

Village of New York Mills
February 8, 2022

Mayor Talerico called the special regular meeting to order at 7:02 PM followed by the pledge of allegiance and roll call.

Present: Mayor Ernie Talerico, Trustee Cieplenski, Trustee Edwards, Trustee Copperwheat and Trustee Jarosz

Also, Present: Village Attorney Kate Festine, Chief Robert Frankland, Highway Superintendent Mike Reid, Chief Rick Ulinski, Budget Officer Brenda Mitchell and Village Engineer Al Swierczek

Open Forum:

Theresa Cattadoris – 206 Comenale Crescent -Mrs. Cattadoris and other residents of Comenale Crescent and surrounding streets have been to a couple of meetings in the past. They are looking to address the codes issues at 205 Comenale Crescent. Mrs. Cattadoris and other residents asked questions of our Village Attorney Kate Festine. Ms. Festine advised that notices have been sent and that they are just waiting for responses from the home owner of that property.

Susan Defunia-Luker – 38 Country Club Drive – addressed the Board regarding the same issues as Mrs. Cattadoris and would like problems in the area resolved.

Regular Business

Trustee Copperwheat made a motion seconded by Trustee Cieplenski to approve Abstract #9 General Fund Amount of \$89,758.98 Library Fund \$1,817.28 with a total of \$91,576.26. Voucher numbers #534-595. All in favor, motion passed.

A motion was made by Trustee Edwards, seconded by Trustee Jarosz to approve the Treasurer's Report for January 2022. All in favor, motion passed. (Treasurer's report is on file in the Clerk's Office).

Trustee Copperwheat made a motion, seconded by Trustee Cieplenski to accept the minutes from the January 11, 2022 Board Meeting. All in favor, motion passed. (Meeting minutes are on file in the Clerk's Office).

DEPARTMENTS

Police – written report on file in Clerk's Office for January 2022. A motion was made by Trustee Edwards, seconded by Trustee Jarosz to approve the Police Report for January 2022. All in favor, motion passed.

Highway – written report on file in Clerk's Office for January 2022.

Trustee Edwards made a motion, seconded by Trustee Copperwheat to accept the Highway Report for January 2022. All in favor, motion passed.

Village of New York Mills
February 8, 2022

Fire Department- written report on file in the Clerk's Office for January 2022. A motion was made by Trustee Jarosz seconded by Trustee Cieplenski to accept the to accept the Fire Department Report for January 2022. All in favor, motion passed.

Code Enforcement – written report is on file in the Clerk's Office for January 2022. Codes Enforcement Officer John Conostas was not in attendance at the meeting. A motion was made by Trustee Jarosz, seconded by Trustee Copperwheat to approve the to accept the Codes report for January 2022. All in favor, motion passed.

Attorney's Report – Don Hall Grant Writer Report

Resolution 05:2022 Trustee Edwards made a motion seconded by Trustee Copperwheat to appoint Village Clerk Amy Topor as the following:

EEO Officer
Personnel Officer
ADA Compliance Officer

All in favor, motion passed.

Resolution 06:2022 Trustee Copperwheat made a motion, seconded by Trustee Cieplenski to introduce

Introductory Local Law No. 01 of 2022

A Local Law to Amend Chapter 30 of the Village Code

Be it Enacted by the Board of Trustees of the Village of New York Mills:

Authority

This Local Law is enacted pursuant to the Authority granted pursuant to Article 10 of the Municipal Home Rule Law.

Amendment to Chapter 30 of the Code of the Village of New York Mills

Chapter 30 ("Procurement Policy") is hereby amended by adding the following section:

§ 30-8 Additional Provisions.

- A. Section 3 business participation in procurement and contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Village will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Village's established purchase/ contracting thresholds will apply. The Village will keep

Village of New York Mills
February 8, 2022

documentation of Section 3 solicitation in its records and any response(s) thereto.

- B. Minority-Owned and Women-Owned Business Enterprise (M/WBE) business participation in procurement and contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Village of New York Mills, when required by funding participants, will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified state-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The Villages's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Villagewill keep documentation of M/WBE solicitation in its records and any responses thereto.

Effect

This Local Law shall take effect upon filing with the Secretary of State of the State of New York.

All in favor, motion passed.

A motion was made by Trustee Cieplenski, seconded by Trustee Copperwheat to hold a public hearing on February 22, 2022 at 6PM to adopt this local law. All in favor, motion passed.

Resolution 07:2022 A motion was made by Trustee Cieplenski, seconded by Trustee Copperwheat introduce the following:

Local Law # 2 – 2022 for the Village of New York Mills

"Establishing a Fair Housing Policy"

Section I. Declaration of policy.

It is the policy of the Village of New York Mills to provide, within constitutional limitations, for fair housing throughout the Village. It is the policy of the Village that no person shall discriminate against any individual in the sale, rental, advertising, financing, provision of brokerage services or appraisal of housing within the Village of New York Mills in accord with Title VIII of the United States Code and the Human Rights Law of the State of New York, as amended.

Section II. Definitions.

As used herein, the following terms shall have the meanings indicated:

DISCRIMINATORY HOUSING PRACTICE - An act that is unlawful under this chapter.

DWELLING - Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY - Includes a single individual.

Village of New York Mills
February 8, 2022

PERSON - Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

TO RENT - Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Section III. Prohibited acts.

A. It shall be unlawful to refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling within the Village of Oriskany Falls to any person because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

B. It shall be unlawful to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling in the Village of New York Mills, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

C. It shall be unlawful to make, print or publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling within the Village of New York Mills, which indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, handicapped, familial status or national origin or an intention to make any such preference, limitation or discrimination.

D. It shall be unlawful to represent to any person because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin that any dwelling within the Village of New York Mills is not available for inspection, sale or rental when such dwelling is in fact so available.

E. It shall be unlawful, for profit, to induce or attempt to induce any person to sell or rent any dwelling within the Village of New York Mills by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

Section IV. Discrimination prohibited in residential real estate related transactions.

A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions within the Village of New York Mills to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

B. As used in this section, the term "residential real estate related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling.

Village of New York Mills
February 8, 2022

(2) The making or purchasing of loans or providing other financial assistance secured by residential real estate.

(3) The selling, brokering or appraising of residential real property.

C. Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, handicap or familial status.

Section V. Brokerage services.

It shall be unlawful to deny any person access to a membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings within the Village of New York Mills, or to discriminate against such person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

Section VI. Exemptions.

Nothing in this chapter shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates within the Village of New York Mills for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates within the Village of New York Mills for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section VII. Fair Housing Officer.

There shall be appointed by the mayor, subject to approval of the Village Board of Trustees, a Fair Housing Officer for the Village of New York Mills. The duties of the Fair Housing Officer shall be:

- A. To become knowledgeable in the fair housing provisions of federal, state and local laws.
- B. To conduct an analysis of barriers to equal housing opportunity (as per 24 CFR 570.904[c]).
- C. To develop a strategy to overcome any barriers.
- D. To review the local policy for impact on housing choice.
- E. To compile fair housing information and make it available to interested persons.

Village of New York Mills

February 8, 2022

F. To make provision for the dissemination of information regarding fair housing to the residents of the Village from time to time as such material becomes available.

G. To receive all complaints from residents of the Village of New York Mills with respect to any alleged discrimination on the basis of race, color, religion, sex, sexual orientation, handicap, familial status or national origin in the sale, rental, advertising, financing, provision of brokerage services or appraisal of housing within the Village.

H. Upon receipt of such complaints, to make appropriate referrals of such complaints to the New York State Division of Human Rights, the New York State Attorney General's Office and the United States Department of Housing and Urban Development.

I. To maintain a record of actions taken pursuant to this plan.

Section VIII. Penalties for offenses.

A. Violations of this chapter shall be reported in person or in writing to the Village's Fair Housing Officer within a year of the alleged discriminatory housing practice.

B. Where sufficient cause exists to believe that the terms of this chapter have been violated, the Village Attorney shall institute a suit in Village Court against the alleged violator within 120 days following the issuance of the charge.

C. Where a person has been found, after a trial on the merits, in violation of this chapter, a fine shall be imposed on such person not to exceed \$500 for a first offense, \$1,000 for a second offense and \$1,500 for a third offense. The minimum fine shall be \$100. Each and every separate violation of this chapter shall be deemed an offense for the purposes of imposing the appropriate fine.

Section IX. Severability; Suppression of inconsistent provisions.

If any part of this chapter or its application to any person or circumstances is adjudged by a court to be invalid or ineffectual, such judgment shall not affect the remainder of the chapter or its application to any other person or circumstance. This chapter shall supersede all laws inconsistent with it to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such laws.

Section X. When Effective.

This local law shall become effective immediately upon filing with the Secretary of State.

All in favor, motion passed.

A motion was made by Trustee Cieplenski, seconded by Trustee Copperwheat to hold a public hearing on February 22, 2022 at 6PM to adopt this local law. All in favor, motion passed.

Resolution 08:2022 a motion was made by Trustee Cieplenski seconded by Trustee Copperwheat to adopt an updated Policy Against Discrimination and Harassment Complaint Procedure.

**POLICY AGAINST DISCRIMINATION AND HARASSMENT
AND COMPLAINT PROCEDURE**

NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Village of New York Mills (“Village”) that all employees and applicants, as well as everyone with whom we do business (including independent contractors, vendors, and consultants) should be able to enjoy a work environment free from harassment and/or discrimination based on race, color, creed, sex, age, sexual orientation, disability, religion, national origin, pregnancy, marital status, military or veteran status, gender, gender identity or expression, status as a victim of domestic violence, or any other basis protected by federal, state or local laws and regulations. The Village has a zero-tolerance policy for unlawful harassment and discrimination, in any form. Anyone who believes that he/she has been the victim of unlawful harassment and/or discrimination or has witnessed same, should promptly report such conduct in accordance with the complaint procedure set forth herein.

No employee, intern or applicant for employment will be discriminated against because of age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, gender identity or expression, disability, marital status, political affiliation/activities, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status, domestic violence victim status or any other protected category under federal, state and/or local laws and regulations. For the purposes of this policy, the aforementioned terms shall have the same meaning as the terms defined in Section 292 of the Human Rights Law.

It is also the policy of the Village of New York Mills to prohibit retaliation against any employee who makes a good faith complaint/report, testifies in the case of, or otherwise opposes discriminatory practices against any individual.

This policy governs the conduct of all employees, applicants for employment, interns, whether paid or unpaid, contractors, and persons conducting business with the Village.

Employees and/or interns found to have violated this policy may be subject to disciplinary action which, depending upon the severity of the violation, may include termination from Village employment.

Reasonable Accommodation

Requests for reasonable accommodation by employees, interns and/or applicants should be made to the Village Personnel Officer. The Personnel Officer will engage in a dialogue with any employee, intern or applicant who believes he/she needs a reasonable accommodation in order to perform the essential functions of his/her job and makes a request for such an accommodation. The Village will attempt to provide reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Village of New York Mills
February 8, 2022

Victims of domestic violence may also request reasonable accommodations in order to address circumstances specific to their personal situations. Requests for such accommodations should be made to the Village Personnel Officer and may include, but are not limited to, requests for time off

to seek medical attention for injuries caused by domestic violence, to obtain services of a domestic violence shelter or other service provider, to obtain related counseling services, to obtain legal services and/or to appear in court. The Village will attempt to provide reasonable accommodations unless doing so would result in an undue hardship.

Non-Discrimination

The non-discrimination provisions of this policy apply to all aspects of the employer-employee relationship, including, but not limited to: recruitment, selection, compensation, promotion, transfer, benefits, and termination of employment.

Unlawful Harassment

Sexual Harassment

Sexual harassment in any form is expressly prohibited and will not be tolerated. The Village is committed to vigorously enforcing this policy against sexual harassment. In particular, the Village prohibits the following:

Sexual Harassment is a form of sex discrimination. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and/or the status of being transgender.

Sexual harassment consists of unwelcome conduct which is either sexual in nature or which is directed at an individual because of that individual's sex where:

1. Submission to such conduct is an explicit or implicit term or condition of employment;
2. Employment decisions are based on an employee's submission to or rejection of such conduct;
3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of the harassment.

A sexually harassing hostile work environment may consist of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. 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.

Village of New York Mills

February 8, 2022

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.

Examples of Prohibited Sexually Harassing Conduct

The Village considers the following conduct to represent some types of actions which violate the unlawful harassment policy.

1. Physical assaults of a sexual nature
2. Unwanted sexual advances, propositions, innuendos or other sexual comments, i.e., unwanted sexual jokes, vulgar language, and sexual gestures.
3. Sexual or discriminatory displays, photographs, publications in any observable location, i.e., any sexually suggestive pictures, cartoons or photographs.
4. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, 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 or otherwise bullying an individual.
5. Offensive comments, jokes, innuendos, and other sexually oriented statements or conduct.
 - Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
 - Sexually-suggestive touching.
 - Grabbing, groping, kissing, fondling,
 - Whistling in a lewd manner.
 - Lewd, off-color, sexually oriented comments or jokes.
 - Foul or obscene language.
 - Leering, staring or stalking.
 - Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
 - Unwanted or offensive letters or poems
 - Sitting or gesturing sexually
 - Offensive e-mails or voice-mail/text messages
 - Sexually oriented or explicit remarks, including, written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
 - Questions about one's sex life or experiences.
 - Repeated requests for dates.
 - Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
 - Sexual assault or rape.
 - Any other conduct or behavior deemed sexually inappropriate by the Village.

The above list is not meant to be exhaustive but is included to provide examples of prohibited actions.

Village of New York Mills
February 8, 2022

Sexual harassment can occur regardless of the sex or gender of the alleged harasser or the alleged victim. Sexual harassment in the workplace will not be tolerated, regardless of whether it involves co-worker harassment, harassment by a department head, supervisor, or other management personnel, or harassment by persons with whom or for whom the Village is working.

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 may, depending on the circumstances, constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Other Forms of Harassment

In addition to sexual harassment, this policy prohibits any conduct that is based on an individual's age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, gender identity or expression, disability, marital status, political affiliation, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status, status as a domestic violence victim or any other protected category under federal, state and/or local laws and regulations, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Specific behavior that the Village considers to be a violation of this policy includes, but is not limited to, the following:

- Abusive, demeaning, or offensive language, including innuendos, slurs, suggestive, derogatory and/or insulting comments or sounds, whistling, jokes, and threats based on an individual's protected status.
- Abusive messages and/or pictures transmitted via e-mail or otherwise, showing or displaying offensive objects, graphic commentaries, obscene gestures and/or other materials based on a protected status that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- Any unwelcome physical contact based on the individual's protected status.
- Any other conduct, in whatever form, deemed to be inappropriate by the Village, where such conduct is motivated by an individual's protected status.

What You Should Do If You Are the Victim of Unlawful Harassment or Discrimination

The purpose of this policy is to provide employees with a convenient, confidential and reliable method for reporting incidents of harassment/discrimination.

Any employee who feels that he or she has been or is being harassed should tell or otherwise inform, if feasible, the harasser that the conduct is unwelcome and must stop. If this course of

Village of New York Mills
February 8, 2022

action is not feasible, or is not successful, then the employee should immediately report such incidents to any Department Director, the EEO Officer or the Village Personnel Officer. If an employee is uncomfortable reporting the incident to any of the above for any reason, he/she can make a complaint directly to the Village Attorney. Complaints may be made verbally or in writing. The report should include all facts available to the employee regarding the alleged harassment. You will not be penalized in any way for reporting such conduct, except to the extent that such allegation is found to be false. All reports of harassment will be treated seriously, and to the greatest extent possible, confidentiality will be maintained.

Any employee who feels that he or she has been or is being discriminated against should immediately report such incidents to any Department Director, the EEO Officer or the Village Personnel Officer. If an employee is uncomfortable reporting the incident to any of the above for any reason, he/she can make a complaint directly to the Village Attorney. Complaints may be made verbally or in writing. The report should include all facts available to the employee regarding the alleged discrimination. You will not be penalized in any way for reporting such conduct, except to the extent that such allegation is found to be false. All reports of discrimination will be treated seriously, and to the greatest extent possible, confidentiality will be maintained.

Attached to this policy is a Complaint Form which may be used by any individual seeking to file a complaint of unlawful harassment or discrimination.

Investigation of Harassment/Discrimination Complaints

The Village EEO Officer, in conjunction with the Village Personnel Officer and/or another designee, shall be responsible for investigating all reports/complaints of alleged harassment or discrimination. If the report/complaint involves either the Village EEO Officer or the Village Personnel Director, the alleged offending party shall not participate in any investigation into the matter and the Village Attorney, or his/her designee, shall participate in conducting the investigation. Investigation into a complaint/report of alleged harassment or discrimination may include, among other things, a request for written statements from the parties involved and witnesses, conducting interviews with relevant parties/witnesses, reviewing documents, and/or any other steps deemed necessary consistent with the rights of employees under relevant law and collective bargaining agreements.

The Village, at all times, reserves the right to investigate possible incidents of discrimination and/or harassment even in the absence of a complaint or report by an employee.

At the conclusion of the investigation into any complaint/report of alleged discrimination or harassment, the EEO Officer shall prepare a report and recommendation, and then, in conjunction with the Personnel Officer and/or designee, shall refer the matter to the appointing authority of the accused for consideration of remedial and/or disciplinary action, if any. In the event that the accused does not have an appointing authority, the matter will be referred to the Village Attorney for consideration of remedial and/or disciplinary action, if any. Any disciplinary action taken against an employee as a result of an investigation under this policy shall be done in compliance with applicable law and/or relevant collective bargaining agreements.

In the event that the subject of the discrimination/harassment complaint is an Elected Official, or another Village employee/intern such that neither the EEO Officer, Village Attorney, nor the Personnel Officer can conduct the investigation without raising concerns about the impartiality

Village of New York Mills

February 8, 2022

of the investigation, the Village Attorney shall select an investigator from a pre-approved list adopted pursuant to Village Board resolution following a Request for Proposals/Request for Qualifications Process. The Village Attorney shall select the investigator that is next on the list unless such investigator is unavailable or has a conflict of interest. At the conclusion of the investigation, the investigator shall prepare a report and recommendation and forward such report to the Village Attorney, who shall in turn forward the report to the EEO Officer and Personnel Officer.

Employees who are found to have made false complaints of harassment and/or discrimination may be subject to disciplinary action, up to and including termination of employment.

Determination/Conclusion of Investigation

Once the investigation is completed, a determination will be made as to the allegations and appropriate disciplinary action, if any. If it is determined that unlawful harassment/discrimination has occurred, prompt remedial action will be taken.

This may include some or all of the following steps.

1. Provide the complaining employee with any lost terms, condition or benefits of employment; and/or
2. Taking disciplinary action against the harassing/discriminating employee, including, but not limited to, seeking termination of employment.

After the completion of the report and recommendation, the complainant and the subject of the investigation shall be informed in writing by the Village Attorney that the investigation has been completed and whether the allegations were substantiated, unsubstantiated, or substantiated, but not constituting a violation of this policy.

Duties of Employees

All employees of the Village are responsible for assuring that a workplace free of unlawful harassment/discrimination is maintained. Any employee should file a harassment/discrimination complaint regarding incidents experienced personally or incidents observed in the workplace.

Do not assume that the Village is aware of the problem. It is the employee's responsibility to bring the complaints to a supervisor, the EEO Officer, or the Village Personnel Officer so that the Village can help to resolve them. The Village strives to maintain a lawful, pleasant work environment where all employees are able to effectively perform their work without interference of any type.

Any supervisor who receives a complaint or information about suspected unlawful harassment or discrimination, observes what may be considered unlawful harassing or discriminating behavior or for any reason suspects that unlawful harassment or discrimination is occurring, **is required** to report such suspected conduct to the Village Attorney, the EEO Officer and/or Village Personnel Officer. In addition to being subject to discipline if they engage in unlawful harassment or discrimination themselves, managers will be subject to discipline for failing to report suspected

Village of New York Mills
February 8, 2022

unlawful harassment/discrimination or otherwise knowingly allowing
unlawfulharassment/discrimination to continue.

Non-Retaliation

The Village has zero-tolerance for any form of retaliation. Retaliation of any kind against an individual who makes a good-faith report of harassment or discrimination or who participates in an investigation into a complaint is strictly prohibited. Follow-up interview(s) with a complainant or witness may be conducted for an appropriate period of time, to ensure that the harassment/discrimination has not resumed and that no retaliatory action has been taken.

Employee Rights

Nothing contained in this policy and procedure shall be construed to limit or otherwise abrogate the rights of any employee under federal or state law or applicable collective bargaining agreements. The filing of a complaint pursuant to this policy/procedure does not, in any way, relieve any complainant from complying with applicable time limitations for filing of complaints as required under any federal or state law or applicable collective bargaining agreements.

Legal Protections and External Remedies

Unlawful harassment/discrimination is not only prohibited by the Village but it is also prohibited by state, federal, and, where applicable, local law.

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

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), applies to employers in New York State with regard to sexual and other forms of unlawful harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints of sexual harassment may be filed with DHR any time within three years of the alleged 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. Complaints of other forms of harassment or discrimination may be filed with the DHR within one year of the alleged harassment or discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Complaining internally to the Village does not extend your time to file with DHR or in court.

United States Equal Employment Opportunity Commission (EEOC)

Village of New York Mills
February 8, 2022

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act. An individual can file a complaint with the EEOC anytime within 300 days of the alleged unlawful harassment/discrimination. If an employee believes that he/she has been discriminated against at work or the victim of unlawful harassment, he/she can file a “Charge of Discrimination” with the EEOC. There is no cost to file a charge with the EEOC.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An individual who believes that he/she may have been the victim of criminal conduct may contact his/her local police department.

All in favor, motion passed.

A motion was made by Trustee Copperwheat, seconded by Trustee Edwards to allow the mayor to sign the Main Street Technical Assistance Grant. All in favor, motion passed.

Resolution 09:2022 A motion was made by Trustee Copperwheat, seconded by Trustee Cieplenski to allow the Village Clerk to open up a new bank account for the Main Street Technical Assistance Grant. All in favor, motion passed.

The report given to the Board by Don Hall is on file in the Village Clerk’s Office.

Engineer Report: written report on file in Clerk’s Office for January 2022.

Resolution 10:2022 a motion was made by Trustee Cieplenski seconded by Trustee Edwards to allow Village Engineer Al Swierceiz to go out to bid for the CDBG Grant. Said bid would be opened on March 8th, 2022 at 2PM and presented to the Village Board at the March Board Meeting. All in favor, motion passed.

Budget Director Report: Budget Director report is on file for the month of January 2022. Trustee Edwards made a motion, seconded by Trustee Copperwheat to approve the January 2022 Budget Report. All in favor, motion passed.

Recreation Report:

Nothing to report

Village of New York Mills
February 8, 2022

NEW BUSINESS:

Resolution 11-2022 A motion was made by Trustee Copperwheat, seconded by Trustee Cieplenski to approve the Civil Service Title change for David Chapple to go from Laborer, to Motor Equipment Operator. All in favor, motion passed.

Resolution 12:2022 A motion was made by Trustee Copperwheat, seconded by Trustee Cieplenski to appoint Elaha Noori to the Library Board. All in favor, motion passed.

Mayor Talerico advised the Board that the New York Mills School Board had unanimously rescinded the Oneida County Board of Elections permission to use Beekman Gym as a polling place. He stated that he had petitioned the Board to change their decision but was told that they held it up. Mayor asked if anyone has a new polling place in mind, they should contact the Oneida County Board of Elections. The Village was not on board with this decision due to several resident complaints.

With no new business a motion was made by Trustee Edwards, seconded by Trustee Copperwheat to adjourn the meeting. All in favor, motion passed. Meeting adjourned at 8:26PM.

Village Clerk/Treasurer
Respectfully Submitted
Amy A Topor

Village Board Budget Meeting
February 15, 2022

In attendance: Mayor Talerico, Trustee Edwards, Trustee Jarosz, Trustee Cieplenski, Trustee Copperwheat and Budget Officer Brenda Mitchell.

Mayor Talerico called the meeting to order at 6:30pm.

Police department proposal was first on the docket. Chief Frankland provided everyone with copy of proposal. Chief reviewed proposal and asked for questions. There were two topics of discussion. First was around the topic of hiring into a Corporal level. This would allow us to groom potential sergeant. Other question was about lower revenue from the department. Chief attributed it to Diversion Program. Mayor asked the board to consider approving the police budget now (last night). The reason was that we would be able to start the job search as soon as possible.

Resolution 12:2022 A motion was made by Trustee Cieplenski to add a Corporal position to the Police Department and approve the Police Department Budget for 2022-2023, seconded by Trustee Edwards. All in favor, motion passed.

Next budget proposal was Court. Judge Bob Glen submitted copy of budget proposal. He too brought up the Diversion Program as a reason for lower revenue.

Next budget proposal was Culture and Recreation. Trustee Edwards submitted proposal to the board. A lot of discussion around the park program. Still need to have a meeting with the Village of Yorkville and School. Where is park program going to be next summer? Who will run it? Trustee Edwards is planning on meeting with all parties before March meeting.

Last proposal was from Codes department. John Constas submitted proposal to the board. Some discussion about resignation of Tim Carey since within the budget was his salary.

A motion was made by Trustee Copperwheat to allow the mayor to sign the Town of New Hartford fire contract, seconded by Trustee Cieplenski. All in favor, motion passed.

A motion was made by Trustee Cieplenski to adjourn the meeting, seconded by Trustee Edwards. All in favor, motion passed. Meeting adjourned at 8:20PM.

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Mike Copperwheat
Village Trustee

Village of New York Mills

Budget Meetings

February 22, 2022

Mayor Talerico called the Budget Meeting to order at 6:02 PM followed by the pledge of allegiance and roll call.

Present: Mayor Ernie Talerico, Trustee Copperwheat and Trustee Jarosz. Trustee Cieplenski arrived at 6:30PM.

A motion to open the Public Hearing was made by Trustee Copperwheat, seconded by Trustee Jarosz. All in favor, motion passed. Public Hearing was opened at 6:03PM.

With no objections to the proposed Local Law's a motion was made by Trustee Jarosz, seconded by Trustee Copperwheat to close the Public Hearing. All in favor, motion passed.

A motion was made by Trustee Copperwheat, seconded by Trustee Jarosz to approve the following resolutions:

Resolution 13:2022:

Introductory Local Law No. 01 of 2022

A Local Law to Amend Chapter 30 of the Village Code

Be it Enacted by the Board of Trustees of the Village of New York Mills:

Authority

This Local Law is enacted pursuant to the Authority granted pursuant to Article 10 of the Municipal Home Rule Law.

Amendment to Chapter 30 of the Code of the Village of New York Mills

Chapter 30 ("Procurement Policy") is hereby amended by adding the following section:

§ 30-8 Additional Provisions.

- A. Section 3 business participation in procurement and contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Village will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Village's established purchase/ contracting thresholds will apply. The Village will keep documentation of Section 3 solicitation in its records and any response(s) thereto.
- B. Minority-Owned and Women-Owned Business Enterprise (M/WBE) business participation in procurement and contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Village of New York Mills, when required by funding participants, will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via

Village of New York Mills
Budget Meetings
February 22, 2022

advertisements in minority publications or direct outreach by letter or email to identified state-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The Villages' established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Village will keep documentation of M/WBE solicitation in its records and any responses thereto.

Effect

This Local Law shall take effect upon filing with the Secretary of State of the State of New York.

All in favor, motion passed.

Resolution 14:2022 A motion was made by Trustee Cieplenski, seconded by Trustee Copperwheat introduce the following:

Local Law # 2 – 2022 for the Village of New York Mills

"Establishing a Fair Housing Policy"

Section I. Declaration of policy.

It is the policy of the Village of New York Mills to provide, within constitutional limitations, for fair housing throughout the Village. It is the policy of the Village that no person shall discriminate against any individual in the sale, rental, advertising, financing, provision of brokerage services or appraisal of housing within the Village of New York Mills in accord with Title VIII of the United States Code and the Human Rights Law of the State of New York, as amended.

Section II. Definitions.

As used herein, the following terms shall have the meanings indicated:

DISCRIMINATORY HOUSING PRACTICE - An act that is unlawful under this chapter.

DWELLING - Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY - Includes a single individual.

PERSON - Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

TO RENT - Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Section III. Prohibited acts.

Village of New York Mills

Budget Meetings

February 22, 2022

A. It shall be unlawful to refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling within the Village of Oriskany Falls to any person because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

B. It shall be unlawful to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling in the Village of New York Mills, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

C. It shall be unlawful to make, print or publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling within the Village of New York Mills, which indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, handicap, familial status or national origin or an intention to make any such preference, limitation or discrimination.

D. It shall be unlawful to represent to any person because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin that any dwelling within the Village of New York Mills is not available for inspection, sale or rental when such dwelling is in fact so available.

E. It shall be unlawful, for profit, to induce or attempt to induce any person to sell or rent any dwelling within the Village of New York Mills by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

Section IV. Discrimination prohibited in residential real estate related transactions.

A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions within the Village of New York Mills to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

B. As used in this section, the term "residential real estate related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling.
- (2) The making or purchasing of loans or providing other financial assistance secured by residential real estate.
- (3) The selling, brokering or appraising of residential real property.

C. Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, handicap or familial status.

Village of New York Mills
Budget Meetings
February 22, 2022

Section V. Brokerage services.

It shall be unlawful to deny any person access to a membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings within the Village of New York Mills, or to discriminate against such person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

Section VI. Exemptions.

Nothing in this chapter shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates within the Village of New York Mills for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates within the Village of New York Mills for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section VII. Fair Housing Officer.

There shall be appointed by the mayor, subject to approval of the Village Board of Trustees, a Fair Housing Officer for the Village of New York Mills. The duties of the Fair Housing Officer shall be:

- A. To become knowledgeable in the fair housing provisions of federal, state and local laws.
- B. To conduct an analysis of barriers to equal housing opportunity (as per 24 CFR 570.904[c]).
- C. To develop a strategy to overcome any barriers.
- D. To review the local policy for impact on housing choice.
- E. To compile fair housing information and make it available to interested persons.
- F. To make provision for the dissemination of information regarding fair housing to the residents of the Village from time to time as such material becomes available.
- G. To receive all complaints from residents of the Village of New York Mills with respect to any alleged discrimination on the basis of race, color, religion, sex, sexual orientation, handicap, familial status or national origin in the sale, rental, advertising, financing, provision of brokerage services or appraisal of housing within the Village.

Village of New York Mills
Budget Meetings
February 22, 2022

H. Upon receipt of such complaints, to make appropriate referrals of such complaints to the New York State Division of Human Rights, the New York State Attorney General's Office and the United States Department of Housing and Urban Development.

I. To maintain a record of actions taken pursuant to this plan.

Section VIII. Penalties for offenses.

A. Violations of this chapter shall be reported in person or in writing to the Village's Fair Housing Officer within a year of the alleged discriminatory housing practice.

B. Where sufficient cause exists to believe that the terms of this chapter have been violated, the Village Attorney shall institute a suit in Village Court against the alleged violator within 120 days following the issuance of the charge.

C. Where a person has been found, after a trial on the merits, in violation of this chapter, a fine shall be imposed on such person not to exceed \$500 for a first offense, \$1,000 for a second offense and \$1,500 for a third offense. The minimum fine shall be \$100. Each and every separate violation of this chapter shall be deemed an offense for the purposes of imposing the appropriate fine.

Section IX. Severability; Suppression of inconsistent provisions.

If any part of this chapter or its application to any person or circumstances is adjudged by a court to be invalid or ineffectual, such judgment shall not affect the remainder of the chapter or its application to any other person or circumstance. This chapter shall supersede all laws inconsistent with it to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such laws.

Section X. When Effective.

This local law shall become effective immediately upon filing with the Secretary of State.

All in favor, motion passed.

A motion was made by Trustee Cieplenski, seconded by Trustee Copperwheat to hold a public hearing on February 22, 2022 at 6PM to adopt this local law. All in favor, motion passed.

Resolution 08:2022 a motion was made by Trustee Cieplenski seconded by Trustee Copperwheat to adopt an updated Policy Against Discrimination and Harassment Complaint Procedure.

**POLICY AGAINST DISCRIMINATION AND HARASSMENT
AND COMPLAINT PROCEDURE**

NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Village of New York Mills ("Village") that all employees and applicants, as

Village of New York Mills

Budget Meetings

February 22, 2022

well as everyone with whom we do business (including independent contractors, vendors, and consultants) should be able to enjoy a work environment free from harassment and/or discrimination based on race, color, creed, sex, age, sexual orientation, disability, religion, national origin, pregnancy, marital status, military or veteran status, gender, gender identity or expression, status as a victim of domestic violence, or any other basis protected by federal, state or local laws and regulations. The Village has a zero-tolerance policy for unlawful harassment and discrimination, in any form. Anyone who believes that he/she has been the victim of unlawful harassment and/or discrimination or has witnessed same, should promptly report such conduct in accordance with the complaint procedure set forth herein.

No employee, intern or applicant for employment will be discriminated against because of age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, gender identity or expression, disability, marital status, political affiliation/activities, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status, domestic violence victim status or any other protected category under federal, state and/or local laws and regulations. For the purposes of this policy, the aforementioned terms shall have the same meaning as the terms defined in Section 292 of the Human Rights Law.

It is also the policy of the Village of New York Mills to prohibit retaliation against any employee who makes a good faith complaint/report, testifies in the case of, or otherwise opposes discriminatory practices against any individual.

This policy governs the conduct of all employees, applicants for employment, interns, whether paid or unpaid, contractors, and persons conducting business with the Village.

Employees and/or interns found to have violated this policy may be subject to disciplinary action which, depending upon the severity of the violation, may include termination from Village employment.

Reasonable Accommodation

Requests for reasonable accommodation by employees, interns and/or applicants should be made to the Village Personnel Officer. The Personnel Officer will engage in a dialogue with any employee, intern or applicant who believes he/she needs a reasonable accommodation in order to perform the essential functions of his/her job and makes a request for such an accommodation. The Village will attempt to provide reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Victims of domestic violence may also request reasonable accommodations in order to address circumstances specific to their personal situations. Requests for such accommodations should be made to the Village Personnel Officer and may include, but are not limited to, requests for time off

to seek medical attention for injuries caused by domestic violence, to obtain services of a domestic violence shelter or other service provider, to obtain related counseling services, to obtain legal services and/or to appear in court. The Village will attempt to provide reasonable accommodations unless doing so would result in an undue hardship.

Non-Discrimination

Village of New York Mills
Budget Meetings
February 22, 2022

The non-discrimination provisions of this policy apply to all aspects of the employer-employee relationship, including, but not limited to: recruitment, selection, compensation, promotion, transfer, benefits, and termination of employment.

Unlawful Harassment

Sexual Harassment

Sexual harassment in any form is expressly prohibited and will not be tolerated. The Village is committed to vigorously enforcing this policy against sexual harassment. In particular, the Village prohibits the following:

Sexual Harassment is a form of sex discrimination. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and/or the status of being transgender.

Sexual harassment consists of unwelcome conduct which is either sexual in nature or which is directed at an individual because of that individual's sex where:

1. Submission to such conduct is an explicit or implicit term or condition of employment;
2. Employment decisions are based on an employee's submission to or rejection of such conduct;
3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of the harassment.

A sexually harassing hostile work environment may consist of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. 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.

Village of New York Mills

Budget Meetings

February 22, 2022

Examples of Prohibited Sexually Harassing Conduct

The Village considers the following conduct to represent some types of actions which violate the unlawful harassment policy.

1. Physical assaults of a sexual nature
2. Unwanted sexual advances, propositions, innuendos or other sexual comments, i.e., unwanted sexual jokes, vulgar language, and sexual gestures.
3. Sexual or discriminatory displays, photographs, publications in any observable location, i.e., any sexually suggestive pictures, cartoons or photographs.
4. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, 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 or otherwise bullying an individual.
5. Offensive comments, jokes, innuendos, and other sexually oriented statements or conduct.
 - Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
 - Sexually-suggestive touching.
 - Grabbing, groping, kissing, fondling,
 - Whistling in a lewd manner.
 - Lewd, off-color, sexually oriented comments or jokes.
 - Foul or obscene language.
 - Leering, staring or stalking.
 - Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
 - Unwanted or offensive letters or poems
 - Sitting or gesturing sexually
 - Offensive e-mails or voice-mail/text messages
 - Sexually oriented or explicit remarks, including, written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
 - Questions about one's sex life or experiences.
 - Repeated requests for dates.
 - Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
 - Sexual assault or rape.
 - Any other conduct or behavior deemed sexually inappropriate by the Village.

The above list is not meant to be exhaustive but is included to provide examples of prohibited actions.

Sexual harassment can occur regardless of the sex or gender of the alleged harasser or the alleged victim. Sexual harassment in the workplace will not be tolerated, regardless of whether it involves co-worker harassment, harassment by a department head, supervisor, or other

Village of New York Mills
Budget Meetings
February 22, 2022

management personnel, or harassment by persons with whom or for whom the Village is working.

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 may, depending on the circumstances, constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Other Forms of Harassment

In addition to sexual harassment, this policy prohibits any conduct that is based on an individual's age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, gender identity or expression, disability, marital status, political affiliation, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status, status as a domestic violence victim or any other protected category under federal, state and/or local laws and regulations, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Specific behavior that the Village considers to be a violation of this policy includes, but is not limited to, the following:

- Abusive, demeaning, or offensive language, including innuendos, slurs, suggestive, derogatory and/or insulting comments or sounds, whistling, jokes, and threats based on an individual's protected status.
- Abusive messages and/or pictures transmitted via e-mail or otherwise, showing or displaying offensive objects, graphic commentaries, obscene gestures and/or other materials based on a protected status that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- Any unwelcome physical contact based on the individual's protected status.
- Any other conduct, in whatever form, deemed to be inappropriate by the Village, where such conduct is motivated by an individual's protected status.

What You Should Do If You Are the Victim of Unlawful Harassment or Discrimination

The purpose of this policy is to provide employees with a convenient, confidential and reliable method for reporting incidents of harassment/discrimination.

Any employee who feels that he or she has been or is being harassed should tell or otherwise inform, if feasible, the harasser that the conduct is unwelcome and must stop. If this course of action is not feasible, or is not successful, then the employee should immediately report such incidents to any Department Director, the EEO Officer or the Village Personnel Officer. If an employee is uncomfortable reporting the incident to any of the above for any reason, he/she can make a complaint directly to the Village Attorney. Complaints may be made verbally or in writing.

Village of New York Mills

Budget Meetings

February 22, 2022

The report should include all facts available to the employee regarding the alleged harassment. You will not be penalized in any way for reporting such conduct, except to the extent that such allegation is found to be false. All reports of harassment will be treated seriously, and to the greatest extent possible, confidentiality will be maintained.

Any employee who feels that he or she has been or is being discriminated against should immediately report such incidents to any Department Director, the EEO Officer or the Village Personnel Officer. If an employee is uncomfortable reporting the incident to any of the above for any reason, he/she can make a complaint directly to the Village Attorney. Complaints may be made verbally or in writing. The report should include all facts available to the employee regarding the alleged discrimination. You will not be penalized in any way for reporting such conduct, except to the extent that such allegation is found to be false. All reports of discrimination will be treated seriously, and to the greatest extent possible, confidentiality will be maintained.

Attached to this policy is a Complaint Form which may be used by any individual seeking to file a complaint of unlawful harassment or discrimination.

Investigation of Harassment/Discrimination Complaints

The Village EEO Officer, in conjunction with the Village Personnel Officer and/or another designee, shall be responsible for investigating all reports/complaints of alleged harassment or discrimination. If the report/complaint involves either the Village EEO Officer or the Village Personnel Director, the alleged offending party shall not participate in any investigation into the matter and the Village Attorney, or his/her designee, shall participate in conducting the investigation. Investigation into a complaint/report of alleged harassment or discrimination may include, among other things, a request for written statements from the parties involved and witnesses, conducting interviews with relevant parties/witnesses, reviewing documents, and/or any other steps deemed necessary consistent with the rights of employees under relevant law and collective bargaining agreements.

The Village, at all times, reserves the right to investigate possible incidents of discrimination and/or harassment even in the absence of a complaint or report by an employee.

At the conclusion of the investigation into any complaint/report of alleged discrimination or harassment, the EEO Officer shall prepare a report and recommendation, and then, in conjunction with the Personnel Officer and/or designee, shall refer the matter to the appointing authority of the accused for consideration of remedial and/or disciplinary action, if any. In the event that the accused does not have an appointing authority, the matter will be referred to the Village Attorney for consideration of remedial and/or disciplinary action, if any. Any disciplinary action taken against an employee as a result of an investigation under this policy shall be done in compliance with applicable law and/or relevant collective bargaining agreements.

In the event that the subject of the discrimination/harassment complaint is an Elected Official, or another Village employee/intern such that neither the EEO Officer, Village Attorney, nor the Personnel Officer can conduct the investigation without raising concerns about the impartiality

Village of New York Mills
Budget Meetings
February 22, 2022

of the investigation, the Village Attorney shall select an investigator from a pre-approved list adopted pursuant to Village Board resolution following a Request for Proposals/Request for Qualifications Process. The Village Attorney shall select the investigator that is next on the list unless such investigator is unavailable or has a conflict of interest. At the conclusion of the investigation, the investigator shall prepare a report and recommendation and forward such report to the Village Attorney, who shall in turn forward the report to the EEO Officer and Personnel Officer.

Employees who are found to have made false complaints of harassment and/or discrimination may be subject to disciplinary action, up to and including termination of employment.

Determination/Conclusion of Investigation

Once the investigation is completed, a determination will be made as to the allegations and appropriate disciplinary action, if any. If it is determined that unlawful harassment/discrimination has occurred, prompt remedial action will be taken.

This may include some or all of the following steps.

1. Provide the complaining employee with any lost terms, condition or benefits of employment;and/or
2. Taking disciplinary action against the harassing/discriminating employee, including, but notlimited to, seeking termination of employment.

After the completion of the report and recommendation, the complainant and the subject of the investigation shall be informed in writing by the Village Attorney that the investigation has been completed and whether the allegations were substantiated, unsubstantiated, or substantiated, but not constituting a violation of this policy.

Duties of Employees

All employees of the Village are responsible for assuring that a workplace free of unlawful harassment/discrimination is maintained. Any employee should file a harassment/discrimination complaint regarding incidents experienced personally or incidents observed in the workplace.

Do not assume that the Village is aware of the problem. It is the employee's responsibility to bringthe complaints to a supervisor, the EEO Officer, or the Village Personnel Officer so that the Village can help to resolve them. The Village strives to maintain a lawful, pleasant work environment where all employees are able to effectively perform their work without interference of any type.

Village of New York Mills
Budget Meetings
February 22, 2022

Any supervisor who receives a complaint or information about suspected unlawful harassment or discrimination, observes what may be considered unlawful harassing or discriminating behavior or for any reason suspects that unlawful harassment or discrimination is occurring, **is required** to report such suspected conduct to the Village Attorney, the EEO Officer and/or Village Personnel Officer. In addition to being subject to discipline if they engage in unlawful harassment or discrimination themselves, managers will be subject to discipline for failing to report suspected unlawful harassment/discrimination or otherwise knowingly allowing unlawful harassment/discrimination to continue.

Non-Retaliation

The Village has zero-tolerance for any form of retaliation. Retaliation of any kind against an individual who makes a good-faith report of harassment or discrimination or who participates in an investigation into a complaint is strictly prohibited. Follow-up interview(s) with a complainant or witness may be conducted for an appropriate period of time, to ensure that the harassment/discrimination has not resumed and that no retaliatory action has been taken.

Employee Rights

Nothing contained in this policy and procedure shall be construed to limit or otherwise abrogate the rights of any employee under federal or state law or applicable collective bargaining agreements. The filing of a complaint pursuant to this policy/procedure does not, in any way, relieve any complainant from complying with applicable time limitations for filing of complaints as required under any federal or state law or applicable collective bargaining agreements.

Legal Protections and External Remedies

Unlawful harassment/discrimination is not only prohibited by the Village but it is also prohibited by state, federal, and, where applicable, local law.

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

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), applies to employers in New York State with regard to sexual and other forms of unlawful harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Village of New York Mills
Budget Meetings
February 22, 2022

Complaints of sexual harassment may be filed with DHR any time within three years of the alleged 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. Complaints of other forms of harassment or discrimination may be filed with the DHR within one year of the alleged harassment or discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Complaining internally to the Village does not extend your time to file with DHR or in court.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act. An individual can file a complaint with the EEOC anytime within 300 days of the alleged unlawful harassment/discrimination. If an employee believes that he/she has been discriminated against at work or the victim of unlawful harassment, he/she can file a “Charge of Discrimination” with the EEOC. There is no cost to file a charge with the EEOC.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An individual who believes that he/she may have been the victim of criminal conduct may contact his/her local police department.

All in favor, motion passed.

The Budget portion of the meeting began with Village Clerk Amy Topor, Highway Superintendent Mike Reid and Library Board Director and President Diane Berry and Janet Griffiths.

Resolution 14:2022: A motion was made by Trustee Copperwheat, seconded by Trustee Jarosz to approve the following Fair Housing Notice

NEW YORK MILLS 2022 FAIR HOUSING NOTICE

Notice is hereby given that the Village of New York Mills is committed to prohibiting discrimination based upon race, color, national origin, age, disability, religion, sex, familial status, sexual orientation, and reprisal in the sale, lease or rental, advertising, and financing of housing.

Persons who feel they have been discriminated against in the provision of housing should contact:

Michael Copperwheat, Village Fair Housing Officer

Village of New York Mills
Budget Meetings
February 22, 2022

Village of New York Mills
1 Maple Street, Village Office
New York Mills, N.Y. 13417
(315) 736-9212

Or call HUD Toll Free number 1-800-669-9777, or 1-800-877-8339 (TDD) for the hearing impaired.

By: Village of New York Mills, Mayor Talerico and Board of Trustees

Trustee Copperwheat made a motion to adjourn the meeting. All in favor, motion passed. The Meeting was adjourned at 7:43PM.

Respectfully Submitted
Amy Topor
Village Clerk/Treasurer

**Village Board Budget Meeting
March 1, 2022**

In attendance: Mayor Talerico, Trustee Edwards, Trustee Jarosz, Trustee Cieplenski, Trustee Copperwheat and Budget Officer Brenda Mitchell.

Mayor Talerico called the meeting to order at 6:35pm.

Fire chief Ulinski presented the fire department budget proposal. Chief Ulinski asked the board to put together a short- and long-term plan for equipment replacement at the FD.

Mayor Talerico presented the Village Budget.

Engineering budget proposal was presented by Al. a lot of discussion on roads and sidewalks to be replaced. Al was asked to get a price on the various methods of paving that could be available to us.

Resolution 15:2022 A motion was made by Trustee Edwards to appoint Michael Inman full time police officer pending civil service approval, seconded by Trustee Cieplenski. All in favor, motion passed.

A motion was made by Trustee Jarosz to adjourn the meeting, seconded by Trustee Copperwheat. All in favor, motion passed. Meeting adjourned at 8:55PM.

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Mike Copperwheat
Village Trustee