

LAWS OF NEW YORK, 2023

CHAPTER 336

1 AN ACT to amend chapter 203 of the laws of 1957 authorizing the town of  
2 Ballston, Saratoga county, to establish a public library for that part  
3 of the town located outside of the incorporated village of Ballston  
4 Spa, in relation to providing for the election of trustees and voter  
5 approval of the tax levy of such library district; and to amend chap-  
6 ter 672 of the laws of 1993, amending the public authorities law  
7 relating to the construction and financing of facilities for certain  
8 public libraries, in relation to including the Ballston Community  
9 Public Library

10  
11 Became a law August 23, 2023, with the approval of the Governor.

12 Passed by a majority vote, three-fifths being present.  
13

14 The People of the State of New York, represented in Senate and Assem-  
15 bly, do enact as follows:

16  
17 Section 1. Chapter 203 of the laws of 1957 authorizing the town of  
18 Ballston, Saratoga county, to establish a public library for that part  
19 of the town located outside of the incorporated village of Ballston Spa,  
20 is amended to read as follows:

21 Section 1. 1. Creation of public library district. Notwithstanding the  
22 provisions of any general or local law to the contrary, the town of  
23 Ballston, Saratoga county, is hereby authorized, by action of a majority  
24 of its electors residing outside of the limits of the village of Ball-  
25 ston Spa, to establish a public library with or without branches, and  
26 such town is hereby authorized to raise money by tax, to equip and main-  
27 tain such library or libraries and to provide a building or rooms for  
28 its or their use. Such tax shall be a charge upon the taxable property  
29 of that part of the town outside of the limits of the village of Ball-  
30 ston Spa. [~~Such town is hereby authorized to acquire real or personal~~  
31 [~~property for the purposes of such library or libraries by gift, grant,~~  
32 [~~devise, bequest or condemnation. Except as otherwise provided by this~~  
33 [~~act, the provisions of the education law relating to public libraries~~  
34 [~~shall be applicable to a public library established in pursuance of this~~  
35 [~~act.~~]

36 2. A vote having been held on the 5th day of November 1957, creating a  
37 library district as authorized by section one of this act, there was  
38 hereby created and established in the county of Saratoga, a public  
39 library district that includes the area created by the geographic bound-  
40 aries of the town of Ballston excluding the village of Ballston Spa. The  
41 public library district has been operating as the Ballston Community  
42 Public Library.

43 § 2. Election. 1. The public library district described in this act  
44 shall not operate as proposed in sections two through seven of this act  
45 unless and until the budget proposed per this act is approved and the  
46 initial proposed budget is approved by a vote of the majority of the  
47 qualified voters voting in an election held pursuant to the following  
48 provisions:  
49

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

CHAP. 336

2

Upon receipt of a petition signed by not less than twenty-five voters qualified to vote at a general town election, the board of trustees of the existing Ballston Community Public Library shall give notice and hold a public hearing regarding this proposal to create a public library district, not less than thirty days prior to an election to be held on or before November 15, 2023, or if the budget does not pass, November 15, 2024. If a majority of the voters approve the formation of the district, then the district shall come into existence on the terms and conditions set forth in this act. At such election the issue shall be: (a) whether the initial budget proposed by the board of trustees of the Ballston Community Public Library shall be created or not; and (b) the election of seven trustees as provided by this act. The trustees of the Ballston Community Public Library shall give notice of such election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirty days prior to the date of such election. In addition, the board of trustees of the Ballston Community Public Library shall cause copies of such notice to be posted conspicuously in three public places in the district at least thirty days prior to the date of such election and on the library's web page. Such notice shall specify the time when and the place where such election will be held, the issues to be decided at such election and the hours during which polls will be open for the receipt of ballots thereof at all elections from 7:00 a.m. until 9:00 p.m. The board of trustees of the Ballston Community Public Library shall designate a resident qualified voter of such district to act as chairperson of any election of such district and shall designate not less than two nor more than four resident qualified voters to act as election inspectors and ballot clerks at such elections. No trustee shall serve as chairperson or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairperson, election inspectors and ballot clerks shall be paid for their respective services at the initial election. Such resolution, if adopted, shall fix reasonable compensation for the services of such officials. Every voter of the district, otherwise qualified to vote at a town election shall be qualified to vote at such election. After the polls have closed at such election, the election inspectors and the ballot clerks shall immediately canvass publicly the ballots cast and the chairperson of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairperson, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees and the town clerk of Ballston.

2. In the event that the budget is authorized, there shall thereafter be an annual election conducted by the board of trustees of the Ballston Community Public Library in accordance with the provisions of subdivision one of this section, at a time to be set by the board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section four of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees of the Ballston Community Public Library shall be nominated by petition. No vacancy on the board of trustees to be filled shall be considered a separate specific office. 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 board of trustees, shall be signed by

at least twenty-five qualified voters of the district, shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominee shall withdraw his or her 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 limitation applicable to other candidates is filed with the secretary of the board of trustees. Each petition shall be filed with the secretary of the board of trustees between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirtieth day preceding the election at which time the candidates nominated are to be elected. In the event the Ballston Community Public Library levy is approved, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the Ballston Community Public Library.

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

§ 3. Organization and structure. The Ballston Community Public Library shall be managed, operated and controlled by a board of trustees consisting of seven members, but in no event shall the board of trustees consist of fewer than five members or more than fifteen. The trustees shall at the first regular meeting of the board determine by lot the year in which each of their terms of office expire, and the terms shall expire as follows: after one year two trustees; after two years two trustees; after three years three trustees. As vacancies occur trustees shall be elected at the annual election provided for by this act to serve three year terms by the voters of the public library district hereby created, such terms to commence on the first day of the month next following the election. Only qualified voters of the 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 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 officer may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Finances. 1. The initial budget for the Ballston Community Public

Library to be levied upon the special district per this act shall be determined by a vote of the voters of the district in the initial election as hereinafter provided. All future budgets that increase the Ballston Community Public Library proposed total operating expenditures over the total operating expenditures in the last preceding fiscal year's budget shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall be considered an annual appropriation therefor and shall

CHAP. 336

4

be levied and collected yearly in the same manner and at the same time as other taxes in the town of Ballston.

2. The board of trustees of the Ballston Community Public Library shall annually file with the clerk of the town of Ballston on or before the first day of August an estimate of the proposed budget, including costs of library services, to be raised by levy for the library district in the fiscal year beginning on the first day of January of the following year. The town 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. The town board of the town of Ballston shall levy a tax against the real property lying within the district for the amount to be raised by tax as contained in the annual budget of the Ballston Community Public Library.

3. The town board of the town Ballston shall have the power to authorize, sell and issue bonds, notes and other evidences of indebtedness pursuant to the local finance law in order to permit the Ballston Community Public Library to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of the Ballston Community Public Library, after approval by the qualified voters of such 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 resolution, or any agreement with the library, may provide that the library shall remunerate the town for the costs incurred by effecting such bonds, notes and other evidences of indebtedness. The proceeds of such bonds, notes or other evidences of indebtedness shall be paid to the treasurer of the Ballston Community Public Library and maintained in a segregated account 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.

4. The board of trustees of the Ballston Community Public Library may accept on behalf of the district any absolute gift, grant, devise or bequest of real or personal property and such conditional gifts, grants, devises or bequests as by resolution approved.

5. The treasurer of the Ballston Community Public Library 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 school district 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 town of Ballston shall promptly pay over to the Ballston Community Public Library all moneys which belong to or are raised for the library district. No moneys shall

46 be disbursed by the treasurer of the library district except after audit  
47 by the board of trustees. The board of trustees of the Ballston Communi-  
48 ty Public Library district shall audit all claims and shall order the  
49 payment thereof, except as otherwise provided by this section. No such  
50 claims shall be audited or ordered paid by the trustees unless an item-  
51 ized voucher therefor shall be presented to the board of trustees for  
52 audit and allowance. The provisions of this section shall not be appli-  
53 cable to payment of claims of fixed salaries and amounts which the  
54 library district may be required to pay on account of retirement  
55 contributions for past or current services to officers and employees of  
56 the library district. The treasurer shall keep such records in such  
57 manner as the board of trustees may require.

2  
3 § 5. Charter, bylaws and transfer. The current charter of the Ballston  
4 Community Public Library is consistent with this legislation. The  
5 initial elected trustees shall, within thirty days from the date of  
6 approval of the library budget and new trustees by the voters of the  
7 district, adopt revised bylaws consistent with this legislation. The  
8 library, which has operated as a special district library since 1957,  
9 shall continue to operate, uninterrupted, regardless of whether the  
10 budget and election of trustees goes into effect. The town may transfer  
11 title to any existing or future real property to the library, or grant a  
12 99-year lease for an agreed upon rental rate, with optional renewal and  
13 right of first refusal in the event of transfer, for the purposes of  
14 operating a library or branch of the library within the district.

15 § 6. Ad valorem levy. The several lots and parcels of land within the  
16 area of such public library district are hereby determined to be bene-  
17 fited by the library facilities and devices existing as of the effective  
18 date of this act and the town of Ballston is hereby authorized to  
19 assess, levy and collect the necessary expenses of operation, mainte-  
20 nance and repair of such facilities and services and such capital  
21 improvements, including debt service on bonds, notes or other evidences  
22 of indebtedness issued for the purpose of the Ballston Community Public  
23 Library as may be hereafter authorized pursuant to the provisions of  
24 this act from such lots and parcels of land within the library district,  
25 outside of the limits of the village of Ballston Spa, in the same manner  
26 and at the same time as other town charges.

27 § 7. Education law. Except as otherwise provided by this act, the  
28 provisions of the education law relating to public libraries shall be  
29 applicable to the Ballston Community Public Library operating as estab-  
30 lished by this act.

31 § 8. This act shall take effect immediately.

32 § 2. Section 5 of chapter 672 of the laws of 1993, amending the public  
33 authorities law relating to the construction and financing of facilities  
34 for certain public libraries, is amended by adding a new subdivision 55  
35 to read as follows:

36 55. Ballston Community Public Library.

37 § 3. This act shall take effect immediately; provided, however, that  
38 section two of this act shall take effect sixty days after the initial  
39 budget proposed in section 2 of chapter 203 of the laws of 1957 author-  
40 izing the town of Ballston, Saratoga county, to establish a public  
41 library for that part of the town located outside of the incorporated  
42 village of Ballston Spa, as amended by section one of this act, is

43 approved by a vote of the majority of the qualified voters voting in an  
44 election as provided in such chapter.

45  
46 The Legislature of the STATE OF NEW YORK ss:

47 Pursuant to the authority vested in us by section 70-b of the Public  
48 Officers Law, we hereby jointly certify that this slip copy of this  
49 session law was printed under our direction and, in accordance with such  
50 section, is entitled to be read into evidence.

51  
52 ANDREA STEWART-COUSINS  
53 Temporary President of the Senate

CARL E. HEASTIE  
Speaker of the Assembly