

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 8:00 AM by Supervisor Willard Peck. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman John DeLisle and Councilwoman Patricia Bryant. Also attending were Clerk Denise Murphy; Town Attorney David Brennan; Building and Zoning Administrator Richard Colozza and Highway Supt David Coffinger.

PUBLIC PARTICIPATION

Henry Buell, 218 Wilton-Gansevoort Road, came before the Town Board regarding the increase in truck traffic on the Wilton-Gansevoort Rd. Mr. Buell stated that these trucks are huge garbage trucks. Mr. Buell stated that these big trucks are going well past the speed limit. Mr. Buell stated that his quality of life is being diminished by these large trucks going past his home all day long. Mr. Buell asked if there was an end date for the Waste Management facility on Peters Road. Supervisor Peck stated that the Waste Management has a DEC Permit to operate. Supervisor Peck stated that he believes the life expectancy is 20 – 25 years, but they could ask for an amendment to their Permit in the future. Mr. Buell stated that he was informed that the Town receives “Host” Benefit from Finch/Waste Management Landfill. Mr. Buell stated that he does not know the \$ (dollar) amount but is sure it should be a lot higher. Supervisor Willard Peck gave a brief overview of the history of both the Finch Sludge Landfill and Finch/Waste Management Landfill. Supervisor Willard Peck stated that later in the Meeting under New Business he would consider a Resolution for a speed reduction on County Route 32 (Wilton-Gansevoort Road).

Henry Buell, 218 Wilton-Gansevoort Road, brought up the huge increase in his school taxes. Mr. Buell stated that he is in the South Glens Falls School District. Mr. Buell stated that his taxes went up over \$400 from last year. Mr. Buell stated that he thought the school budget could not go over 2 %. Mr. Buell stated that he feels that schools should be holding back on capital projects at this time. Mr. Buell stated that homeowners are holding back on projects due to the Covid 19. Mr. Buell stated that it may help if the Town Board reached out to South Glens Falls School District to see why there was a huge increase in taxes. Supervisor Willard Peck stated that schools are responsible for their own budgets. The only thing that the Town provides to the School District is an assessment roll. Supervisor Peck stated that schools have lost roughly 20% of their State Aid due to Covid 19. Supervisor Peck stated that next year could be even more challenging for school districts preparing a budget. Supervisor Peck encouraged Mr. Buell to attend a School District Meeting and share his concerns. Mr. Buell thanked the Town Board for allowing him to speak this morning

APPROVAL OF MINUTES

1. Councilwoman Patricia Bryant made a motion to approve the minutes of the August 13, 2020 Regular Monthly Meeting with the following change: Omit Resolution #52 of 2020 since it is the same as Resolution #51. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

CORRESPONDENCE

1. Ed Cross, Dog Control Officer, submitted his report for August 2020. Mr. Cross answered 7 complaints and issued 5 warnings.

2. Supervisor Willard Peck had flyers for the Town Hall to be given out regarding the 2020 Census. Supervisor Willard Peck had the Census Response Rates as of August 14, 2020. National wide 63.5%, NY State is 59.3%, Saratoga County is 65.1%. The Town of Northumberland has a 71.9% Response Rate, which is the highest in Saratoga County.

NEW BUSINESS

1. Changes in Policy Against Discrimination and Harassment mandated by New York State. Supervisor Willard Peck informed Board Members that New York State has mandated changes to the Policy Against Discrimination and Harassment. The Town Board Members have had a month to review the proposed changes. Supervisor Peck asked if the Town Board would like to take action today. Councilwoman Patricia Bryant introduced Resolution #55 of 2020 –

BE IT RESOLVED, the attached Policy Against Discrimination and Harassment has been adopted as follows:

TOWN OF NORTHUMBERLAND

POLICY AGAINST DISCRIMINATION AND HARASSMENT

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

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

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 Northumberland believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Town of Northumberland, hereinafter the Town of Northumberland, is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the 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's status or any other circumstances protected by applicable federal, state or local law.

A. Scope of Policy This Policy applies to all Town of Northumberland employees and all personnel in a contractual or other business relationship with the Town of Northumberland including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, vendors, consultants or others providing services pursuant to a contract in the workplace, including employees of

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term “employees” refers to this collective group. This Policy applies with equal force on Town of Northumberland property as it does at town of Northumberland-sponsored events, Programs, and activities that take place off Town of Northumberland premises.

B. Policy Objectives By adopting and publishing this Policy, it is the intention of the Town of Northumberland’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 Town of Northumberland that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the Town of Northumberland;
- 3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- 4) Notify all employees that the Town of Northumberland 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 II 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 town of Northumberland employee or official or a third party engaged in activities sponsored by the Town of Northumberland which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also include 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 in the Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

“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 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 on the basis of 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 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 harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. 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

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment occur?

Unlawful 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 Town of Northumberland considers harassment or sexual harassment is 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 parts whether or not said in that person’s presence including, but not limited to: sexual innuendoes; 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; and 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 in the workplace; staring at a person’s body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Town of Northumberland email system or other electronic communication devices (e.g. voice mail) or using the Town of Northumberland’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

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

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 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 Town of Northumberland prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Town of Northumberland 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, the Town of Northumberland 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 II of this Policy in accordance with the Compliant 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 their attention to assure compliance with this Policy as well as report the suspected misconduct to the Town of Northumberland'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 of discrimination or harassment, the employee should immediately contact one of the Town of Northumberland'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, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this Policy should report violations to one of the

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

Compliance Officers listed in Section II 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 II of this Policy.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. 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 II of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of harassment or discrimination should report such behavior to his or her supervisor or Compliance Officer listed in Section II of this Policy, or another administrator.

1. Making a Complaint

Complaints are accepted orally and in writing. All employees are encouraged to use the Town of Northumberland'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 Town of Northumberland's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Town of Northumberland 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 Complaint 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 Town of Northumberland's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Town of Northumberland's Compliance Officers.

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

Complainants are expected to cooperate with the Town of Northumberland'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.

2. Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Town of Northumberland'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 subject to discipline for engaging in any retaliation.

B. Time for Reporting a Complaint

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

C. Confidentiality and Privacy

The Town of Northumberland 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 Town of Northumberland may be required by law to contact and cooperate with the appropriate law enforcement authorities.

D. 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 acknowledgement procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

SECTION 5: INVESTIGATION PROCEDURES

A. Timing of Investigations

The Town of Northumberland will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Town of Northumberland 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 conclusion based on the evidence collected. Investigations will be conducted by Town of Northumberland Compliance Officers, Town of Northumberland's Legal counsel, and/or other impartial persons designated by the Town of Northumberland. 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, observations, or Other reasonable methods. Town of Northumberland investigators should pursue Reasonable steps to investigate each complaint in a thorough and comprehensive Manner. Any notes, memoranda, or other records created by Town of Northumberland employees or agents conducting an investigation 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

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

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

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. Of retaliation is found, the person retaliating will be

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

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

Any complainant or accused party who wishes to appeal the conclusion which the Town of Northumberland 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 Town of Northumberland'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 Town of Northumberland's consideration and review of that evidence, as well as the town of Northumberland'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 Town of Northumberland's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Town of Northumberland at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action taken with regard to a meritorious complaint.

SECTION 8: RECORD KEEPING

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

The Town of Northumberland'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 Town of Northumberland but are also prohibited by state, federal, and, where applicable, local law.

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

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

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. Complaints of sexual harassment that accrue on or after August 12, 2020 may be filed with DHR at any time **within three years** of the alleged sexual 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 an HRL complaint in state court.

Complaining internally to the Town of Northumberland 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.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complain 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.

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

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 direct, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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

Local Protections

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

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 the local police department.

SECTION 10: QUESTIONS

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

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

SECTION 11: COMPLIANCE OFFICERS

Name	Office Location
Mail Box Location	Telephone
Name	Office Location
Telephone Number	Mail Box Location

SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be September 10, 2020. The Town of Northumberland shall ensure that this Policy is adequately disseminated and made available to all employees of the town of Northumberland. This Policy shall be distributed at the beginning of each year with or as part of the **[insert any annual publication(s) to employees that may be appropriate]**. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance officer as well as the Town of Northumberland’s Policy Book that is available at Town of Northumberland Town Clerk Office.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace the following prior Town of Northumberland policies and regulations regarding employee discrimination and harassment.

Councilman Paul Bolesh seconded the introduction of Resolution #55 of 2020.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye”

Resolution #55 of 2020 Adopted

2. Proposed Application for Telecommunications Facility located at 5 Blue Heron Terrace: The Town Board received a letter from Brenda Black-Lewis, Site Acquisition Consultant, with Centerline Communications regarding a proposed Application for Telecommunications Facility. Ms. Lewis states that AT & T is proposing to construct a new telecommunication facility on property owned by Peter and Linda Marshall at 5 Blue Heron Terrace. There is an existing 120’ tall structure already on this property used by Verizon Wireless. The existing structure was considered for collocation but in order for it to provide the necessary coverage for AT & T, it would be necessary to extend the tower by approximately 20’. Ms. Lewis stated that they were aware that visibility was a primary concern during the approval process for the Verizon facility. The structure height was reduced to be just above the existing tree

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

canopy. Extending the height of this structure to accommodate adding AT & T would increase the visual impact. As an alternative to an extension, AT & T is proposing to build a second structure adjacent to the existing tower. Ms. Lewis stated that this is a common practice, known as “horizontal collocation”, whereby a second structure, of similar height, is built in close proximity to an existing structure, eliminating the need for additional height. Supervisor Peck asked Town Attorney David Brennan if he has had an opportunity to review the material that was submitted regarding this proposed Application. Town Attorney David Brennan stated that he has some questions as to why they can not share the existing tower. Town Attorney Brennan stated that he would like to have the applicant submit a RF Plot as to why the sharing of a tower would not work. Town Attorney Brennan will work with Building and Zoning Administrator to draft a letter to Centerline Communications regarding the town’s concerns.

3. Champlain Hudson Power Express: Supervisor Willard Peck stated that he along with Highway Supt David Coffinger met with Rick Chase, Senior Public Affairs Consultant with Transmission Developers, Inc. Mr. Chase explained the Champlain Hudson Power transmission line project, which runs from Canada to New York City. There is 1,000 MW buried High Voltage Direct Current (HVDC) transmission line that will transport a minimum of 8.3 TWh of renewable energy directly into NY City. The transmission line will be fully buried to minimize community/environmental impact. The project is a 333-mile route from Canadian border to NYC (60% buried in waterways/40% buried along existing rights of way. The route length is 3.5 miles in the Town of Northumberland. The line will run along the railroad track in the Town of Northumberland. The project will cross under the following town roads where they intersect with the railroad tracks. The roads involved are Mott Road, Saunders Drive, Gurnsprings Road and State Route 32N. Mr. Chase provided a Draft Resolution for the Town Board’s consideration. The Resolution outlines the Project and that the Town Board is familiar with and support the project. The Town Board Members and Town Attorney wanted to review the documents prior to adopting the Draft Resolution. Supervisor Peck stated that if the Town adopts the Resolution in the future, the Town of Northumberland will need to enter into a Road Use and Crossing Agreement for the Champlain Hudson Power Express Electric Transmission Cable System Crossing.

4. October’s Town Board Meeting: It was the consensus of the Town Board Members to hold October’s Town Board Meeting on October 8, 2020 @ 8:00 AM.

5. Transfer Station: Councilman Paul Bolesh reported that he has obtained the fee schedule for household garbage from the Town of Moreau and Saratoga County Transfer Station on Weibel Ave. Councilman Paul Bolesh stated that there has not been an increase in fees since the last administration. Councilman Paul Bolesh will meet with Landfill Caretaker Claude Himelrick to review possible rate increases and procedure for residents using the Transfer Station located on Peters Road.

6. Speed Reduction: Supervisor Willard Peck stated that Henry Buell was here earlier and asked the Town Board to consider a speed reduction for the Wilton Gansevoort Road. Supervisor Willard Peck asked if anyone would entertain introducing a Resolution regarding a Speed Reduction. Councilman Paul Bolesh introduced Resolution #56 of 2020

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

The Northumberland Town Board hereby request the Department of Transportation, pursuant to Section 1622.1 of the Vehicles and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on

County Route 32 (Wilton-Gansevoort Road)

County Highway

Between intersection of State Route 32N and the Town of Wilton Line,

Upon receipt of the Notice that the regulation herein requested has been established, maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Councilwoman Patricia Bryant seconded the introduction of Resolution #56 of 2020

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 56 of 2020 Adopted

DESIGNATIONS

1. Approve Vouchers for Payment: Councilwoman Patricia Bryant introduced Resolution # 57 of 2020

BE IT RESOLVED, the following Vouchers to be paid as presented:

A (General Fund) Vouchers # 220 - # 240 Total: \$ 19,887.80

DA (Highway Fund) Vouchers # 162 - # 181 Total: \$ 58,292.84

SS (Sewer Fund) Voucher # 8 Total: \$ 24.89

Councilman John DeLisle seconded the introduction of Resolution # 57 of 2020

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 57 of 2020 Adopted

DEPARTMENTS

Highway: Highway Supt David Coffinger reported that Homestead Rd is completed except for the stripping which will be done soon. Highway Supt Coffinger reported that there has not been a lot of preventative maintenance on the Highway Equipment. Highway Supt Coffinger stated that there is no one at the Highway Department that is major repair Certified. Highway Supt Coffinger stated that one of the trucks is in the repair shop with \$10,000 worth of repairs needed. Councilman John DeLisle asked

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**

if Highway Supt Coffinger has cost estimates as outlined in our Procurement Policy. Highway Supt Coffinger felt this was an emergency situation. Highway Supt Coffinger stated that he is working on developing a Preventative Maintenance Policy for the Highway Department equipment.

Councilman Paul Bolesh made a motion @ 9:15 AM to adjourn the Regular Monthly Meeting. Councilman John DeLisle seconded the motion. All in favor, motion carried.

Respectfully submitted

Denise Murphy, Town Clerk
Town of Northumberland

**Town of Northumberland
Regular Monthly Meeting
September 10, 2020**