

**DRAFT**

CC: Mayor, BoT, Atty

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **October 17, 2018** at 7:30pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustee	-	Steven Cohen
		-	Matthew Kepke
		-	Michael Malatino
		-	Sherman Scheff
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Court Reporter	-	Jennifer Devlin

1. Public Hearing – No Stopping or Standing on a portion of Sandy Court

Mayor Weitzner opened the public hearing, duly advertised in the October 5, 2018 *Port Washington Times*, to consider prohibiting the stopping and standing of vehicles on a portion of Sandy Court. All those present wishing to speak having been heard, the Mayor closed the public hearing. On motion of Trustee Scheff, seconded by Trustee Cohen, it was

RESOLVED that the stopping and standing of vehicles on the north side of Sandy Court, from a point commencing at the corner of Soundview Drive and continuing to a point 52 feet west of Soundview Drive, is hereby prohibited.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Malatino-aye, Trustee Scheff-aye, Mayor Weitzner-aye. Motion carried.

2. Clerk

A. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously

RESOLVED that the reading of the minutes of the meetings of the Board of Trustees of August 15 and August 30, 2018 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. On motion of Trustee Kepke, seconded by Trustee Malatino it was RESOLVED that the annual general Village election shall be held on March 19, 2019; and it is further

RESOLVED that the Board of Trustees designates the following offices as vacant at the end of the current official year, to be filled at the Village Election to be held on March 19, 2019 for the following terms:

Mayor	- Two Years
Trustee	- Two Years
Trustee	- Two Years

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Malatino-aye, Trustee Scheff-aye, Mayor Weitzner-aye. Motion carried.

3. Treasurer

A. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously

RESOLVED that the reading of the Abstracts of Vouchers for the General Fund #202, totalling \$56,805.37, and Trust & Agency #148, totalling \$4,187.50, be waived and that it be and hereby is approved as prepared by Treasurer Bella.

B. Trustee Scheff stated that he reviewed the bank statement reconciliations for August and September 2018.

#### 4. Reports

##### A. Public Works

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that the Public Works report for the September 2018 be and hereby is accepted as submitted by Superintendent Novinski.

##### B. Building Department

1. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Building Department reports for September 2018 be and hereby are accepted as submitted by Inspector Barbach and Deputy Inspector Lauria.

2. Sign Application: Soundview Service Center, 99 Shore Road

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that Sign Permit Application PA2017-79, submitted by 99 Shore Road LLC, 100 Jericho Quadrangle, Jericho, New York, for a non-illuminated 31.5-inch high by 12.25-foot long by 6-inch deep wall/store front advertising sign at Soundview Service Center, 99 Shore Road, Port Washington, New York (premises designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 7 & 15A), be and hereby is approved in accordance with the application and rendering received on April 26, 2017.

3. Sign Application: Bott's Service Center, 80 Old Shore Road

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that Sign Permit Application PA2017-81, submitted by Bill Wolf Petroleum Corp., 100 Jericho Quadrangle, Jericho, New York, for a non-illuminated 4.5-foot high by 40-inch long by 6-inch deep wall/store front advertising sign at Bott's Service Center, 80 Old Shore Road, Port Washington, New York (premises designated on the Nassau County Land & Tax Map as Section 4, Block N-2, Lot 412), be and hereby is approved in accordance with the application and rendering received on April 26, 2017.

##### C. Emergency Management & Traffic Safety

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Emergency Management and Traffic Safety reports for the month of September 2018 be and hereby are approved as presented by Commissioner Kaplan.

##### D. Beautification

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Beautification Commission report for the month of September 2018 be and hereby is approved as presented by Howard Roth.

##### E. Justice Court

The Board accepted the Justice Court report for the month of August 2018.

#### 5. Business

##### A. Sexual Harassment Policy

On motion of Trustee Scheff, seconded by Trustee Cohen, it was RESOLVED that the following policy is adopted nunc pro tunc, effective October 9, 2018:

## Sexual Harassment Policy

The Village of Port Washington North (the “Village”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Village has a zero-tolerance policy for any form of sexual harassment, and 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. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Village, or with a government agency or in court under federal, state or local antidiscrimination laws.

### Policy:

The Village of Port Washington North policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Village.

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, up to and including termination.

Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment 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 Port Washington North has a zero-tolerance policy for such retaliation against anyone who, in good faith complains 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. Any employee, paid or unpaid intern, or non-employee<sup>1</sup> working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, Mayor or Village Clerk. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Village of Port Washington North to liability for harm to victims 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 knowingly allow such behavior to continue, will be penalized for such misconduct.

The Village will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. 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.

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

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<sup>1</sup> 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.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the Mayor or Village Clerk.

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 posted prominently in all work locations and 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, 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 complaining individual is not the intended target of the sexual harassment;

A sexually harassing hostile work environment consists of 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 complain 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 assaults of a sexual nature, such as:

Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ 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 victim’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, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.

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. A perpetrator of sexual harassment 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 Village 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 or not during work hours.

#### What is "Retaliation"?

Unlawful retaliation can be any action that would keep 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.

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:

- Filed 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;
- Complained that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

#### Reporting Sexual Harassment

**Preventing sexual harassment is everyone's responsibility.** The Village of Port Washington North 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, Mayor or Village Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, Mayor or Village Clerk.

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 victim 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 Mayor or Village Clerk

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 suspected 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, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process 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. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

Upon receipt of complaint, the Mayor or Village Clerk will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.

If documents, emails or phone records are relevant to the allegations, 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 final resolution of the complaint, together with any corrective actions action(s).

Keep the written documentation and associated documents in the employer's records.

Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.

Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Village of Port Washington North 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 **at any time**.

#### New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 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 discrimination. 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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination 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 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, (718) 741-8400 [appropriate other contact info], [www.dhr.ny.gov](http://www.dhr.ny.gov)

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

#### United States Equal Employment Opportunity Commission (EEOC)

The 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.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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](http://www.nyc.gov/html/cchr/html/home/home.shtml)

Contact the Local Police Department

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

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke- aye, Trustee Malatino- aye, Trustee Scheff- aye, Mayor Weitzner- aye. Motion carried.

B. Bay Walk Park – Gazebo & Clock

1. Clerk Torrissi stated that written price quotes were received for a gazebo for Thomas J. Pellegrino Park (within the Bay Walk), as follows:

Country Lane Gazebos	\$16,633.00
Fifthroom.com	17,664.00
Kimba Industries	13,880.80

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Board of Trustees hereby authorizes the purchase of one 16-foot octagon Vinyl Gazebo, with cupola and electrical, from Kimba Industries at a cost not to exceed \$13,880.80, as more particularly set forth in written proposal ki-233-p, dated 10/15/2018.

2. Clerk Torrissi stated that written price quotes were received for an electric time clock for Thomas J. Pellegrino Park (within the Bay Walk), as follows:

East Bay Clock & Light Company	\$10,340.00
Electric Time Company Inc.	12,352.00
The Verdin Company	16,180.00

On motion of Trustee Cohen, seconded by Trustee Malatino, the following resolution was unanimously adopted:

WHEREAS, the East Bay Clock & Light Company proposal for an electric time clock is the lowest price; and

WHEREAS, it is the opinion of the Board of Trustees that the features of the proposed East Bay Clock are not compatible with the design of Thomas J. Pellegrino Park and that the features of the Electric Time Company clock are compatible with the park's design;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby authorizes the purchase of one Complete Small Two-Dial E. Howard Post Clock Replica from Electric Time Company Inc., as more particularly set forth in a written quotation dated October 12, 2018, at a cost not to exceed \$12,352.00.

C. 101 Winner's Circle – West Rac Contracting Facility Use Concept

Parvis Farahzad, owner of 101 Winner's Circle (premises designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 18, 20, 23, 24, 43 & 50) and developer Gary Krupnick, President/CEO of West Rac Contracting Corp., proposed a film and sound studio use of the facility to the Board of Trustees.

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:45 p.m.

Palma Torrissi, Village Clerk