

**JANUARY 5, 2021
TOWN OF PIERREPONT
ORGANIZATIONAL MEETING**

The Town Board of the Town of Pierrepont held their Organizational Meeting on Tuesday, January 5, 2021 at the Pierrepont Town Hall, commencing at 6:03 PM.

Present:	Supervisor	Jane Powers
	Councilmen	Roger Murray
		John Glasgow
		Dan Huntley
	Town Clerk	Melanie Thomas
	Assessor	Amy Hunt

Absent:	Councilman	Dahl McCormick
----------------	-------------------	-----------------------

No residents or public present.

Supervisor Jane Powers called the meeting to order at 6:03 PM.

Councilman John Glasgow led us in the Pledge of Allegiance.

Motion by John Glasgow, seconded by Roger Murray, all in favor, to make the following appointments for the Year 2021:

APPOINTMENTS:

Deputy Supervisor	Roger Murray
Deputy Town Clerk	Dale Burns
Second Deputy Town Clerk	Julian Filiatrault
Deputy Highway Superintendent	Laurie Hance
Administrative Assistant-Supervisor	Laurie Hance
Administrative Assistant-Highway Supt.	Laurie Hance
Administrative Assistant-Justice	Laurie Hance
Budget Officer	Laurie Hance
Dog Control Officer	Donna Gilbert
Custodian (Buildings)	Mercy Spellacy
Custodian (Grounds/Trash Removal)	Patrick Regan
Historian	Barbara Daniels
Registrar	Melanie Thomas
Deputy Registrar	Dale Burns

Second Deputy Registrar
 Code Enforcement Officer
 Attorney
 Planning Board Chairperson
 Zoning Board of Appeals Chairperson
 Board of Assessment Review Chairperson

Julian Filiatrault
 Clay Streit
 Colin Loomis
 Pierre Pomainville
 William Enslow
 Leonard Bonno

LIST OF ZONING BOARD OF APPEALS & PLANNING BOARD FOR RECORD--

ZONING BOARD OF APPEALS (FIVE-YEAR APPOINTMENTS)

<u>MEMBER</u>	<u>APPT EXPIRES</u>	<u>NEEDS REAPPT.</u>
William Enslow	12-31-2024	1-2025
Peter Wyckoff	12-31-2023	1-2024
Jamie VanBrocklin	12-31-2022	1-2023
*Vacant	12-31-2020	1-2021
Lillie Barr	12-31-2021	1-2022
*Vacant(alternate)	12-31-2020	1-2021

Motion by Dan Huntley, seconded by John Glasgow, all in favor, to reappoint Randy Camp to a five- year term to the Planning Board, term expiring on 12/31/25.

PLANNING BOARD (FIVE-YEAR APPOINTMENTS)

<u>MEMBER</u>	<u>APPT EXPIRES</u>	<u>NEEDS REAPPT.</u>
Vacant	12-31-2021	1-2022
Rick Brewer	12-31-2022	1-2023
Pierre Pomainville	12-31-2024	1-2025
*Randy Camp	12-31-2020	1-2021
Justin Planty	12-31-2023	1-2024

LIST OF BAR MEMBERS FOR RECORD--

BOARD OF ASSESSMENT REVIEW 5-YEAR APPOINTMENTS

	<u>APPT EXPIRES</u>	<u>DATE REAPPOINTED</u>
Robert Pinkerton	9-30-2023	10-1-2023
Leonard Bonno	9-30-2024	10-1-2024
Tabitha McCuen	9-30-2020	10-1-2021
Lynda James	9-30-2021	10-1-2021
Chad VanBrocklin	9-30-2022	10-1-2022

Motion by John Glasgow, seconded by Roger Murray, all in favor, to designate the following bank accounts for Town Officials for 2021:

<u>OFFICIAL</u>	<u>2021 BANK LIST</u>
Supervisor	NBT Bank, NA
Town Clerk	NBT Bank, NA
Tax Collector	NBT Bank, NA
Town Justice	NBT Bank, NA

Motion by Dan Huntley, seconded by John Glasgow, all in favor, to adopt the following policies for 2021 (see attached):

Procurement Policy

Workplace Violence/Sexual Harassment Prevention Policy

Ethics Policy for Purchasing

Investment Policy

Records Management Policy

Motion by Roger Murray, seconded by , all in favor, to approve the **Salaries for Appointed Personnel for Year 2021** as follows:

SALARIES FOR APPOINTED PERSONNEL FOR YEAR 2021

Deputy Town Clerk	\$14.40	per hour up to \$7,380.00 per yr.
Registrar of Vital Statistics	\$250.00	per year
Board of Assessment Review		
-Chairman	\$200.00	per year (+ \$50 per mtg for any extra mtgs)
-Members (4)	\$150.00	per year (+ \$30 per mtg for any extra mtgs)
Adm. Assistant - Supervisor	\$22,943.00	per year
- Highway Supt.	\$13,490.00	per year
-Justice	\$17,439.00	per year
Dog Control Officer	\$25.00	per call + mileage
Code Enforcement Officer	\$13,752.00	per year
Assessor	\$24,696.00	per year
Custodian -Buildings	\$ 4,356.00	per year
-Grounds/Trash Rem.	\$ 3,975.00	per year
Historian	\$900.00	per year
Zoning Board Chairperson	\$50.00	per hearing
Zoning Board Secretary	\$40.00	per hearing
Zoning Board Members	\$30.00	per hearing
Planning Board Chairperson	\$50.00	per meeting
Planning Board Secretary	\$40.00	per meeting
Planning Board Members	\$30.00	per meeting

Motion by John Glasgow, seconded by Roger Murray, all in favor, to approve - mileage for personal vehicles utilized for town business (for outside of the Town of Pierrepont) for 2021: **\$0.50 per mile.**

Motion by Roger Murray, seconded by Dan Huntley, all in favor, to approve the official newspaper for 2021 as the **Watertown Daily Times, Watertown, NY.**

Motion by Dan Huntley, seconded by John Glasgow, all in favor, to approve the Regular Town Board meetings for 2021: 7:00 PM on the **LAST** Tuesday of every month.

Motion by Roger Murray, seconded by Dan Huntley, all in favor, to approve the **Second Notice Fee** for 2021 taxes at **\$1.00.**

Motion by Dan Huntley, seconded by John Glasgow, all in favor, to appoint 2 board members to audit books for 2020 for each department, including supervisor, town clerk, and court. Supervisor's books will be audited by Roger Murray and John Glasgow. Town Clerk's books will be audited by Roger Murray and Dan Huntley. Justice's books will be audited by Dahl McCormick and Dan Huntley.

Motion by Roger Murray, seconded by Dan Huntley all in favor, to adopt **Rescue Contracts** for the **YEAR 2021** as follows:

COLTON RESCUE	\$7,350.00
LIFE FLIGHT (Res. #I:2021)	\$ 825.00
POTSDAM RESCUE	\$3,340.00

Motion by Roger Murray , seconded by Dan Huntley, all in favor, to adopt **Fire Protection Contracts** for the **YEAR 2021** as follows:

PIERREPONT VOLUNTEER FIRE DEPARTMENT, INC.	\$78,500.00
HANNAWA FALLS VOLUNTEER FIRE DEPARTMENT, INC.	\$78,500.00

Motion by John Glasgow, seconded by Roger Murray, all in favor, to adopt the **ST. LAWRENCE COUNTY COMMUNITY DEVELOPMENT PROGRAM, INC** contract for 2021:

SLC COMMUNITY DEVELOPMENT PROGRAM, INC.	\$5,500.00
--	-------------------

Motion by John Glasgow, seconded by Roger Murray, all in favor, to adopt the
POTSDAM HUMANE SOCIETY contract for 2021.

POTSDAM HUMANE SOCIETY

\$1,800.00

Motion by John Glasgow, seconded by Roger Murray, all in favor, to adjourn.

Adjournment Time: 6:25 PM.

Respectfully Submitted,
Melanie J. Thomas
Town Clerk

MJT

Town of Pierrepont

RESOLUTION NO: I-2021

DATED: January 5, 2021

WHEREAS: North Country LIFE FLIGHT, Inc. is a not-for-profit, tax-exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake and private fixed-wing aviation resources; and

WHEREAS: The New York State Police aviation resources do not provide a medically trained team or medical equipment for patient transports; and

WHEREAS: The people of Clinton, Essex, Franklin, Hamilton and St. Lawrence Counties receive a vital emergency medical service for critically ill and seriously injured patients, and, therefore municipal governments are asked to pledge monies for this worthwhile program;

NOW, THEREFORE, BE IT RESOLVED: That the Town Board of the Town of Black Brook hereby authorizes the Supervisor to enter into a contract with North Country LIFE FLIGHT, Inc. for the purpose of operating the medical component of the medevac program, which will serve its residents and visitors, and paying the amount of \$ 825 which represents the Town's share for 2021; and be it

FURTHER RESOLVED: That the sum of \$ 825 is hereby appropriated to Account No. A4540.1 for payment to North Country LIFE FLIGHT, Inc.

Offered by: John Glasgow

Seconded by: Roger Murray

Vote: 4 yes, 0 no

TOWN OF PIERREPONT

PROCUREMENT POLICY

WHEREAS, SECTION 104-b PG, THE GENERAL MUNICIPAL LAW (GML)
Requires every Town or Village to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

WHEREAS, Comments have been solicited from those officers of the Town or Village involved with procurement; NOW THEREFORE, BE IT

RESOLVED: That the Town of Pierrepont does hereby adopt the following procurement policies and procedures:

GUIDELINE 1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103. Every Municipal Officer, Board, department Head or other personnel with the requisite purchasing authority (hereinafter purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other municipal departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

GUIDELINE 2: All purchases of A) Supplies or Equipment which will exceed \$10,000 in the fiscal year or B) Public Works contracts over \$20,000 shall be formally bid pursuant to GML, Section 103.

GUIDELINE 3: All estimated purchases of:

- A. Less than \$10,000 ~~but greater than \$10,000~~ but greater than \$3,000 require a written request for a proposal (RFP) and written/fax quotes from at least 3 vendors.
- B. Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from at least 2 vendors.
- C. Less than \$1,000 but greater than \$250 are left to the discretion of the purchaser.

All estimated public works contracts of:

- A. Less than \$20,000 but greater than \$10,000 require a written RFP and written/fax proposal from at least 3 contractors.
- B. Less than \$10,000 but greater than \$3,000 require a written/fax proposal from at least 2 contractors.
- C. Less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.

PROCUREMENT POLICY

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 4: The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares written justification providing reasons why it is in the best interest of the municipality and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE 5: A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 6: Except when directed by the appropriate Municipal Board No solicitation of written proposals or quotations shall be required under the following circumstances:

- 1. Acquisition of Professional Services*
- 2. Emergencies*
- 3. Sole source situations*
- 4. Goods purchased from Agencies for the Blind or Severely handicapped.*
- 5. Goods purchased from Correctional Facilities*
- 6. Goods purchased from another Governmental Agency*
- 7. Goods purchased at Auction*
- 8. Goods purchased for Less than \$250*
- 9. Public Works contracts for Less than \$500*

GUIDELINE 7: This policy shall be reviewed annually by the Municipal Board at its Organizational Meeting or as soon thereafter as is reasonable practicable. This policy may be amended by the appropriate Municipal Board from time to time by simple resolution.

Town of Pierrepont Workplace Violence Prevention Policy & Incident Reporting

Town of Pierrepont is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Pierrepont property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employee could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. Town of Pierrepont has identified response personnel that include a member of management and an employee representative. If appropriate the Town of Pierrepont will provide counseling services or referrals for employees.

All Town of Pierrepont personnel are responsible for notifying the contact person designated below of any violent incidents; threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: _____
Title: _____
Department: _____
Phone: _____
Location: _____

See attached sheet

DESIGNATED CONTACT PERSONS
TOWN OF PIERREPONT
WORKPLACE VIOLENCE PREVENTION POLICY & INCIDENT REPORTING

Jane Powers
Supervisor
Ph: 386-8311 (office)
315-386-2334 (home)
315-212-3601 (cell)
50 Powers Rd.
Canton, NY 13617

Shawn Spellacy
Highway Superintendent
Ph: 386-8961 (highway garage)
379-1028 (home)
323-0388 (cell)
275 CR 29
Canton, NY 13617

Laurie Hance
Administrative Assistant
Ph: 315-379-0415 (office)
315-244-1510 (home)
315-244-1565 (cell)
162 Judson St. Rd.
Colton, NY 13625

Joe Zacharek
Municipal Safety Officer
Zachary Risk Management
Ph: 413-6574 (office)
263-8720 (cell)
11 Second St., P.O. Box 60
Edwards, NY 13635

Introduction Sexual Harassment Prevention Policy

Town of Pierrepont 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 Pierrepont'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 Town of Pierrepont. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Town of Pierrepont'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 Town of Pierrepont. 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 Pierrepont 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 Pierrepont 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 Highway Superintendent, Town Supervisor, or Town Clerk. 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 Town of Pierrepont 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 Pierrepont will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment,

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.

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. 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.

or otherwise knows of possible sexual harassment occurring. Town of Pierrepont 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 the Highway Superintendent and Town Supervisor—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 Pierrepont will provide all employees a complaint form for employees to report harassment and file complaints.
7. The Highway Superintendent and/or Town Supervisor are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Board.
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 contracted 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 Pierrepont 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 Highway Superintendent, Town Supervisor or Town Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Highway Superintendent, Town Supervisor or Town Clerk.

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 and/or Town Board.

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

Superintendents and Supervisors 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 Pierrepont 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, Supervisor and/or Town Board 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 Town of Pierrepont but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Town of Pierrepont, 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 Town of Pierrepont 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.

Sexual Harassment Complaint Form

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 your Highway Superintendent, Town Supervisor, Town Clerk or Town Safety Consultant. 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

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: _____

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.

TOWN OF PIERREPONT

CODE OF ETHICS FOR PURCHASING

The purchasing officer's business practices will affect not only his own reputation but the reputation of the municipality. Therefore, he or she must maintain a high standard of conduct.

1. *To consider first the interest of the municipality and the betterment of its government.*
2. *To endeavor to obtain the greatest value for every dollar expended.*
3. *To be receptive to advice and suggestions from department heads, insofar as such advice and suggestions are not in conflict with legal or moral restrictions in purchasing procedures.*
4. *To strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency.*
5. *To insist on and expect honesty in sales representation whether offered verbally or in writing, through the advertising or in a sample of a product submitted.*
6. *To give all responsible bidders equal consideration and the assurance of unbiased judgment in determining whether their product meets specifications.*
7. *To discourage the offer of, and to decline, gifts which in any way might influence the purchase of municipal equipment and supplies.*
8. *To accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions.*

CODE OF ETHICS FOR PURCHASING

9. *To counsel and assist others in the performance of their duties to make purchases for the municipality wherever occasion permits.*
10. *To cooperate with governmental and trade association in the promotion and development of sound business methods in the purchasing of municipal equipment and supplies.*

The purchasing officers, through their business contacts, are in a position to promote good public relations. They will merit the respect of their associates, the public and vendors when they use no favoritism. If all factors are equal, including prices, the local merchant should be given first consideration.

ABOVE ALL, BE FAIR AND HONEST!

INVESTMENT POLICY
Town of Pierrepont

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order,

- a) to conform with all applicable federal, state and other legal requirements (legal);
- b) To adequately safeguard principal (safety);
- c) To provide sufficient liquidity to meet all operating requirements (liquidity); and
- d) To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Supervisor, treasurer, or other officer having custody of money who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Pierrepont to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of Pierrepont to diversify its deposits and investments by financial institution, by investment instrument, and by maturing scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Town of Pierrepont for all moneys collected by any officer or employee of the government to transfer those funds to the Supervisor within 2 days of deposit, or within the time period specified in law, whichever is shorter.

The Supervisor, treasurer, or other officer having custody of money is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the following amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
NBT Bank	n/a	Supervisor

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the Town of Pierrepont, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" with an aggregate "market value"; by an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government; by an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party) bank or trust company subject to security and custodial agreements.

X. PERMITTED INVESTMENTS

The Town of Pierrepont authorizes the Supervisor, treasurer, Board to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments: Special time deposit accounts; Certificates of deposit.

TOWN OF PIERREPONT RECORDS MANAGEMENT POLICY

1. **Introduction:** As government officials, we are responsible for the maintenance and preservation of the town's records. The Town Clerk, as Records Management Officer, will have authority over the records management program. The official copy of a record in most cases, is the original copy.

2. **Custody of the Records:** All town departments and town employees must understand that the records they use in their daily work are not their personal records. The records belong to the town and are maintained by town personnel for the benefit of the public and all levels of government.

All active and inactive records are considered to be owned by the town regardless of which department originally created the records or physically possess them. By law, the Town Clerk (as Records Management Officer) has ultimate responsibility for all records of the town, but that does not necessarily imply physical custody of all records.

**Court records are officially considered records of the State of New York, under the Office of Court Administration. Town Justices have custody of their own records when they are active. However, after the retirement of the town justice, custody of these records resides with the town clerk. Access is granted by permission of the town clerk and a presiding justice.

**Vital statistics (birth, death, and marriage records) are officially considered records of the State of New York, under the oversight of the State Department of Health, and the Town Clerk, in his/her role as Registrar of Vital Statistics.

3. **Retention and Disposition of Records:**

Retention Schedules: The Town of Pierrepont has adopted and follows Schedule MU-1 as developed by New York State Archives.

Exceptions to General Retention rules: legal proceedings, audits, court records, birth, death and marriage records, damaged records, records predating 1910, and records possessing intrinsic value.

Records Disposition: The Town of Pierrepont documents all records dispositions using a Records Destruction Authorization Form. Unnecessary records (according to the retention schedule) are shredded once a year using a shredding service provider. A file of destroyed records is maintained.

4. **Storage and Preservation of Records:** Active records are kept on computers or in vertical pull-drawer cabinets. Any confidential records will be locked in file cabinets. Inactive records will be stored in the storage room in the basement of the town hall.

5. **Records Access:** If a town employee in any department wishes to retrieve a record from the inactive storage room, he or she should make the request to the Town Clerk and return the record to the

Town Clerk when finished with it.

Public Access: Departments should refer all Freedom of Information Law (FOIL) requests to the Town Clerk. By law, FOIL requests must be answered within 5 days of receipt.

6. **Non-Governmental Historical Records:** As a means of documenting the history of the town, the town historian may acquire or "collect" records of individuals, families, and businesses in the town. Once legal title has been transferred, these non-governmental records become "town records" as if the town had created or received them in the course of official business.

7. **Computer Policy:** Town computers are for town business use only. Since the Town of Pierrepont does not have an Information Technology (IT) Department, each town employee that uses a computer will be responsible for using passwords for electronic record-keeping systems to prevent unauthorized access. Town employees also will be responsible for using up-to-date virus detection software, firewalls, and for backing up documents periodically (at least once a week is recommended).

8. **Breach Notification Policy:** In the event that there is a computer breach of information on town computers, every effort will be made to contact those whose information has been compromised, whether by phone, letter, or e-mail.