

A Joint meeting of the Town/Village of Avon was held on Thursday, November 29, 2018 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, with the following members present:

PRESENT:

TOWN BOARD

Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, and Councilmen Malachy Coyne, James Harrington and Paul Drozdziel

VILLAGE BOARD

Mayor Thomas Freeman, Deputy Mayor Mark McKeown, and Trustees Bill Zhe, Robert Hayes, and Tim Batzel

OTHERS: Attorney James Campbell, Code Enforcement Officer Brian Glise, Highway/Water Superintendent Tom Crye, MRB Group Engineers Dave Willard and Bill Davis, Village DWP Superintendent John Barrett and Deputy Town Clerk Ellen Zapf

VISITORS: Jan Cole, Deb Kellerson, Allie Panipinto, Judy Falzoi and Janet Manko

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance.

Supervisor LeFeber read the following proclamation in honor of former Town Clerk Beverly Luther who passed away earlier this week. He then asked for a moment of silence in remembrance of Bev.

PROCLAMATION

HONORING OUR FORMER TOWN CLERK BEVERLY C. LUTHER

Whereas, The Office of the Municipal Clerk, a time honored and vital part of the local government, exist through the world and is the oldest among public servants; and

Whereas, Beverly Luther served as our Elected Town Clerk beginning in January of 1979 and continued until December 31, 1999; and

Whereas, Beverly provided the professional link between Avon citizens, acting as the “Mother of the Town of Avon”, and all that entered the Town Hall, the local governing bodies and agencies of government at other levels; and

Whereas, Mrs. Luther pledged to be ever mindful of her neutrality and impartiality, rendering equal service to all and served as the information center on functions of local government; and

Whereas, Beverly had the support of several Deputy Town Clerks including, Betty Valentine, Sandi Welch, Carol Gibson, Cindy Semmel, Kim Bishop, and Sharon Knight; and

Whereas, Beverly Luther always shared support and a loving kindness that was contiguous amongst her fellow Clerks while keeping things active; and

Whereas, Mrs. Luther had the pleasure of serving alongside one Supervisor for most of her career James Steele, and ended with two years with Joseph Daley,

Whereas, Mrs. Luther served with several Councilmembers including, Richard Coyne, Neal Shaw, Charles Moran, Ken Freese, Fred Woodard, George Cullinan, Sandi Irish, and James Orman who also served in a dual position as Councilman/Justice.

Whereas, Mrs. Beverly C. Luther strived to improve the administration of the affairs of the Office of Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of New York State and in Livingston County; and

Whereas, Beverly worked with the Town Board to purchase the current software package used for all monies collected in the Town Clerk's Office and has recently been expanded to the County level for the collection of property taxes;

Whereas, it is most appropriate that the Avon Town Board recognize the longstanding service of Mrs. Beverly Luther; and

Therefore, Be It Resolved that the Avon Town Board and Town Clerk along with its citizens will be forever grateful for the dedication and professional service of Mrs. Beverly Luther.

David L. LeFeber, Supervisor

Sharon M. Knight, MMC/RMC, Town Clerk

Dated November 29, 2018

RESOLUTION #204 APPROVAL OF MINUTES

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of November 8, 2018, as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

Supervisor LeFeber welcomed the Village Mayor and Trustees.

DISCUSSION – AVON ROTARY/LIONS AMBULANCE

Supervisor LeFeber welcomed Avon Ambulance President Jan Cole and Business Manager Deb Kellerson.

Deb Kellerson started by giving a background on the Avon Ambulance then she and Jan Cole discussed the following:

- Service 900-1000 calls per year – 80 calls a month
- Struggling to recoup costs – Medicare and Medicaid are limited on what they will reimburse for services. 65% of our claims are capped by Medicare and Medicaid.
- We are really focused on giving excellent care throughout the community.
- Struggling with older vehicles and do not have the capitol to reinvest in them.
- We are currently running in the red but expect to recover.
- We have recently switched billing companies and have increased our rates.
- It was suggested that we sell the ambulances to the Town and have them maintain and insure the vehicles.

DISCUSSION – AVON ROTARY/LIONS AMBULANCE-continued

- Our Staff is underpaid. We have 4 full time staff members and would like to hire a few more. Better pay would ensure that staff members stay. There is a lot of overtime paid right now and this has a big impact on the bottom line.
- We need a newer ambulance that is road worthy and reliable.
- Labor represents more than 50% of our operating budget.
- There has been \$80,000.00 of lost income since 2013.
- A new ambulance would cost around \$100,000.00.

Supervisor LeFeber stated the Town would need to have a business model or plan with multi-year expectations in order for the Town Board to entertain this idea. There would need to be a lead person on the Ambulance Board to work with the Town. There would need to be options considered like combining with another Town, having the County take over or having the Town and Village take over.

Mayor Freeman asked if Town and Village board members should be attending the ambulance meetings. Jan Cole stated that minutes from the meetings and their profit and loss statement could be sent to the boards.

Mayor Freeman stated we should continue to monitor the situation and follow up with the ambulance board.

Village Trustee Tim Batzel stated that if we are to give the ambulance money then we should have a voting right on the board.

Village Trustee Tim Batzel and Councilman Tom Mairs are to meet with the ambulance president and financial officer and give them a check list of what we need and then consider what needs to be done.

DISCUSSION – MRB GROUP WATER STUDY

MRB Group Engineer Bill Davis provided a proposal for a joint water study between the Village and Town. Some of the items discussed are as follows:

- The elevated water storage tank in East Avon, beefing up the distribution system and give us some redundancy as far as supply.
- We just completed a study of the Pebble Beach Water Station.
- The Village has a 2 million gallon tank. It is over sized now but may be needed in the next couple of years.
- There are water mains that run through back lots instead of right of ways.
- There has been discussion of replacing the elevated water tank with a ground water tank in an alternate location. This would give us more storage space.
- We need to look at different options to see what's feasible then put a report together. One option is the cost of rehabbing what we have now another is looking at the different hydraulic models from the Town and Village and blending them together into one water model.

DISCUSSION – MRB GROUP WATER STUDY-continued

- We need to look at the possibility of interconnecting with other municipalities these would be emergency connections.
- There was discussion regarding the language of the proposal and possible changes.
- The study will be paid for out of the schedule C fund balance.
- We need to convene the Water Works Committee and have MRB Group make this presentation to them. The meeting will be held on December 18, 2019.

RESOLUTION #205 EXECUTIVE SESSION

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to enter into executive session for the purpose of the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof, TIME 7:26 P.M. inviting the Village Mayor, Deputy Mayor, Village Trustees and Attorney Campbell.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #206 CLOSE EXECUTIVE SESSION

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 8:00 P.M.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION - ATTORNEY REPORT

Attorney Campbell provided the following report:

I am in the process of working on the Helios/Richland Resource's project. There have been a couple of problems with the applicant coming up with a completed application.

Bruckel Drive dedication is complete.

DISCUSSION - ATTORNEY REPORT-continued

The Village of Lima received a water grant in part due to the letter written by the Town of Avon.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Glise provided the following report:

I have received a couple of complaints regarding the Oak Openings Quarry.

The Planning Board is working with Pioneer Trucks to reengineer what he did down there.

There was discussion regarding an estimate from General Code to update our code book. Supervisor LeFeber stated that we are still considering our options.

Attorney Campbell suggested we put together a committee to look at our code and make suggestions as to what needs to be updated. We could take a look possibly sometime next year.

Supervisor LeFeber stated that he would like to have a proposal for an updated fee schedule for the January organizational meeting.

Everything is going forward with Matthew Buses. The IDA will hold a public hearing on December 3, 2018.

Joyful Beginnings called for a certificate of occupancy but had to rescind because they did not have electric.

DISCUSSION – HIGHWAY/WATER REPORT

Highway/Water Superintendent Tom Crye reported on the following:

HIGHWAY - Snow removal and putting up snow fences, working in the shop and servicing trucks and equipment

WATER - Everyday general maintenance and mapping of main water line.

We picked up the generator from York Central School and it is now at the shop.

The loader is due for its two year turnover and we need to order 2 to 4 months in advance. There was discussion regarding the two quotes that were received.

RESOLUTION #207 START PROCEEDINGS TO PURCHASE A NEW CATPILLAR LOADER

On motion of Supervisor LeFeber, seconded by Councilman Coyne the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to turn over the current 2017 Caterpillar 950M Loader for a 2019 Caterpillar Loader 950GC at a cost of \$6, 273.00

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

- Communications were received and forwarded to the Town Board via email:
 - DEC request for lead agency
 - Town of York – Local Law 2019-1
 - SUNY Brockport - Conesus Lake
 - Genesee Valley Conservancy – Open position
 - NYS Office of Real Property – Appointment and/or Reappointment
 - Livingston County Traffic and Safety Board – Holiday Gathering
 - NYS Dept. of Environmental Conservation – Environmental Analyst, Division of Permits – Application Materials from Oak Openings LLC for 2018 Modification, SEQR coordination data sheet and 2018 Cover Lead Agency

REMINDERS

- November 29th at noon is the date set for Spectrum to install the new phone/internet/static IP.
- December 1st Christmas Spectacular is all set.
- December 4th is the date for the Christmas luncheon at noon.

In response to an invitation from the Avon Free Library Director Rebecca Budinger-Mulhearn and Library Board President Chris Ryan, Town Clerk Knight attended the 2020 Census & Digital Equity meeting for a round table discussion on the importance of organizing local efforts to support the next decennial census of 2020, which will be administered digitally for the first time. At the close of the meeting Rebecca, Chris and Sharon discussed a way to move forward to count as many people as possible in the Town of Avon. We are putting together a diverse list of people that may be interested in identifying and reaching all residents in our Town. A meeting would then be held at the Avon Free Library to develop a plan. If you or anyone that you know is interested please share the names with Sharon.

RESOLUTION #208 PAYMENT OF BILLS

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2018-22 in the following amounts:

Concerning ABSTRACT of Claims Number 2018-22 including claims as follows:

General Fund	Voucher #545 through #576 in amounts totaling \$40,789.91
Highway Fund	Voucher #182 through #194 in amounts totaling \$4,932.37
Water Fund	Voucher #338 through #340 in amounts totaling \$1,861.02
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #12 through #12 in amounts totaling \$1,068.58
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	No Voucher
Rte. 39 Water SW2	No Voucher

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #209 ADOPT THE SEXUAL HARASSMENT PREVENTION POLICY FOR THE TOWN OF AVON

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the following Sexual Harassment Policy for the Town of Avon to be placed in the employee handbook that was adopted by resolution of the Town Board on December 29, 2011:

Town of Avon **Sexual Harassment Prevention Policy**

Introduction

Town of Avon is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Town of Avon has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Town of Avon's commitment to a discrimination-free work environment. Sexual harassment is against the law following [Title VII of the Federal Civil Rights Act of 1964](#). 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 Town of Avon or with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Town of Avon Policy applies to all employees, applicants for employment, interns, paid or unpaid, contractors and persons conducting business with Town of Avon.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subjected 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. Town of Avon has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Town of Avon who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, 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 compensation in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Town of Avon to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. Town of Avon 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. Town of Avon will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Town of Avon will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the Town Supervisor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

Section 1. What is sexual harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, 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. 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.
2. Such conduct is made either explicitly or implicitly a term or condition of employment.
3. 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 consists 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

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

Section 2. Examples of sexual harassment

1. The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:
 - A. Physical assaults of a sexual nature.
 - B. Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body.
 - C. Rape, sexual battery, molestation or attempts to commit these assaults.
 - D. Unwanted sexual advances or propositions.
 - E. 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.
 - F. Subtle or obvious pressure for unwelcome sexual activities.
 - G. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
 - H. Sexual or discriminatory displays or publications anywhere in the workplace.
 - I. 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.
2. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - A. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job
 - B. Sabotaging an individual's work
 - C. Bullying, yelling, name-calling

Section 3. Who can be a target of sexual harassment

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York State 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. 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.

Section 4. 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.

Section 5. What is Retaliation

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 local laws. The New Avon State Human Rights Law protects any individual who has engaged in “protected activity.”

Protected activity occurs when a person has:

1. Made 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. Reported that another employee has been sexually harassed.
5. Encouraged a fellow employee to report harassment.

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

Section 6. Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Town of Avon cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a Department Head or the Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a 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 attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

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

Section 7. Supervisory Responsibilities

All supervisors and department heads 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 or a Town Board member.

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

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

Section 8. 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.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. 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 may be required to cooperate as needed in an investigation of suspected sexual harassment. Town of Avon will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

1. Investigations will be done in accordance with the following steps:

- A. Upon receipt of complaint, the Town Supervisor will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- B. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- C. Request and review all relevant documents, including all electronic communications.
- D. Interview all parties involved, including any relevant witnesses.

- E. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 1) A list of all documents reviewed, along with a detailed summary of relevant documents.
 - 2) A list of names of those interviewed, along with a detailed summary of their statements.
 - 3) A timeline of events.
 - 4) A summary of prior relevant incidents, reported or unreported.
 - 5) The final resolution of the complaint, together with any corrective action(s).
- F. Keep the written documentation and associated documents in a secure location.
- G. Promptly notify the individual who reported and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- H. Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Section 9. Legal Protections and External Remedies

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

Aside from the internal process at the Town of Avon, 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.

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

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

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

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

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

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

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

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

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

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

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

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

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

Town of Avon
Complaint Form for Reporting Sexual Harassment

New York State Labor Law Section 201-G requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Town Supervisor. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. **For additional resources, visit:** www.ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: (please select one)

Your complaint of Sexual Harassment is made against

Name:

Title:

Work Address:

Work Phone:

1. Relationship to you: (please select one) Supervisor/ Co-Worker/ Other
2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.
3. Date(s) sexual harassment occurred:
4. Is the sexual harassment continuing? Circle one: Yes or No
5. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:
6. Have you previously complained or provided information (verbal or written) about sexual harassment to the Town of Avon? If yes, when and to whom did you complain or provide information?
7. Have you filed a claim regarding this complaint with a federal, state or local government agency? Circle one: Yes or No

The last two questions are optional, but may help facilitate the investigation.

8. Have you instituted a legal suit or court action regarding this complaint? Circle one:
Yes or No

9. Have you hired an attorney with respect to this complaint? Circle one: Yes or No

Supervisory Information:

Immediate Supervisor's Name: _____ Title: _____

Work Phone: _____ Work Office location: _____

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

I request that the Town of Avon investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Signature: _____ Date: _____

Instructions for Employers:

If you receive a complaint about alleged sexual harassment, you must follow your sexual harassment prevention policy by investigating the allegations through actions such as:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

You should create a written document of the findings of the investigation, along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber - Aye

DISCUSSION – RIGHT TO FARM COMMITTEE

Set the first meeting for January 2019

DISCUSSION – OPEN POSITIONS FOR 2019

We need to send out letters to current position holders to see if they are interested in continuing with their positions and we will need to advertise on the website, bulletin board and the Pennysaver.

We definitely need two members for the Recreation Board. There will be a change in the compensation schedule next year and board members will receive \$50.00 per meeting and the chairperson will receive \$60.00.

The Papermill Road Bridge will open tomorrow.

OPEN ITEMS

Councilman Drozdziel – We need to decide where to put the monitors on the walls of the board room. A few options were discussed.

He will bring a chair from the Library that is the same kind as we are purchasing, so board members can test it out.

Code Enforcement Officer Glise stated that the City of Rochester will be picking up the cost for his training next year but the Town and Village will have to pay for his FLOBA membership.

RESOLUTION #210 EXECUTIVE SESSION

On motion of Councilman Harrington, seconded by Supervisor LeFeber the following resolution was

ADOPTED AYES 4 NAYS 0

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 8:45 P.M. inviting Attorney Campbell.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #211 CLOSE EXECUTIVE SESSION

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 4 NAYS 0

RESOLVE to close executive session with no action taken at 9:45 P.M.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

On motion of Supervisor LeFeber, seconded by Councilman Drozdziel the meeting was adjourned at 9:46 P.M.

Respectfully submitted by:

Ellen M Zapf, Deputy Town Clerk
&

Sharon M. Knight, MMC/RMC Town Clerk