

MINUTES OF THE MEETING OF THE
SANDY CREEK VILLAGE BOARD OF TRUSTEES

Date: November 5, 2018

Kind of Meeting: Regular

Place: Village Office

Board Members Present:

Grant Rohrmoser, Mayor

Sharon Turo, Trustee

Kenney LaRue, Trustee

Others Present:

Jill Mattison, Clerk/Treasurer

Patricia McCullough, Deputy Clerk, SCRPB

Shirley Rice, Planning Board

Lance Collins, SCFD Chief

John Howland, CEO

John Wood

Pat McDougal

OPEN REGULAR MEETING AND CALL TO ORDER:

Mayor Rohrmoser opened the meeting to order at 7:00 P.M.

APPROVAL OF MINUTES:

RESOLUTION 32 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the minutes of the October 1, 2018 meeting are approved as written.

AUDIT AND APPROVAL OF MONTHLY BILLS, TRANSFERS AND ACCEPT OCTOBER 2018 FINANCIAL STATEMENT:

RESOLUTION 33 - FY 18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Abstract 10, vouchers #129 - #135 in the amount of \$6,195.31

Abstract 11 vouchers # 136 - #161 in the amount of \$262,878.53

Transfer \$1,000 from A1990.4 to A1640.4

 \$ 803 from A3410.2 to A1910.4

 \$3,600 from A8540.4 to A8666.4

Fund Balances: 11/2/18

General Fund		\$388,125.09
Reserve Fire Apparatus	85,735.87	
Radios	1,637.54	
Water Fund		73,870.23
Repair Reserve	22,230.26	
Capital Reserve	20,054.26	
Trust & Agency		0.00
Permanent		3,265.06
Non-expendable	2,000.00	
Expendable	1,265.06	
Water Tower Capital Project		603,025.39
TOTAL ALL FUNDS		\$ 1,068,285.77

Resolved that the monthly bills and transfers are approved and the October 2018 financial statement was accepted.

REPORTS:

PLANNING BOARD: Mrs. McCullough gave the report of the meeting of October 2nd. Due to Election Day, the November meeting is scheduled for the 7th at the Village office. The sketch plan conference for John Constanza's site plan application is on the agenda. He proposes to place three mini storage units on the former Sancona property.

FIRE DEPARTMENT: Chief Collins presented the October call report:

<u>October 2018 Call Report</u>	<u>Year to Date</u>	Active Membership: 27
Total Calls: 40	278	
Structure Fires: 1	14	
Vehicle Fires: 0	0	
Vegetation Fires: 0	0	
EMS: 23	159	
Rescue: 0	3	
MVA: 4	24	
Extrication: 0	0	
Hazardous Condition: 1	10	
Service Call: 1	8	
Good Intent Call: 1	9	
False Alarm: 0	5	
Cancelled Enroute: 1	33	
Other: 9	12	
Mutual Aid Given: 0	12	
Mutual Aid Received: 0	5	
Average Personnel: 3.27	4.23	
Average Enroute Time: 3.94	4.58	
Average Onscene Time: 9.32	10.93	

The department visited grades three, four and five at SCCS for Fire Prevention Week.

A letter was sent to the Town Board requesting an increase in the fire contract due to the newly mandated insurance for cancer coverage. John Wood, Town Councilman, attended the meeting and asked how the amount of the increase was determined. Clerk/Treasurer Mattison based the increase on the amount estimated by Eastern Shore Insurance.

COUNTY LEGISLATOR:

Legislator Kastler was absent. The legislature currently is working on the budget.

HISTORIAN:

Mrs. Cole submitted the October 2018 report, so noted and filed in the Village Office.

CODE ENFORCEMENT:

CEO Howland submitted his report of violations and building permits for October 2018.

CEO Howland reported that the mowing was done at Pottenburg's and the violations at the Rodriguez property were taken care of. The county checked the run off from Turo's and determined that it was from the sump pump and not septic. The debris pile at the Paro property is decreasing.

Becky Rudd submitted a letter to CEO Howland. She was required to have a report from a structural engineer by October 31st. Remediation work to the building cannot be done until January.

ALLOW WORK TO WAIT UNTIL JANUARY ON RUDD PROPERTY:

RESOLUTION 34 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that Rebecca Rudd be allowed to wait until January to resolve issue with her alleged unsafe structure at 2070 Harwood Drive.

SET ADMINISTRATIVE HEARING FOR POTTENBURG UNSAFE STRUCTURE:

RESOLUTION 35 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that an administrative hearing be scheduled for Monday, December 3, 2018, 7:00 pm for alleged unsafe portions of the structure at 255 Ellisburg Street.

CEO Howalnd will be meeting with Don Hilton, the newly elected County Sheriff. He will discuss code enforcement problems such as the Tops Franklin Street parking issue and serving warrants on code violations.

CORRESPONDENCE:

Oswego County Industrial Development Agency – Public Hearing was held on Salmon River Solar (Tubbs/Mullin)

Jack Dodson – Out of scope work (water storage project)

Mudd Murphy - shoe collection for Rescue Mission distribution

OLD BUSINESS:

The price for box rail for Franklin Street is high and Mayor Rohrmoser suggested waiting until next year. A speed limit sign is also needed for Franklin Street.

Mayor Rohrmoser and Harold Brown are working with Dick Turo on the run off problem at 6050 – 6052 S. Main Street.

NEW BUSINESS:

VILLAGE TAX RELEVY:

RESOLUTION 36 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the Board of Trustees certifies that they have compared the account of the relevy with the original tax roll of the Village of Sandy Creek and find such account to be true and correct in the amount of \$9,295.57 (this includes \$1,377.98 for water relevy). This certification will be sent to Oswego County.

ADOPT NEW SEXUAL HARASSMNET POLICY:

RESOLUTION 37 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the following new sexual harassment policy be adopted by the Board.

The Village of Sandy Creek 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 Village of Sandy Creek’s commitment to a discrimination-free work environment. Sexual harassment is against the law¹ 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 Village of Sandy Creek. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Sandy Creek’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village of Sandy Creek. 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

¹ 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.

harassment complaint. The Village of Sandy Creek will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village of Sandy Creek 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-employees² working in the workplace who believe they have been subject to such retaliation should inform the mayor or the Village Board of Trustees. 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.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village of Sandy Creek 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 Village of Sandy Creek 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 Village of Sandy Creek 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 Village of Sandy Creek 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 mayor or Village Board of Trustees.
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;

² 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.

- 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 Village of Sandy Creek 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 the mayor or the Village Board of Trustees. Anyone who witnesses or becomes aware of

potential instances of sexual harassment should report such behavior to the mayor or the Village Board of Trustees.

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 mayor or the Village Board of Trustees.

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 Village of Sandy Creek 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, the mayor or the Village Board of Trustees will 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.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Village of Sandy Creek but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village of Sandy Creek, 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 Village of Sandy Creek 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.

Contact DHR at (888) 392-3644 or visit 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.

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 or via email at 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.

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.

SIGN SNOW PLOWING CONTRACTS:

RESOLUTION 38 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that contracts be signed between the Village of Sandy Creek and Harold Brown for snow plowing and/or removal in portions of the Village of Sandy Creek and with between the Village of Sandy Creek and John Allen Sanitation Services, Inc. for snow plowing and/or removal at the Fire Hall. The contract with John Allen Sanitation has increased from \$55.00 to \$60.00 per plowing.

APPOINT DOG CONTROL OFFICER:

RESOLUTION 39 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that Anne Derr (315 783-8706) be appointed dog control officer for the Village of Sandy Creek

EXPEND FUNDS FROM THE CAPITAL RESERVE FOR WATER PROJECT:

RESOLUTION 40 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that funds be expended from the capital reserve for the Route 11 South water project. Notice will be placed in the Watertown Daily Times.

PUBLIC COMMENT:

Pat McDougal again spoke on the Franklin Street parking situation. The police will not ticket the Tops vendor delivery trucks that continue to block the street in spite of the no parking signs. Mayor Rohrmoser will call the Tops District Manager again. Mrs. McDougal stated that she moved the boulders from the right of way but the village hasn't done their part in enforcement. Various ways to address this problem were discussed such as blocking the street entirely or ownership granted to McDougals and Tops with easements to the village.

Richard Moriarity again spoke to Clerk Mattison about speeding and placing no parking signs on Route 11 in front of his residence. Signs did not help on Franklin Street and it was concluded that they probably wouldn't help in his situation either.

MOTION TO ADJOURN:

There being no further business to come before the Board, a motion to adjourn at 8:10 P.M. was offered by Trustee LaRue and seconded by Trustee Turo, carried.

The office will be closed on Monday, November 12 (Veterans Day)

Next Sandy Creek Village Board meeting – Monday, December 3, 7:00 PM

Next Joint Waterworks meeting – **Wednesday**, November 14, 2018, 10:00 AM

Monday, December 10, 2018, 10:00 AM

Jill M. Mattison, CMC, RMC, CMFO

