

VILLAGE OF PALMYRA BOARD OF TRUSTEES
PUBLIC HEARING
REGULAR MEETING
April 1, 2019 6:30 p.m.

ROLL CALL: Present: Mayor Husk, Trustees Luke, Perry, Nolan and Wartens, and Attorney Williams

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Mayor Husk called the public hearing to order noting that the legal was published in the official village newspaper on March 24th:

LEGAL NOTICE OF PUBLIC HEARING
2019-2020

The Village of Palmyra will hold a public hearing (in conjunction with the regular board meeting) on Monday, April 1, 2019 at 6:30 pm. The hearing will be held in the Trustee's Room of the Village Hall, 144 East Main Street, Palmyra, Wayne County, New York.

The hearing is for the purpose of allowing the Village residents to provide the Board of Trustees written or oral comments or ask questions on the tentative 2019-2020 Budget of the Village funds.

Compensation proposed to be paid each member of the Village Trustees is \$5282; and to the Mayor \$6603. A copy of the "Tentative 2019-2020 Budget" will be on file and available for public inspection in the Office of the Village Clerk during normal office hours.

Alicia M. Lynch
Village Clerk Treasurer

Noting no comments forthcoming from the public, Mayor Husk closed the public hearing at 6:35 p.m.

REGULAR MEETING

APPROVAL OF ABSTRACT: Motion was made by Trustee Nolan, second by Trustee Wartens for approval of Abstract #11A vouchers 913-960 for \$52,158.76. Vote, 4 ayes. CARRIED.

APPROVAL OF MINUTES: Motion was made by Trustee Perry, second by Trustee Nolan to approve the minutes from March 18, 2019 as submitted. Vote, 4 ayes, CARRIED.

CORRESPONDENCE/ANNOUNCEMENTS:

- NYCOM – Advocacy Update of March 27th
- Fiscal Stress Score from OSC

TRUSTEE REPORTS

Trustee Luke - no report.

Trustee Nolan - no report.

Trustee Wartens reported that he attended the WCVOA dinner last month.

Trustee Perry - no report.

Attorney Williams- no report.

Mayor Husk reported that the Mormon Pageant will begin on the Thurs July 9th in 2019. Then he briefly talked about Green Light Networks and urged Board members to provide Green Light with input if they would like to see them brought to this area.

NEW/OLD BUSINESS:

2019-2020 BUDGET: Motion was made by Trustee Nolan, second by Trustee Luke to adopt the 2019-2020 budget as submitted. Vote, 4 ayes. CARRIED.

HISTORIC PRESERVATION, JAMES ELLIOTT: Tabled – Mr. Elliott did not show.

REPORT on LED LIGHTING PROJECT: Gary Hopkins reported that there will be a meeting set up with the engineering firm so the Village can go over with them what they would like to accomplish with the upgrade.

JOINT WWTP RESOLUTION: Further documentation needs to be signed for the Joint Wastewater Treatment Plant contracts. Motion was made by Trustee Nolan, second by Trustee Luke to approve Addendum 1 to the IMA, Addendum 1 to the supporting IMA and the Master Control Agreement. Vote, 4 ayes. CARRIED.

RESOLUTION: Motion was also made by Trustee Nolan second by Trustee Warters to adopt the following resolution:

BE IT RESOLVED, the Village Board hereby requests, pursuant to Public Authorities Law 1199-33, that the Wayne County Water and Sewer Authority provide wastewater treatment and conveyance services for the benefit of the sewer users located in the Village of Palmyra, and all additional future sewer users to be established with approval of the Village Board, to be connected to the sewer conveyance system and Western Regional Wastewater Treatment Plant to be constructed, owned and operated by the Wayne County Water and Sewer Authority.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF PALMYRA
Alicia Lynch, Village Clerk Treasurer
Dated: April 1, 2019

AMENDED CDBG RESOLUTION: Motion was made by Trustee Nolan, second by Trustee Perry to amend the 2-19-19 resolution as follows and to commit to spend monies from the remainder of CDBG funds, if approved by NYS Office of Community Renewal, as follows:

1. Handicapped accessible door with automatic swing door operator for the front of 144 East Main St. not to exceed \$6,858.00 which would include installation charges. (quotes attached to correspondence to Jason A. Purvis, AICP Vice President, Federal Programs)
2. Handicapped accessible door with automatic swing door operator for the front of 149 East Main St. not to exceed \$7,396.00 which would include installation charges
3. Modular ramp for 149 E. Main St. not to exceed \$4995.00
4. Re-design and re-construction of existing dual handicapped concrete entrance ramps on 144 East Main St. not to exceed \$31,670.00
5. Masonry work to make the entrance of 149 E. Main ready to accept new modular handicapped ramp not to exceed \$1970.00.
6. Design and installation of new handicapped accessible dual sink countertops for the Mens' and Ladies' rooms at 149 E. Main Street not to exceed \$ 7225.00
7. Fabricate and install new Stainless Steel railings (no paint) not to exceed \$18,000
8. Electrical work to bring electrical drops to be used by new electrical handicapped assessable doors not to exceed \$1,265.00
9. Demo new opening in masonry wall for new 36" doors, install new headers, haul away all excess materials and dispose of not to exceed \$3,825.00.
10. Two 36" steel doors with framing not to exceed \$2,991.00.
11. Removal of two sink vanities, installation of three wall-mount sinks meeting ADA guidelines, installation of grab bars and two full length mirrors all not to exceed \$2,700.00.
12. Three stalls with new dimensions, making at least one of the existing stall in each restroom handicapped assessable not to exceed \$2723.00

- 13. Composite flooring approximately 100 square feet. for patching floors not to exceed (unable to submit a quote in time)
- 14 Drywall, glue and electrical supplies for patching the walls not to exceed \$300.00 (done by Village personnel – no labor and no quote)

Total Not to Exceed **\$91,918.00**

All above quotes include prevailing wage rates as required.

These additional quotes would make the restrooms at the Palmyra Fire Hall, 615 East Main St. handicapped accessible as well. This includes changing the door sizes to ADA guidelines and installing new steel doors, changing the stall sizes to make one in each restroom handicapped accessible, removing the vanities and installing wall mounted sinks to make the washing stations handicapped accessible and patching the floor and walls to repair holes left by the vanity removals. Some funds have been requested for electrical supplies to move the electric light switch in each restroom.

Vote, 4 ayes. CARRIED. (Trustee Wartens and Trustee Luke were unable to be polled by phone, but voted on confirmation resolution.

RETURN OF CDBG FUNDS: Motion was made by Trustee Nolan, second by Trustee to approve payment of voucher 961 for \$17,319.68, the portion of the unused Micro-Enterprise Loan Fund to be returned to NYS Office of Community Renewal and made payable to the Housing Trust Fund Corp. Vote, 4 ayes. CARRIED.

BUDGET TRANSFER: To date, the H91 fund for Highway Equipment Repair is \$5,652 over budget. Motion was made by Trustee, second by Trustee to transfer \$10,000 from A1990.4 Contingency to H91 to cover the current shortage and hopefully cover any expenditures in April and May. Vote, 4 ayes. CARRIED.

RESOLUTION: RE-LEVY UNPAID WATER/SEWER TO TAXES: Motion was made by Trustee Wartens, second by Trustee Luke to re-levy any unpaid water and sewer bills, and any unpaid property maintenance invoices as of April 30th to the Village taxes. Vote, 4 ayes. CARRIED.

REVIEW/AFFIRM VILLAGE POLICIES: Motion was made by Trustee Perry, second by Trustee Wartens to adopt and re-affirm the following policies as amended:

INVESTMENT POLICY:

Chapter A205 Investment Policy

- § A205-1 **Scope.**
- § A205-2 **Objectives.**
- § A205-3 **Delegation of authority.**
- § A205-4 **Prudence.**
- § A205-5 **Diversification.**
- § A205-6 **Internal controls.**
- § A205-7 **Designation of depositaries.**
- § A205-8 **Collateralizing of deposits.**
- § A205-9 **Safekeeping and collateralization.**
- § A205-10 **Permitted investments.**
- § A205-11 **Authorized financial institutions and dealers.**
- § A205-12 **Purchase of investments.**
- § A205-13 **Repurchase agreements.**
- § A205-14 **Schedule of Eligible Securities.**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ A205-2 **Objectives.**

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements (legal);
 - B. To adequately safeguard principal (safety);
 - C. To provide sufficient liquidity to meet all operating requirements (liquidity);
- and
- D. To obtain a reasonable rate of return (yield).

§ A205-3 Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Village Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information, and regulate the activities of subordinate employees.

§ A205-4 Prudence.

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Palmyra to govern effectively.
- B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

§ A205-5 Diversification.

It is the policy of the Village of Palmyra to diversify its deposits and investments by financial institution, by investment instrument, and by maturing scheduling.

§ A205-6 Internal controls.

- A. It is the policy of the Village of Palmyra for all moneys collected by any officer or employee of the government to transfer those funds to the Village Treasurer within three days of deposit, or within the time period specified in law, whichever is shorter.
- B. The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

§ A205-7 Designation of depositories.

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

Depository Name	Maximum Amount
M&T	None
Community Bank NA	None
Chase Manhattan	None
Charter One	None

§ A205-8 Collateralizing of deposits.

In accordance with the provisions of General Municipal Law (GML) § 10, all deposits of the Village of Palmyra, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A. By a pledge of “eligible securities” with an aggregate “market value” as provided by GML § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

B. By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by a least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ A205-9 Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Palmyra or its custodial bank.

C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such an agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ A205-10 Permitted investments.

A. As authorized by General Municipal Law § 11, the Village of Palmyra authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash-flow needs in the following types of investments:

- (1) Special time deposit accounts;
- (2) Certificates of deposit;

- (3) Obligations of the United States of America;
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- (5) Obligations of the State of New York;
- (6) Obligations issued pursuant to Local Finance Law (LFL) § 24.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Palmyra;
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments;
- (8) Certificates of participation (COPs) issued pursuant to GML § 109-b;
- (9) Obligations of this local government, but only with moneys in a reserve fund established pursuant to GML § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Village of Palmyra within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Palmyra within two years of the date of purchase.

§ A205-11 Authorized financial institutions and dealers.

The Village of Palmyra shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Palmyra. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated annually.

§ A205-12 Purchase of investments.

A. The Treasurer is authorized to contract for the purchase of investments:

- (1) Directly, including through a repurchase agreement, from an authorized trading partner.
- (2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
- (3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Palmyra by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and

apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ A205-13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

- A.** All repurchase agreements must be entered into subject to a master repurchase agreement.
- B.** Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- C.** Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- D.** No substitution of securities will be allowed.
- E.** The custodian shall be a party other than the trading partner.

§ A205-14 Schedule of Eligible Securities.

The Schedule of Eligible Securities is as follows:

- A.** Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- B.** Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.
- C.** Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by a least one nationally recognized statistical rating corporation.

PROCUREMENT POLICY:
Chapter A206 Procurement Policy

- § A206-1 Adoption and intent.**
- § A206-2 Procurement procedure.**
- § A206-3 Procedures waived under certain circumstances.**
- § A206-4 When effective.**

§ A206-1 Adoption and intent.

The Village of Palmyra does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

§ A206-2 Procurement procedure.

- A.** Price quotation and proposal requirements.

(1)

Purchases.

Estimated Amount of Purchase	Method
\$250 to \$999	2 verbal quotes
\$1,000 to \$20,000	3 written/fax quotations or written request for proposals

(2)

Public works contracts.

Estimated Amount of Public Works Contract	Method
\$250 to \$999	2 verbal quotes
\$1,000 to \$9,999	2 written/fax quotes
\$10,000 to \$35,000	3 written/fax quotes or written request for proposals

B. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

C. Documentation is required of each action taken in connection with each procurement.

D. Purchase contracts are awarded on the basis of “Best Value” rather than the Lowest Responsible Bidder,” with the exception of purchase contracts or contracts for services of public works subject to the “Prevailing Wage” requirements of Article 8 of the Labor Law. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

§ A206-3 Procedures waived under certain circumstances.

Pursuant to General Municipal Law § 104-b, Subdivision 2f, the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Palmyra to solicit quotations or document the basis for not accepting the lowest bid:

A. Professional services or service requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgement, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines: whether the services are subject to state licensing or testing requirements; whether substantial formal education or training is a necessary prerequisite to the performance of the services; and whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney, services of a physician, technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant, investment management services; printing services involving extensive writing, editing or art work, management of municipality owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This does not preclude alternate proposals if time permits.

C. Purchases of surplus and secondhand goods. If alternate proposals are required, the Village is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

D. Goods and services under \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

E. Purchase orders. Goods and services valued at \$500 or above will be contracted for through the use of a purchase order. A blanket purchase order will be issued for no more than \$1000. Purchases over \$500 by any qualified individual listed below shall be discussed and approved by department liaisons prior to any purchase.

F. The following individuals are responsible for purchasing, information to be updated yearly with the Annual Organizational Meeting or before if there is a change in personnel:

Michael Boesel, Supt. of Highway

Alicia Lynch, Clerk Treasurer

Gary Hopkins, Supt. of Buildings and Grounds

David Smith, Police Chief

John Pieters, Fire Chief

Patricia Peterson, Court Clerk

Brian Bieda, Operations Mgr. Water/Sewer

G. Payments: Vouchers are prepared on the Wednesday prior to the Board meeting. Each invoice is attested to by the purchaser before the Board approves the voucher. A minimum of three board members signatures are required before payment can be remitted.

§ A206-4 When effective.

The policy shall go in effect immediately.

CODE OF ETHICS

Chapter 16 Code of Ethics

§ 16-1 **Legislative intent.**

§ 16-2 **Definitions.**

§ 16-3 **Standards of conduct.**

§ 16-4 **Claims against Village.**

§ 16-5 **Distribution of code.**

§ 16-6 **Penalties for offenses.**

§ 16-7 **Legislative intent.**

Pursuant to the provisions of General Municipal Law § 806, the Board of Trustees of the Village of Palmyra recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose

of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Palmyra. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Palmyra. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 16-2 Definitions. For the purpose of this chapter, the terms used herein are defined as follows:

INTEREST A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

- A.** His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B.** A firm, partnership or association of which such officer or employee is a member or employee.
- C.** A corporation of which such officer or employee is an officer, director or employee.
- D.** A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Village of Palmyra, whether paid or unpaid, including members of NY administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.

§ 16-3 Standards of conduct. Every officer or employee of the Village of Palmyra shall be subject to and abide by the following standards of conduct:

- A.** Gifts. He shall not directly or indirectly solicit any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- B.** Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C.** Representation before one's own agency. He shall not receive, or enter into, any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D.** Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such

matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Trustees of the Village of Palmyra, Zoning Board of Appeals/Planning Board of the Village of Palmyra and Board of Fire Commissioners of the Village of Palmyra, and any officer or employee of said boards or agencies, whether paid or unpaid, who participates in the discussion or gives official opinion to said boards or agencies, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation or any other action of said boards or agencies.

F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.

G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Palmyra in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 16-4 Claims against Village.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Palmyra, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 16-5 Distribution of code.

The Mayor of the Village of Palmyra shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the said Village within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 16-6 Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

HOSTILE WORK ENVIRONMENT/ SEXUAL HARRASSMENT POLICY

Preamble

Sexual harassment in the workplace is not merely an offensive working condition, it is against the law. Like harassment on the basis of color, race, religion or national origin, sexual harassment which discriminates on the basis of gender, is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended, and the New York State Human Rights Law.

I. Definitions/Descriptions/Prohibited Conduct:

A. Definitions:

1. The Equal Employment Opportunity Commission (EEOC) of the United States Government defines sexual harassment in the workplace or in the academic setting as:

“The use of one’s authority or power, either explicitly or implicitly, to coerce another into unwanted sexual relations or to punish another for his or her refusal; or the creation of an intimidating, hostile or offensive working environment through verbal or physical conduct of a sexual nature.”

2. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature will constitute sexual harassment when:
- a. Submission to the conduct is either an explicit or implicit term or condition of employment; or
 - b. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct, or
 - c. The conduct has the purpose or effect of unreasonably interfering with an affected person’s work performance, or creating an intimidating, hostile, or offensive work environment.

B. Descriptions:

1. Sexual harassment includes all behavior that prevents or impairs an individual’s full enjoyment of educational or workplace rights, benefits, environments, or opportunities. These behaviors include but are not limited to:
- a. Sexist remarks, jokes, or behavior.
 - b. Unwelcome sexual advances, including unwanted touching
 - c. Request for sexual favors
 - d. Sexual assault, including attempted or completed physical assault
 - e. The use of professional authority to inappropriately draw attention to the gender, sexuality or sexual orientation of an employee, colleague, or student
 - f. Insults, including lewd remarks or conduct
 - g. Visual displays of degrading sexual images or pornography
 - h. Pressure to accept unwelcome social invitations

C. Statement of Prohibited Conduct:

1. General Considerations: An atmosphere where sexual harassment is present cannot and does not foster solid, positive and trusting human relationships. Both are necessary ingredients for a municipality to operate professionally. The impact on the victim of sexual harassment can be profound. Studies on the effect of sexual harassment reveal disturbing consequences, such as loss of self-confidence, decline in academic performance, and inhibited forms of professional interaction. Sexual harassment has no place in the Village of Palmyra. It is behavior that we must seek to identify and eradicate.

Every Village employee is entitled to a working environment free from sexual harassment. Sexual harassment has devastating economic, psychological and physical effect on its victims. Its cost to the Village is enormous in both human and financial terms, including the replacement of personnel who leave their jobs, increased use of health benefit plans due to emotional and physical stress, and decline in individual and workplace productivity. Sexual harassment has no place in the Village workplace. Ignoring the problem is tolerating the problem, and the Village is determined that sexual harassment will not be tolerated. The Village supports this policy and will adhere to the given mandates by prohibiting sexual harassment in all phases of employment.

Sexual harassment is unlawful, and such prohibited conduct exposes not only the Village, but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectfully and with

dignity in a manner so as not to offend the sensibilities of a coworker. Accordingly the Village of Palmyra is committed to vigorously enforcing its sexual harassment policy at all levels within the agency.

2. Prohibited Conduct: The Village of Palmyra considers the following conduct to represent some of the types of acts that violate this agency's sexual harassment policy.
 - a. Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation, or attempts to commit these assaults.
 - Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
 - b. Unwanted sexual advancements, propositions or other sexual comments, such as:
 - Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome.
 - Preferential treatment of promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
 - Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
 - c. Sexual or discriminatory displays or publications anywhere in the Village of Palmyra workplace by Village employees, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually suggestive, sexually demeaning, pornographic, or bringing into the Village of Palmyra work environment or possessing any such material to read, display or view at work.
 - A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the Village of Palmyra and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
 - Reading or otherwise publicizing in the work environment material that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic.
 - Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace.
 - Retaliation for sexual harassment complaints, such as Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation.
 - Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

- d. Other acts: The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purposes; accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

II. Consequences for Violation of Policy:

The village of Palmyra is committed to eradicating sexual harassment from its workplace. As such violations will not be tolerated and each offense will be met with specific consequences. The parameters established by Civil Service Law and appropriate clauses of negotiated agreements will be considered in imposing written reprimand, fines, suspension, demotion or termination. Progressive discipline is an underlying principle and increasingly more severe actions will be imposed should repeat violations occur.

A written record of each action taken pursuant to the policy will be placed in the offending employee's personnel file. The record will reflect the conduct, and the warning given, or other discipline imposed.

III. General Procedure:

The names, responsibilities, work locations, and phone numbers of each investigative officer typically the Mayor will be routinely and continuously posted so that an employee seeking such name can ensure anonymity and remain inconspicuous to all of the employees in the unit or department in which he or she works.

The investigative officer (i.e. the Mayor) may appoint "designees" to assist him/her in handling sexual harassment complaints. Persons appointed as designees shall not conduct an investigation until they have received training equivalent to that received by the investigative officers. The purpose of having several persons to whom complaints may be made is to avoid a situation in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint. Complaints of acts of sexual harassment or retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to a designated officer. A complaint need not be limited to someone who was the target of harassment or retaliation.

Only those who have an immediate need to know, including the investigative officer and/or his or her designee, the alleged target of harassment or retaliation, the alleged harassers or retaliators and any witnesses, will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who had made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties. This complaint process will be administered consistent with current labor laws as appropriate.

Specific Procedures for Complainants:

Employees who feel that discrimination has occurred on the basis of sexual harassment have certain rights under the law and have various administrative and legal remedies available to them. However, it has always been our goal to address and resolve these matters at the workplace through an internal discrimination complaint procedure. Therefore, if an employee of the Village feels that he or she is a victim of sexual harassment, it should promptly be reported, in confidence, to :

Mayor David Husk
Village of Palmyra
144 East Main St.
Palmyra NY 14522
585-314-6234 cell

Swift, thorough and confidential investigations of allegations of sexual harassment will be conducted on a case-by-case basis and appropriate measures, including disciplinary actions, will be taken if the alleged sexual harassment is proven.

Responsibility for handling complaints of sexual harassment will rest with the Mayor under the general supervision of the Village Board. It will be the responsibility of all staff to cooperate with such investigations, with due regard for confidentiality to ensure protection of the complainant and the accused. Additionally, there will be appropriate follow-up to determine if sexual harassment has been effectively stopped.

The Village will also be conducting an agency-wide training program on sexual harassment in order to increase staff awareness and sensitivity in this area. It is hoped that this effort will minimize the need for sanction.

Nothing in this policy statement shall be construed to enlarge upon or limit or abridge the rights of any person under the United States or State Constitutions or the Statutes of the United States or the State of New York.

A. The complainant should present the complaint as promptly as possible to the Mayor after the alleged harassment occurs. Failure to present a complaint promptly may preclude recourse to legal procedures beyond the jurisdiction of the Village of Palmyra should the complainant decide to pursue such action at a later date.

1. The initial discussion between the complainant and the Mayor should be kept confidential, with no written record.
2. The Mayor has the authority to make a good faith effort to resolve the complaint through processes at this stage. There may be cases that can be resolved through efforts of mediation and for which the alleged offender apologizes for her/his actions.
3. If the complainant, after the initial discussion with the Mayor, decides to proceed, the complainant should submit a written statement to the Mayor.
4. The Mayor informs the alleged offender of the allegation and of the identity of the complainant in writing. A copy of this is sent to the complainant. Efforts should be made to protect the complainant from retaliatory action by the person(s) named in the complaint.

B. The Mayor alerts the Village board that a complaint has been filed and promptly calls a meeting of the Village Board. Each member of the Board shall receive a copy of the written statement of the complaint.

C. The Board may vote to either accept the complaint for full review or decline to consider the complaint. The Board will base its decision on its judgment of its capacity to handle the matter in light of its resources and competence; the seriousness of the complaint; the degree to which the complaint alleges specific violations of the Village's Sexual Harassment Policy; the likelihood that the Village will be able to make a positive contribution to resolving the problem. If the Board decides to decline consideration of the complaint, it will submit an explanation in writing to the complainant and the alleged offender.

D. The Mayor will gather all facts pertinent to the allegations of the complaint.

1. The investigation will be conducted promptly and objectively.
2. The investigation will include statements by the complainant(s), person(s) accused, and others as necessary.

- E. The Board has the following options:
1. If the Board concludes that on the basis of the investigation insufficient evidence of harassment exists to warrant any action, may close the investigation and so notify the complainant and alleged offender in writing.
 2. If the Board concludes on the basis of the investigation that sexual harassment has occurred and that the claim is valid then in addition to a counseling memorandum, the matter may be treated as a disciplinary matter for union employees and shall be handled under the appropriate provisions of the Collective Bargaining Agreement for the Department of Public Works employees and police officer employees and /or New York State Law. The Village at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to the meritorious complaint.
 3. If disciplinary charges are filed against a union employee on the grounds that the Village has determined the employee is guilty of unlawful harassment, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her Labor Contract and/or State Law.
- F. Every effort will be made to maintain confidentiality throughout the process, but total confidentiality cannot be guaranteed. The Board will protect the privacy of both the complainant and persons accused in every way possible during the process of the complaint and thereafter.
- G. The Village prohibits any form of retaliation against any member or employee of the Village filing a complaint against a member. Any retaliatory action of any kind taken against a complainant under this procedure is prohibited and will be the basis for a separate complaint subject to disciplinary action by the Board.
- H. If, after investigating a complaint the Board determines that a complainant knowingly made a false complaint or knowingly provided false information regarding a complaint, the Board may decide that disciplinary actions, as above, are warranted and the Village may take action in accordance with the provisions of the applicable Collective Bargaining Agreement and/or State Law.
- I. The decision of the Village Board is final.

IV. Procedures for Education and Training: Education and training for employees at each level of the work force are critical to the success of the Village of Palmyra's policy against sexual harassment.

As part of general orientation, each recently hired employee will be give a copy of the sexual harassment policy statement, requested to read it and sign a receipt so that they are on notice of the standards of behavior expected, In addition, all employees will receive training on the topic every two years.

All employees with supervisory authority over other employees and all employees working in a managerial capacity will participate in a training session on sexual harassment preventions.

Copies of the Village of Palmyra's sexual harassment policy statement and accompanying procedures will be available at the Village of Palmyra Village Clerk's Office at 144 East Main St. Palmyra, NY 14522.

WORKPLACE VIOLENCE

Workplace Violence Prevention Policy & Incident Reporting

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

12 NYCRR PART 800.6 (Code rule 800.6) Workplace Violence.

Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to:

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

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

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

All Village of Palmyra personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: David Husk
Title: Mayor
Department: Mgmt: Board of Trustees
Phone: 315-597-4849
Location: Village Hall

Workplace Violence Committee:

Mayor David Husk
Supt. Mike Boesel
Jim Eckert, Union President
Supt. Gary Hopkins
Chief David Smith

Patty Burditt, Union President
Fire Chief John Pieters
Clerk Treasurer Alicia Lynch

Record Keeping System

- Records will be evaluated annually by the Village and the Employee Representative.
- Records will be maintained at the office of the Clerk Treasurer
- Records will include:
 - Incident Reports
 - Incident Log
 - Relevant records kept by the Village as required by statutes

Responsibilities

- The Clerk Treasurer is responsible for managing the Workplace Violence Prevention Program by:
 - ensuring that the Workplace Violence Policy Statement is available and posted on each department's bulletin board.
 - acting on the basis of anonymous complaints when there is a reasonable basis to believe that a violation of this policy has occurred or that the safety and well being of employees would be served by an investigation.
 - coordinating an immediate investigation, in cooperation with the Palmyra Police Dept.
 - selecting the people necessary to perform the incident investigation including a Bargaining Unit representative, when appropriate.
 - taking immediate steps to eliminate any possible recurrence.
 - assuring that workplace violence training is conducted for all employees at new hire and annually thereafter.
 - working closely with the Palmyra Police Dept. to ensure WPVP is up-to-date per law.
- Department Heads will:
 - immediately inform the Clerk Treasurer of any reported incident.
 - work closely with the Clerk Treasurer to ensure that workplace violence training is conducted for all employees.
 - ensure all employees are aware of this policy.
 - promote annual workplace violence prevention training for all employees.
 - be aware of stress-defusing measures for dealing with potentially violent situations.
 - intervene in any incident to implement this policy.
 - take immediate action when necessary, including, but not limited to, calling 911 to summon police, fire or ambulance services as appropriate.
- The Workforce Violence Prevention Committee will:
 - include at a minimum a member from the Clerk Treasurer office, the Police Chief, Fire Chief, Department Heads and an authorize employee rep from the bargaining units.
 - report directly to the Mayor.
 - annually review risk assessments and incident reports, identify any trends in the types of incidents and review the effectiveness of the mitigating actions taken.
- Employees will:
 - call 911 to summon police, fire or ambulance services as necessary, if the incident being reported is an active incident or employees fear a threat to themselves or others is taking place or about to take place.
 - report to their supervisor or the Clerk Treasurer any incident of workplace violence.
 - participate in annual workplace violence prevention training.
 - report to their supervisor and/or the Clerk Treasurer any warning signs of a potentially threatening situation which arouse concern.
 - maintain the confidentiality of workplace violence investigations to the extent possible.

Training:

- *Explanation of NYS Workplace Violence Labor Law
- *Location of Village of Palmyra Workplace Violence Statement
- *Measures employees can take to protect themselves
 - Conflict resolution, nonviolent self-defense responses
 - How to identify risk factors
 - What to do in an emergency

- Workplace Violence Incident Report

Vote: 4 ayes. CARRIED. From here, going forward, these policies will be reviewed and reaffirmed with the Annual Organizational Meeting in December.

ADJOURNMENT: Motion was made and seconded at adjourn at 7:20 p.m. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer