

Draft Copy

August 06, 2009

The Town Board of the Town Of Corinth held a workshop meeting on August 06, 2009 at 4:00 pm at the Town Hall.

Present: Richard Lucia, Supervisor- Excused
Charles Brown, Councilman
John Major, Councilman
Edward Byrnes, Councilman
Mitchell Saunders, Councilman
Shawn Eggleston, Highway Superintendent
Fred Mann, Code Enforcement Officer
Rose Farr, Town Clerk
Cheri Sullivan, Deputy Town Clerk

Public Present: Jim Murray Sigrid Koch

After roll call and pledge of allegiance by the Deputy Supervisor the following business was conducted.

Deputy Supervisor Brown said the board needed to approve this policy on work place violence. Deputy Supervisor Brown said that it was reviewed at Saratoga County and they said it was better than their own. Councilman Major said it was very well written and he was very happy with it.

RESOLUTION #192

RESOLUTION ADOPTING WORK PLACE VIOLENCE POLICY

On a motion made by Councilman Byrnes and seconded by Councilman Major and the following resolution was

ADOPTED Ayes 4 Brown, Major, Byrnes and Saunders
Nays 0

BE IT RESOLVED, that the Town Board hereby approves the following Work place Violence Policy.

TOWN OF CORINTH WORKPLACE VIOLENCE POLICY

1. Purpose
2. Policy
3. Definitions
4. Weapons
5. Prohibited Activities
6. Notification and Reporting
7. Restraining and Protective Orders
8. Confidentiality
9. Town Response to Threats and Violence
10. Retaliation
11. Coverage
12. Designated Contact Person

TOWN OF CORINTH WORKPLACE VIOLENCE POLICY

1. Purpose

To define the policy of the Town Of Corinth that all employees have the right to work in an environment free from physical violence, threats and intimidation.

2. Policy

The safety and security of all our employees is of utmost importance to the Town Of Corinth (“the Town”). The Town will not tolerate workplace violence of any type, from any source. This includes, but is not limited to, threats, threatening and abusive behavior, or acts of violence against (a) employees, visitors, users of our facilities or other individuals, or (b) Town buildings equipment or property. In addition, weapons of any kind are prohibited in the workplace, unless specifically authorized (see Section 4 below for exceptions).

3. Definitions

- 3.1 **Violence or threats:** Prohibited acts of workplace violence include but are not limited to threats, intimidation, physical attack or property damage.

Threat: the expression of intent to cause physical or mental harm. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional or future basis. In determining whether the conduct constitutes a threat, including whether the action causes a reasonable apprehension of harm, the Town will consider the totality of the circumstances.

Physical attack: without limitation, unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects or fighting.

Intimidation: includes but is not limited to stalking or engaging in actions, either verbal or physical, which frighten or coerce.

Property damage: intentional damage to or destruction of property owned by the Town personnel, contract and temporary employees, volunteers, customers and anyone else on Town property.

Other examples of violence include but are not limited to:

Stalking another employee.

Distributing “hate” literature or engaging in other communication that advocates violence.

Any behavior that would qualify under the Town’s Anti-Harassment Policy including but not limited to threatening phone calls, e-mails, letters, stalking, and/or suggestions or intimation of violence.

Being in possession of weapons on Town property, including private vehicles in Town parking lots or in Town vehicles, unless specifically authorized (see Section 4 below for exceptions).

3.2 **Weapon:** includes a device, instrument, material or substance which is used for, or can cause, death or bodily injury, or damage to property.

Weapons include, but are not limited to: an explosive or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun, a firearm silencer, a switchblade knife or any other type of knife or brass knuckles, or any other implement for infliction of bodily injury, damage to property, or death, which has no common lawful purpose. Pocket knives or knives used solely for eating, food preparation or distribution, are not considered “weapons” for purposes of this policy unless used to inflict bodily injury or property damage.

3.3 **On the worksite/in the workplace:** includes all real property owned or occupied by the Town, Town vehicles and personal vehicles when performing Town business off Town property.

3.4 **Reasonable suspicion:** the degree of knowledge sufficient to induce an ordinarily prudent and cautious person to believe that the circumstances being presented are more likely to be true than not. Reasonable suspicion must be based on an articulatory, specific and objective basis and may include direct observation, or information received from a source believed to be reliable.

3.5 **Employee:** for purposes of this policy, persons receiving a payroll check, contractors and volunteers.

- 3.6 **Possession:** includes but is not limited to, the presence of a weapon on the employee, in his/her motor vehicle, desk, lunch box, toolkit, bag, purse, cabinets, office, etc.

4. Weapons

Despite laws which provide for permits allowing individuals to carry concealed handguns (New York State Penal Law Article 400), it is the Town's policy to prohibit the possession of all weapons, including handgun, on property owned, operated or under the control of the Town. Weapons of any kind are prohibited in the workplace. The only exceptions to this prohibition are as follows:

Firearms used for instructional or Town-sanctioned ceremonial purposes.

Persons employed in the Army, Air Force, Navy, Coast Guard, or Marine Service of the United States or any member of the New York National Guard when in the discharge of their official duties and acting under orders requiring them to carry arms or weapons.

Civil officers of the United States in the discharge of their official duties.

Officers and soldiers of the militia and the National Guard when called into actual service.

Officers of the state, or any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties.

Any registered security officer/guard who meets licensing requirements, who is discharging such officer's duties.

Any law enforcement officer, police officer, or bonded and sworn deputy sheriff may carry handguns always pursuant to a written directive by the executive supervisor of the organization to which the person is attached or employed, despite the person's regular duty hours or assignments

5. Prohibited Activities

The Town specifically prohibits the following and may discipline an employee up to and including dismissal for any of the following:

- 5.1 Use, possession, or sale of any weapon on the work site.
- 5.2 Storing any weapon in a motor vehicle, desk, lunch box, locker, toolkit, bag, purse, cabinets, office or other repository on the worksite.
- 5.3 Refusing to submit to an inspection for the presence of a weapon based on reasonable suspicion.
- 5.4 Refusing to allow inspection of storage areas specified in 5.2 Above based on a reasonable suspicion that a weapon or weapons will be found in such an area.
- 5.5 Conviction under any criminal statute for the illegal use or possession of a weapon or for committing a violent act against the person or property of another.
- 5.6 Engaging in violence or threats of violence.

6. Notification and Reporting

All Town personnel are responsible for notifying the contact person designated below of any threats or violence that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior might be or has been carried out on a Town-controlled site or is connected to Town employment or Town business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.

7. Restraining and Protective Orders

An employee who applies for or obtains a protective or restraining order that lists Town properties as protected areas must provide to the designated contact person listed below a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted.

8. Confidentiality

The Town understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee. Note that we cannot promise absolute confidentiality because we may have to report this to a law enforcement agency, other governmental agency, etc. However, we will maintain the anonymity of the reporting employee when at all possible.

9. Town Response to Threats and Violence.

In the event a complaint or concern arises with regard to compliance with this policy, the Town will promptly conduct an investigation to determine the validity of the complaint and what, if any, corrective action should be taken to resolve the matter and promote a violence-free workplace.

Depending on the seriousness of the allegation(s) and other factors that the Town deems relevant, such as security concerns potential disruptions, etc., any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property shall be removed from the premises as quickly as safety permits and shall remain off Town premises pending the outcome of an investigation.

Following investigation which indicates this policy was violated, the Town will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment and/or criminal prosecution of the person or persons involved. Other corrective action might include: coaching, mediation, other disciplinary action, transfer or demotion, reaffirmation of the policy, individualized or group training, etc.

10. Retaliation.

The Town Of Corinth respects the right of employees to raise concerns regarding violent activities and cooperate with necessary investigations. Retaliation against employees who report violence or participate in investigations is strictly

prohibited. "Retaliation" is broadly construed. It includes not only overt retribution, but also acts such as refusal to communicate or cooperate regarding work related matters, withholding information or assistance needed to perform one's job, more closely scrutinizing and employee's work performance, etc.

An employee who feels (s)he has been retaliated against for reporting violence or participating in an investigation should promptly report the retaliation to his/her immediate supervisor. If the employee, for any reason, feels uncomfortable reporting the alleged retaliation to his/her immediate supervisor, the employee may report to the Department Head or the Human Resources Director.

11. Coverage.

The Town at its discretion may from time to time modify this policy. In the event the policy is revised, a copy of the revised policy will be provided to each employee.

High Rail Trip Rail Report:

Councilman Major spoke in detail about the opportunity to part take in the track inspection with Highway Superintendent Eggleston, Supervisor Lucia, Jack Kelly, NYSDOT, and a representative from Warren County Rail and the Engineers. The following items of interest were discussed:

1. Maintenance of rail
2. Antone Mtn Crossing
3. To have Supervisor write letter to Greenfield Supervisor in regards to private property owners in reference to the beavers and potential damage.
4. Bridge painting in the future
5. Having the gentleman that traps the beavers deal directly with the Regal Brothers, to eliminate the Town of Corinth as the middle man.

RESOLUTION #193

RESOLUTION AUTHORIZING SOLICITATION OF BIDS FOR NEW TRUCK

On a motion made by Councilman Saunders and seconded by Councilman Byrnes and the following resolution was

ADOPTED Ayes 4 Brown, Major, Byrnes and Saunders
 Nays 0

Draft Copy

BE IT RESOLVED, that the Town Board hereby authorizes Highway Superintendent Eggleston to solicit sealed bids for the new Town truck.

Town Clerk Rose E. Farr said the date needed to be set to open the bids. It was decided that the bids would open on August 27, 2009 at 4:10pm. Town Clerk Farr was instructed to place an ad in the newspaper for bids.

RESOLUTION #194

TO APPROVE THE FOLLOWING TRANSFERS OF FUNDS

A motion was made by Councilman Major and seconded by Councilman Byrnes and the following resolution was

ADOPTED Ayes 4 Brown, Major, Byrnes, Saunders
 Nays 0

BE IT RESOLVED, that the Town Board authorizes the transfer of the following funds:

**August 6, 2009
Resolution**

Transfer \$346.76 from Revenue Account 2691.04 (Compensation for Loss) to Revenue Account 2770.04 (Unclassified Revenues) for 2/2009 Fuel payment posted in error.

Board Members:

Councilman Saunders-

Councilman Saunders spoke about the following two items:

1. The fence being constructed at the rte 9n property, safety should be an issue in regards to this fence .Councilman Saunders felt the town should look into creating ordinances or guidelines in the future on noise and fences
2. Councilman Saunders had concerned over the football agreement with the baseball field and if the cost of the lawn maintenance can be shared between the two.

Councilman Major-

Councilman Major spoke about the following:

1. The Town Hall Maintenance man Brad Towers showed him the snow blower and tractor that he uses and councilman Major said he feels that these two pieces of equipment will need to be replaced in the near future.
2. The personnel committee is currently working on the finalization of the language.

Councilman Byrnes- No comment

Town Clerk Rose E. Farr- No comment

Highway Superintendent Eggleston-

Highway Superintendent Eggleston spoke about the following:

1. Hollister road was complete
2. Widening of Raising Road off Hunt Lake Road because it is dangerous for them to plow.

Code Enforcement Officer Mann-

Code Enforcement Officer Mann spoke about the following:

1. Sam Paquin requested a foil on Mr. Eagle's subdivision paper work. Mr. Mann explained that that application was incomplete and that it never moved forward with the planning board because there was a violation on the property. Mr. Mann explained that the same would apply for Mr. Paquin because the violation is still on the property.
2. Next week he is suppose to visit the Schuh property for the inspection with the Engineer, currently there is no affirmed date. Mr. Schuh will receive a letter from the Attorneys prior to the Town visiting the property. Councilman Saunders requested that he be notified of the pending occurrence at this property

RESOLUTION #195

MOTION TO PAY BILLS AS AUDITED WITH NO EXCEPTION

On a motion of Councilman Major and seconded by Councilman Byrnes the following resolution was

**ADOPTED Ayes 4 Brown, Major, Byrnes and Saunders
 Nays 0**

RESOLVED that the board pays bills as audited with any exceptions as follows:

Draft Copy

Abstracts For 8/06/09

<u>General Fund/Town Wide – A:</u>	\$ <u>12,419.38</u>
<u>General Fund/Outside Village – B:</u>	\$ <u>2,209.85</u>
<u>Community Development Grant – CD:</u>	\$ <u>0</u>
<u>Highway/Town Wide – DA:</u>	\$ <u>0</u>
<u>Highway/Part Town – DB:</u>	\$ <u>9,653.97</u>
<u>Capital Project/Landfill Upgrades – H1:</u>	\$ <u>0</u>
<u>Fire Protection – SF:</u>	\$ <u>0</u>
<u>Street Lighting – SL:</u>	\$ <u>372.61</u>
<u>Sewer/Water – SW:</u>	\$ <u>0</u>
<u>Trust & Agency – TA:</u>	\$ <u>66,486.04</u>
<u>Scenic Train –</u>	\$ <u>0</u>
<u>Town of Corinth Railroad –</u>	\$ <u>0</u>

RESOLUTION #196

MOTION TO ADJOURN TO BILL PAYING AND ADJOURN MEETING

On a motion made by Councilman Major and seconded by Councilman Byrnes and the following resolution was

ADOPTED Ayes 4 Brown, Major, Byrnes, and Saunders
 Nays 0

RESOLVED that the board adjourns to bill paying.

Respectfully submitted,

**Cheri Sullivan
Deputy Town Clerk**