**§ 106-a. Reducing number of justices in adjacent towns.**

1. The town boards of two or more towns that form a contiguous geographic area within the same county are hereby authorized to establish a single town court to be comprised of town justices to be elected from each of such towns in the same manner and for the same terms as town justices are so elected except that the number of such terms expiring in any one year may not exceed by more than one the number of terms expiring in any other year in which terms expire; provided, however, the town boards of the towns of Erin and Chemung in Chemung county are hereby authorized to establish a single town court in accordance with the provisions of this section. The procedure to establish such single court may be initiated by the town board or may be initiated by petition. In the event the procedure is initiated by petition, the petition shall be addressed to each town board and shall be signed by at least twenty percent of the registered voters in such towns.

2. The petition shall be made upon white paper containing the signatures of qualified electors of each town. The sheets of such a petition shall be numbered consecutively, beginning with number one, at the foot of each sheet. Such petition must set forth in every instance the correct date of signing, the full name of the signer and his or her present residence. A signer need not himself or herself fill in the date or residence.

Each sheet of such petition shall be signed in ink and shall be substantially in the following form:

To the Town Boards of the Towns of ..... and ..... County of ..... State of New York.

We, the undersigned, duly qualified electors of the towns of ..... and ..... respectfully petition each town board to reduce the number of justices in each town to one justice and provide for the extension of the geographic jurisdiction of such justices to include the area of such towns and also to provide for an

orderly transition subject to the approval of the electors of each town as authorized by law.

Date Signature Residence

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Statement of Witness:

I.....state: I am over the age of eighteen years and now reside at.....(residence, address, or post office address if not identical) in the Town of.....in the State of New York, County of.....Each of the electors whose names are subscribed to this petition sheet containing.....(fill in number) signatures, subscribed his or her name in my presence.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

.....

Date Signature of Witness

3. Such petition shall be filed in the office of the town clerk of one of such towns and a certified copy shall be filed in the office of the town clerk of the other town or towns.

4. Any town board may adopt a resolution calling for the reduction of the number of justices in the town and in one or more towns that form a contiguous geographic area. The filing of such original resolution shall have the same effect as the filing of a petition as authorized by this section and the clerk in whose office such resolution was filed shall proceed in the same manner as if such resolution was a duly filed petition. A certified copy of such resolution shall be filed in the office of the town clerk of the other town or towns.

5. Within thirty days after such petition or resolution and the certified copies thereof are filed the town clerk of the town in which the original petition or resolution was filed shall cause a notice to be published once in the official newspaper of each town, or, if there be no official newspaper, in a newspaper published in the county and having general circulation within the area of each town. Such notice shall state that the petition or resolution has been received and that at a specified time not less than twenty days nor more than forty days after the publication of such notice, which place and dates shall be specified therein, a joint hearing will be held upon such petition or resolution by such town boards.

6. The town boards of such towns shall meet at the time and place specified in such notice. The members of the participating boards shall agree on the selection of one of their members to preside at such meeting and in the event no such agreement is reached, he or she shall be chosen by lot. Such town boards shall hear testimony and receive evidence and information which may be presented concerning the petition or resolution to establish a single town court.

7. Within sixty days after the hearing held pursuant to subdivision six of this section the town boards of such adjacent towns shall determine whether or not such petition or resolution shall be approved. In the event one town board disapproves or rejects such petition or resolution, all proceedings under this section shall terminate and the existing court system in such adjacent towns shall continue to the same extent as if no such petition or resolution had been filed.

8. In the event that each respective town board approves such resolution or petition, such boards shall prepare a joint resolution which shall provide that the office of one justice in each town shall be abolished and that the remaining justice in each town shall have jurisdiction in each town to the same extent as if each such justice was elected in each town. Such joint resolution shall provide for the election of at least one town justice every two years but in no case shall the number of terms expiring in any one year exceed by more than one the number of terms expiring in any other year in which terms

expire, and shall identify each justice whose office shall be abolished, and shall identify each justice whose office shall be continued.

9. In the event no agreement can be reached as to which offices shall be abolished, the offices to be abolished by such resolution shall be chosen from each of the offices of town justice by lot. However in no case shall an office be chosen by lot to be abolished that would cause the remaining offices to violate the requirements of subdivision eight of this section.

10. Such joint resolution shall be submitted to the electors of each town at the next general election occurring more than sixty days after the final determination of the language of such resolution.

11. If such resolution is approved by a majority of the qualified persons voting thereon in each town such resolution shall be deemed to be adopted and the plan to establish a single town court shall be implemented in the manner provided in such resolution. If such resolution is disapproved by a majority of the qualified persons voting thereon in one or more towns, such resolution shall be defeated and no further action shall be taken to implement such plan.

12. Any town justice continuing in office pursuant to such plan and any town justice hereafter elected pursuant to the plan established in such resolution shall have jurisdiction in each town in the contiguous geographic area to the same extent and effect as if such town justice were elected in each such town.

13. Each town justice exercising jurisdiction in accordance with this section shall keep a separate set of records and dockets for each town in which he or she exercises jurisdiction and such justice shall also maintain a separate bank account for each town for the deposit of moneys received when exercising jurisdiction in each town.