

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

5532--A

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 -- 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

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

LBD11635-08-1

1 of the town court of the town of Ossining at the same salary and senior-
2 ity with comparable benefits.

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

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

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

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