

**TOWN OF BRUNSWICK
PUBLIC HEARING
NOVEMBER 12, 2020 6:30 p.m.
TOWN HALL**

Board Members Present: Supervisor Herrington, Councilman Christian, Councilman Sullivan, Councilman Balistreri and Councilman Cipperly

Board Members Absent: None.

Also Present: Attorney, Andrew Gilchrist and Town Clerk, William J. Lewis.

Supervisor Herrington called the meeting to order at 6:35 p.m.

The purpose of the meeting was to hold a Public Hearing to accept public comment on the proposed Introductory Local Law #2 of the year 2020 entitled “A Local Law Providing for the Defense and Indemnification of Officers and Employees of the Town of Brunswick”,

Supervisor Herrington recused himself from the meeting, turning it over to Deputy Supervisor Christian, explaining that proposed Introductory Local Law #2 of the year 2020 being considered, was similar to one proposed in 2017 that he had recused himself from. The Town Board held a Public Hearing for, but did not vote to adopt, the 2017 Local Law. While he did not believe he had any conflict of interest legally prohibiting him from participating in this Public Hearing or voting, in order to avoid even the appearance of conflict of interest or impropriety, he was recusing himself again from any involvement, consideration or vote concerning this proposed Local Law. He excused himself from the remainder of the meeting and Public Hearing.

Deputy Supervisor Christian opened the meeting to the public.

Town clerk Lewis read the complete Notice of Public Hearing into the record. The Notice had been posted on the Town Website, Town Hall bulletin board and published in The Record.

VISITORS WHO WISH TO SPEAK:

Jennifer Mann, 91 Hill Road, questioned how common this law is in other towns; why there is a need for this law and if it is to address anything specific at this time; agreed that public employees should be offered protection, however she would like more information concerning the law. Attorney Gilchrist noted that it is uncommon for a town not to have an indemnification law.

Caroline Trzcinski, Carroll’s Grove Road, asked if we didn’t already have insurance for this; if there were any outstanding lawsuits; why not become effective January 1st; since the Town is required to purchase liability insurance, why do we need this law?.

Attorney Gilchrist responded that yes, there is liability insurance, however this would cover items that potentially our policy may not; there are no outstanding lawsuits; the law only cover occurrences after the date of implementation.

Victor Trifu, 3517 NY 2, generally agreed with the proposed Local Law especially with the condition that payment would be on acquittal or dismissal. Though not directly related to the

subject of the Public Hearing, Mr. Trifu took this opportunity to detail in length, an ongoing tenant issue to the board, stating his displeasure with town officials in their response to the issue.

Jim Tkacik, 387 Brunswick Road, ask what the total liability of current policy was; was there a deductible?; when was the last claim?; if there were a claim, would the settlement be confidential?; wasn't sure we need another law; defense can be costly and there is no mention of a limit/cap so it seem possible that there could be a catastrophic settlement; in a scenario where a co-defendant in a criminal case is not charged in return for testimony, could they ask for reimbursement even though they broke the law?; how is an attorney for the Town able to investigate facts if the case is in front of a Grand Jury? Aren't they secret? He feels the proposed law is too vague which could be costly, have negative consequences or even be abused.

Victor Trifu could understand that details are confidential; the budget will show what was paid out and if excessive, the electorate could vote the Board out; not comforting that a defendant would essentially have unlimited resources for their defense as opposed to the plaintiff.

Kathy Betzinger, 1 Valley View Drive, opposed the law; had asked attorneys concerning this and was told it was rare for town this size to enact for criminal actions and that indemnification for civil cases is covered under NYS Public Officers Law, section 18; it appears the purpose of this Local Law is to cover criminal cases; was concerned about confidentiality. Attorney Gilchrist explained the reason for executive (confidential) sessions to discuss cases, is they may include very personal matters. The Town Board would have to publically approve payment by resolution and could approve all or only part of the requested settlement or not approve at all.

Mr. Gilchrist 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.

Brandon Hill, 1 Line Drive, feels that this is promoting criminal activity and covering it up. It should not be up to taxpayers to bail someone out. They should defend themselves.

Sara Coonradt, 30 Killock Avenue, agrees officers should be covered for unfounded civil suits, but only on a case to case for criminal, not across the board like this seems. The law is too vague. It appears the accused could choose any legal representative no matter the fees and there should be an upper limit on this. Answering her question of the Town being able to approve reimbursements presently, Attorney Gilchrist stated not without the Local Law being enacted.

Deputy Supervisor Christian closed the public hearing

ADJOURNMENT:

Councilman Sullivan made a motion to adjourn the meeting, seconded by Councilman Balistreri. The motion was unanimously approved. The meeting adjourned at 7:20 p.m.

Respectfully submitted,

William J. Lewis
Town Clerk