

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

SEP 26 2022

County City Town Village
(Select one.)

of Woodstock

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 22

A local law Chapter 162 of the Town Code of the Town of Woodstock - "Police Department"
(Insert Title)
is hereby amended to so as to renumber existing Section 162-12 -
effective date; notification as section 162-13.

Be it enacted by the Woodstock Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Woodstock as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 22 of the ~~(County)(City)(Town)(Village)~~ of Woodstock was duly passed by the Town Board on September 20 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*) Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Jacquelyn E. Earley
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

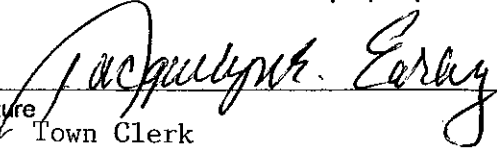
Date: September 22, 2022

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Ulster
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature _____
Town Clerk

Title _____

~~COUNTY~~
~~CITY~~ of Ulster
Town _____
~~Village~~

Date: 09/22/2022

TOWN OF WOODSTOCK

LOCAL LAW NO. 3 OF 2022

**A LOCAL LAW AMENDING CHAPTER 162
OF THE TOWN CODE OF THE TOWN OF
WOODSTOCK**

BE IT ENACTED by the Town Board of the Town of Woodstock as follows:

Section 1.

Chapter 162 of the Town Code of the Town of Woodstock – “Police Department” – is hereby amended to so as to renumber existing § 162-12 – “Effective date; notification” – as § 162-13.

Section 2.

Chapter 162 of the Town Code of the Town of Woodstock – “Police Department” – is hereby amended to add a new §162-12, to be titled and referred to as “Disciplinary Hearing Procedures”, and to provide as follows:

§ 162-12. Disciplinary Hearing Procedures

A. Legislative Intent. Pursuant to §§ 154 and 155 of the New York State Town Law, the Town Board of the Town of Woodstock is empowered to adopt and make rules and regulations for the examination, hearing, investigation and determination of the charges made or preferred against any member or members of the Town of Woodstock Police Department. The New York Court of Appeals has determined that Town Boards may not relinquish or "bargain away" to members, or their collective bargaining representatives, the statutorily delegated power of municipal boards to impose disciplinary measures on members of the local police department. This Article is enacted in order to comply with and conform to the provisions of §§ 154 and 155 of the Town Law, the public policy of the State of New York, and Court of Appeals case law, and provides that the Town Board, not the Town Supervisor or any other third party, shall make all final determinations concerning the investigation of complaints and imposition of disciplinary penalties with respect to members of the Town of Woodstock Police Department.

B. Investigatory procedure. The investigation of complaints concerning allegations of misconduct against any member of the Town of Woodstock Police Department shall continue to be investigated pursuant to the procedures currently in effect.

C. Substantiated complaints. The Chief of Police, ~~the Deputy Chief of Police,~~ or the Chief's designee shall, upon a determination that a complaint against a

member of the Town of Woodstock Police Department is substantiated, prepare and serve a notice of discipline upon the member of the Town of Woodstock Police Department.

D. Disciplinary interview. Within fourteen (14) days of the service of a notice of discipline upon a member of the Town of Woodstock Police Department, the Chief of Police, or the Chief's designee shall conduct a meeting with the member to discuss the charges alleged in the notice, as well as to discuss a proposed resolution of the charges. If, after the disciplinary interview, the Chief determines that the imposition of a disciplinary penalty is required, the Chief shall issue and serve a written Chief's decision upon the member informing them of the Chief's determination. The Chief shall provide a copy of the Chief's decision to the Town Board. Upon the issuance of the Chief's decision, the Chief shall refer the notice of discipline to the Town Board for a determination of the charges.

E. Hearing; determination of substantiated complaints. Within fourteen (14) days of the member receiving the Chief's decision that imposition of a disciplinary penalty is required, the member may request a hearing on the charges by having a written demand for a hearing served upon the Town Supervisor. Within forty-five (45) days of the Town Supervisor's receipt of a member's written demand for a hearing, the Town Board shall do one of the following:

1. Designate a Town Board member to sit as a trier of fact to determine the charges filed against the member of the Town of Woodstock Police Department; or
2. Select a hearing officer to sit as a trier of fact to determine the charges filed against the member of the Town of Woodstock Police Department.

F. Recommended decision and final determination. The hearing officer or Town Board member selected to hear and determine the charges shall conduct a hearing and shall issue a decision containing recommended findings of fact and a recommended disciplinary penalty, if applicable, to the Town Board. Said decision shall be reviewed by the Town Board, and, after its review, the Town Board may accept or reject, in whole or in part, the recommended findings of fact and/or the recommended disciplinary penalty, if applicable. The Town Board shall make a final determination of the charges alleged in the notice of discipline and, where applicable, shall impose any penalty consistent with the provisions of the New York State Town Law, or any other penalty agreed to between the Town Board and the respondent member.

G. Appeal. In accordance with Town Law § 155, the determination of the Town Board shall be subject to review by the Supreme Court in the judicial district in which the Town is located in the manner provided for by Article 78 of the Civil

Practice Law and Rules, provided that the proceeding is commenced within 30 days from the date of the Town Board's determination.

H. **Due process; representation.** Any member that is served with a notice of discipline may have a representative or legal counsel represent him or her in connection with any proceedings provided for by this article. The hearing of the charges alleged in the notice of discipline shall be conducted in accordance with the provisions of Town Law § 155, and such hearing shall be transcribed by a stenographer. A copy of the transcript of the proceedings shall be provided to the member free of charge.

I. **Implementation.** The Chief of Police is hereby directed to take all necessary steps to implement the provisions of this article, and to provide notice of the same to the members of the Town of Woodstock Police Department.

Section 3.

Chapter 162 of the Town Code of the Town of Woodstock – “Police Department” – is hereby amended to add a new subsection “J” to § 162-4 – “Appointment, powers, and duties of Chief of Police”, to provide as follows:

J. Perform those duties set forth in § 162-12.

Section 4:

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, the remaining provisions of this Local Law shall remain in effect.

Section 5:

This Local Law shall take effect upon filing with the New York Secretary of State.