less than 25 voters otherwise

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

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1 qualified to vote a general election in the town of Halfmoon and resid-
2 ing outside the limits of the Mechanicville and Waterford public school
3 districts requesting such an election, the board of trustees of the
4 Clifton Park public library district shall give notice of an election to
5 be conducted prior to the thirty-first day of March, 2002. At said
6 election the only issue shall be whether the public library district
7 herein described shall be created or not. This issue shall be voted on
8 separately by the voters of the town of Clifton Park and by the voters
9 of so much of the town of Halfmoon as is located outside of the limits
10 of the Mechanicville and Waterford public school districts. In said
11 election, the polling place for voters residing in the town of Clifton
12 Park shall be the Shenendahowa public library, and the polling place for
13 voters resident in the town of Halfmoon shall be the Halfmoon town hall.
14 If a majority of the voters residing in the town of Halfmoon approve the
15 formation of the district, and a majority of the voters residing in the
16 town of Clifton Park approve the formation of the district then the
17 district shall come into existence on the terms and conditions set forth
18 hereinafter. If either the voters residing in the town of Halfmoon or
19 the voters residing in the town of Clifton Park do not approve the
20 formation of the district by a majority vote at said election, respec-
21 tively, then the district shall not come into existence and the Clifton
22 Park public library district created pursuant to chapter 519 of the laws
23 of 1985 shall continue in existence as though no election were ever had.
24 The trustees of the Clifton Park library district shall give such notice
25 of said election by the publication of a notice in one or more newspa-
26 pers having a general circulation in the district to be served. The
27 first publication of such notice shall be not less than 13 days and not
28 more than 20 days prior to the date of such election. In addition, the
29 board of trustees of the Clifton Park public library district shall
30 cause copies of such notice to be posted conspicuously in five public
31 places in the district to be served at least 13 days prior to the date
32 of such election. Such notice shall specify the time when and the place
33 where such election will be held, the single issue to be decided at said
34 election and the hours during which the polls will be open for receipt
35 of ballots. The board of trustees of the Clifton Park public library
36 district shall prepare the ballots for such elections and the polls

37 shall remain open for the receipt thereof from 5:00 p.m. until 9:00
38 p.m., and such additional consecutive hours prior thereto as the board
39 of trustees of the Clifton Park public library district may have deter-
40 mined and specified in the notice thereof. The board of trustees shall
41 designate a resident taxpayer of such district to act as chairman of the
42 election and shall designate not less than two nor more than four resi-
43 dent taxpayers of the town of Halfmoon and the town of Clifton Park,
44 respectively, to act as election inspectors and ballot clerks at each of
45 the polling places established as aforesaid for said election. No trustee
46 shall serve as such chairman or as an election inspector or ballot
47 clerk. The board of trustees may adopt a resolution providing that such
48 chairman, election inspectors and ballot clerks shall be paid for their
49 respective services. Such resolution, if adopted, may fix reasonable
50 compensation for the services of each such official. Every voter of the
51 town of Clifton Park otherwise qualified to vote at a general town
52 election and every voter of the town of Halfmoon residing outside of the
53 limits of the Mechanicville and Waterford public school districts and
54 otherwise qualified to vote at a general town election shall be quali-
55 fied to vote at said election. After the polls have been closed at said
56 election, the election inspectors and ballot clerks shall immediately

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1 canvass publicly the ballots cast and the chairman of the election shall
2 publicly announce the results. Within 72 hours thereafter, the chairman,
3 election inspectors and ballot clerks shall execute and file a certifi-
4 cate of the result of the canvass with the board of trustees and with
5 the town clerks of the town of Clifton Park and the town of Halfmoon.

6 § 3. Organization and Structure. 1. General. In the event that the
7 Clifton Park-Halfmoon public library district is created, it shall be
8 organized and operated in all respects as provided for in chapter 519 of
9 the laws of 1985 except to the extent that the provisions of that stat-
10 ute are inconsistent herewith. At the annual election called for in that
11 statute, the qualified voters shall include every voter of the town of
12 Clifton Park otherwise qualified to vote at a general town election and
13 every voter of the town of Halfmoon residing outside of the limits of
14 the Mechanicville and Waterford public school districts otherwise quali-
15 fied to vote at a general town election.

16 2. Allotment of representation on the board of trustees. Of the eleven
17 seats on the board of trustees established pursuant to chapter 519 of
18 the laws of 1985, three seats are hereby designated as Halfmoon seats.
19 These three seats, and any other seats subsequently designated as Half-
20 moon seats as hereinafter provided, may be filled only by qualified
21 voters of the town of Halfmoon residing within the district and nomi-
22 nated by qualified voters of the town of Halfmoon residing within the
23 district or appointed by the board to fill a vacancy. The Halfmoon seats

24 shall be filled by qualified voters of the town of Halfmoon as soon as
25 possible as terms expire or vacancies occur in accordance with the
26 provisions of chapter 519 of the laws of 1985. All seats not designated
27 as Halfmoon seats may be filled only by qualified voters of the town of
28 Clifton Park nominated by qualified voters of the town of Clifton Park
29 or appointed by the board to fill a vacancy. In any election for trust-
30 tees, only qualified voters of the town of Halfmoon shall vote for a
31 candidate for the designated Halfmoon seats and only qualified voters of
32 the town of Clifton Park shall vote for candidates for all remaining
33 seats not designated as Halfmoon seats. The terms of office for the
34 trustees appointed or elected to fill a newly designated Halfmoon seat
35 shall be as follows: The term of the first seat shall be filled either
36 by appointment or election shall expire on December thirty-first of the
37 third year following the appointment or election; the term of the second
38 Halfmoon seat filled either by appointment or election shall expire on
39 December thirty-first of the fourth year following the appointment or
40 election; the term of the third Halfmoon seat shall be filled either by
41 appointment or election shall expire on December thirty-first of the
42 fifth year following the appointment or election. Subsequent elections
43 to fill the Halfmoon seats shall be for terms of five years ending in
44 each case on December thirty-first of the last year of such term. The
45 board of trustees shall have authority to and shall alter the aforesaid
46 allotment of representation on the board to continue the proportion of
47 Halfmoon seats on the board aforesaid in conformity with the actual
48 demographics of the district based on current United States Bureau of
49 the Census data. The election of trustees shall otherwise be carried out
50 in accordance with the provisions of chapter 519 of the laws of 1985,
51 and the voters of the district shall retain the right to adopt a propo-
52 sition providing that in subsequent elections vacancies shall be consid-
53 ered separate specific offices as provided in chapter 519 of the laws of
54 1985.

55 § 4. Finances. 1. The board of trustees of the Clifton Park-Halfmoon
56 public library district shall annually file with the clerk of the town

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1 of Clifton Park and with the clerk of the town of Halfmoon in the time
2 and for the purposes specified in section 104 of the town law an esti-
3 mate of the proposed budget including costs of library services to be
4 raised by levy be each such town, respectively for the library district
5 in the year beginning with the succeeding first day of January following
6 creation of the Clifton Park-Halfmoon public library district. Neither
7 town board shall make any change in the estimate of revenues or expendi-
8 tures submitted by the board of trustees of said library district in
9 preparation of its preliminary budget as required by section 106 of the
10 town law.

11 2. The town board of Clifton Park and the town board of Halfmoon
12 shall, in accordance with section six of this act, levy against the real
13 property lying within their respective towns and within the boundaries
14 of the Clifton Park-Halfmoon public library district for their respec-
15 tive shares of the amount to be raised by tax as contained in the annual
16 budget of such district approved by its voters at its annual election,
17 said shares to be determined by the ratio, each to the other, of the
18 full valuation, which term shall mean the valuation which is derived by
19 dividing the appropriate portions of the assessed valuation of the real
20 property concerned, as shown by the last completed assessment rolls of
21 each town, by the town equalization rates established by the authorized
22 state officer or agency for such rolls, of the real property lying with-
23 in each jurisdictions. The annual budget of such district shall be
24 approved by a majority vote of all qualified voters of the enlarged
25 district. Either town board or both town boards may issue tax antic-
26 ipation notes pursuant to article 2 of the local finance law to obtain
27 the necessary moneys therefor.

28 3. The town boards of the town of Clifton Park and the town of Half-
29 moon shall have the power to authorize, sell and issue bonds, notes or
30 other evidences of indebtedness pursuant to the local finance law in
31 order to permit the library district to provide facilities or improved
32 facilities for library purposes. Upon written notice from the board of
33 trustees of the library district, either town board shall authorize,
34 sell and issue such bonds, notes or other evidences of indebtedness as
35 are necessary to accomplish the improvements specified in the notice.
36 The proceeds of such bonds, notes or other evidences of indebtedness
37 shall be paid to the treasurer of the library district and maintained in
38 a segregated fund in accordance with section 165.00 of the local finance
39 law and expended by the treasurer only on specific authorization by the
40 board of trustees.

41 4. The treasurer of the library district shall be custodian of all
42 funds of the library district including gifts and trust funds paid over
43 to the trustees. The board of trustees may authorize the investment of
44 funds in the custody of the treasurer in the same manner in which town
45 funds may be invested. Proceeds of obligations received from either town
46 may be invested in accordance with section 165.00 of the local finance
47 law. The supervisor of the town of Clifton Park and the supervisor of
48 the town of Halfmoon shall pay over to the library district all moneys
49 which belong to or are raised for the library district. No money shall
50 be disbursed by the treasurer except after audit by the board of trus-
51 tees. The board of trustees shall audit all claims and shall order the
52 payment thereof, except as otherwise provided by this section. No such
53 claims shall be audited or ordered paid by the trustees unless an item-
54 ized voucher therefor, certified or verified by or on behalf of the
55 claimant in such form as the board of trustees shall prescribe, shall be
56 presented to the board of trustees for audit and allowance. The

1 provisions of this section shall not be applicable to payment of claims
2 of fixed salaries and amounts which the library district may be required
3 to pay on account of retirement contributions for past and current
4 services to officers and employees of the library district. The treas-
5 urer shall keep such records in such manner as the board of trustees may
6 require.

7 § 5. Charter, commencement of operations and transfer of property. The
8 trustees of the Clifton Park public library district shall, within 30
9 days from the date of approval of the Clifton Park-Halfmoon public
10 library district by the voters of the district, apply to the board of
11 regents for a charter as a public library. Upon the granting of such a
12 charter by the board of regents title to all personal property, tangible
13 and intangible, now held by the Clifton Park public library district,
14 shall be transferred to, vested in and be acquired by the Clifton Park-
15 Halfmoon public library district hereby established. Upon the granting
16 of such a charter by the Board of Regents, all employees of the Clifton
17 Park public library district shall become employees of the Clifton Park-
18 Halfmoon public library district upon the same terms and conditions of
19 employment and at the same rate of pay as their previous employment by
20 the Clifton Park public library district.

21 § 6. Ad valorem levy. The several lots and parcels of land within the
22 area of the Clifton Park-Halfmoon public library district are hereby
23 determined to be benefitted by the library facilities and services
24 existing as of the effective date of this act and the town board of the
25 town of Clifton Park and the town board of the town of Halfmoon are
26 hereby respectively authorized to assess, levy and collect the necessary
27 expenses of operation, maintenance and repair of such facilities and
28 services and such capital improvements, including debt service on bonds,
29 notes or other evidences of indebtedness of either town issued for the
30 purpose of such library district, as may be hereafter authorized pursu-
31 ant to the provisions of chapter 519 of the laws of 1985 and this act
32 from such lots and parcels of land within the boundaries of the district
33 hereby created in the same manner and at the same time as other town
34 charges.

35 § 7. Annual election. In the event that the Clifton Park-Halfmoon
36 public library district is created, its annual election shall be held
37 each year on the second Thursday following Labor Day. The board of trus-
38 tees of the Clifton Park-Halfmoon public library district shall prepare
39 the ballots for such elections and the polls shall remain open for the
40 receipt thereof at all elections from 8:30 a.m. until 8:30 p.m., and
41 such additional consecutive hours prior thereto as the board of trustees
42 may have determined and specified in the notice thereof. In the event
43 that the board of trustees of the Clifton Park-Halfmoon public library

44 district determines there is a need to seek taxpayer approval for capi-
45 tal expenditures for the expansion of existing library facilities or for
46 the construction of new library facilities, such approval shall be a
47 separate ballot item to be approved by all qualified voters at an annual
48 election. The board of trustees of the Clifton Park-Halfmoon public
49 library district may, to the extent authorized by law, authorize the use
50 of absentee ballots for the annual election.
51 § 8. This act shall take effect immediately.