

**TOWN OF BRUNSWICK**  
**SPECIAL MEETING AND PUBLIC HEARING**  
**AUGUST 21, 2017, 5:00 p.m.**  
**TOWN HALL**

**Board Members Present:** Councilman Sullivan, Councilman Christian, Councilman Casale and Councilman Balistreri.

**Board Members Absent:** Supervisor Herrington.

**Also Present:** Deputy Supervisor, Patrick Poletto, Town Attorney, Thomas Cioffi and Town Clerk, William J. Lewis.

The purpose of the meeting was to consider the adoption of Local Law #2 of 2017 entitled "A Local Law Providing for the Defense and Indemnification of Officers and Employees of the Town of Brunswick", and to conduct a Public Hearing concerning the same.

Deputy Supervisor Poletto called the special meeting to order at 5:00 p.m. and opened the Public Hearing.

**VISITORS WHO WISH TO SPEAK:**

Kathy Betzinger, 1 Valley View Drive, asked if this meeting on the Local Law was for the Town Board to act on it or was just a public hearing. Mr. Cioffi replied that the Special Meeting was opened and the Public Hearing was then opened and at the close of the Public Hearing the board could act on the Local Law prior to the close of the Special Meeting. Next she asked if the defense and indemnification was something authorized by the state? Mr. Cioffi replied that the State did have a statute concerning State employees, however, Public Officers Law No. 18 allows local municipalities to draft their own, further defining the protections available to their officials and employees. He also replied that the Town did have insurance coverage but that this would expand upon not replace the provisions of our policy. Additionally, he noted that reimbursement would only apply if the party was acquitted of the charges brought against them. Mrs. Betzinger was also curious as to how and when Mr. Poletto had become Deputy Supervisor. Mr. Poletto replied that the position is appointed and that occurred on January 1<sup>st</sup> 1998.

Sean MacLean, 509 Brunswick Road, was highly critical of the timing for the introduction of this proposed law. He was certain this was drafted to specifically benefit Supervisor Herrington in a current legal matter. He pressed attorney Cioffi for a yes or no answer to this question. Mr. Cioffi responded that in his capacity as Town Attorney he had drafted the law at the request of the Town Board. The wording in the proposed law did include current litigation. Mr. MacLean admonished the Town Board members for what he considered an attempt to slip this by the public. He felt this had not been publicized enough, and that holding a public hearing at 5:00pm was limiting the ability of residents to attend and be heard. This should not be passed.

Ed Wade, 10 Meadowview Drive, asked if the minutes reflect the questions and answers at this meeting. Mr. Poletto replied they would and the proceedings were also being recorded. Mr. Wade also asked, that since Grand Jury proceedings were normally secret, how would we know if a person had submitted a legitimate claim for reimbursement? Mr. Cioffi stated that it would be the duty of his office to review any questionable claim before making

a recommendation to the Town Board. Finishing up, Mr. Wade also voiced his concern with the timing of proposed Local Law.

Susan Haynes, 11 Westlane Road, felt that due to the litigious nature of society in general she felt protections in civil suits were acceptable, but certainly not for criminal matters. She referenced several recent State level indictments and convictions costing taxpayers millions, and strongly opposes reimbursement of expenses incurred during criminal proceedings at any level of government, including municipalities such as the Town of Brunswick.

Tom McGrath, NY 2, implored the Board to table this Local Law immediately and criticized them for holding a public hearing, or any town business open to the public, before 7:00pm and urged them to draft a Resolution enforcing this. When he asked Mr. Cioffi if there was any urgency to adopt the law, Mr. Cioffi responded that as attorney for the Town Board he could only answer legal questions. At the request of the Town Board he had drafted the Local Law, and it was at the discretion of the Board as to how and when to proceed. Mr. McGrath referenced the Town of Milton which had adopted a similar law and have had trouble with the Supervisor being involved in numerous civil suits, and settlements which have cost the taxpayers as well as the insurance company, though their contribution has not been made public. Going back to Public Hearings, he would like to see notifications published in more locally available papers beside The Record, such as the Advertiser and the Times Union, to be sure the public is adequately informed. He believes the Town Board should take a step back, review the Local Law and make changes to the language so it would be effective only going forward, not for pending/current investigations. He again urged the Board not to move ahead until these concerns were addressed and then presented for another public hearing.

Charles Haynes, 11 Westlane Road, asked for clarification that if a person were convicted of a criminal act would they or would they not be covered by this law? He was assured they would not be covered. Due to the importance of this proposed law to the residents, he feels it should be on some sort of ballot for the public to vote on.

Sean MacLean, 509 Brunswick Rd., People didn't know about this and it shouldn't be passed "in the dark of the night". By all appearances the timing of this looks like a bail out for Supervisor Herrington and will not be appreciated at all by the residents of Brunswick. Do not do this!

Tom McGrath, NY 2, feels no official should be able to recuse themselves without a reason stated publicly. Officials are elected to serve the public and should be transparent as to why they could not attend a public meeting.

Ed Wade, 10 Meadowview Dr., wanted to hear from the board after all that has been said. He was reminded by Mr. Poletto that the hearing was for public input which will be taken into consideration before any action.

Kathy Betzinger 1 Valley View Dr., reminded the board of the legal issues and cost to the town for litigation against Gallivan Inc. She stated the law should only cover future issues and only if the action was after a person were elected or appointed and not for something that had transpired before becoming an official.

At 5:35 p.m. a motion to close the public hearing was made by Councilman Sullivan and was seconded by Councilman Casale. The motion was unanimously approved.

Mr. Poleto called the Special Meeting back to order.

At 5:37 p.m. Councilman Balistreri made a motion to enter into a private session to discuss legal matters with the Town Attorney. The motion was seconded by Councilman Sullivan. The motion was unanimously approved.

At 5:55 p.m. following the private session, Mr. Poleto called the Special Meeting back to order. Mr. Poleto stated that no actions were taken during the private session.

The Town Board then took the following action:

**Resolution No. 62** Resolution Adopting Local Law No. 2 of the Year 2017 Entitled “A Local Law Providing for the Defense and Indemnification of Officers and Employees of the Town of Brunswick”.

Councilman Balistreri made a motion to table the foregoing Resolution. The motion was seconded by Councilman Casale. The motion was unanimously approved.

**ADJOURNMENT:**

Councilman Sullivan made a motion to adjourn the meeting, seconded by Councilman Balistreri. The motion was unanimously approved. The meeting adjourned at 6:00 p.m.

Respectfully submitted,

William J. Lewis  
Town Clerk