

Meeting Called to Order at 6:00 PM

Pledge – Led by Deputy Supervisor Fred Wadsworth

Roll Call – Clerk Prudence Greene

- Approval of December 19, 2022, Meeting Minutes
- Approval of tonight's agenda

○ **Public Privilege of the Floor**

Reports of Departments:

A. Supervisor's Report

- a. North Country CPA – Financials
- b. Justice Kiernan Audit Report
- c. Highway Department Non CDL Operators
- d. Workplace Violence Prevention & Incident Reporting: Appointment of Contact Person
- e. Discussion on Year End Budget Overages
- f. Discussion of possible Revaluation

B. Zoning Report

C. Clerks Report

- a. December 2022 Clerk's Report
- b. Correspondence
  - i. Lewis County Mortgage Insurance Tax 2022
  - ii. RACOG Report
  - iii. Association of Towns Conference February 19<sup>th</sup> – 23<sup>rd</sup>.

D. Superintendent of Highways & Special Districts Update of department activity

- a. Budget Report
- b. Voucher Report
- c. Section 284 Agreement for the Expenditure of Highway Moneys

E. Old Business

- a. B&R Johnson Doors Scheduled for installation in February
- b. Fourth Coast working on submitting paperwork to them. Still waiting on estimates on Mats and Controlling System for Front Walk as we need power use estimates.
- c. Records Management – Councilwoman Rowsam
- d. Wood Chipping

F. New Business

- a. Candy Akins from Lewis County Real Property & Megan Krokowski from Community Development will be at our February Meeting
- b. Tom Aubin Estimate for Emergency Exit Door Rough Opening for door project
- c. AUD Report
- d. Boiler Repairs & Monitoring

e. Tug Hill Commission Local Government Conference – April 6, 2023

G. Slate of Resolutions

# Appendix 10 – Annual Checklist for Review of Justice Court Records

Name of Municipality:

Month Reviewed:  Through

Name of Justice: 

THOMAS KEIRAN

Review Performed By: 

Tom Doyle
Peter Jones

 Date 

1-11-2023
1-11-2023

# Annual Checklist for Review of Justice Court Records

Yes    No

## Cash Receipts Book

- ▶ Are pre-numbered receipt forms issued for all collections?
- ▶ Are duplicate receipts kept for court records?
- ▶ Are receipts recorded up-to-date?
- Last recorded receipt:*  
# 11658    Date 1/6/23    Amount 618.<sup>00</sup>
- ▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?
- ▶ Are deposits identified?
- ▶ Are duplicate deposit slips kept for court records?
- ▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?
- ▶ Are deposits recorded up-to-date?
- Last recorded deposit:*  
Date 12/30/22    Amount 43.<sup>00</sup>
- ▶ Is the receipt book totaled and summarized at the end of each month?
- Last Month Totaled and Summarized Dec 2022*

## Cash Disbursements Book

- ▶ Are pre-numbered checks used for all disbursements other than petty cash?
- ▶ Are all checks signed by the Justice?
- ▶ Are canceled checks (or check images) returned with bank statements and kept for court records?
- ▶ Are checks recorded up-to-date?
- Last recorded check:*  
# \_\_\_\_\_    Date \_\_\_\_\_    Amount \_\_\_\_\_

## Bank Reconciliations

- ▶ Are bank accounts reconciled promptly after bank statements are received?
- Last Bank Reconciliation for Each Bank Account:*  
Date Performed 1/11/2023    Month Ending 12/31/22    Bank statement

## Additional Supporting Records

- ▶ Is a list of bail maintained?
- ▶ Is a record of uncollected installment payments maintained?

did not come by mail. PG  
got copy from bank +  
performed rec. 1/11/23

# Annual Checklist for Review of Justice Court Records

**Yes    No**

## Dockets and Case Files

- ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims?
- ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address.
- ▶ Do dockets for disposed cases appear to be complete?
- ▶ Do dockets for disposed cases agree with amounts reported?

## Cash Book Reconciliation

- ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month?
- ▶ Does the cash book total agree with the bank reconciliation and supporting information?

*Last Cash Reconciliation:*

Date Performed 1/11/23      Month Ending 12/31/22

## Reports to the Division of Criminal Justice Services

- ▶ Are reports made timely to the Division of Criminal Justice Services?
- ▶ Has the court received any notices regarding late reporting?  
If yes, why were the reports late and what corrective actions were taken? \_\_\_\_\_

## Reports to the Justice Court Fund

- ▶ Are reports made timely to the Justice Court Fund?
- ▶ Do reported amounts agree with docket dispositions and case files?
- ▶ Do reported amounts agree with cash receipt and disbursement books?  
Last report submitted: Month Ending 12/31/22 Date 1/11/2023 Amount \_\_\_\_\_
- ▶ Has the court received any notices regarding late reporting?  
If yes, why were the reports late and what corrective actions were taken? \_\_\_\_\_

# Annual Checklist for Review of Justice Court Records

Yes    No

## Reporting to the Department of Motor Vehicles - TSLED Program

- ▶ Has the court received any notices regarding pending cases?  
 If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- ▶ Are reports from TSLED to the court maintained and utilized?  
 Last TSLED Report Available: Date 12/30/2022

**Note:** Courts can access reports on-line from TSLED at any time. *—Used online not printed*

- ▶ How many cases are shown as pending in the last TSLED report? \_\_\_\_\_

- ▶ Does the cash book total agree with the bank reconciliation and supporting information?

- Is the number of pending cases reasonable?
- How many cases are shown as pending for more than 90 days? \_\_\_\_\_
- What actions have been taken to dispose of these cases?

*Cases are being transferred to new Justices.*

## Overall Evaluation

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## **Americans with Disabilities Act Policy**

It is the policy of the Town of Denmark to fully comply with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

Reasonable Accommodation - Reasonable accommodation is available to all qualified employees and applicants with disabilities unless it imposes an undue hardship on the Town and/or operations of a program.

Pre-Employment Inquiries - Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The Town of Denmark intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Notification of Policy Violations - An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Town Clerk. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Application of Policy — This policy is for Town use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

County of Lewis, State of New York  
Local Law Number 4 of the year 2010:

**Local Law Establishing a Code of Ethics for Employees and Officers of the Town of Denmark**

**Section 1.**

Pursuant to the provisions of Section Eight Hundred Six of the General Municipal Law, The Town Board of the Town of Denmark recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of municipal government.

It is the purpose of this resolution to promulgate these rules of ethical conduct for the Officers and Employees of the Town of Denmark. These rules shall serve as a guide for official conduct of the Officers and Employees of the Town of Denmark. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or specific law relating to ethical conduct and interest in contracts of municipal officers and employees.

**Section 2.**

Definitions:

*Municipal Officer or Employee:* Any elected or appointed office holder in the Town of Denmark, whether paid or unpaid, including members of any administrative board, commission, or other agency that is a Town of Denmark entity, and or any person in the employ of the Town of Denmark. No person shall be deemed as an official or employee solely for the reason of their being a volunteer fireman or a member of another civil defense organization.

*Interest:* A pecuniary or material benefit accruing to a municipal officer or Employee

*Recusal:* The official may not deliberate, vote, or participate in any way in that matter. The official should disclose the conflict and remove themselves from the board's deliberations and decisions regarding the issue of conflict. Nor should they provide input regarding the matter from the audience in the capacity of a member of the public.

**Section 3.**

Every Municipal Officer and Employee of the Town of Denmark shall be subject to and abide by the following Code of Ethics:

*Conflicts of Interest:* No Municipal Officer or Employee may take action that provides a financial or other personal benefit to the official, the officials relatives (defined as a spouse, parent, stepparent, child, stepchild, sibling, or immediate in-law), customers, clients, an employer, or a person who has made campaign contributions to the official within a 12-month period.

*Appearance of Impropriety:* Municipal Officer or Employee must avoid circumstances that compromise his or her ability to make decisions solely in the public interest or create an appearance of impropriety.



*Recusal:* Municipal Officer or Employee must recuse himself or herself when faced with the above conflicts.

*Town Property and Resources:* No Municipal Officer or Employee may use town-owned property, assets or any resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.

*Nepotism:* Spouses and other family members of the municipal official may not serve in positions whose duties conflict or appear to conflict within the duties of the official. They may not serve on a commission, board, or body of which the official is a member.

*Gifts:* Municipal Official may not solicit any gift, nor may they receive any gift, whether financial or in any other form from the following:

- Any person who is doing or seeking to do business of any kind with the town including applications for permits or approvals
- Any person who has done business with the town during the last twelve months
- A lobbyist representing a person before a town agency.
- An official may not solicit or receive any gift or payment as a reward for exercise of official duties. Generally, an official may not receive or solicit any gift, creating the appearance that his official duties may be influenced or that his responsibility to make impartial decisions solely in the public interest is compromised.

\*Gifts as Defined: For the purposes of the Code of ethics exclude gifts from family members; attendance at local social events such as holiday festivities; benefits available to the general public; functions that officials routinely attend, such as chamber of commerce events; and an event or activity fulfilling a public purpose.

*Private Employment:* An official shall not solicit, negotiate for, or commit to accept private employment from any person doing business with or having any matter pending with the town.

*Representation:* An official shall not appear on behalf of or represent a person in any matter before a municipal agency except on his own behalf.

*Confidential Information:* An official or former official may not disclose confidential information or use it to further his or another person's private interests or in any way utilize the information for non-public purposes.

*Subordinates:* No official shall solicit political contributions from subordinates or request that they attend political functions or engage in any political activity.

*Revolving Door:* No official who has left municipal service shall appear before or receive compensation in a matter before his former agency for a period of 1 year after departure. He is permanently barred from appearing or receiving compensation regarding a matter he was personally involved in as a town official.

*Incompatible Positions - Judicial Standards:* An official is prohibited from:

- Holding more than one position with the town when one is subordinate to their other
- Holding more than one position with the town when the duties of the positions conflict

*Training:* The Supervisor of the Town of Denmark shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Denmark within 30 days from the date that it is adopted into law by the Town Board. Each Municipal Officer or Employee elected, appointed, or hired thereafter shall be furnished a copy before entering into the duties of his or her office or employment.

*Board of Ethics:* A Board of Ethics shall be organized by the Town Supervisor annually and shall contain no fewer than three members and one alternate member. This board shall convene whenever necessary to provide an opinion, investigation, or decision regarding compliance with the Town of Denmark Code of Ethics.

*Severability:* If any part of this local law shall be found to be void, violable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.

*Effective Date:* June 29<sup>th</sup>, 2010

Adopted

# Town of Denmark

## Electronic Use Policy

The Town of Denmark's Internet Use Policy Specifies Policy for the use of information resources and information technology systems. Enforcement of this acceptable use policy is consistent with the policies and procedures of this municipality.

Being informed is a shared responsibility for all users of the Town of Denmark Information Systems. Being Informed Means, for example:

- Knowing these Acceptable Use Policies and other related rules and policies
- Knowing how to Protect Your Data and Data that you are responsible for
- Knowing how to use Shared Resources with Damaging them
- Knowing how to Keep Current with Software, Malware Update
- Knowing how to Report a Virus Warning, A Hoax, or Other Suspicious Activity
- Participating in Training (Mandatory or In House)

Compliance with this policy is mandatory for all Town of Denmark Board Members, Zoning Members, Highway Department Employees and Town Clerk Employees. This policy applies to all of The Town of Denmark Information, Computer Systems and Data that is used for Official Town of Denmark Business, regardless of its location.

- 1) Authorized Use: Users must not use other's Passwords, User ID's, or Accounts, or Attempt to Capture or Guess other user's passwords. Users are restricted from using Town of Denmark Equipment for Personal Use, Without Prior Authorization. Users must not hide their identity for malicious purposes or assume the identity of another user.
- 2) Privacy: User Files May Be Subject to Access by the Board or Authorized Employees of the Town of Denmark or Contracted Service Providers during the course of Official Business. Accordingly, User should have no expectation of privacy and their activity may be monitored and tracked by Town of Denmark Systems, Including, Outside Vendors, Contracted to provide support and technology.
- 3) Restricted Access: Users must not attempt to access restricted files or portions of operating systems, security systems or administrative systems to which they have not been given expressed authorization. Accordingly, users must not access without Authorization: Electronic Mail, Data, Programs or Information Protected under State and Federal Laws. Users are prohibited from releasing another person's Restricted and/or Personal Information.
- 4) Proper Use of Town of Denmark Resources: Users should recognize that computing resources are limited, and users' activities may have an impact on the Town's Network, They Must Not:

## Town of Denmark

- 5) Misuse Email: i.e., Spread Email Widely (chain letter) and without good purpose (Spamming) or (Flooding an individual, group, or system with numerous or large Email Messages (Bombing). They Use Streaming Audio, Video or Real Time Applications such as “Stock Ticker”, or “Internet Radio” is prohibited.
  
- 6) Protecting Information and Shared Resources: Users must:
  1. Follow Established Procedures for Protecting Files, including Managing Passwords, using ENCRYPTION Technology, and Storing Back-up Copies of Files
  2. Protect the Physical and Electronic Integrity of Equipment that is used for The Town of Denmark in any location.
  3. Not visit non-business-related websites
  4. Not open Emails from unknown senders or Emails that seem suspicious
  5. Not knowingly introduce worms, viruses or other malicious code into the system or disable protective measures, i.e.: Antivirus, Malware or Spyware Firewall
  6. Users shall not install unauthorized software
  7. Not Send Restricted or Confidential Data over the internet or off your locally managed network and appropriately ENCRYPTED.
  8. Not connect unauthorized equipment or media, which includes but is not limited to: Laptops, Thumb Drives, Wireless Access Points, PDS’s and MP3 Players
  
- 7) Civility: Users must not harass others using computer resources or make repeated unwelcome contacts with other users. Users must not display material that is inappropriate in an office environment consistent with Town of Denmark Policy
  
- 8) Applicable Laws: Users must obey local, state, and federal laws including laws on copyright and other intellectual property laws.

### Glossary of Terms

- Encryption – The Cryptographic transformation of data to render is unintelligible through algorithmic process using and cryptographic key.
- Restricted Information – Pertains to information, which is not public information, but can be disclosed to or used by Town of Denmark Representatives to carry out their duties, so long as there is no legal bar to its discloser.

## **Town of Denmark**

### **Equal Opportunity Employment Policy**

The Town of Denmark, NY is an Equal Opportunity Employer. Discrimination of race, color, sex, religion, age, national origin, marital status, disability, or veteran status will not be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to employment advertising, hiring, placement, compensation, training, promotion, demotion, termination, layoff, transfer, disciplinary actions, leave of absence or any other benefits. Discrimination based on any of the above is strictly prohibited and any supervisor, administrator or employee who engages in or tolerates such behavior is subject to disciplinary action in accordance with the Civil Service Law, collective bargaining agreements or any other applicable State or Federal Laws.

If an employee believes that they have encountered violations of this policy, they may advise their Department Head. In addition, an employee can file a written complaint with Prudence L. Greene, Denmark Town Clerk, within 30 calendar days of the incident. Retaliation against the complainant will not be tolerated. False accusations will be treated as a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

The Town of Denmark's policy is to investigate all such complaints. If an investigation confirms that a violation has occurred, the Town of Denmark will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal policy shall not be construed as a creation of higher legal standard of safety or care in evidential sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions and a recognized judicial setting.

# Town of Denmark

## Firearms Policy

The Town Board of the Town of Denmark is committed to providing its officers, agents and employees with a work environment that is safe, secure, and free of violence or threat thereof. The Board also considers the safety of the public to be of paramount importance. Therefore, it is a policy of the Town Board that its officers, agents, employees, and members of the public shall neither possess, nor carry nor discharge "Firearms" on "Town Property", except as otherwise authorized by Federal or State Law or as provided herein.

Town Property shall include, but not be limited to the following addresses:

1. Town of Denmark Municipal Building, 3707 Roberts Road
2. Town of Denmark Highway Department, 3709 Roberts Road

A more complete listing of Town Property is available from, the Town Clerk.

For purposes of this policy, a Firearm shall be as defined at Section 921 of Title 18 of the United States Code (20 USC Sect. 7151 (b)(3)) and include:

1. Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any weapon described above.
3. Any destructive device, which is defined as an explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four (4) ounces, a missile having an explosive or incendiary charge of more than one quarter (1/4) ounce, a mine, or other similar device.
4. Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one half (1/2) inch in diameter.
5. Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two (2) Immediately preceding examples, and from which a destructive device may be readily assembled.

This policy expressly does not apply to a Firearm lawfully stored inside a locked vehicle on Town Property.

The Superintendent of Highways shall have the right to possess, store and discharge, a personal firearm for pest control.

This policy expressly does not apply to police officers and/or peace officers who are otherwise lawfully in possession of Firearms and who are on Town Property for lawful purposes.

This policy banning Firearms on Town Property shall not apply to that portion of Town Property which may, from time to time, be used for purposes in connection with the Justice Court for the

## Town of Denmark

### Firearms Policy – Continued

In those instances, the regulation, possession, use, or discharge of Firearms on that part of Town Property shall be as otherwise regulated by Federal and/or NYS law.

Town officers, agents, or employees should report a potential violation of this policy to his or her supervisor in a timely matter.

## **POLICY AGAINST DISCRIMINATION AND HARASSMENT OUTLINE**

### **Re-Adopted**

- SECTION 1: PURPOSE
  - A. Scope of Policy
  - B. Policy Objectives
- SECTION 2: DEFINITIONS
- SECTION 3: POLICY
- SECTION 4: POLICY ENFORCEMENT
  - A. Complaint Procedure for Employees
    - 1) Notification Procedure
    - 2) Making a Complaint
    - 3) Supervisory Responsibilities
  - B. Time for Reporting a Complaint
  - C. Confidentiality and Privacy
  - D. Acknowledgment of Complaint
- SECTION 5: INVESTIGATION PROCEDURES
  - A. Timing of Investigations
  - B. Method of Investigation
  - C. Notification to Complaining Party and the Accused Party
  - D. Remedial Measures
- SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY
- SECTION 7: APPEALS
- SECTION 8: RECORD KEEPING
- SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES
- SECTION 10: QUESTIONS
- SECTION 11: COMPLIANCE OFFICERS
- SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION



## SECTION 1: PURPOSE

The Town of Denmark 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 [Municipality], (hereinafter "Municipality"), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace. It is our Municipality's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/ predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law.

**Scope of Policy:** This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers, or visitors. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on Municipality property as well as Municipality-sponsored events, programs, and activities that take place off Municipality premises.

**Policy Objectives:** By adopting and publishing this Policy, it is the intention of the Municipality's governing body to:

1. Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy.
2. Inform employees about the complaint procedures established by the Municipality that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality.
3. Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited; and
4. Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

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

## **SECTION 2: DEFINITIONS**

### **“Prohibited Discrimination of Employees”**

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

### **“Harassment”**

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

### **“Sexual Harassment”**

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

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
3. Such gender-based conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

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

### **Who can be the target of sexual harassment?**

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

### **Where can sexual harassment occur?**

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

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

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

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

**Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures; staring at a person’s body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality’s mail, computers or cell phones to view material that is demeaning or derogatory based on one’s protected characteristic.

**Physical:** Unwelcome physical conduct, including but not limited to hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person’s body, unnecessary touching and flashing or other unwelcome physical conduct.

**Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying; yelling; or name-calling.

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

### **SECTION 3: POLICY**

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

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

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, or for opposing in good faith any practices forbidden by applicable anti-discrimination laws or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

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

## **SECTION 4: POLICY ENFORCEMENT**

### **Complaint Procedure for Employees**

#### **Notification Procedure**

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

#### **Making a Complaint**

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

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

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

### **Supervisory Responsibilities**

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

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

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

### **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.

### **Confidentiality and Privacy**

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

### **Acknowledgement of Complaint**

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

## **SECTION 5: INVESTIGATION PROCEDURES**

### **A: Timing of Investigations**

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

**B: Method of Investigation**

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

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

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

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

- A list of all documents reviewed, along with a detailed summary of relevant documents.
- A list of names of those interviewed, along with a detailed summary of their statements.
- A timeline of events.
- A summary of prior relevant incidents, reported or unreported; and

The basis for the decision and final resolution of the complaint, together with any remedial actions.

**C: Notification to Complaining Party and the Accused Party**

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

**D: Remedial Measures**

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

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

#### **SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY**

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

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

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

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

#### **SECTION 7: APPEALS [OPTIONAL]**

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



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

#### **SECTION 8: RECORD KEEPING**

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

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

#### **SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

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

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with the governmental entities referenced in the following laws. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

##### **State Human Rights Law (HRL)**

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

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

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

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

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

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](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. The website also contains contact information for DHR's regional offices across New York State.

#### **Civil Rights Act of 1964**

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

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

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

**Local Protections**

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

**Contact the Local Police Department**

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

**SECTION 10: QUESTIONS**

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

**SECTION 11: COMPLIANCE OFFICERS**

Prudence L. Greene  
Name

315-493-3846 ext.1  
Telephone Number

Scott M Doyle  
Name

315-493-3846 ext.6  
Telephone Number

Town of Denmark Clerk’s Office  
Office Location

3707 Roberts Road, Carthage, NY 13619  
Mailbox Location

Town of Denmark Supervisor’s Office  
Office Location

3707 Roberts Road, Carthage, NY 13619  
Mailbox Location

**SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION**

The effective date of this Policy shall be August 12,2019. The Town of Denmark shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed at the beginning of each year with or as part of the intake / update process for elected officials, appointed officials, new volunteers, and new hires. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the Municipality's Policy Book that is available at the Town of Denmark Clerk's Office.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace the following prior Municipality policies and regulations regarding employee discrimination and harassment:  
**Sexual Harassment Policy adopted 01.14.2019.**

**Town of Denmark**

COMPLAINT FORM

*In order to assist the Town of Denmark in investigating your allegations of harassment, discrimination or retaliation in a prompt and thorough fashion, please complete this form to the best of your abilities and with as much detail as you are able. Once completed, please submit this form to a Municipal Compliance Officer identified in Section 11 of the Municipal Policy Against Discrimination and Harassment. If additional space is needed to respond to any question below, please attach additional pages as necessary and identify which question corresponds to the information set forth in the additional pages. Any questions regarding this form may be directed to a Municipal Compliance Officer. No individual will be retaliated against for filing a complaint.*

Name of Complainant: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Job Title: \_\_\_\_\_

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_

(Please circle the number you would prefer us to call)

Email: \_\_\_\_\_

Name of Victim (if different than Complainant): \_\_\_\_\_

Basis of this complaint (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Race/color         | <input type="checkbox"/> Gender expression               |
| <input type="checkbox"/> Age                | <input type="checkbox"/> Gender identity                 |
| <input type="checkbox"/> National Origin    | <input type="checkbox"/> Transgender status              |
| <input type="checkbox"/> Disability         | <input type="checkbox"/> Genetic predisposition          |
| <input type="checkbox"/> Sex/gender         | <input type="checkbox"/> Military/veteran status         |
| <input type="checkbox"/> Sexual harassment  | <input type="checkbox"/> Citizenship                     |
| <input type="checkbox"/> Pregnancy          | <input type="checkbox"/> Religion/Religious creed        |
| <input type="checkbox"/> Marital Status     | <input type="checkbox"/> Domestic violence victim status |
| <input type="checkbox"/> Familial Status    | <input type="checkbox"/> Retaliation                     |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Other/Not Sure                  |

If checked "Other/Not Sure," please briefly explain:

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Time(s) and date(s) the incident(s) took place:

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Name(s) and office address of the individual who allegedly engaged in the harassment, discrimination, or retaliation. If more than one, list all.

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Describe the incident(s) which occurred with as much detail as you are able, including why you believe the incident(s) constitutes harassment, discrimination, or retaliation (please attach any documentation or evidence you believe is relevant to the incident):

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Describe briefly what you would consider to be appropriate resolution of the conduct described above: (Please note that the Town of Denmark retains the sole discretion and authority to determine the appropriate disciplinary and/or corrective action to be taken with regard to meritorious complaints. This question should not be construed in any way to constitute a forfeiture of that discretion or authority.)

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Identify all persons who witnessed the incident(s) described above:

_____	_____
_____	_____
_____	_____

Please identify any other persons you believe have knowledge important to the incident(s) in question, including his/her contact information and a brief description of the knowledge held by each person:

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Have you filed a complaint or charge with a Federal, State, or Local Government agency related to the incident(s) identified above?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has this incident or occurrence been previously reported to the Town of Denmark?

Y  N. If yes, when and to whom?

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If the incident or occurrence has been previously reported, please describe the remedy, outcome, or resolution:

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**I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information, and belief.**

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

Received by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Print Name:

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**For Employer Use Only – To be Completed Upon Receipt**

Recipient of Complaint (print): \_\_\_\_\_

Date, Time, and Manner (e.g., personal delivery, mailbox, etc.) of Receipt: \_\_\_\_\_

Notes: \_\_\_\_\_



## Town of Denmark

### Policy for Training of Planning Board and Zoning Board of Appeals

WHEREAS the Town of Denmark has a primary responsibility to regulate private land use through citizen planning boards and zoning boards and their actions have a profound impact on state and local land use policies and individual landowners, and

WHEREAS effective January 1, 2007, an updated New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning officials each year. And

WHEREAS, this law applies to all Zoning and Planning board members, now, therefore be it, and

WHEREAS the following list of State Agencies, Commissions, Associations and Universities:

- Association of Towns
- County Planning Departments
- Lake George Park Commission
- New York Planning Federation
- NYS Adirondack Park Agency
- NYS Department of Environmental Conservation
- NYS Department of State
- NYS Tug Hill Commission
- Pace University and Land Use Law Center

And other training acceptable to the Town of Denmark Board to be approved on a case -by-case basis are approved by the Town of Denmark Town Board to provide training to meet this law, therefore be it,

RESOLVED that it is hereby the Policy of the Town of Denmark that each member of the Planning Board and Town Zoning Board of Appeals obtain four hours of training related to their Board service, by attending and completing those educational courses, seminars, workshops, and the like, which have been approved by the Town.

## Policies and Procedures for Purchases

GML§ 100-a- To assure the prudent and economical use of public moneys for the benefit of all the inhabitants of the state and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost.

### GML§103 Formal Competitive Bidding

- by "political subdivisions" (counties, cities, towns, villages, school districts, BOCES) • appropriate officer, board or agency thereof, or any district therein all contracts for public works (capital improvements, repairs thereto
- Greater than \$35,000.00
- All purchase contracts (commodities, equipment, services not involving a capital improvement)
- Greater than \$20,000.00
- Advertisement for sealed bids published in "official newspaper(s)"
- At least 5 days between publication and bid opening date
- Electronic submission of bids permitted, but not as the exclusive means of submission
- All bids received must be publicly opened and read
- Political subdivision has statutory discretion to reject all bids and re-advertise for new bids
- Contracts awarded to lowest "responsible bidder furnishing the required security"
- If identical bids are submitted, contract may be awarded to any of the lowest responsible bidders
- Exceptions
  - County contracts (GML§103(3))
  - Emergency (GML§103(4)) accident or other unforeseen occurrence or condition, effecting public buildings, public property, life, health, safety, or property of inhabitants
  - Professional services
  - Sole source

## Town of Denmark

- Objective
  - to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances
  - to guard against favoritism, improvidence, extravagance, fraud, and corruption
  - When formal competitive bidding under GML§103 is not required, Internal policies and procedures for determining whether competitive bidding applies and document that determination
  - Authorizing written request for proposals, written quotations, verbal quotations, any other method of procurement
  - Describing when alternative methods of procurement shall be utilized
  - Documenting actions taken regarding each method of procurement
  - Justifying award to other than lowest responsible offeror
  - Identifying by title individuals responsible for purchasing
  - Prescribing circumstances when solicitation of alternative proposals or quotations will not be in the best interest of the political subdivision
  - Annual review of internal policies and procedures
  - Unintentional failure to comply does not void action taken or create claim against the political subdivision, any district thereof, or any officer or employee thereof
  
- Competitive Bidding:
  - All competitive bids solicited by Town of Denmark must be done in accordance with GML§103.
  - Competitive Bidding Thresholds:
    - Commodities: \$ 10,000.
    - Public Works Contracts; \$ 20,000.
    - Non-Bid Procurements
  - GML§104-b requires that the local Government establish policies and procedures for how competition will be sought for non-bid procurements.
  - Procedures are unique to each local Government based on their needs and size.
  
- Town of Denmark Thresholds:
  - Purchase contracts below \$ 10,000.
  - Under \$ 500. 00: No Quotes Required
  - \$500- \$ 2499.: Three Verbal Quotes
  - \$ 2500.-\$9,999.: Three Written Quotes - Public Works Contracts below \$35,000.00
  - Under \$ 5,000.: Three Verbal Quotes
  - \$ 5,000. - \$19,999.: Three Written Quotes.

## Town of Denmark

- Contracts for Professional Services are made in the best interest of the Town of Denmark utilizing Request for Proposals or other competitive process.
- The method of award (i.e.: quality vs. price) must be included in the solicitation to allow for a fair and equitable contract award.
- Price does not have to be the sole determining factor.
- The purchase of surplus and second-hand supplies from other Municipalities is exempt.
- Documentation should include market price comparisons and the name of the Government.

## Town of Denmark

### Workplace Violence Prevention Policy & Incident Reporting,

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

This policy is designed to meet the requirements of the New York State Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and wellbeing of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Denmark has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Denmark will provide counseling services or referrals for employees.

All Town of Denmark 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 witnessed or received.

Designated Contact Person:

Name:

Title:

Department:

Phone:

Location:

# December 2022 Zoning Officer Report

## Permits

Zoning Permit 21/2022 Raymond and Linda Keefer  
10295 Plank Road  
Copenhagen, NY 13626

Install: New single-wide home, 14' x 60'  
(840 sq. ft.)  
By: NNY Value Homes

Zoning Permit 22/2022 Thomas Scott  
34470 Pleasant Lake Rd  
Carthage, NY 13619

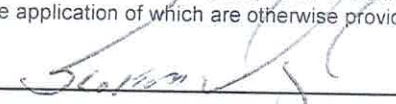
Install: New Double-wide home,  
26' x 48', (1,280 sq. ft.)

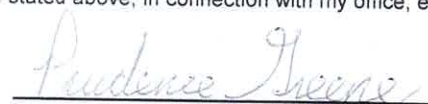
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Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	1	5.50
	Town Clerk's Fees	misc	1	0.25
			<b>Sub-Total:</b>	<b>\$5.75</b>
A1601	Registrar Fees	Registrar	1	10.00
			<b>Sub-Total:</b>	<b>\$10.00</b>
A2544	Dog Licensing	Female, Spayed	4	36.00
			<b>Sub-Total:</b>	<b>\$36.00</b>
A2770	A health insurance contribution	A health insurance contribution	1	1,858.70
			<b>Sub-Total:</b>	<b>\$1,858.70</b>
DA 2302	Snow Removal Payment	Snow Removal	1	1,397.00
			<b>Sub-Total:</b>	<b>\$1,397.00</b>
DA 2770	DA health insurance contribution	DA health insurance contribution	1	567.19
			<b>Sub-Total:</b>	<b>\$567.19</b>
SW1-2140	Metered Sales	Useage Fee	4	710.01
			<b>Sub-Total:</b>	<b>\$710.01</b>
SW1-2144	EDU Charge	EDU	5.5	632.50
			<b>Sub-Total:</b>	<b>\$632.50</b>
SW1-2148	Penalties	late fee	3	10.26
			<b>Sub-Total:</b>	<b>\$10.26</b>
			<b>Total Local Shares Remitted:</b>	<b>\$5,227.41</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				4.00
Amount paid to: NYS Environmental Conservation				94.50
<b>Total State, County &amp; Local Revenues:</b>		<b>\$5,325.91</b>	<b>Total Non-Local Revenues:</b>	
			<b>\$98.50</b>	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Prudence L. Greene, Town Clerk, Town of Denmark during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

 \_\_\_\_\_  
 Supervisor Date

 \_\_\_\_\_  
 Prudence L. Greene Town Clerk Date

+ additional check 2041 in the amount of 22,348.56 for Peter Jones health insurance 2/2023 - 1/2024,

January 5, 2023

TOWN OF DENMARK  
Attn: Town Clerk

Pursuant to Section 550, Article 13 of the County Law, the following is a list of payments made to your Supervisor during the calendar year 2022.

Mortgage Tax	\$ 75,777.47
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Dated at Lowville, New York this 5<sup>th</sup> day of January 2023.

Sincerely,

  
Eric Virkler  
Lewis County Treasurer

EV/tn







# River Area Council of Governments

[www.racog.org](http://www.racog.org)

Municipal Management Consultant Monthly Announcements

## January 2023

### Next RACOG Meeting

January 25, 2023 at 6pm – Town of Champion, 10 N. Broad St., Carthage, NY 13619

**NYS Tug Hill Commission 50<sup>th</sup> Anniversary** – Poster Contest (<https://tughill.org/about/50th-anniversary-poster-contest/>), Video Testimonies, Tug Hill Roaster Coffee

**Local Government Conference 2023** - <https://tughill.org/lgc2023/>

### Ground Truth FCC Broadband Map by January 13

The New York State ConnectALL office is encouraging every New Yorker to participate in the national broadband census to confirm the accuracy of their broadband service to help to direct millions in federal funding to our state. <https://broadbandmap.fcc.gov/home>

## RACOG UPDATES

- **University at Albany Policy Research Center** – We are going to wait on doing the Rockefeller Institute presentation until next year. April is hoping to submit for grant funding this summer.
- **Digital Radar Signs** – I have the list of communities and the number of digital radar signs they would like. The next steps will be getting some comparison quotes.
- **LED Lighting** – We are now approaching the closeout of the LGE grant from NYS DOS. Also, communities who had submitted for a NYPA Smart City Technology grant, can use those funds to basically help buy down their project, instead of doing cameras, etc.
- **Promotional Video** – CGI said they hope to have a draft of the video out by January 13<sup>th</sup>, 2023.
- **Fort Drum Interns** – The commission will be having one Fort Drum intern starting on February 1, 2023. The other intern will be starting on March 23, 2023.
- **RACOG Economic Visioning Summit** – The small group will be meeting on January 12, 2023.
- **Deferiet Solar/BOA Update** – NYSEDA will be at Deferiet's next meeting and Sarah Bullock will be giving an update on the BOA.

## TRAININGS/WORKSHOPS

To see more information on these trainings, go to <https://www.racog.org/grants-trainings/>

**Agrivoltaics Workshops: January 5 – February 16, 2023, Webinars,**  
**Preserving Agriculture in the Face of Growing Solar Development**

[https://cornell.zoom.us/webinar/register/WN\\_DhMXU8AdQMIDXaUHIGLQ6w](https://cornell.zoom.us/webinar/register/WN_DhMXU8AdQMIDXaUHIGLQ6w)

**Overview of Agrivoltaics**

[https://cornell.zoom.us/webinar/register/WN\\_QGh1dNcvSmyMxXqQUJGq-A](https://cornell.zoom.us/webinar/register/WN_QGh1dNcvSmyMxXqQUJGq-A)

**Planning with Agrivoltaics in Mind**

[https://cornell.zoom.us/webinar/register/WN\\_sJSi5hJDRWCIsIX8HcmMiA](https://cornell.zoom.us/webinar/register/WN_sJSi5hJDRWCIsIX8HcmMiA)

**Series Q&A**

[https://cornell.zoom.us/webinar/register/WN\\_vmDosB5eTEeSxZR3y\\_EHZq](https://cornell.zoom.us/webinar/register/WN_vmDosB5eTEeSxZR3y_EHZq)

Mickey Dietrich • RACOG Municipal Management Consultant • Tug Hill Commission • 317 Washington St.  
Watertown, NY 13601

(315) 785-2380 • [mickey@tughill.org](mailto:mickey@tughill.org)

*Cornell Cooperative Extension, New York State and Pennsylvania Farm Bureau, Penn State*

**Winter Webinar Series (Division of Local Government Services): December 2022 – January 2023, Webinar, Training Schedule:**

[https://dos.ny.gov/system/files/documents/2022/11/lqtrainingschedule\\_0.pdf](https://dos.ny.gov/system/files/documents/2022/11/lqtrainingschedule_0.pdf), *New York State Department of State*

**Black River Stakeholder Meeting: January 25, 2023 @ 3:30pm**, Organizers are excited to announce a kickoff meeting for stakeholders to learn about and share feedback on the Black River Adaptive Modeling (BRAM) Project, Phase I! [tinyurl.com/BramRegistration](https://tinyurl.com/BramRegistration)

## GRANTS/ASSISTANCE

**To see more information on these grants, go to** <https://www.racog.org/grants-trainings/>

**High Hazard Dam Rehab Grants:** NYS Department of Environmental Conservation (DEC) recently announced the High Hazard Dam Rehabilitation grant program. DEC will accept applications to provide assistance (up to \$100,000) for technical, planning, design, and other pre-construction activities related to the repair, replacement, reconstruction, or removal activities associated with rehabilitation of an eligible high hazard potential dam.

[https://grantsgateway.ny.gov/intelligrants\\_NYSGG/module/nysgg/goportal.aspx?NavItem1=4&ngold=5002226](https://grantsgateway.ny.gov/intelligrants_NYSGG/module/nysgg/goportal.aspx?NavItem1=4&ngold=5002226), *NYS Department of Environmental Conservation*, **Deadline:** February 10, 2023

**2023-2024 Records Management Grant** - New York State Archives has announced that the guidelines for the 2023-2024 Local Government Records Management Improvement Fund (LGRMIF) grant cycle have been released in advance of the application portal and are available now. <http://www.archives.nysed.gov/grants/lgrmif-grants>, *New York State Archives*, **Deadline:** NYSDS Account – February 23, 2023 **Deadline:** Application – March 1, 2023

**FAST NY Shovel-Ready Grant Program:** Under the FAST NY Shovel-Ready Grant Program, Empire State Development will provide up to \$200 million in grants to prepare and develop sites to jumpstart New York's shovel-readiness and increase its attractiveness to large employers, including high-tech manufacturing, particularly semiconductor manufacturing, interstate distribution and logistics businesses. <https://esd.ny.gov/fast-ny>, *Empire State Development*

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT between the Town Superintendent of the Town of Denmark  
Lewis County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$ 319,217 shall be set aside to be expended for primary work and general repairs upon \_\_\_\_\_ miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. PERMANENT IMPROVEMENTS. The followings sums shall be set aside to be expended for the permanent improvement of town highways:

(a) On the road commencing at 3.2 miles from #3rd (HOLIFAX Rd)  
and leading to old STATE Rd  
a distance of under 1 mile miles there shall be expended not  
over the sum of \$ 100,000.00  
Type Hwy Recon Width of traveled surface 22 FT  
Thickness 3"  
Subbase Reprofiled and stone added

(b) On the road commencing at (Fuller Rd) old STATE Rd intersection  
and leading to under 1 mile bottom of hill  
a distance of under 1 mile miles there shall be expended not  
over the sum of \$ 100,000.00  
Type Reprofiled Hwy Recon Width of traveled surface 22  
Thickness 3"  
Subbase Reprofiled and stone added

(c) On the road commencing at (HARDY Rd) Intersection of Sullivan Rd  
and leading to Dead end  
a distance of .4 miles there shall be expended not  
over the sum of \$ 75,000.  
Type Hwy Recon Width of traveled surface 20  
Thickness 3"  
Subbase Reprofiled and stone added

See other side

Executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Supervisor  
  
\_\_\_\_\_  
Town Justice - Councilman  
  
\_\_\_\_\_  
Councilman  
  
\_\_\_\_\_  
Councilman  
  
\_\_\_\_\_  
County Superintendent of Highways

\_\_\_\_\_  
Town Justice - Councilman  
  
\_\_\_\_\_  
Councilman  
  
\_\_\_\_\_  
Councilman  
  
\_\_\_\_\_  
Councilman  
  
Patrick Z. Mahan  
Town Superintendent

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

Rest of monies will be used for steel and concrete  
PIPE, Guide Rail misc.