

MINUTES OF SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF HUNTER TO DISCUSS PASSPORT TICKETING SYSTEM HELD ON WEDNESDAY, MARCH 10, 2021 AT 6:00 PM.

Present at Town Hall:

Daryl Legg	Supervisor
Raymond Legg	Councilman
Sean Mahoney	Councilman
Dolph Semenza	Councilman
Sgt. Robert Haines	Hunter Police Department
William Simon	Town Justice

Absent:

David Kukle	Councilman
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Supervisor Legg calls the meeting to order at 6:08 PM with the Pledge of Allegiance to the Flag.

W. Simon states that the Town is allowed to have a Traffic Violations Bureau and that the Town can pass a local law creating a Traffic Infractions Bureau under the authority of the court with it's purpose being to assist the court with paperwork in connection with traffic infractions. He adds that this could include parking violations if the law allows. He states that this would be an arm of the Court, not the Town Board. He adds that the board would have to create a budget and hire someone for such a bureau. He adds that the Passport system could be used to collect parking fees and the Town could appoint someone to be a Parking Enforcement Officer if it is for a violation of a local law or ordinance adding that the town has no jurisdiction on a state road. He also states that the Town Board cannot schedule a fine or change a fine structure on a state law. They could with a local law regarding parking on a town road.

Sgt. Haines asks with the Passport system, how the money would get to the Town, what account would be used. He states that if the Town Board were to take NYS V&T laws pertaining to parking issues and adopt at the same standard level into town law then they could issue tickets in violation of a town law.

W. Simon states that the court has no right to accept this money and the Police Department cannot open an account.

Supervisor Legg states that the Supervisor cannot accept the funds either.

W. Simon states that there is no authority for Passport to collect money that belongs to the State (surcharges).

Councilman Semenza suggests checking with the NYS Comptroller's office on how to move forward.

W. Simon states that Sgt. Haines needs to ask Passport what their authority is to collect state fines.

Discussion on the possibility of having a mechanism on the Town's website to allow people to pay a ticket for a town ordinance and that money could go into a court account but this would have to be verified with the NYS Comptroller's office.

Sgt. Haines states that the current system is laborious as the tickets have to be handwritten, there is no trackability as to who is paying and not paying and no ability to pay online.

W. Simon states that the town could develop a system or program where those tickets can be entered by the Police Department and then transferred to the Court for trackability. He adds that if the NYS Comptroller's office says that the town cannot use the Passport system to collect state funds then the police department could go back to the way they used to do things. He states that Sgt. Haines should tell Passport if it is determined to be illegal for them to take the state surcharge and inform them that the town cannot use their service.

Sgt. Haines states that he and the Court Clerk were trying to keep track of the return rate but could not keep up with the volume of tickets.

QUALIFIED IMMUNITY LAW – Discussion

W. Simon states that if the State of New York dissolves the law then the town needs to have Contractual Indemnity Coverage through their insurance company.

Town Board to look into this with the insurance company.

Supervisor Legg makes a MOTION to adjourn at 7:03 PM. Seconded by Councilman Semenza.

Ayes -4-

Noes -0-

Absent -1- (Councilman Kukle)

Corina Pascucci, Town Clerk, RMC

Town of Hunter