

LAWS OF NEW YORK, 1997

CHAPTER 299

AN ACT to establish a library district in the Shoreham-Wading River central school district and the Rocky Point union free school district, Suffolk County

Became a law July 29, 1997, 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 North Shore Public Library District. Notwithstanding the provisions of any general, special or local law to the contrary there is hereby created and established in the county of Suffolk a public library district which shall include all of the Shoreham-Wading River central school district and all of the Rocky Point union free school district and shall be called the North Shore public library district.

§ 2. Election. a. The North Shore public library district shall not come into existence unless and until it is approved and the initial proposed budget is approved by a vote of the majority of the qualified voters of both the Shoreham-Wading River central school district and the Rocky Point union free school district voting in an election held pursuant to the following provisions. Upon receipt of a petition signed by not less than twenty-five such qualified voters requesting such an election, the board of trustees of the Shoreham-Wading River public library shall give notice of an election to be conducted on the first Thursday in September of 1997. At said election the issues shall be:

1. whether the North Shore public library district herein described shall be created or not; and
2. whether the budget therefor proposed by the board of trustees of the Shoreham-Wading River public library shall be approved or disapproved.

b. The trustees of the Shoreham-Wading River public library shall give notice of said election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees of the Shoreham-Wading River public library shall cause copies of such notice to be posted conspicuously in at least five public places in the district to be served at least thirteen days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the issues to be decided at said election and the hours during which the polls will be open for receipt of ballots. The board of trustees of the Shoreham-Wading River public library shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from ten o'clock a.m. until nine o'clock p.m., and such additional consecutive hours prior thereto as the board of trustees of the Shoreham-Wading River public library may have determined and specified in the

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

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notice thereof. The board of trustees shall designate a resident taxpayer of the district to be served to act as chairman of any election of such district and shall designate not less than two nor more than four such resident taxpayers to act as election inspectors and ballot clerks at such elections. Said chairman shall be responsible, among other things, for assuring that the ballots of residents of the Shoreham-Wading River central school district are tallied separately from the ballots of residents of the Rocky Point union free school district. No trustee shall serve as such chairman or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at the initial election or at any annual elections or at any subsequent special election. Such resolution, if adopted, may fix reasonable compensation for the services of each such official. Every voter of the Shoreham-Wading River central school district or the Rocky Point union free school district otherwise qualified to vote at a school district election shall be qualified to vote at said election. After the polls have been closed at said election, the election inspectors and ballot clerks shall immediately canvas publicly the ballots cast and the chairman of the election shall make a public announcement separately stating the results with respect to ballots cast by the residents of the Shoreham-Wading River central school district and the Rocky Point union free school district. Within seventy-two hours thereafter, the chairman, election inspectors and ballot clerks shall execute and file a certificate of the result of the election with the board of trustees and with the clerks of the Shoreham-Wading River central school district and the Rocky Point union free school district.

c. In the event that the district is created, then there shall be an annual election conducted by the board in accordance with the provisions of subdivision (b) of this section at a time to be set by the board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section four of this act shall be submitted to the voters. Notwithstanding the preceding sentence, the ballots at such annual elections shall not be tallied to separately reflect the ballots cast by residents of the Shoreham-Wading River central school district and residents of the Rocky Point union free school district and the results of any such annual election shall be determined by a majority of the ballots cast by residents of the North Shore public library district herein described and created.

d. Candidates for the office of member of the board of trustees shall be nominated by petition. No vacancy upon the board of trustees to be filled shall be considered a separate specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the district, shall be signed by at least twenty-five qualified voters of the district, or two percent of the voters who voted in the previous annual election of the members of the board of trustees, whichever is greater, (such number to be determined by the number of persons recorded on the poll list as having voted at such election) shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominee shall withdraw his candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitations applicable to other candidates is filed with the secretary of the district. Each petition shall be filed in the

office of the secretary of the district between the hours of nine o'clock a.m. and five o'clock p.m., not later than the thirtieth day preceding the meeting or election at which the candidates nominated are to be elected.

e. At any election in such district, the voters may adopt a proposition providing that, in all subsequent elections, vacancies upon the board of trustees shall be considered separate specific offices and that the nominating petitions shall describe the specific vacancy upon the board of trustees for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. No person shall be nominated for more than one specific office. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the electors of the district at a regular election by the adoption of a proposition to repeal the same.

§ 3. Organization and structure. The North Shore public library district shall be managed, operated and controlled by a board of trustees consisting of five members. The members of the board of trustees of the Shoreham-Wading River public library district in office on the date the district comes into existence shall constitute the initial board of trustees of the North Shore public library district. As vacancies occur trustees shall be elected at the annual election herein provided for to serve for five year terms by the voters of the North Shore public library district, said terms to commence on the first day of July next following the election. Only qualified voters of the district shall be eligible for election to the board of trustees. The board of trustees at its first meeting each year shall elect or appoint a president and vice-president who shall be members of the board and a clerk, treasurer and such other officers as they deem necessary. If the board so determines, the offices of clerk and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Finances. a. The initial budget for the North Shore public library district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided for. All future budgets that increase or decrease the appropriation last approved by the voters shall be submitted to the residents of the library district for approval by a majority of those residents voting at the annual election of trustees held pursuant to subdivision (c) of section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly in the banner and at the time set forth in this section.

b. The board of trustees shall annually file with the supervisors of the towns of Brookhaven and Riverhead on or before the first day of October in each year a certification of the total appropriation for library purposes and an allocation thereof to each town, to be raised by levy for the North Shore public library district in the tax year beginning with the succeeding first day of December. The supervisors shall not make any change in the appropriations or allocations submitted by the board of the library district and shall include such appropriation in the certification to the county legislature required by section 12 of the Suffolk County Tax Act (Laws of 1920, Chapter 311, as amended).

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c. The town tax receivers of Brookhaven and Riverhead shall, in accordance with section six of this act and in accordance with subdivision (a) of section 13 of the Suffolk County Tax Act, levy against the real property lying within the boundaries of the North Shore public library district for each town's allocable portion of the total appropriation as certified by the board of trustees as hereinbefore provided.

d. The town board of the towns of Brookhaven and Riverhead shall have the power to authorize, sell and issue bonds, notes or other evidence of indebtedness pursuant to the local finance law in order to permit the library district to provide facilities or improve facilities for library purposes. Upon written request from the board of trustees of the North Shore public library district, the town board shall authorize, sell and issue such bonds, notes or other evidences of indebtedness as are necessary to accomplish the improvements specified in the notice. The proceeds of such bonds, notes, or other evidences of indebtedness shall be paid to the treasurer of the library district and maintained in a segregated fund in accordance with section 165.00 of the local finance law and expended by the treasurer only on specific authorization by the board of trustees.

e. The board of trustees of the library district may accept on behalf of the North Shore public library district any absolute gift, devise or bequest of real or personal property and such conditional gifts, devises or bequests as it shall by resolution approve.

f. The treasurer of the North Shore public library district shall be custodian of all funds of the library district including gifts and trust funds paid over to the trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which town or school district funds may be invested. Proceeds of obligations received from the town may be invested in accordance with section 165.00 of the local finance law. The tax receivers and supervisors of the towns of Brookhaven and Riverhead shall pay over to the library district all monies which belong to or are raised for the library district in accordance with the time frame and allocation requirements set forth in sections 13 and 14 of the Suffolk County Tax Act as applicable to school districts. No monies 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 section. No such claims shall be audited or ordered paid by the trustees unless an itemized voucher therefor, certified or verified by or on behalf of the claimant in such form as the board of trustees shall prescribe, shall be presented to the board of trustees for audit and allowance. The provisions of this section shall not be applicable to payment of claims of fixed salaries and amount which the library district may be required to pay on account of retirement contributions for past and current services to officers and employees of the library district. The treasurer shall keep such records and in such manner as the board of trustees may require.

§ 5. Charter, commencement of operations, and transfer of property and employees. The initial trustees shall, within thirty days from the date of approval of the library district by the voters of the district, apply to the board of regents for a charter as a public library. Upon the granting of such a charter by the board of regents, then the Shoreham-Wading River public library district shall be expanded to include the Rocky Point union free school district and shall be converted to and merged within the North Shore public library district as herein described, and title to and/or interest in all real and personal proper-

ty, tangible and intangible, now held by the Shoreham-Wading River public library district, shall be deemed to vest in the North Shore public library district. Such interest shall include, but not be limited to, the use and occupation of the Shoreham-Wading River library building and all rights and benefits occurring to the Shoreham-Wading River Public Library under the memorandum of understanding with the Shoreham-Wading River Central School District dated December 5, 1995. All additional benefits accruing to the Shoreham-Wading River public library district, including but not limited to the receipt of payments in lieu of taxes pursuant to section 1020-q of the public authorities law and transition aid pursuant to section 545 of the real property tax law shall accrue to and be enforceable by the North Shore public library district. However, the North Shore public library district shall not be liable for any refund of such payments in lieu of taxes previously received by the Shoreham Wading River public library district. All employees of the Shoreham-Wading River public library district shall become employees of the North Shore public library district upon the same terms and conditions of employment at the same rate of pay as their previous employment by the Shoreham-Wading River public library district, effective upon the granting of the charter by the board of regents.

§ 6. Ad valorem levy. The several lots and parcels of land within the area of North Shore public library district are hereby determined to be benefited by the library facilities and services existing as of the effective date of this act and the town boards of the towns of Brookhaven and Riverhead are hereby authorized to assess, levy and collect the necessary expenses of operation, maintenance and repair of such facilities and services and such capital improvements including debt service on bonds, notes or other such evidences of indebtedness of the town issued for the purpose of such library district 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.

§ 7. Education law. Except as otherwise provided by this act, the provisions of the education law relating to public libraries shall be applicable to the North Shore public library district herein established.

§ 8. Town law. Except as herein provided, said 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.

§ 9. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

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