

Minutes of July 18, 2018, Germantown Special Town Board meeting, held in the Germantown Town Hall, Germantown, New York, commencing at 5:57pm.

Present: Supervisor Beaury  
Councilman Moore  
Councilwoman DuFresne  
Councilman Sullivan

Absent: Councilman Kukon

Recorded by: Town Clerk, Joyce Vale

Special Town Board meeting was opened on a motion by Councilman Moore, seconded by Councilwoman DuFresne, with all in favor and none opposed.

Supervisor Beaury addressed Susan Sutherland's questions she asked during the Public Hearing. Ms. Sutherland has concerns that if the police department is dissolved is there going to be any interruption of the services? Supervisor Beaury answered by saying no, there will be no interruption and we have an agreement of enhanced patrol with the Sheriff's Department. Another question Ms. Sutherland had is would there be any cost savings? Supervisor Beaury said there will be somewhat of a cost savings, we will have to see as time goes on. Supervisor Beaury said the NYS Police and Columbia County Sheriff's Department have been, and will continue, patrolling municipalities and they don't need a contract. Ms. Sutherland is concerned about response time in a life-threatening situation. Supervisor Beaury couldn't comment in regard to that matter other than we are always looking to improve that. Supervisor Beaury said Columbia County has long had a Resident Deputy program and our Resident Deputy has 9 Deputies that report to him and they tend to patrol heavily where there are more problems. Councilwoman DuFresne said the dispatchers don't assign the Deputies or State Troopers to areas where they can't cover, they are assigned to a certain zone. Supervisor Beaury said if there is an issue in a certain area, they will assign additional patrol.

Attorney Carl Whitbeck said the Town Board has a resolution tonight to set a date for a Public Hearing on August 7, 2018 to make a determination to keep or abolish the police department. Mr. Whitbeck said the town board has to review the Local Law, hold a public hearing and give people an opportunity to comment on the proposal. Mr. Whitbeck said after the Public Hearing is closed the Town Board could act that night on a Local Law or wait until the regular town board meeting. Mr. Whitbeck said assuming adoption of the local law under §150 of town law, that vote is subject to permissive referendum. The permissive referendum depends on the public and the voters of the town to seek the permissive referendum. A petition will be necessary; a certain number of signatures need to be obtained then filed with the Town Clerk for the issue to be put on the ballot in the general election. Martin Overington asked how many signatures on the petition and Mr. Whitbeck answered by saying it's a formula, and it is less than 40 signatures. Supervisor Beaury said all this work needs to be done before the August 7, 2018 Public Hearing.

Supervisor Beaury said, in response to comments during the Public Hearing about Brian DuBois, that this is difficult for everyone and there is no disrespect towards Brian, that needs to be clear; he's a good man and a good friend. Supervisor Beaury also said this is a burden on the Town Board because they represent the whole community, even the folks that disagree with them. Supervisor Beaury said the police department could get voted back in, but then the board will have to figure out what to do with it because there are the two reports that need to be dealt with. Supervisor Beaury commented again, there is no disrespect meant towards anyone, including Brian.

The Board set the Public Hearing for August 7, 2018 at 5:30pm.

Motion to introduce the resolution regarding Local Law No. 2 of 2018 made by Councilman Sullivan, seconded by Councilwoman DuFresne, with all in favor and none opposed.

Supervisor Beaury read the following:

**BE IT RESOLVED**, that Local Law No.2 of 2018, providing for a local law abolishing the Germantown Police Department, a copy of which is annexed hereto, is hereby introduced at this meeting;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Town Board of the Town of Germantown as follows:

1. The Town Board of the Town of Germantown shall hold a special meeting of the Town Board and public hearing on the 7th day of August 2018 at 5:30pm at the Town of Germantown Town Hall, 50 Palatine Park Road, Germantown, New York, to hear all interested parties on said proposed local law; and
2. The Town Clerk of the Town of Germantown is hereby authorized and directed to publish notice of said special meeting of the Town Board and public hearing in the official newspaper of the Town at least five (5) days prior to the date of the said public hearing and special meeting.

Motion to approve Local Law No. 2 made by Councilman Moore, seconded by Councilwoman DuFresne.

Roll call by Town Clerk:

Supervisor Beaury:	Aye
Councilman Moore:	Aye
Councilwoman DuFresne:	Aye
Councilman Sullivan:	Aye

Supervisor Beaury read the following:

**TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK**

**Local Law No.2 of 2018**

**A LOCAL LAW ABOLISHING THE TOWN OF GERMANTOWN POLICE DEPARTMENT**

**SECTION 1. TITLE.**

This local law shall be entitled "A Local Law Abolishing the Town of Germantown Police Department."

**SECTION 2. ABOLISHMENT OF POLICE DEPARTMENT.**

Pursuant to New York State Town Law §150, the Town Board of the Town of Germantown hereby abolishes the Town of Germantown Police Department.

**SECTION 3. SEVERABILITY.**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

**SECTION 4. ENACTMENT.**

This local law is enacted subject to a permissive referendum and shall take effect upon the filing with the Secretary of State and in accordance with the provisions of New York State Town Law Article 7.

Motion to adjourn the Special meeting made by Councilman Moore, seconded by Councilman Sullivan, with all in favor and none opposed.

Special Town Board Meeting closed at 6:15pm.

Respectfully submitted,