

STATE OF NEW YORK

3435

2007-2008 Regular Sessions

IN SENATE

March 6, 2007

Introduced by Sens. LARKIN, BONACIC -- read twice and ordered printed,
and when printed to be committed to the Committee on Local Government

AN ACT to provide for the creation of the Pine Bush area public library
district in the counties of Orange and Ulster

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 Crawford, in the county
4 of Orange, and that portion of the town of Shawangunk which lies within
5 the Pine Bush central school district, in the county of Ulster, a public
6 library district which shall consist of the town of Crawford and that
7 portion of the town of Shawangunk which lies within the Pine Bush
8 central school district, and shall be known as the Pine Bush area public
9 library district.

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

15 Upon receipt of a petition signed by not less than twenty voters qual-
16 ified to vote at a general election and residing within the area of the
17 proposed district, the board of trustees of the existing town of Craw-
18 ford free library shall give notice of an election to be held on the
19 third Tuesday in September within fourteen months after this act shall
20 have become a law. If a majority of the voters approve the formation of
21 the district, then the district shall come into existence on the terms
22 and conditions set forth in this act. At such election the issue shall
23 be:

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

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

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1 (b) whether the initial budget therefor proposed by the board of trus-
2 tees of the town of Crawford free library shall be approved or disap-
3 proved; and

4 (c) the election of nine trustees as provided by this act.

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

39 2. In the event that the district is created, there shall be an annual
40 election conducted by the board of trustees of the Pine Bush area public
41 library district in accordance with the provisions of subdivision one of
42 this section, at a time in September to be set by the board, at which
43 election vacancies on the board of trustees shall be filled and at which
44 any proposed budget which the board shall determine to submit to the
45 voters pursuant to section four of this act shall be submitted to the
46 voters.

47 3. Candidates for the office of member of the board of trustees of the
48 Pine Bush area public library district shall be nominated by petition.
49 No vacancy on the board of trustees to be filled shall be considered a
50 separate, specific office. A separate petition shall be required to
51 nominate each candidate for a vacancy on the board. Each petition shall
52 be directed to the secretary of the board of trustees, shall be signed
53 by at least twenty qualified voters of the district, shall state the
54 residence of each signer, and shall state the name and residence of the
55 candidate. In the event that any such nominees shall withdraw candidacy
56 prior to the election, such person shall not be considered a candidate

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1 unless a new petition nominating such person in the same manner and
2 within the same time limitation applicable to other candidates is filed
3 with the secretary of the board of trustees. Each petition shall be
4 filed with the secretary of the board of trustees between the hours of
5 1:00 p.m. and 5:00 p.m., not later than the thirtieth day preceding the
6 election at which time the candidates nominated are to be elected. In
7 the event that the new district is created, petitions nominating candi-
8 dates for the board of trustees after the initial election shall be
9 filed with the secretary of the Pine Bush area public library district.

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

21 § 3. Organization and structure. The Pine Bush area public library
22 district shall be managed, operated and controlled by a board of trus-
23 tees consisting of nine members. The trustees shall take office on the
24 first day of the month following their election and shall, at the first
25 regular meeting of the board, determine by lot the year in which each of
26 their terms of office expire, and the terms shall expire as follows:

27 After one year three trustees; after two years three trustees; and after
28 three years three trustees. As vacancies occur, trustees shall be
29 elected at the annual election provided for by this act to serve three
30 year terms by the voters of the library district hereby created, such
31 terms to commence on the first day of the month next following the
32 election. Only qualified voters of the district shall be eligible for
33 election to the board of trustees. The board of trustees at its first
34 meeting each year shall elect or appoint a president and vice-president
35 who shall be members of the board and a secretary, treasurer and such
36 other officers as they deem necessary. If the board so determines, the
37 offices of secretary and treasurer may be held by individuals who are
38 not members of the board of trustees and, in that event, such officer
39 may, if the board so determines, receive compensation as fixed by resol-
40 ution of the board.

41 § 4. Finances. 1. The initial budget for the Pine Bush area public
42 library district shall be determined by a vote of the voters of the
43 district in the initial election as provided for in this act. All future
44 budgets that increase or decrease the Pine Bush area public library
45 proposed total operating expenditures over the total operating expendi-
46 tures in the last preceding fiscal year's budget shall be submitted to
47 the residents voting at the annual election of trustees pursuant to
48 section two of this act. Funds voted for library purposes at the initial
49 election and at all future budget elections shall be considered an annu-
50 al appropriation therefor and shall be levied and collected yearly in
51 the same manner and at the same time as other taxes in the town of Craw-
52 ford and that portion of the town of Shawangunk that is within the
53 library district.

54 2. The board of trustees shall annually file with the clerks of the
55 towns of Crawford and Shawangunk, on or before the fifteenth of Novem-
56 ber, an estimate of the proposed budget, including costs of library

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1 services, to be raised by levy for the library district in the fiscal
2 year beginning on the first day of January of the following year. Such
3 towns shall not make any change in the estimate of revenues or expendi-
4 tures submitted by the board of the library district in preparation of
5 its preliminary budget.

6 3. The town boards of the towns of Crawford and Shawangunk shall levy
7 a tax against the real property lying within the Pine Bush area public
8 library district for the amount to be raised by tax as contained in the
9 annual budget of the Pine Bush area public library district. The town
10 boards may issue tax anticipation notes revenue anticipation notes, and
11 budget notes pursuant to article II of the local finance law to obtain
12 the necessary moneys therefor.

13 4. The town boards of the towns of Crawford and Shawangunk shall have
14 the power to authorize, sell and issue bonds, notes and other evidences

15 of indebtedness pursuant to the local finance law in order to permit the
16 library district to provide facilities or improved facilities for
17 library purposes. Upon written request from the board of trustees of the
18 Pine Bush area public library district, after approval by the qualified
19 voters of such district, the town boards shall authorize, sell and issue
20 such bonds, notes or other evidences of indebtedness as are necessary to
21 accomplish the improvements specified in the notice. The proceeds of
22 such bonds, notes or other evidences of indebtedness shall be paid to
23 the treasurer of the Pine Bush area public library district and main-
24 tained in a segregated account in accordance with section 165.00 of the
25 local finance law and expended by the treasurer only on specific author-
26 ization by the board of trustees.

27 5. The board of trustees of the Pine Bush area public library district
28 may accept on behalf of the district any absolute gift, devise or
29 bequest of real or personal property and such conditional gifts, devises
30 or bequests as it shall by resolution approve.

31 6. The treasurer of the Pine Bush area public library district shall
32 be custodian of all funds of the library district, including gifts and
33 trust funds paid over to the trustees. The board of trustees may author-
34 ize the investment of funds in the custody of the treasurer in the same
35 manner in which school district funds may be invested. Proceeds of obli-
36 gations received from the towns may be invested in accordance with
37 section 165.00 of the local finance law. The towns of Crawford and
38 Shawangunk shall promptly pay over to the Pine Bush area public library
39 district all moneys which belong to or are raised for the library
40 district. No moneys shall be disbursed by the treasurer of the library
41 district except after audit by the board of trustees. The board of trus-
42 tees of the Pine Bush area public library district shall audit all
43 claims and shall order the payment thereof, except as otherwise provided
44 by this section. No such claims shall be audited or ordered paid by the
45 trustees unless an itemized voucher therefor shall be presented to the
46 board of trustees for audit and allowance. The provisions of this
47 section shall not be applicable to payment of claims of fixed salaries
48 and amounts which the library districts may be required to pay on
49 account of retirement contributions for past or current services to
50 officers and employees of the library district. The treasurer shall keep
51 such records in such manner as the board of trustees may require.

52 § 5. Charter, commencement of operations, and transfer of property and
53 employees. The initially elected trustees shall, within thirty days from
54 the date of approval of the library district by the voters of the
55 district, apply to the board of regents for a charter as a public
56 library. Upon the granting of such a charter by the board of regents,

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1 the title to all liabilities and assets, including all property, real
2 and personal, and all other tangible and intangible property, trust and

3 other funds, and all other obligations, now held by the town of Crawford
4 free library shall be transferred to, vested in, and be acquired by the
5 Pine Bush area public library district as established by this act. Upon
6 the granting of such charter by the board of regents, all employees of
7 the town of Crawford free library shall become employees of the library
8 district upon the same terms and conditions of employment and at the
9 same rate of pay as their previous employment by the town of Crawford
10 free library.

11 § 6. Ad valorem levy. The several lots and parcels of land within the
12 area of said public library district are hereby determined to be bene-
13 fitted by the library facilities and devices existing as of the effective
14 date of this act, and the towns of Crawford and Shawangunk are hereby
15 authorized to assess, levy and collect the necessary expenses of opera-
16 tion, maintenance and repair of such facilities and services and such
17 capital improvements, including debt service on bonds, notes or other
18 evidences of indebtedness of the towns issued for the purpose of the
19 Pine Bush area public library district, as may be authorized pursuant to
20 the provisions of this act from such lots and parcels of land in the
21 same manner and at the same time as other town charges.

22 § 7. Education law. Except as otherwise provided by this act, the
23 provisions of the education law relating to public libraries shall be
24 applicable to the Pine Bush area public library district established by
25 this act.

26 § 8. This act shall take effect immediately.