

Supervisor James Schmitt opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM November 7, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen DeRosa, McCarthy, Johnson, Kelly and approximately 29 interested citizens.

### **CASTAGNA/SEWER DISTRICT #3**

Mr. Richard O'Rourke, attorney from the law firm of Keane & Beane, PC was present, representing Jucca Company/Castagna. Also in attendance representing Jucca Company/Castagna was Jerry Schwalbe, Professional Engineer from Divney, Tung, Schwalbe.

Mr. O'Rourke said he submitted a document to the Town containing the history of this project, together with relevant documents including the amended petition as well as the map, plan and report which was commissioned by Morris Associates, and resolutions that were passed by the Planning Board and Town Board. He said Peter Setaro from Morris Associates sent an email to the Town Supervisor explaining the necessity of further inspections, although this has been operating for about a year now. From every indication he has, everything is operating efficiently. Mr. O'Rourke said he would like the Board to move forward with the creation of the special district and the dedication will follow. He hoped the Board could authorize the Town Attorney to draft a resolution for the creation of the special district. Thereafter, they hope it would be dedicated which would come after the inspections are done and everyone signs off.

Councilman DeRosa made a motion to move this forward, seconded by Councilman Johnson, motion passed unanimously.

### **APPLICATION PROCESSING RESTRICTIVE LOCAL LAW**

Supervisor Schmitt made a motion to open the public hearing regarding the Application Processing Restrictive Law, seconded by Councilman Johnson, motion passed unanimously.

There were no comments from the audience.

Supervisor Schmitt made a motion to close the public hearing, seconded by Councilman Johnson, motion passed unanimously.

Councilman DeRosa made a motion to move this to the next step and have the Town Attorney prepare a resolution for the next meeting, seconded by Councilman Johnson, motion passed unanimously.

### **2019 BUDGET PUBLIC HEARING**

Supervisor Schmitt made a motion to open the public hearing on the 2019 budget, seconded by Councilman Kelly, motion passed unanimously.

Mr. Dietz said Helen Grosso could not make the meeting and she sent him with something to read to the Board. He read Mrs. Grosso's concerns on the budget, which included her feeling there should be a zero percent increase or a negative percentage instead of the .63% budget currently proposed. Mrs. Grosso believed there were excess funds that could be used to achieve a zero increase budget, and the gesture would stimulate the economy and would have a large impact on the community. The Dutchess County 2019 proposed budget has a tax levy reduction as well as the Pawling Fire Department being reduced, the Pawling Library is staying the same and the School District has a reduction for the fourth year in a row. She felt the Town Board should reduce the tax rate also.

Supervisor Schmitt said the Pawling Library has a \$60,000.00 increase per the petition on the ballot that just passed on Election Day.

Mr. Dietz thanked the Board for their effort in the budget, it was well done. He felt bringing in the consultants was a good idea. He said the cost of living went up about 2%. We would all like the budget to be zero but it may not be realistic.

There were no further comments from the audience and Councilman Kelly made a motion to close the public hearing, seconded by Councilman Johnson, motion passed unanimously.

Councilman DeRosa said the Planning & Zoning Boards were not getting the 2% increase everyone else was receiving. He didn't think that was fair and he felt they should receive this increase.

Following discussion, Councilman DeRosa made a motion to increase the Zoning Board & Planning Board 2%, the same as everyone else is getting, seconded by Councilman Johnson, motion passed unanimously.

Following further discussion, Councilman Johnson made a motion for the Town Board salary to stay the same in the 2019 budget as in the 2018 budget with no increase, seconded by Councilman McCarthy and did not pass with the following roll call vote:

Councilman Johnson – “AYE”	Councilman DeRosa – “NAY”
Councilman McCarthy – “NAY”	Councilman Kelly – “NAY”
Supervisor Schmitt – “AYE”	

## **RESOLUTIONS**

The Board discussed the proposed resolutions. Following discussion, it was agreed that the resolutions would be placed on the November 14, 2018 Town Board meeting agenda.

The Board took action on the following resolution:

### **Resolution 2018116 Sexual Harassment Policy Adoption**

Whereas, the New York State Department of Labor (NYSDOL) is requiring all employers in New York State to adopt a sexual harassment prevention policy that meets the statutory requirements set for in NY Labor Law 201-g, and

Whereas, NYSDOL is also requiring that a Sexual Harassment Complaint Form be available to all employees, and

Whereas, the Town of Pawling's Labor Counsel has advised that the current Town of Pawling Sexual Harassment policy should be updated to reflect the new requirements, and

Whereas, all Town personnel whether, paid or unpaid, part-time, full-time, seasonal or temporary, appointed or elected, or volunteers, will be provided with a copy of the policy and sign that they received and will abide by the policy, and

Whereas, a Notice of the Town's policy will be posted at all entrances to Town building or facilities where vendors contractors may enter, therefore, be it

Resolved, that the attached Town of Pawling Sexual Harassment Policy is hereby adopted by the Town Board of the Town of Pawling.

**MOTION:** Councilman Kelly  
**SECOND:** Councilman Johnson

Councilman Johnson – “AYE”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	Councilman Kelly – “AYE”
Supervisor Schmitt – “AYE”	

**Resolution 2018119**  
**Accepting Proposal– Pawling Water District No. 1 Backflow Prevention**

Whereas, pursuant to its procurement policy, the Town Board of the Town of Pawling advertised a Request for Proposals for the Town of Pawling Water District No. 1 Backflow Prevention; and

Whereas, Fountain Home Services of Pawling, New York submitted the sole bid and therefore lowest proposal in the amount of \$18,500; and

Whereas, the Town Board of the Town of Pawling wishes to accept the proposal of Fountain Home Services in an amount not to exceed \$18,500. Now, therefore, be it

Resolved, the Town Board of the Town of Pawling accepts the proposal of Fountain Home Services for Pawling Water District No. 1 Backflow Prevention in an amount not to exceed \$18,500; and be it

Further Resolved, that the Town Supervisor is authorized and directed to execute any and all documentation necessary to give effect to this resolution.

**MOTION:** Councilman Johnson

**SECOND:** Councilman Kelly

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**BUDGET AMENDMENTS**

Andrew Forman, Town Bookkeeper presented budget amendments to the 2019 budget.

Councilman Kelly made a motion to accept the following budget amendments as drafted and presented, seconded by Councilman Johnson, motion passed unanimously.

**Suggested Budget Revisions to the 2019 Preliminary Budget, per Town Board Meeting 11-7-18**

<b>A Fund</b>				
<u>Revenues</u>				
-				
A.1001.000	Real Property Tax	Decrease	\$ (152,606.00)	Results of budget amendments
A.1770.000	Franchises	Decrease	\$ (63,000.00)	Inadvertently Reflected in (A) Fund
A.2055.000	Golf Course - Concession Stand	Decrease	\$ (6,800.00)	New arrangement
A.2060.000	Golf Course - Pro Shop	Decrease	\$ (3,700.00)	New arrangement
A.3005.000	Mortgage Tax	Increase	\$ 190,000.00	Inadvertently Reflected in (B) Fund
		Net Decrease	\$ (36,106.00)	
<u>Expenses</u>				
-				
A.1110.100	Justice - PS	Decrease	\$ (18.00)	3.5% Pay increase for Court Clerk
A.1110.400	Justice - CE	Increase	\$ 18.00	3.5% Pay increase for Court Clerk
A.1220.100	Supervisor - PS	Decrease	\$ (463.00)	No raise for Supervisor
A.7020.100	Recreation Administration - PS	Increase	\$ 11,223.00	Rec Director Request
A.7145.100	Teen Center - PS	Decrease	\$ (9,561.00)	Rec Director Request
A.7145.400	Teen Center - CE	Decrease	\$ (1,800.00)	Rec Director Request
A.7260.100	Golf Course Clubhouse - PS	Decrease	\$ (3,350.00)	New arrangement
A.7260.400	Golf Course Clubhouse - CE	Decrease	\$ (7,000.00)	New arrangement

A.7310.400	Other Rec Programs - General	Decrease	\$ (20,000.00)	Rec Director Request
A.7310.441	Other Rec Programs - Triathlon	Increase	\$ 20,000.00	Rec Director Request
A.9030.800	Social Security	Decrease	\$ (125.00)	Based on Salary adjustments
A.9035.800	Medicare	Decrease	\$ (30.00)	Based on Salary adjustments
A.9060.800	Hospital & Medical Ins.	Decrease	\$ (25,000.00)	Initial Forecast was overstated
		Net Decrease	\$ (36,106.00)	

<b>B Fund</b>				
<u>Revenues</u>				
B.1001.000	Real Property Tax	Increase	\$ 127,000.00	Results of budget amendments
B.1770.000	Franchises	Increase	\$ 63,000.00	Inadvertently Reflected in (A) Fund
B.3005.000	Mortgage Tax	Decrease	\$ (190,000.00)	Inadvertently Reflected in (B) Fund
		Net	\$ -	
<u>Expenses</u>				
B.3120.100	Police: PS	Decrease	\$ (3,500.00)	
B.8090.100	Environ. Control: PS	Increase	\$ 3,500.00	
		Net	\$ -	

<b>DB Fund</b>				
<u>Revenues</u>				
DB.1001.000	Real Property Tax	Increase	\$ 17,000.00	Initial Forecast was Understated
<u>Expenses</u>				
DB.9060.800	Hospital & Medical Ins.	Increase	\$ 17,000.00	Initial Forecast was Understated

**Resolution 2018121  
Budget Amendments for Fiscal Year 2018**

Whereas, a request for Budget Amendments has been received from the Budget Officer, and

Whereas, normal course of business activity throughout 2018 has prompted the Budget Officer to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

Whereas, the Budget Officer has requested the following budget amendments:

For the purpose of completing the LVT flooring project at Lathrop:

Increase in Expense Line A.7110.400 (Parks CE) by \$9,000  
Decrease in Expense Line A.7145.100 (Teen Center) by \$9,000

For the purpose of replacing lane lines and provide a storage reel:

Increase in Expense Line A.7230.400 (Beach & Pool CE) by \$3,300  
Decrease in Expense Line A.7230.100 (Beach & Pool PS) by \$2,300  
Decrease in Expense Line A.7230.200 (Beach & Pool EQ) by \$1,000

Now, therefore be it Resolved, that the Town Board of the Town of Pawling hereby approves the 2018 Budget amendments as submitted by the Budget Officer.

**MOTION:** Councilman Kelly  
**SECOND:** Councilman Johnson

Councilman Kelly asked that the year in the title be changed to 2019.

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

### **TRANSFER STATION**

Councilman DeRosa said the Committee working on the transfer station has continued to meet and has put together a list of new rules and regulations for the transfer station they want to propose. This list has been distributed to the Board members. Some of the changes are that the transfer station will be open three days per week (Monday, Thursday, Saturday from 6 AM to 4 PM), if town hall is closed for inclement weather, the transfer station will be closed also and will reopen on the next regularly scheduled day, no commercial dumping or construction debris will be allowed, and only certain size brush will be accepted. There will be a process for a waiver and there is a waiver form that was created, which will be used. Councilman DeRosa said people who purchased commercial permits last year will be notified that they will no longer be able to purchase a permit and that there is a waiver procedure and an application for the waiver procedure where they can apply for relief. He would like to get a nod of approval so the Board can move this forward. He did not feel the fee for the permit should be increased for 2019. Councilman DeRosa said a fine was discussed so as to control what is dumped at the transfer station.

Following discussion, Nancy Tagliafierro, Town Attorney said she would research the procedure of notice of violation to be issued and how that would be handled. She would prepare a resolution for the next meeting for the Board to approve the new rules and regulations for the transfer station. Also, the Board felt wording for the fine for illegal dumping should be \$500.00, not up to \$500.00.

### **WHALEY LAKE DAM**

Councilman DeRosa said there was an important meeting at the Whaley Lake Dam yesterday with three representatives of NYS DEC, himself, Supervisor Schmitt and the contractor. NYS DEC did an inspection on the dam, which is 90 – 95% complete. It looks like NYS DEC will allow the lake to begin filling at the end of this month as long as the weather holds out. NYS DEC will have to do a final inspection once the work is complete. At that point, the lake level will only be able to be raised 6 inches every day or two for a while, and then it will have to be inspected again. The filling of the lake is not going to happen overnight, it will take time.

Supervisor Schmitt said NYS DEC is the entity requiring when the lake will be filled and by how much, not the Town.

### **MTA RAIL TRAIL**

Supervisor Schmitt said he was in touch with Paul Fitzpatrick recently and they want permission to get moving and begin building the trail head.

Following discussion, the Board agreed that they would like to see an agreement for everything that will happen in Pawling before anything is done for the rail trail.

### **PUBLIC COMMENT**

Wendel Weber, Supervisor of Buildings & Grounds explained that he had a meeting with the Pawling Community Foundation, along with Recreation Director Jessica Dickinson regarding the dog park. Plans are moving forward for the temporary dog park at the tennis courts at Lakeside Park and in the spring, the PCF will go ahead with the dog park proposed at Murrow Park. Mr. Weber said there will be no expense to the Town. He said the signage will be paid for by the PCF.

Following discussion, including the possibility of cutting the fence down lower at the temporary Lakeside dog park, the Board felt this project should continue to move forward.

Mike Kelly, Chief Constable, said due to vandalism in the rear part of Lakeside Park, he suggested Wi-Fi cameras with motion detectors be installed. He said it is hard for the constables to be at the park at all times. He suggested the possibility of Jay Gruendle, caretaker at Lakeside,

being involved if there were cameras at the park. He also felt that a labeled vehicle for the constables at Lakeside would be helpful.

Paul Meisner, resident of 91 Fairway Drive, said he has been working with the School Board for the varsity kids to play in an under the lights fund raiser. The School Board has agreed to donate the temporary lights but this event has to be off of the school campus, due to insurance and other requirements. They need a location for this event and he hoped the Town could help with this. He is proposing a kickball tournament and he suggested it be held at Murrow Park.

Following further discussion, the Board felt Mr. Meisner's first step would be to speak to the Recreation Director to talk about requirements and dates, and to fill out a facilities use request to waive the fee. At that point, the Board can discuss this event.

Councilman Kelly made a motion to adjourn at 8:25 PM, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk

## **TOWN OF PAWLING SEXUAL HARASSMENT POLICY**

### **I. Introduction**

The Town of Pawling (“Town”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town’s commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Town, or with a government agency or in a court of jurisdiction under federal, state, or local antidiscrimination laws.

### **II. Policy**

- A. The Town’s policy applies to all employees. Employees are defined to include any person holding a position by election, appointment, or employment in the service of the Town whether paid or unpaid; applicants for employment; interns, whether paid or unpaid; volunteers; contractors; and persons conducting business with the Town.
- B. A non-employee is defined as 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 Town.
- C. 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, up to and including termination.
- D. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any employee of the Town who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. Any employee, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Town Supervisor. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek assistance in other available forums, as explained below in the section on Legal Protections.
- E. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Town to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability or personally liable for damages. Employees and non-employees of every level who engage in sexual harassment, including managers, department heads, and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
- F. The Town will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. 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.

- G. All employees, and non-employees are encouraged to report any harassment or behaviors that violate this policy. The Town will provide all such individuals with a complaint form to report harassment and file complaints.
- H. Managers, department heads, and supervisors are required to report any complaint that they receive, or any harassment that they observe immediately to the Town Supervisor.
- I. This policy applies to all employees, and non-employees, and all such individuals must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring. All employees shall sign a written acknowledgment that they received this policy.
- J. Training on sexual harassment prevention shall be provided to all employees on an annual basis. Such training shall be consistent with New York and federal law and regulations.
- K. New employees shall receive training on sexual harassment prevention as soon as possible after their date of hire.

### **III Sexual Harassment Defined:**

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, 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 complaining 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 may consist of 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. A sexually harassing hostile work environment may also consist 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.

The Town encourages any employee, and non-employees who feel harassed to file a complaint so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### **A. Examples of Sexual Harassment**

Sexual conduct that the Town considers unacceptable and which may constitute sexual



harassment includes, but is not limited to, the following:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' 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 victim'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, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- 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.

#### **B. 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, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

#### **C. 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 or not during work hours.

#### **D. Retaliation is Unlawful**

Unlawful retaliation can be any action that would keep 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.

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:

1. Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;

2. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
3. Opposed sexual harassment by making a verbal or informal complaint to management or by simply informing a supervisor or manager of harassment;
4. Complained that another employee has been sexually harassed; or
5. Encouraged a fellow employee to report harassment.

#### **IV. Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The Town cannot prevent or remedy sexual harassment unless it knows about it. Any employee, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, department head, or the Town Supervisor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available in every department office, 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 or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

##### **A. Supervisory Responsibilities**

All supervisors, department heads and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Town Supervisor. If the alleged harasser is the Town Supervisor, the report should be submitted to the Town Board for further action.

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

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

##### **B. Complaint And Investigation of Sexual Harassment**

All complaints or information about suspected 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. The Town may also hire an outside investigator to investigate a complaint.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. If additional time is needed to complete the investigation, the investigator will provide all parties with notice of the need for additional time. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee, or non-employees may be required to cooperate as needed in an

investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

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

1. Upon receipt of complaint, the Town Supervisor or in the event that the alleged harasser is the Town Supervisor, the Town Board will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting;
2. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them;
3. Request and review all relevant documents, including all electronic communications;
4. Interview all parties involved, including any relevant witnesses;
5. When reviewing cases involving non-employees, the investigator shall consider the extent of the Town's control and any other legal responsibility the Town may have with respect to the conduct of the accused;
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s);
7. Keep the written documentation and associated documents in the employer's records;
8. Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document; and
9. Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

## **V. Legal protections and External Remedies**

Sexual harassment is not only prohibited by the Town but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town, employees may also choose to pursue legal remedies with the following governmental entities at any time.

### **A. New York State Division of Human Rights (OHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 DHR or in New York State Supreme Court.

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

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR.

## **B. United States Equal Employment Opportunity Commission (EEOC)**

The 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.).

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination" with the EEOC. The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820(TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

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

## **C. 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.