

**PUBLIC HEARING  
PROPOSED LOCAL LAW 6 OF 2026  
A LOCAL LAW PROVIDING DEFENSE AND INDEMNIFICATION OF TOWN OFFICERS AND EMPLOYEES  
IN THE TOWN OF STEPHENTOWN  
TOWN OF STEPHENTOWN  
26 GRANGE HALL ROAD,  
STEPHENTOWN, NEW YORK 12168  
MAY 18, 2026**

The Public Hearing of the Town Board, Town of Stephentown was called to order by \_\_\_\_\_ at \_\_\_\_\_ PM at the Town Hall.

**MEMBERS PRESENT:**

- Supervisor Philip (PJ) Roder
- Council Diana Clark
- Council Kyle Kidney
- Council John E. DeFreest Jr.
- Council Tammy Madden
- Town Clerk Stephanie Hoffman

**OTHER TOWN OFFICIALS PRESENT:**

- Alden Goodermote, Highway Superintendent
- Jennifer VanDeusen, Assessor
  
- LEGAL COUNSEL – Craig Crist

A quorum  was  wasn't established.  
\_\_\_\_\_ from the Public were present

**MEETING OPEN TO PUBLIC COMMENT:**

*Reminders to All Participants who would like to speak: (this meeting is on Live Stream and is being recorded)*

- *Raise your hand prior to speaking*
- *Announce your name and the Town you reside in.*
- *There is a 3-to-5-minute window for each speaker per Resolution 1 of the fiscal year*
- *Any disruptive conduct will be addressed at any meeting if the Town Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible. The Chair (Town Supervisor) may recess the meeting or order the person, group or groups of persons willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its business.*

**MOTION TO ADJOURN AT \_\_\_\_\_ PM**

**MOTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_**

**VOTES OF:            AYE            NAY**

*Stephanie M. Hoffman*  
**Town Clerk**

EXHIBIT A

**LOCAL LAW NO. 6 OF THE YEAR 2026  
TOWN OF STEPHENTOWN**

**A LOCAL LAW PROVIDING DEFENSE AND INDEMNIFICATION OF TOWN OFFICERS AND EMPLOYEES**

Be it enacted by the Town Board of the Town of Stephentown as follows:

Section 1. Legislative intent.

The purpose of this local law is to provide legal and financial protection for those individuals serving the Town of Stephentown from losses which may be brought against them in their individual capacity for actions taken while in the performance of their official duties and responsibilities. In enacting this local law, the Town Board finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this local law, the Town Board does not intend to limit or otherwise abrogate any existing right or responsibility of the Town of Stephentown or its employees with regard to indemnification or legal defense. It is solely the intent of this local law to provide maximum coverage for local employees, such as is presently provided for state employees, so as to continue to attract qualified individuals to local government service.

Section 2. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

EMPLOYEE ~ Any person holding a position by election, appointment or employment in the service of the Town of Stephentown, whether or not compensated, or a volunteer expressly authorized to participate in a municipally sponsored volunteer program, but shall include a former employee, his or her estate or judicially appointed personal representative. The term "employee" shall also include members of all boards, commissions and corporations of and affiliated with the Town, including all local development corporations and community resource corporations affiliated with the Town.

Section 3. Town to provide defense; exceptions.

A. Conditions. Upon compliance by the employee with the provisions of Section 5 of this chapter, the Town shall provide for the defense of the employee in any civil and criminal action or proceeding in any state or federal court arising out of any alleged act or omission of a federal, state or local rule or regulation which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his or her public employment or duties, or which is brought to enforce a provision of the laws of the United States, including but not limited to 42 U.S.C. § 1981 or 1983. This duty to provide for a defense and indemnification shall not arise where such civil action or proceeding is brought by or on behalf of the Town of Stephentown.

B. Representation by Town Attorney; private counsel.

Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Town Attorney (which throughout shall also mean interchangeably the attorney for the Town) or counsel selected thereby, including, without limitation, counsel retained by an insurer under any policy of insurance; provided, however, that the employee shall be entitled to representation by private counsel either (i) selected by the Town Attorney (subject to the approval of the employee, which approval shall not be unreasonably withheld) or (ii) retained by an insurer under any policy of insurance, in any civil judicial proceeding whenever the Town Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Town Attorney would be inappropriate or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is

entitled to be represented by counsel other than the Town Attorney. The Town Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The Town Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section and no counsel is retained by an insurer under any policy of insurance, the Town Attorney shall so certify to the Town Board. Reasonable attorneys' fees and litigation expenses shall be paid by the Town of Stephentown to such private counsel from time to time during the pendency of the action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Town Treasurer or equivalent position thereto. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of special proceeding. The Town Attorney shall be entitled to additional payment for services provided hereunder.

C. Where the employee delivers process and a request for a defense to the Town Clerk as required by the foregoing sections, the Town Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

#### Section 4. Responsibilities of Town

A. Indemnification of employees. The Town shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his or her public employment or duties; the duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

B. Settlement. An employee represented by private counsel shall cause to be submitted to the Town Board any proposed settlement which may be subject to indemnification by the Town and, if not inconsistent with the provisions of this section, the Town Board shall certify such settlement and submit such settlement and certification to the Town Attorney. The Town Attorney shall review such proposed settlement as to form and amount and shall give his or her approval if, in his or her judgment, the settlement is in the best interest of the Town. Nothing in this subsection shall be construed to authorize the Town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Attorney.

C. Payment of final judgment or settlement. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within thirty (30) days of the date of entry or settlement, upon the Supervisor; and, if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by the Supervisor. If the Town Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Town Treasurer or equivalent position.

#### Section 5. Cooperation of employee

The duty to defend or indemnify and save harmless provided by this local law shall be conditioned upon delivery to the Town Clerk and a copy to the Town Attorney or his or her assistant, at his or her office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he or she is served with such document (mailing via certified mail of same is also allowed but same must be mailed within said five day period); and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding based upon the same act or omission, and in the prosecution

of any appeal. Such delivery shall be deemed a request by the employee that the Town provide for his or her defense pursuant to this chapter.

#### Section 6. Rights of other parties

The benefits of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the Workmen's Compensation Law.

#### Section 7. Insurance policies

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

#### Section 8. Pending litigation

The provisions of this chapter shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted, whether or not the actions or proceedings complained of occurred prior to or subsequent to the effective date of this local law.

#### Section 9. Immunity

Except as otherwise specifically provided in this law, the provisions of this law shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Town, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

#### Section 10. Severability

Should any section or provision of this law be struck down and/or invalidated for any reason all portions not struck down or invalidated shall survive and be enforceable with full force and effect.

#### Section 11. Effective Date

This local law shall take effect immediately upon filing in the Office of the New York Secretary of State.