STATE OF NEW YORK

4806

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to publication of legal notices on the official Westchester county website

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 202 of the county law is amended to read as follows:

§ 202. Publication of compensation and expenses of supervisors in certain counties. In those counties wherein the compensation of supervisors is fixed on a per diem basis, the clerk of the board of supervisors in the month of February of each year shall cause to be published in the official newspapers and in such other newspapers as may be directed by the board, **except in Westchester county where such publication shall be on the official county website,** and for such number of insertions as the board may determine, a statement of the number of days the board was in session, and the compensation and expenses paid to each member for board sessions and committee work during the preceding fiscal year.

§ 2. Subdivision 2 of section 211 of the county law, as amended by chapter 627 of the laws of 2003, is amended to read as follows:

2. The board of supervisors may cause to be printed or electronically recorded after each session, copies of its proceedings for distribution among its members, county officers or for exchange with other counties. The board may also cause copies of such proceedings to be published after each session in such newspaper or newspapers, **except in Westchester county where such publication shall be made on the official county website,** and for such period of time, as may be designated.

§ 3. Section 214 of the county law, as amended by chapter 685 of the laws of 1951, subdivisions 1 and 2 as amended by chapter 967 of the laws of 1973, is amended to read as follows:

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

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§ 214. [~~Designation of newspapers; official~~] **Official** publications. 1. Concurrent resolutions, election notices and official canvass. The members of the county legislative body, whether such body be denominated board of supervisors, county legislature or otherwise, or, in the city of New York, of the council of such city representing respectively each of the two principal political parties into which the people of the state are divided, shall designate annually the newspaper published within the county to publish the concurrent resolutions of the legislature**, except in Westchester county where such publication shall be made on the official county website**. Such designation shall be in writing and signed by a majority of the members representing each of said political parties. In making such designation, consideration shall be given to the newspapers advocating the principles of such political party, the support of its nominees and the extent of the circulation in the county. However the fact that a newspaper is an independent newspaper not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper published in the county, such newspaper shall be designated. The designation shall be filed with the clerk of the county legislative body or, in the city of New York, with the clerk of the council of such city, who shall not later than January tenth cause notice of the name and address of such newspaper or newspapers to be forwarded to the secretary of state. In like manner the members of the county legislative body or, in the city of New York, of the council of such city representing each of the two principal political parties into which the people of the state are divided, shall designate the newspaper published within the county to publish the election notices issued by the secretary of state and the newspaper to publish the official canvass**, except in Westchester county where such publication shall be made on the official county website**. In the event of a failure so to designate in any year, or if either of such political parties has no representatives among the body or, in the city of New York, council membership, the last newspaper designated by the members of such party shall be deemed duly designated.

2. Local laws and notices. The board of supervisors shall annually designate at least two newspapers published within the county as official newspapers for the publication of all local laws, notices and other matters required by law to be published**, except in Westchester county where such publication shall be made on the official county website**. In such designations consideration shall be given to those newspapers advocating the principles of the two major political parties into which the people of the state are divided and their general circulation throughout the county. However the fact that a newspaper is an independent newspaper and not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper having circulation in the county, that newspaper shall be designated. Except as otherwise provided by law, the clerk of the board shall cause a true copy of each local law to be published in such official newspapers**, and on the official county website in Westchester county,** at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law has become effective; provided, however, that any local law which is subject to a permissive referendum shall be published in such official newspapers **and on the Westchester county official website** at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted. Legalizing acts shall be published as provided in section two hundred twenty-seven **of this article**. Nothing herein shall

be deemed to prevent the designation of additional newspapers for any publication and such designation shall be deemed an official newspaper for the particular publication.

3. Erie [~~county~~] **and Westchester counties**. The provisions herein requiring the designation of official newspapers for the publication of election notices and official canvass shall not apply to the [~~county~~] **counties** of Erie **and Westchester**.

§ 4. Section 216 of the county law, as amended by chapter 760 of the laws of 1956, is amended to read as follows:

§ 216. Location of county offices. The board of supervisors shall have power to select and change the site of any county office or building within the county except as hereinafter provided. No site or location for any county jail shall be selected or acquired by such board of supervisors which shall not have been approved by the state commission of correction. No courthouse, civil office of the sheriff, office of the county clerk, county treasurer, clerk of the board of supervisors or board of elections, now or hereafter located in a city or village, shall be removed beyond the limits of such city or village without the approval of a proposition therefor by the affirmative vote of a majority of the qualified electors of the county voting thereon at a general or special election. The clerk of the board of supervisors shall cause a notice of such election to be published in the official newspapers **and the Westchester county official website** once a week for six weeks previous to such election; and shall on or before the first day of publication cause such notice to be posted upon the bulletin board at the office of each city and town clerk in the county. The notice shall state the time of the election, the name of the office or building and the proposed site thereof by a description in general terms sufficient for readily identifying the proposed site. The clerk shall cause a certificate to be filed with the board of elections stating the proposition to be submitted on or before the first publication. Nothing herein shall be deemed to dispense with any required approval of a site or building by any state officer or department. In the event the board of supervisors proposes changing the present site or sites, as the case may be, of two or more of the above specified offices or buildings from their present site or sites, as the case may be, to one site, such proposal may be contained in one proposition without the necessity of allowing a separate vote on each of the offices or buildings concerned, and in such case, the proposition and the notice of such election shall state, as to each office or building affected, the name of the office or building, the present location thereof by reference to the city or village, as the case may be, and the proposed site thereof by a description in general terms sufficient for readily identifying the proposed site.

§ 5. Subdivision 4 of section 223 of the county law, as renumbered by chapter 678 of the laws of 1951, is amended to read as follows:

4. Within ten days after the adoption of said resolution, the clerk of the board of supervisors shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two publications, and at least twenty days shall elapse from the first publication to the date of the hearing. **The clerk of the Westchester county board of supervisors shall cause a notice of such public hearing to be published on the official county website at least twenty days prior to the date of the hearing.** The notice shall contain an abstract statement of the proposed project and that the survey, plans and estimate may be seen at the office of said clerk. A copy of such notice shall be mailed

to each owner from whom any easement or right-of-way is necessary. The public hearing may be held before the board or any committee of the membership designated for that purpose.

§ 6. Subdivision 2 of section 227 of the county law, as amended by chapter 934 of the laws of 1962, is amended to read as follows:

2. Procedure to legalize. Any municipality or local officer or agency seeking relief under this section shall present to the board of supervisors of the county a petition duly verified setting forth the facts and praying for the relief authorized by this section. Attached to such petition shall be certified copies of all acts done and proceedings had in relation to the subject matter sought to be legalized. The board of supervisors may direct the governing board or officers to do that which should have been done in the first instance and the time prescribed by law for the performance of the act shall be deemed extended to allow compliance therewith, and such acts shall not be legalized until proof is submitted of such compliance. Notice stating the time, place and purpose of the public hearing shall be published at least once in a newspaper designated by the board with due regard for circulation in the municipality affected, **except in Westchester county where such publication shall be made on the official county website,** and posted in at least three public conspicuous places in the municipality at least five days before the date set for the public hearing. One of such notices shall be posted upon the bulletin board of the respective city, village or town clerk's office. The power to conduct such public hearing may be delegated to a standing or special committee of the board which shall file with the board a transcript of the evidence produced together with its recommendations thereon. The board of supervisors or such committee shall have power to compel the production of, and shall consider, any documents or other evidence deemed pertinent to the inquiry and may adjourn from time to time. The legalizing act must be adopted by the affirmative vote of two-thirds of the whole number of the members of the board at a regular or special meeting, provided, however, that legalizing action taken pursuant to paragraph (i) of subdivision one of this section shall be by local law, and provided further where on request of the board the state comptroller submits to it his certified findings and approval of a petition presented pursuant to paragraph (i), such local law may be adopted by the affirmative vote of a majority of the whole number of the members of the board. The legalizing act shall recite the filing of the petition and all proceedings taken thereon and shall contain the text of the act sought to be legalized and the method of, and the maximum maturity of the bonds or capital notes, if any, for financing the obligation or obligations so legalized and validated. It shall state the intentional act, mistake, error or omission cured by the legalizing act; that such intentional act, mistake, error or omission was not the result of fraud and that no substantial hardship will result therefrom and the determination thereon by the board of supervisors legalizing and validating the same. A copy of the legalizing act certified by the clerk of the board shall be published at least once a week for two consecutive weeks in a newspaper designated by the board with due regard for circulation in the municipality affected, the first publication of which shall be had**, except in Westchester county where such publication shall be made on the official county website,** within twenty days after the legalizing act is adopted. The petition and related papers, or certified copies thereof, shall be filed in the office of the county clerk. Subject to limitations or restrictions prescribed by the board of supervisors, the amount of any obligations

legalized and validated hereunder may be paid from available funds or shall be deemed to be a settled claim within the meaning of subdivision thirty-three of paragraph a of section 11.00 of the local finance law which may be financed by the issuance of bonds or capital notes, provided, however, that the maximum maturity of any such bonds shall not exceed six years from the date of issuance of such bonds or from the date of issuance of the earliest bond anticipation note issued in anticipation thereof, whichever date is the earlier, and provided further, however, that the cost shall be charged against the area normally responsible for the payment of the obligation which had been legalized and validated. The cost of all publications under this section shall be a charge upon and be paid by the petitioner. A copy of the legalizing act duly certified by the clerk shall be filed with the state comptroller and with the petitioner. The term "municipality" as used in this section shall include a city, town or village or a fire district, special district, special improvement district or other local governmental agency or authority created by or pursuant to law.

§ 7. Subdivision 1 of section 254 of the county law, as amended by chapter 397 of the laws of 1995, is amended to read as follows:

1. When the agency has caused such maps and plans to be prepared, it shall transmit them to the board of supervisors, together with a report of its proceedings and its recommendations, including a recommendation as to what officer, board or body should be the administrative head or body of the proposed district. Such report may further include the recommendations relating to the establishment of two or more zones of assessment within the proposed district and the estimated initial allocation of the cost of the construction of the facilities as between such zones to be assessed, levied and collected in each zone in the same manner and at the same time as other county charges. Upon receipt of the report and the maps and plans, the board of supervisors shall call a public hearing upon a proposal to establish a county district, to comprise the area or areas described and defined in said maps and plans. No public hearing shall be called to establish a water quality treatment district until the maps and plans have been submitted to and approved in writing by the state department of health. Copy of such notice of approval or denial of the maps and plans shall be filed in the office of the clerk of the board of supervisors of the county in which the proposed district is located. The clerk of the board of supervisors shall cause a notice of the public hearing to be published at least once in the official newspapers of the county and in such other newspapers having a general circulation in the proposed district as the board may direct, **except in Westchester county where such publication shall be made on the official county website,** the first publications thereof to be not less than ten or more than twenty days before the day set therein for the hearing. The notice of hearing shall contain a description of the area or areas to be included within the proposed district, and if the report shall have recommended the establishment of zones of assessment, a description of the area or areas to be included within each zone of assessment, the improvements proposed, the maximum amount to be expended for the improvement, the estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property and, if different, the typical one or two family home, the allocation of such maximum amount as between the zones of assessment recommended, if any, the proposed method of assessment of the cost and shall specify the time when and place where the board of supervisors will meet to consider the matter and to hear all parties interested therein

concerning the same. In the event that zones of assessment are provided for and an allocation of cost of the facilities between such zones of assessment, said notice shall further state that said zones of assessment and said allocations of cost may be changed from time to time by resolution of the board of supervisors adopted after a public hearing whenever said board of supervisors shall determine that such changes are necessary in the public interest. Prior to the publication of the notice of hearing, the board of supervisors shall cause to be prepared, and file for public inspection with the county clerk, a detailed explanation of how the estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property and, if different, the typical one or two family home was computed.

§ 8. Subdivisions 1 and 3 of section 271 of the county law, subdivision 1 as amended and subdivision 3 as added by chapter 622 of the laws of 1984, are amended to read as follows:

1. Notwithstanding the provisions of the preceding section, if the notice of public hearing to be held by the board of supervisors pursuant to section two hundred fifty-four **of this article** shall contain a statement that the cost of the improvement will be assessed in proportion as nearly as may be to the benefit which each lot or parcel of land will derive therefrom, and in the case of a water quality treatment district, such cost shall be assessed, levied and collected as hereinafter provided. The board of supervisors may determine to issue, pursuant to the local finance law, the obligations of the county in such an amount as said board may estimate to be sufficient to pay the entire cost of the improvement, but not in excess of the maximum amount proposed to be expended for the improvement as stated in the notice of hearing published pursuant to section two hundred fifty-four **of this article**. In preparing the annual estimate of revenues and expenditures pursuant to section three hundred fifty-three of this chapter, the administrative head or body shall include, in addition to all costs of operation and maintenance for the next succeeding fiscal year, sums sufficient to pay the annual installment of principal of, and interest on, obligations issued as aforesaid. The administrative head or body shall thereupon annually assess the amount of the estimate of expenditures, less the estimate of revenues as set forth in the estimate so prepared, on the lots and parcels of land in the district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom and shall prepare an assessment roll which shall describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof, and the aggregate amount of the assessment levied upon such lot or parcel of land. The assessment roll shall be submitted to the budget officer at the same time as the estimate is submitted, for transmittal with the tentative budget to the clerk of the board of supervisors. The assessment roll shall remain on file in the office of the clerk and be open to public inspection during business hours. The board of supervisors shall hold a public hearing on the assessment roll. Notice of such public hearing shall be published at least once in the official newspapers**, except in Westchester county where such publication shall be made on the official county website,** stating that said assessment roll has been completed and that at a time and place to be specified therein the board of supervisors will meet and hear and consider any objections which may be made to the roll. The first publication of the notice of the completion of the roll shall be not less than five days before the date specified for the hearing. At the time and place specified, the

board of supervisors shall meet and hear and consider any objections to the assessment roll, and may change or amend the same as it deems necessary or just so to do and may affirm and adopt the same as originally proposed or as amended or changed, or they may annul the same and order the administrative head or body to proceed anew and to prepare another roll or the board of supervisors may prepare such new roll. No such amended, changed or new roll shall be adopted unless the board of supervisors shall hold a hearing thereon in the manner and upon the notice prescribed for the original hearing. It shall be the duty of the board of supervisors to levy the sum apportioned to and assessed upon each such lot or parcel of land at the time and in the manner provided by law for the levy of state, county or town taxes. Such sums so levied shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the county treasurer, or comparable officer or body, in the same manner and at the same time as taxes levied for general county purposes. The county treasurer, or comparable officer or body, shall keep a separate account of such moneys and they shall be used only for purposes of the county district for which collected. Nothing herein shall prevent the public hearing on the assessment roll from being held simultaneously with the hearing on the county budget held pursuant to section three hundred fifty-nine of this chapter. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of this section, then the cost of any improvement made pursuant to section two hundred sixty-eight **of this article** shall be assessed, levied and collected pursuant to the provisions of this section. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of section two hundred seventy **of this article**, then the cost of any improvement made pursuant to section two hundred sixty-eight **of this article** shall be assessed, levied and collected pursuant to the provisions of section two hundred seventy **of this article**.

3. In the case of water quality treatment districts, the board of supervisors shall cause to be prepared estimates required to meet expenses for the annual monitoring, testing, operation and maintenance of the district, at the same time as provided in this section for the preparation of the assessment roll. Such annual estimates shall contain the anticipated revenue and expenditures for such district for the ensuing year. It shall also show the amount of expenses which shall be apportioned or charged against each lot or parcel within such district in proportion as nearly as may be to the benefit which each such lot or parcel will derive therefrom. After such annual estimates have been prepared the board of supervisors shall cause a notice to be published in the official newspapers**, except in Westchester county where such publication shall be made on the official county website,** that the same may be examined in the office of the clerk and that a public hearing will be held thereon by the board of supervisors, specifying the time when and the place where such hearing will be held. Such public hearing may be held on the same day as the hearing on the county budget pursuant to section three hundred fifty-nine of this chapter. Such notice shall be published at least five days before such hearing. After such hearing the board of supervisors shall adopt such estimates or it may amend and modify the same. If the amount apportioned against any one parcel is increased after the public hearing, the board of supervisors shall hold another public hearing on like notice. Such annual estimates and the

apportionment against each such lot or parcel shall be adopted by the board of supervisors no later than the date of adoption of the annual county budget. After such adoption such annual estimates shall be filed in the office of the county clerk, and the board of supervisors shall levy the amount apportioned to each lot or parcel at the time and in the manner provided by law for the levy of town and county taxes. Such amount so levied shall be collected and enforced at the same time and in the manner that town and county taxes are collected and enforced. Nothing in this section contained shall be construed to prevent the financing, in whole or in part, of expenditures by private sources, grants or by other means.

§ 9. Subdivisions 3, 4 and 5 of section 274-a of the county law, as added by chapter 620 of the laws of 1996, are amended to read as follows:

3. Notice. The clerk of the board of supervisors shall give notice of such hearing in such newspapers**, except in Westchester county where such publication shall be made on the official county website,** and within such time period as set forth in section two hundred fifty-four of this article. Such notice shall specify the time when and the place where such hearing will be held and, in general terms, describe the proposed consolidation and shall specifically state the proposed disposition of the property and indebtedness of the original districts, and where appropriate, the proposed basis of the future assessment of all costs of operation, maintenance and improvement including whether zones of assessment are to be established and the costs of district facilities are to be allocated as between such zones. Such notice shall also state that the county agency has issued a report on the proposed consolidation, if such be the case, and shall specify where a copy of such report may be examined prior to the public hearing.

4. Hearing. The board shall meet at the time and place specified in such notice and hear all persons interested in the subject matter thereof concerning the same. If the board shall determine, upon the evidence given thereat, that it is **in** the public interest to consolidate all of the districts specified in said notice, or two or more thereof, if such be the case, or to assess future costs of operation, maintenance and improvements on a particular basis where appropriate, the board may adopt a resolution subject to a permissive referendum, so consolidating such districts, if such be the case, and [~~were~~] **where** applicable, setting forth the basis for the future assessment of all costs of operation, maintenance and improvements, including whether zones of assessment are to be established and the costs of district facilities are to be allocated as between such zones.

5. Notice of adoption of resolution. Within ten days after the adoption by the board of a resolution consolidating districts, the board shall give notice thereof at the expense of the county, by the publication of a notice in such newspapers**, except in Westchester county where such publication shall be made on the official county website,** and within such time period as set forth in section one hundred one of this chapter. Such notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution, describing in general terms, the districts so consolidated, and shall specify the basis for the future assessment of all costs of operation, maintenance and improvements where applicable, a description of boundaries of zones of assessment and costs proposed to be allocated thereto, if any, and that such resolution was adopted subject to a permissive referendum.

§ 10. The closing paragraph of section 280-v of the county law, as added by chapter 1185 of the laws of 1971, is amended to read as follows:

In preparing the annual estimate of revenues and expenditures pursuant to section three hundred fifty-three of this chapter, the administrative head or body shall include, in addition to all costs of operation and maintenance for the next succeeding fiscal year, sums sufficient to pay the annual installment of principal of, and interest on, obligations issued as aforesaid. The administrative head or body shall thereupon annually assess the amount of the estimate of expenditures, less the estimate of revenues including financial aid and assistance made available by the state or federal government as set forth in the estimate so prepared, on the lots and parcels of land in the district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom and shall prepare an assessment roll which shall describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof, and the aggregate amount of the assessment levied upon such lot or parcel of land. Provided, however, that for a hurricane protection project such assessment shall be at a rate not to exceed twenty per centum of the net annual cost to the county for such improvement when such lot or parcel is publicly used or owned and not to exceed seventy per centum of such cost when the lot or parcel is privately owned. Provided further, that for single purpose flood or shoreline erosion control projects, such assessment shall be at a rate up to one hundred per centum of the net annual cost to the county whether such lot or parcel is publicly or privately owned. The assessment roll shall be submitted to the budget officer at the same time as the estimate is submitted, for transmittal with the tentative budget to the clerk of the governing body. The assessment roll shall remain on file in the office of the clerk and be open to public inspection during business hours. The governing body shall hold a public hearing on the assessment roll. Notice of such public hearing shall be published at least once in the official newspapers**, except in Westchester county where such publication shall be made on the official county website,** stating that said assessment roll has been completed and that at a time and place to be specified therein the governing body will meet and hear and consider any objections which may be made to the roll. The first publication of the notice of the completion of the roll shall be not less than five days before the date specified for the hearing. At the time and place specified, the governing body shall meet and hear and consider any objections to the assessment roll, and may change or amend the same as it deems necessary or just so to do and may affirm and adopt the same as originally proposed or as amended or changed, or it may annul the same and order the administrative head or body to proceed anew and to prepare another roll or the governing body may prepare such new roll. No such amended, changed or new roll shall be adopted unless the governing body shall hold a hearing thereon in the manner and upon the notice prescribed for the original hearing. It shall be the duty of the governing body to levy the sum apportioned to and assessed upon each such lot or parcel of land at the time and in the manner provided by law for the levy of state, county or town taxes. Such sums so levied shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the county treasurer in the same manner and at the same time as taxes levied for general county purposes. The county treasurer shall keep a separate account of such moneys and they

shall be used only for purposes of the county district for which collected. Nothing herein shall prevent the public hearing on the assessment roll from being held simultaneously with the hearing on the county budget held pursuant to section three hundred fifty-nine of this chapter. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of this section, then the cost of any improvement made pursuant to section two hundred eighty-s **of this article** shall be assessed, levied and collected pursuant to the provisions of this section. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of section two hundred eighty-u **of this article**, then the cost of any improvement made pursuant to section two hundred eighty-s **of this article** shall be assessed, levied and collected pursuant to the provisions of section two hundred eighty-u **of this article**.

§ 11. Section 359 of the county law, as amended by chapter 197 of the laws of 1952, is amended to read as follows:

§ 359. Public hearing; distribution of tentative budget. Before the final adoption of the budget, the board of supervisors shall hold a public hearing on the tentative budget with such changes, alterations and revisions, as shall have been made therein by such board pursuant to section three hundred fifty-eight **of this article**. The clerk of the board of supervisors shall cause to be printed or otherwise reproduced at least one hundred copies of such tentative budget as so changed, altered and revised, but the board of supervisors, by resolution, may direct that a greater number of copies be so printed or reproduced. The time when and place where such hearing shall be held shall be fixed by resolution of the board of supervisors. The clerk of the board of supervisors shall cause a notice to be published stating the time, place and purpose of the public hearing and that copies of the tentative budget on which the public hearing will be held are available at his office and may be inspected or procured thereat by any interested person during business hours. There shall be included in the notice of the public hearing on the tentative budget, or in a separate notice published in the same manner and at the same time as such notice of hearing, a statement of the maximum salary, or the maximum rate of per diem compensation, or both, as the case may be, that may be fixed and payable during the ensuing fiscal year to the members of the board of supervisors and to the chairman respectively. The notice of public hearing shall be published at least once in the official newspaper or newspapers of the county, and in such other newspapers**, except in Westchester county where such publication shall be made on the official county website,** and for such other times as the board of supervisors, by resolution, may direct. At least five days shall elapse between the first publication of such notice and date specified for the hearing. The hearing shall be held on the date so specified at which time any person may be heard. The hearing may be adjourned from day to day, but not later than the twentieth day of December.

§ 12. This act shall take effect immediately.