

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 15, 2020 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Martin, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Tim Cutler, Doug Paddock, Randy & Lucy Rhoads

Supervisor Sisson called the meeting to order with the Pledge to the Flag at 7:00 P.M.

RESOLUTION #80-20

APPROVAL OF MINUTES

On a motion of Councilor Jones, seconded by Councilor Castner, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Resolved that the minutes of the June 17, 2020 meeting be approved as read.

RESOLUTION #81-20

AUDIT OF CLAIMS

On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Resolved that the bills be paid as presented in the following amounts:

General:	\$ 10,531.18
Outside Village	\$ 238.92
Highway DB:	\$ 30,315.83
Sewer:	\$ 57,599.75
Water:	\$217,701.69
Branchport Light	\$ 250.81

June Utilities:

General:	\$ 891.19
Outside Village:	\$ 733.74
Sewer:	\$ 129.29
Water:	\$ 219.41
Trust:	\$23,293.98

RESOLUTION #82-20

SUPERVISOR REPORT

On a motion of Councilor Jones, seconded by Councilor Martin, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of June 2020 be accepted as presented.

PRESENTATION – KEUKA HOUSING COUNCIL LAND ANNEXATION REQUEST

Renee Bloom, Keuka Housing Councilor Executive Director presented a proposal for the Board's consideration to allow Keuka Housing Council to construct a housing development by annexing a parcel into the Village of Penn Yan. The annexation is necessary for zoning purposes and to access Village utilities. A formal letter outlining her request will be submitted to Supervisor Sisson.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Roads in Keuka Park are being prepped for oil and stoning.
- Progressive Insurance denied the claim involving the Highway Department mower.

WATER/SEWER REPORT

- The Keuka Park Tank Painting project is complete. Lines were flushed and the tank is being filled. Larson Design Group has been asked to provide a cost estimate to rehab the remaining water mains in Keuka Park.
- V&B Utilities continues restoration needed on the Keuka Park Water Capital Project.

ASSESSOR

- Report on file.

SUPERVISOR

- Town Court partially reopened.
- The June 2020 Seneca Watershed Intermunicipal (SWIO) June meeting minutes included a report on the Seneca-Keuka 9E Watershed Plan. Data being collecting will be validated in 2021 and a plan finalized in 2022.
- Clean Up Day is cancelled for 2020 due to COVID-19 and concerns to keep our employees safe.
- Councilor Jones will follow up with Lynn Simmons to obtain details on his request to have the Town install "Right To Farm" signs. Town Code Chapter 82. Right to Farm was adopted in 2013.
- Supervisor Sisson stated fiscal concerns moving forward related to staff working unauthorized additional hours. It has been determined that these hours are not pre-approved, nor is the reason documented per policy. Despite the Department Head being put on notice, this has continued. Resolution #81-14

specifically states the Zoning Assessing & Planning Account Clerk Typist hours worked are 1820. During the COVID-19 shut down, while staff were paid their full work-week, time cards included hours beyond regular scheduled hours. Supervisor Sisson stated for the record that the Zoning Assessing & Planning Account Clerk Typist work schedule is 35 hours/week with no extra hours authorized or deemed necessary.

- The possibility of staff working remotely again due to COVID-19 and the need for the Town to move to the digital age was discussed.
- Mandatory training for employees and Board members will be offered through Yates County Skill-Up again this year.

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE

Subcommittee Chair Cutler will schedule a meeting of the Comprehensive Plan Review Subcommittee this month.

Randy Rhoads was introduced to the Board as a new member on the Subcommittee.

RESOLUTION #83-20

AMEND 284 AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS

On a motion of Councilor Jones, seconded by Councilor Stewart, the following was

ADOPTED	Ayes	5	Castner, Jones, Martin, Sisson, Stewart
	Nays	0	

Whereas the Town Board entered in the Agreement for the Expenditure of Highway Moneys pursuant to the provision of Section 284 of the Highway Law on January 15, 2020; and

Whereas Highway Superintendent Hurd desires to include Keuka Park streets in the 2020 permanent improvements by removing improvements to East Bluff Drive and East Bluff Extension; now, therefore, be it

Resolved the Town Board enter into the Highway 284 Agreement as amended.

RESOLUTION #84-20

AMEND MANDATORY SEXUAL HARASSMENT POLICY

On a motion of Councilor Stewart, seconded by Councilor Castner, the following was

ADOPTED	Ayes	5	Castner, Jones, Martin, Sisson, Stewart
	Nays	0	

Resolved that page 7. Of the Sexual Harassment Policy for All Employers in New York State adopted by Resolution #208-18 be amended by adding "(three years beginning Aug. 12, 2020)" in

accordance with the State Human Rights Law and made part of the Employee Handbook. (Exhibit 1)

RESOLUTION #85-20

AUTHORIZE PURCHASE OF SEWER/WATER DEPARTMENT PICK-UP TRUCK

On a motion of Councilor Stewart, seconded by Councilor Martin, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Whereas; the 2016 Ford F-150 is being replaced and will no longer be needed; and,

Whereas; the Sewer/Water Department budgeted for the purchase of a new truck to replace the 2016 Ford F-150; now,

Therefore; be it resolved that the Sewer/Water Department be authorized to purchase pick-up truck from Friendly Ford, Inc., 1077 Routes 5 & 20, Geneva, NY in an amount not to exceed \$31,793.28; and,

Be It Further; that monies for this purchase be taken from the 2020 Sewer/Water appropriation; 70 percent 8340.2 and 30 percent 8120.2

RESOLUTION #86-20

DECLARE 2016 FORD F-150 PICK-UP TRUCK AS SURPLUS

On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Whereas; the 2016 Ford F-150 is being replaced and will no longer be needed; now,

Therefore; be it resolved that the 2016 Ford F-150 Pick-up Truck VIN #1FTFX1EG9GKE50147 be declared as surplus equipment; and, be it further;

Resolved that the Water/Sewer Department be authorized the sale of said F-150 pickup via auction; with the proceeds from this sale be recognized as revenue as stated in the 2020 water and sewer adopted budgets.

RESOLUTION #87-20

AUTHORIZE CONSOLIDATED SITE FOR CARDINAL DISPOSAL

On a motion of Councilor Jones, seconded by Councilor Martin, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart

Nays 0

Whereas Cardinal Disposal proposed to consolidate three areas into a single drop site to become more efficient and economical while continuing to meet the needs of the Jerusalem, Benton and Potter residents; now, therefore, be it

Resolved the Town of Jerusalem authorizes the Town Barns, 2672 Guyanoga Road, Penn Yan to be the centralized location for weekly trash and recycle pick-up. Cardinal will operate every Saturday from 8 am - 12 pm, unless otherwise specified with timely notice.

Concern was noted that during the winter, the dumpsters are currently placed where plowed snow in the parking lot is piled. Supervisor Sisson will send a request to the Yates County Public Works Committee Chair to move the disposal site to the Yates County Highway Barn on Guyanoga Road during the winter months.

PUBLIC COMMENT

Yates County Legislator Doug Paddock presented their operations report:

- Commendation for *The Chronicle Express* editor, Gwen Chamberlain whose position was eliminated by the newspaper's publisher.
- Renewal of the occupancy tax.
- Four positions were filled.
- Implementing a County GIS based public access portal.
- No bond is needed to fund the County portion of the USDA ReConnect Program for the fiber optic build.
- Public hearing scheduled July 27 on a local law to change the full-time elected Treasurer to a part-time position and create a Director of Finance position subject to mandatory referendum.
- Adopted a local law to clarify the Worker's Compensation Law physical examination requirement.
- Current COVID-19 statistics were presented.

With there being no further business, on a motion of Supervisor Sisson, seconded by Councilor Jones, the meeting was adjourned at 8:16 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

Legal Protections And External Remedies

Sexual harassment is not only prohibited by Town of Jerusalem but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Town of Jerusalem, 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 (three years beginning Aug. 12, 2020)** 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 Town of Jerusalem 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.

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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.