

10671

IN ASSEMBLY

April 11, 2006

Introduced by M. of A. MANNING -- read once and referred to the Committee on Libraries and Education Technology

AN ACT in relation to creating the East Fishkill public library district in the town of East Fishkill, New York

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

1 Section 1. Creation of library district. Notwithstanding the
2 provisions of any general, special, or local law to the contrary, there
3 is hereby created and established in the town of East Fishkill, county
4 of Dutchess, a public library district which shall consist of the town
5 of East Fishkill, and shall be known as the East Fishkill public library
6 district.

7 § 2. Election. 1. The public library district herein described shall
8 not come into existence unless and until it is approved, the initial
9 proposed budget is approved, and nine trustees are elected by a vote of
10 the majority of the qualified voters voting in an election held pursuant
11 to the following provisions:

12 Upon receipt of a petition signed by not less than fifty voters quali-
13 fied to vote at a general election and residing within the area of the
14 proposed district, the board of trustees of the existing East Fishkill
15 Community library shall give notice of an election to be held within one
16 year after this act shall have become a law. If a majority of the
17 voters approve the formation of the district, then the district shall
18 come into existence on the terms and conditions set forth in this act.

19 At such election the issue shall be:

20 (a) whether the public library district therein described shall be
21 created or not;

22 (b) whether the initial budget therefor proposed by the board of trus-
23 tees of the East Fishkill Community library shall be approved or disap-

24 proved; and
25 (c) the election of nine trustees as provided by this act.
26 The trustees of the existing East Fishkill Community library shall
27 give notice of such election by the publication of a notice in one or
28 more newspapers having a general circulation in the district to be

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

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1 served. The first publication of such notice shall be not less than
2 thirteen days and not more than twenty days prior to the date of such
3 election. In addition, the board of trustees of the existing East Fish-
4 kill Community library shall cause copies of such notice to be posted
5 conspicuously in three public places in the district at least thirteen
6 days prior to the date of such election. Such notice shall specify the
7 time when and the place where such election will be held, the issues to
8 be decided at such election and the hours during which polls will be
9 open for the receipt of ballots thereof at all elections from 12:00 p.m.
10 until 9:00 p.m. The board of trustees of the existing East Fishkill
11 Community library shall designate a resident qualified voter of such
12 district to act as chairperson of any election of such district and
13 shall designate not less than two nor more than four resident qualified
14 voters at the polling place which shall be the East Fishkill Community
15 library to act as election inspectors and ballot clerks at such
16 elections. No trustee or candidate for the office of trustee shall serve
17 as chairperson or as an election inspector or ballot clerk. The board of
18 trustees may adopt a resolution providing that such chairperson,
19 election inspectors and ballot clerks shall be paid for their respective
20 services at the initial election or at subsequent elections, should the
21 new library district be created. Such resolution, if adopted, may fix
22 reasonable compensation for services of such officials. Every voter,
23 otherwise qualified to vote at a general election and residing within
24 the area of the proposed district shall be qualified to vote at said
25 election. After the polls have closed at such election, the election
26 inspectors and the ballot clerks shall immediately canvass publicly the
27 ballots cast and the chairperson of the election shall publicly announce
28 the result. Within seventy-two hours thereafter, the chairperson,
29 election inspectors, and ballot clerks shall execute and file a certifi-
30 cate of the result of the canvass with the board of trustees and the
31 East Fishkill town clerk.

32 2. In the event that the district is created, there shall be an annual
33 election conducted by the board of trustees of the East Fishkill public
34 library district in accordance with the provisions of subdivision one of

35 this section, at a time to be set by the board, at which election vacan-
36 cies on the board of trustees shall be filled and at which any proposed
37 budget which the board shall determine to submit to the voters pursuant
38 to section four of this act shall be submitted to the voters.

39 3. Candidates for the office of member of the board of trustees of the
40 East Fishkill public library district shall be nominated by petition. No
41 vacancy on the board of trustees to be filled shall be considered a
42 separate, specific office. A separate petition shall be required to
43 nominate each candidate for a vacancy on the board. Each petition shall
44 be directed to the secretary of the board of trustees, shall be signed
45 by at least twenty-five qualified voters of the district, shall state
46 the residence of each signer, and shall state the name and residence of
47 the candidate. In the event that any such nominees shall withdraw candi-
48 dacy prior to the election, such person shall not be considered a candi-
49 date unless a new petition nominating such person in the same manner and
50 within the same time limitation applicable to other candidates is filed
51 with the secretary of the board of trustees. Each petition shall be
52 filed with the secretary of the board of trustees between the hours of
53 1:00 p.m. and 5:00 p.m., not later than the thirtieth day preceding the
54 election at which time the candidates nominated are to be elected. In
55 the event that the new district is created, petitions nominating candi-

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1 dates for the board of trustees after the initial election shall be
2 filed with the secretary of the East Fishkill public library district.

3 4. At any election in such district, the voters may adopt a proposi-
4 tion providing that, in all subsequent elections, vacancies on the board
5 of trustees shall be considered separate, specific offices and that the
6 nominating petitions shall describe the specific vacancy upon the board
7 of trustees for which the candidate is nominated, which description
8 shall include at least the length of the term of the office and the name
9 of the last incumbent, if any. No person shall be nominated for more
10 than one specific office. Such procedure shall be followed with respect
11 to all nominations and elections in subsequent years until and unless
12 such proposition is repealed by the electors of the district at a regu-
13 lar election by adoption of a proposition to repeal the same.

14 § 3. Organization and structure. The East Fishkill public library
15 district shall be managed, operated, and controlled by a board of trust-
16 tees consisting of nine members. The trustees shall take office on the
17 first day of the month following their election and shall, at the first
18 regular meeting of the board, determine by lot the year in which each of
19 their terms of office expire, and the terms shall expire as follows:
20 After one year three trustees; after two years three trustees; and after
21 three years three trustees. As vacancies occur, trustees shall be
22 elected at the annual election provided for by this act to serve three

23 year terms by the voters of the library district hereby created, such
24 terms to commence on the first day of the month next following the
25 election. Only qualified voters of the district shall be eligible for
26 election to the board of trustees. The board of trustees at its first
27 meeting each year shall elect or appoint a president and vice-president
28 who shall be members of the board and a secretary, treasurer, and such
29 other officers as they deem necessary. If the board so determines, the
30 offices of secretary and treasurer may be held by individuals who are
31 not members of the board of trustees and, in that event, such officer
32 may, if the board so determines, receive compensation as fixed by resolu-
33 tion of the board.

34 § 4. Finances. 1. The initial budget for the East Fishkill public
35 library district shall be determined by a vote of the voters of the
36 district in the initial election as hereinafter provided for. All future
37 budgets that increase or decrease the East Fishkill public library
38 proposed total operating expenditures over the total operating expendi-
39 tures in the last preceding fiscal year's budget shall be submitted to
40 the residents voting at the annual election of trustees pursuant to
41 section two of this act. Funds voted for library purposes at the initial
42 election and at all future budget elections shall be considered an annu-
43 al appropriation therefor and shall be levied and collected yearly in
44 the same manner and at the same time as other taxes in the town of East
45 Fishkill.

46 2. The board of trustees shall annually file with the clerk of the
47 town of East Fishkill, on or before the fifteenth of November, an esti-
48 mate of the proposed budget, including costs of library services, to be
49 raised by levy for the library district in the fiscal year beginning on
50 the first day of January of the following year. The town shall not make
51 any change in the estimate of revenues or expenditures submitted by the
52 board of the library district in preparation of its preliminary budget.

53 3. The town board of the town of East Fishkill shall levy a tax
54 against the real property lying within the East Fishkill public library
55 district for the amount to be raised by tax as contained in the annual
56 budget of the East Fishkill public library district. The town board may

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1 issue tax anticipation notes, revenue anticipation notes, and budget
2 notes pursuant to article II of the local finance law to obtain the
3 necessary moneys therefor.

4 4. The town board of the town of East Fishkill shall have the power to
5 authorize, sell, and issue bonds, notes, and other evidences of indebt-
6 edness pursuant to the local finance law in order to permit the library
7 district to provide facilities or improved facilities for library
8 purposes. Upon written request from the board of trustees of the East
9 Fishkill public library district, after approval by the qualified voters

10 of such district, the town board shall authorize, sell, and issue such
11 bonds, notes, or other evidences of indebtedness as are necessary to
12 accomplish the improvements specified in the notice. The proceeds of
13 such bonds, notes, or other evidences of indebtedness shall be paid to
14 the treasurer of the East Fishkill public library district and main-
15 tained in a segregated account in accordance with section 165.00 of the
16 local finance law and expended by the treasurer only on specific author-
17 ization by the board of trustees.

18 5. The board of trustees of the East Fishkill public library district
19 may accept on behalf of the district any absolute gift, devise, or
20 bequest of real or personal property and such conditional gifts,
21 devises, or bequests as it shall by resolution approve.

22 6. The treasurer of the East Fishkill public library district shall be
23 custodian of all funds of the library district, including gifts and
24 trust funds paid over to the trustees. The board of trustees may author-
25 ize the investment of funds in the custody of the treasurer in the same
26 manner in which school district funds may be invested. Proceeds of obli-
27 gations received from the town may be invested in accordance with
28 section 165.00 of the local finance law. The town of East Fishkill shall
29 promptly pay over to the East Fishkill public library district all
30 moneys which belong to or are raised for the library district. No moneys
31 shall be disbursed by the treasurer of the library district except after
32 audit by the board of trustees. The board of trustees of the East Fish-
33 kill public library district shall audit all claims and shall order the
34 payment thereof, except as otherwise provided by this section. No such
35 claims shall be audited or ordered paid by the trustees unless an item-
36 ized voucher therefor shall be presented to the board of trustees for
37 audit and allowance. The provisions of this section shall not be appli-
38 cable to payment of claims of fixed salaries and amounts which the
39 library districts may be required to pay on account of retirement
40 contributions for past or current services to officers and employees of
41 the library district. The treasurer shall keep such records in such
42 manner as the board of trustees may require.

43 § 5. Charter, commencement of operations, and transfer of property and
44 employees. The initially elected trustees shall, within thirty days from
45 the date of approval of the library district by the voters of the
46 district, apply to the board of regents for a charter as a public
47 library. Upon the granting of such a charter by the board of regents,
48 then title to all liabilities and assets, including all property, real
49 and personal, and all other tangible and intangible property, trust and
50 other funds, and all other obligations, now held by the East Fishkill
51 Community library shall be transferred to, vested in, and be acquired by
52 the East Fishkill public library district as established by this act.
53 Upon the granting of such charter by the board of regents, all employees
54 of the East Fishkill Community library shall become employees of the
55 library district upon the same terms and conditions of employment and at

1 the same rate of pay as their previous employment by the East Fishkill
2 Community library.

3 § 6. Ad valorem levy. The several lots and parcels of land within the
4 area of said public library district are hereby determined to be bene-
5 fited by the library facilities and devices existing as of the effective
6 date of this act, and the town of East Fishkill is hereby authorized to
7 assess, levy, and collect the necessary expenses of operation, mainte-
8 nance, and repair of such facilities and services and such capital
9 improvements, including debt service on bonds, notes, or other evidences
10 of indebtedness of the town issued for the purpose of the East Fishkill
11 public library district, as may be hereafter authorized pursuant to the
12 provisions of this act from such lots and parcels of land in the same
13 manner and at the same time as other town charges.

14 § 7. Education law. Except as otherwise provided by this act, the
15 provisions of the education law relating to public libraries shall be
16 applicable to the East Fishkill public library district established by
17 this act.

18 § 8. This act shall take effect immediately.

