S T A T E  O F  N E W  Y O R K

5238

2011-2012 Regular Sessions

I N  A S S E M B L Y

February 14, 2011

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

AN ACT to amend chapter 403 of the laws of 1977, relating to the Lakeview public library district, in the town of Hempstead, Nassau county and repealing section one of chapter six hundred four of the laws of nineteen hundred sixty-three, relating to authorizing union free school district number twelve to establish a public library, in relation to the reorganization thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 403 of the laws of 1977, relating to the Lakeview public library district, in the town of Hempstead, Nassau county and repealing section one of chapter six hundred four of the laws of nineteen hundred sixty-three, relating to authorizing union free school district number twelve to establish a public library, is amended to read as follows:

Section 1. Notwithstanding the provisions of any general or local law to the contrary, there is hereby established in the town of Hempstead, Nassau county, a public library district, to be known as the Lakeview public library district, which shall include all the territory within Malverne union free school district, formerly known as union free school district number twelve, town of Hempstead, Nassau county, outside of the limits of the incorporated villages of Lynbrook, Malverne, and Rockville Centre and east of Pine Brook and south of the West Hempstead branch of the Long Island railroad tracks; and such public library district shall hereafter constitute an improvement district of the town of Hempstead within the meaning of the town law and title two of chapter two hundred seventy-three of the laws of nineteen hundred thirty-nine, constituting the Nassau county civil divisions act, and shall be subject to all of the provisions thereof relating to improvement districts except such as are inconsistent with the provisions of this act.

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

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S 2. The several lots and parcels of land within the area of said public library district are hereby determined to be benefited by the library facilities and services existing as of the effective date of this act and the necessary expenses of operation, maintenance and repair of such facilities and services and such capital improvements INCLUDING DEBT SERVICE ON BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS OF THE TOWN ISSUED FOR THE PURPOSE OF THE LAKEVIEW PUBLIC LIBRARY DISTRICT as may be hereafter authorized pursuant to the provisions of this act shall be assessed, levied and collected from such lots and parcels of land in the same manner and at the same time as other town charges.

S 3. The board of trustees of the public library of said Malverne union free school district in office on the effective date of this act shall constitute the board of trustees of the Lakeview public library district herein established. Each such trustee shall continue to hold office as such for the balance of his term as trustee and until his successor is elected. Thereafter, on the first Tuesday of December in each calendar year in which the term of any such trustee shall expire, an election shall be held for a trustee to succeed such trustee for a term of five years commencing the first day of January next succeeding such election.

CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF TRUSTEES OF THE LAKEVIEW PUBLIC LIBRARY DISTRICT SHALL BE NOMINATED BY PETITION. A SEPARATE PETITION SHALL BE REQUIRED TO 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 TEN QUALIFIED VOTERS OF THE DISTRICT, SHALL STATE THE RESIDENCE OF EACH SIGNER AND SHALL STATE THE NAME AND RESIDENCE OF THE CANDIDATE. EACH PETITION SHALL BE FILED WITH THE SECRETARY OF THE BOARD OF TRUSTEES BETWEEN THE HOURS OF 9:00 AM AND 5:00 PM NOT LATER THAN THIRTY DAYS PRECEDING THE ELECTION AT WHICH TIME THE CANDIDATES NOMINATED ARE TO BE ELECTED.

The board of trustees shall give notice of an election by the publication of a notice in one or more newspapers having a general circulation in the district. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees shall cause copies of such notice to be posted conspicuously in five public places in the district at least thirteen days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the officers to be elected thereat and their terms of office, and the hours during which the polls will be open for the receipt of ballots. The board of trustees shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from seven o'clock in the evening until ten o'clock in the evening and such additional consecutive hours prior thereto as the board of trustees may have determined and specified in the notice thereof. The board of trustees shall designate a resident taxpayer of such district to act as chairman of any election of such district and shall designate not less than two nor more than four resident taxpayers to act as election inspectors and ballot clerks at such elections. No trustee shall serve as such chairman or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at any such annual election or at any special election. Such resolution, if adopted, [shall fix the amount of such compensation but the amount shall not exceed twenty-five dollars for each] MAY FIX REASONABLE COMPENSATION FOR THE SERVICES OF such official.

Every elector of the town residing in the district for the period of thirty days next preceding any election of trustees and otherwise qualified to vote at a general town election, shall be qualified to vote at district elections.

Every trustee must at the time of his election or appointment and throughout the term of his office be a resident elector of such district.

After the polls shall have been closed at any election held for the election of trustees, the election inspectors and ballot clerks shall immediately canvass publicly the ballots cast and the chairman of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairman, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the trustees and with the town clerk.

If the number of voters is so great as to render it inexpedient or impossible to conduct the election at one polling place, the trustees may divide the district into election districts and provide a polling place for each such election district, provided, however, that the number of election districts shall not exceed one for each six hundred electors plus one for a remaining fraction of six hundred. In such event, the notice of election shall describe the election districts and state where the polling places will be located, and the trustees shall designate not less than two nor more than four resident taxpayers to act as election inspectors and ballot clerks at each such polling place. [The board of trustees may adopt a resolution providing that such election inspectors and ballot clerks shall be paid for their respective services at any such annual or special election of the district. Such resolution, if adopted, shall fix the amount of such compensation but the amount shall not exceed twenty-five dollars for each such official. No trustee shall serve as an election inspector or ballot clerk.]

S 4. Except as otherwise provided by this act, the provisions of the education law relating to public libraries established by the electors of a school district and the trustees of such public libraries shall be applicable to the Lakeview public library district of the town of Hempstead.

S 5. [The facilities of said Lakeview public library district shall not be increased or improved or reconstructed nor shall additional facilities or lands be acquired nor shall obsolete, inadequate, damaged, destroyed or worn out apparatus and equipment be replaced nor shall additional apparatus and equipment be acquired unless the town board shall determine same to be in the public interest after a public hearing called and held in the manner prescribed in and in accordance with section two hundred sixteen of the town law. The purchases of books, magazines, newspapers, writings and other types of literature, recordings, visual aids, films and other materials and equipment generally used in the operation of a public library and for which provision has been made in the district budget or for which surplus funds or unexpended balances are available shall not be deemed to require the procedure herein prescribed. The town board may, on the written request of the trustees of said district, acquire by purchase, condemnation or otherwise on behalf of and in the name of the district such real property or interest therein as may be in the public interest.] BUDGETS FOR THE LAKEVIEW PUBLIC LIBRARY DISTRICT ARE SUBJECT TO APPROVAL BY THE VOTERS OF THE DISTRICT. AN INITIAL BUDGET VOTE SHALL BE HELD AT THE ANNUAL ELECTION OF TRUSTEES IN THE YEAR TWO THOUSAND SIX. ALL FUTURE BUDGETS THAT INCREASE OR DECREASE THE TOTAL OPERATING EXPENDITURES OVER

OR UNDER THE LAST PRECEDING YEAR'S TOTAL OPERATING EXPENDITURES SHALL BE SUBMITTED TO THE VOTERS AT THE ANNUAL ELECTION PURSUANT TO SECTION THREE OF THIS ACT. FUNDS VOTED FOR LIBRARY PURPOSES SHALL BE CONSIDERED AN ANNUAL APPROPRIATION THEREFOR AND SHALL BE LEVIED AND COLLECTED YEARLY IN THE SAME MANNER AND AT THE SAME TIME AS OTHER TAXES IN THE TOWN OF HEMPSTEAD.

S 6. Title to all library property now held by the board of trustees of the public library of Malverne union free school district shall be transferred to and acquired by the board of trustees of Lakeview public library district on the effective date of this act.

S 7. The board of trustees of the Lakeview public library district shall annually file with the [town clerk] CLERK OF THE TOWN OF HEMPSTEAD, at the time specified in section one hundred four of the town law, an estimate of the proposed expenditures and capital outlay to be raised by taxes of the district for the year beginning with the succeeding first day of January. [The town board may, however, reduce the total specified in such estimate and shall levy taxes for the total of the expenditures as approved by said town board less any estimated revenues.] 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.

S 8. [The board of trustees may, after the effective date of this act, and prior to January first, nineteen hundred seventy-eight, file with the town board estimates of the necessary expenses for operation and maintenance of the district incurred or to be incurred prior to the first levy of taxes for such district. The town board may reduce the total amount of the estimates. The town board shall authorize the presiding supervisor of the town of Hempstead to pay over to the treasurer of the district the amount of the estimate as finally approved.] THE TOWN BOARD OF THE TOWN OF HEMPSTEAD SHALL LEVY A TAX AGAINST THE REAL PROPERTY LYING WITHIN THE LAKEVIEW PUBLIC LIBRARY DISTRICT FOR THE AMOUNT TO BE RAISED BY TAX AS CONTAINED IN THE ANNUAL BUDGET OF THE LIBRARY DISTRICT. The town may issue tax anticipation notes pursuant to subdivision two of paragraph d of section 24.00 of the local finance law to obtain the necessary moneys therefor. The board of trustees OF THE LAKEVIEW PUBLIC LIBRARY DISTRICT may accept on behalf of the district any gift, devise or bequest of real and personal property AS IT SHALL BY RESOLUTION APPROVE.

S 9. All taxes, assessed, levied and collected for the district and all state aid or other aid for the district shall be paid to the treasurer of the district. The treasurer shall within five days deposit such moneys in banks or trust companies as may be designated by the board of trustees, to be withdrawn only by the treasurer upon the authorization of the trustees. [Such designation and deposit shall release such treasurer and his sureties from any liability for loss of such moneys by reason of the default or insolvency of any such depositary.] NO MONIES SHALL BE DISBURSED BY THE TREASURER OF THE LIBRARY DISTRICT EXCEPT AFTER AUDIT BY THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL AUDIT ALL CLAIMS AND SHALL ORDER THE PAYMENT THEREOF, EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION. NO SUCH CLAIMS SHALL BE ORDERED PAID UNLESS AN ITEMIZED VOUCHER THEREFOR SHALL BE PRESENTED TO THE BOARD OF TRUSTEES FOR AUDIT AND ALLOWANCE. THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO PAYMENT OF CLAIMS OF FIXED SALARIES AND AMOUNTS WHICH THE LIBRARY MAY BE REQUIRED TO PAY ON ACCOUNT OF RETIREMENT CONTRIBUTIONS FOR PAST OR CURRENT SERVICES TO OFFICERS AND EMPLOYEES OF THE LIBRARY DISTRICT. THE

TREASURER SHALL KEEP SUCH RECORDS IN SUCH MANNER AS THE BOARD OF TRUSTEES MAY REQUIRE.

S 10. 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 clerk, treasurer and such other officers as they deem necessary. The clerk and treasurer shall not be members of the board of trustees and shall be entitled to receive compensation as fixed by resolution of the board of trustees.

S 11. [The board of trustees shall be authorized to provide bus transportation for borrowers who reside within the boundaries of the district.

S 12.] Section one of chapter six hundred four of the laws of nineteen hundred sixty-three, relating to authorizing union free school district number twelve to establish a public library, is hereby repealed.

S [13.] 12. This act shall take effect July first, nineteen hundred seventy-seven.

S 2. This act shall take effect immediately.