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

5532

2011-2012 Regular Sessions

I N S E N A T E

May 31, 2011

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

Section 1. Notwithstanding any other provision of law, the board of trustees of the village of Ossining, at least sixty days prior to the regular election to be held in November 2011, may by resolution abolish the village court of such village, effective January 1, 2012.

S 2. Subdivision 1 of section 20 of the town law is amended by adding a new paragraph (o) to read as follows:

(O) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN THE EVENT THE VILLAGE COURT OF THE VILLAGE OF OSSINING, COUNTY OF WESTCHESTER, IS ABOLISHED EFFECTIVE JANUARY 1, 2012, THE TOWN COURT OF THE TOWN OF OSSINING, COUNTY OF WESTCHESTER, SHALL THEREUPON HAVE THREE TOWN JUSTICES. THE OFFICE OF TOWN JUSTICE ESTABLISHED BY THIS PARAGRAPH SHALL FIRST BE FILLED BY APPOINTMENT EFFECTIVE JANUARY FIRST, TWO THOUSAND TWELVE, AND THEREAFTER BY ELECTION AT THE NEXT REGULAR ELECTION.

S 3. Unless otherwise provided by joint resolution of the board of trustees of the village of Ossining and the town board of the town of Ossining, county of Westchester, all nonjudicial employees of the village court of the village of Ossining upon the abolition of such court pursuant to this act shall thereupon become nonjudicial employees of the town court of the town of Ossining at the same salary and seniority with comparable benefits.

S 4. Upon the abolition of the village court of the village of Ossining in accordance with this act, all actions and proceedings pending in such court shall be transferred to the town court of the town of Ossining.

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

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S 5. All fines imposed for the violation of a village local law, ordinance or regulation, unless otherwise provided by law, shall be the property of such village.

S 6. The village of Ossining shall have the right to re-establish the office of village justice in accordance with the provisions of section 3-301 of the village law. The town of Ossining may abolish one town justice position in the event that the village of Ossining re-establishes the office of village justice.

S 7. This act shall take effect immediately.