STATE OF NEW YORK

3949

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to the establishment of a park district in the town of Onondaga

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

Section 1. Subdivision 4 of section 198 of the town law, as amended by chapter 798 of the laws of 1970, is amended to read as follows:

4. Park districts. **(a)** After a park district shall have been established, the town board shall proceed to acquire by purchase or condemnation of the property described in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter, for the establishment of such park district, and, thereafter the board may erect or cause to be erected thereon non-commercial buildings and structures and it may purchase necessary equipment and otherwise improve such property for park purposes, as the board may determine. In existing park districts, the town board may acquire by purchase, condemnation or lease, property for public parking places and maintain the same in accordance with the provisions of subdivision five hereof, without the establishment of a public parking district. No property situated within an incorporated village or city shall be acquired in any manner for park purposes, unless the permission and consent of the board of trustees of such village or the common council or legislative body of such city, is first obtained; provided that such permission and consent, if obtained subsequent to the acquisition of any such property, shall be effective for all purposes and to the same extent as though obtained prior to such acquisition. The town board may sell, convey and transfer any property acquired for park purposes at such an amount as it may determine but not less than the original cost thereof, and apply the proceeds of such sale, conveyance or transfer to the purchase of other property for park purposes and improve such property in the manner provided herein. The

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

LBD03941-01-5

town board of the town of Oyster Bay may also convey and transfer to the state of New York or to any municipal **corporation as defined in section two of the general municipal law** or district corporation as defined [~~by~~] **in** section [~~three of the general corporation law~~] **2.00 of the local finance law**, any property acquired for park purposes, or any part thereof, when no longer needed, either without consideration or for such consideration and upon such terms and conditions as the town board may determine and the resolution authorizing such conveyance or transfer shall be subject to a permissive referendum. The town board of the town of Hempstead may lease to the board of cooperative educational services, as defined by article forty of the education law, any property acquired for park purposes, or any part thereof, when no longer needed, either without consideration or for such consideration and upon such terms and conditions as the town board may determine. The town board may employ such persons and expend such amount of money as may be necessary for the proper maintenance of such park for the use, convenience and enjoyment of the inhabitants of such park district, and, may in its discretion, grant licenses and privileges for any use of such park and park property which contributes thereto. The town board may fix a reasonable charge for the use of such park by all persons other than inhabitants and taxpayers of such park district, and, in addition, the board may adopt general rules and regulations for the government and protection of the park and all property therein, and, for the enforcement thereof, provide that the violator of any rule or regulation relating to the park or property therein shall be guilty of a misdemeanor and shall, on conviction, in the county of Nassau before a judge of the district court, and elsewhere before a justice of the peace, be punished by a fine not exceeding fifty dollars, or, in default of payment of such fine, by imprisonment not exceeding thirty days.

(b) Pursuant to section one hundred ninety-four of this article, the town board of the town of Onondaga is hereby authorized to establish a park district in such town by utilizing property owned by the Jamesville-DeWitt central school district. The town of Onondaga may acquire use of the property from the Jamesville-DeWitt central school district by a lease agreement which shall be for a minimum period of ten years. Such lease may provide for consecutive five year renewals, not to exceed an aggregate period of fifty years, subject to the school district's right to terminate the lease pursuant to subdivision six of section four hundred three-a of the education law. Upon the termination of the lease, the Jamesville-DeWitt central school district may continue to maintain the property as recreational park land or may cease to utilize the land for park purposes.

§ 2. This act shall take effect immediately.