Board of Trustees Meeting  
Village of Baxter Estates  
315 Main Street, Port Washington, New York  
September 5, 2019  
6:45PM  

Meeting Minutes  

Present:  
Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Alice M. Peckelis  
Village Clerk-Treasurer Chrissy Kiernan  
Village Attorney Christopher J. Prior  

Absent:  
Trustee Christopher Ficalora  

Also Present:  
Selma Kazil, Kevin Graham, Nancy Graham, Tayler Neville, James Neville, Matthew Tedone, and Fabio Salazar  

Mayor Haagenson opened the Meeting of the Board of Trustees at approximately 6:45PM with a verification of a quorum followed by a work session and at 7:30PM began the regular meeting with a roll call.  

1. North Washington Street Parking  

Several residents of North Washington Street were in attendance including Matthew Tedone, Kevin Graham, Nancy Graham, Tayler Neville, James Neville, after delivery to the Village Clerk-Treasurer of a petition several days earlier, attached hereto as Exhibit A, signed by seven out of nine properties on North Washington Street and Green Hays to request that the Village Board of Trustees consider eliminating parking on the west side of North Washington Street. The request would include the elimination of approximately 5 to 6 on-street parking spots. Concerns from residents included the narrowness of the street, making it difficult to have vehicles driving in opposite directions when there are vehicles parked; emergency vehicle access; patrons of the library utilizing the street for parking having to make dangerous three-point turns in resident driveways in order to park; property landscapes being damaged with tire marks; and that vehicles are typically parked all day.  

Trustee Baldwin responded that on previous occasions, the Board sought input from residents on the adjoining streets on how parking rules in the area might be improved, and that a survey of residents on Locust Avenue was conducted to address a similar request to restrict parking on the north side of Locust Avenue, which was later put into effect by the Board of Trustees.  

Mayor Haagenson added that in evaluating the relative needs of Library patrons and Village residents, those of the residents of the Village of Baxter Estates come first, and Trustees Peckelis and Deputy Mayor Comer echoed that sentiment. Trustee Baldwin also pointed out that if parking is restricted, residents would not be able to park vehicles on the roadway, which was understood by attendees.  

The Board thanked the attendees for coming.  

2. Port Washington Animal Daycare - 97 Main Street  

Selma Kazil introduced herself and her business, Port Washington Animal Daycare, to the Board of Trustees. Ms. Kazil is interested in renting space at 97 Main Street in the Village of Baxter Estates to provide daycare for animals. The operation would not include overnight boarding.  

Trustee Peckelis questioned whether there would be any outdoor dog or animal run and inquired as to what would be done to address sound attenuation and potential complaints regarding noise. Ms. Kazil responded by
stating that she would look into that matter and that her plan currently is to limit the number of animals at the business, provide business transport of the animals as part of the business model, and to utilize the basement of the business as an open space. She also noted that animals would be taken on walks and to local dog parks during the day.

The Village Attorney noted that any permits or zoning variances required would be determined by the Building Department, and then referred to the appropriate Village board.

There was no action taken on this matter.

3. **Fabio Salazar, 12 Ridgeway Road - Request of Waiver from the Board of Trustees for processing by the Village of Land Use Application**

Fabio Salazar addressed the Board of Trustees to request a waiver from the Board of Trustees for processing of his building permit application. It was noted by the Village Attorney that Mr. Salazar has a violation, pending in Justice Court that prohibits the Superintendent of Buildings from processing a building permit application.

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin; it was RESOLVED, pursuant to Village Code Section 102-6.D, that the processing by the Village of land use applications of Fabio Salazar with respect to the premises at 12 Ridgeway is hereby authorized by the Board in order to avoid undue hardship to Mr. Salazar arising from the suspension of such processing under Village Code Section 102-6, based upon representation to the Board that such suspension has prevented Mr. Salazar's occupancy of his primary residence and the inability of the Justice Court to proceed with the current violation situation in light of the injury of the Village Prosecutor on August 22, 2019 when Mr. Salazar was supposed to appear for a trial regarding his violations.

- Mayor Nora Haagenson: Aye
- Deputy Mayor Charles Comer: Aye
- Trustee Doug Baldwin: Aye
- Trustee Chris Ficalora: Absent
- Trustee Alice Peckelis: Aye

4. **Approval of July 2, 2019 Meeting Minutes**

On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was RESOLVED to accept the minutes of the July 2, 2019 Meeting of the Board of Trustees, as presented by Clerk-Treasurer Kiernan.

- Mayor Nora Haagenson: Aye
- Deputy Mayor Charles Comer: Aye
- Trustee Doug Baldwin: Aye
- Trustee Chris Ficalora: Absent
- Trustee Alice Peckelis: Aye

5. **Approval of July 13, 2019 Meeting Minutes**

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED to accept the minutes of the July 13, 2019 Meeting of the Board of Trustees, as presented by Clerk-Treasurer Kiernan.

- Mayor Nora Haagenson: Aye
- Deputy Mayor Charles Comer: Aye
- Trustee Doug Baldwin: Aye
- Trustee Chris Ficalora: Absent
- Trustee Alice Peckelis: Aye

6. **Approval of August 1, 2019 Meeting Minutes**
On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was RESOLVED to accept the minutes of the August 1, 2019 Meeting of the Board of Trustees, as presented by Clerk-Treasurer Kiernan.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Aye
Trustee Chris Ficalora  Absent
Trustee Alice Peckelis  Aye

7. Hilltop Road Resurfacing Scheduled for September 9, 2019 thru September 12, 2019

Mayor Haagenson announced that resurfacing of Hilltop Road will begin on Monday, September 9, 2019 for approximately four days. Clerk-Treasurer Kiernan reported that Hilltop Road residents received an email communication and a hand-delivered hardcopy notice, as required by our Contract with American Paving & Masonry, with details regarding the road improvement project.

8. Bayside Avenue Gas Line Replacement by National Grid

Mayor Haagenson reported that National Grid will be replacing a gas line on Bayside Avenue. Bayside Avenue residents have been notified by National Grid. There is no start date at this time, but the project will take approximately one month to complete. Clerk-Treasurer Kiernan reached out to the National Grid liaison who advised that they would do their best to provide us with notice before the work begins.

9. Baxter Beach Feasibility Study

Mayor Haagenson reported that Cameron Engineering has begun the Feasibility Study of Baxter Beach to address the erosion of the beach. We are grateful to our partner in government, Nassau County Legislator Delia DeRiggi-Whitton and Nassau County Executive Laura Curran for supporting and funding the study.

10. Situational Awareness/Workplace Violence Prevention Training - Monday, September 9, 2019

Mayor Haagenson announced that the Village will provide a mandatory Situational Awareness/Workplace Violence Prevention Training on Monday, September 9, 2019 to employees, appointed officials, volunteers, and staff.

11. State and Municipal Facilities Grant ID #13162 for $50,000 - Sponsored by Senator Anna Kaplan

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED to amend the project description and scope of State and Municipal Facilities Grant #13162 for window replacement at Village Hall to resurfacing of a portion of Hillside Avenue in the amount of $50,000. Approval of the change in project scope must be approved by the grant sponsor, Senator Anna Kaplan.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Aye
Trustee Chris Ficalora  Absent
Trustee Alice Peckelis  Aye

12. New Village Website

Mayor Haagenson announced that the Village launched a new more user-friendly Village Website on Wednesday, September 4, 2019.

13. Termination of Contract with Millenium Software for Website Maintenance
The Board of Trustees thanked Mitch Schwartz, Owner of Millenium Software, for providing website maintenance for the past six years. The new Village Website will be maintained by Village staff.

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED to terminate the contract with Millenium Software for website maintenance effective immediately.

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<tr>
<th>Mayor Nora Haagenson</th>
<th>Aye</th>
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<tr>
<td>Deputy Mayor Charles Comer</td>
<td>Aye</td>
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<td>Aye</td>
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<td>Trustee Chris Ficalora</td>
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<td>Trustee Alice Peckelis</td>
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14. Resolution to Approve General Liability Insurance Program

Clerk-Treasurer Kiernan circulated a summary analysis and policy proposal for the Village's liability insurance program.

After discussion, on motion by Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Board accepts the general liability municipal package insurance proposal dated August 22, 2019, submitted by U.S. Specialty Insurance Company (Tokio Marine Holdings, Inc.), in response to program specifications prepared by the Village's Insurance Broker, Arthur J. Gallagher, for the Village's insurance program for the period commencing September 15, 2019, through September 15, 2020 in the total amount of $17,509.26.

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<th>Mayor Nora Haagenson</th>
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<td>Deputy Mayor Charles Comer</td>
<td>Aye</td>
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<td>Trustee Doug Baldwin</td>
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<td>Trustee Chris Ficalora</td>
<td>Absent</td>
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<td>Trustee Alice Peckelis</td>
<td>Aye</td>
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15. Resolution to Approve Cyber Liability Insurance Program

The Board of Trustees had previously addressed the need for a cyber liability policy for the Village of Baxter Estates in response to a nation-wide ransomware and data breach crisis affecting both the public and private industry.

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED that the Board accepts the cyber liability package insurance proposal dated August 22, 2019, submitted by BCS Insurance Company, in response to program specifications prepared by the Village's Insurance Broker, Arthur J. Gallagher, for the Village's cyber liability insurance program for the period commencing September 15, 2019, through September 15, 2020 in the total amount of $1,439.00.

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<th>Mayor Nora Haagenson</th>
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<td>Deputy Mayor Charles Comer</td>
<td>Aye</td>
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<td>Trustee Doug Baldwin</td>
<td>Aye</td>
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<td>Trustee Chris Ficalora</td>
<td>Absent</td>
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<tr>
<td>Trustee Alice Peckelis</td>
<td>Aye</td>
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16. Resolution to Award Contract for the Regrading of the Retaining Wall at the End of High Street

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED that the Board awards the contract for regrading of the retaining wall at the end of High Street, in response to the project specifications prepared by Village Engineer Jim Antonelli, to Losgo Brother's Inc. of Oyster Bay, NY, which submitted the lowest written estimate in the amount of $12,850, and to authorize the execution and delivery of all related documents by Mayor Haagenson.
17. Sexual Harassment Prevention Policy and Complaint Procedure

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED that the Board adopt a Village Sexual Harassment Prevention Policy and Complaint Procedure, effective immediately, in the form attached hereto as Exhibit B.

18. Anti-Harassment, Non-Discrimination, and Workplace Violence Prevention Policy and Complaint Procedure

After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED that the Board adopt a Village an Anti-Harassment, Non-Discrimination, and Workplace Violence Prevention Policy and Complaint Procedure, effective immediately, in the form attached hereto as Exhibit C.

19. Approval of Voucher Claims

After discussion, upon motion made by Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Audited Vouchers dated September 5, 2019 for the General Fund totaling $34,220.81, be and hereby are approved as prepared by Clerk-Treasurer Kiernan.


Clerk-Treasurer Kiernan provided the Board of Trustees with a Financial Report & Audit.


Clerk-Treasurer Kiernan noted that replacement of dilapidated signage will be addressed with GIS implementation.

22. Resolution to Eliminate On-Street Parking on Green Hays and North Washington Street
After discussion, on motion by Trustee Baldwin, seconded by Deputy Mayor Comer, it was RESOLVED to eliminate on-street parking on Green Hays and North Washington Street, effective immediately upon the proper signage being placed to indicate same.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Aye
Trustee Chris Ficalora  Absent
Trustee Alice Peckelis  Aye

Trustee Baldwin asked the Village Attorney to research whether a single sign with wording such as “No Parking Beyond This Point,” is sufficient notice for effective enforcement as an alternate to placing additional "No Parking" signage spaced intermittently.

23. Executive Session 9:25PM

On motion by Deputy Mayor Comer seconded by Trustee Baldwin, it was RESOLVED to enter into Executive Session to discuss potential litigation.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Aye
Trustee Chris Ficalora  Absent
Trustee Alice Peckelis  Aye

At 10:08PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

There being no further business before the Board, on motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED that the meeting be and hereby is adjourned at 10:09PM.

Christina R. Kiernan, Village Clerk-Treasurer
PETITION

The undersigned residents of Baxter Estates request that the Board of Trustees denote the west side of North Washington Street to be a "No Parking" zone. The reasons for this request are:

1. Employees of the Public Library have recently, for the past several months or so, parked on the street all day. North Washington is a very narrow street and can only accommodate one car in each direction when no cars are parked.

2. Patrons of the Public Library now utilize North Washington Street for parking. This street is a dead end, without an outlet. Therefore, the patrons' cars must complete a three-point turn in a driveway and come around to park. There are young children on the block, and the numerous cars of patrons looking for parking on North Washington Street can create a hazard to the young children on the block.

3. The narrow width of the street together with the fact that there is no outlet and it is a dead end lends itself to a no-parking zone, as only five or six cars can be accommodated on the westerly side of North Washington Street at all events.

<table>
<thead>
<tr>
<th>Resident</th>
<th>Address</th>
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<tbody>
<tr>
<td>1. Elaine Smith</td>
<td>25 N. Washington St.</td>
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<tr>
<td>2. Martha Jones</td>
<td>16 N. Washington St.</td>
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<tr>
<td>4. Sarah Smith</td>
<td>15 N. Washington St.</td>
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<tr>
<td>5. Anne White</td>
<td>14 N. Washington St.</td>
</tr>
<tr>
<td>7. Mary Jones</td>
<td>16 N. Washington St.</td>
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<tbody>
<tr>
<td>8. E. Lee</td>
<td>625 Green Hill</td>
</tr>
<tr>
<td>10. Susan L. Seidler</td>
<td>Green Bay</td>
</tr>
<tr>
<td>11. Way De Rosset</td>
<td>11 North Webster St.</td>
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Sexual Harassment Prevention Policy and Complaint Procedure
Adopted by the Village of Baxter Estates
Date: September 5, 2019

Introduction

The Incorporated Village of Baxter Estates (the “Village”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village’s commitment to a discrimination-free work environment. Sexual harassment is against the law\(^1\) and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Village. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village. In the remainder of this document, the term “employees” refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to wrongful adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Village will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees\(^2\) working in the workplace who believe they have been subject to such retaliation should inform

\(^1\)While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, marital status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

\(^2\)A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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the Village Clerk-Treasurer, or, if the Village Clerk-Treasurer is the alleged harasser, a member of the Board of Trustees or the Village Attorney. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. The Village will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Village will keep the investigation confidential to the extent reasonably possible. Corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behavior that violates this policy. The Village will provide a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Village Clerk-Treasurer, or, if the Village Clerk-Treasurer is the alleged harasser, a member of the Board of Trustees or the Village Attorney.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. A copy of this policy must be provided to all employees and shall be posted prominently in the Village Hall, and will be provided to employees upon hiring.

**What Is “Sexual Harassment”?**

Sexual harassment 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:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

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

**Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- **Physical acts of a sexual nature, such as:**
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.

- **Unwanted sexual advances or propositions, such as:**
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.

- **Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.**

- **Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.**

- **Sexual or discriminatory displays or publications anywhere in the workplace, such as:**
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
• Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  o Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
  o Sabotaging an individual’s work;
  o Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

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

Where can sexual harassment occur?

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

Retaliation

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

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

• made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

• testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

• opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

• reported that another employee has been sexually harassed; or

• encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person 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.

**Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Village cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Village Clerk-Treasurer, or, if the Village Clerk-Treasurer is the alleged harasser, a member of the Board of Trustees or the Village Attorney. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Village Clerk-Treasurer, or, if the Village Clerk-Treasurer is the alleged harasser, a member of the Board of Trustees or the Village Attorney.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

**Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Village Clerk-Treasurer, or, if the Village Clerk-Treasurer is the alleged harasser, a member of the Board of Trustees or the Village Attorney.

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

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

**Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent reasonably possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants,
witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Village Clerk-Treasurer, or, if the Village Clerk-Treasurer is the alleged harasser, a member of the Board of Trustees or the Village Attorney, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses;

- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.
Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Village but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village, 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.

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 protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

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

Complaining internally to the Village does not extend your time to file with DHR or in court. The one year or three years is counted from 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 harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual 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 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/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.
Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the 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, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov 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 of Nassau or the Town of North Hempstead to find out if such a law exists.

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 Port Washington Police Department.

TRAINING

All individuals employed by the Village must take the state required training on or before the later to occur of October 9, 2019, or within 30 calendar days of the start of their employment.

All employees must take the state required training annually.
Nondiscrimination, Anti-Harassment, and Workplace Violence Prevention Policy and Complaint Procedure
Adopted by the Board of Trustees: September 5, 2019

Objective

The Village of Baxter Estates (the “Village”) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices and harassment. Therefore, the Village expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

The Village has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, violence and retaliation. The Village will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. Applicable law, as well as the policies of the Village, prohibit disparate treatment on the basis of sex or any other legally protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Retaliation

The Village encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Village to promptly and thoroughly investigate such reports. The Village prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Sexual harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Sexual harassment is the subject of a separate policy that has been enacted by the Village. The provisions of this policy as they relate to sexual harassment are intended for informational purposes, and no way rescind, modify or amend the separate village policy on sexual harassment, to which this summary is subordinate. For the purposes of this policy, “sexual harassment” is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.
Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment

Harassment on the basis of any other legally protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual’s work performance, or c) otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on Village premises or circulated in the workplace, on Village time or using Village equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Workplace Violence

The Village of Baxter Estates is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our Village staff and constituents. Workplace Violence is defined as 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:

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

Acts of violence against any employee of the Village where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice and enforcement authorities when warranted.
All employees are responsible for helping to create an environment of mutual respect for each other as well as visitors, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of 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 includes a workplace evaluation that is designed to identify the workplace violence hazards our employees could be exposed to.

The Village will, at a minimum, be involved in:
- The evaluation of the physical environment;
- The development of the Workplace Violence Prevention Program and;
- The review of workplace violence incident reports at least annually to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.

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.

All Village 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: Village Clerk-Treasurer (or, if desired, the Mayor or any member of the Board of Trustees)

Violations of this policy can result in disciplinary action up to and including termination.