# AGENDA REGULAR MEETING OF THE MECHANICVILLE CITY COUNCIL SENIOR CITIZEN'S CENTER 178 NORTH MAIN STREET MECHANICVILLE, NY October 9, 2019

| 1. | OPEN MEETING:                           | P.M.  |
|----|---|---|
| 2. | ROLL CALL:                              |   |
|    | MAYOR BAKER                             |   |
|    | COMMISSIONER DUNN                       |   |
|    | COMMISSIONER GILHEANY                   |   |
|    | COMMISSIONER GOTTI COMMISSIONER MCGUIRE |   |
|    | COMMISSIONER MICGOIRE                   |   |
| 3. | PLEDGE OF ALLEGIANCE                    |   |
| 4. | ACCEPTANCE OF THE MINUTES O             | F THE PREVIOUS MEETING ON September 4, 2019 |
|    | MOVED BY:                               | SECONDED BY:                                |
|    | AYES:                                   | NAYS:                                       |
|    | COMMISSIONER REPORTS:                   |   |
|    | MAYOR'S REPORT & CORRES                 | SPONDENCE                                   |
|    | COMMISSIONER DUNN                       |   |
|    | COMMISSIONER GILHEANY                   | SUPERVISOR RICHARDSON                       |
|    | COMMISSIONER GOTTI                      | MPD ACTING CHIEF RABBITT                    |
|    | COMMISSIONER MCGUIRE                    | MFD CHIEF DUNN                              |

5. Public Comment:

6. RESOLUTIONS:

# **RESOLUTION 81-19 Michael Cefferillo Resignation**

| Moved by:  | Seconded by:                        |
|--|-------------------------------------|
| AYES:  | Seconded by:<br>NAYS:               |
| RESOLUTION 82-19 Carl Vredenburg Cleaner                 |                                     |
| Moved by:  | Seconded by:<br>NAYS:               |
| AYES:  | NAYS:                               |
| RESOLUTION 83-19 Anthony Accetta Mechar<br>Commissioners | nicville Housing Authority Board of |
| Moved by:  | Seconded by:                        |
| AYES:  |                                     |
| RESOLUTION 84-19 Zoning and Planning Boa                 | rd of Appeals Members               |
| Moved by:  | Seconded by:                        |
| AYES:  |                                     |
| RESOLUTION 85-19 Train Station                           |                                     |
| Moved by:  | Seconded by:                        |
| AYES:  | NAYS:                               |
| RESOLUTION 86-19 Chief Elected Official Aut              | horize Signature                    |
| Moved by:  | Seconded by:                        |
| AYES:  | NAYS:                               |
| RESOLUTION 87-19 Jeffrey N. Bagnoli City Co              | urt Judge                           |
| Moved by:  | Seconded by:                        |
|  | NAYS:                               |
| RESOLUTION 88-19 County Board of Supervis                | ors Additional Landfill Profit      |
| Moved by:  | Seconded by:                        |
| AYES:  | NAYS:                               |

# **RESOLUTION 89-19 Frank Schaeffer Part-Time Officer**

| Moved by:                                 | Seconded by:          |
|---|-----------------------|
| AYES:                                     | Seconded by:<br>NAYS: |
| RESOLUTION 90-19 Payroll and Vouchers     |                       |
| Moved by:                                 | Seconded by:          |
| AYES:                                     | Seconded by:<br>NAYS: |
| RESOLUTION 91-19 Sexual Harassment Policy |                       |
| Moved by:                                 | Seconded by:          |
| AYES:                                     | Seconded by:<br>NAYS: |
| RESOLUTION 92-19 Re-appoint City Assessor |                       |
| Moved by:                                 | Seconded by:          |
| Moved by:<br>AYES:                        | NAYS:                 |
|   |                       |
| -   |                       |
| 7. NEW BUSINESS:                          |                       |
| 8. OLD BUSINESS:                          |                       |
| 9. CLOSE MEETING: Time                    |                       |
| Moved by:                                 | Seconded by:          |
| Roll Call AYES                            | NAYS:                 |
| 10. EXECUTIVE SESSION: Time               |                       |
| Moved by:                                 | Seconded by:          |
| Roll Call AYES                            | NAYS:                 |
| 11. ADJOURNMENT: Time                     | •                     |
| INTRODUCED BY:                            |                       |
| SECONDED BY:                              |                       |
| Roll Call AYES                            |                       |

**RESOLUTION: 81-19** 

**WHEREAS**, Michael Cefferillo has resigned his position as part-time cleaner;

**WHEREAS**, Mike has been a cleaner with the City since June of 1997 and the City Council would like to thank him for his outstanding dedication and service to the City of Mechanicville;

**THEREFORE BE IT RESOLVED**, that the Mechanicville City Council accepts the resignation of Michael Cefferillo as of August 22, 2019.

| INTRODUCED B | BY:            |       |  |
|--------------|----------------|-------|--|
| SECONDED BY: |                |       |  |
| ROLL CALL:   | Mayor Baker    | <br>- |  |
|              | Comm. Dunn     | <br>- |  |
|              | Comm. Gilheany | <br>- |  |
|              | Comm. Gotti    | -     |  |
|              | Comm. McGuire  |       |  |

Records RESOLUTION: 82-19

WHEREAS, The City is in need of a part - time cleaner; and

**WHEREAS**, Carl Vredenburg is qualified and is willing to start immediately; NOW

**THEREFORE BE IT RESOLVED**, that the Mayor is authorized to hire Carl Vredenburg as a part-time cleaner at the City Hall, at \$15.00 an hour, not to exceed more than 20 hours per week, effective September 16, 2019.

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October 9, 2019

Records
RESOLUTION: 83-19

**WHEREAS**, The Five year term of Anthony Accetta on the Mechanicville Housing Authority Board of Commissioners expires on September 30, 2019; and

**THEREFORE BE IT RESOLVED**, that the Mayor is authorized to appoint Anthony Accetta to the Mechanicville Housing Authority Board of Commissioners effective September 30, 2019 and lasting until September 29, 2024.

| INTRODUCED BY:        |   |
|-----------------------|---|
|                       |   |
| SECONDED BY:          |   |
|                       |   |
| MAYOR BAKER           |   |
| COMMISSIONER DUNN     |   |
| COMMISSIONER GILHEANY |   |
| COMMISSIONER GOTTI    | *************************************** |
| COMMISSIONER MCGUIRE  |   |
|                       |   |

**OCTOBER 9, 2019** 

Records
RESOLUTION: 84-19

WHEREAS, the terms of six (6) members of the City of Mechanicville Zoning and Planning Board of Appeals have expired; and

THEREFORE BE IT RESOLVED, that the Mayor is authorized to reappoint Saverio Carabis to a one (1) year term expiring October 8, 2020; Robert Chase to a one (1) year term expiring May 31, 2020; Richard Delaney to a one (1) year term expiring June 8, 2020; Raymond Martin to a one (1) year term expiring May 16, 2020; Keith Johnson to a two (2) year term expiring June 24, 2021; and Edward Morcone to a two (2) year term expiring June 15, 2021 to the City of Mechanicville Zoning and Planning Board of Appeals.

| INTRODUCED BY:        |      |
|-----------------------|------|
|                       |      |
|                       |      |
| SECONDED BY:          |      |
|                       |      |
|                       |      |
| MAYOR BAKER           | **** |
| COMMISSIONER DUNN     |      |
| COMMISSIONER DOMN     |      |
| COMMISSIONER GILHEANY |      |
|                       | •    |
| COMMISSIONER GOTTI    |      |
| COMMISSIONER MCGUIRE  |      |
|                       |      |

**OCTOBER 9, 2019** 

#### Resolution No.: 85-19

WHEREAS, the City of Mechanicville has received funding from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") and the Dormitory Authority of the State of New York (DASNY) for the preservation and rehabilitation of the historic Mechanicville Train Station; and

WHEREAS, Resolution No. 82-18 authorized the Mayor to execute a contract with A. J. Catalfamo Construction Company, Inc. for Contracts No. 1 and 2 for selective removals and selective roof repairs on the Mechanicville Train Station Preservation Project, Phase 1; and

WHEREAS, during the selective roof repairs, an existing structural beam was found to be in poor condition, partially rotten and sagging, and required replacement; and

WHEREAS, the cost of replacing the existing beam was \$1,368.59; and

**WHEREAS,** the cost of the replacement beam will be fully covered by the grants from OPRHP and DASNY.

**RESOLVED,** that the Mayor is hereby authorized and directed to execute Change Order No. 2 for the Mechanicville Train Station Preservation Project, Phase 1 for the replacement of an existing beam at a cost of \$1,368.59 which will be covered by grant funds.

| Introduced By:               |  |  |
|------------------------------|--|--|
| Seconded By:                 |  |  |
|                              |  |  |
| Roll Call:                   |  |  |
| Mayor Dennis Baker           | -  |  |
| Commissioner Kimberly Dunn   | an-an-an-an-an-an-an-an-an-an-an-an-an-a |  |
| Commissioner Jodie Gilheany  |  |  |
| Commissioner Anthony Gotti   |  |  |
| Commissioner Barbara McGuire |  |  |

#### RESOLUTION NO.: 86-19

WHEREAS THE CITY OF MECHANICVILLE (the "City") is proposing the CDBG Water System Improvements Project to replace water mains in Mechanicville, New York (the "Project"); and

WHEREAS The Project requires that an individual be duly authorized by the City to sign applicable documents related to the Project that include, but may not be limited to, the following: funding agencies, SEQRA review, agencies having jurisdiction of applicable permits, engineering design services and construction activities;

IT IS HERBY RESOLVED, that the City of Mechanicville City Council hereby authorizes the City Mayor, as the Chief Elected Official, to the be signatory authority for documents related to this Project;

| Introduced By:               |                         |
|------------------------------|-------------------------|
| Seconded By:                 |                         |
|                              |                         |
| Roll Call:                   |                         |
| Mayor Dennis Baker           |                         |
| Commissioner Kimberly Dunn   |                         |
| Commissioner Jodie Gilheany  |                         |
| Commissioner Anthony Gotti   |                         |
| Commissioner Barbara McGuire | MANAGEMENT COMMANDAMENT |

#### RESOLUTION NO.: 87-19

WHEREAS, John H. Ciulla, Jr., was appointed as City Court Judge on January 1, 2014 to assist City Court Judge Joseph Sheehan; and

WHEREAS, John H. Ciulla is retiring from this position on December 31, 2019; and

WHEREAS, the City of Mechanicville is desirous to appoint Jeffrey N. Bagnoli Esq. to replace Judge Ciulla;

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to appoint Jeffrey N. Bagnoli, Esq. to a period of six years commencing on January 1, 2020

| Introduced By:               |  |
|------------------------------|--|
| Seconded By:                 |  |
| Roll Call:                   |  |
| Mayor Dennis Baker           |  |
| Commissioner Kimberly Dunn   |  |
| Commissioner Jodie Gilheany  |  |
| Commissioner Anthony Gotti   |  |
| Commissioner Barbara McGuire |  |

**RESOLUTION: 88-19** 

WHEREAS, the County of Saratoga Board of Supervisors had landfill monies available; and

WHEREAS, the County of Saratoga Board of Supervisors adopted a resolution that detailed the sharing of half of the landfill profits received based on a formula including population and property assessments to each Saratoga County Supervisor; and

WHEREAS, Supervisor Richardson received a check for \$30,778.68; and

**WHEREAS**, the purpose of these funds is to provide each Supervisor with additional monies to plan and carryout special projects that fulfill specific needs in their individual communities; and

THEREFORE BE IT RESOLVED, that the City Council authorizes Supervisor Richardson to spend the \$30,778.68 received from the County on the following projects: Crushed Stone for the floor in the Train Station totaling \$6000; South Main Street Playground bathrooms and pavilion totaling \$3600; landscaping at the Tallmadge Park gazebo costing \$4500; landscaping at John Denier Park totaling \$700; landscaper pavers on the Saratoga Avenue overpass triangle totaling \$5700; cement work on the Saratoga Avenue overpass triangle \$4200; two (2) maps of the City of Mechanicville to be put on the bathhouse at the dock and on the billboard located on the dock totaling \$2000; and expansion enhancement on the Veteran's Memorial totaling \$3000.

| INTRODUCED BY:      |     |   |                                       |  |
|---------------------|-----|---|---------------------------------------|--|
|                     |     |   |                                       |  |
| SECONDED BY:        |     |   | · · · · · · · · · · · · · · · · · · · |  |
|                     |     |   |                                       |  |
| MAYOR BAKER         |     |   |                                       |  |
| COMMISSIONER DUNN   |     |   |                                       |  |
| COMMISSIONER GILHEA | ANY | West state of the |                                       |  |
| COMMISSIONER GOTTI  |     | ***************************************   |                                       |  |
| COMMISSIONER MCGU   | IRE |   |                                       |  |
| OCTORER 0 2010      |     |   |                                       |  |

RESOLUTION: 89-19

WHEREAS, The Police Department is in need of a part-time police officer; and

WHEREAS, Frank Schaeffer is entering the final phase of his academy training and has experience in this field and is willing to start immediately; NOW

**THEREFORE BE IT RESOLVED**, that the Mayor is authorized to hire Frank Schaeffer as a part-time police officer, at \$19.71 an hour, effective November 12, 2019.

| Introd | luced By:                    | *************************************** |
|--------|------------------------------|---|
| Secon  | ded By:                      |   |
| Roll ( | 7a11.                        |   |
| Kon C  | an.                          |   |
| ,      | Mayor Dennis Baker           |   |
|        | Commissioner Kimberly Dunn   |   |
|        | Commissioner Jodie Gilheany  |   |
|        | Commissioner Anthony Gotti   |   |
|        | Commissioner Barbara McGuire |   |

## **RESOLUTION NO. 90-19**

Whereas: Payroll, General, Water, Sewer and Capital Project Fund Vouchers Contained Within

ABSTRACT

| With an expenditure breakdown by fund as follows:  GENERAL A0 FUND WATER FX FUND SEWER G0 FUND SEWER G0 FUND CAPITAL PROJECTS H0 FUND PAYROLL TA FUND \$ 155,194   | F            | PAYROLL #<br>PAYROLL #<br>PAYROLL # | 36-19<br>38-19<br>40-19  | 9/05/19<br>9/08/19<br>10/3/19 | l   |           | \$<br>\$<br>\$ | 75,914.40<br>79,280.12<br>75,362.23                            |
|--|--------------|-------------------------------------|--------------------------|-------------------------------|---|-----------|----------------|--|
| GENERAL A0 FUND WATER FX FUND SEWER G0 FUND SEWER G0 FUND SEWER G0 FUND SEWER G0 FUND TOTAL  Now, therefore be it resolved that said payroll and vouchers are hereby allowed norder to be paid.  Roll Call:  Roll Call:  Mayor Baker Comm. Dunn Comm. Gilheany Comm. Gotti Comm. McGuire   |              |                                     |                          |                               |   |           | \$             | 155,194.52   |
| WATER FX FUND SEWER G0 FUND SE | Nith an expe | nditure break                       | down by                  | fund as                       | follows:  |           |                |  |
| Now, therefore be it resolved that said payroll and vouchers are hereby allowen order to be paid.  Introduced by:  Seconded by:  Roll Call:  Mayor Baker Comm. Dunn Comm. Gilheany Comm. Gotti Comm. McGuire   | CAPITAL      | WATER FX<br>SEWER G0<br>PROJECTS H0 | FUND<br>FUND<br>FUND     |                               |   |           | \$<br>\$       | 390,120.20<br>86,047.97<br>77,701.98<br>4,116.62<br>155,194.52 |
| Now, therefore be it resolved that said payroll and vouchers are hereby allowen order to be paid.  Introduced by:  Seconded by:  Roll Call:  Mayor Baker  Comm. Dunn  Comm. Gilheany  Comm. Gotti  Comm. McGuire   |              |                                     |                          |                               | TOTAL   |           |                | 713,181.29   |
| Roll Call:  Mayor Baker  Comm. Dunn  Comm. Gilheany  Comm. Gotti  Comm. McGuire  |              |                                     |                          |                               |   |           |                |  |
| Comm. Dunn Comm. Gilheany Comm. Gotti Comm. McGuire  |              | paid.                               |                          |                               | oll and vou   | chers are | e he           | reby allowed   |
| Dated: October 9, 2019   |              | e paid.<br>Intr                     | oduced by:               |                               | oll and vou   | chers are | e he           | reby allowed   |
|  |              | e paid.<br>Intr                     | oduced by:<br>conded by: |                               | Mayor Baker<br>Comm. Dunr<br>Comm. Gilhe<br>Comm. Gotti | n<br>eany | e he           | reby allowed   |

# RESOLUTION #91–19

**WHEREAS**, on April 12, 2018, Governor Cuomo signed into law the New York State Budget Bill for Fiscal Year 2019 (the "2019 Budget Act") which enacts several key legislative initiatives that address sexual harassment in the workplace.

**WHEREAS**, this NYS Sexual Harassment Law requires every employer in New York State to establish a sexual harassment prevention policy;

**WHEREAS**, this policy will apply to any and all City of Mechanicville employees, non-employees, vendors, customers, visitors, etc.

**NOW THEREFORE BE IT RESOLVED** that the City Council is adopting the attached Policy which is effective immediately.

| INTRODUCED BY:        |  |
|-----------------------|--|
|                       |  |
| SECONDED BY:          |  |
|                       |  |
| MAYOR BAKER           |  |
| COMMISSIONER DUNN     |  |
| COMMISSIONER GILHEANY |  |
| COMMISSIONER GOTTI    |  |
| COMMISSIONER MCGUIRE  |  |
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**OCTOBER 9, 2019** 

# **CITY OF MECHANICVILLE ANTI-HARASSMENT POLICY**

## **ALL UNLAWFUL HARASSMENT PROHIBITED**

The City of Mechanicville (hereinafter referred to as the "CITY") strictly <u>PROHIBITS</u> and does <u>NOT</u> tolerate unlawful harassment against employees or any other covered persons [including interns] because of race, religion, creed, national origin, ancestry, sex (including pregnancy), gender (including gender nonconformity and status as a transgender or transsexual individual), age (18 and over), physical or mental disability, citizenship, genetic information, past, current or prospective service in the uniformed services, marital status or any other characteristic protected under applicable federal, state or local law.

#### **SEXUAL HARASSMENT**

All City employees, other workers and representatives (including customers and visitors) are prohibited from harassing employees and other covered persons based on that individual's sex or gender (including pregnancy and status as a transgender or transsexual individual) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to the advance, request or conduct is made either explicitly or implicitly a term or condition of employment.
- Submission to or rejection of the advance, request or conduct is used as a basis for employment decisions.
- Such advances, requests or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile or offensive work environment.

The City will **NOT** tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances or requests for sexual favors).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).

This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated. Harassment is prohibited both at the workplace and at employer-sponsored events.

#### OTHER TYPES OF HARASSMENT

The City's anti-harassment policy applies equally to harassment based on an employee's race, religion, creed, national origin, ancestry, age (40 and over), physical or mental disability, citizenship, genetic information, past, present or prospective service in the uniformed services, marital status or any other characteristic protected under applicable federal, state or local law.

Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- Verbal (for example, epithets, derogatory statements, slurs, derogatory comments or jokes).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying derogatory posters, cartoons, drawings or making derogatory gestures).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated. Harassment is prohibited both at the workplace and at employer-sponsored events.

# **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 Commissioner of Accounts.

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.

## WHEN TO REPORT A VIOLATION

Preventing sexual harassment is everyone's responsibility. The City cannot prevent or remedy sexual harassment unless we know about it.

If you are subjected to any conduct that you believe violates this policy, you are encouraged to report any harassment or behaviors to your direct supervisor or, if the conduct involves your direct supervisor, the next level above your direct supervisor, ideally within ten (10) days of the offending conduct. Reporting the violation constitutes filing a complaint under this policy, which complaint will be handled pursuant to the following section titled "Complaint Procedure".

Additionally, any manager or supervisor who observes conduct in violation of this policy must report the conduct to the Commissioner of Accounts so that an investigation can be made and corrective action taken, if appropriate.

#### **COMPLAINT PROCEDURE**

Please see the preceding section title "When to Report a Violation" to determine when a violation should be reported.

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.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The City will directly and thoroughly investigate complaints of harassment and will take prompt corrective action, including verbal and written warnings, reprimand, suspension or possible termination of employment. The City reserves the right to contact law enforcement, if appropriate.

The alleged harassment investigation will be handled by the Commissioner of Accounts in a confidential manner, to protect the privacy of the individuals involved.

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

- Upon receipt of complaint, the Commissioner of Accounts 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 the 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.

If you have not received a satisfactory response to your complaint within five (5) days after reporting any incident of what you perceive to be a violation of this policy, please immediately contact the Mayor or other Commissioners.

#### **NO RETALIATION**

No one will be subject to, and the City prohibits, any form of discipline, reprisal, intimidation or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim or cooperating in related investigations.

The City is committed to enforcing this policy against all forms of harassment. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report harassing conduct, the City may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

#### **VIOLATIONS OF THIS POLICY**

Any employee, regardless of position or title, whom the Commissioner of Accounts determines has subjected an individual to harassment or retaliation in violation of this policy, will be subject to discipline, up to and including termination of employment. If upon completion of the investigation it is determined that there was no harassment or violation of this policy, then the employee making the claim will be informed. If the individual who asserted the claim of harassment is found to have falsely accused another individual, then that person will be subject to appropriate sanctions, including termination.

#### **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

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

Aside from the internal process at the City, 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 City 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: <a href="https://www.dhr.ny.gov">www.dhr.ny.gov</a>.

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 antidiscrimination 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 MECHANICVILLE POLICE DEPARTMENT

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Mechanicville Police Department at (518) 664-7383.

# RESOLUTION #92–19

WHEREAS, Real Property Tax Law Section 310 establishes the term of appointment for the Assessor to be six (6) years; and

**WHEREAS**, the City Assessor position is a part-time, hourly position and is NOT paid for holidays, sick, personal or vacation time and has no other benefits (health insurance, etc.); and

WHEREAS, the City Assessor is expected to work a maximum of 9 hours per week at a rate of \$33.77 per hour plus two (2) days for grievances and any additional time must be approved by the City Council;

**NOW THEREFORE BE IT RESOLVED** that the Mechanicville City Council hereby reappoints Rachael Holbrook as City Assessor for a 6-year term effective October 1, 2019 through September 30, 2025.

| INTRODUCED BY:        |  |
|-----------------------|--|
| SECONDED BY:          |  |
| MAYOR BAKER           |  |
| COMMISSIONER DUNN     |  |
| COMMISSIONER GILHEANY |  |
| COMMISSIONER GOTTI    |  |
| COMMISSIONER MCGUIRE  |  |

**OCTOBER 9, 2019**