

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, September 16, 2019, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, John O’Neill and Patricia O’Rourke, Randy Smith; Clerk/Treasurer, Jodi Dake; Attorney Bill Troy; Planning Board Member Tony Ingraffea; Lansing Star Editor, Dan Veanor; Julie Baker Community Party Representative, and four other public.

Mayor Hartill called the Board of Trustees meeting to order at 7:35pm and opened the public comment period. With no one wishing to speak, Mayor Hartill entertained a motion to close the public comment period.

Motion - To Close the Public Comment Period

Hardaway made a motion to close the public comment period. O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway- Aye
Trustee Patricia O’Rourke-Aye	Trustee Randy Smith-Aye
Trustee John O’Neill-Aye	

The next item on the agenda was the approval of minutes from August 5, 15, 19 & 29, 2019.

Motion - To Approve the Minutes of August 5, 2019

Hardaway made a motion to close the public comment period. Smith seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway- Aye
Trustee Patricia O’Rourke-Abstain	Trustee Randy Smith-Aye
Trustee John O’Neill-Aye	

Motion - To Approve the Minutes of August 15 & 29, 2019

O’Rourke made a motion to close the public comment period. Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway- Aye
Trustee Patricia O’Rourke-Aye	Trustee Randy Smith-Abstain
Trustee John O’Neill-Aye	

Motion - To Approve the Minutes of August 19, 2019

Hardaway made a motion to close the public comment period. O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Abstain

Trustee Ronny Hardaway- Aye  
Trustee Randy Smith-Abstain

### **HeatSmart Presentation**

Jonathan Comstock, director, and Lisa Marshall of HeatSmart gave a presentation. Their goals are to:

- Reduce dependence
- Address energy demands of residential and heating and cooling
- Provide confidence and a simple pathway for residents
- Community approach
- Educating NYSEDA is funding 15 communities.
- Participating Installers
- Public Education

Lisa Marshall wants to bring people together to help people reach their goals. Lansing has a gas moratorium so to address this NYSEDA has a Clean Energy Action Plan to provide relief that will lower energy costs and promote economic development. There are incentives from the State that offer \$1,500 per cooling ton (\$1875 for Lansing of \$7500-\$9400).

To getting the word out they are doing home tours of residents which already have the systems, house parties, talking to faith communities, holding community event, advertising, using social media and going door to door. They are applying for a grant to continue this for two more years.

Comstock stated that the HeatSmart goal is to let everyone in Lansing become familiar with HeatSmart. They want to help the community transition to non-gas technologies.

Hardaway stated that his heat pump is 10 years old and he wondered if he should replace it since newer models are more energy efficient. They suggested if it is not broke than don't fix it.

Randy Smith stated that the rebate is based on cooling.

Hartill asked what the cost would be to install a system. Comstock stated that to determine the exact cost you would need to look at each house and measure the size. Typically the cost is \$30,000 but with a 30% tax credit it would bring the cost down to below \$20,000. Hartill pointed out that the cost of a new furnace would only by \$5-

6,000, which would save the homeowner a significant amount of money to install. It was pointed out that ground source systems are more energy efficient than air source.

Systems can be vertically or horizontal. Systems are custom designed for each house. There will be a presentation by the HeatSmart team on climate-friendly heating, cooling, and hot water heaters on Thursday, September 26<sup>th</sup> in the Village of Lansing Community Hall from 6:30 to 8:00 pm. The installers will be at that meeting and will be able to explain the systems better. There are three installers in the area that are certified.

New York State through NYSERDA and the Federal government are offering incentives to people who install either air-source or ground-source heat pumps in their homes. For a limited time, NYSERDA is extending extra incentives to folks in the Lansing gas moratorium area. The HeatSmart team is providing public outreach to ensure that Lansing residents (and businesses) are aware of these incentives and to share information about heat pumps and home weatherization.

HeatSmart does not sell anything or make any money from anyone who contracts through them. They are purely a community service that works with several vetted and recommended installers are Halco, Snug Planet, and NP Environmental.

#### **Consider Local Law that Would Enable the Use of Crossbows**

Hartill stated that there is a group of hunters that are aging and having trouble pulling a bow. Crossbows are a way to allow them to continue to be part of our program. Crossbows shoot further and are more accurate. Hartill feels we need to continue to control the deer population. The Village use to pick up 30-40 deer each year along the road that were hit by cars. Hartill stated that he stopped at the garage today and Courtney told him that we only had to retrieve one deer from alongside the road this year. The Village has been controlling the population better than in the past. Hartill feels that enabling crossbows as a supplement to regular bows is a good idea. Crossbows shoot further.

Hardaway stated that at first he was concern with the arrows being able to go further but once Blossey explained that they were shooting down and if they missed the arrows would be goes to the ground that helped his fears. The arrows have a lighted tip so it flashes where it lands. Hardaway agrees that we should add crossbows to the law. Hardaway feels that older hunters are more experienced and more accurate.

Smith didn't have any concern.

McCauley asked if participants in the program could use crossbows anywhere. Dake explained that participants in the Deer Management Program can only hunt on properties that have signed off to allow it. There is a whole procedure that is required to be able to have a property be part of the Deer Management Program.

Troy stated that crossbows are already allowed in the Village if it is a Wildlife Control Officer. This proposal is to extend the use of crossbows to those involved in the Deer Damage Permit program.

Randy pointed out that Bomax is now off the list of available areas.

Dake stated that Blossy was in the office this morning asking if the Board also was going to allow the program to take place behind the garage. O'Neill stated that he spoke with both Transact and Montessori School about four years ago and they were really for it. Hartill stated that we have a fair amount of control so he is comfortable with allowing the hunt behind the garage. Hardaway pointed out that the DPW does not want this program to take place behind the DPW garage. Hardaway feels that if two properties back there are for it then let's try it for a year. The Board was ok with allowing hunting back behind the DPW garage.

Resolution #6610- Set A Public Hearing for Proposed Local Law 5 (2019)- Amendment to Village of Lansing Code-Firearm and Bow Safety for October 7, 2019 at 7:35pm

Trustee Hardaway made a motion to set a public hearing. Trustee Smith seconded the motion.

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye  
Trustee Randy Smith-Aye

### **Sexual Harassment Policy**

Hartill stated that by State law we have to have a Sexual Harassment Policy. Dake stated that the Sexual Harassment Policy that the Village currently has dates back to 1996. A new State requirement has prompted the Village to reevaluate their current policy. The policy before the Board was created from a State model. New York State has passed legislation requiring annual Sexual Harassment Prevention Training, which must be provided to all Staff, Boards, Volunteers and Advisory Committee Members of the Village of Lansing. The training includes 2 videos: Part I, a thorough overview of the law and requirements, and Part II, case studies. The viewing of **BOTH** videos is required for training purposes. If people have already had this training through their place of employment, they just need to complete and sign the form stating that they have received training and what date training was received. These forms need to be send to Dake so that the Village has the records on file in the personnel files. Everyone will also receive a copy of our Sexual Harassment Policy Against Discrimination and Harassment and a copy of the Complaint Form. There is an acknowledgement page that everyone will have to return to Dake and remain on file in the office. All employees will also have the opportunity to ask questions regarding the policy. Sexual Harassment training must be completed by October 9, 2019. A Complaint log has also been created. It is mandatory to keep a list of complaints for 3 years.

Attorney Troy has also reviewed the policy and made some suggested that were presented to the Board. The Board still needed to decide who would be the Compliance Officers listed in Section 11 of the policy. Attorney Troy suggested that there be one male and one female Compliance Officer. It was decided that Mayor Hartill and Dake would be the Compliance Officers.

Dake stated that currently the 1996 one page Sexual Harassment Policy is part of the Employee Handbook. Dake asked the Board if they want the new policy included or do they want to remove it and add a statement that we have a policy? It was decided that the following statement would be added to the Employee Handbook:

***Sexual Harassment Training***

*Upon hiring, all new employees shall receive a copy of the Village of Lansing Sexual Harassment Policy and will be required to sign the Acknowledgement of Receipt of the Village of Lansing Policy Against Discrimination and Harassment. All employees will be required to have Sexual Harassment Training annually. Any questions or concerns can be presented to either of the Compliance Officers listed in the Policy under Section 11. There is also a complaint form that can be used if the situation should arise. A copy can be found in the Policy & Procedure book located in the Clerk's Office.*

Resolution #6611- To Adopt a New Sexual Harassment Policy, Policy Against Discrimination and Harassment and Remove the Old 1996 Policy Prohibiting Sexual Harassment from the Employee Handbook and Add the Above Statement Regarding the New Policy

Trustee O'Rourke made a motion to adopt the Sexual Harassment Policy. Trustee Hardaway seconded the motion.

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye  
Trustee Randy Smith-Aye

The following is the Sexual Harassment Policy:

**Village of Lansing Sexual Harassment Policy  
Policy Against Discrimination and Harassment  
Adopted 9/16/19 Resolution #6611**

SECTION 1: PURPOSE

1. Scope of Policy
2. Policy Objectives

SECTION 2: DEFINITIONS

## SECTION 3: POLICY

## SECTION 4: POLICY ENFORCEMENT

### Complaint Procedure for Employees Notification Procedure

1. Making a Complaint
2. Supervisory Responsibilities
3. Time for Reporting a Complaint
4. Confidentiality and Privacy
5. Acknowledgment of Complaint

## SECTION 5: INVESTIGATION PROCEDURES

1. Timing of Investigations
2. Method of Investigation
3. Notification to Complaining Party and the Accused Party
4. Remedial Measures

## SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

## SECTION 7: APPEALS

## SECTION 8: RECORD KEEPING

## SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

## SECTION 10: QUESTIONS

## SECTION 11: COMPLIANCE OFFICERS

## SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

### **SECTION 1: PURPOSE**

The Village of Lansing believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Village of Lansing, (hereinafter "Municipality"), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being

subject to harassment or discrimination in the workplace. It is our Municipality's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law.

1. **Scope of Policy** This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers or visitors. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on Municipality property as well as Municipality-sponsored events, programs, and activities that take place off Municipality premises.
2. **Policy Objectives** By adopting and publishing this Policy, it is the intention of the Municipality's governing body to:
  - (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
  - (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
  - (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited; and
  - (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in Section 11 of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

## **SECTION 2: DEFINITIONS**

### **“Prohibited Discrimination of Employees”**

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

### **“Harassment”**

Harassment is strictly prohibited and includes, but is not limited to, conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person’s work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

### **“Sexual Harassment”**

Sexual harassment is strictly prohibited. It 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:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or

(3) Such gender-based conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

### **Who can be the 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.

### **“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”**

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping, continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee's work performance, or create an intimidating, hostile or

offensive work environment; or unwelcome advances or demands based on someone's protected characteristic.

- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic.
- **Physical:** Unwelcome physical conduct, including but not limited to hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.
- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, 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; or name-calling.

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

### **SECTION 3: POLICY**

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the

Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns about discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, or for opposing in good faith any practices forbidden by applicable anti-discrimination laws or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

## **SECTION 4: POLICY ENFORCEMENT**

### **Complaint Procedure for Employees**

#### **Notification Procedure**

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator.

## **1. Making a Complaint**

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked, or from the Municipality's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

## **2. Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior, or have any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

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

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

## **3. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

#### **4. Confidentiality and Privacy**

The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities.

#### **5. Acknowledgement of Complaint**

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

### **SECTION 5: INVESTIGATION PROCEDURES**

#### **1. Timing of Investigations**

The Municipality will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Municipality will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

#### **2. Method of Investigation**

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur;
- Did the conduct complained of violate this Policy; and
- What remedial measures or preventative steps, if any, shall be taken.

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused;

document request, review and preservation; depositions; and observations or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employee or agent conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically 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 remedial actions.

### **3. Notification to Complaining Party and the Accused Party**

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

### **4. Remedial Measures**

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party

found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

## **SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY**

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

Retaliation against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws is strictly prohibited by this Policy and by law.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she 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 or discrimination.

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

## **SECTION 7: APPEALS**

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Municipality's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to, in any way, confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

## **SECTION 8: RECORD KEEPING**

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

## **SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with other governmental entities which are empowered by law to investigate and enforce discrimination and harassment protection. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney. Some resources available to an employee who feels he/she has been the subject of discrimination or harassment are:

### **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 harassment based on other protected characteristics set forth in this Policy, 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 harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the 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 or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal 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 (in sex discrimination and sexual harassment cases only) and civil fines.

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

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

### **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 discrimination or 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, employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

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

### **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 your local police department.

### **SECTION 10: QUESTIONS**

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality’s Compliance Officers. The names, addresses, and telephone numbers of the Village of Lansing Compliance Officers are listed in *Section 11* of this Policy.

### **SECTION 11: COMPLIANCE OFFICERS**

<u>Mayor Donald Hartill</u>	<u>2405 N. Triphammer Road</u>
Name	Office Location
<u>607-272-7671</u>	<u><a href="mailto:dlh13@cornell.edu">dlh13@cornell.edu</a></u>
Telephone Number	Mail Box Location

<u>Jodi Dake</u>	<u>2405 N. Triphammer Road</u>
Name	Office Location
<u>607-257-0424 ext.#2</u>	<u><a href="mailto:clerk@vlansing.org">clerk@vlansing.org</a></u>
Telephone Number	Mail Box Location

### **SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION**

The effective date of this Policy shall be 9/16/19. The Municipality Clerk/Treasurer shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed at the beginning of each year or upon hiring. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the Municipality’s Policy Book that is available in the Clerk/Treasurers Office.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace the following prior Municipality policies and regulations regarding employee discrimination and harassment:



Resolution #6612- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the General Fund, in the amount of \$142,966.96, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Sewer Fund, in the amount of \$191.32 is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Water Fund, in the amount of \$2,248.38 is hereby approved for payment.

Trustee Hardaway moved that the foregoing Abstract of Audited Vouchers resolutions be adopted and Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Ronny Hardaway-Aye  
Trustee Randy Smith-Aye

Trustee John O'Neill-Aye  
Trustee Patricia O'Rourke-Aye

**Mayor's Comments**

Mayor stated that the sidewalk on Northwood Road is completed. People are happy to have a sidewalk. Now we are in the process of reconfiguring Northwood Road. The curbing will be removed and the boulevard will be tapered into a new two way street. All the water line materials have been delivered and we will start the water line which will provide a secondary path to Dart Drive. The Village water lines are approaching 50 years old and redundancy will be appreciated.

Water front algae blooms continue to be a concern. Bolton Point has a drone that searches over the water ways. There was an area north of Lansing Park where these algae blooms were found. Hartill feels the major danger is over with the drop in temperature. There is a push to have Bolton Point be the enforcer. This would shift the responsibility from NYSDEC. Bolton Point will continue to monitor the water coming into the plant very carefully. There is a lot of pressure to insert rules. There is also pressure on farming community as to how they dispose of animal waste. Fertilizer is not being controlled. Where the actual sources are is unknown.

We have had 2 miles of road repaved this summer. The Mayor has not heard anything lately from the owners of Graham Road West. Hartill has called their lawyer several times and has not heard from him.

Since we buy our equipment off New York State Contracts we get good pricing. We just purchased a new Bobcat Compact Excavator for about \$62,000. We currently have a 3 year old Bobcat E55 that we need to surplus. The Village has an offer for trade in from Bobcat of \$50,000. It is on the auction and will be sold for the highest price less any fees

from the auction service unless the bids are lower than Bobcats. This translates to it costing us \$4,000/yr. to use the Bobcat. You can't rent equipment for that price.

Resolution #6613- To Surplus the Bobcat E55

Trustee Hardaway made a motion to surplus the Bobcat E55. Trustee O'Neill seconded the motion.

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye  
Trustee Randy Smith-Aye

### **General Discussion**

Randy stated that he sat in on his first Planning Board meeting last week.

Hardaway stated that TCCOG is working with the County Administrator to get reports for the County that will list all the Airbnb style properties and how many times they were used. If this happens the Village can get access to that information. Everyone is concerned with Airbnb style properties. Hartill stated that the Village of Cayuga Heights has passed a rigid law concerning these types of properties. One thing we want to make sure we do not do is restrict lake rentals. Hardaway stated that Airbnb properties make more in 2 months of renting than they do from a long term rental. It reduces the housing stock. This is not an easy problem. Every City in tourist areas are having the same discussions as we are.

Motion- To Adjourn

O'Neill motioned to adjourn. Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye  
Trustee Randy Smith-Aye

The meeting was adjourned at 8:42 pm.

Jodi Dake  
Clerk/Treasurer