

Minutes of the Virtual Village Board Meeting held on July 9, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza and Jesus Gomez, Trustees
Absent: Christopher Graziano, Trustee
Also Present: Kelly Naughton, Attorney for the Village and members of the public

I. Public Hearing:

a. Introductory Local Law 7 of 2020 – Entity Disclosure Law:

A public hearing was held to entertain public comment on Introductory Local Law 7 of 2020 which will amend Chapter 96 (“Building Construction”) of the Village Code to implement an entity disclosure law. The public notice was printed in the Times Herald Record on June 30, 2020 and the following comments were received:

Attorney Naughton stated she feels the title of the law clearly explains what the law requires – businesses to disclose who their members are.

Sandra Capriglione asked if the Village Board will be forwarding the law to the Planning Board for review/comment. Attorney Naughton stated it is not required as it is not part of the zoning code.

Due to connectivity issues, Joseph Zlata was unable to state his comments so he emailed them to the Mayor they were read. They are printed at the end of these minutes.

With no further comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to close the public hearing.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to accept written comments until close of business on July 17, 2020.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
NOES 0

II. Public Comment on Agenda Items: *Not held.*

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held June 25, 2020.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 3 containing vouchers 200147 – 200215 and totaling \$319,079.23.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
NOES 0

c. Fire Department Equipment Requests:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to approve Fire Department Equipment Request 2020-13 totaling approximately \$1050.00 for the purchase of extrication software and 2020-14 totaling approximately \$6647.84 for the purchase of scene lighting on Engine 521.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
 NOES 0

IV. Old Business:

a. Appointments to Land Preservation Committee:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to appoint the following individuals to serve on the Land Preservation Committee: Neil Crouse, Dorothy Morris, Rachel Bruce, Stephanie DeJesus and Chris Perino. It was noted that the representative from the Planning Board will be Sandra Capriglione and the representative from the Zoning Board will be Craig Brady. Trustee Burek will serve as liaison from the Village Board.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
 NOES 0

V. New Business:

a. Adoption of Policy Against Discrimination and Harassment:

Mayor Egan noted that, based on amendments to the State’s anti-discrimination and anti-harassment laws, we are required to adopt an updated policy against discrimination and harassment. The update to the policy specifically: (1) extends statute of limitations for filing claims of sexual harassment with the Division of Human Rights and (2) the scope of the policy is clarified to include language consistent with the expanded coverage of contractors under the Human Rights Law. He added it is the Village’s responsibility to maintain a workplace environment free of harassment on all bases, including national origin and race. In addition to adopting this policy, all employees, appointed officers, elected officials and volunteers will be required to take the annual training, four sessions have already been scheduled by our insurance carrier. Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to adopt the revised policy as printed at the end of these minutes.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
 NOES 0

b. Resolution – Extension of Certain Permit/Land Use Approvals:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to adopt the following resolution granting extension of certain permit and land use approvals to expire by 120 days:

WHEREAS, the Governor of the State of New York has signed into law Bill S8236A on June 22, 2020 permitting local governments to extend certain expiration periods for up to 120 days beyond the stated expiration date; and

WHEREAS, the Village wishes to immediately take action on behalf of its residents to permit the extension of the expiration periods as set forth herein.

NOW, THEREFORE, BE IT

RESOLVED, that for the duration of the State disaster emergency declared pursuant to Executive Order 202 of 2020, the Village hereby extends, for a period of up to 120 days beyond the stated expiration date:

- 1) Building permits issued before March 7, 2020; and
- 2) Active Zoning Board of Appeals and Planning Board approvals issued before March 7, 2020.

and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately, and shall expire on December 31, 2021 in accordance with this new law.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez

NOES 0

c. Acceptance of Proposal – Sterling Appraisals:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to accept and authorize the Mayor to sign the proposal from Sterling Appraisals Inc., to conduct an appraisal of property known on the Woodbury Tax Map as Section 218, Block 1, Lot 47 (415 Route 32) at a cost of \$8250.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
 NOES 0

VI. Public Comment:

Sandra Capriglione thanked the Board for appointing her as liaison from the Planning Board to the Land Preservation Committee. She looks forward to working with everyone.

Neil Crouse thanked the Board for appointing him to the Land Preservation Committee. He then stressed concerns about fuel transmission lines being omitted from the Water Quality Protection Overlay District Law. He reviewed his notes from when he was Trustee and he believes the Pilgrim Pipeline was supposed to be included in the law. He then provided a brief history of the Pilgrim Pipeline and how the Village has been against its construction. Mayor Egan agreed it should be in the law to help protect our resources.

Christopher Perino thanked the Board for his appointment to the Land Preservation Committee.

Christopher Gerver asked if the Village will be having the Building Inspectors working nights and weekends since here are now three full-time inspectors on staff. He also feels there should be a mechanism in place that the public should be able to call to complain about issues after hours and on weekend. Mayor Egan stated he plans to discuss the issue with Inspector Thomasberger at the next Department meeting. Mr. Gerver also feels the Village needs to hire a Fire Marshall – noting that position would have more enforcement capabilities than an Inspector and it is also a huge revenue generating position.

VII. Board Member/Department Comment:

Mayor Egan stated he is continuing to monitor the Speyside Holdings application with the NYSDEC and a meeting has been requested to sit with the DEC to discuss the concerns raised by the Village Engineer. The DEC has responded and a meeting is coordinated by our attorney. He noted as a board they appreciate and understand the issues facing residents near this project and the entire village. They are working on creative solutions and are prepared to discuss them in detail with the DEC when they meet. He will also continue to provide updates to the public and Board when he has them. He then noted the Zoning Board held a meeting this week for the first time since the pandemic began. The meeting was held virtually with Zoom® and was simulcasted to Facebook® on the Village's page. He felt it was a success and this format will continue until meeting can be held in person again. All three Boards are now operational and he noted it is the goal to continue serving the public as efficiently as possible while also protection the employees and residents. He concluded by stating he will continue to stay in contact and work closely with other elected officials at the local, county and state level.

Trustee Gomez stated that vandalizing/destroying of statues/memorials (like what occurred in Washingtonville this week to their 9/11 Memorial) will not help anyone understand or sympathize with the messages or the points groups are trying to get across. He feels all this will achieve is making a lot of

supporters who care and understand the cause to now turn away and not support what could have been a true message of peace, justice and change. This act of vandalism has hit close to his heart because he was on site right after the second tower fell and the chaos that surrounded all first responders was unexplainable and painful. All they did was try and help as many lives as they could regardless of race, color or creed. Many lives were taken that day and many still are due to health-related issues. The 9/11 Memorial in Washingtonville, like so many others that exist, are a reminder to the American people and to all humanity that we should also remember what happened that day and to hopefully never forget. If we continue to vandalize, destroy and forget our history we will not learn from it and will be doomed to repeat it. He then urged all to be kind and respect each other and our future.

Trustee Burek thanked all that attended the meeting this evening and for staying informed. She also thanked all that submitted a letter to volunteer for the Land Preservation Committee and noted each member selected was done so because the Board thought they would bring a lot to the committee. She noted she takes this task very seriously and looks forward to working diligently to make it a reality.

Trustee Giacomazza stated six months of the year has passed and the Village Board has been getting done everything it promised it would. They will continue to push and have more code changes. He is glad to hear there will be a discussion about hiring a Fire Marshall and splitting shifts in the Building Department. He did speak to Inspector Thomasberger about it so he hopes it will be addressed. He is working on bringing a tree lighting (with a real tree) and an interfaith service as well. He concluded by stating the Board is working diligently for the residents and will move forward together.

The following comments were received via Facebook® Chat:

- David Levinson – Trustee Giacomazza is doing a great – be safe
- Stephanie De Jesus – Thanked the board for her appointment and she looks forward to serving on the committee
- Robert Beckley – everyone on the board is doing a great job and he thanked them for everything they do
- Beth Zoumas – likes the comments made by Trustee Gomez
- Aaron Leften – likes Chris’s idea

VIII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to adjourn the meeting at 8:10PM.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Gomez
 NOES 0

Desiree Potvin, Village Clerk

Attorney/Client Session After Adjournment

After adjournment, the Board entered into an attorney/client session with Special Counsel Dennis Lynch to discuss legal matters.

Written Comments submitted by Joseph Zlata for Introductory Local Law 7 of 2020. He did attempt to state his comments during the public hearing but was having connectivity issues with the virtual setting:

First, let me say that I appreciate the Board's efforts in addressing this issue. It has been long overdue. While the current draft makes for an excellent start, I do feel that as drafted, it will not satisfy the stated objective of creating a fully transparent process.

Under 96-1.1 paragraph A I have questions regarding how the term "applicant" is being used. Based on my reading of this, one can assume that "applicant" refers to the "entity" whose name appears on the application to the Building Department or to the Planning Board. If that assumption is correct, then I fail to see any transparency at all.

For example, if the listed applicant for a project is a registered LLC, it's possible that they may only be acting on behalf of multiple other LLCs who actually own the property involved in the project. The failure to obtain a listing of members in those LLCs, continue to allow individuals to hide behind their own LLC and further, hide behind the LLC submitting the application.

Therefore, I would suggest that the requirement for disclosure be expanded to include ALL LLCs holding undeveloped land within the projects defined scope.

Under Paragraph B, number 2, the draft legislation takes into consideration previously approved land use projects that are "sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the management or operation or both of the entity to another entity". However, there appears to be no requirement, that should the membership of an entity who had received prior approval of a land use project change that those changes be reported to the Village.

I would recommend that this section be updated to reflect that "any and all changes to an entity that had received prior approval for a land use project" be reported to the Village and a new Disclosure form submitted.

In addition to the required Disclosure form I would suggest that it may not be a bad idea to additionally request a copy of the documentation submitted to the New York State, Division of Corporations, State Records and Uniform Commercial Code that was submitted for creation of the entity.

In closing, I would say that while these steps are well worth taking, any law eventually passed will have serious short comings as there is no way to verify or validate any of the information being submitted.

For that reason, I would strongly recommend that the Village, Town and all surrounding municipalities communicate with their state representatives the need for a State wide solution to this issue. Such a solution should require that at the time of the creation of any entity, a listing of all members of that entity be provided to the New York State, Division of Corporations, Records and Uniform Commercial Code and that such information be made available via their database for public consumption.

Only then, can you have a truly transparent process with a full knowledge of who is actually behind any Land Use Request.

**VILLAGE OF WOODBURY
POLICY AGAINST DISCRIMINATION AND HARASSMENT**

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SECTION 1: PURPOSE

The Village of Woodbury believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Village, (hereinafter “Municipality”), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the Municipality’s policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, domestic violence victim’s status or any other characteristics protected by applicable federal, state or local law.

A. Scope of Policy This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term “employees” refers to this collective group. This Policy applies with equal force on Municipality property as it does at Municipality-sponsored events, programs, and activities that take place off Municipality premises.

B. Policy Objectives By adopting and publishing this Policy, it is the intention of the Municipality’s governing body to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
- (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with

this Policy.

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

SECTION 2: DEFINITIONS

“Prohibited Discrimination of Employees”

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

“Harassment”

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

“Sexual Harassment”

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

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

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

transfer, demotion, termination); or

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

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

Who can be the target of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. 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 harassment occur?

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

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

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

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

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

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

SECTION 3: POLICY

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

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an

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

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

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure

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

2. Making a Complaint

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

name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

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

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

3. **Supervisory Responsibilities**

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

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

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

B. Time for Reporting a Complaint

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

C. Confidentiality and Privacy

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

D. Acknowledgement of Complaint

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has

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

SECTION 5: INVESTIGATION PROCEDURES

A. Timing of Investigations

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

B. Method of Investigation

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

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

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, depositions, observations, or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;

- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

C. Notification to Complainant Party and the Accused Party

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

D. Remedial Measures

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

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

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

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

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

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons

making intentionally false charges of harassment or discrimination.

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

SECTION 7: APPEALS [OPTIONAL]

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

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

SECTION 8: RECORD KEEPING

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

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

SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

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

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with 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 harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. Complaints of sexual harassment that accrue on or after August 12, 2020 may be filed with DHR at any time **within three years** of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

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

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 discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

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

SECTION 10: QUESTIONS

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

SECTION 11: COMPLIANCE OFFICERS

<u>Desiree Potvin Village Clerk</u> Name	<u>Village Hall, 455 Route 32, Highland Mills</u> Office Location
<u>(845) 629-2763 (cell)</u> Telephone Number	<u>PO Box 546, Central Valley NY 10917</u> Mailbox Location
<u>Village Mayor</u> Name	<u>455 Route 32, Highland Mills</u> Office Location
<u>(845) 928-7578 x52 (office)</u> Telephone Number	<u>PO Box 546, Central Valley, NY 10917</u> Mail Box Location

SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be July 9, 2020. The Municipality's Village Clerk shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed at the beginning of each year with or as part of the new employee welcome packet. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer.

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

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY’S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

From: Desiree Potvin, Village Clerk
To: All Village Employee’s and Appointed/Elected Officers

The Village of Woodbury is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to harassment or discrimination in the workplace. It is the Village’s policy to provide a workplace environment free from harassment and discriminatory practices.

The Village has adopted and disseminated a revised Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the revised Policy, have reviewed it, and have been afforded an opportunity to ask the Village Compliance Officer (as designated in Section 11 of the policy) any questions you may have regarding the Policy. Return the signed acknowledgement to Desiree Potvin, Village Clerk.

Thank you for your assistance in this matter. If you have any further questions regarding this Policy feel free to contact Desiree Potvin, Village Clerk or your Department Supervisor.

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY’S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

**I, _____, have received the Village of Woodbury’s Policy Against
Discrimination and Harassment adopted effective January 9, 2020. I have reviewed this
Policy, and I have had the opportunity to ask questions regarding the Policy.**

Signature of Employee

Date