

S T A T E O F N E W Y O R K

8120--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. GALEF -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to the merger of the Ossining town and village courts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The board of trustees of the village of Ossining, at least
2 sixty days prior to the regular election to be held in November 2011,
3 may by resolution abolish the village court and the office of village
4 justice of such village, effective January 1, 2012; provided, however,
5 such village court may not be abolished unless the town board of the
6 town of Ossining shall have adopted a resolution agreeing to such aboli-
7 tion.
8 S 2. Subdivision 1 of section 20 of the town law is amended by adding
9 a new paragraph (o) to read as follows:
10 (O) IN THE EVENT THE VILLAGE COURT OF THE VILLAGE OF OSSINING, COUNTY
11 OF WESTCHESTER, IS ABOLISHED EFFECTIVE JANUARY FIRST, TWO THOUSAND
12 TWELVE, THE TOWN COURT OF THE TOWN OF OSSINING, COUNTY OF WESTCHESTER,
13 SHALL THEREUPON HAVE THREE TOWN JUSTICES. THE THIRD TOWN JUSTICE ESTAB-
14 LISHED BY THIS PARAGRAPH SHALL FIRST BE FILLED BY ELECTION AT THE REGU-
15 LAR ELECTION HELD IMMEDIATELY PRIOR TO THE DATE OF ABOLITION OF THE
16 VILLAGE COURT OF THE VILLAGE OF OSSINING AS PROVIDED BY THE ELECTION LAW
17 AND THE PUBLIC OFFICERS LAW.
18 S 3. Unless otherwise provided by joint resolution of the board of
19 trustees of the village of Ossining and the town board of the town of
20 Ossining, county of Westchester, all nonjudicial employees of the
21 village court of the village of Ossining upon the abolition of such
22 court pursuant to this act shall thereupon become nonjudicial employees
23 of the town court of the town of Ossining at the same salary and senior-
24 ity with comparable benefits.

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

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1 S 4. Upon the abolition of the village court of the village of Ossin-
2 ing in accordance with this act, all actions and proceedings pending in
3 such court shall be transferred to the town court of the town of Ossin-
4 ing.

5 S 5. If the resolutions adopted pursuant to section one of this act so
6 provides, all fines imposed for the violation of a village local law,
7 ordinance or regulation, unless otherwise provided by law, shall be the
8 property of such village.

9 S 6. The village of Ossining shall have the right to re-establish the
10 village court and the office of village justice in accordance with the
11 provisions of section 3-301 of the village law. The town of Ossining may
12 abolish the third town justice as added by paragraph (o) of subdivision
13 1 of section 20 of the town law at the end of a four year term in the
14 event that the village of Ossining re-establishes the office of village
15 justice; provided, however, that all nonjudicial employees of the town
16 court that were formerly nonjudicial employees of the village court
17 shall have the option to be transferred to the village court of the
18 village of Ossining at the same salary and seniority with comparable
19 benefits as when they were nonjudicial employees of the town court of
20 the town of Ossining.

21 S 7. This act shall take effect July 8, 2011; provided, however, that
22 if this act shall have become a law after such date it shall take effect
23 immediately and shall be deemed to have been in full force and effect on
24 and after July 8, 2011.