

Minutes

**Town of Cairo
Special Meeting @ 7:35 PM
Location: Town Hall Meeting Room**

December 14, 2016

The Town Board of the Town of Cairo met for a Special Meeting Town Board meeting on Wednesday, December 14, 2016 at the Town Hall Main Street, Cairo, New York.

Deputy Supervisor Dan Joyce called the meeting to order at 7:35 PM and then asked the attendees to Pledge Allegiance to the Flag. The following Board Members were in attendance: Councilperson Ostrander, Councilperson Cords and Councilperson Ostrander. Supervisor Benoit was absent.

Resolution No. 252 - 16

“Board Moves to Executive Session”

offered by Councilperson Warner and seconded by Councilperson Ostrander:

The Town Board of the Town of Cairo does hereby move into Executive Session at 7:40 PM to discuss residential or commercial issues, medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation within the Town of Cairo.

All members in favor – motion carried.

Resolution No. 253 - 16

“Board to Exit Executive Session” offered by

Councilperson Joyce and seconded by Councilperson Ostrander;

The Town Board of The Town of Cairo does hereby exit Executive Session at 7:45 PM.

All members in favor – motion carried.

Resolution No. 254 -16

“Vote of No Confidence on Daniel Braden” offered

by Councilperson Ostrander and seconded by Councilperson Warner:

Daniel Braden is currently employed as a part-time police officer in the Town of Cairo Police Department.

WHEREAS, Officer Braden has been recently disciplined for conduct unbecoming an officer and has been served with disciplinary charges by the Town Supervisor;

WHEREAS the Town Board voted by a 4-1 margin to terminate the services of Officer Braden because of his prior police misconduct with two other police departments;

WHEREAS in accordance with the current contract between the Town of Cairo Police Department and the Town of Cairo, Officer Braden appealed the termination determined by the Board, and was later served with a 30-day suspension in writing by the Town Supervisor;

WHEREAS, according the Agreement between the Cairo PBA and the Town of Cairo, since Officer Braden did not wish to appeal the serving of the 30-day suspension, he was placed on active duty after serving the suspension;

WHEREAS a majority of the Board felt that Officer Braden's prior conduct as a policer officer did not warrant the trust of the people of the Town of Cairo to serve as a police officer in their Town Police Department;

WHEREAS Town Supervisor Daniel Benoit has repeatedly refused the requests of a majority of the Town Board to recuse himself from partaking in the disciplining of Officer Braden even though Supervisor Benoit has admitted that he is a friend of Officer Braden and has participated partially in the defense of Officer Braden;

WHEREAS because of Office Braden being placed on active duty with the Town of Cairo Police Department, the local law enforcement agencies, including the New York State Police and the Greene County Sheriff Department, have stated that they will not accept any cases adopted by Officer Braden thus placing the Town of Cairo Police Department in an unsupportable position for proper investigations and criminal prosecution;

WHEREAS in a written letter from the Greene County District Attorney's Office, the District Attorney, Joseph Stanzione, has expressed his serious concern about Officer Braden serving as a credible witness in a prosecution, and have thus officially announced that they will not be accepting any cases presented to them from Officer Braden, again placing the public at large in an unenviable position of not properly prosecuting any criminal acts that Officer Braden has investigated;

WHEREAS, the Greene County District Attorney's Office also stated in their letter, that since the charges presented against Officer Braden included "altering police documents", the District Attorney's Office will refuse to "prosecute any arrests made by Officer Braden or by any member Cairo Police Department should Mr. Braden be on the roster."

NEVERTHELESS, based on the above cited evidence a majority the Town Board strongly feels that Officer Braden cannot properly and effectively function as a police officer in the Town of Cairo Police Department;

NOW THEREFORE BE IT RESOLVED, that a majority of Town Board of the Town of Cairo hereby declares a "NO Confidence" vote concerning Officer Daniel Braden and his capacity to function as a policer officer in the Town of Cairo Police Department. A majority of the Town Board hereby orders Sergeant-in-Charge Rick Busch to retrieve the Cairo Police

Department shield and weapon from Mr. Braden. The Board also orders Sergeant Busch to remove Mr. Braden from the Cairo Police Department roster and not to schedule Mr. Braden for any future shifts. The Town Board declares Mr. Braden to be terminated as a member of the Cairo Police Department.

This Resolution supersedes and replaces Resolution No. 251-16 passed on December 5, 2016.

A roll call vote was conducted:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN/ABSENT/OTHER</u>
Supervisor Daniel Benoit			Absent
Councilperson Joyce	X		
Councilperson Cords	X		
Councilperson Warner	X		
Councilperson Ostrander	X		

Motion Carried.

A motion was made by Councilperson Warner and seconded by Councilperson Ostrander to adjourn the meeting at 7:55 PM.

Respectfully submitted,

Tara A. Rumph, RMC
Cairo Town Clerk