

SPECIAL MEETING-BOARD OF TRUSTEES-JANUARY 30, 2007-7:30 P.M.

**PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES – JOHN MURPHY,
MICHAEL HANEHAN, RAYMOND WALKER
ABSENT: MARTIN RICCARDI, TRUSTEE**

ALSO PRESENT: ATTORNEY, JAMES PELUSO

Mayor Martin called the special meeting to order at 7:30 P.M. and led the Pledge to the Flag.

Mayor Martin explained to the public the purpose of the meeting is to discuss abolishing and consolidating the Village Justice Court with the Town Justice Court.

Attorney: Mr. Peluso discussed the procedure for abolishing the position of Village Justice. If the position of Village Justice were to be abolished it would no longer exist, and enforcement of Village matters would revert back to the jurisdiction of the Town Court. All Village court matters would be handled in the Town Court, before Town Justices. The Village would give up some revenue; however it would retain certain revenue resulting from, for example, the enforcement of Village Local Laws. Mr. Peluso distinguished the term “consolidation” of Village and Town operations from abolishing of the Village Justice office, and advised that consolidation while theoretically possible is not explicitly provided for under state law and would require further review.

Procedure: Mr. Peluso advised that to abolish the Office of Village Justice a resolution subject to permissive referendum would need to be adopted. Residents would have 30 days to file a petition with the Village Clerk requesting a referendum be placed on the March ballot. A petition would require signatures from 20% of the qualified electors of the last village election.

Trustee Walker questioned if Village residents pay toward the Town Court with their tax dollars. He was advised the Town Court is part of the General Fund budget at the Town and therefore Village residents contribute to supporting the court. Village residents participate in the election of the Town Justices.

Trustee Hanehan questioned if the next Board could pass a resolution reinstating the position if they desired. He was advised that it was possible.

The Clerk-Treasurer provided information regarding court revenues and expenses during the past fiscal year and this fiscal year to date. 2005/06 fiscal year revenues remaining with the village were \$13,270.00 expenditures were \$9,544. 2006/07 for 7 months period: revenues \$5,279.00, expenditures \$5,664. 2005/06 for same period revenues \$7,380.00, expenditures \$5,909. Expenditures are down slightly, however, revenues are down considerably. The next fiscal year budget would need to include extra expenses for a new court clerk to be trained.

Town Justice Ralph Peluso answered questions regarding village cases that are currently handled by the Town.

Attorney Peluso advised the village would continue to receive revenue for specific violations of Village Local laws.

Trustee Murphy questioned what the down side would be if the Board adopts a resolution abolishing the position of Village Justice. The major thing would be tradition, some revenue (which is used to operate the court), giving up a part of Village Government.

Mayor Martin stated if you listen to what is being said at the State level you realize many mandates are coming with regard to safety and record keeping. Judge Kaye offered an opinion that discussion be held that all Justices, even at local levels, should be required to be attorneys. If that should happen there is no way small villages could continue with their own courts.

The Board reviewed the draft resolutions prepared by Attorney James Peluso.

MOTION to open the floor to the public and press made by Trustee Murphy, seconded by Trustee Walker.

Motion carried 3-0

James Champlin questioned if this was discussed at a recent Board meeting, if not why not.

He was advised that it was first discussed at the budget workshop held January 18th. Mr. Champlin stated he feels it is the beginning stages of dismantling the Village.

Town Justice Ralph Peluso: Mr. Peluso stated in 2007 the Office of Court Administration will be issuing requirements with regard to local courts. There is in place now additional training requirements for Justices and the Court Clerks are required to complete training and become certified. All courts will become courts of record; digital recordings of all proceedings will be required. They are going to access all court facilities and make recommendations with regard to safety and security.

Attorney James Peluso advised Board that under the law, the office of Village Justice may only be abolished effective the end of the current Justice's term of office. Accordingly, if the Board was to wait to act on the resolution after a new Justice was elected, it would be four (4) years before the position could be abolished.

Discussion was held regarding potentially increasing revenues through stricter enforcement of the traffic and local laws which would bring in additional revenues.

Mr. John Basile stated he feels it is an economic issue, every type of civil (regulated) activity is requiring more training, certifications and regulations.

MOTION to close the floor to the public and press made by Trustee Murphy, seconded by Trustee Hanehan.

Motion carried 3-0

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF STILLWATER
ABOLISHING THE OFFICE OF VILLAGE JUSTICE
SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, pursuant to Section 3-301(2)(a) of the Village Law of the State of New York, the board of trustees of any village by resolution subject to permissive referendum may abolish the office of Village Justice to take effect upon the expiration of the current term of such office, and

WHEREAS, the Board of Trustees has investigated the efficiencies and economies of abolishing said office and those resultant from the town justices assuming the functions heretofore performed by the village justice;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Office of Village Justice be, and the same hereby is, abolished upon the expiration of the current term ending on April 2, 2007, and
2. That this resolution is adopted subject to permissive referendum, and the Village Clerk is hereby authorized and directed to publish and post notice of such adoption in accordance with applicable law.

MOTION to adopt the resolution abolishing the position of Village Justice subject to permissive referendum made by Trustee Murphy, seconded by Trustee Walker.

Discussion: Trustee Hanehan stated he is in favor of this resolution as long as the position can be re-established by a future Board if they so desire. Trustee Murphy agreed with Trustee Hanehan.

Roll Call Vote:

Trustee Hanehan – yea

Trustee Murphy – yea

Trustee Walker – yea

Mayor Martin – yea

Trustee Riccardi – absent

Motion carried 4-0 1 absent

MOTION to adjourn was made by Trustee Hanehan, seconded by Trustee Murphy.

Motion carried 3-0

Meeting adjourned at 8:15 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer