

**SPECIAL MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
120 NORTH MAIN STREET, LIBERTY, NY 12754
March 2, 2011**

At a Special Meeting of the Town Board of the Town of Liberty held on March 2, 2011 at 1:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following were present:

Present:

Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Chris Austin

Absent:

Supervisor John Schmidt
Deputy Supervisor Clarence Barber

Also present:

Judge Brian Rourke
Judge Harold Bauman
Budget Accounting Coordinator Cheryl Gerow
Clerk of the Court Anna Friedman

Recording Secretary: Town Clerk Laurie Dutcher

RESOLUTION NO.

APPOINT COUNCILPERSON KILLIAN TO ACT AS CHAIRPERSON IN ABSENCE OF SUPERVISOR AND DEPUTY SUPERVISOR

On a motion by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby appoint Councilperson Lynn Killian to act as chairperson in the absence of Supervisor Schmidt and Deputy Supervisor Barber.

4 AYES
CARRIED

Dave Delahunt from the Office of Court Administration came to speak with the Town Board and clarify several issues they were concerned with.

Mr. Delahunt explained the consolidation process for Justice Courts in Villages.

He explained that if a town contains a village that has established the office of village justice, the village board of trustees may abolish the office of village justice by local law or resolution, subject to permissive referendum.

The local law or resolution abolishing the office of Village Justice only takes effect, however, upon the expiration of the then current term of office for the Village Justice.

Once the office of village justice no longer exists, the town justice court for the town in which the village is located will have jurisdiction of all justice court matters arising in the village.

Regardless of whether a village has its own court, a village receives the fines resulting from dog control violations and violations of village local laws other than speeding, as well as the local share of the mandatory surcharge collected on handicapped parking violations.

However, if a village chooses to abolish the office of village justice, the village will no longer be entitled to the fines imposed for violation of Vehicle and Traffic Law occurring within the village. Furthermore, fines imposed by a town justice court for criminal offenses that occur within the village will now be the property of the town.

The following steps would need to be taken upon the abolishment of the justice's position:

1. Analysis of outstanding open cases. Steps would need to be taken to close as many cases as possible. These would become property of the Village Clerk.
2. Make a list of open files. The Village uses SEI and the Town SI. Will need to use both systems until they can be transferred.
3. Village court will need to prepare letters to send to the District Attorney, Probation, NYS Police, SC Sheriff, NYS Comptroller, Office of Court Administration, SC Magistrates Office, etc notifying them of the dissolution of the Village Court on 4/1/11.
4. Hand out notifications to defendants during court notifying them.
5. Notify the OCA if the judges change the hours or dates they hold court.
6. Forward mail
7. Close bank accounts
8. Transfer any funds to the Town of Liberty
9. Send final report to the Comptroller
10. File all records of matters closed to the Village Clerk
11. Set up an answering machine to direct calls to Town of Liberty
12. OCA will need to re-inventory the equipment and turn it over to the Town
13. Digital recorder has to be returned to OCA.
14. A public notice of dissolution.

Mr. Delahunt advised that this would be a massive court and would require a lot of resources. A metal detector would be needed along with security guards. A security assessment would need to be done.

Mr. Delahunt advised that OCA could assist with surplus equipment such as chairs, desk, files, etc.

Special Mtg.
March 2, 2011 Continued

A short discussion followed.

ADJOURN

On a motion by Councilperson Chris Austin, seconded by Councilperson Lynn Killian , the Town Board does hereby adjourn its meeting at 3:00 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk