

Huntington, Town of—Commack Public Library District

CHAPTER 834

An Act to establish the Commack public library district, in the town of Huntington, Suffolk county.

Approved June 25, 1971, effective July 1, 1971.

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

Section 1. Notwithstanding the provisions of any general, special, or local law to the contrary, there is hereby created and established in the town of Huntington, Suffolk county, a public library district, to be known as the Commack public library district, which shall include all the territory within union free school district number ten of the towns of Huntington and Smithtown, Suffolk county, situate in the unincorporated area of the town of Huntington.

§ 2. The several lots and parcels of land within the area of said Commack public library district are hereby determined to be benefited by the library facilities and services of Commack public library created pursuant to chapter one thousand nine of the laws of nineteen hundred sixty-six, as amended by chapter seven hundred forty-four of the laws of nineteen hundred sixty-nine, existing as of the effective date of this act and the town board of the town is hereby authorized to assess, levy and collect the necessary expenses of operation, maintenance and repairs 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 purposes of such library district, as hereinafter provided, as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land in the same manner and at the same time as other town charges.

§ 3. The trustees of said Commack public library in office on the effective date of this act shall continue to serve as trustees of the Commack public library district, as provided in section two hundred sixty of the education law, and the successor trustees of the Commack public library district shall be elected by the qualified voters of union free school district number ten of the towns of Huntington and Smithtown residing in the Commack public library district.

§ 4. Said trustees shall, within thirty days after the establishment of said Commack public library district, 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; provided, however, that until such charter is granted by the board of regents, the Commack public library district shall function as a public library pursuant to the charter granted to the Commack public library and the trustees of the Commack public library district shall have all of the powers pursuant to such charter as exist on the effective date of this act.

§ 5. Except as herein provided, said Commack public library district shall constitute an improvement district within the meaning of the town law, 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.

§ 6. Except as otherwise provided by this act, the provisions of the education law relating to public libraries shall be applicable to Commack deletions by strikeouts

public library district. The fiscal year of said library district shall commence on the first day of the fiscal year of union free school district number ten of the towns of Huntington and Smithtown and end on the last day of the fiscal year of said school district.

§ 7. The facilities of said Commack 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 section one hundred ninety-three of the town law provided that no such public hearing shall be called unless the purpose thereof shall have been requested and approved in writing by a majority of the trustees of such district. The purchases of books, magazines, newspapers, writings and other types of literature, recordings, visual aids, films and other materials generally used in the operation of a public library, shall not be deemed to require the procedure herein prescribed.

§ 8. Title and interests in all library property both real and personal, and both tangible and intangible, now held by the board of trustees of said Commack public library shall be transferred to, vested in and be acquired by the board of trustees of said Commack public library district created and established pursuant to this act on the effective date hereof.

§ 9. The board of trustees of the Commack public library district shall prepare and present at the annual meeting or a special meeting of union free school district number ten of the towns of Huntington and Smithtown called for that purpose a detailed statement in writing of the amount of money to be appropriated for library purposes for the next ensuing fiscal year exclusive of the public moneys and specifying the several purposes and the amount for each. This section shall not be construed to prevent the board of trustees from presenting such statement at a special meeting called for the purpose, nor from presenting a supplementary or amended statement or estimate at any time. Such statement shall be completed at least seven days before the annual or special meeting at which it is to be presented and copies thereof shall be prepared and made available, upon request, to qualified voters within the Commack public library district during the period of seven days immediately preceding such meeting and at such meeting. The board of trustees of the Commack public library district shall also as a part of the notice required by section two thousand four of the education law give notice that a copy of such statement may be obtained by any qualified voter in said public library district at each library therein during regular business hours of the seven days immediately preceding such meeting.

The qualified voters of union free school district number ten of the towns of Huntington and Smithtown residing in the Commack public library district shall be eligible to vote upon the appropriation for library purposes and the levy of assessments for said Commack public library district at such annual meeting or a special meeting called for the purpose.

§ 10. The board of trustees of Commack public library district shall annually file, following such annual district meeting or special meeting called for the purpose, with the town clerk of the town of Huntington, at the time specified in section one hundred eleven of the town law, the statement of the appropriation for library purposes to be raised by assessments of said Commack public library district for the next ensuing fiscal year. The town board shall assess, levy and collect assessments

from the several lots and parcels of land in Commack public library district as hereinabove specified for the amount of such appropriation less any estimated revenues.

§ 11. The board of trustees of Commack public library district may, after the effective date of this act and prior to September twentieth, nineteen hundred seventy-one, file with the town board estimates of the necessary expenses for library purposes incurred or to be incurred prior to the first levy of taxes for such library for the fiscal year commencing July first, nineteen hundred seventy-one, provided that such expenses shall be payable from the appropriation for library purposes of Commack public library for the fiscal year of union free school district number ten of the towns of Huntington and Smithtown approved by the qualified voters of said school district residing in the town of Huntington. The town of Huntington 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 Commack public library district may accept on behalf of the district any gift, devise or bequest of real and personal property.

§ 12. The town board of the town of Huntington shall have the power to authorize, sell and issue bonds, notes or other evidences of indebtedness of the town pursuant to the local finance law in order to permit Commack public library district to provide facilities for library purposes. The proceeds of such bonds, notes or other evidences of indebtedness shall be paid to the financial secretary of the library district to be expended only by the financial secretary upon the authorization of the trustees.

§ 13. All moneys assessed, levied and collected, for the library district except as is hereinafter provided for debt service and all state aid or other aid for the library district shall be paid to the financial secretary of the library district. The financial secretary 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 financial secretary upon the authorization of the trustees. Such designation and deposit shall release such financial secretary and his sureties from any liability for loss of such moneys by reason of the default or insolvency of any such depository. The town shall retain from such moneys a sum equal to the amount of principal of and interest on bonds, notes or other evidences or indebtedness of the town issued for the purposes of such library district due and payable during the current fiscal year.

§ 14. The trustees shall at their first meeting each year, elect or appoint a president, vice-president and financial secretary who shall be members of the board and a secretary and such other officers as they deem necessary. The secretary shall not be a member of the board and may be entitled to receive compensation as fixed by resolution of the trustees.

§ 15. This act shall take effect July first next succeeding the date on which it shall have become a law.