

KENDALL TOWN BOARD

Tuesday, April 18, 2017 7:00 p.m.

Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:00 and led the Pledge of Allegiance.

Roll Call

Councilwoman Flow	excused
Councilman Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, CEO Hennekey, Orleans HUB reporter

SUPERVISOR’S REMARKS

Workplace Violence Training – in process
Funding has been approved for NYS to resurface the Lake Ontario State Parkway
Emergency Disaster Plan Update – a meeting with school officials took place to compare EDP’s; further meetings will be planned with more agency participation

CORRESPONDENCE

Mr. Donald Mann – letter expressing interest in the vacant position on the Board of Assessment Review

Councilman Martin made a motion to accept the minutes of the Town Board Meeting held February 21, 2017. There was no second to the motion. Councilwoman Szozda said, “I know the form has been changed, and I need to compare what is here to what we actually passed to make sure all the text is there.” Clerk Richardson reminded the Board that no attachment referred to in the agenda was provided at the February meeting. Supervisor Cammarata had read the Map, Plan and Report Appendix F: District Map and Description into the minutes as EXHIBIT A, which were transcribed into the minutes under its proper title. Councilwoman Szozda said she had a copy at home of an attachment. Clerk Richardson said she would delay sending the minutes to the website for one week to give members time to respond with agreement or suggest changes. Attorney Meier said the minutes were late being posted and do not require approval. The Clerk said they are available to the public in hard copy in her office, and she will delay online publishing one week.

PUBLIC COMMENT

none

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

Brush cleanup is underway

Roof will be done soon by the Highway Department

Quotes have been solicited for permanent roof work

Septic system has been backing up; leech field has been retiled; has been emptied repeatedly; snaking may be necessary

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

Memorial Day Service is all set

Work on Homegrown Days has begun

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

A workplace violence policy, revamped by Clerk Richardson to reflect Kendall, is up for consideration.

Planning, Zoning & Agriculture – Newell

No report

Finance, Taxes & Special Districts – Cammarata

Annual Update Document is complete

Orleans County Representative – DeRoller

Not present

Boards

Planning Board – A. Kludt, Chair

A Public Hearing was held regarding the Dollar General, and its site plan was approved with some conditions.

The Planning Board's final draft of suggested solar codes has been submitted to the Town Board. The County Planning Board suggestions were incorporated into this draft. Councilman Newell suggested going through this draft at the next work session.

The members will complete the workplace violence prevention training at their next meeting.

Zoning Board – P. Bolton, Chair

No report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Construction season is ramping up.

Marina work continues.

The County will give input regarding the Troutburg pool and water system.

Highway - W. Kruger – written report submitted

Historian – H. Banker – no report

Recreation – M. Werth – no report

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Drennan, D. Gaudioso – written reports submitted

Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

Szozda made the following motion, reading through the contact information section and dispensing with the rest, seconded by Martin, who reiterated that this will be an ANNUAL training requirement:

RESOLUTION 60-0417 ADOPTING WORK PLACE VIOLENCE PREVENTION POLICY STATEMENT

WHEREAS, the Town of Kendall is committed to safety and security of its employees; and

WHEREAS, workplace violence may present a serious occupational safety hazard to our agency, staff and clients;

THEREFORE BE IT RESOLVED that the Town Board of Kendall hereby adopts this Workplace Violence Policy designed to meet the requirements of New York State Labor Law Article 2 Section 27-b and puts forth the following Workplace Prevention Policy Statement:

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee, an intentional display of force which would give an employee reason to fear or expect bodily harm, intentional and wrongful physical contact with a person without his or her consent that entails some injury, or stalking an employee with intent of causing fear or harm to the physical safety and health of an employee.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies procedures and practices, and for assisting in maintaining a safe secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Article 2 section 27-b and highlights some of the elements that are found within the Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. An authorized Employee Representative will, at a minimum, be involved in evaluating the physical environment, developing the Workplace Violence Prevention Program and reviewing workplace violence incidents reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received or have been told that another person has witnessed or received.

Designated Contact Person: Margaret Lynn Szozda
Title: Deputy Town Supervisor
Phone: (585) 755 – 6485
E-Mail: mlszozda@townofkendall.com

TOWN OF KENDALL WORKPLACE VIOLENCE PREVENTION POLICY

SECTION 1. PURPOSE: It is the intent of the Town of Kendall that threats, threatening behavior, and acts of violence against employees or other individuals on the Town of Kendall property will not be tolerated. The Town of Kendall will take all threats seriously. It is the Town of Kendall's goal to eliminate violent behavior and the threat of such behavior from its work sites.

SECTION 2. POLICY REGARDING VIOLENCE: Violence or the threat of violence, by or against an employee of the Town of Kendall, or any other person while on the Town of Kendall property, is strictly prohibited. The prohibited action will subject the perpetrator, if an employee, to serious disciplinary action, up to or including termination of the employee, and, in all cases possible criminal prosecution.

SECTION 3. DEFINITIONS: The following terms shall have the meanings indicated below:

Violence in the Workplace:

- A. The use of physical force with the intent to cause physical harm.

- B. Acts or threats, in any form or manner, that are intended to intimidate, cause fear or cause harm.
- C. The act of creating a hostile or intimidating work environment by means of words, actions, or physical contact, which would have the purpose or effect of alarming, insulting, or provoking another person.
- D. The intentional damage to the Town of Kendall owned or personal property or acts intended to cause such property to fail to operate properly.

Worksite

- A. Includes all property owned or occupied by the Town of Kendall as well as the Town of Kendall vehicles.

SECTION 4. GUIDELINES FOR MANAGING WORKPLACE ALTERCATIONS:

- A. These guidelines are intended to aid the Town of Kendall officers who supervise employees in dealing with a violent or potentially violent situation at work where such town officer is in a position to intervene and control the situation.
- B. In circumstances deemed by the pertinent town officer to be an emergency, call 911 and then contact the designated contact person and/or the Town Supervisor. It is understood that the actions of a town officer will depend on the seriousness and nature of the incident. However, consistent with personal safety, town officers should make a good-faith effort to diffuse violent or potentially violent behavior as quickly as possible in order to prevent escalation. The term "Altercation" as used in these guidelines, includes actual or threatened violence or physical confrontations, assault or attempts at such assault.

SECTION 5. GENERAL PROCEDURE:

- A. Separate the individuals involved. Do not allow a minor altercation to escalate into a more serious situation. If the individuals cannot be separated, dial 911 and contact the Designated Contact Person and/or the Town Supervisor.
- B. All Town of Kendall employees are responsible for notifying their department head of any threat that they have witnessed or received. If it is not practical to notify the department head, the employee should contact the Town Supervisor. Town of Kendall employees who obtain a restraining order against an individual are strongly encouraged to report the presence of a restraining order to their department head or appropriate town officer.
- C. Once the situation is under control, the town officer shall interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident. The incident will be documented in writing and reviewed with the Town Board.

D. The Town Board will decide on the appropriate disciplinary action, if any.

SECTION 6. DISCIPLINE:

Workplace altercations, including those involving only verbal exchanges, justify appropriate corrective action and the Town Board should be contacted for guidance.

SECTION 7. VIOLENT INCIDENTS:

In an emergency situation involving actual or potential violence, the first priority is to protect the safety and well-being of the persons involved. Because each situation involves unique factors, the following guidelines are intended to provide general direction. The key elements are safety, reporting, coordination, and control. Use the following when dealing with an angry customer (citizen) or co-worker:

- A. Attempt to de-escalate the situation as soon as the person shows signs of anxiety through use of verbal and nonverbal skills. Attempt to be supportive and helpful.
- B. If the situation does not de-escalate, firm but respectful direction should be given using the following steps:
 - 1. Take away the person's audience by removing the individual to an area where there is less public involvement in the situation.
 - 2. Allow the person to vent some anger. Be helpful and supportive. Do not presume the person is at fault.
 - 3. Set limits for the person. Provide him or her with direction by giving clear choices and consequences.
- C. If the situation continues to escalate and threats of violence occur, immediately call the emergency number (911) and report as many details as possible.
- D. An employee who is involved in or witnesses a violent incident shall immediately notify the pertinent town officer.
- E. The pertinent town officer shall contact the Town Board, which shall perform the investigation of the incident and assist the town officer in disciplinary action.
- F. If a person enters your place of work using a weapon to carry out a physical attack, remove yourself from the area immediately and call 911.

SECTION 8. REVIEW AND UPDATE:

The Workplace Prevention Policy will be reviewed annually and updated whenever changes or modifications are necessary. Changes to this policy will be communicated to all employees.

Town of Kendall

Town Hall

<p>Instructions: Examine records below from the previous year to identify patterns, if any, of injuries in particular areas of the workplace or incidents which involve specific operations or specific individuals. Record the results in the column to the right.</p>	
Record Examination	Results of the examination
<p>a. Log of Work Related Injuries and Illnesses (Form SH900)</p> <p>b. Summary of Work Related Injuries and Illnesses (Form SH900.1)</p> <p>c. Injury and Illness Incident Report (Form SH900.2)</p>	None in 2016
Workplace Violence Incident Reports	None in 2016
Personnel Disciplinary Reports	None in 2016
Workers' Compensation Reports	None in 2016

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Assessment of Relevant Policies, Practices, and Procedures

Instructions: Conduct an assessment of policies, work practices and procedures that may impact the risk of workplace violence.	
	Record the results of the assessment and any associated risks below.
<p>Examples of relevant policies: Domestic Violence Sexual Harassment Visitation Policies Policies relevant to the care and treatment of clients, patients, and inmates Policies for staff in field travel assignments (daily check-in procedures, itineraries, cell phones provided, etc.)</p> <p>Examples of work practices and procedures: Visitor/Client sign in/out Escorting visitor(s)/client(s) One client entrance used Desks clear of objects which may become weapons (might be relevant in situations where dealing with the public) I.D. Badges used Itineraries with employee contact info. Periodic check-in procedures After-hours contact procedures Procedure on how to control/defuse potentially violent situations Supplied with personal alarm/cellular phone/radio Limit visible clues of carrying money/valuables Partnering arrangements if necessary</p>	<p>There is a written sexual harassment policy in place.</p> <p>Most officers and employees have personal cellular phones, and most offices have landline phones. Bank deposits are transported in opaque bags.</p>

Town of Kendall

APPENDIX 2-B

April 2017

Sample Evaluation of the Physical Environment

Location: Town Hall				
Person(s) conducting the evaluation: Town Clerk, Town Councilman, Town Supervisor				
Date of assessment: April 2017				
This section requires the participation of the authorized employee representative(s).				
<p>Instructions: All sections below refer to present conditions. Check "NA" for any items you do not consider applicable to the worksite/facility being evaluated. Using the information from Sections 1-3 and your working knowledge of the building describe in Section 4 the building i.e. number of stories, number of entrances and exits, number of employees, access to the building, security features, areas of concern related to security. Using the information from Sections 1-4 list the specific hazards related to this evaluation in Section 5.</p>				
Items	Yes	No	NA	Notes/Comments
1. Security Features				
Reception Area Available	X			
Barriers to Separate Clients from Work Area	X	X		In Town Clerk's office and within the courtroom there are
Separate Interview Area(s)	X			Conference room is available; private office area in Clerk's
Emergency Numbers Posted by Phones		X		
Multiple Exits	X	X		Justice and Clerk offices do have double egress
Unobstructed Office Exits	X			
Door Control(s) i.e. locks, remote buzzer, panic bars	X			Offices lock from the inside; outer exit doors have panic bars
Door Detector(s) door alarm		X		
Adequate lighting in and around the workplace	X			
Parking lot well lighted	X			
Panic Button(s)		X		
Video Monitor(s)		X		
Landscaping to provide unobstructed view of the workplace	X			
Limiting the posting of signs on windows			X	
Other: metal detector for court				A metal detector is used on monthly DA nights

Town of Kendall

2. Factors That Might Place Employees at Risk				
Work in public settings-e.g. Health Care, Police Officers, Firefighters,	X			Many of the functions of the offices are anxiety producing for the client and
Work late night or early morning hours	X			
Exchange money with the Public	X			Clerk, Court Clerk and Supervisor have
Work alone or in small numbers	X			
Work in a location with uncontrolled	X			
Areas of previous security concerns		X		
Any other factors that might place	X			Travel to bank with quantities of cash alone
3. Security Guards				
Are security guards present at the	X	X		Court has a security guard posted on District
Are guards posted at entrance(s)		X		One night per month
Do they patrol the building		X		
Are they provided with communication? If yes, indicate	X			Personal cell phone, and police radio
Any other relevant information				The public has access at times when no Town employees are present

4. Description of the Building: Using the information from Sections 1-3 and your working knowledge of the building describe in Section 4 the building (number of entrances and exits, number of employees, access to the building, security features, areas of concern related to security).

The Town Hall is an office/meeting space, wherein all offices are on the ground level floor. There is also a basement used for storage and an active loan closet, run by non-employees. Within the basement are a utility room housing the furnace and cooling system, as well as a locked vault room for storing Town and Fire District records, with limited access.

There are several locking offices, a small non-locking conference room and a small unlocked office used as a library, as well as a small kitchen, two restrooms, and a large unlocked meeting room used as a courtroom, public meeting hall, and community room on the ground level. There are two entrance/egress doors; one to the West side of the building, and one to the East. Several of the offices have windows large enough to be used as exits, if necessary. There is a security alarm system, maintained by Doyle Alarm, to notify in cases of fire or electrical interruption.

The building has a somewhat open design, with a large foyer centered to the offices. Offices are locked when not occupied and key access is limited. Within the courtroom, a large immovable bench acts as a barrier to access to the judges and court clerk. The Town Clerk's public side of the office is equipped with a built in workspace which also provides a waist-high barrier from visitors, and the private side of the office has a separate lock, which is generally utilized while occupied. The judges have access to the bench without entering the public area.

TOWN OF KENDALL

APPENDIX 3 April 2017

Risks Identified through Record Review and/or Risk Evaluation	Methods and means by which the risk is being addressed
<p>Identified Risk: Exchange of money with the public. Transfer large sums to personal vehicle, unescorted.</p>	<p>Money is transported in opaque bags, and at various, unpredictable schedules.</p>
<p>Identified Risk: Work in a location with uncontrolled public access</p>	
<p>Identified Risk Work late night and early morning hours.</p>	
<p>Identified Risk Work alone</p>	
<p>Identified Risk High stress interactions with the public involving legal, financial, and enforcement matters</p>	

There was discussion about several of the areas, and the fact that this needs to be an ongoing, changing policy, particularly in how the risks will be addressed was made clear.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

Newell made the following motion, seconded by Szozda:

RESOLUTION 61-0417 BUDGET TRANSFER

Be it resolved to make the following budget transfer.

Decrease general expense account, Town Supervisor Contractual Bookkeeper, A1220.43 by \$6,500.00, and

Increase General Expense Accounting Salary, A1315.10 by \$6,500.00.

Discussion: Supervisor Cammarata said this came from Tim Hungerford as a correction to how the bookkeeper is paid. Clerk Richardson asked if the addition of account A1315.10 to the 2017 Budget is necessary by statement in the resolution prior to funding. Attorney Meier said the current wording should cover it, and additional wording is not necessary.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

Martin made the following motion, seconded by Szozda:

RESOLUTION 62-0417 BUDGET TRANSFER TO PAY FISCAL ADVISORS

Be it hereby resolved to transfer \$793.60 from Water District Six Account SW6-9710.73 Serial Bond Interest to Water District Six Account SW6-8310.4 Contractual Expense, Kendall.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

Szozda made a motion to pay the claims, as listed, seconded by Martin; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 4	\$ 26,956.15	Vouchers 189-191,193-200,202-217, 220-226,228-230
Highway Fund	Abstract 4	\$ 16,364.71	Vouchers 194,201,219,230-260
Light District One	Abstract 4	\$ 496.08	Voucher 215
Light District Two	Abstract 4	\$ 292.10	Voucher 215
Light District Three	Abstract 4	\$ 158.37	Voucher 215
Water District Six	Abstract 4	<u>\$ 2162.32</u>	Vouchers 216,218,227,228
		\$ 46,429.73	

OLD BUSINESS

NYS Department of Labor – PESH citations and follow-up – addressed by resolution
Defibrillators – availability and training – will be installed this week, and training will be scheduled as open to the public

Kendall's Finest – now open to Kendall School District residents, rather than just Town of Kendall residents

School counselors will be aiding in providing names

Marina

A general Freedom of Information request was received and filled, asking for "everything." Provision of records for review was made.

The Orleans County Health Department has no records regarding the restaurant.

The DEC approvals are NOT in place.

Industrial Solar Energy Law – current draft needs review

Dollar General – no building permit has been applied for yet

Clean Energy Community Grant – solar permit training for Code Enforcement officials is available

A local outreach program may be available, to attract customers and match those customers to providers

Morton Union Cemetery

Trustee Strassenburgh has provided all the cemetery's final resolutions, dissolving the Association. She also provided the official request to the

Town for acceptance of the cemetery. Supervisor Cammarata will contact a state expert in how to proceed.

Memorial Day - plans all in order

With no further business being brought forward, Szozda motioned for adjournment, seconded by Martin; all ayes; meeting adjourned at 8:04 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk