

# Interaction of Town and Village Boards with Justice Courts

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Jefferson Community College

March 26, 2015

# Town Board/Village Board How Created

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1. Elected
2. Five Members, including Supervisor/Mayor
  - Town Law §201(1)
  - Village Law § 3-301 (some Villages Three Members)



# Town Board/Village Board

Powers – Town Law §64 – Village Law §4-412

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1. Budget
2. Adopt Laws/Ordinances/Policies
3. Acquire Property/Equipment
4. Management and Control Town Properties
5. Obtain Insurance
6. Award Contracts
7. Install Public Improvements (Roads/Drainage/Water/Sewer)
8. Contract for Services
9. Appoint Boards (Zoning/Planning)
10. Hire and Fire Administrative Personnel (ZEO/CEO)
11. Fill Vacancies in Public Offices
12. Authorize bringing and defending law suits

# Town Board/Village Board

## Interaction with Court

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1. Establish Budget
  - Includes Salary and Benefits Judge and Clerk
2. Capital Purchases or Improvements
3. Use of Town Facilities – Courtroom-Dates and Times
4. Audits Court's Finances and Records
5. Establishes Local Laws
6. Directs Litigation on Violation of Local Laws
7. Assist in applying for grants (JCAP)



# Town Supervisor/Village Mayor

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1. Elected Town Law §20 – Village Law §3-301(3)
  - a. Chief Executive Officer
  - b. Chief Fiscal Officer (Town Only)
    - Signs Checks
    - Prepares Budget
    - Annual Updates Document
  - c. Signs Contracts for Town
  - d. Carries out/Enforces Laws/Ordinances/Policies as adopted by the Town Board
2. Powers – Town Law §29 – Village Law §4-400

# Highway Superintendent/DPW Superintendent

## How Created

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1. Town – Elected – Town Law §20
2. Village – Appointed – Village Law §3-301(2)(c)



# Highway Superintendent/DPW Superintendent Duties – Town Law §32

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1. Control of Roads
2. Control of Maintenance of Town Buildings and Facilities
3. Prepares Inventory of Roads/Equipment/Tools/Machines
4. Hires and Fire Highway Employees
5. Other duties as assigned
  - e.g. water/sewer

# Highway Superintendent/DPW Superintendent Interaction with Court

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1. Very limited
2. May be authorized to issue tickets for minor violations of Town/Village Laws regarding roads (Parking, etc.)



# Town/Village Clerk

## How Created

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1. Town - Elected – Town Law §20
2. Village – Appointed (May be joined with Treasurer position) – Village Law §3-301(3)
3. May also collect taxes

# Town/Village Clerk

Powers – Town Law §30 – Village Law §4-402

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1. Keeper of Records and Books
2. Public Information Officer
3. Keeps Oaths of Office
4. Maintains Sign Board
5. Issues Some Licenses and Permits
6. Certifies Laws/Ordinances/Policies
7. In Village, if also Treasurer – Chief Fiscal Officer



# Town/Village Clerk Interaction with Court

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1. Taking/Filing Oaths of Office
2. Can Post Hours of Court on Sign Board
3. Can be interface for Scheduling Use of Facilities for Court
4. Filing Resignations
5. Vouchering

# Planning Board

## How Created

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1. Under Local Zoning Law and Article 16 of the Town Law and Article 7 of the Village Law
2. Appointed by Town/Village Board (5-7 Members)



# Planning Board Power and Duties

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1. Defined by Local Zoning/Subdivision Law
2. Administer Zoning/Subdivision Law
  - Site Plans
  - Special Permit
  - Subdivision
3. Can advise Town/Village Board on changes to a Zoning or Subdivision Law

# Planning Board

## Interaction with Court

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1. Very Little – Not an Enforcement Board



# Zoning Board of Appeals (ZBA)

## How Created

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1. Under local Zoning Law & Article 16 Town Law, Article 7 Village Law
2. Appointed by Village/Town Board (5-7 Members)

# Zoning Board of Appeals (ZBA)

## Powers & Duties

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1. Defined by State Statute Art 16 Town Law/Art 7 Village Law & Local Zoning Law
2. Consider variances from strict compliance with Zoning Law
  - Area Variances
  - Use Variances
3. Interpret Zoning Law



# Zoning Board of Appeals (ZBA)

## Interaction with Court

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1. No direct interaction – not an enforcement board
2. On case involving Zoning Law violation – defendant may want interpretation of Zoning Law. If so, will apply to ZBA – Stays Court case.

# Zoning/Code Enforcement Officer (ZEO & CEO)

## How Created

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1. Up to Town/Village Board to create and define duties of position
2. Zoning Officer may only enforce Zoning Law
3. Code Enforcement Officer may enforce Zoning and other local laws
4. Is appointed position
5. May be a separate Dog Control Officer



# Zoning/Code Enforcement Officer (ZEO & CEO)

## Duties

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1. As defined by Town/Village Board
2. Zoning
  - a. Issue permits after several applications
  - b. May refer to Planning Board or ZBA
  - c. Determine compliance with Zoning Law
  - d. Stop work or issue order to comply
  - e. Bring violation of law to Court
3. Other Codes
  - a. States Building Code
  - b. Property Management Code
  - c. Flood Plan Laws
  - d. Unsafe Buildings
  - e. Junk Yards
  - f. Garbage, litter and Debris
4. Assist in prosecution of cases in Court at discretion of Zoning/Village Board and Town/Village officers

# Zoning/Code Enforcement Officer (ZEO & CEO)

## Interaction with Court

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1. File appearance ticket – where authorized to do so
2. File accusatory instrument
3. Is prime witness as case goes through Court
4. Monitors ongoing compliance – on conditional discharge or ACD



# Town/Village Attorney

## How Created

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1. Appointed or contracted by Town/Village Board

# Town/Village Attorney Powers & Duties

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1. As directed by Town/Village Board
2. Provides general legal advice on variety of issues such as:
  - a. Labor Issues – hiring, firing, union contracts, dispose
  - b. Capital Projects – water/sewer system, new building, equip purchases
  - c. Review or drafting of contracts
  - d. Review or drafting of local laws/ordinance/policies
  - e. Advising Board or changes in law
  - f. Assisting Department heads or Boards
    - Ex. Highway Supt/Town Clerk/Planning Board/ZBA/ZEO/CEO
  - g. Prosecutes case in name of Town. Defends Town when sued
  - h. Assists Town when needs to borrow money



# Town/Village Attorney Interaction with Court

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1. Prosecutes local law violations when authorized by DA (VanSickle letter) to do so
2. The primary contact between Town/Village and Court on such violations for scheduling/appearances/trials, etc.

# Problem Areas

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## Problem Areas

### One-on-One Contact

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- One-on-One contact with ZEO/CEO or Town official on a pending case
  - Same for One-on-One contact with a Defendant

# Problem Areas

## Scheduling

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- Knowing dates and times, facilities available for Court
- Knowing dates and times, Town/Village attorney availability
- Who serves documents – Summons/Appearance Ticket
- Arraignments



## **Problem Areas**

### Understanding Local Law/Ordinance

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- Be sure to have copy
- Clarity issue – use of ZBA
- Be aware of definitions
- Be aware of fine structures
- Continuing violations

# Problem Areas

## Budget Issues

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- Making budget request
  - Equipment
  - Supplies
  - Salary & Benefits
  - Capital Improvements
- How to process vouchers
- Applying for grants (JCAP)



# Problem Areas

## Audit Issues

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- Annual Audit by Town/Village Board
  - Bail account
  - Fine account
  - Administrative account
- Monthly reports - Optional

# Court Efficiencies

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1. Village court dissolutions
2. Towns using one justice
3. UCJA
  - Shared justices
  - Shared facilities
  - Consolidated courts



# Questions?

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