



TOWN OF WASHINGTON
TOWN BOARD
AGENDA
April 20, 2023

Supervisor Gary Ciferri:

- Pledge of Allegiance

Councilman Joseph Rochfort:

- Town of Washington Hospitality Evaluation Report Comprehensive Plan Addendum
- Adopt SEQR: Parts 2 and 3 with assistance from consultant Nan Stoltzenburg
- Resolution to adopt Comprehensive Plan Update

The following resolution is offered by Councilperson _____ and seconded by Councilperson who moved its adoption:

RESOLUTION FOR ADOPTION

2023 TOWN OF WASHINGTON COMPREHENSIVE PLAN UPDATE

WHEREAS, the Comprehensive Plan is a living document developed to help guide Town decision making policy; and

WHEREAS, a Comprehensive Plan is not intended to be static; and

WHEREAS, Pursuant to New York State Town Law Section 272 – a, which authorizes a Town to develop a comprehensive plan, and that such plans should be updated to remain relevant and current; and

WHEREAS, several issues have arisen in the Town of Washington related to hospitality land uses that the Town Board needed evaluated; and

WHEREAS, the Town Board appointed a Comprehensive Plan Review Committee (CPRC) and charged them with evaluating the 2015 Comprehensive Plan and making recommendations as needed; and

WHEREAS, the specific tasks the CPRC was charged with were:

- Whether the 2015 Town of Washington Comprehensive Plan should be amended to include and permit expansion of hospitality that aligns with the historic rural character of the Town of Washington; and
- If it is determined that the 2015 Comprehensive Plan should be amended: (1) to assist the CPRC in formulating recommendations to the Town Board for specific changes to the Comprehensive Plan; and (2) draft proposed amendment(s) to the 2015 Comprehensive Plan to hand up to the Town Board; and

WHEREAS, the committee retained a team of consultants (“consulting team”) led by Nan Stolzenburg of Community Planning & Environmental Associates, with assistance from James Staudt—a land use attorney—to assist them with their evaluation; and

WHEREAS, the CPRC conducted extensive community outreach to understand public views about hospitality uses in Washington, conducted mapping, map analysis, and economic studies, and developed a final report that was submitted to the Town Board for their consideration In July 2022; and

WHEREAS, this Updated Comprehensive Plan incorporates in full the work of the CPRC and its report. Appendix C (of this Plan) includes all data, maps, evaluation, discussion and recommendations of the Hospitality Evaluation Report and shall be considered part of this Plan update; and

WHEREAS, the Town Board held a Public Hearing on the Updated Comprehensive Plan in February, 2023 and heard testimony from concerned citizens; and

WHEREAS, Dutchess County Department of Planning and Development reviewed the proposed Updated Comprehensive Plan and offered several recommendations and observations; and

WHEREAS, the Town of Washington has adopted Parts 2 and 3 under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Washington does hereby adopt the 2023 Town of Washington Comprehensive Plan Updated, dated April 20, 2023; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town of Washington Comprehensive Plan document is hereby incorporated in its entirety into this Updated Comprehensive Plan; and

NOW, THEREFORE BE IT FURTHER RESOLVED that based upon input from Dutchess County Department of Planning and Development Page 4, First Paragraph will be edited to add the following sentence: "All maps included in the Hospitality Study Addenda and included in this Update are new and updated as of July 2022 and are included for reference. All original maps from the 2015 Plan also remain as part of the full Comprehensive Plan."; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that as a first step in implementation of this Update, which includes the 2015 Plan and the Hospitality Study Addendum, the Town shall develop an implementation chart to guide the process. This chart shall identify the actions to be taken, list their priority, offer targeted time frames, and suggest entities that can assist the Town in implementing these recommendations; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town will continue to collaborate with the Village of Millbrook as needed during implementation activities.

Roll call:

Supervisor Ciferri:

Councilman Audia: Absent

Councilman Murphy:

Councilman Rochfort:

Councilwoman Heaney:

Supervisor Ciferri:

- Request a motion to Open Public Hearing for Local Law ____ of 2023: A local law which would allow members of public bodies to participate in public meetings by videoconferencing technology.
 - It is recommended that the Town Board wait until the May 11, 2023 Town Board meeting to adopt this local law, as the policies to accompany the Local Law should be established.

- Discussion: Request by Douglas Giles for a waiver of fees for an agricultural building
- Schedule a special meeting to discuss proposed Zoning amendments or Local Law changes by Planning Board, CAC, Consultants and Assessor
- Discussion: Payment in Lieu of Taxes - Not for Profit entities that have recently received tax exemptions

Recreation Director Danielle Szalewicz:

- Appoint the following individuals to Summer Positions:
 Kathleen Meyer – Health Director \$25.00 per hour
 Karina Antonio– Director of Pre K to 1st grade \$18.00 per hour
 Claire Martel – Waterfront Director and Swim Lesson \$TBD
 Jennifer Strang – Arts and Crafts Director \$16.00
 Taylor Redl – Camp Director \$23.00 per hour
- Approve a discount of 15% off of Summer Camp rate for a family registering three or more siblings. Discount is off the 3rd + child.
- The Town has been awarded a Community Development Block Grant (CDBG) in the amount of \$100,000.00 for expanded Senior Citizen Services
- Authorize the Recreation Director to seek bids for an Engineer to prepare the plans and bid specifications for the CDBG project.
- Councilwoman Heaney
 - Fundraising for Recreation

Building Inspector James Finley:

- Monthly Report

Highway Superintendent Joseph Spagnola:

- Monthly Report
- Discussion – Proposed Local Law on Timber Harvesting (Attached) Review further or schedule public hearing?

Assessor Lisa Evangelista:

- Monthly Report
- Grievance day this year is on May 23, 2023, from 2 to 4pm and 6 to 8pm at town hall

Bookkeeper Lois Petrone:

- Monthly Report
- Request a motion to accept the following Budget Amendments:

2022 Budget Amendments for Board Meeting - 4-20-23

Account	Description	Amount
A.0000.2709	Employee Contributions - Revenue	11,665.59
A.9060.0800	Health & Dental	11,665.59
DB.0000.2709	Employee Contributions - Revenue	792.32
DB.9060.0800	Health & Dental	792.32

Town Clerk Mary Alex:

- Tax Collection Report
 - 41 days left for tax payments
 - March collection payments to the Town have been made for penalty fees and bank interest \$4,638.10
 - March collection payments to Dutchess County: \$3,389,966.92
- Per a new law adopted by New York State, people may now obtain a one-day marriage officiant license from the Town Clerk’s Office for a fee of \$25.00. The officiant license is specific to a particular couple and their wedding date.
- Completed Insurance Renewal Application for 2023/24
- Municipal emails provided to all Board of Ethics members. A reminder that the 2024 Budget will require funding for Board of Ethics.
- Transfer Station Permits for 23/24 are ordered. Renewal letters will be sent in May.
- Request that the Town Board authorize the Planning Board or Zoning Board of Appeals the ability to modify the established Escrow Fees dependent upon the type of application before them.

- Proposed Policy Sexual Harassment Prevention Policy for Town Board approval (See attached)
- Suggest that the Board enter into an agreement with the Village of Millbrook for the Millbrook Fire Department's Use of 715 Route 343 for training purposes

Councilman Joseph Rochfort:

- Millbrook Fire Department Budget
- Zoning Board of Appeals update

Councilman Michael Murphy:

- Short Term Rental Proposed Local Law has been provided to the Committee for Review
- Recreation Program Updates
- Code of Ethics Update

Councilwoman Leslie Heaney:

- Update on suggestions to zoning code from Planning Board and CAC
- Planning Board Meeting Update
- CAC Board Meeting Update
- Update on NRI
- Update on CSC work with Cornell
- Land Use Leadership Alliance Training

Supervisor Gary Ciferri:

- Close Public Hearing on Local Law ____ of 2023
- Public Comments
- Review Claims as Presented
- Close Meeting

RESOLUTION OF ADOPTION

Councilmember _____ offered the following Resolution, which was seconded by Councilmember _____, who moved for its adoption:

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, IDENTIFIED AS LOCAL LAW NO. 2 OF 2023 TO ALLOW MEMBERS OF PUBLIC BODIES OF THE TOWN TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS; and

WHEREAS, a public hearing in relation to said local law was held on April 20, 2023 at 6:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Washington as follows:

TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2023

BE IT ENACTED by the Town Board of the Town of Washington as follows:

Section 1. Legislation

The Town Code of the Town of Washington is amended to add a new Chapter _____ entitled Public Bodies – Participation by Video Technology as follows:

Section 1. Legislative Intent. It is the intent of this local law to give the town’s public bodies as that term is defined in the Public Officers Law Section 102 the authority to participate in meetings via videoconference in a manner consistent with the town’s videoconferencing policy and the authority granted in Public Officers Law Section 103-a.

Section 2. Authority. This local law is adopted pursuant to Public Officers Law Section 103-a which expressly authorizes a town board to adopt a local law giving public bodies of the town the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the public body participates from locations where the public may be physically present and other conditions are met.

Section 3. Videoconferencing for Public Meetings. The Town Board of the Town of Washington hereby authorizes all members of the Town’s public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law Section 103-a and the Town’s videoconferencing policy adopted by the Town Board.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted or adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 2. Effective Date

This local law shall take effect immediately upon filing with the New York Secretary of State.

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York.

The foregoing Resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	_____
Councilmember Audia	_____
Councilmember Heaney	_____
Councilmember Murphy	_____
Councilmember Rochfort	_____

DATED: Millbrook, New York
_____, 2023

MARY ALEX, Town Clerk
Town of Washington

RESOLUTION OF INTRODUCTION

Councilmember _____, seconded by Councilmember _____, introduced the following proposed local law, to be known as Local Law No. ____ of the Year 2023 of the Town of Washington, New York entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, FOR THE REGULATION OF TIMBER HARVESTING.

BE IT ENACTED by the Town Board of the Town of Washington as follows:

§ _____ PURPOSE.

The purpose of this local law is to promote the general health, safety and welfare of the residents of the Town of Washington by protecting the natural environment and public safety as they may be affected by timber harvesting. The Town recognizes that the timber resource is of value to the landowner and needed by society and may be harvested in appropriate circumstances. The Town also recognizes that if timber harvesting practices are improperly carried out, they can result in significant damage to the forest environment and to neighboring lands and waters. This local law is intended to regulate timber harvesting, require land reclamation and utilize professional forest management expertise in the preparation and evaluation of timber harvest planning and work.

§ _____ SITE PLAN REQUIRED; PUBLIC HEARING.

No timber harvesting shall be permitted unless the landowner has first obtained a site plan approval from the Town of Washington Planning Board, under § _____ of the Code of the Town of Washington. "Timber harvesting" is defined as the cutting of trees having a twelve-inch or greater diameter measured four feet above the ground within an area larger than two acres during a single twelve-month period.

§ _____ APPLICABILITY.

This chapter shall not be construed to prohibit timber harvesting or to require a timber harvesting site plan for:

A.

Clearing of land for rights-of-way for approved public utilities, except that said clearing shall comply with accepted forest management practices.

B.

Harvesting of trees by the landowner for his or her personal and noncommercial use.

C.

Removal of trees to the extent required or necessary for site preparation for construction or land development pursuant to a building permit or approval granted by the Planning Board or Zoning Board of Appeals. Removal of trees in excess of that required or necessary to carry out the construction or land development authorized by such permit or approval is not exempt from the requirements of this chapter.

D.

Removal of trees in the normal operation of an agricultural business operated under normal agricultural practices shall be exempt from this chapter.

E.

Harvesting of Christmas or holiday trees.

§ _____ CLEAR CUTTING.

Notwithstanding any other provision of law, clear-cutting may be permitted by the Planning Board only if specified clear-cutting is recommended by a forester, who holds a degree in forestry from

an accredited college. "Clearcutting" is defined as the cutting or removal within any area of all trees having a diameter of two inches or more measured four feet above the ground.

§ _____ APPLICATION INFORMATION REQUIRED.

In addition to site plan requirements, the landowner shall submit the following information to the Planning Board before the Planning Board issues a timber harvesting approval:

A.

Written narrative, including:

- (1.)
The total land area involved in cutting operations.
- (2.)
The number of trees of each species to be cut.
- (3.)
The range, in inches of diameter, of trees to be cut.
- (4.)
The average number of trees per acre to be removed.
- (5.)
The purpose and extent of earth moving, storage and reclamation.
- (6.)
Boundaries of property, topography, soil types and all neighboring lands (and owners thereof) within 500 feet of property boundaries.
- (7.)
Access roads to property.
- (8.)
Haul roads or other internal roads, trails or ways.
- (9.)
Area within the property where harvesting will occur.
- (10.)
Location of product loading areas.

(11.)
Erosion control and stormwater management measures.

(12.)
Streams, wetlands, ponds and other water bodies.

(13.)
Name and address of the proposed logger.

B.
Name of logger(s). If a logger changes at any time prior to completion of work, the landowner must immediately notify the Planning Board in writing of the name of the replacement logger(s) and shall comply with requirements of § _____ if necessary.

C.
Property maintenance plan.

D.
The Planning Board may require submission of a report prepared by a qualified forester, who holds a degree in forestry from an accredited college, and may retain, at the applicant's expense, its own forester and/or other consultant(s) to review the application.

E.
Any other information deemed reasonably necessary by a professional forester.

§ _____ STANDARDS.

A.
Approved erosion control and stormwater management measures shall be implemented at all times.

B.
The proposed operation shall not adversely affect drainage or growth of vegetation, contribute to soil erosion or adversely affect lands or waters of the applicant's or other properties.

C.
Only designated trees shall be cut within 50 feet of any property line or public right-of-way. Trees falling on an adjacent property shall immediately be removed to the permittee's property.

D.
If the access road from the public right-of-way is located within 200 feet of adjacent property, the access road shall have a dustless surface of sufficient length to mitigate impact on adjacent lands

as determined by the Planning Board. For purpose of this subsection only, adjacent property shall not include property located on the opposite side of the public right-of-way.

E.

Loading areas shall be located on the applicant's property only and shall be smoothed to remove all ruts and debris. Nonorganic waste materials shall be properly removed and disposed. Organic waste materials within 100 feet of any property line or public right-of-way shall be cut and slashed into smaller pieces so as to settle close to the ground.

F.

The landowner shall be responsible to keep all public roads clear and clean at all times and to repair any damage caused, directly or indirectly, by the logging operation. If the landowner fails to clean, clear or repair any public highway after due notice, the Town may cause such cleaning, clearing or repair and bill the landowner for all costs. If such bill is not paid within 30 days, than the cost may be assessed and levied against the landowner's property and collected in the same manner as real property taxes.

G.

No harvesting, cutting, milling or removal of products or any other activity related to harvesting shall take place between the hours of 7:00 p.m. and 7:00 a.m. or at any time on Saturday, Sunday or legal holidays.

H.

Appropriate screening, access, dust and noise controls as determined by the Planning Board shall be implemented.

I.

Property maintenance plan. The property maintenance plan shall be prepared by a professional forester and shall provide, at a minimum, for adequate erosion and stormwater management control, after harvesting operations are completed.

J.

The Planning Board may impose additional requirements and conditions prior to approval governing harvesting operations and post-harvesting conditions if recommended by a professional forester.

K.

The Planning Board may waive or reduce any of the standards or requirements of this article. Any such waiver or reduction shall be affirmatively made and supported by a reason stated in the record.

L.

The term of a tree harvesting site plan shall be for one year. One one-year extension may be granted by the Planning Board upon written request made prior to expiration of the initial term. The

Planning Board, after public hearing, may impose additional or revised requirements as conditions of a site plan extension.

§ _____ PERFORMANCE/MAINTENANCE BOND.

Prior to approval, the Planning Board shall require the applicant or its agent to post a performance bond to ensure compliance with all applicable standards and requirements in an amount as determined by the Town Engineer and in a form approved by the Planning Board and its attorney, sufficient to secure the performance of the forestry plan, requirements of this chapter, permit conditions and the maintenance plan. The bond shall remain in effect until formally released by the Planning Board, except that the bond shall remain in effect no longer than two years after completion of the tree harvesting operation unless the applicant consents to a longer period of time. In the event that the applicant or agent does not fulfill the conditions of the bond or fails to comply with any requirement or permit condition, the Town may, after due notice to the applicant, agent or surety, proceed to perform the work necessary to cause compliance with the bond, requirements or permit conditions and shall charge the cost to the owner, agent and/or surety.

§ _____ RIGHT OF ENTRY.

Town officials, employees and agents shall be authorized to enter upon the landowner's property for purposes of reviewing an application and of determining compliance with any permit issued pursuant to this chapter. Such entrance and inspection shall be initiated at reasonable times, but at any time whenever deemed necessary to protect the public interest. Owners, agents and operators shall be responsible for allowing access to the entire property.

§ _____ MONITORING OF OPERATION.

The Planning Board may retain a forester and other consultants, at the applicant's expense, to monitor harvesting and reclamation activities, make recommendations and advice regarding permit compliance. Such Board may require the applicant to deposit a specified sum of money with the Town to pay for the consultant(s).

§ _____ LIMITATION ON NUMBER OF PERMITS ISSUED.

The Town Board is authorized to limit the number of site plans for tree harvesting that may be issued and/or in effect during any period of time specified by the Town Board. The Town Board may establish such limitation and amend same from time to time, by resolution.

§ _____ ENFORCEMENT.

This article shall be enforced by the Building Inspector or Code Enforcement Officer. Enforcement officers are authorized to issue violation notices, orders to remedy appearance tickets and stop-work orders.

§ _____ PENALTIES FOR OFFENSES.

A.

Any persons committing an offense against any provision of this article shall be guilty of a violation punishable by a fine not exceeding \$250, or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B.

Any person committing a second offense against any provision of this article within five years of the first offense shall be guilty of a misdemeanor punishable by a fine not exceeding \$1,000, or by

imprisonment for a term not exceeding one year, or both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct charge against the individual.

C.

In addition to the provisions of Subsections A and 8 above, the enforcement officer may suspend or revoke any permit issued under this article as well as call any bond that has been posted. In addition, the individual shall be subject to a civil penalty of \$100 per day for each day the offense is continued as well as a civil penalty of \$500 for reinstatement of any permit suspended by the enforcement officer. If a permit is revoked by the enforcement officer the permit holder must reapply for a new permit.

D.

In addition to and not in lieu of the above, the Planning Board may require any permittee to appear before the Planning Board at any meeting to address any matter related to the permit, and the Planning Board is authorized to revoke, suspend or modify such permit.

Councilmember _____ advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. Councilmember _____ offered the following Resolution, which was seconded by Councilmember _____, who moved its adoption:

WHEREAS, on _____, 2023, Councilmember _____ has introduced this local law for the Town of Washington, to be known as Local Law No. ____ of the Year 2023 of the Town of Washington, New York entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, FOR THE REGULATION OF TIMBER HARVESTING;

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on _____, 2023 at 6:00 o'clock p.m., Prevailing Time, and that notice of said meeting

shall be published in the official newspaper of general circulation in the Town of Washington, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Washington will hold a public hearing at the Town Hall, 10 Reservoir Drive, Millbrook, New York on _____, 2023 at 6:00 o'clock p.m., on Local Law No. _____ of the Year 2023, entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, FOR THE REGULATION OF TIMBER HARVESTING.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Washington, at the Town Hall, 10 Reservoir Drive, Millbrook, New York between the hours of 9:00 a.m. to 12:30 p.m. and then between 1:30 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing.

DATED: Millbrook, New York
 _____, 2023

MARY ALEX, TOWN CLERK

The foregoing Resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	_____
Councilmember Audia	_____
Councilmember Heaney	_____
Councilmember Murphy	_____
Councilmember Rochfort	_____

DATED: Millbrook, New York
_____, 2023

MARY ALEX, Town Clerk
Town of Washington



Sexual Harassment Policy & Procedures

Purpose and Goals

The Town of Washington is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the Town of Washington recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of The Town of Washington commitment to a discrimination-free work environment.

Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the Town of Washington. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit

<https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy:

1. The Town of Washington policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals 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 through a contract with the Town of Washington. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Town of Washington who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform Town Supervisor, Highway Superintendent, Town Clerk or Recreation Director. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on [Legal Protections](#).
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject to the Town of Washington liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

5. The Town of Washington will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The Town of Washington will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Town of Washington will act as required. In addition to any required discipline, the Town of Washington will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Supervisor.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that 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 is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is

someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Town of Washington policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are 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, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee'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 or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by 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. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- 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; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, 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;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

- 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;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy.

Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how

words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

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 or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

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 or discrimination, either internally or with any government agency;

- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; 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

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to the Town Supervisor, Highway Superintendent, Town Clerk or Recreation Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to Town Supervisor, Highway Superintendent, Town Clerk or Recreation Director.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on [Legal Protections](#).

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Town Supervisor. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

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

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the

extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of Washington will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Town of Washington recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Town Supervisor:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Town Supervisor will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The Town Clerk will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been

completed and implement any corrective actions identified in the written document;
and

7. Will inform the individual(s) 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 Town of Washington, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals 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 also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **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 Town of Washington does not extend your time to file with DHR or in court. The three years are counted from the 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 receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive 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.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 the New York State Division of Human Rights, DHR will automatically 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, town or village 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 or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st 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. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at the Town of Washington and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

The list of examples provided in this policy is not meant to be exhaustive.