
CHAPTER 972

AN ACT to authorize the town board of the town of North Hempstead, Nassau county to establish the Shelter Rock public library

Became a law April 30, 1962, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. Establishment of library. Notwithstanding the provisions of any general or special law to the contrary, the town board of the town of North Hempstead, Nassau county is hereby authorized to establish a public library, to be known as the Shelter Rock public library, within the area described as follows:

North
Hempstead,
town,
public
library.

All that part of the town bounded on the east by the incorporated village of Old Westbury, on the south by the incorporated villages of East Williston, Williston Park, Mineola and the town of Hempstead, on the west by union free school districts number five and number seven of the town of North Hempstead, and on the north by the incorporated village of North Hills, Roslyn school district number three and the incorporated village of East Hills.

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

§ 2. Election required. The town board shall not establish the library unless such establishment of the library is approved by a majority of those residents of the area to be served by the library voting in an election held pursuant to article six of the town law.

§ 3. Trustees. 1. Five trustees of the library shall be elected at the same election. Nominations in petition form, and subscribed to by at least twenty-five persons qualified to vote on the proposition shall be filed at least ten days before the election with the clerk of the town. The first trustees shall determine by lot the year in which the term of each trustee shall expire. The term of one trustee shall expire on the last day in the second December after the establishment of the library and each year thereafter the term of one trustee shall expire, who shall be so elected at an annual election held on the first Tuesday in the month of December of each year.

2. All persons who are residents of the area to be served by the library and electors of the town of North Hempstead and the owner of property assessed upon the last preceding town assessment roll, shall be eligible to vote.

3. Persons nominated for the office of trustees shall be so nominated by a petition subscribed to by at least twenty-five persons qualified to vote and to be filed at least ten days before the election in the office of the clerk of the library which election shall be conducted by the trustees under the provisions for elections under the education law for union free school districts. All trustees must be qualified voters as described herein.

§ 4. Extension of the library. 1. The town board may extend the area of the library to include any contiguous lands within the town. But the area shall not be so extended unless a majority of the trustees of the library have consented in writing to the proposed extension. For each such extension the town board shall hold an election of the residents of the area in the proposed extension in the manner provided in section two of this chapter.

§ 5. Application for charter. The duly elected trustees shall, within thirty days after the town board establishes the library, apply to the board of regents for a charter as a public library. Except as is otherwise provided by this act, the trustees shall, upon receiving such a charter, have the powers of trustees of a public library as set forth in the education law.

§ 6. Officers of the library. The trustees shall, at their first meeting each year, elect or appoint a president and vice-president, who shall be members of the board and a clerk, treasurer and such other officer as they deem necessary.

§ 7. Budget. 1. The board of trustees shall annually file with the town clerk at the time specified in section one hundred eleven of the town law, an estimate of proposed expenditures and capital outlay to be raised by taxes, of the library 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 such expenditures as approved by said town less any estimated revenues.

2. The board of trustees may, upon establishment of the library, file with the town board estimates of the necessary expenses incidental to the creation of the library (other than the cost of the election on the proposition) and the other expenses incurred or to be incurred prior to the first levy of taxes for such library. The town board may reduce the total of such estimates. The town board shall authorize the supervisor to pay over to the treasurer of the library the amount of the approved estimate. The town may issue tax anticipation notes pursuant to subdivision two of paragraph d of section 24.00 of the local finance law for such moneys.

§ 8. Expense of library. 1. If the library is established, the cost of the election on the proposition, including the costs of publishing and posting notices, shall be considered an expense of the library. The first tax levied for library purposes shall include an amount sufficient to pay the cost of the election. The supervisor of the town shall pay into the general fund of the town from the first moneys collected by a tax for library purposes the cost of the election.

2. The trustees of the library shall take charge and possession of sites, lots, furniture, books and all library property within its area. Title for same shall be vested in the library and the cost of acquiring, leasing, constructing, operating and maintaining a public library and the necessary charges thereof shall be an expense of such library.

3. The trustees may accept on behalf of the library any gift, devise or bequest of real or personal property. The expense of the library shall be assessed, levied and collected from the several lots and parcels of land within the area served in the same manner and at the same time as other town charges.

4. All taxes, assessed, levied and collected for the library except as is hereinafter provided for debt service and except as is provided in subdivision one, and all state aid or other aid for the library shall be paid to the treasurer of the library. The treasurer shall within ten days deposit such moneys in such national or state 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 depository.

§ 9. Undertakings. The board of trustees shall require the treasurer and the town board or the board of trustees may require any other officer or employee of the library before entering upon his duties to give an official undertaking, conditioned for the faith-

ful performance of his duties and that he will well and truly keep, pay over, and account for all moneys and property belonging to the library and coming into his hands as treasurer, other officer or employee in such form, and in such sum and with such sureties as the board of trustees or, if the town board require the undertaking, as the town board shall direct and approve. Such approval shall be indicated upon such undertaking. When approved, such undertaking shall be filed in the office of the town clerk. The town board by resolution may determine that any such undertakings or bonds shall be executed by a surety company authorized to transact business in the state of New York and the board of trustees may make the expense thereof a charge against the library.

§ 10. Acceptance of conditional gifts. The board of trustees may accept any conditional gift made pursuant to section two hundred fifty-seven of the education law if the town board by resolution has approved such gift.

§ 11. Funds. 1. The treasurer of the library shall be custodian of all funds of the library, including gifts and trust funds paid over to the trustees, except funds the deposit or investment of which is provided for by section 165.00 of the local finance law and except as is provided by subdivision three of this section.

2. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which town funds may be invested.

3. The supervisor shall pay over to the treasurer of the library all moneys which belong to or are raised for the library except moneys needed for debt service. The supervisor shall retain such sums as will be needed to pay principal and interest on indebtedness contracted by the town for library purposes.

4. No moneys shall be disbursed by the treasurer 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 subdivision, no such claim shall be audited or ordered paid by the trustees unless an itemized voucher therefor, verified by or on behalf of the claimant, in such form as the board of trustees shall prescribe, shall have been presented to the board of trustees for audit and allowance. The board of trustees may, however, provide by resolution that any such claim may be presented, audited and paid if it shall have been certified to be true and correct in a statement signed by or on behalf of the claimant upon a form prescribed by the board of trustees. The provisions of this subdivision shall not be applicable to claims for the payment of fixed salaries of officers or employees and amounts which the library may be required to pay to the state employees' retirement system on account of contributions for past and current services of officers and employees. The treasurer shall keep such records and keep his records in such manner as the town comptroller may require.

§ 12. Capital improvements and indebtedness. 1. No lands or interests in lands shall be acquired and no capital improvements shall be constructed without the consent of the town board.

§ 13. Short title. This act shall be known as the Shelter Rock public library act.

§ 14. Termination. The provisions of this act shall terminate on February fifteenth, nineteen hundred sixty-three unless prior to that time the library shall have been established and a charter for a public library received.

§ 15. This act shall take effect immediately.

CHAPTER 974

AN ACT to amend the general city law, in relation to annexation of territory to cities

Became a law April 30, 1962, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

General
City
Law,
§ 120,
subd.
2, 10, 11,
amended.

Section 1. Subdivisions two, ten and eleven of section one hundred twenty of the general city law, as added by chapter nine-hundred nineteen of the laws of nineteen hundred sixty-one, are hereby amended to read as follows:

2. Within twenty days after the receipt of such petition, the governing body of such city and the town board of the town in which such territory is situated shall respectively cause to be published once in the official papers of such city and of such town, as the case may be, or if there be no official newspaper in said town or city in a newspaper published in the county having general circulation in such town or city and posted in five public places in such territory a notice that a petition for the annexation of territory to the city (naming it) has been received by the governing body of such city and the town board of the town in which such territory is situated, that at a place in such city or town on a day not less than ten nor more than twenty days after the posting and publishing of such notice, which place and date shall be specified therein, a joint hearing will be had upon such petition by the governing body of such city and town board of the town in which such territory is situated. The town board shall cause a copy of such notice to be mailed not less than ten days prior to the date of such joint hearing to the secretary of the board of fire commissioners of any fire district or districts or of any town improvement district operated by a separate board of commissioners in which such territory proposed to be annexed is wholly or partly located. *In the event that the town board of the town shall fail to publish and post such notice or to cause copies thereof to be mailed to such secretaries, the governing body of such city shall have power, during an additional twenty days following such twenty day period, to amend and republish its notice if it deems this to be desirable, and, on behalf of such town board to publish and post the notice of the hearing and to cause copies thereof to be mailed to such secretaries.* The governing body of such city and the town board of the town in which such territory is situated shall meet at the time and place specified in such notice and shall hear any objections which may be presented against such petition for annexation upon any of the following grounds:

- a. That a person signing the petition is not qualified therefor; or
- b. That the persons signing such petition do not constitute twenty per centum of the electors residing within such territory; or