

PUBLIC HEARING ON 2019 PRELIMINARY BUDGET AT 6:45 PM

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE
TOWN BOARD SPECIAL MEETING**

**OCTOBER 31, 2018
AGENDA**

Pledge of Allegiance

Reports

Supervisor

County Legislator

Town Clerk

- Approval of October 8, 2018 Town Board Regular Meeting Minutes
- Approval of October 22, 2018 Informational Meeting Minutes

Tax Collector

Historian

Agriculture (Chair R. VanEtten/Member Irving)

Ag Fest Liaison (Member Irving)

Animal Control (Chair Irving/Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

Audit and Budget (Chair Ruso/Member Downes)

- Motion to Accept the 2019 Preliminary Budget

Buildings & Grounds/Recycling (Chair Irving/Member Briody)

Building Inspector/Code Enforcement (Chair VanEtten/Member Briody)

Fire, EMS & Law Enforcement (Chair Dellisanti/Member Downes)

- Resolution Authorizing Supervisor to Execute Agreement with Ravena Rescue Squad for Ambulance Services Provided to New Baltimore District No. 1

Grants/Promotions/Economic Development (Chair VanEtten/Member Ruso)

Greene County EMS (Representative Dellisanti/Deputy Ruso)

Greene County Planning Board (Member Irving)

Highway (Chair Ruso/Member Briody)

Insurance (Chair Ruso/Member Downes)

- Resolution to Approve Employee Health Insurance Plan, Medicare Advantage Plan, Dental and Vision Programs for 2019

Personnel (Chair Ruso/Member VanEtten)

- Motion to Accept Resignation of Deputy Justice Clerk and Deputy Tax Collector
- Resolution to Adopt Sexual Harassment Policy and Complaint Form

Planning Board/Zoning Board of Appeals (Chair Irving/Member Ruso)

Seniors (Chair VanEtten/Member Ruso)

Technology/Website (Chair Briody/Member Downes)

Town Courts Liaison (Chair VanEtten/Member Briody)

- Resolution to Place Advertisement for Part-Time Justice Court Clerk

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Briody)

Youth, Parks and Recreation (Chair VanEtten/Member Briody)

Public Comment Period/Community Events

- November 7, 2018 Zoning Board of Appeals (If Needed) at 7:30 PM
- November 8, 2018 Planning Board Meeting at 7 PM
- November 12, 2018 Town Board Regular Meeting at 7 PM
- November 26, 2018 Town Board Work Meeting at 7 PM
- December 5, 2018 Senior Committee Christmas Party at Pegasus at 12 Noon, Reservations Made by Calling (518)756-8076 by November 27

Audit of Claims

Adjournment

****** Agenda Subject to Change******

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

This policy will be amended by Majority vote of the Town Board.

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OPENING OF REGULAR MEETING

Supervisor Ruso opened the meeting at 7:21 PM and the Pledge of Allegiance was said. Also attending Deputy Supervisor Dellisanti, Councilmembers Briody, Downes, Irving, and VanEtten, Town Clerk Finke, County Legislator Linger, and 4 members of the public who signed the attendance book. Absent: Tax Collector Jordan and Deputy Highway Superintendent VanWormer

Supervisor

The monthly financial reports for September were forwarded to all Board members. Has everyone had a chance to review them? I would like to make a Motion to accept the September financial reports, seconded by Councilmember Downes

AYES: Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

County Legislator Pat Linger

We were presented with the Tentative Budget in October. In the coming weeks, we will offer any changes as resolutions and hold the Public Hearing. That hearing is set for Monday, November 5, 2018 at 6pm in the Catskill Middle School auditorium. Our 2018 bridge projects are now substantially completed, and work has already begun to get the 2019 projects in place. The Quality Inn property near the thruway exit in Catskill has been scheduled for demolition on November 5. This has been a long legal process that will result in positive economic development potential for Greene County. Tourists coming to Greene County spent over \$170 million in 2017, a 7.8% increase over 2016. This is not by accident. This is the result of many hours of studying trends, good advertising and marketing, and good economic development policies set by our Legislature. All of that is working in our favor. Sales tax receipts are also ahead of last year and are trending to finish above target. The hope is to now draw a well-known hotel to enhance the lodging requests we're seeing. We have signed a lease on the former Greene County Savings Bank building on Mansion St. in Coxsackie. This building will be used to perform temporary jail operations and house the GC Sheriff administrative offices until the new facility is built. This lease will cost \$147,600 over the next 3 years, or about half the estimated cost to repair the old "D" block for the same use. There is no heat in the old jail, and demo estimates are much lower if we perform the whole thing at once. One item tabled for discussion and clarification this month was a change to the NYS Community Development Block Grant program. NYS is changing the requirements and we need to have a plan in place to move funds into so we don't have to send them back to NYS. At this time, the idea is forming a not-for-profit Local Development Corporation to handle this. Notable resolutions passed this month include: - Authorized purchase of 2 – ¾ ton pickup trucks for Highway - Authorized purchase of 1 Skid Steer for Buildings & Grounds, complete with a 6' snowblower, heavy duty bucket, and 6' brush hog. Bob VanValkenburg has named Scott Templeton to be the new Deputy Superintendent of Highway/Solid Waste. Scott grew up in Greene County and has 16 years engineering experience. He will be a welcome addition to the department. Greene County Administrator Shaun Groden has been elected to serve as president of the New York State Association of County Administrators and Managers. My congratulations to Shaun as he takes on a very important statewide position. After nearly 3 years of discussion, I believe we have a "gentlemen's agreement" for the Town Highway crews to roll out of the garage this winter with plows down. Thank you to Scott and Alan VanWormer for their willingness to improve road conditions for our taxpayers, regardless of who owns the road. We will work on formalizing this agreement in the near future.

Town Clerk Barb Finke

1 Building Permit \$396.00, 1 CO Search \$15, 12 Hunting/ Fishing Licenses \$49.89, 15 Dog Licenses \$102, 4 Late Dog Licenses \$20, 1 Marriage License \$17.50, 1 Lot Line Adjustment \$50, 2 Minor Subdivisions \$60, 1 Certified Copy \$10, 5 Photo Copies \$1.25, State, County & Local Revenues \$1,552.25, to New York State Agriculture and Market for Spay/Neuter Program \$19, to New York State Department of Health for Marriages \$22.50, to New York State Department of Environmental Conservation \$789.11,

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Total to Supervisor \$721.64 I spoke with Maria McCashin from the New York State Archives at the New York Municipal Clerks Institute Program regarding a grant for a new records vault in the basement. There are many records that are permanent – Minutes Books, Court Dockets, Payroll – and we find our current room getting smaller and smaller. She met with Diane and me and we have outlined some areas where a larger space can be justified. With the Historian in the process of setting up his office in the basement and Highway looking to move some of their records here, there will be more Town records that need to be archived. Maria also had two more suggestions. The first is for shared services within the Town which scores more points for cooperative efforts. I have contacted the New Baltimore and Medway Fire Districts to see if they have any records that could be included. Also, when any requests are made – payroll records for the New York State Retirement System, FOIL requests, or research - Diane brings up the boxes that are needed for that specific request. Sometimes the number of boxes is massive. This also happens during any type of weather condition including rain and snow. It was suggested by Maria that we create a small office downstairs for Diane with equipment where she can scan documents and email to her computer upstairs instead of bringing up all the heavy boxes. This addition could all be included in the grant. This is a lengthy process and I will continue to advise the Board. I received one FOIL in September, information has been compiled and we are awaiting payment. The Townwide Yard Sale was held on Saturday, September 15. Maps were available at Town Hall as well as the New Baltimore Reformed Church, Albright's Garage, District 2 Park, and the Cocksackie Antiques Center. There were 32 listings on the map and many others throughout the Town. The weather was sunny and traffic was heavy. I appreciate working with Donna Degnan and Lynn Taylor and thank Lynn for assisting me with the map. I also appreciate the Highway Department's help in putting up and taking down the signs.

ADOPTION OF MINUTES

The October 8, 2018 Town Board Regular Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Downes. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

ADOPTION OF MINUTES

The October 22, 2018 Informational Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Tax Collector Diane Jordan

Property/County Tax— Anyone still owing property/county taxes will now be required to call Greene County for amounts owed and information on how to pay the tax bill. Please call Greene County at (518)-719-3530. Sewer District # 1 -- The payments I receive in my office at town hall by October 31, will be processed as a paid payment. Any payment received after October 31 that is not post marked on or before October 31th, cannot be processed and will go to Greene County as a Relevy as of November 1, 2018. Water District # 2 –Water District #2-- The last and 4th quarter billing is due by November 15 After November 15, there is a 4% penalty added to the bill. The last date to pay this bill will be December 15th After this date payment will not be accepted and the payment will go to relevy. Anyone with questions please call me at (518) 756-6671 x2 and I will be happy to help you any time.

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Historian

No Report

Agriculture

No Report

AgFest

No Report

Animal Control

No Report

Assessment

EXEMPTIONS The office has been busy with renewals coming in, and will be on going for the next few months, the agricultural exemption renewals will be mailed out this month ***BOARD OF ASSESSMENT REVIEW*** The second meeting of the BAR was held for corrections to the final assessment roll effective for the January Town/County tax bills ***SMALL CLAIMS*** The two Small Claim cases determinations from the Hearing Officer was received, whereas 1 case was dismissed and 1 case had a reduction of 1,000 ***SENIOR CITIZEN & DISABILITY WITH LIMITED INCOMES*** The County Directors reached out to the Assessors in regards to the annual review of income limits and plan to conduct a survey with nearby regions. The County is looking for a 1,000 increase on the sliding scale levels which currently reflect \$27,500 (50%) to \$35,899.99 (5%) ***JANUARY TOWN/COUNTY TAX BILLS*** The final 2018 data files and totals will be sent to the County on or before November 1st for the 2018-2019 tax levy, tax rolls and bills. Real Property will submit the files directly to TelAscent for processing of the January 1st, 2019 tax bills

Audit and Budget

No Report

Buildings & Grounds/Recycling Center Operator Kirk Trombley

60 Gallon Bags of Plastic (No Hard Plastics) 11, 14 Bundles of Magazines and Phone Books, 70 Bags and Bundles of Newspaper, 38 Boxes and Bundles of Cardboard, 2 Refrigerators, 1 Small Refrigerator, 1 Dishwasher, 1 Washer

Building Inspector/Code Enforcement Officer Allan Jourdin

Summarization of Building Inspector/Code Enforcement Officer activities for September, 2018 is as follows: Building Inspections: 15 Building Permits Issued: 3 Building Permit Renewal Letters Sent: 1 E-mails Received: 93 E-mails Sent: 111 Certificates of Compliance Issued: 5 Certificates of Occupancy Issued: 0 New Building Permit Applications Received: 3 New Building Permit Applications Awaiting Permit Issuance: 4 Open Building Permits: 104 Application Fees for September, 2018: \$396.00 Total Fees for Year to Date: \$10,776.17

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Fire, EMS & Law Enforcement

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 161-2018
OCTOBER 31, 2018

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE
AGREEMENT WITH RAVENA RESCUE SQUAD FOR AMBULANCE
SERVICES PROVIDED TO NEW BALTIMORE DISTRICT NO. 1**

RESOLVED the Town Board does hereby authorize the Supervisor to Execute an agreement with Ravena Rescue Squad for the period January 1, 2018~~9~~-December 31, 2018~~9~~ for basic ambulance service provided to New Baltimore Ambulance District No. 1 at a total cost of \$24,900.

Motion by Supervisor Ruso seconded by Councilmember Downes

Supervisor Dellisanti: Yes, under discussion it should be December 31, 2019.

Supervisor Ruso: Shouldn't the other one be January 1, 2019? Amended as such. I'll remake that Motion.

Councilmember Downes: I'll second.

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Grants/Promotions/Economic Development

No Report

Greene County EMS

The regular monthly meeting was held on Tuesday, October 16, 2018. There were 4 EMS calls in September for a total of 77 for this year, and we had 103 calls for all of 2017. As of October 16, 2018 there is a projected year-end balance of \$525,000.

Deputy Supervisor Dellisanti: So, Greene County EMS is doing very well.

Greene County Planning Board Representative Jean Horn

10/17/18 1. Town of Catskill-Use and variance of 50 unit resort on the Catskill Golf Course at 27 Brooks Lane. Local Decision 2. Town of Catskill-area variance and addition of shed for landscaping business on Rt. 9W. Approved 3. Town of Catskill-Special use permit regarding 60 unit RV Park campsite(Tiny Houses) on Cairo Junction Rd. Approved 4. Village of Catskill regarding moratorium on development in a portion of Catskill. Approved 5. Town of Greenville-regarding zoning amendment adding regulations for large scale solar facilities. Local decision 6. Town of Coxsackie-regarding minor changes to a previously referred zoning amendment adding provisions for solar facilities. Approved

Highway

Highway Report September 24 to October 22 2018 Mowed along roads with both mowers, Finished setting concrete blocks for new salt shed and put caps on top, Cut fallen tree limb on Gedney Hill Road, Replaced blades and arbor on John Deere lawn mower, Sharpened blades on other mowers, Mowed and weed eat parks, and Town Hall as needed, Picked up 15 inch culvert pipe at pipes plus, Replaced culvert pipe on High

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Mount Road, 15"x 60' and 36"x4', Cut up fallen tree on Haas Hill Road, Replaced culvert pipe on LimeKiln Road 15"x30', Cut two trees on Reservoir Road, Hauled in washed stone dust for winter from Callanan Industries (low bidder), Got items ready for auction sale, Replaced culvert pipe on Featherbed Lane 12"x 30', Did paperwork for Chips funding, Cut low hanging limbs on Honey Hollow Road, hitting school bus, Blacktopped areas where we replaced culverts, Mowed and trimmed cemeteries, Removed beaver dam from culvert pipe on West Deans Mill Road, Welded broken part on boom mower, Replaced tires on 2012 pickup, Replaced batteries on 2006 F350, Cut up fallen tree on Jennings Road, Attended Workplace Violence Training at Town Hall, Started checking trucks over for winter, Spread on load of blacktop on Orchard Lane, Replaced tow hooks on 1985 Oshkosh, Had new plow and sander installed on 2006 F350, Replaced ignition switch on 1996 International

Insurance

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 162-2018
OCTOBER 31, 2018

**RESOLUTION TO APPROVE EMPLOYEE HEALTH INSURANCE PLAN,
MEDICARE ADVANTAGE PLAN, DENTAL AND VISION
PROGRAMS FOR 2019**

WHEREAS due to the continued changes in offerings of health insurance for the employees and affected town retirees and associated costs of these offerings;

WHEREAS the healthcare costs are more stable with that Gold-level plan with low deductibles, low co-pays and a much lower HRA potential cost;

WHEREAS the contract with MVP Liberty HDHP Gold 2 will be offered to full time town employees effective December 1, 2018 with a monthly premium based on current usage of \$12,169.30;

WHEREAS the contract with MVP Liberty HDHP Gold 2 will be offered to retirees and/or their spouses who are below age 65 without the associated HRA with a monthly premium of \$629.23 per person;

WHEREAS the Match-back option for the Medicare Advantage plan for retirees age 65 and above will be CDPHP PPO at a rate of \$326.10 effective January 1, 2019 for a total estimated monthly cost of \$2,941.20;

WHEREAS the Met Life dental is renewed as a monthly premium of \$693.89 for a total estimated ~~monthly~~ annual cost of \$8,326.68 effective January 1, 2019 based on current enrollment;

WHEREAS Empire Vision is renewed as of December 1, 201~~9~~⁸ at a monthly premium of \$13.60/\$19.38 at an estimated monthly charge of \$146.54 based on current enrollment;

THEREFORE, BE IT RESOLVED that the Town Board authorizes the Supervisor to sign the agreements for insurance coverages for eligible Town employees and retirees.

Motion by Councilmember Downes seconded by Supervisor Ruso

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Personnel

Supervisor Ruso: I would like to make a Motion by accept the resignation of Kimberly Ruby as Deputy Justice Clerk and Deputy Tax Collector. Her last day was October 19, 2018. Her resignation is attached. Do I have a second?

Councilmember VanEtten: I'll second.

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 163-2018
OCTOBER 31, 2018

RESOLUTION TO ADOPT SEXUAL HARASSMENT POLICY AND COMPLAINT FORM

RESOLVED that the Town Board of the Town of New Baltimore hereby adopts the revised Sexual Harassment Policy and Complaint Form.

BE IT FURTHER RESOLVED that the Town of New Baltimore Sexual Harassment Policy and Complaint Form shall be posted at Town Hall, Town Highway Garage, and the New Baltimore Wastewater Treatment Plant.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Introduction

The Town of New Baltimore 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 New Baltimore'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 New Baltimore. 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 New Baltimore'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 New Baltimore. 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 New Baltimore 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 New Baltimore 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 Emergency Management Officer 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 New Baltimore 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.

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.

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5. The Town of New Baltimore 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 New Baltimore 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 New Baltimore 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 Emergency Management Officer or Town Clerk.
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.

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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 New Baltimore 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 Emergency Management Officer or Town Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Emergency Management Officer 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 Emergency Management Officer or Town Clerk.

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 New Baltimore will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

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

- Upon receipt of complaint, the Emergency Management Officer or the Town Clerk 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 New Baltimore but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of New Baltimore, 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.

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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 New Baltimore 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.

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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.

Town of New Baltimore

Sexual Harassment Prevention Policy

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 the Emergency Management Officer or the Town Clerk. 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.

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:

DESCRIBE COMPLAINT

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Planning Board Chairman Rob VanEtten

The Planning Board met on October 11, 2018, with the following business transacted: ...Public Hearing was held on the Application submitted by Brent Zimmerman and Alessandro Voglino, owners of Lime Kiln Farm at 525 Lime Kiln Road for a Special Use Permit and Site Plan to allow for the establishing of a farm store in an existing building on their farm to sell farm products to the public. ...Public Hearing was held on the Altered Lot Line Application and Minor Subdivision Application submitted by Maxwell Horowitz for property located on east side of Route 9W north of Route 144. In the Regular Monthly Meeting that followed: ...Special Use Permit and Site Plan were approved for Brent Zimmerman and Alessandro Voglino for their farm store. ...Action on Maxwell Horowitz's applications was postponed until November awaiting receipt of required deeds and further map clarification as to parcel access. ...Received minor subdivision application from Sara Young and Scott Joralemon representing Ethan Nolan for two-lot subdivision of property located on Aquetuck Road. Subdivision was classified and required Public Hearing scheduled for 7 p.m., November 8. ...Held initial discussion with John Cashin and Santo Costanza regarding a subdivision of the Costanza parcel and parcel merger of remainder of parent parcel with land currently owned by John Cashin and Susan O'Rorke.

Zoning Board of Appeals Chairman Pat Linger

The Zoning Board of Appeals did not meet on October 3, 2018, since there were no applications to come before the Board.

Seniors

Councilmember VanEtten: We're having the Christmas Party on December 5 at noon at Pegasus and they're busy planning it now.

Supervisor Ruso: And that's for anybody who's a resident of the Town of New Baltimore who's...

Councilmember VanEtten: Over 60.

Supervisor Ruso: Age 60 and above of course.

Councilmember VanEtten: And their caregivers.

Supervisor Ruso: And their caregivers?

Councilmember VanEtten: Yes.

Councilmember Downes: And is there a cost?

Supervisor Ruso: No.

Councilmember VanEtten: It's free.

Supervisor Ruso: It's free to the first how many is it?

Councilmember VanEtten: Well, there's 64 that they can get under the budget, but we've never had anywhere near that many. Last year it was 54.

Supervisor Ruso: But technically the most they can afford is 64.

Councilmember VanEtten: It did go up \$2 a person, but it's been staying at \$20 for a long time.

Technology/Website

Councilmember Briody: Matter of fact I do have some switches and access points in the back of my truck that I need to bring in.

Councilmember VanEtten: Is that a good thing?

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Councilmember Briody: It's good things. Bringing us in to the next...

Town Courts

In July, Court fees were \$14,518 of which \$7,855 was sent to the State Comptroller and the Town retained \$6,663. Justice Farrell \$7,929 Justice Meacham \$6,589
In August, Court fees were \$22,128 of which \$11,815 was sent to the State Comptroller and the Town retained \$10,313. Justice Farrell \$10,678 Justice Meacham \$11,450
In September, Court fees were \$11,911 of which \$8,193.50 was sent to the State Comptroller and the Town retained \$3,717.50. Justice Farrell \$5,918 Justice Meacham \$5,993

Supervisor Ruso: So there's really no consistency month to month as you can see.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 164-2018
OCTOBER 31, 2018

**RESOLUTION TO PLACE ADVERTISEMENT FOR PART-TIME
JUSTICE COURT CLERK**

WHEREAS an opening exists for a part-time Justice Court Clerk and the Town Board approves advertisement for that position.

RESOLVED the wording for the advertisement has been approved by the Attorney for the Town and following approval from the Town Board, the advertisement will be submitted to the Town Clerk for publication in The Daily Mail for one week.

The Town of New Baltimore is seeking a part time court clerk for 20 hours a week. A court clerk is responsible for maintaining records of a court and to assist the judges with their administrative functions. Specific duties entail: Preparing dockets/calendars of cases to be called and utilizing a variety of computer software and case management systems. Recording payment of court fines and fees. Will be required to answer inquiries from the general public regarding judicial procedures, court appearances, trial dates, adjournments, and other court related matters. Prepare and issue orders of the court, including probation orders, protective orders, release documentation, sentencing information, and summonses as well as prepare documents regarding the outcome of court proceedings. Responsibilities will include: searching files and contacting witnesses, attorneys, and litigants, in order to obtain information for the court.

Must be able to work independently, as well as have strong communications and interpersonal skills. Legal or prior court clerk experience preferred.

Interested applicants may obtain an application from the New Baltimore Town Hall. Submit application along with resume by November 9 to New Baltimore Town Court, P.O. Box 67 Hannacroix, New York 12087. Attn: Dawn Palmateer

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Veterans and Memorials

No Report

Wastewater Treatment

No Report

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Youth, Parks and Recreation

No Report

Public Comment Period

None

Community Events

- November 7, 2018 Zoning Board of Appeals (If Needed) at 7:30 PM
- November 8, 2018 Planning Board Meeting at 7 PM
- November 12, 2018 Town Board Regular Meeting at 7 PM
- November 26, 2018 Town Board Work Meeting at 7 PM
- December 5, 2018 Senior Committee Christmas Party at Pegasus at 12 Noon, Reservations Made by Calling (518)756-8076 by November 27

Audit of Claims

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 165-2018

OCTOBER 31, 2018

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review, and

WHEREAS the Town Board has audited claims 2018S-10-01 to 2018S-10-57, it is

REVOLVED that the Supervisor is hereby authorized to pay claims 2018S-10-01 to 2018S-10-57.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until November 30, 2018.

Motion by Councilmember Briody seconded by Councilmember VanEtten

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$21,297.65, Highway \$38,623.21, Sewer 1 \$1,858.66, Sewer 2 \$233.12, Water 2 \$5,776.49, Water 3 \$185.38, Lighting 1 \$1,834.33, Lighting 2 \$193.77, Total \$70,002.61

Motion by Councilmember Briody seconded by Councilmember Irving to adjourn the meeting at 7:58 PM.

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Thank you everybody for coming.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk