

## **UNION VALE TOWN BOARD MEETING OCTOBER 18, 2018**

TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE NY 7:30 PM

**PRESENT: Supervisor Maas**

**Council: Steven Frazier, Corrina Kelley David McMorris, & John Welsh**

**Attorney: Jeffery Battistoni**

**Town Clerk: Andrea Casey**

### **THE MEETING WAS OPENED WITH THE FLAG SALUTE.**

Special Presentation: Dr. Brendan Lyons, Superintendent of Schools, Arlington Central School District. Dr. Lyons gave a robust presentation which was followed by a Q&A from the Town Board as well as members of the public.

### **MOTION**

Councilman McMorris made a motion to approve the minutes from the September 20th, 2018 Town Board meeting which was seconded by Councilwoman Kelley.

### **Town Supervisor Report**

Monthly Cash flow, nothing exceptional, there is more cash going out than in, as typical for this time of year. The Town is still above budget as far as cashing coming in and due to everyone's diligence, the expenses are at 88% of budget, overall things look good in the cash flow area.

Budget Overview, public hearing will be on November 1, 2018 for the preliminary budget and in two weeks and on November 15<sup>th</sup> there will be a full budget review and public hearing for 1 hour. There was a 3% increase across the board for employees and merit increases for those who have gone above and beyond. Worker's Compensation has been a topic of discussion and the good news is that the rate has been reevaluated from approximately \$74,000.00 to approximately \$49,000.00 and there needs to be a discussion for coverage going forward on the plan, the liabilities in the plan and plan management. The Cell Tower project process is ongoing and the legal teams are working out details.

Solar Developers RFP update: Today, October 18, was the deadline for the response for the solar field proposal. There were 4 responses that need to be reviewed and analyzed to determine the most viable for the Town.

Furnace Pond Dam & DEC: The Supervisor and Park Manager attended a meeting last week in Albany the DEC offices. The dam was downgraded from a class A to a B due to the neighboring Town allowing dwellings within the flood area and requires many more expensive regulatory conditions. The DEC wants to focus on upgrading the status and is willing to work with Union Vale to correct any issues. Although the Town's engineering firm did not feel the dam was sturdy, the DEC engineer felt that it was and, complimented the Town on the masonry construction. Supervisor Maas would like to get a committee together to tackle this issue beginning with Brian Scoralick and others with expertise. There was further discussion on this topic

DPW work on "Clove Circle"- Robert Balkind, Commissioner of DPW, had recommended two stone walls to create an entry to the park and Town Hall and (Rt. 9 & Rt. 21). He informed Supervisor Maas that they would include the expense of the walls in their project expenses as to not burden the Town. The Board agreed this was very nice of Commissioner Balkind and thanked him for his continued support throughout the project. Construction is slated to begin in the spring for both the renovated intersection and the walls.

Handicapped Parking Spaces: Update – Work begins October 19<sup>th</sup> and will take about 2.5 weeks, Highway Superintendent Richard Wiseman, Tom St. Onge, and Engineer Tom Harvey. The Supervisor added that Engineer Harvey designed a drainage piece for the issue under the stairs near the current entrance that will alleviate any issues. Due to the project all Halloween festivities will be postponed until 2019.

### **Board Member Reports**

Councilman McMorris is working on the benchmarking to determine the savings in LED lighting. He will be going on 'solar tour' on October 26 to view the 3 solar sites and also working on the RFP for the Town's solar process.

Councilwoman Kelley attended the office of the aging senior services to follow up with the project to connect the middle schoolers with the seniors. She discovered that many services were not provided to residents in Union Vale and would like to expand this to work with agencies to gain access for these necessary services.

Councilman Frazier – Thanked Ross Media for their generous help in diagnosing and fixing the issues with lack of sound on channel 22. He was kind enough to come on his own time and volunteered his expertise to remedy the problem. Councilman Frazier would like to keep him in mind as our consultant going forward.

Councilman Welsh spoke about the Veterans parade: Jim Smith, Wayne Butler, Bill Meyer, Steven Schmoke, Dave McMorris, Jim Pynch and Richard Corrado all attended and Councilman Welsh noted it was a worthwhile event with a good showing of our Union Vale Veterans He also worked and was involved with the CDB grant, solar RFP process and 2019 budget.

**Town Highway Superintendent Report-** Mr. Wisseman could not attend but Councilman Frazier spoke about the transmission issues he is having with one of the trucks and read the quotes for the two repair shops. He recommends going with Gooses as the truck is there now and disassembled which will avoid the towing fee. There was further discussion on the topic as Councilman Welsh inquired about the choice as it was the higher bidder and the added cost of towing to the lower bidder would also create a higher cost. Councilman McMorris said he would prefer more of a conversation take place before expenses are incurred to achieve the best possible pricing. Councilwoman Kelley added she too would feel comfortable with a policy on what to do when any Town equipment is in need of repair.

#### **MOTION TO REPAIR HIGHWAY TRUCK TRANSMISSION**

Councilman Frazier made a motion to have the repair done with Goose's Diesel Truck Parts and Service which was seconded by Supervisor Maas and all were unanimously in favor.

#### **Town Clerk Report**

Town Clerk Casey also spoke about the Veterans Parade and thanked Dutchess County staff especially Marc Coviello's office for putting on a lovely and fun event. She also advised the sportsman that DEC will reopen the doe tag lottery on November 1 for the second and final round.

#### **Public Comments on Agenda Items**

*Anne McCabe-* asked about a gentleman that came to discuss the drainage issues with Hoof Print Road and wanted to know the outcome. Councilman Frazier said nothing has been decided as of yet and no money has been spent. Supervisor Maas added on the topic of drainage that all of the old metal drainage piping had been replaced on Quinlan, Mennella and Still as part of the Highway 284.

**Park Department** – Mr. Gosnell was on vacation but asked the Supervisor to update the Board on the Silo. The gentleman has repaired the silo caps which are bird tight and water resistant and was \$300 less than his estimate. The kiddie pool bid received no responses from the public bid so Mr. Gosnell will fall back on the 3 original quotes and has chosen a business which will be voted on in the form of a resolution tonight.

**Recreation Department** – Paint Night Nov 2<sup>nd</sup> at 7:00pm , Festival of Lights December 1 from 4:30 to 6:00 with Santa and light refreshment, The event dates for 2019 have been published and an ad has been placed to hire an Event Planner as a part time position to manage these 7 main events the Town hosts.

#### **Finalizing Full Time vs. Part Time Employee Hours**

Councilwoman Kelley gave the history as all benefits are accrued off their hours worked. In order to match the hours for Town Hall hours there was discussion about making the full time status to 32 hours whereas 40 for Parks/ Recreation and Highway. This will all be included in the roll out of the new PTO policy and approved.

#### **MOTION TO INCREASE MUNICIPAL PARK MANAGER SALARY**

Councilman Welsh made a motion to increase the Municipal Park Manager salary retroactive to October 1, 2018 to \$55,000 as he is overseeing more employees. This was seconded by Councilman McMorris and all were unanimously in favor.

**MOTION TO APPROVE COORDINATED ASSESSMENT SHARED SERVICES AGREEMENT**

Councilman McMorris made a motion to approve the Coordinated Assessment Shared Service Agreement with Town of LaGrange regarding the position of Assessors Clerk which will now be shared 40% Union Vale and 60% Town of LaGrange. This was seconded by Councilman Welsh and all were unanimously in favor.

**Employee healthcare update-** The healthcare premiums will increase 12.5% for 2019 beginning 12/1/2018. Supervisor Maas noted the larger towns such as LaGrange & Wappinger have health insurance buyouts. Councilwoman Kelley noted that the Town Code should be updated to reflect the change in eliminating Union Vale’s health insurance buyout. Supervisor Maas spoke about the upcoming plan and said she would like to keep the 80% (Town paid portion) 20 % ( Employee portion) split and cover the deductible and noted Union Vale is the only Town that had not covered the deductible.

For the cost of the MVP silver plan at \$157,998 would cover those individuals with the deductible which is more competitive and consistent with all the other Towns. To allow more flexibility, another option plan with higher deductible and lower premiums this would fall under the Bronze 2 plan. The CDPHP plan did not have much of an increase.

**MOTION FOR DECEMBER 1, 2018 THROUGH 2019 HEALTH INSURANCE**

Councilman Welsh made a motion to elect MVP Sliver 3 as outlined on the information page and add a fix cost for those that go to the lower price plan (Bronze plan) which was seconded by Councilman McMorris.

Roll Call Vote on Motion:

Supervisor Maas	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye
Councilman Welsh	Aye

**MOTION TO Approve Budget Adjustments, Warrants, Pay Bills**

Supervisor Maas made a motion to Approve Budget Adjustments, Warrants, Pay Bills seconded by Councilman Frazier and all were unanimously in favor.

**Public Comment on Town Issues**

*Bill McCabe-* what determines an employee as ‘full time’ and asked about the full time range and spoke about the Town Hall hours and days. Also asked for a revision of the Town sign law and would like it looked at.

Next Agenda Meeting: November 15<sup>th</sup> / TB work session: November 1<sup>st</sup>

Dave McMorris spoke about Veteran Mark Reilly getting promoted and brought a flag that was flow in Iraq. He would like to donate this to be displaced in Town Hall which was dedicated to all our Veterans.

**MOTION TO ADJOURN**

At 10:11pm, Councilman Welsh made a motion to adjourn the meeting which was seconded by Councilman McMorris.

**Respectfully Submitted,**  
*Andrea Casey*  
**Town Clerk**

*Note:* There will be two more Public Hearings about the 2019 Budget. One, before the Town Board Work Session on November 1<sup>st</sup> (7:00 p.m.) and the second, before the November 15<sup>th</sup> meeting (6:30 p.m.). The regular Agenda Meeting will follow the Public Hearing on the 15<sup>th</sup>, during which the Budget will be voted on.



**RESOLUTION # 18-27 RESOLUTION TO REPORT STANDARD WORK DAY HOURS FOR ELECTED, APPOINTED OFFICIALS AND TOWN EMPLOYEES TO NYSLRS**

**WHEREAS**, the Town of Union Vale is required to report standard work days for hourly, salaried, elected and appointed officials to the New York State and Local Retirement System (NYSLRS) based on the record of activities maintained and submitted by these officials to the clerk of this body, and

**WHEREAS**, the Town of Union Vale has received the hours for the standard work day for elected officials, appointed officials, and town employees in the Town of Union Vale, and

**WHEREAS**, the following specifies the standard work days for elected, appointed officials and town employees as received by the Town:

<b>Title</b>	<b>Name</b>	<b>Standard Work Day</b>	<b>Term</b>	<b>Reportable Days</b>	<b>Participates In Time Keeping</b>
Town Clerk	Andrea Casey	7	1/1/2018-12/31/2019	18.90	No
Highway Superintendent	Richard Wisseman	8	1/1/2018-12/31/2019	20.00	No
Town Justice	Raymond Jurina	6	1/1/2018-12/31/2021	4.68	No
Town Justice	Paul Pancio	6	1/1/2016-12/31/2019	6.39	No
Councilman	Steven Frazier	6	1/1/2018-12/31/2021	2.67	No
Councilman	John Welsh	6	1/1/2018-12/31/2021	5.33	No

Bookkeeper to the Supervisor	Danielle Carney	6	3/19/2018-12/31/2019	22.00	No
Court Clerk	Krysta Rahemba O'Sullivan	6	1/1/2016-12/31/2019	1.75	No

<b>Standard Work Days for Town of Union Vale</b>	
<b>Employees and Elected Officials</b>	
<b>Title</b>	<b>Standard Work Day Hours</b>
Equestrian Director	6
Assistant to Bookkeeper	6
Program Director	8
Recreation Leader	8
Payroll Clerk	6
Town Clerk	7

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby adopts and approves the standard work day for its elected officials, appointed officials, and town employees as included and made a part hereof; and

**BE IT FURTHER RESOLVED**, that a copy of the standard work day hours shall be kept on file in the office of the Town Clerk.

The preceding resolution was offered by Councilman Frazier, who moved its adoption, seconded by Councilman Welsh.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted

as follows:

Supervisor Maas	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye
Councilman Welsh	Aye

Ayes 5

Noes 0

Dated: October 18, 2018

Andrea Casey

Andrea Casey, Town Clerk

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Councilman Frazier, seconded by Councilman Welsh and adopted at the meeting of the Town Board, held on October 18, 2018.

Andrea Casey

Andrea Casey, Town Clerk

**RESOLUTION # 18-28 APPROVING THE NYS DEPARTMENT OF  
LABOR SEXUAL HARASSMENT POLICY FOR THE YEAR 2018**

NOW, BE IT RESOLVED, the Town Board of the Town of Union Vale does hereby approve the following document that has been created as a model policy by the NY State Department of Labor in accordance with the new law which was part of the 2018-2019 State Budget. This new Sexual Harassment Policy will replace that which is in the Employee Handbook of the Town of Union Vale and will be reviewed annually and revised when necessary (attachment here).

The preceding resolution was offered by Councilman Welsh, who moved its adoption, seconded by Councilman Frazier.

The foregoing resolution was voted upon with all council members voting as follows:

Supervisor Maas	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye
Councilman Welsh	Aye
Ayes	5
Noes	0

Dated: October 18, 2018

  
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Andrea Casey, Town Clerk

# Sexual Harassment Policy for The Town of Union Vale



Combating  
Sexual Harassment

## Introduction

The Town of Union Vale is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The Town of Union Vale's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with The Town of Union Vale. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

## Policy:

1. The Town of Union Vale's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Town of Union Vale. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Union Vale will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town of Union Vale who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Town Supervisor. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

*Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*



4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Union Vale to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Town of Union Vale will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of Union Vale will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Union Vale will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Human Resources Office in the Office of the Town Supervisor. If the Town Supervisor is the subject of a complaint, reporting must be made to the Deputy Town Supervisor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;

- Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Town of Union Vale cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Town Supervisor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

## **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town Supervisor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of Union Vale will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Town Supervisor will conduct or will designate a person to conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Town of Union Vale but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Union Vale, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Union Vale does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

## **Instructions for Employers**

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.



# Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

## Town of Union Vale

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Town Supervisor, (845) 724-5600; 249 Duncan Road, LaGrangeville, NY 12540; [supervisor@unionvaleny.us](mailto:supervisor@unionvaleny.us) by phone, in-person or email. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

### COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email  Phone  In person

### SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

*Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

## COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION # 18-29 APPROVING THE CYBER SECURITY CITIZEN'S NOTIFICATION POLICY**

**WHEREAS**, New York Technology Law Section 208 establishes procedures to be followed to notify affected individuals in the event of a breach of a computer security system and requires municipalities to adopt a notification policy or local law consistent with these procedures;

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Union Vale does hereby approve the following document entitled "Cyber Security Citizen's Notification Policy" as the town's official policy; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy which will take effect immediately (attachment here).

The preceding resolution was offered by Councilwoman Kelley, who moved its adoption, seconded by Councilman McMorris.

The foregoing resolution was voted upon with all council members voting as follows:

Supervisor Maas	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye
Councilman Welsh	Aye

Ayes 5  
Noes 0

Dated: October 18, 2018

  
\_\_\_\_\_

Andrea Casey, Town Clerk

### **Cyber Security Citizen's Notification Policy**

- A. This policy is consistent with the State Technology Law, § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of private information of individuals. The North Castle (the "Town") is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.
- B. The Town, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual's private information through unauthorized disclosure.
- C. A compromise of private information means the unauthorized acquisition of unencrypted computerized data with private information.
- D. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- F. The Town will notify the affected individual directly by one of the following methods:
  - 1. Written notice;
  - 2. Electronic notice, provide that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the Town that notifies affected persons in such form;
  - 3. Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
  - 4. Substitute notice, if the Town demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:
    - a. E-mail notice when the Town has an e-mail address for the subject persons;

- b. Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and
  - c. Notification to major statewide media.
- G. The Town must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The Town must notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- I. Regardless of the method by which notice is provided, the notice must include contact information for the municipality making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.
- J. This Policy also applies to information maintained on behalf of the municipality by a third party.
- K. When more than 5,000 New York residents must be notified at one time, then the municipality must notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

**RESOLUTION # 18-30 REGARDING NECESSARY REPAIRS FOR KIDDIE  
POOL IN TYMOR PARK**

**WHEREAS**, the Municipal Park Manager of the Town of Union Vale has investigated and received quotes from three pool companies in an effort to determine costs associated with fixing the Kiddie Pool in Tymor Park; and

**WHEREAS**, it has been determined that the cost of fixing the Kiddie Pool will be in excess of \$20,000 so a formal bid process according to General Municipal Law § 103 was advertised; and

**WHEREAS**, there were no responses to the advertised Invitation to Bid by the posted deadline, it is advised that the lowest quote of \$23,000 from Holland Pools be accepted with funding coming from the Parks Budget 7110.4 for 50% of the project in 2018, an unbudgeted expense with the balance paid for in 2019, which will be a budgeted expense;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Union Vale does hereby adopt the recommendation of the Municipal Park Manager and authorizes the expenditure and the commencement of work on the pool to ensure it is ready for the start of swim season.

The preceding resolution was offered by Councilman McMorris, who moved its adoption, seconded by Councilman Frazier.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Maas	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye
Councilman Welsh	Aye

Ayes 5

Noes 0

Dated: October 18, 2018

*Andrea Casey*

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Andrea Casey, Town Clerk