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March 26, 2012

Ms. Leslie Burger, Director  
Princeton Public Library  
65 Witherspoon Street  
Princeton, NJ 08542

Dear Ms. Burger:

The New Jersey State Library (NJSL) has been asked by the director of the Princeton Public Library what process is required to disestablish the current joint free public library and to establish a municipal free public library in its place.

The Free Public Library of Princeton was established as a municipal library by referendum and incorporated in 1909 (N.J.S.A. 40:54-1 et seq.). The Joint Free Public Library of Princeton Borough and Princeton Township was established by referendum and incorporated in 1961 (N.J.S.A. 40:54-29.3 et seq.). The voters of the Borough and Township of Princeton approved a ballot measure on November 8, 2011, to consolidate their two local governments (N.J.S.A. 40:43-66.59). The merger will take effect on January 1, 2013. Trustee terms will end on December 31, 2012 (see, N.J.S.A. 40:43-66.68), and a new board of trustees for the municipal free public library will be appointed pursuant to N.J.S.A. 40:54-9 by the consolidated municipality's mayor.

As the statutes governing the formation of a joint library requires that "any 2 or more municipalities may unite in the support, maintenance and control of a joint free public library for the use and benefit of the residents of such municipalities" (N.J.S.A. 40:54-29.3), and as there will no longer be two municipalities effective January 1, 2013, and as the status of the joint free public library on the effective date of the merger is not directly addressed in existing law, the question arises whether or not there must be a referendum held to establish the municipal library (N.J.S.A. 40:54-2) in order for the trustees to be in full compliance with the law for library State Aid purposes (N.J.S.A. 18A:74-10). NJSL is the agency with oversight responsibility for the consolidation process as it pertains to the free public library (N.J.S.A. 40A:65-26(b)(3)). Pursuant to that statutory authority, NJSL has been asked whether voter approval of yet another referendum would be required pursuant to N.J.S.A. 40:54-2 to establish a municipal free public library in the municipality of Princeton after consolidation.

The NJSL advises that the statutory requirement for a separate referendum to authorize the establishment of a municipal library may be deemed satisfied or waived in this case,

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and no further voter approval by referendum will be required to disestablish the current joint library, and establish a municipal library in the consolidated municipality of Princeton. The voters of both Princeton Borough and Princeton Township supported a referendum to provide joint library services to both communities in 1961, and to consolidate those municipalities in 2011. Therefore, voter approval of consolidated library services is deemed to have been obtained, and it is reasonable to facilitate this municipal consolidation by waiving the need to submit a separate library referendum to the voters of Princeton. The NJSL does advise that the municipal free public library of Princeton should be incorporated, and the certificate should be executed and filed by the newly appointed trustees of the municipal library, promptly after their appointment, as required by N.J.S.A. 40:54-11.

Sincerely,



Norma E. Blake  
State Librarian

c: Victoria Rosch, New Jersey State Library  
John P. Rasimowicz, Director, Local Government Services  
Dept. of Community Affairs  
Pat Tumulty, Exec. Director, New Jersey Library Association