

Minutes of August 7, 2018 Special Meeting, held in the Germantown Town Hall, Germantown, NY, commencing at 5:49pm.

Present: Supervisor Beaury  
Councilman Moore  
Councilwoman DuFresne  
Councilman Kukon  
Councilman Sullivan

Town Attorney: Corinne Smith

Recorded by: Town Clerk, Joyce Vale

Motion to open the Special Meeting made by Councilman Moore, seconded by Councilman Kukon, with all in favor and none opposed.

Town Attorney, Corinne Smith said the Town Board would go through the Short Environmental Assessment Form Parts 1-3 on abolishing the Germantown police department.

Supervisor Beaury read the brief description of proposed action:

The proposed action is the enactment of a local law abolishing the Germantown Police Department. The Town has entered into a Enhanced Services Agreement with the Columbia County Sheriff's Office ("CCSO") Under the Agreement the CCSO will provide enhanced police protection to the Town by patrolling the Town and enforcing the NYS Penal Law, NYS Vehicle and Traffic Law, local laws. The CCSO will also provide security for Town court sessions. This action is considered in light of the Germantown Police Assessment Report, prepared by Harry Corbitt, dated June 26, 2018, which highlighted many issues with the Police Department and concluded that "the agency lacks the core competencies to consistently provide professional services as a member of the law enforcement community."

Supervisor Beaury said the Town is Lead Agency and read the following questions with the answers.

- 1.) Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? "No"
- 2.) Will the proposed action result in a change in the use or intensity of use of land? "No"
- 3.) Will the proposed action impair the character or quality of the existing community? "No"
- 4.) Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? "No"
- 5.) Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? "No"
- 6.) Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? "No"
- 7.) Will the proposed action impact existing:
  - a.) public/private water supplies? "No"
  - b.) public/private wastewater treatment utilities? "No"
- 8.) Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? "No"
- 9.) Will the proposed action result in adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? "No"
- 10.) Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? "No"
- 11.) Will the proposed action create a hazard to environmental resources or human health? "No"

Corinne said in abolishing a police department the Town Board should be looking at whether the proposed action will impair the character or quality. Ms. Smith said Part 3 should outline specifically what the Town Board looked at and that there is no impact.

Supervisor Beaury read the following:

Public comment raised concerns over the negative impact of the action on public safety and potential increase in law enforcement budget.

In determining that the proposed action will not impair the character or quality of the existing community, the Town Board considered the fact that it has in place an Enhanced Services Agreement with the Columbia County Sheriff's Office ("CCSO"), dated June 6, 2018. Pursuant to the agreement, the CCSO will provide enhanced police protection to the Town of Germantown by:

- 1.) providing a patrol car with one or more deputies patrolling the Town and enforcing the NYS Penal Law, NYS Vehicle and Traffic Law, local laws, and insuring a higher quality of life. The Supervisor and Columbia County Sheriff shall meet as needed to discuss the level of enhanced patrol needed to meet the needs of the Town.
- 2.) providing deputies assigned to Town justice court on regularly scheduled court dates, and at any other times when requested.

The Town will reimburse the CCSO the actual cost of the above services.

The Town Board also considered the Germantown Police Assessment Report, prepared by Harry Corbitt, dated June 26, 2018, which highlighted many issues with the Police Department and concluded that "the agency lacks the core competencies to consistently provide professional services as a member of the law enforcement community." Abolishment of the Police Department and contracting with CCSO for these shared and enhanced services will best protect the safety, well-being and property of the inhabitants and visitors within the Town.

As a result of the foregoing, the adoption of Local Law No.2 of 2018 and the abolishment of the Germantown Police Department will not result in any significant adverse environmental impacts.

Determined by information above. Supervisor Beaury read the resolution.

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

August 7, 2018

RESOLUTION ISSUING A NEGATIVE DECLARATION FOR LOCAL LAW NO. 2 OF 2018  
ABOLISHING THE GERMANTOWN POLICE DEPARTMENT

**WHEREAS**, the Town Board is considering a proposed Local Law No. 2 of 2018, providing for a local law abolishing the Germantown Police Department; and

**WHEREAS**, the Town Board held a public information session on July 18, 2018 to gather public input on the assessment of the Germantown Police Department; and

**WHEREAS**, in accordance with the New York State Environmental Quality Review Act (6NYCRR Part 617) ("SEQR"), the Town Board declared itself as lead agency, determined that the action is an Unlisted Action, and caused Part 2 of the Short Environmental Assessment Form ("SEAF") to be prepared; and

**WHEREAS**, the Town Board considered written and oral comments from members of the public raised at the public informational session on July 18, 2018 and the public hearing on Local Law No. 2 of 2018; and

**WHEREAS**, the Town Board thoroughly reviewed in Part 2 of the SEAF all potential environmental impacts, including the potential socio-economic impacts, and

**WHEREAS**, the reasons supporting this determination that the proposed action will not result in a significant adverse environmental impact, are set forth in Part 3 of the SEAF, which is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Germantown, action as lead agency, hereby determines that the adoption of Local Law No. 2 of 2018

abolishing the Germantown Police Department will not have a significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, by the Town Board that the Supervisor be and he is hereby authorized and directed to sign the attached SEAF Part 3, noting that the proposed action will not result in any significant adverse environmental impacts, and he is further authorized to sign and file any other documents that may be necessary in connection with the SEQR review for the adoption of the local law.

On a motion by Councilwoman DuFresne and seconded by Councilman Kukon and having been approved by majority of the Board, this Resolution was declared duly adopted by the Town of Germantown.

In conclusion of the SEQRA, Attorney Smith said the next step is the resolution for the Local Law abolishing the police department then subject to permissive referendum which they have 30 days to do so.

Supervisor Beaury read the following:

#### NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERNDUM

PLEASE TAKE NOTICE that the Town Board of the Town of Germantown, Columbia County, New York, at a special meeting thereof held on August 7, 2018, duly adopted a Resolution, an abstract of which follows, subject to permissive referendum pursuant to Article 7 of Town Law:

The purpose of the Resolution was to adopt Local Law No. 2 of 2018, which abolishes the Germantown Police Department.

Said Resolution shall not take effect until thirty days after the date of its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the Town voting on such proposition, if within thirty days after the adoption of this Resolution, there be filed with the Town Clerk a petition signed and acknowledged or proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in the Town at the last general election held for the election of state officers, protesting against this Resolution and requesting a referendum thereon.

A full copy of the Resolution is on file in the Town Clerk's Office at the Germantown Town Hall, 50 Palatine Park Road, Germantown, New York and can be examined during normal business hours.

Motion to accept permissive referendum made by Councilman Kukon, seconded by Councilwoman DuFresne.

Councilwoman DuFresne said this was not an easy decision for any of them. Councilwoman DuFresne said in her personal opinion that seven NYS Troopers live in Germantown and they have a commitment to their community. Councilwoman DuFresne said she had gotten a phone call one day from the Sheriff's department telling her they had found a door open at Gtel. Councilwoman DuFresne said they have all done their research and it wasn't easy had to think of the liability and the resources. Councilwoman DuFresne said the decision was not based on just the report.

Attorney Corinne Smith asked the Town Board to go into executive session at 6:04pm to discuss the employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal or a particular person made by Councilman Moore, seconded by Councilman Sullivan, with all in favor and none opposed.

Motion to come out of executive session at 6:16pm made by Councilman Sullivan, seconded by Councilwoman DuFresne, with all in favor and none opposed.

Motion to enter into regular session made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Corinne Smith read the following:

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

1. the Town Board acknowledges that it previously authorized Tal Rappleyea, Esq., and the Supervisor to commence an action on behalf of the Town to prohibit Brian DuBois's access to the Police Department firearms and/or equipment, and hereby formally ratifies that authorization, as ratification of the lawsuit after filing the complaint is sufficient to give the Town capacity to sue under Town Law § 65;
2. the Town Board acknowledges that it previously authorized Whitbeck Benedict & Smith LLP to substitute in the place and stead of Tal Rappleyea, Esq., as attorney for the Town of Germantown in the action, and hereby formally ratifies that authorization and further authorizes Whitbeck Benedict & Smith LLP continue to appear and prosecute the lawsuit on behalf of the Town; and
3. this resolution is to take effect immediately.

On a motion by Councilman Moore and seconded by Councilman Kukon and having been approved by a majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board.

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

Special meeting was closed at 6:18pm.

Respectfully submitted,