

**HORICON TOWN BOARD
REGULAR MEETING**

**NOVEMBER 15, 2018
7:00 PM**

| | | |
|---------------------|-----------------|---------------|
| Present at meeting: | Matthew Simpson | Supervisor |
| | Frank Hill | Councilperson |
| | Robert Olson | Councilperson |
| | Kenneth Higgins | Councilperson |
| | Sylvia Smith | Councilperson |

Krista Wood

Town Clerk

Mark Schachner

Town Counsel

Also: Bret Winchip, Robert French, Joyce Greenidge, Bob Smith, Gary Frenz, Bill McGhie, John Donovan, Tom Johansen, and Christine Hayes.

Supervisor Simpson called the regular meeting to order at 7:00 PM.

Local Board of Health...

A Motion was made by Councilperson Olson, seconded by Councilperson Higgins, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:00 PM.

Septic Variance request for 7279 State Route 8, Brant Lake / Tax Map #72.6-1-7 / Douglas:

Brett Winchip, Winchip Engineering, explained his detailed proposal to replace an existing failed septic system at 7279 State Rt. 8 with an NSF40 approved enhancement treatment unit designed in the smallest possible footprint to maximize the various separation distances from the absorption bed. The proposed system will require the following variances: proposed absorption bed to existing well – 100' required, 63.8' proposed, variance of 36.2'; proposed absorption bed to house – 20' required, 9.2' proposed, variance of 10.8' (house foundation is an open crawl space); proposed absorption bed to road – 4.5' proposed (not a required variance - noted to show system will maintain separation to road); proposed absorption bed to property line – 10' required, 7.0' proposed, variance of 3.0'; proposed absorption bed to mean high water mark of lake – 100' required, 78.3' proposed, variance of 21.7'; proposed pump tank to property line – 10' required, 5.8' proposed, variance of 4.2'; proposed pump tank to house – 10' required, 8.6' proposed, variance of 1.4'; proposed enhanced treatment unit to home – 10' required, 5.6' proposed, variance of 4.4'; proposed enhanced treatment unit to property line – 10' required, 5.0' proposed, variance of 5.0'.

Councilperson Olson asked what type of unit is being proposed; Mr. Winchip responded it is a Norweco.

Councilperson Higgins asked if the well in question is the owner's well; Mr. Winchip said yes, and noted the non-conformity is reduced by going to the new system. He noted there really are no other viable options with this property.

RESOLUTION #143-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 143 and moved its adoption:

RESOLUTION TO SET PUBLIC HEARING

RESOLVED, that the Town Board of the Town of Horicon, acting in its capacity as the Local Board of Health, considers the application made by Winchip Engineering for a septic variance at 7279 State Route 8 in Brant Lake complete, and does hereby set a Public Hearing for Thursday, December 20, 2018 at 7:00 PM at the Horicon Community Center.

Ayes: 5 (Olson, Higgins, Hill, Smith, Simpson) Nays: 0

Motion was made by Councilperson Olson, seconded by Councilperson Smith, to move back into regular session. The Board moved back into regular session at 7:05PM.

Regular Meeting...

Reports presented to Board... Supervisor, Town Clerk, Zoning, Justice, and Assessor

Approval of Minutes... Minutes of October 18, October 30, and November 7, 2018 were approved by Motion of Councilperson Hill and Councilperson Olson.

Ayes: 5 (Hill, Olson, Smith, Higgins, Simpson) Nays: 0

Approval of Vouchers and Abstracts...**RESOLUTION #144-2018**

Councilperson Higgins and Councilperson Olson introduced Res. No. 144 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF NOVEMBER 2018 ABSTRACTS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the payment of the November 15, 2018 Vouchers and Abstracts as follows:

| | | |
|------------------|----|---------------|
| General Abstract | 11 | \$ 248,823.10 |
| Highway Abstract | 11 | \$ 64,395.71 |

Ayes: 5 (Higgins, Olson, Hill, Smith, Simpson) Nays: 0

Correspondence to the Board...

- AOT RE: 2019 Annual Meeting and Training School Information packet
- Gary Frenz RE: Letter of resignation as ZBA member

Resolutions...**RESOLUTION #145-2018**

Councilperson Olson and Councilperson Higgins introduced Res. No. 145 and moved its adoption:

RESOLUTION TO ADOPT THE 2019 HORICON BUDGET

WHEREAS, a public hearing was held on November 7, 2018 at 6:00 PM at the Horicon Community Center on the Preliminary Budget for the year 2019, AND

WHEREAS, comments were invited from the public either for or against said budget, NOW, THEREFORE BE IT RESOLVED, that the Preliminary Budget will be the adopted Budget for 2019, with the General Fund Appropriations of \$2,028,065.00 less anticipated revenues of \$1,761,905.00 and an unexpended balance of \$266,160.00 leaving an amount to be raised by taxes of \$0.00. Total Highway Fund Appropriations of \$1,553,915.00 less anticipated revenues of \$938,075.00 and an unexpended balance of \$25,000.00 leaving an amount to be raised by taxes of \$590,840.00 and a total budget of \$3,805,653.15, BE IT FURTHER RESOLVED, that the amount for the Horicon Fire District is \$217,973.00 to be raised by taxes and the Schroon Lake Park District is \$5,700.15.

Ayes: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

RESOLUTION #146-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 146 and moved its adoption:

RESOLUTION TO SET PUBLIC HEARING FOR 2019 CONTRACTS

WHEREAS, monies have been appropriated in the 2019 Budget for contracts in the following amounts:

| | |
|----------------------------------|--------------|
| Emergency Service Provider | \$118,788.00 |
| Horicon Historical Society | \$ 500.00 |
| Senior Mini-Bus | \$ 5,120.00 |
| North Warren Chamber of Commerce | \$ 12,000.00 |
| Horicon Free Library | \$ 2,000.00 |
| Horicon Senior Citizens | \$ 1,000.00 |
| Chester-Horicon Health Center | \$ 5,000.00 |
| Snowmobile Club | \$ 3,500.00 |

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| Horicon Volunteer Fire Company | \$189,000.00 |
| Warren County Soil & Water | \$ 27,480.00 |
| Warren County Soil & Water | \$ 12,838.17 |

NOW, THEREFORE BE IT RESOLVED, that a Notice of Public Hearing will be published stating that a hearing on the above-named contracts will be held on Thursday, December 20, 2018 at 7:00 PM at the Horicon Community Center.

Ayes: 5 (Olson, Smith, Hill, Higgins, Simpson) Nays: 0

RESOLUTION #147-2018

Councilperson Higgins and Councilperson Olson introduced Res. No. 147 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT FOR UPPER DAM BAN

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the payoff of the BAN for the upper dam in the amount of \$193,162.76, of which \$53,780 has been budgeted for 2018, with the remaining funds to come from the unexpended fund balance, now, therefore be it further

RESOLVED, that the Town Board authorizes the Bookkeeper to make the following Budget Amendment in the General Fund for the additional funds to pay off the BAN on the upper dam:

| | | |
|--------|------------------------------------|---------------|
| Debit | A599 – Unappropriated Fund Balance | \$ 139,383.00 |
| Credit | A9730.6 – Bond Anticipation Note | \$ 139,393.00 |

Ayes: 5 (Higgins, Olson, Smith, Hill, Simpson) Nays: 0

RESOLUTION #148-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 148 and moved its adoption:

RESOLUTION TO SET END OF YEAR MEETING

RESOLVED, that the Town Board does hereby set Thursday, December 27, 2018 at 3:00 PM for the end of the year meeting.

Ayes: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

RESOLUTION #149-2018

Councilperson Higgins and Councilperson Smith introduced Res. No. 149 and moved its adoption:

RESOLUTION TO SET ORGANIZATIONAL MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby set the Organizational Meeting of the Town of Horicon for Thursday, January 3, 2019 at 3:00 pm.

Ayes: 5 (Higgins, Smith, Hill, Olson, Simpson) Nays: 0

RESOLUTION #150-2018

Councilperson Smith and Councilperson Higgins introduced Res. No. 150 and moved its adoption:

RESOLUTION TO AUTHORIZE ATTENDANCE AT AATV MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Simpson and Councilperson Bob Olson to attend the AATV Membership Meeting December 2-3, 2018 in Lake George. The cost is \$51.00 per person plus mileage.

Ayes: 5 (Smith, Higgins, Olson, Hill, Simpson) Nays: 0

Committee Reports...

-Robert French, NWEMS Representative, said the Squad had 44 runs this past month, they are still looking for a fifth Board member, and they are currently working on contracts for the Operations Manager and the Assistant Operations Manager for 2019.

-Councilperson Sylvia Smith updated the Board on the following:

- On November 10th the Veteran's Day parade and program was held in the Town of Chester, where she and Supervisor Simpson were presented with a Certificate of Participation and Appreciation for the Town of

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Horicon for supporting the American Legion renovations. She said Supervisor Simpson spoke at the program and thanked those in the region that supported the project and the veterans; she added how nice it was to see everyone come together.

- The Preservation League of NYS has given the Town a banner to place on the Heintzelman Library. She said Horicon was the only grant recipient in Warren County, noting there were thirty-one applicants in twenty counties with a total of over \$251,000 in funding awarded. She said they will now start the planning process for the work that needs to be done on the Heintzelman.

- The back wall of the Museum building is rotten and needs to be replaced. The Historical Society has asked Bill Millington for a quote to repair it. They want to have it fixed before Mike Gibson is scheduled to start painting in the spring.

- The other two trees in the Brant Lake Cemetery that need to be taken down will have to be done in the spring, and the goal is to have them done before Memorial Day.

- A plan needs to be made for the work at the Adirondack playground. She noted the Town was awarded a grant for this, and the grant guidelines specify the work needs to be completed by June 2019.

- She and Supervisor Simpson have asked Joan Johnson to have SALS do a presentation to the Town Board in order to learn more about how the Town and the Library fit into the system. Sarah Dallas, from SALS, will be at the December meeting.

- She noted the fire at the YMCA Outreach Center did more damage than originally thought, therefore, the repairs are taking longer than anticipated. She said the Town received a thank you note from Brian Bearor for allowing them to use the office the day after the fire for planning. Since then, they have been working out of the Chester Community Center until the YMCA building repairs are complete. She said the programs are going well, noting they had 76 at the movie night, 75 at the haunted house, and 100 at the Boo Bash. They also have 15 new participants in the after-school program.

- The final reports are in for the Occupancy Tax, with the exception of four, and she has been contacted by two of them who will have the final report in by the due date.

- There will be a holiday luncheon for the Town employees on December 14th.

-Supervisor Simpson updated the Board on the following:

- He told the Board that there is a lot information on the SALS website regarding statistics and comparisons amongst all of the libraries. He said the statistics show Horicon's usage has increased over 14% in the last year, while the majority of the other libraries have seen a decrease. He attributes this to the good job the Trustees and the Librarian are doing.

- He said the contractors are working at the 1881 Union Church site. A septic variance request will be submitted for the project once the septic design plans are complete. He noted the Board may need to hold a special meeting for the septic variance since weather is now a factor.

- He said Scott Campbell, who is in contract to buy the Wesleyan Church, contacted him regarding the parking issue that has come up. Bill McGhie, PB Chair, explained that the PB has asked Mr. Campbell for a plan that allows for fifty cars. Supervisor Simpson said Mr. Campbell has asked to use the cemetery property behind the Wesleyan Church as well as the parking lot at the Community Center. He said he feels there is a lot that needs to be considered; the Board agreed. Supervisor Simpson asked the Board to let him know what questions they have for Mr. Campbell in regard to this request. Councilperson Olson, who was at the PB meeting, said Mr. Campbell does not have the necessary specifics for this project, and an adjacent neighbor was at the PB meeting and raised real concerns over this. Councilperson Olson also wanted the Board to know that it was discussed at the PB meeting that the use for the property needed to be family friendly. He further noted the PB is acting diligently. The Board members were not in favor of allowing Mr. Campbell to use the cemetery property. Councilperson Olson noted they will address Mr. Campbell's concerns.

Old Business...

Planning Board Alternate: Councilperson Olson said Troy Scripture is interested in the PB alternate opening, so he and Councilperson Smith will set up an interview with Mr. Scripture.

Community Center plumbing project update: Supervisor Simpson said he has received a total estimated cost of \$11,500 for the plumbing repair project at the Community Center, of which \$4,700 is Jason Hill's portion of the project and \$6,800 is Bill Millington's portion of the project. He explained that Mr. Hill cannot estimate the job accurately because there are a lot of unknowns, and he stressed to the Board this portion of the estimated cost is a rough estimate. Supervisor Simpson noted there have been ongoing issues due to the pipes freezing, including \$14,000 in damage to the Library after a pipe froze and broke. Councilperson Olson said he feels this is something that needs to get done asap. Councilperson Smith agreed, noting the previous damage and issues, and urged the Board to move forward with proper repairs.

RESOLUTION #151-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 151 and moved its adoption:

RESOLUTION TO PROCEED WITH PLUMBING REPAIR PROJECT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Simpson to proceed with, and oversee, the plumbing repair project in the Community Center as soon as possible at a cost not to exceed \$20,000, and be it further

RESOLVED, that the Town Board authorizes the funds to cover the cost of the project, again not to exceed \$20,000, be taken from the Unexpended Fund balance (A599).

Ayes: 5 (Olson, Smith, Higgins, Hill, Simpson) Nays: 0

New Business...

Sexual Harassment Policy: Supervisor Simpson said the Town has been mandated by NYS to update its Sexual Harassment Policy. He also noted there is mandatory training that must be completed by October 2019.

RESOLUTION #152-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 152 and moved its adoption:

RESOLUTION TO ADOPT UPDATED TOWN OF HORICON SEXUAL HARASSMENT POLICY

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the updated Town of Horicon Sexual Harassment Policy in the Employee Handbook effective immediately to read as follows:

INTRODUCTION

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

Policy:

- 1. Town of Horicon's policy applies to all employees, board members, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town of Horicon. 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 Horicon 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 Horicon 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 a supervisor, manager, or the town supervisor. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

- 4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Horicon to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.*
- 5. The Town of Horicon 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 Horicon will strive to keep the investigation confidential to the extent possible. 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 Horicon 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 town supervisor.*
- 8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.*

What Is "Sexual Harassment"?

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

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

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

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

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

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

Examples of sexual harassment

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

- *Physical acts of a sexual nature, such as:*
 - *Unwanted 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 Horicon cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, town supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, town supervisor.

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

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

Supervisory Responsibilities

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

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

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

Complaint and Investigation of Sexual Harassment

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

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

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

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

- *Upon receipt of complaint, the town supervisor 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 Horicon but is also prohibited by state, federal, and, where applicable, local law.

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

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

State Human Rights Law (HRL)

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

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

Complaining internally to the Town of Horicon 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.

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

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

Civil Rights Act of 1964

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

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

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

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

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.

The Employee Handbook will be updated with this updated Sexual Harassment Policy.

Ayes: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

Seasonal Road Closure Date: Councilperson Olson said the Highway Superintendent has requested the seasonal road closure date be changed from December 1st to November 1st to eliminate certain liability issues.

RESOLUTION #153-2018

Councilperson Olson and Councilperson Hill introduced Res. No. 153 and moved its adoption:

RESOLUTION TO CHANGE SEASONAL ROAD CLOSURE DATE

RESOLVED, that the Town Board of the Town of Horicon does hereby change the date that Town of Horicon seasonal roads are to be closed each year from December 1st to November 1st, effective immediately.

Ayes: 5 (Olson, Hill, Higgins, Smith, Simpson) Nays: 0

ZBA Member:

RESOLUTION #154-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 154 and moved its adoption:

RESOLUTION TO APPOINT ZBA MEMBER

WHEREAS, Gary Frenz has tendered his resignation as Zoning Board of Appeals member effective November 15, 2018, now, therefore be it

RESOLVED, that the Town Board does hereby move current ZBA Alternate Rich Nawrot up to the full ZBA member seat to complete that term which will expire on December 31, 2019; move the current second

**HORICON TOWN BOARD
REGULAR MEETING**

**NOVBER 15, 2018
7:00 PM**

alternate, Ross Schoembs, up to ZBA first alternate to complete that term which will expire on December 31, 2020; and appoint Gary Frenz as second ZBA alternate to complete that term which will expire on December 31, 2019.

Ayes: 4 (Olson, Higgins, Hill, Simpson) Nays: 0 Abstain: 1 (Smith)

Cell Phone Coverage:

RESOLUTION #155-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 155 and moved its adoption:

RESOLUTION IMPLORING AATV, ADIRONDACK INTER-COUNTY, AOT, NYCOM, NYSAC, AND NYS TO COME TOGETHER WITH A PLAN TO PROVIDE CELL COVERAGE FOR ALL NYS RESIDENTS AND VISITORS

WHEREAS, Cellular Service and the ability to use individual wireless devices is no longer a luxury, and

WHEREAS, every area of the State, irrespective of financial means or the economics has a right to this key piece of technology infrastructure, and

WHEREAS, this infrastructure drives commerce and tourism, is a part of education, and is more and more the backbone of emergency response, and

WHEREAS, there are still large tracts of NYS which are still deprived of this utility, and

WHEREAS, we as government officials have an obligation to provide for the public safety, the education, as well as the equitable treatment and opportunity for all of our citizens, now, therefore, be it

RESOLVED, the Town Board of the Town of Horicon hereby calls upon all local governments to stand together, individually and through our associations to insist that the time is now to move NYS ahead of the nation in terms of this critical technology, and be it also

RESOLVED, that copies of this Resolution be forwarded to Governor Andrew Cuomo, Senate Majority Flanagan, Assembly Speaker Heastie, all the Adirondack State Legislators, Adirondack Inter-County, AATV, NYSAC, AOT, NYCOM, and the Adirondack Park Local Government Review Board.

Ayes: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

Privilege of the Floor...no comments

Adjourn... There being no further business to attend to the meeting was adjourned at 7:53 PM by MOTION of Councilperson Higgins and Councilperson Hill, all in favor.

Respectfully Submitted:

Town Clerk