

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON NOVEMBER 12, 2018 AT 1180 AVENUE OF THE AMERICAS, 8TH FLOOR, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 104 NEPTUNE, SALTAIRE, NEW YORK, WITH REMOTE OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Board of Trustees meeting to order at 5:00 p.m. at 1180 Avenue of the Americas, New York, and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney
Donna Lyudmer, Village Treasurer
Mario Posillico, Administrator & Clerk
And 0 other attendees
And 0 observed through internet audio/video connection

ADJOURN INTO EXECUTIVE SESSION

Trustee O'Brien made a motion at 5:00 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee O'Brien
Seconded: Trustee Wolf
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

Third Assistant Chief Jarrod Bernstein of the Saltaire Volunteer Fire Company joined the Executive Session to discuss Fire Company matters and simultaneously Trustee O'Brien, Village Administrator Posillico, Village Treasurer Lyudmer and Village Attorney Prokop excused themselves and left the Executive Session at 5:35 p.m. and returned at 6:05 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 6:10 p.m. The motion was seconded by Trustee Oppenheimer and on call it was approved according to the following vote:

Motion: Trustee Richard
Seconded: Trustee Oppenheimer
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

Mayor Zaccaro called the Board of Trustees meeting back to order at 1180 Avenue of the Americas, New York at 6:10 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney
Donna Lyudmer, Village Treasurer
Mario Posillico, Administrator & Clerk
And 20 other attendees
And 17 observed through internet audio/video connection

MOMENT OF SILENCE; VETERAN'S DAY

Mayor Zaccaro asked for moment of silence in recognition of the all military personnel currently serving to protect the United States, and all of those who have made the ultimate sacrifice in providing the protection of the rights that we all enjoy.

CAPITAL PROJECT OVERVIEW

Mayor Zaccaro provided a brief overview and status report of the following capital projects:

- Lighthouse Promenade: He reported on the progress on the upgrade to the water system along Lighthouse Promenade primarily through a digital pictorial presentation. He further stated that the work on the timber roadway would begin in early December, once the first section of new water main became operational.
- Village Hall: He reported on the progress of the reconstruction of Village Hall primarily through a digital pictorial presentation. He further stated that the progress thus far was asbestos remediation, and demolition of the exterior and interior in preparation of elevation and reposting of the main section of the building. .
- 14 Bay Promenade: Mayor Zaccaro stated that an application is pending with the Suffolk County Department of Health for an approximately 1,600 square foot, one story structure with storage under the building, and given the anticipated approval time and other off-season workload that this project would not likely start until the 2019 off-season.

MEDICAL COMMITTEE REPORT ON MEDICAL SERVICES IN SALTAIRE

At Mayor Zaccaro's request, Trustee Wolf provided an overview of the charge given to the Medical Committee on the optimization of medical services provided to the residents of the Village, which was promoted by the proposal of Northwell Health to provide an outpatient clinic in Saltaire as part of its community outreach obligations. Susan Lipsitz and Lela Mayers of the Medical Committee were present to provide an overview of their report, which had been previously been made public and posted on the Village website. Discussion ensued amongst the members of the Board, the Medical Committee and those in attendance about the pros and cons of a third-party operated Saltaire Clinic in comparison to the in-house doctor model currently in place, and after all having a chance to be heard, Trustee Wolf made a motion to authorize the Village Administrator to inform Northwell of the Village's interest in obtaining additional information on the particulars of a potential agreement for a trial run for an out-patient clinic model for the 2020 summer season, and to bring that framework of an agreement back to the Board as soon as practical for review and possible decision.

The motion was seconded by Trustee Oppenheimer, and the motion carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Against: None

Abstain: None

UPDATE ON PINE TREE INFESTATION

At Mayor Zaccaro's request, Village Administrator Posillico reported on the re-emergence on Fire Island in general and in Saltaire specifically of the Turpentine Beetle, which will infest and kill pine trees on a cyclical basis. He reported that the best practice to minimize the spread of the infestation is to immediately cut down and remove any pine trees from private property as soon as they shows signs of being infested. The tell-tale signs of infestation are browning of the needles and/or holes burrowed into the trunk of the tree.

AWARD OF CONTRACT FOR ADDITIONAL WORK FOR WATER IMPROVEMENTS

Mayor Zaccaro reported that the Board of Trustees, under a previous resolution, had awarded the contract for the installation of branch lines on public right-of-ways or easements for homes located north of Lighthouse Promenade and east of Navy Walk pursuant to lengths as listed on the engineering plans. He stated that after review of those dimensions in the field, the total length was reduced from 950 feet to 800 feet. After discussion amongst the Board and with the Village Administrator and amongst those in attendance, and after all having a chance to be heard, Trustee Richard then made a motion to authorize the Village Administrator to amend the contract amounts as presented for the new branch lines for a total of 800 feet.

The motion was seconded by Trustee Wolf, and the motion carried according to the following:

Motion: Trustee Richard

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Against: None

Abstain: None

VILLAGE HALL SPRINKLER SYSTEM

Mayor Zaccaro reported that the design for the reconstruction of the Village Hall complied with all relevant and jurisdictional codes and standards without the installation of an automatic sprinkler system, and was bid and awarded as such. He further stated that he concurred with recent opinions offered by the Fire Company and others that the that the inclusion of a sprinkler above and beyond the code requirements provides multiple benefits for the Village, the surrounding buildings, and the first responders in a fire situation. After discussion amongst the Board and those in attendance, and after all having a chance to be heard, Trustee Oppenheimer then made a motion to authorize the Village Administrator to procure as soon as practical bids for the installation of a code-complaint sprinkler system for Village Hall, and to bring the results back to the Board for review and possible approval.

The motion was seconded by Trustee Richard, and the motion carried according to the following:

Motion: Trustee Oppenheimer

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Against: None

Abstain: None

BAY FRONT BULKHEAD

Mayor Zaccaro stated that some of the low level, secondary bulkhead returns on the Village Bay front were in need of repair, and he stated that before significant funds were allocated for their repair, it would be wise to investigate whether the lower returns should be eliminated in favor of connecting the primary bulkheads further north of them. After discussion, and all having a chance to be heard, he instructed the Village Administrator to get pricing for both option in order to make a more-informed decision.

FERRY/FREIGHT/PARKING CONCESSION CONTRACTS

At the request of Mayor Zaccaro, Trustee O'Brien updated the Board on the progress on negotiations with the low proposer on the passenger ferry concession, the freight ferry concession and the parking concession.

2019 MARINA FEES

Administrator Posillico stated that the 2019 Marina applications are scheduled and ready to be sent out to potential applicants, and presented a fee schedule that represented a 2.2% increase for all slip widths and lengths based on the current CPI data. After discussion, Trustee Richard made a motion to authorize the 2019 Marina fees with 2.2% increase, which is the current CPI index, above the 2018 Marina fees.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following action:

Motion: Trustee Richard

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ACCEPTANCE OF COURT AUDIT

Administrator Posillico reported that the Village auditors, Cullen and Danowski, had undertaken the annual audit of the Village Justice Court, as is required by New York State law, and that a copy of the audit had been presented to the Board of Trustees. Trustee O'Brien made a motion to accept delivery the 2017/18 annual audit of the Village Justice Court as prepared by Cullen and Danowski and that the same be filed with the State of New York Unified Court System.

The motion was seconded by Trustee Wolf, and the motion was carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

APPROVAL OF RESOLUTION TO EXPRESS VILLAGE OF SALTAIRE'S OPPOSITION TO OFFSHORE OIL AND GAS DRILLING AND EXPLORATION ACTIVITIES, INCLUDING SEISMIC AIR-GUN BLASTING: RESOLUTION

Trustee Richard made the following motion:

WHEREAS, in New York Hundreds of thousands of jobs and billions of dollars of the state's gross domestic product depend on clean, oil-free water and beaches and abundant fish and wildlife; and,

WHEREAS, the vast majority of New York's ocean wealth stems from tourism and recreation sector which benefits from a healthy ocean and coast: and,

WHEREAS, New York has become more vulnerable to sever weather events (such as Super Storm Sandy, cyclone bombs, and increasing frequent nor'easters), which can cause or exacerbate leaks from offshore oil infrastructure to the Atlantic; and,

WHEREAS, offshore oil and gas drilling and exploration places coastal communities at economic and ecological risk from oil spills and the pollution brought by routine drilling operations and onshore industrialization, threatening the livelihoods of commercial and recreational fishermen and small businesses that rely on a clean and healthy ocean and beaches; and

WHEREAS, offshore drilling may require significant onshore infrastructure, such as pipelines or refineries, which would harm the character of New York's coastline and could exacerbate wetlands loss and storm surge and sea level rise impacts; and,

WHEREAS, the harmful impacts from oil and gas drilling and exploration anywhere along the Atlantic coastline could extend far beyond immediately surrounding areas and severely impact communities that rely on the robust economy of the marine industry; and,

WHEREAS, offshore drilling and exploration perpetuates our ties to dirty carbon pollution and contributes to climate change and the resulting sea level rise and extreme weather; and,

WHEREAS, the current Administration has expressed interest in opening the Atlantic Ocean to offshore oil and gas drilling and exploration, which includes the use of seismic air-guns which fire intense blasts of compressed air that rank just behind military explosives as the loudest source of noise in the ocean, every 10-12 seconds, 24 hours a day, for months on end; and,

WHEREAS, seismic air-gun blasting to explore for oil and gas deposits has been proven to disrupt and displace marine life, such as whales which rely on sound to find food and mate, and can impair the health of many fish and shellfish species, including those of commercial importance like squid, lobster, and scallops; and,

WHEREAS, the Village of Saltaire recognizes that our community, businesses, and industries depend on a healthy coastal environment for the benefit of current and future residents, property owners, and visitors,

NOW, THEREFORE BE IT RESOLVED that the Village of Saltaire finds the offshore oil and gas drilling and exploration unnecessarily risks our economic and ecological health and therefore opposes any plan or legislation which encourages oil and gas development and exploration offshore that would impact the citizens of New York State, and

FURTHER BE IT RESOLVED THAT this resolution shall take effect immediately upon its adoption by the Village of Saltaire Board of Trustees, and

FURTHER BE IT RESOLVED THAT the Clerk shall forward a copy of this Resolution to New York Governor Andrew M. Cuomo, U.S. Senator Chuck Schumer and Kirsten Gillibrand; U.S. Representative Peter King; State Senator Philip Boyle; State Assembly member Andrew R. Garbarino, and any other interested parties.

The motion was seconded by Trustee O'Brien, and the motion was carried according to the following:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

SETTING THE DATE AND TIME FOR THE GENERAL ELECTION & PERSONAL REGISTRATION

Trustee Wolf made the following motions:

WHEREAS, the annual Village election for the Village of Saltaire for the year 2019 is scheduled to be held, consistent with long-standing tradition, on the Friday before Memorial Day, and

WHEREAS, there are by law three positions to be filled at the general Village election, and

NOW THEREFORE BE IT RESOLVED that the Board of Trustees does hereby declare the following positions vacant at the expiration of their respective indicated terms:

Village Justice – four years

Trustee - two years

Trustee - two years

AND FURTHER BE IT RESOLVED THAT the next general Village election of one Justice and two Trustees of the Inc. Village of Saltaire shall be held on May 24, 2019 between the hours of 12 noon and 9 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

PERSONAL REGISTRATION

WHEREAS, the next general Village election of one Village Justice and two Trustees of the Inc. Village of Saltaire will be held on May 24, 2019 and,

WHEREAS, no person shall be entitled to vote at any Village election whose name does not appear on the register of the Village, and

WHEREAS, it is the duty of the Inspectors of Election to prepare such register of qualified voters;

NOW, THEREFORE, BE IT RESOLVED

1. That the Inspectors of Election shall meet on the 14th day of May, 2019 in the Village Hall to commence the preparation of the register for the forthcoming general election.

2. Personal registration for the Village shall be held on Sunday, May 12, 2019 between the hours of 9 A.M. and 5 P.M. and on Tuesday, May 14, 2019, between the hours of 12 noon and 5 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

3. Election day for the Village shall be held on Friday, May 24, 2019 between the hours of 12 noon and 9 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

The motion was seconded by Trustee Richard, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

WAIVER OF LAND-USE TRAINING FOR 2018

Trustee Wolf moved the adoption of the following resolutions regarding land-use training for 2018

Resolution Waiving Training Requirement for Members Of the Zoning Board of Appeals

WHEREAS Section 7-712 (7) (A) of the Village Law provides that the members of the Zoning Board of Appeals of the Village of Saltaire are required to take four hours of training on an annual basis, and;

WHEREAS Section 7-712(7-c) of the Village law provides that the Board of Trustees may adopt a resolution which waives the training requirement of Section 7-712(7-a) for members of the Zoning Board of Appeals when the Board of Trustees determines that it is in the best interests of the Village to do so, it is therefore;

RESOLVED that the Board of Trustees hereby determines that it is in the best interests of the Village for the Board of Trustees to adopt this resolution and waive the training requirements of Section 7-712(7-a) of the Village Law, and the Board of Trustees hereby further resolves that the training requirement of Section 7-712(7-c) of the Village Law is hereby waived for the year 2018.

Resolution Waiving Board Member Training Requirements For Members of the Planning Commission and Board of Trustees

WHEREAS Section 7-718(7-A) of the Village Law provides that the members of the Village Planning Commission and the members of the Village Planning Board are required to take four hours of training on an annual basis, and;

WHEREAS Section 7-718(7-c) of the Village law provides that the Board of Trustees may adopt a resolution which waives the training requirement of Section 7-712(7-a) for members of the Village Planning Commission and the Village Planning Board when the Board of Trustees determines that it is in the best interests of the Village to do so, and;

WHEREAS in the Village of Saltaire the Board of Trustees performs the function of the Village Planning Board and the Trustees are therefore subject to the training requirements for a planning board pursuant to Section 7-718 (7-a) of the Village Law, it is therefore;

RESOLVED that the Board of Trustees hereby determines that it is in the best interests of the Village for the Board of Trustees to adopt this resolution and waive the training requirements of Section 7-712(7-a) of the Village Law, and the Board of Trustees hereby further resolves that the training requirement of Section 7-712(7-c) of the Village Law is hereby waived for 2018.

The motion was seconded by Trustee Richard, and on call without objection it was unanimously so approved.

The motion was seconded by Trustee Richard, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

PARAMEDIC SERVICE

Trustee Oppenheimer reported that the Saltaire Volunteer Fire Company has formally requested that the Village include in its budgetary and operational planning for the 2019 summer season the cost and housing for a full time paramedic, similar to the program implemented in 2018, for assistance on emergency medical rescue calls as well as for training and program-building purposes for the volunteer Emergency Medical Technicians of the Fire Company. Chief McDonald was present and expressed the reasoning behind the Company's request. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize the Village Administrator to work with the Fire Company to implement a paramedic program under the same model as the program previously used for the 2018 summer season to be available from approximately June 15 to Labor Day; and further to plan for allocation of costs and housing in the 2019/20 operational budget, the funding for which will be shared between the Village and Fire Company in an arrangement that will be determined prior to the adoption of the Village's budget.

The motion was seconded by Trustee Richard, and the motion was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

AUTHORIZATION FOR DEVELOPMENT OF BOND RESOLUTION FOR CAPITAL PROJECT FUNDING

Mayor Zaccaro presented a digital slide presentation on the capital projects that have been and are still being implemented, and how the non-reimbursed costs of those projects will impact the level of reserves, the overall debt service of the Village and future budgets. The net result of the non-reimbursed costs of the capital projects currently stands at approximately \$5.6M, which Mayor Zaccaro stated might be dramatically reduced if FEMA responds positively to the Village's request for funding of the timber walkway for Lighthouse Promenade. He also stated the budgetary impact of future debt service will be mitigated by the bond for the last beach project coming off of the books, and the flexibility provided by the currently historically high level of reserves. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize Village Administrator Posillico and Village Treasurer Lyudmer to have Village Bond Counsel prepare bond resolutions to fund the full amount of the non-reimbursed costs for consideration at the next scheduled Board meeting, which can be reduced accordingly if additional public assistance funding is approved in the interim.

The motion was seconded by Trustee O'Brien, and the motion was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

PROPANE STORAGE

Mayor Zaccaro stated that he and Trustee O'Brien met with Fire Island Bottled Gas to discuss their request about potential storage of propane tanks on Village property to compensate the their loss of storage elsewhere and to facilitate delivery of propane to Saltaire residents. Mayor Zaccaro stated that he certainly wants to see the continuation of safe and convenient delivery of propane to Saltaire residents, and asked Village Attorney Prokop to look into the legal issues and the Village Administrator to look into the liability issues so the Board can fully consider the request and understand the proper process to undertake such an arrangement.

AUTHORIZATION TO SEEK PERMITS AND CONTRACT FOR 2019 FIREWORKS

Administrator Posillico reported that if the Village wanted to continue with the Fireworks celebration for the summer of 2019, he would need to contract for the program and begin the permitting procedures. He also stated that the SCA had committed to undertake a fund-raising campaign for the cost as they have in the past. After discussion, Trustee O'Brien made a motion to authorize the Village Administrator to expend up to \$19,500 inclusive of fireworks, permitting, barging and insurance cost for a 2019 summer fireworks show, and to be authorized to contract with the selected vendor for the show for a total cost not to exceed \$18,500.

The motion was seconded by Trustee Richard, and the motion was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Richard

In Favor: Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: Trustee Wolf,

Against: None

ADOPTION OF UPDATED ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

After discussion and all having a chance to be heard, Trustee Oppenheimer made a motion to adopt the following anti-discrimination and anti-harassment policy, which will then be included in the Village Employee Handbook and distributed to all departments of the Village over which the Board of Trustees has oversight.

The motion was seconded by Trustee Richard, and the motion was carried according to the following action:

Motion: Trustee Oppenheimer

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

Introduction

The Village of Saltaire 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 of Saltaire commitment to a discrimination-free work environment. Sexual harassment is against the law¹ 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 of Saltaire. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Saltaire 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 of Saltaire. 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 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 of Saltaire will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village of Saltaire 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-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Village Administrator. 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 of Saltaire 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 of Saltaire 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 of Saltaire will keep the investigation confidential to the extent possible. Effective 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 behaviors that violate this policy. The Village of Saltaire will provide all employees 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 Administrator.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

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, military 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.

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:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, 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 of Saltaire 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 a supervisor, manager or the Village Administrator. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Village Administrator.

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 Administrator.

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 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 of Saltaire 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 Administrator 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 of Saltaire but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village of Saltaire 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 of Saltaire 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, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**VILLAGE OF SALTAIRE
COMPLAINT FORM**

*In order to assist the **Village of Saltaire** in investigating your allegations of harassment, discrimination or retaliation in a prompt and thorough fashion, please complete this form to the best of your abilities and with as much detail as you are able. Once completed, please submit this form to a Municipal Compliance Officer identified in Section 11 of the Municipal Policy Against Discrimination and Harassment. If additional space is needed in order to respond to any question below, please attach additional pages as necessary and identify which question corresponds to the information set forth in the additional pages. Any questions regarding this form may be directed to a Municipal Compliance Officer. No individual will be retaliated against for filing a complaint.*

Name of Complainant: _____ Date Submitted: _____

Job Title: _____

Address: _____

Home phone: _____ Cell: _____ Work: _____
(Please circle the number you'd prefer us to call)

Email: _____

Name of Victim (if different than Complainant): _____

Basis of this complaint (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Race/color | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Transgender status |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Genetic predisposition |
| <input type="checkbox"/> Sex/gender | <input type="checkbox"/> Military/veteran status |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Religion/Religious creed |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Domestic violence victim status |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Other/Not Sure |

Notes: _____

POTENTIAL PURCHASE REAL PROPERTY

Mayor Zaccaro stated that the vacant property on Navy Walk between Bay Prom and Harbor Prom that was offered for sale by Suffolk County in October of 2018 was sold above the amount authorized by the Board to purchase for the Village, and that the property was therefore sold to a private owner.

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of October 1, 2018 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Wolf made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien and on call it was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ABSTRACT AUDIT

Mayor Zaccaro stated that the following Abstracts, having been distributed to all in attendance and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 5B in the amount of	\$29,204.95
Capital Fund Checking No. 5B in the amount of	\$203,923.01
General Checking No. 6A in the amount of	\$131,364.35
Capital Fund Checking No. 6A in the amount of	\$12,642.91
Trust & Agency Checking No. 6A in the amount of	\$2,000.00

After discussion and opportunity for questions, Trustee O'Brien made a motion that the above-listed abstracts be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee Oppenheimer, and on call it carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ADJOURN INTO EXECUTIVE SESSION

Trustee O'Brien made a motion that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Wolf and on call it was approved at 8:51 p.m. according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 9:39 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 9:39 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor

Hillary Richard, Deputy Mayor

Frank Wolf, Trustee

Hugh O'Brien, Trustee

Nat Oppenheimer, Trustee

Scott Rosenblum, Counselor to the Board

Joseph W. Prokop, Village Attorney

Donna Lyudmer, Village Treasurer

Mario Posillico, Administrator & Clerk

And 0 other attendees

And 0 observed through internet audio/video connection.

CLOSE OF MEETING AND SCHEDULE OF NEXT MEETINGS

After all having had a chance to be heard, and there being no further business before the Board, Trustee Richard made a motion at 9:40 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- 5:00 p.m. on December 11, 2018, at 1180 Avenue of the Americas, New York.

The motion was seconded by O'Brien and on call it was approved according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None