

NEW YORK STATE DEPARTMENT OF STATE

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County
City
Town of New Paltz
Village

Local Law No. of the year 2021

A local law to REPEAL Chapter 34, "Police Commissioners, Board of" of the Code of the Town of New Paltz and to add a new Chapter 34, "POLICE COMMISSIONERS, BOARD OF"

Be it enacted by the Town Board of the

County
City
Town of New Paltz as follow:
Village

Section 1. REPEAL

Chapter 34, "Police Commissioners, Board of" of the Code of the Town of New Paltz is hereby REPEALED.

Section 2. AMENDMENT

The Code of the Town of New Paltz is hereby amended to add a new Chapter 34, "Police Commissioners, Board of" to read as follows:

§ 34-1 Definitions and word usage.

A. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATION

The Chief of Police and any commissioned officer of the Police Department.

AGREEMENT

Contracts in effect between the Board and the respective negotiating units of employees and

agreements in effect with the Commission and/or with the Town of New Paltz and members of the Administration.

ASSOCIATION

The New Paltz Police Association.

BOARD or TOWN BOARD

The Town Board of the Town of New Paltz.

COMMISSION

The Police Commission of the Town of New Paltz consisting of five members appointed by the Town Board (or, in the event that the Police Commission is abolished, the Town Board of the Town of New Paltz).

COMMISSIONED OFFICERS

Any police officer above the rank of sergeant.

DEPARTMENT

The Town of New Paltz Police Department.

EMPLOYEES

All police officers and sergeants, and dispatch personnel, except the Chief of Police and commissioned officers of the Police Department.

- B. Word usage. He; him, his. Whenever the pronouns “he,” “him” or “his” appear, they are used for the convenience of written expression and shall represent a person of either sex unless, by additional statements, a person of a particular sex is clearly specified.

§ 34-2 Rights and duties.

- A. Except as may be provided by the laws of the State of New York and subject to the limitations contained in this local law, the Commission shall:
- (1) Receive all applications and participate in all interviews for the position of commissioned officers and all other employees after consultation with the Police Chief. The Commission shall approve and forward the Chief’s recommendations to the Town Board for approval. The hiring of commissioned officers and all other employees, including the starting and all subsequent determinations regarding salaries for such positions is reserved to and shall be determined by the Town Board;
 - (2) The Chief of Police shall keep a complete service record of each member of the Department in accordance with applicable civil service rules;
 - (3) Upon recommendation of the Chief of Police, adopt rules, orders and regulations for the government, discipline, administration and disposition of the Department and of the members thereof;

- (4) Conduct not less frequently than semi-annually performance evaluations of the Chief, developing with him plans to address any deficiency in job performance and monitoring progress towards improvement and maintaining and reviewing the Chief's personnel file. Within five (5) days next following completion, copies of the Commission's reviews shall be filed with the Town Board and with the town's Personnel Committee;
 - (5) Consistent with the laws of the State of New York and with the terms of any collective bargaining agreement or amendment thereof, adopt rules and regulations for the examination, hearing, investigation and determination of complaints and disciplinary charges made against any member of the Department;
 - (6) Have access to all records of the Department during normal business hours;
 - (7) Appoint a Commission member to participate ~~in~~ with the Town Board's negotiating team for contracts involving commissioned officers and the PBA. The Chief will be a member of the negotiating team for all contracts;
 - (8) Fulfill the commission's responsibilities under such collective bargaining agreements, including but not limited to the following:
 - (a) At the direction of the Town Board, the Commission may participate in the review of grievances after they have been presented to the Chief of Police for his informal review and initial determination. The Commission shall never meet with employees or the union on matters which have not been initially presented to the Chief for his initial consideration;
 - (b) The Commission shall give prompt written notification to the Chief of Police whenever it receives civilian complaints regarding other members of the Department or when information or accusations are made by any person that an employee or commissioned officer (not including the Chief) has violated any rule, regulation or order of the Department;
 - (c) The Commission shall likewise receive copies of any complaints against the Department received by the Chief;
 - (d) The Commission shall monitor the disposition of complaints and/or accusations and shall receive complete written reports on the matter including the Chief's final adjudication, if any. When the Commission receives a report from the Chief that does not contain a final adjudication, the Commission may dispose of the matter in a manner consistent with the terms of the agreement or any other statutes or regulations that may apply. In such event, the Chief and the accused will be informed, in writing, of the Commission's determination on the matter.
- B. The duties and responsibilities of the Police Commission shall not conflict with the duties and responsibilities of the Chief of Police, as set forth in the appropriate civil service job classification, who shall be responsible for the day-to-day operation of the Police Department.
- C. The Chief shall prepare and submit monthly and special reports to the Commission and the Town Board through its liaison.

- D. Subject to budgetary restrictions imposed with respect to the Department, the Chief will review with the Commission and furnish to the Town Board appropriate and detailed specifications for purchases. Competitive bidding requirements, the advertisement, acceptance and the letting of contracts shall be the responsibility of the Town Board.
- E. Upon recommendation made in each case to the Town Board by the Commission, the authority to hire and the authority to undertake the commencement and/or the continued prosecution of any disciplinary proceeding or other action to terminate employment of commissioned officers and all other employees is reserved to the Town Board.

§ 34-3 Operations.

- A. Of the members of the Police Commission first appointed following adoption of this chapter, one shall serve through December 31, 2021, the successor for which shall thereafter be appointed to serve for three years; one shall serve through December 31, 2022, the successor for which shall thereafter be appointed to serve for three years; one shall serve through December 31, 2023, the successor for which shall be appointed to serve for three years; two shall serve through December 31, 2024, the successors for which shall be appointed to serve for one year each. If a vacancy in appointment shall occur, it shall be filled by the Town Board by appointment for the unexpired period of service.
- B. The Commissioners shall file an oath of office with the Town Clerk upon commencement of their duties and shall be governed by applicable state and local laws, rules and regulations with respect to conduct and ethics and shall be deemed employees of the Town for the purpose of bonding, filing oaths of office, resignations and public officers' liability insurance.
- C. All members of the Commission shall be appointed by a majority vote of the Board and shall at the time of their appointments and throughout their terms of service be electors of the Town of New Paltz and shall serve without compensation and at the pleasure of the Board.
- D. The Commission, by majority vote of its members, shall designate one of its members to serve as Chairperson for one year. In the event that the Commission shall be unable to or shall fail to designate such Chairperson, the Town Board, by majority vote of its members, shall designate one of the members of the Commission to serve as Chairperson. Notwithstanding the manner in which a Chairperson has been designated, any such designation, at any time with or without cause, may be rescinded by resolution of the Town Board.
- E. Monthly meetings shall be called consistent with the provision of Article 7 of the Public Officers Law (Open Meetings Law), and all member of the Commission shall be given prior, written notice of the time and place of all Commission meetings, except in emergency circumstances when personal and/or telephone notice shall be deemed to be sufficient. Special meetings may be called by the Chairperson of the Commission or by any three Commission members.
- F. The Commission shall hold regular meetings which shall be publicly announced and open to the public pursuant to the Open Meetings Law of the State of New York (Public Officers Law, Article 7). In addition, minutes of open meetings (and executive sessions at which a

final determination of action was made) shall be compiled pursuant to the Open Meetings Law and made available to the Records Access Officer of the Town of New Paltz (the Town Clerk).

G. All decisions and actions of the Commission shall be formally voted upon, with a majority vote of the entire Commission needed to pass any motion, proposal or resolution. Pursuant to the Freedom of Information Law, a voting record shall be compiled that identifies how individual members voted in every instance.

H. The Commission shall compile and keep current a reasonably detailed list by subject matter of all records in its possession. Records compiled or acquired by the Commission in the course of and in the furtherance of its official function shall be accessible to the public under the Freedom of Information Law (Public Officers Law, Article 6), except: (i) to the extent that such records or portions thereof fall within one or more grounds for exemption appearing in §87(2)(a) through (q) of that Law or any other applicable state or federal law; and (ii) such records or portions thereof which constitute unsubstantiated and unfounded complaints against an officer or employee. Access to the Commission's records or portions of records, available to the public as provided herein, shall be in accordance with the procedures set forth at Chapter 109 of the Code of the Town of New Paltz, entitled "Records, Public Access to."

I. The above notwithstanding, the Commission may, at its discretion, make information available to the Board or to any district attorney or his assistants, the attorney for the Town or his deputies or assistants, or a grand jury, which require such records in furtherance of their official functions subject to the following:

(1) Such disclosure shall not constitute a disclosure under Article 6 of the Public Officers Law; and

(2) Under circumstances where such confidential information is made available to the Board, the Board shall be bound against any other, further or different disclosure of such information where such disclosure would be contrary to or would violate any of the provisions of Article 6 of the Public Officers Law or of any other state or federal statute, rule or regulation.

J. The Board, upon recommendation by the Commission, may hire clerical, administrative employees and consultants as may be necessary to the Commission to conduct its work.

§ 34-4 Indemnification.

A. The Board shall assume all risks incident to the operation of the Department and will indemnify the Commission against all claims and/or actions arising from any accident, injury or damage whatsoever to any person or property arising in the conduct of the lawful discharge of the Commission's duties and against all expenses and liabilities incurred in connection with such claims or actions brought thereon.

B. If the Commission receives a demand, notice of claim, summons or other notice or process relating to its conduct, it shall give a copy of such document to the Town Clerk and to the Board within 48 hours after it has been received.

- C. If the Commission is the subject of any claim or action against the Department it shall be obligated to fully cooperate in the investigation and defense of such claim or action and, consistent with all of the foregoing, it shall furnish all information within its knowledge to the Board and to its attorney(s), insurance adjuster(s), agents or designees.
- D. The Board will provide legal counsel of its choice for the Commission in the event a civil or criminal complaint is filed or it is sued for actions or failure to act.

§ 34-5 Additional duties and responsibilities.

In addition to the duties and responsibilities set forth herein, the Commission shall also have such additional powers, duties and responsibilities not inconsistent with the provisions of this chapter as may lawfully be delegated to it by the Town Board.

Section 3: LEGISLATIVE AUTHORITY

This local law is adopted pursuant to the provisions of Municipal Home Rule Law, §10(1)(ii)(a)(1).

Section 4: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This Local Law shall be effective upon filing with the Secretary of State.