STATE OF NEW YORK

4836

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. SMULLEN -- read once and referred to the Committee on Local Governments

AN ACT allowing for the creation of a joint police department for the towns of Webb and Inlet

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. General. Notwithstanding the provisions of section 121-a of the general municipal law, or any law, general or special, to the contrary, the town boards of the town of Webb, Herkimer County, and town of Inlet, Hamilton County, are hereby authorized, upon approval of a proposition duly submitted to the voters in such towns and upon a majority vote by the governing bodies of Herkimer and Hamilton Counties, to establish a joint town police department with jurisdiction over both towns pursuant to the provisions of this act.

§ 2. Town proposition and joint town laws. (a) The proposition to be submitted to the voters in such towns may be submitted at a general or special election of each town.

(b) Upon the approval of a proposition by the electorate of each town, the town boards shall meet in joint session, at a time and place to be determined by agreement of such boards, and organize such joint police department and establish rules and regulations governing the same, including, but not limited to when such joint department shall begin operations. A copy of the resolution, referendum vote, and all local laws relating to the establishment and operation of a joint police department shall be provided to and filed with the town clerks of the towns of Webb and Inlet; additionally, upon establishment of a joint department, notification shall be provided to Hamilton County and Herkimer County, and the State of New York.

(c) Local laws establishing rules and regulations of a joint police department as authorized by this act shall, at a minimum:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(i) Provide for the appointment of a chief of police for such joint police department;

(ii) Provide for funding, and, if necessary, apportionment between the towns, required to operate the joint department through an annual joint resolution of the town boards;

(iii) Provide for the titles of the police officers and civilian employees of the joint police department; and

(iv) Provide for a means to coordinate all employment determinations for the joint department between the respective towns, counties and any other entities necessary to the process.

§ 3. Property. The joint police department shall be empowered to hold title to property and shall take title to all real and personal property currently held by the towns of Webb and Inlet police departments.

§ 4. Obligations. The joint department shall be subject to all applicable contractual obligations entered into by the town of Webb police department and the town of Inlet police department.

§ 5. Discontinuing of joint police department. The town of Webb and/or the town of Inlet may discontinue their participation in the joint police department by means of a four-fifths vote of either of the town boards. In the event that either or both towns vote to discontinue the joint police department, then the department shall be deemed dissolved, and the assets of the department shall be divided between the town of Webb and the town of Inlet.

§ 6. This act shall take effect immediately.