

A public hearing was held before the Lacona Village Board on April 11, 2022 at 7:00 PM in the Village Office to hear and take comments on the proposed 2022/2023 budget for the Village of Lacona. Those present included Deputy Mayor Roger Lallier, Trustee Steve Haskins, Clerk/Treasurer James Horth, Code Enforcement Officer John Howland and County Legislator Michael Yerdon. Mayor Lyndon Glazier, Deputy Clerk Sandra Besaw, and Fire Chief Michael LaRock were absent. The Deputy Mayor called the meeting to order and led all in the Pledge of Allegiance.

There being no comments or public in attendance, the Deputy Mayor closed the hearing and opened the organizational meeting.

This being the annual Organizational meeting the following appointments were made upon a motion from TR Haskins, seconded by DM Lallier, and unanimously carried:

James Horth, appointed Records Access Officer
Joseph W. Russell, P.C. appointed general counsel and bond counsel
Peggy Rice, Historian, 1-year term
John Howland, Code Enforcement, 1-year term

The following resolutions were offered under a motion by Tr. Haskins, seconded by DM Lallier, and unanimously carried for the following:

BE IT RESOLVED, that the *Watertown Daily Times* is the official newspaper of the Village.

BE IT RESOLVED, pursuant to Section 4-412(3)(2) of the Village Law, that the following institution be and hereby is designated as depository of all monies received by the Village: Pathfinder Bank.

BE IT RESOLVED that the regular meeting of the Board of Trustees will be held monthly on the second Monday of the month at 7:00 PM in the Village Office, 11 Park Avenue, Lacona.

BE IT RESOLVED, that the next annual organizational meeting will be held at the regular meeting of the Board of Trustees in April 2022.

WHEREAS it will be a benefit to the Village of Lacona for employees to be in attendance at schools, conferences, and seminars, BE IT RESOLVED, pursuant to Section 77-b of the General Municipal Law, that employees be authorized to attend and FURTHER BE IT RESOLVED that all the actual and necessary expenses incurred to be audited out of the appropriate account. This resolution shall take effect immediately.

WHEREAS the board of trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village; NOW THEREFORE BE IT RESOLVED, pursuant to Section 5-524(7) of the Village Law, the board of trustees shall approve reimbursement to such officer and employees at a rate of **\$0.585 per mile**.

NOW THEREFORE BE IT RESOLVED, pursuant to Section 5-524(6) of the Village Law, the Clerk/Treasurer is hereby authorized to pay in advance of the monthly audit of claims for public utility services, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees. This resolution shall take effect immediately.

BE IT RESOLVED, that the Village of Lacona will fully comply with the provisions and spirit of the ADA and ensure equal employment opportunity for all qualified persons with disabilities.

The following policies were offered under a motion by Tr. Haskins, seconded by DM Lallier, and the resolution was unanimously carried for the following:

BE IT RESOLVED, that the Village Board hereby adopts the following Investment Policy as the official Investment Policy for the 2022/2023 official Village year:

INVESTMENT POLICY

1. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Village of Lacona on its behalf or on behalf of any other entity or individual.

2. OBJECTIVES

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

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

3. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Clerk/Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

4. PRUDENCE

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

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

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

5. DIVERSIFICATION

It is the policy of the Village of Lacona to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

6. INTERNAL CONTROLS

It is the policy of the Village of Lacona for all moneys collected by any officer or employee of the government to transfer those funds to the Clerk/Treasurer within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Clerk/Treasurer is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

7. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
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8. SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, “deposits”) made by officers of the Village of Lacona that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by:

A pledge of “eligible securities” with an aggregate “market value” (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of “eligible securities.”

A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company.

9. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of the Village of Lacona shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the local government to exercise its rights against the pledged securities.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the custodial bank or trust company as agent of, and custodian for, the Village of Lacona, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the Village of Lacona with a perfected security interest in the eligible securities and to otherwise secure the local government’s interest in the collateral, and may contain other provisions that the governing board deems necessary.

10. PERMITTED INVESTMENTS

As authorized by General Municipal Law Section 11, the Village of Lacona authorizes the Clerk/Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of Deposit,
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Lacona.

All investment obligations shall be payable or redeemable at the option of the Village of Lacona within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Lacona within two years of the date of purchase.

11. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Village of Lacona shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Annual Disclosure Statement at the request of the Village of Lacona. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Clerk/Treasurer shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Such listings shall be evaluated at least annually.

12. PURCHASE OF INVESTMENTS

The Clerk/Treasurer is authorized to contract for the purchase of investments:

By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Lacona by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a).

The Clerk/Treasurer, where authorized, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

13. ANNUAL REVIEW AND AMENDMENTS

The Village of Lacona shall review this investment policy annually, and it shall have the power to amend this policy at any time.

INVESTMENT POLICY

SCHEDULE A

Schedule of Eligible Securities

 X (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

 (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

 (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

X (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

_____ (v) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.

BE IT RESOLVED, that the Village Board hereby adopts the following Procurement Policy as the official Procurement Policy for the 2022/2023 official Village year:

PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the VILLAGE OF LACONA involved in the procurement process; and

NOW, THEREFORE, BE IT RESOLVED, that the VILLAGE OF LACONA does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF LACONA

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method
\$1,000 - \$4,999	2 verbal quotations
\$5,000 - \$19,999	3 written quotations or 3 written requests for proposals

Estimated Amount of Public Works Contract	Method
\$1,000 - \$4,999	2 verbal quotations

\$5,000 – \$34,999

3 written quotations or 3 written requests for proposals

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

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will achieve savings or how the offer was not responsible. A determination that the offer is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the VILLAGE OF LACONA to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the BOARD OF TRUSTEES shall take into consideration the following guidelines:(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the VILLAGE is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$1000: The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer.

BE IT FURTHER RESOLVED that the following individuals responsible for making purchases are:

Lyndon Glazier, Mayor
James Horth, Clerk/Treasurer
Michael LaRock, Fire Chief

BE IT FURTHER RESOLVED that the responsible individuals must be updated every four years or whenever there is a change of officers listed above.

In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. This policy shall go into effect immediately and will be reviewed annually.

BE IT RESOLVED, that the Village Board hereby adopts the following Workplace Prevention Policy as the official Workplace Prevention Policy for the 2022/2023 official Village year:

Workplace Violence Prevention Policy & Incident Reporting

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

This policy is designed to meet the requirements of NYS Labor Law 27b. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The contact person shall be the Mayor of Lacona. If unavailable, the Deputy Mayor shall be the contact person. All village personnel are responsible for notifying the contact person of any violent incidents, threatening behavior, harassment, intimidation, and other disruptive behavior. These include threats they have witnessed, received or have been told that another person has witnessed or received. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm or threats to property. This policy also applies to other persons not affiliated with the Village of Lacona, such as former employees and visitors. All reports of incidents will be taken seriously and will be dealt with appropriately.

Definitions:

Violent behavior includes, but is not limited to:

1. Causing or attempting to cause physical injury to another person;
2. Intentional destruction or threat of destruction to Village property or another person's personal property;
3. Expressing intent to cause physical harm or emotional duress;
4. Acting in a hostile manner through unwelcome words, actions or physical contact not resulting in physical harm to another person;
5. Surveillance or stalking;
6. Possession of a weapon while on Village property or while on Village business without proper authorization;
7. Veiled threats of physical harm or intimidation;
8. Expression of suicidal or homicidal intent or thoughts; and
9. Unusual agitation or excitement, which may be accompanied by incoherent and/or irrational behavior or harassment.

Procedures:

- A. Law enforcement officials will be notified as soon as possible of any situation that has the potential for immediate danger to the safety of an employee or any other person.
- B. All employees are responsible to inform the Mayor of Lacona of any condition or behavior that the employee experiences or witnesses and believes places the employee and/or others at risk of injury. Such actions may include but are not limited to:
 1. Causing or attempting to cause physical injury to another person;
 2. Possession of a weapon while on Village property or while on Village business without proper authorization;
 3. Expressing an intent to cause immediate physical harm; and
 4. Intentional destruction or threat of immediate destruction of Village property or another person's personal property.

- C. Once notified, the Mayor will report all employee concerns to the Village Board.
 - 1. Take immediate action to end the dangerous or harassing behavior;
 - 2. If appropriate, take disciplinary action.
- D. The Village Board will assure that a full investigation is made and will assist the employee in resolving the issue. Reports should be made regardless of whether the potentially dangerous person is a co-worker or a non-employee. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a “need to know” basis. This policy does not prevent employees from directly notifying law enforcement officials of the incident.
- E. Emergency Situations: It is recommended that employees who are confronted by or who encounter an armed or dangerous person not attempt to challenge or disarm the individual. The employee should use his/her best judgement under the circumstances to avoid injury to him/her or others. If the employee is able to call 911, contact the Oswego County Sheriff, the NY State Police Department, or emergency assistance safely, then the employee should do so immediately or as soon as possible.
- F. Enforcement: Threats, threatening conduct or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Reports to law enforcement officials will be made as appropriate. Non-employees engaged in violent acts in or affecting the workplace will also be reported to the proper authorities. The Village will cooperate fully with law enforcement authorities during any investigation.
- G. Eligibility for Rehire: Employees terminated for violating a provision of this policy shall not be eligible for rehire with the Village in any capacity.
- H. Retaliation: Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

Village of Lacona
Workplace Violence Incident Report

Today’s Date _____
 Date of Incident _____
 Time of Incident _____
 Employee Name _____
 Workplace Location _____

What was the employee doing just prior to the incident?

Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

Provide information on preventative actions that the Village has taken or is considering as a result of the incident to prevent against further like occurrences:

 Employee Signature Reported to: _____
Signature

BE IT RESOLVED, that the Village Board hereby adopts the following Sexual Harassment Policy as the official Sexual Harassment Policy for the 2022/2023 official Village year:

Sexual Harassment Policy

Introduction

The Village of Lacona is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village of Lacona's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Village of Lacona. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Lacona's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village of Lacona. 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 Village of Lacona will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village of Lacona who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform the mayor or the Village Board of Trustees. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village of Lacona to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Lacona will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Village of Lacona will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Village of Lacona will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the mayor or Village Board of Trustees.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and

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.

should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

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

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.
- A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.
- Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

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

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

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

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Village of Lacona cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the mayor or the Village Board of Trustees. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the mayor or the Village Board of Trustees.

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

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

Supervisory Responsibilities

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

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

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

Complaint and Investigation of Sexual Harassment

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

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

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

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

- Upon receipt of complaint, the mayor or the Village Board of Trustees will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

- Sexual harassment is not only prohibited by the Village of Lacona but is also prohibited by state, federal, and, where applicable, local law.
- Aside from the internal process at the Village of Lacona, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.
- In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

- The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and

protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

- Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.
- **Complaining internally to the Village of Lacona does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.**
- DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.
- DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.
- Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State

Civil Rights Act of 1964

- The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.
- The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.
- An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.
- If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

- Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

- If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

The Deputy Mayor then closed the organizational meeting and opened the regular monthly meeting.

The minutes of the March meetings were approved as submitted upon a motion from DM Lallier and seconded by Tr. Haskins, carried.

The monthly bills were audited and approved for payment upon a motion from DM Lallier and seconded by Tr. Haskins, carried: Abstract 20, vouchers #210-217 in the amount of \$11,170.79, and Abstract 21, vouchers #218-228 in the amount of \$3,422.47.

The financial report ending March 31, 2021 along with supporting documentation was accepted as submitted upon a motion from DM Lallier, seconded by Tr. Haskins, carried.

Fund Balances March 31, 2022

A- General Fund \$174,959.76
A- Fire Apparatus Reserve \$63,844.72
F - Water Fund \$30,007.56
J - Joint Youth Recreation Program \$0.00
TA - Trust and Agency \$0.00

Bank Account Balances March 31, 2022:

Checking \$7,196.36
Money Market \$261,615.68
Payroll \$818.86

Anthony Young, Sr. Project Engineer, of Barton & Loguidice engineering firm addressed the Board earlier in the evening about the proposed water district 3 and a potential joint waterworks project including both villages and the town into one water service. The latter could take up to 5-7 years to complete and would involve obtaining water from Richland instead of the current source, or utilizing the current source as a backup supply. He asked the Board if they had an interest in such a venture and the Board stated they were interested in hearing more.

Andrew Zahler and son, Kip Zahler, approached the Board about annexing a portion of the elder Mr. Zahler's property into the Village of Lacona; a former alteration to the Village/Town border resulted in bisecting his property so that the majority of the parcel is in the Village of Lacona and the smaller portion is in the Town of Sandy Creek. The younger Mr. Zahler wishes to build a home, but easements from both municipalities and DEC regulations about a neighboring wetland are conflicting with his plan. The Board agreed that elder Mr. Zahler had their approval but would need to get approval from the Town of Sandy Creek.

LACONA FIRE DEPARTMENT:

Chief LaRock was absent.

CODE ENFORCEMENT:

CEO Howland reported that he attended code school for 3 days last week. The property on Powers Avenue has been picking up the trash in their yard, and the property on Maple Avenue has been cleaning up, as well. He was informed about a red jeep on Harwood Drive that is parked on the sidewalk, but stated it was not a code issue and should be referred to the Sheriff's Department. This month he will be doing his survey of the village and report on it next month. Tr. Haskins asked about the property on Harwood Drive (the former Pauline Tanner home) and whether the landlord would be moving the mound of dirt; CEO Howland will look into it.

COUNTY LEGISLATOR:

Legislator Yerdon reported on the current issue with Social Services regarding the death of a 17-year-old from Mexico, the County Legislature has opened an investigation. At this week's legislature meeting, the county will pass a resolution for a local law to give a reduction in property taxes to property owners who are over 65 years old and have a household income less than \$29,000. Both requirements will have to be met to receive the maximum discount, with smaller incremental amounts for income levels over \$29,000. He stated the towns will have to pass a similar law.

HISTORIAN: Historian Peggy Rice submitted her monthly historian's report and filed it with the Village Clerk.

OLD BUSINESS:

C/T Horth reported on the outstanding water accounts; of the 8 accounts remaining, all but 2 had already been shut off because these 2 had requested payment arrangements with the Mayor. Having not completed their arrangements on time, the Board asked the Clerk/Treasurer to send

one more notice to these two accounts that their complete balance was due by noon, April 22, 2022 or their water would be shut off at 3:00 PM and the delinquent balance would be added onto their Village tax bill, on a motion from DM Lallier, seconded by TR Haskins.

Only one quote was received for mowing the Village property for the 2022 season, from Ridgedale Power Sports. The Board tabled the award of the quote until the May meeting in order for the Mayor to break the tied decision. TR Haskins asked the Clerk/Treasurer to research pricing on a lawn tractor similar to the Village of Sandy Creek's, in an effort to determine if it would be better to have the Village's part time employee perform the task instead. Specifications to be a 60" mower deck with an option for a wagon and a snowblower attachment.

No quotes were received for the Spring Debris pickup. CEO Howland offered to call Tom Guile of Guile & Sons to request a verbal quote. Mr. Guile quoted the service at \$100.00 per hour and the Board approved awarding the project to him on a motion from DM Lallier and seconded by TR Haskins.

NEW BUSINESS:

Deputy Clerk Sandra Besaw is planning to retire, effective May 31, 2022. TR Lallier asked C/T Horth if he felt it was necessary to replace the Deputy Clerk. C/T Horth explained the current Deputy Clerk was hired in order for the Village Office to be open on Tuesdays and Thursdays, and if the Board felt that was no longer necessary then the recommendation was to not replace. TR Haskins made a motion to not replace the Deputy Clerk, seconded by DM Lallier.

The following resolution was offered under a motion by DM Lallier, seconded by Tr. Haskins, and unanimously carried for the following:

WHEREAS the tentative budget for the year beginning June 1, 2022 has been duly presented to the Board of Trustees and a duly public hearing has been held thereon, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that said tentative budget, as changed, altered, and revised, be and hereby is adopted as the budget of the Village of Lacona for the year ending May 31, 2023. The tax rate will be \$4.64 per thousand of assessed valuation.

FURTHER BE IT RESOLVED that the water rates effective with the semi-annual billing November 1, 2022 shall be \$65 for 25,000 gallons and \$3.00/1000 over the 25,000, the EDU semi-annual charge shall be \$150.00. The outside rate will be \$275.00

There being no other business to be brought before the board, at 8:40 PM a motion to adjourn was offered by DM Lallier, seconded by TR Haskins, carried.

The next regular meeting will be held on May 9, 2022 at 7:00 PM.

James Horth
Village Clerk/Treasurer