

TOWN BOARD

MONDAY

August 10, 2020

Zoom Meeting

<https://madisoncounty-ny.zoom.us/j/97523915068>

Meeting ID: 975 2391 5068

Dial by your location

1 646 558 8656 US (New York)

Supervisor Zupan opened the meeting at 7:30 p.m. with all Councilors present.

The Town of Cazenovia is committed to practicing the social distancing guidelines that are currently in place. In accordance with the Governor's Executive Order 202.1, our August meeting was held via videoconferencing. The meeting notification was posted on the Town's website and on the sign board at the outside entrance of the Town Hall and published in the newspaper.

This meeting was video-recorded.

The Town Supervisor asked the Town Clerk to take a roll call attendance of all Board members.

Roll call:

Councilor Andersen	Present
Councilor Race	Present
Councilor Golub	Present
Councilor Reger	Present
Supervisor Zupan	Present

Pledge of Allegiance:

Correspondence: *There was no unshared correspondence.*

Motion by Councilor Race, seconded by Councilor Reger to accept the minutes from the July 13, 2020 regular meeting. The motion was unanimously approved.

Supervisor Zupan asked if anyone cared to speak to the Town Board regarding any subject on this meeting's agenda.

Public comment #1: *There were no comments.*

Supervisor Zupan prefaced this resolution and stated this is done every year and it gives the Town Board the ability to go over the tax cap limit that the State requires municipalities to stay under.

Resolution No. 80 presented by Councilor Race, seconded by Councilor Reger

TOWN OF CAZENOVIA LOCAL LAW C OF 2020
 (“A Local Law Overriding the Tax Levy Limit Established
 in General Municipal Law §3-C in the Town of Cazenovia”)

To introduce proposed Local Law No. C-2020, relating to the ability of the Town of Cazenovia to override the limit on the amount of real property taxes that may be levied by the Town of Cazenovia pursuant to General Municipal Law §3-c, and to allow the Town of Cazenovia to adopt a Town budget for the fiscal year 2021 in excess of the “tax levy limit,” and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Cazenovia, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE,

RESOLVED AND DETERMINED the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further;

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. C-2020 at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on September 14, 2020 at 7:30 p.m., or as soon thereafter as the matter can be heard at which time all persons interested in the subject shall be heard.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 80 adopted.

Supervisor Zupan stated this agreement is for the snail study.

Resolution No. 81 presented by Councilor Race, seconded by Councilor Golub

**AUTHORIZING THE TOWN OF CAZENOVIA TOWN SUPERVISOR
TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH
DR. REBECCA RUNDELL (SUNY-ESF)
FOR PROPOSED CAZENOVIA LAKE TREATMENT
(2021 ProcellaCOR EC Treatment)**

WHEREAS, the Cazenovia Lake Association, in partnership with the Town of Cazenovia, has solicited a proposal from Dr. Rebecca Rundell of SUNY-ESF, which proposal is entitled “Testing the Safety of ProcellaCOR EC Aquatic Weed Herbicide on the Land Snail *Succinea putris*”; and

WHEREAS, the Town of Cazenovia is desirous of obtaining the necessary land snail study in order to further consider the potential treatment of Cazenovia Lake for the Spring/Summer of 2021.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the written proposal prepared by Dr. Rebecca Rundell of SUNY-ESF at a not to exceed amount of Eleven Thousand Two Hundred Ninety-Nine and 00/100 Dollars (\$11,299.00) subject to review and approval of the proposal by the Town’s legal counsel.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 81 adopted.

Resolution No. 82 presented by Councilor Race, seconded by Councilor Andersen

**AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO
A LICENSE AGREEMENT (INTERMUNICIPAL AGREEMENT)
WITH THE GEORGETOWN FIRE DISTRICT
FOR TRAINING AND PRACTICE EXERCISES AT
THE TOWN OF CAZENOVIA HIGHWAY GARAGE**

To authorize the Town of Cazenovia Supervisor to enter into a License Agreement (Intermunicipal Agreement) with the Georgetown Fire District, which Agreement would allow the Georgetown Volunteer Fire Department to utilize the Town of Cazenovia Highway Garage and its associated open lands located at 3425 Constine Bridge Road, Cazenovia to conduct training and practice exercises for its members.

**LICENSE AGREEMENT
(Intermunicipal Agreement)**

THIS LICENSE AGREEMENT (the “Agreement”) is made as of August __, 2020, between the TOWN OF CAZENOVIA, with offices at 7 Albany Street, Cazenovia, New York 13035 (the “Town”) and the GEORGETOWN FIRE DISTRICT, with offices at 954 New York Route 26, Georgetown, New York 13072, mailing address P.O. Box 6, Georgetown, New York 13072 individually and on behalf of the Georgetown Volunteer Fire Department (the “GVFD”).

WHEREAS, the Town owns the parcel and building located at 3425 Constine Bridge Road, Cazenovia, New York 13035, in Madison County, New York, which parcel and building contains the Town highway garage and open lands utilized by the Town of Cazenovia for municipal purposes (the “Premises”); and

WHEREAS, the GVFD desires an area upon which to conduct training and practice exercises for its members; and

WHEREAS, the Town desires to share with the GVFD certain portions of the Premises for conducting such training and practice exercises; and

WHEREAS, the Town and the GVFD have entered into discussions pertaining to the GVFD’s use of a portion of the Premises for purposes of such GVFD training and practice exercises beginning on the effective date of this Agreement; and

WHEREAS, each party has reviewed its costs and expenses incurred or expected to be incurred as a result of this shared arrangement, and each has determined its costs to be *de minimis* and essentially equal to the benefit that each party is receiving from the other.

NOW, THEREFORE, it is mutually agreed:

FIRST: The Town hereby provides a license to the GVFD as more particularly set forth herein.

SECOND: The Town will not charge the GVFD rent or other fees for limited use of the Premises as set forth herein.

THIRD: The GVFD shall utilize certain portions of the Premises solely for the purpose of conducting training and practice exercises for the members of the GVFD and shall conduct such exercises in an area mutually agreed upon the parties and at such times, dates and hours as mutually agreed upon by the parties.

FOURTH: The GVFD shall indemnify and hold Town harmless against any claim for damage which is made against the Town by reason of any act by the GVFD in the use of said Premises and hold the Town harmless for any expense in connection therewith and will cause the Town to be named as an additional insured under the GVFD’s general liability policies. The GVFD will provide the Town with evidence of such coverage(s) showing that the Town has been added as an insured to the policy.

FIFTH: The GVFD shall and will take good care of the portion of the Premises utilized herein and appurtenances thereto while using or in possession of the agreed upon portion of the Premises. The GVFD will, at its own cost and expense, make all repairs to the Premises so affected by such use.

SIXTH: The GVFD will not make or allow to be made any alterations or additions to any portion of the Premises without first obtaining the Town's written consent.

SEVENTH: The Town and the GVFD shall promptly make all efforts to execute and comply with all statutes, ordinances, rules, orders, regulations and requirements of the federal and state governments, any and all of their departments and bureaus applicable to the Premises.

EIGHTH: The Town or the GVFD may terminate this License and Agreement, with or without cause, upon ninety (90) days written notice thereof. In the event no termination notice is received, such Agreement shall continue on an annual basis.

NINTH: This Agreement may not be altered, modified or canceled except by an instrument in writing duly acknowledged by the parties hereto.

TENTH: All notices may be given by mail addressed to the Town at 7 Albany Street, Cazenovia, New York 13035, and to the GVFD at P.O. Box 6, Georgetown, New York 13072 or such further addresses as may be given to the other party during the term of this Agreement.

ELEVENTH: The Supervisor of the Town has executed this Agreement pursuant to a Resolution adopted by the Town Board, at a meeting thereof held on August __, 2020. Hon. William Zupan, Supervisor, whose signature appears hereafter is duly authorized and empowered to execute this Agreement and enter into this Agreement on behalf of the said Town. This instrument shall be executed in duplicate. A copy of this Agreement shall be permanently filed after execution thereof, in the office of the Clerk of the Town.

TWELFTH: The Fire Commissioner Chairman of the Georgetown Fire District has executed this Agreement pursuant to an authorization granted at a meeting thereof held on August __, 2020. Fire Chairman Commissioner Dale Burgess, whose signature appears hereafter is duly authorized and empowered to execute this Agreement and enter into this Agreement on behalf of the said NWVFD. This instrument shall be executed in duplicate.

THIRTEENTH: All the provisions, covenants and conditions contained in this Agreement shall apply to and bind and inure to the benefit of any successors and assigns of the parties hereto.

IN WITNESS WHEREOF, this Agreement has been duly executed on the date and year first written above.

TOWN OF CAZENOVIA

GEORGETOWN FIRE DISTRICT

William Zupan, Town Supervisor

Dale Burgess, Fire Commissioner Chairman

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 82 adopted.

Resolution No. 83 presented by Councilor Reger, seconded by Councilor Andersen

AUTHORIZING THE TOWN OF CAZENOVIA TOWN SUPERVISOR TO EXECUTE THE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT RELATIVE TO CAZ CAR WASH, LLC

WHEREAS, on February 24, 2020 the Town of Cazenovia Zoning Board of Appeals granted a Special Use Permit to Cazenovia Commons, LLC (as the then “Owner”) and Caz Car Wash, LLC (as “Applicant”) to operate a car and pet wash facility to be known as “Caz Car Wash” at 2567 Route 20 East, Cazenovia, New York (Tax Map No. 95.3-2-33) (the “Property”); and

WHEREAS, subsequently the Property was transferred to the Applicant such that the Applicant shall be the Facility Owner for purposes of stormwater maintenance as more fully described herein; and

WHEREAS, as part of said Special Use Permit approval, Owner and Applicant were to enter into an appropriate Stormwater Management Agreement with the Town of Cazenovia; and

WHEREAS, the Town and the Facility Owners desire to enter into a Stormwater Control Facility Maintenance Agreement to provide for the long-term maintenance and continuation of certain storm water control measures approved by the Town of Cazenovia for the Property, subject to the conditions contained in said agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Town Supervisor of the Town of Cazenovia is hereby authorized to execute the “Stormwater Control Facility Maintenance Agreement” relative to Caz Car Wash, LLC’s operation of a car and pet wash facility to be known as “Caz Car Wash” at 2567 Route 20 East, Cazenovia, New York (Tax Map No. 95.3-2-33), upon final legal counsel review.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 83 adopted.

Supervisor Zupan stated this resolution is due to an error in the meter reading.

Resolution No. 84 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZE A CREDIT TO A USER’S ACCOUNT OF THE
WATER POLLUTION CONTROL FACILITY**

To authorize the Sewer Billing Clerk to issue a credit in the amount shown to the following account of the Water Pollution Control Facility and re-issue a new bill

- **Empire Management Co.**
 - Service ID: 0530 (Town & Country Plaza – West Row) **\$ 5,574.20**

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 84 adopted.

Resolution No. 85 presented by Councilor Race, seconded by Councilor Andersen

**AUTHORIZE CREDITS TO USER ACCOUNTS OF THE
WATER POLLUTION CONTROL FACILITY**

To authorize the Sewer Billing Clerk to reverse the charges assessed to the following account of the Water Pollution Control Facility:

- **Empire Management Company**
 - Service ID: 0450 (Town & Country Plaza – Old McKinnon) **\$ 325.00**
Liquor
 - Service ID: 0430 (Town & Country Plaza – Zoom Tan) **\$ 325.00**
 - Service ID: 0460 (Town & Country Plaza – Therapist) **\$ 325.00**

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 85 adopted.

Supervisor Zupan thought this was long overdue because there isn't a huge supply of water. He stated Mt. Pleasant Water District has a generator and New Woodstock Water District has two water tanks.

Resolution No. 86 presented by Councilor Reger, seconded by Councilor Race

AUTHORIZE THE PROCUREMENT & INSTALLATION OF A GENERATOR FOR THE WELLINGTON WATER DISTRICT

To authorize the procurement of a 25KVA, 208v, 3ph, natural gas generator with battery, charger, block and coolant heaters and other associated equipment from Harnic Electric per their quote dated August 4, 2020. Said quote includes all labor and material in an amount not to exceed Twenty-Four Thousand One Hundred Ten and 00/100 Dollars (\$ 24,110.00).

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 86 adopted.

Resolution No. 87 presented by Councilor Andersen, seconded by Councilor Reger

AUTHORIZE THE INSTALLATION OF WATER METERS FOR THE MT. PLEASANT WATER DISTRICT

To authorize the installation of water meters for each water service in the Mt. Pleasant Water District to Fonseca and Griffin Plumbing & Mechanical, LLC. The cost of said installation shall not exceed Six Thousand Seventy-Five and 00/100 Dollars (\$ 6,075.00), as per the Fonseca and Griffin Plumbing and Mechanical, LLC quote dated June 2, 2020.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 87 adopted.

Supervisor Zupan stated this is done every year.

Resolution No. 88 presented by Councilor Race, seconded by Councilor Golub

**AUTHORIZE A PUBLIC HEARING FOR
BURDIN’S ANNUAL JUNKYARD PERMIT RENEWAL**

To authorize a public hearing at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on September 14, 2020 at 7:30 p.m., or as soon thereafter as the matter can be heard for the annual renewal of Burdin’s Junkyard Permit (a.k.a. Don’s Auto Barn).

Roll call:	
Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 88 adopted.

Resolution No. 89 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZE A REFUND TO NICKELS ENERGY SOLUTIONS, LLC
(KEVIN & LAURIE DUDLEY) FOR THEIR SITE PLAN APPLICATION FEE**

To authorize a refund of One Hundred Fifteen and 00/100 Dollars (\$ 115.00) to Nickels Energy Solutions, LLC (Dudleys) for an un-needed site plan application fee.

Roll call:	
Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 89 adopted.

Resolution No. 90 presented by Councilor Race, seconded by Councilor Reger

**ADOPT REVISIONS TO THE POLICY RELATING TO THE
“TOWN OF CAZENOVIA POLICY AGAINST DISCRIMINATION AND HARASSMENT”
AND AUTHORIZE REVISIONS BE ADDED TO THE
TOWN CODE OF THE TOWN OF CAZENOVIA**

To adopt the recently revised “Town of Cazenovia Policy Against Discrimination and Harassment.” The revisions relate to references regarding sexual harassment which have been removed. In July of 2019, the Town Board adopted a stand-alone “Sexual Harassment Prevention Policy” which focuses on this type of harassment.

Therefore, the Town of Cazenovia Town Board hereby adopts the following “Town of Cazenovia Policy Against Discrimination and Harassment.” Said policy will be codified in the Town of Cazenovia Town Code.

Policy Against Discrimination and Harassment

SECTION 9.3 (I): PURPOSE

The Town 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 Town 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 Town's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, marital status, age, national origin or ancestry, physical or mental disability, genetic information, military or veteran status, sexual orientation, gender identity, gender expression, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship or any other characteristics protected by applicable federal, state or local law.

- A. **Applicability of Policy:** This Policy applies to all Town employees, irrespective of whether the nature of employment is full-time, part-time, temporary or seasonal. The Policy equally applies to all of the Town’s appointed officers, elected officials, and all other personnel in a contractual or other business relationship with the Town, including, for example, applicants, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the Town's exercise of control, this Policy may be applied to the conduct of nonemployees with respect to unlawful harassment and/or discrimination of the Town's employees in the workplace. This Policy applies with equal force on Town property as it does at municipal sponsored events, programs, and activities that take place off premises.
- B. **Policy Objectives:** By adopting and publishing this Policy, it is the intention of the Town's Board 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 Town 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 Town;
- (3) Clearly advise all supervisory staff, administrators, 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 Town has designated individuals to receive complaints and ensure compliance with this Policy.

SECTION 9.3 (2). DEFINITIONS

"Prohibited Discrimination of Employees" – Prohibited discrimination of employees means any adverse employment action against an employee, by either a Town 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, as defined below.

"Harassment" – Harassment includes, but is not limited to:

- (1) Conduct that unreasonably interferes with the ability of any employee or nonemployee to perform their expected job duties. This includes extending welcome or unwelcome attention and/or hostility to someone based on a protected characteristic, which thereby reduces personal productivity or time available to work at assigned tasks.
- (2) Conduct which creates an intimidating, hostile, or offensive work environment. This includes unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions that are based upon any other protected characteristic.
- (3) Slurs, jokes, or other verbal, visual, or physical conduct relating to an individual's race, color, gender/sex, religion, national origin, age, disability, sexual orientation, marital/family status, or any other characteristic protected by applicable state, local or federal law.

Any and all forms of workplace harassment are strictly prohibited.

Examples of Harassment – A non-exhaustive list of behaviors and actions that the Town considers harassment is set forth below. All reports of harassment of any kind are investigated on a case-by-case basis. Accordingly, 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, slurs; suggestive, derogatory, or insulting comments or sounds; jokes; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected

characteristic; 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 or graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; gestures or motions based on a protected characteristic; sending material through the Town e-mail system or other electronic communication devices (e.g. voice mail) or using the Town's mail or computers 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, pinching, holding, assault, unnecessary touching or other unwelcome physical conduct.

While a single incident of these types of behavior may not create a hostile working environment, if such behavior is severe, persistent or pervasive, or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment benefits, such conduct constitutes prohibited harassment.

SECTION 9.3 (3): POLICY

The Town prohibits harassment and discrimination based on any characteristic protected by applicable law and has zero tolerance for any form of unlawful discrimination or harassment. Town will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace.

All employees, including but not limited to, Town officers 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 incidents of harassment as soon as possible after the occurrence in accordance with the Complaint Procedure set forth in Section 4 of this Policy. Any Town official who receives such a complaint must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination to assure compliance with this Policy, and must report the suspected misconduct to the Town Supervisor or a member of the Town Board.

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 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 the Town Supervisor or a member of the Town Board.

SECTION 9.3 (4): POLICY ENFORCEMENT

A. Complaint Procedure for Employees

i. Notification Procedure

Prompt reporting of complaints or concerns is required so that timely and constructive action can be taken. Reporting of all perceived incidents of prohibited discrimination and/or harassment is 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/department head, the Town Supervisor or a member of the Town Board.

ii. Making a Complaint

Any Town employee or appointed/elected officer who feels that he/she has experienced or observed discrimination and/or harassment in the workplace should report the matter directly to his/her immediate supervisor. If the complainant feels uncomfortable reporting the harassment to his/her supervisor, he/she should instead report the matter to his/her Department Head, the Town Supervisor, any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisors or any other aforementioned Town officer at home if these individuals do not work during the employees' shift. The Town will not tolerate violations of this policy and strongly encourages reporting of suspected harassment or discrimination as soon as it occurs.

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

Complaints will be handled and investigated promptly and in as impartial and confidential a manner as possible. In no event will information concerning a complaint be released by the Town to third parties or to anyone within Town employment who is not directly involved in the investigation of the complaint unless otherwise required by law. All information obtained, as well as any resulting actions, will be held in strict confidence and will be disclosed only on a need-to-know basis during the investigation and resolution of the matter.

D. Falsified Charges

If, after thorough investigation, one is found to have intentionally falsified a charge of harassment and/or discrimination, or is found to have corroborated with such a falsified charge, he/she will be subject to disciplinary action up to and including termination of employment.

SECTION 9.3 (5): INVESTIGATION AND REMEDY

Generally, investigation of a complaint will be conducted by the complainant's Department Head or immediate supervisor and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. All investigations will be conducted in a fair, timely, and thorough manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. In those instances when a Department Head or Supervisor requests or requires assistance, or when the Department Head or Supervisor is named in the complaint or involved in the incident, the Town Board will appoint another individual to conduct the investigation, as appropriate. If, at the end of the investigation, misconduct is found, appropriate remedial measures (including discipline) shall be taken including, but not limited to, termination from employment.

SECTION 9.3 (6): PROHIBITION AGAINST RETALIATION

Retaliation (i.e., intimidation, coercion, threats, reprisal or discrimination) 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 or external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment antidiscrimination laws.

Complaints of retaliation should be brought directly to the Town Supervisor or a member of the Town Board. 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 9.3 (7): RECORD KEEPING

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

The Town's records regarding alleged discrimination shall be maintained separate and apart from personnel records.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 90 adopted.

Resolution No. 91 presented by Councilor Race, seconded by Councilor Reger

**ADOPT REVISIONS TO THE POLICY RELATING TO THE
“WORKPLACE VIOLENCE PREVENTION POLICY” AND
 AUTHORIZE REVISIONS BE ADDED TO
 THE TOWN CODE OF THE TOWN OF CAZENOVIA**

To adopt the recently revised “Workplace Violence Prevention Policy.” The revisions relate to updates made by the Town of Cazenovia’s legal counsel.

Therefore, the Town of Cazenovia Town Board hereby adopts the following “Workplace Violence Prevention Policy.” Said policy will be codified in the Town of Cazenovia Town Code.

WORKPLACE VIOLENCE PREVENTION POLICY

STATEMENT

The Town of Cazenovia is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard to Town employees and to members of the general public who interact with them.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment, including, but not limited to,

- an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- any intentional display of force which would give an employee reason to fear or expect bodily harm;
- intentional and wrongful physical contact with a person without his or her consent that entails some injury; or
- stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

All reports of acts of violence against any Town officer or employee during the performance of any work-related duty will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other, as well members of the general public with whom they interact, following all policies, procedures and practices, and are responsible for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law §27-b and highlights some of the elements of the Town's Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which Town employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in the workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

SCOPE

This policy applies to all employees, members of the public, visitors, vendors, contractors and others who do business with the Town.

DEFINITIONS

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Town's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (*e.g.*, yelling, using profanity, verbally abusing others, or waving arms and fists).
- Intentional physical contact for the purpose of causing harm (*e.g.*, slapping, stabbing, punching, striking, shoving or other physical attack).
- Menacing or threatening behavior (*e.g.*, throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person could interpret such behavior as constituting evidence of intent to cause harm to individuals or property.

- No unauthorized person may possess in any building owned by the Town a firearm, imitation firearm, knives or other dangerous weapon, instruments or materials that can be used to inflict bodily harm on an individual or damage to Town property.

Workplace violence can take many forms, including violence by co-workers, strangers, customers and those resulting from a personal relationship.

PROHIBITED CONDUCT AND REPORTING REQUIREMENTS

The Town has **ZERO** tolerance on any type of workplace violence committed by or against employees.

- If you or someone else is in immediate danger, call “911” and your supervisor.
- Report any threatening or potentially dangerous situations or actions to your Department Head, the Town Supervisor or the Town Clerk immediately.
- Reports can be made anonymously and all reported incidents will be investigated.
- Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.
- The Town may actively intervene at indications of a potential hostile or violent situation.

PREVENTIVE MEASURES

- If you work after dark, try to be with a co-worker as you walk to your vehicle.
- Be attentive to types of potentially dangerous situations or behavior, including:
 - Discussing weapons or bringing them to the workplace
 - Displaying overt signs of extreme stress, resentment, hostility or anger
 - Making threatening remarks
 - Sudden or significant deterioration of performance
 - Displaying irrational or inappropriate behavior
- The Town will conduct periodic inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Necessary corrective action will be taken to mitigate risk.
- Visitors or customers who are unknown to employees may be required to show identification. Employees should feel free to ask to see ID if they do not know the person.

AREAS OF RISK

- All Parking Lots
- All Town Parks
- Supervisor’s Office
- Town Clerk’s Office and Counter Area
- Tax Collection
- Town Assessor
- Codes Department

- Community Center
- Transfer Station
- Highway Department

INSPECTIONS

Desks, telephones, Town-owned vehicles, machinery and computers are the property of the Town. The Town reserves the right to enter or inspect your work area including but not limited to desks and computer hard drives without notice.

REPORTING VIOLENCE

It is everyone's business to prevent violence in the workplace. You can help by reporting what you see that could indicate that you or a co-worker is in trouble. You are in a position to know what is happening with those you work with and as a result, we rely on your involvement.

You are strongly encouraged to report any incident that may involve a violation of any of the Town's policies that are designed to provide a comfortable workplace environment. All reports will be investigated. Reports should be made to your Department Head, the Town Supervisor, a member of the Town Board or the Town Clerk.

EMPLOYMENT INFORMATION AND TRAINING

Training of affected employees will be performed upon initial assignment and annually thereafter. Retraining is required any time there is a significant change to the program, a risk factor, or work control. Training topics will include the following:

- Requirements of the New York State Workplace Violence Prevention Law
- Details of the risk factors identified in the risk assessment and our organization's procedures for conducting the risk assessment
- How employees can protect themselves, summon assistance, report threats and incidents and how to suggest improvements to the program
- Description and review of our written Workplace Violence Prevention Program
- How to obtain a copy of the Workplace Violence Prevention Plan and where it is kept
- How to obtain post-incident crisis counseling
- Training on dealing with potentially violent clients, citizens and co-workers

RECORD KEEPING REQUIREMENTS

The record keeping requirements outlined in 12 NYCRR Part 801, Recording and Reporting Public Employees' Occupational Injuries and Illnesses, must be used to document recordable injuries sustained during workplace violence incidents.

In addition to Part 801, all incidents will be investigated and documented to insure that all threats and workplace violence incidents are reported to management. These reports will provide written notification when a violence incident occurs so that management can develop an appropriate response. The Incident Report will also create a historical record that be used in the risk assessment and program evaluations.

PROGRAM REVIEW

This program will be reviewed periodically or after any serious incident. The review will focus on incident trends, addressing root cause, and the effectiveness of the control measures in place or the need to make changes. The review will also assess whether the reporting and record keeping systems have been effective in collecting all relevant information.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 91 adopted.

Resolution No. 92 presented by Councilor Race, seconded by Councilor Reger

TOWN CLERK AND ZONING DEPARTMENT RECORDS AUDIT

WHEREAS, the Town of Cazenovia Town Board performed an audit of the Town Clerk and Zoning Department records at a work session on August 5, 2020; and

NOW THEREFORE BE IT RESOLVED, that the 2019 financial records of the Town Clerk and Zoning Department appear to be complete and in good order.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 92 adopted.

Supervisor Zupan said the Board of Elections asked the Town Board to name the Cazenovia Public Library for Districts 4 & 5 to allow for social distancing.

Resolution No. 93 presented by Councilor Golub, seconded by Councilor Andersen

DESIGNATION OF POLLING PLACES

Pursuant to New York State Election Law 4-104 (*Registration and Polling Places; designation of*), “Every Board of Elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held.”

The Town Board of the Town of Cazenovia hereby designates and authorizes the Town Clerk to certify the following 2020 polling places for the Town of Cazenovia:

- District 1 – New Woodstock Free Library, 2106 Main Street, New Woodstock
- District 2 – American Legion Post 88, 26 Chenango Street, Cazenovia (*downstairs*)
- District 3 – American Legion Post 88, 26 Chenango Street, Cazenovia (*downstairs*)
- District 4 – Cazenovia Public Library, 100 Albany Street, Cazenovia
- District 5 – Cazenovia Public Library, 100 Albany Street, Cazenovia
- District 6 – American Legion Post 88, 26 Chenango Street, Cazenovia (*downstairs*)

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 93 adopted.

Attorney's Report: *John Langey, Esq. stated quite some time ago, he prepared everything that was needed for a water district consolidation. He said he will update the information and have it ready whenever the Board would like to start the process. The adoption of a consolidation plan and a public hearing are just a couple of the steps that will need to take place. A very similar process happened with the sewer consolidation. The cable franchise agreement took a negative turn because the cable company took his changes and turned them over to their lawyers who basically eviscerated almost everything he wanted to see in the agreement. Therefore, the terms of the agreement are still being ironed out. His office is working with Councilor Golub on some proposed changes to the solar law and they will report back as there are developments and proposed amendments.*

Supervisor's Report: *Supervisor Zupan said Councilor Race and he had a meeting with some local businesses about the new sewer rates and their bills. He said it was decided to hire a consultant to look at the rate structure. He stated two sewer breaks have happened in the past week, one being on Fenner Street. The Town Board may have to look at the law making it the homeowner's responsibility to go all the way to the main instead of having the municipality go from the street to the main. He started the discussion to consolidate the New Woodstock and Wellington Water Districts. Additionally, there will be a meeting for the "Future of the Town Office" on Thursday, August 20th. The Town Board will meet in person and the public can observe via Zoom. At a later date, there will be public meetings so the public can voice their comments and concerns.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the highway department is running smoothly. The new Wacker has been delivered. The truck is at Tracey Road Equipment and may be delivered in the next couple of weeks. The 5500 truck is being built, too.*

The Highway Superintendent stated it could be delivered in a month to six weeks. Paving and chipping is done so the Department is in a “maintenance mode” and helping other townships.

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported the Lake Waterfront Revitalization Grant requires the creation of a plan as part of the process. She gave praise to Jocelyn Gavitt and Lauren Lines for being instrumental in the creation of an in-person meeting that spanned two hours. In response to the COVID-19 pandemic, everyone was socially distanced and there were tables spaced out where attendees could comment on the various details of the plan. They collected people’s concerns about lake and creek health and economic development. They asked people to put down resources they were aware of or people they knew to help with this project. Once the plan and report is compiled, it will be submitted to the State for potential funding to assist with the problems and conditions that were noted in the report.*

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *He stated in regards to the Cazenovia Lake Association (CLA) another buoy has been ordered and will be placed at Sunken Island-it is quite shallow there so it will be installed for safety. The snail study will be completed in October. He mentioned it has been determined there needs to be presence by the Cazenovia Preservation Foundation (CPF) on the CLA to assist with the Creek and Canal Corp. In regards to the Gothic Cottage, he has been corresponding with Julia of HKK. Additionally, he is going to meet with John’s colleague, Sebastian regarding the solar law for mega projects.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported the Cazenovia Youth Recreation Program finished last Friday. He wanted to acknowledge Kristin Romagnoli for all her efforts being her first year and the additional requirements due to the pandemic. He said the waterfront has gone extremely well and the life guards have been getting in their full schedules because of the wonderful weather. He said soon he will be meeting with Kristin to look at the forecast for next year. He also mentioned he has been working closely with CazCares who do a great job. The next two Saturdays from 9-12 they will take donations for school supplies. The fresh food delivery will happen tomorrow afternoon. On July 18th, the New Woodstock Volunteer Fire Dept. sponsored a dairy drive. Mike and Kristi Williams farm was the main driver behind it-over 600 families were served. The next dairy drive will be August 29th from 1-5. The Caz COVID Team calls have lessened.*

Councilor Andersen congratulated Councilor Reger on the Farmer’s Market and she hopes it stays there because it appears to be working out perfectly.

Before opening the second comment period, Supervisor Zupan wanted to acknowledge the fantastic jobs by all the police departments with the situation near Carriage Lane.

Supervisor Zupan asked if any member of the public cared to use the second comment period to speak to the board regarding any area of Town Board oversight.

Public comment #2: *There were no comments.*

The Town Clerk presented the monthly bills list.

The Town Board's method-of-choice for review of the monthly bills:

The Town Board's first review takes place when detailed lists of the monthly bills are emailed to them on the weekend preceding the meeting. As a second review, the Town Clerk reads aloud the monthly bills list as the Town Board followed along with hard copies. The invoices are present at the meeting and the Town Board visually inspects them and discusses them at their discretion.

Motion by Councilor Race, seconded by Councilor Reger to approve payment of the bills. Councilor Race recused himself from payment of the Suit-Kote invoice. Supervisor Zupan recused himself from payment of the Cunningham Trucking, LLC invoice. The motion was unanimously approved.

Motion by Councilor Race, seconded by Councilor Andersen to adjourn this meeting. The motion was unanimously approved.

At 8:12 p.m., Supervisor Zupan declared this meeting adjourned.

Signed: *Connie J. Sunderman*

Connie J. Sunderman, Town Clerk