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## CHAPTER 856

AN ACT to authorize the town boards of the towns of Oyster Bay and North Hempstead, Nassau county, to establish the North Shore community public library

Became a law June 22, 1968, with the approval of the Governor. Passed on two Home Rule requests pursuant to article IX, section 2(b)(2) of the Constitution 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 boards of the towns of Oyster Bay and North Hempstead, Nassau county, are hereby authorized, acting jointly by a majority vote of the members of each of such town boards, to establish a public library, to be known as the North Shore community public library, within the area described as follows:

All that part of central school district number one in the towns of Oyster Bay and North Hempstead exclusive of the portion thereof within the incorporated village of Sea Cliff, the area of said public library being bounded on the north by said incorporated village of Sea Cliff and by the city school district of the city of Glen Cove also known as school district number five, on the east by Locust Valley central school district number three, on the south by Jericho union free school district number fifteen and Roslyn union free school district number three, and on the west by Hempstead harbor and the incorporated village of Sea Cliff.

§ 2. Election required. Such town boards shall not establish the library as hereinbefore authorized 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 at the same time in each of such towns 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 of Oyster Bay and a true copy thereof, duly certified

by such clerk, shall be transmitted by such clerk and filed with the clerk of the town of North Hempstead within twenty-four hours after such original filing. 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 in each of such towns 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 either the town of Oyster Bay or the town of North Hempstead and the owner of property assessed upon the last preceding town assessment roll of either of such towns, shall be eligible to vote.

3. Persons nominated for the office of trustees after the first election of trustees as provided in subdivision one of this section 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. The town boards of such towns, acting jointly by a majority vote of the members of each of such town boards, may extend the area of the library to include any contiguous lands within either of such towns. 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 boards of such towns 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 boards establish the library as hereinbefore authorized, 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 of each such town 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

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boards of such towns, acting jointly by a majority vote of the members of each of such town boards, may, however, reduce the total specified in such estimate; and each such town board shall levy taxes against the taxable real property in the areas thereof served by the library for the total of such expenditures as approved by said town boards less any estimated revenues, in the proportion thereof in each such town that the total of the assessed valuation of all the taxable real property in the area served by the library in such town, as shown by the latest completed assessment roll of the town, bears to the total of the assessed valuation of all the taxable real property served by the library in both such towns, as shown by the latest completed assessment rolls of each such town.

2. The board of trustees may, upon establishment of the library, file with the town board of each such town 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 boards of such towns, acting jointly by a majority vote of the members of each of such town boards, may reduce the total of such estimates. The town board of each such town shall authorize the supervisor thereof to pay over to the treasurer of the library the proportion of the amount of the approved estimate for which the town is responsible, determined in accordance with assessed valuation of the taxable real property therein in the manner specified in subdivision one of this section. The towns 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, as hereinbefore provided, 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 each of the towns shall pay into the general fund of the town from the first moneys collected by a tax for library purposes its proportionate share of the cost of the election, determined in like manner as provided for the expenses of the library in section seven of this act.

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 proportion of the expense of the library in each town shall be assessed, levied and collected from the several lots and parcels of land within the area of the town served by the library 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 of this section, 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 depositary.

§ 9. Undertakings. The board of trustees shall require the treasurer and the town boards of such towns, acting jointly by a majority vote of the members of each of such town boards, 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 faithful 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 boards require the undertaking, as the town boards 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 of the town of Oyster Bay. The town boards of such towns, acting jointly by a majority vote of the members of each of such town boards, 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 boards of such towns, acting jointly by a majority vote of the members of each of such town boards, by resolution have 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 supervisors of each of the towns of Oyster Bay and North Hempstead shall pay over to the treasurer of the library all moneys which belong to or are raised for the library except moneys needed

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for debt service. The supervisor of each such respective town shall retain such sums as will be needed to pay principal and interest on indebtedness contracted by his 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. No lands or interests in lands shall be acquired and no capital improvements shall be constructed without the consent of the town boards of the towns of Oyster Bay and North Hempstead, acting jointly by a majority vote of the members of each of such town boards.

§ 13. Short title. This act shall be known as the North Shore community public library act.

§ 14. Termination. The provisions of this act shall terminate on February fifteenth, nineteen hundred seventy, 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.

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