

1944

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

---

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:

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

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

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

LBD05856-01-3

1 the provisions thereof relating to improvement districts except such as  
2 are inconsistent with the provisions of this act.

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

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

23 CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF TRUSTEES OF THE  
24 LAKEVIEW PUBLIC LIBRARY DISTRICT SHALL BE NOMINATED BY PETITION. A SEPA-  
25 RATE PETITION SHALL BE REQUIRED TO EACH CANDIDATE FOR A VACANCY ON THE  
26 BOARD. EACH PETITION SHALL BE DIRECTED TO THE SECRETARY OF THE BOARD OF  
27 TRUSTEES, SHALL BE SIGNED BY AT LEAST TEN QUALIFIED VOTERS OF THE  
28 DISTRICT, SHALL STATE THE RESIDENCE OF EACH SIGNER AND SHALL STATE THE  
29 NAME AND RESIDENCE OF THE CANDIDATE. EACH PETITION SHALL BE FILED WITH  
30 THE SECRETARY OF THE BOARD OF TRUSTEES BETWEEN THE HOURS OF 9:00 AM AND  
31 5:00 PM NOT LATER THAN THIRTY DAYS PRECEDING THE ELECTION AT WHICH TIME  
32 THE CANDIDATES NOMINATED ARE TO BE ELECTED.

33 The board of trustees shall give notice of an election by the publica-  
34 tion of a notice in one or more newspapers having a general circulation  
35 in the district. The first publication of such notice shall be not less  
36 than thirteen days and not more than twenty days prior to the date of  
37 such election. In addition, the board of trustees shall cause copies of  
38 such notice to be posted conspicuously in five public places in the  
39 district at least thirteen days prior to the date of such election. Such  
40 notice shall specify the time when and the place where such election  
41 will be held, the officers to be elected thereat and their terms of  
42 office, and the hours during which the polls will be open for the  
43 receipt of ballots. The board of trustees shall prepare the ballots for  
44 such elections and the polls shall remain open for the receipt thereof  
45 at all elections from seven o'clock in the evening until ten o'clock in  
46 the evening and such additional consecutive hours prior thereto as the  
47 board of trustees may have determined and specified in the notice there-  
48 of. The board of trustees shall designate a resident taxpayer of such  
49 district to act as chairman of any election of such district and shall  
50 designate not less than two nor more than four resident taxpayers to act  
51 as election inspectors and ballot clerks at such elections. No trustee  
52 shall serve as such chairman or as an election inspector or ballot  
53 clerk. The board of trustees may adopt a resolution providing that such  
54 chairman, election inspectors and ballot clerks shall be paid for their  
55 respective services at any such annual election or at any special  
56 election. Such resolution, if adopted, [shall fix the amount of such

1 compensation but the amount shall not exceed twenty-five dollars for  
2 each] MAY FIX REASONABLE COMPENSATION FOR THE SERVICES OF such official.

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

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

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

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

33 S 4. Except as otherwise provided by this act, the provisions of the  
34 education law relating to public libraries established by the electors  
35 of a school district and the trustees of such public libraries shall be  
36 applicable to the Lakeview public library district of the town of Hemp-  
37 stead.

38 S 5. [The facilities of said Lakeview public library district shall  
39 not be increased or improved or reconstructed nor shall additional  
40 facilities or lands be acquired nor shall obsolete, inadequate, damaged,  
41 destroyed or worn out apparatus and equipment be replaced nor shall  
42 additional apparatus and equipment be acquired unless the town board  
43 shall determine same to be in the public interest after a public hearing  
44 called and held in the manner prescribed in and in accordance with  
45 section two hundred sixteen of the town law. The purchases of books,  
46 magazines, newspapers, writings and other types of literature,  
47 recordings, visual aids, films and other materials and equipment gener-  
48 ally used in the operation of a public library and for which provision  
49 has been made in the district budget or for which surplus funds or unex-  
50 pended balances are available shall not be deemed to require the proce-  
51 dure herein prescribed. The town board may, on the written request of  
52 the trustees of said district, acquire by purchase, condemnation or  
53 otherwise on behalf of and in the name of the district such real proper-  
54 ty or interest therein as may be in the public interest.] BUDGETS FOR  
55 THE LAKEVIEW PUBLIC LIBRARY DISTRICT ARE SUBJECT TO APPROVAL BY THE  
56 VOTERS OF THE DISTRICT. AN INITIAL BUDGET VOTE SHALL BE HELD AT THE

1 ANNUAL ELECTION OF TRUSTEES IN THE YEAR TWO THOUSAND SIX. ALL FUTURE  
2 BUDGETS THAT INCREASE OR DECREASE THE TOTAL OPERATING EXPENDITURES OVER  
3 OR UNDER THE LAST PRECEDING YEAR'S TOTAL OPERATING EXPENDITURES SHALL BE  
4 SUBMITTED TO THE VOTERS AT THE ANNUAL ELECTION PURSUANT TO SECTION THREE  
5 OF THIS ACT. FUNDS VOTED FOR LIBRARY PURPOSES SHALL BE CONSIDERED AN  
6 ANNUAL APPROPRIATION THEREFOR AND SHALL BE LEVIED AND COLLECTED YEARLY  
7 IN THE SAME MANNER AND AT THE SAME TIME AS OTHER TAXES IN THE TOWN OF  
8 HEMPSTEAD.

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

13 S 7. The board of trustees of the Lakeview public library district  
14 shall annually file with the [town clerk] CLERK OF THE TOWN OF  
15 HEMPSTEAD, at the time specified in section one hundred four of the town  
16 law, an estimate of the proposed expenditures and capital outlay to be  
17 raised by taxes of the district for the year beginning with the succeed-  
18 ing first day of January. [The town board may, however, reduce the total  
19 specified in such estimate and shall levy taxes for the total of the  
20 expenditures as approved by said town board less any estimated reven-  
21 ues.] THE TOWN SHALL NOT MAKE ANY CHANGE IN THE ESTIMATE OF REVENUES OR  
22 EXPENDITURES SUBMITTED BY THE BOARD OF THE LIBRARY DISTRICT IN PREPARA-  
23 TION OF ITS PRELIMINARY BUDGET.

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

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

1 CURRENT SERVICES TO OFFICERS AND EMPLOYEES OF THE LIBRARY DISTRICT. THE  
2 TREASURER SHALL KEEP SUCH RECORDS IN SUCH MANNER AS THE BOARD OF TRUS-  
3 TEES MAY REQUIRE.

4 S 10. The board of trustees at its first meeting each year, shall  
5 elect or appoint a president and vice president, who shall be members of  
6 the board, and a clerk, treasurer and such other officers as they deem  
7 necessary. The clerk and treasurer shall not be members of the board of  
8 trustees and shall be entitled to receive compensation as fixed by  
9 resolution of the board of trustees.

10 S 11. [The board of trustees shall be authorized to provide bus trans-  
11 portation for borrowers who reside within the boundaries of the  
12 district.

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

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

18 S 2. This act shall take effect immediately.