



Village of Cayuga Heights
Board of Trustees
Monthly Board Meeting
Marcham Hall
Monday, March 18, 2019, 7:00 p.m.
AGENDA

EXHIBIT/PAGE

- 1. Call to Order:**
- 2. Approval of Meeting Minutes:**
 - a. February 25, 2019 2019-125 pgs. 2-8
 - b. February 28, 2019 2019-126 pgs. 8-9
- 3. Report of the Fire Superintendent Tamborelle: Submitted Report** 2019-127 pg. 10
- 4. Privilege of the Floor:**
- 5. Report of Mayor Woodard:**
 - a. Davey Contract Update
 - b. Bergmann Contract Update
 - c. Sunset Park Grant Update
 - d. Proposed LL- A of 2019 PDZ 2019-128 pgs.11-17
 - e. Proposed LL- B of 2019 Tax Cap 2019-129 pg. 17
 - f. Proposed LL- C of 2019 Village Roads 2019-130 pgs. 18-22
 - g. Budget Workshop Schedule
 - h. GHD
- 6. Report of the Trustees:**
 - a. Bike/Ped Survey
 - b. General Code
- 7. Report of Police Chief Wright: Submitted Report** 2019-131 pgs. 23-24
- 8. Report of Assistant Superintendent of Public Works Wiese:**
- 9. Report of Superintendent of Public Works Cross:**
- 10. Report of Treasurer Mangione: Submitted Report** 2019-132 pgs. 25-26
 - a. INSERO Audit
- 11. Report of Clerk Walker:**

a. Sexual Harassment Policy Update

2019-133 pgs. 27-36

12. Report of Attorney Marcus:

13. Executive Session:

14. Adjournment:

EXHIBIT 2019-125

Minutes

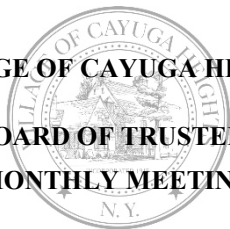
VILLAGE OF CAYUGA HEIGHTS

Monday, February 25, 2019

Marcham Hall

**BOARD OF TRUSTEES
MONTHLY MEETING**

7:00 p.m.



Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, Robinson, and Salton (arrives at 8:50 p.m.); Police Chief Wright; Superintendent of Public Work Cross; Assistant Superintendent of Public Works Wiese; Treasurer Mangione; Clerk Walker; Attorney Marcus (arrives at 8:03 p.m.)

Absent: Trustee McMurry

Call to Order: Mayor Woodard calls the meeting to order at 7:04 p.m.

2. Approval of Meeting Minutes: June 18, 2019 (Exhibit 2019-114)

Resolution # 8347

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the June 18, 2018 meeting minutes as presented.

Motion: Trustee Marshall

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion Carried

Approval of Meeting Minutes: January 22, 2019 (Exhibit 2019-115)

Resolution # 8348

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the January 22, 2019 meeting minutes as presented.

Motion: Trustee Friend
Second: Trustee Marshall
Ayes: Mayor Woodard; Trustees: Biloski, Friend, and Marshall
Nays: none
Abstentions: Trustee Robinson

Motion Carried

3. Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2019-116)

•There was no discussion or questions from the Board

4. Privilege of the Floor:



VILLAGE OF CAYUGA HEIGHTS
 836 HANSHAW ROAD · ITHACA · NY · 14850
 (607) 257-1238 · FAX: (607) 257-4910

**Board of Trustees Monthly Meeting
 February 25, 2019**

PLEASE PRINT Name/Anonymous	Address	Do you wish to speak? Indicate Yes or No
1. <u>ILENE LAMBRIASE</u>	<u>406 E UPLAND</u>	<u>YES</u>
2. _____	_____	_____

Village resident Ilene Lambriase voiced some concerns about the proposed Upland Heights project.

- The height and density of this project is out of character with the Village profile.
- Drainage is already an issue on Upland Road and filling in the wetland on that property could make it worse.
- What will happen if developer sells the property, and there is no local connection.

5. Report of Mayor Woodard:

a. Justice Report: Submitted Report (Exhibit 2019-117)

- Justice Galbreath pointed out that accepting credit cards and mailing payment request letters had decreased the accumulative debt.
- The Village was awarded a JCAP \$5000 grant towards air conditioning in the court room.
- The overall the number of tickets issued is down from last year.

b. Historian Report

- B. Szekely is spending a great deal of time researching the early history of the Village.
- A boundary survey map from 1915 was exhibited and will be framed for display in Marcham Hall.
- B. Szekely pointed out that the Marcham Hall greenhouse needs some work.

c. Davey Contract: The Davey Environmental Consulting group was selected to inventory maintained trees, planting sites and stumps located within public rights-of-way (ROW) for the NYS Tree Inventory Grant awarded to the Village.

Resolution # 8349

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign a contract with Davey Environmental Consulting not to exceed \$18,100 dated January 2019.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion Carried

d. Bergmann Contract: The review committee selected Bergmann & Associates engineering team to conduct the Community Corners traffic study.

Resolution # 8350

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign a contract with Bergmann & Associates, including language in section 4.1 that reads: Consultant shall complete all the basic services within a period of four (4) months from the notice to proceed with a target date to begin this study in the fall of 2019.

Motion: Trustee Friend

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion Carried

e. NYPA Update:

Agreements have been signed with NYSEG, and NYPA.

f. Mike Wiese: Top rank on Civil Service Exam

Resolution # 8351

WHEREAS, Michael J. Wiese was hired as the Assistant Superintendent of Public Works for the Village of Cayuga Heights in November of 2016; and

WHEREAS, as a condition of his employment ASPW Michael J. Wiese was required to score in the top three of the Assistant Superintendent of Public Works civil service exam; and

WHEREAS, ASPW Michael J. Wiese successfully achieved the top placement of that civil service exam;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees does hereby appoint Michael J. Wiese as permanent Assistant Superintendent of Public Works for the Village of Cayuga Heights.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion Carried

6. Report of the Trustees:

•Village Attorney Marcus has reviewed the General Code manuscript, which will be presented to the Board of Trustees next month.

7. Report of Police Chief Wright: Submitted Report (Exhibit 2019-121)

•The department had two fewer part-time officers since Adam Langlois became a full-time officer and Officer Tier retired. Interviews were conducted, and Chief Wright would like to offer (1) Stephen M. Moracco and (2) Derek B. Barr the opportunity to join the Cayuga Heights Police Department as part-time officers.

Attorney Marcus arrives at 8:03 p.m.

Resolution # 8352

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Police Chief Wright to offer a part-time Patrol Officer position with the Village of Cayuga Heights Police Department to Stephen M. Moracco, contingent on successful completion of a background investigation.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion Carried

Resolution # 8353

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Police Chief Wright to offer a part-time Patrol Officer position with the Village of Cayuga Heights Police Department to Derek B. Barr, contingent on successful completion of a background investigation.

Motion: Trustee Friend

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion Carried

8. Report of ASPW Wiese:

- The Village has used 800 of the 1000 tons of salt budgeted for this year.
- The Teamsters contract negotiations will begin in March.

9. Report of Engineer Cross

- GHD will be looking at the heater problem at the WWTP.
- Marcham Hall will need window trim repairs this year.

10. Report of Treasurer Mangione: Submitted Report (Exhibit 2019-123)

Resolution # 8354

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves Abstract #9 for FYE2019 consisting of TA vouchers 76-83 in the amount of \$17,362.44 and Consolidated Fund vouchers 606-678 in the amount \$312,939.12 and the Treasurer is instructed to make payments thereon.

Motion: Trustee Marshall

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and Robinson

Nays: none

Abstentions: none

Motion carried

•The \$400,000 Sewer Fund CD was rolled over to a “special” 1.25% CD for the next 3 Months

11. Report of Clerk Walker:

RESOLUTION # 8355

WHEREAS, the Tompkins County Department of Emergency Response (DoER) oversees emergency dispatch and communications systems that allow residents to dial 911, and;

WHEREAS, 911 is the number to report a police, fire, or medical emergency that requires the immediate presence of police officers, fire fighters, or emergency medical personnel, and;

WHEREAS, new address designations are approved by a municipality’s governing body.

NOW, THEREFORE, BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves 213 North Sunset Drive, Tax Parcel 1-3-11.1 and Tax Parcel 1-3-11.2 as a new designated address.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, Robinson, and Salton

Nays: none

Abstentions: none

Motion carried

RESOLUTION # 8357

WHEREAS, the Tompkins County Department of Emergency Response (DoER) oversees emergency dispatch and communications systems that allow residents to dial 911, and;

WHEREAS, 911 is the number to report a police, fire, or medical emergency that requires the immediate presence of police officers, fire fighters, or emergency medical personnel, and;

WHEREAS, new address designations are approved by a municipality’s governing body.

NOW, THEREFORE, BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves 103 Berkshire Road, Tax Parcel 2-8-2.3. as a new designated address

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, Robinson, and Salton

Nays: none

Abstentions: none

Motion carried

12. Report of Attorney Marcus:

The General Code review is close to being completed.

13. Attorney-Client Privilege Session:

Resolution # 8358

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to enter an attorney-client privilege session at 8:35 p.m.

Motion: Trustee Marshall

Second: Trustee Friend

Ayes: Mayor Woodard; Trustees: Biloski, Friend, and Marshall

Nays: none

Abstentions: none

Motion Carried

Trustee Salton arrives at 8:50 p.m.

14. Adjournment: Mayor Woodard adjourns the meeting at 9:20 p.m.

EXHIBIT 2019-126

Minutes

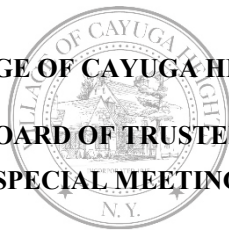
VILLAGE OF CAYUGA HEIGHTS

Thursday, February 28, 2019

Marcham Hall

**BOARD OF TRUSTEES
SPECIAL MEETING**

10:00 a.m.



Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and McMurry; Village Clerk Walker

Call to Order: Mayor Woodard calls the meeting to order at 10:05 a.m.

1. Report of Mayor Woodard:

This special meeting was called to seek Board support for a Parks and Trails Grant from Tompkins County.

Resolution: 8356

WHEREAS, the Village of Cayuga Heights owns the property known as Sunset Park, which is a municipal park wholly located within the Village; and

WHEREAS, the Village desires to improve the infrastructure of Sunset Park by repairing and repointing the existing stone structures within the park and other enhancements; and

WHEREAS, the total cost of the proposed work is estimated to be \$5,000; and

WHEREAS, the Tompkins County Department of Planning and Sustainability is making funding available for the improvement of municipal parks and trails through the Towns and Villages Parks and Trails Grant Program;

NOW, THEREFORE, BE IT RESOLVED that the Cayuga Heights Board of Trustees supports and authorizes the submission of a grant application for \$5,000 to the Tompkins County Towns and Villages Parks and Trails Grant Program.

BE IT FURTHER RESOLVED that if the grant application is successful, the Cayuga Heights Board of Trustees authorizes the Village Mayor to execute the contract with Tompkins County to implement the project.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Village of Cayuga Heights of Tompkins County, New York, this 28th day of February 2019.

Motion: Trustee McMurry

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, and McMurry

Nays: None

Abstentions: None

Motion carried

2. **Adjournment**

Mayor Woodard adjourns the meeting at 10:14 a.m.

EXHIBIT 2019-127

March 18, 2019

Honorable Linda Woodard
Board of Trustees
Village of Cayuga Heights

Monthly Report February 2019

The fire department ran 31 calls in February, a slowdown in the pace from January. We had 16 calls in the Village of Cayuga Heights, 13 calls in the Town of Ithaca and 2 requests for mutual aid. There were 16 EMS calls and 15 fire runs. It was a very routine month for the department with medical runs and fire alarms along with a couple of power lines down calls.

Training in February started out with a speaker from Niagara Mohawk coming to the station to give us a lecture on power line emergencies. This training was an amazing experience for all of the members who attended. The speaker has worked as a lineman for 20 years and had a wealth of knowledge that he spent three hours passing along. We respond to a good number of “lines down” calls and this training helped understand the dangers involved in these calls very well. Everyone took away a healthy respect for not only the job we do but a greater respect for the men and women who work on the high-power lines. The fall recruits wrapped up their checklists through the month of February with the assistance of the officers and senior members of the department. We started the class with 16 in October and 10 finished and are moving on. We have been using the old movie theater at the mall for many years as a winter training facility but this year they are doing renovations and using the area we have been training in for retail space. The mall was a great place to train in the winter because it allowed us to train in a large area out of the weather. One of the biggest benefits was the bailout wall we built years ago on the elevated platform that held the movie screen. This allowed us to practice our emergency bailouts. In February Lt. Devon Savoy and FF Sophie Janwosky found plans for a bailout simulator on line. These two got motivated and build the simulator using the plans and now we can practice bailouts at the station.

We have noticed that the air compressor on the sprinkler system seems to be running more the usual this winter. We had ABJ in to look over the system in February and they found some minor air leaks in the system that were tightened up. We will have them back in when the weather warms up and they are less busy to do a check of the entire system. The alarm and sprinkler systems are inspected annually.

The slate of officers for 2019/20 was presented to the fire company at our last meeting and will be voted on in April. We have a full slate of department officers and there are no contested spots on the slate. All of the members running for office have taken the required training to run for their positions and have been members in good standing for many years. This is a great slate of motivated members. Invitations for our Annual Installation Dinner will be going out in March.

Motivation is high at the station. We have a team from the fire department participating in the Spartan Race at Greek Peak in March, many of our members are enrolled in fire and EMS classes and this latest group of recruits is keeping it fresh at the station with requests for more training. Morale is high and we are looking forward to the spring trainings to get more members certified as interior firefighters and apparatus operators.

Sincerely,

George Tamborelle
Fire Chief/Fire Superintendent

EXHIBIT 2019-128

VILLAGE OF CAYUGA HEIGHTS

DRAFT

PROPOSED LOCAL LAW A OF THE YEAR 2019

A LOCAL LAW TO AMEND

THE VILLAGE OF CAYUGA HEIGHTS ZONING LAW

ARTICLE 8, "PLANNED DEVELOPMENT ZONE,"

TO CLARIFY CERTAIN TERMS OF THIS ARTICLE

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

It is the intent of this Local Law to clarify and resolve potential ambiguity in certain terms of Article 8, “Planned Development Zone,” of the Zoning Law (the “Zoning Law”) of the Village of Cayuga Heights (the “Village”). The Village’s Board of Trustees has determined that certain terms of this Article could be stated more clearly or to eliminate possible inconsistencies. The purpose of this Local Law is to modify some of the text of Zoning Law Article 8 as stated below.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

SECTION III AMENDMENT OF ZONING LAW ARTICLE 8, “PLANNED DEVELOPMENT ZONE”

The following text of Zoning Law Article 8, “Planned Development Zone,” shall wholly replace the former text of said Article. In the text below, words that are being deleted from the former text are stricken, and words that are being added are underlined, for ease of reference to the revisions. Notwithstanding the foregoing, the text of Article 8 shall hereafter appear in the Village’s laws with these revisions incorporated, without words stricken or underlined.

Article 8. Planned Development Zone

§ 8.1. Purpose. The purpose of the Planned Development Zone (sometimes referred to in this Zoning Law as a “PDZ”) is to permit, where appropriate, a degree of flexibility in conventional land use and design regulations which will encourage development in an imaginative and innovative way while insuring efficient investment in public improvements, a more suitable environment, and protection of community interests and amenities. This Article 8 is intended to relate to both residential and nonresidential development, as well as mixed use development. There may be development or uses, now or in the future, which are not expressly permitted by the other terms of this Zoning Law, but which would promote the objectives or recommendations of the Village's Comprehensive Plan if such development or uses adhere to specific predetermined performance and design standards and

conditions. A Planned Development Zone is intended to be used to enable these developments or uses to occur even though they otherwise may not be authorized by this Zoning Law.

§ 8.2. Establishment and location. A Planned Development Zone may be established by the Village’s Board of Trustees in any zoning district and shall be subject to the requirements set forth in this Article and to any special conditions imposed by the Village’s Board of Trustees which shall supersede any requirements set forth in this Article.

§ 8.3. Requirements.

A. A minimum tract of five (5) acres is required for the development of a Planned Development Zone.

B. Permitted land uses:

1. Residential land use;

2. Non-residential and non-commercial land use, such as recreational space, community facilities, parkland, etc., if: a. Such use will contribute to the quality of the proposed development for the area; b. Such use will enhance the surrounding neighborhood, including but not limited to by preservation of open space, by providing enhancements to vehicular and pedestrian traffic movement, by the addition of landscaping, by conservation of natural features, or by some combination of such components.

3. Commercial land use when such use is integral with, but clearly ancillary to, residential use of the area within the Planned Development Zone.

C. Density. The number of dwelling units provided in a Planned Development Zone shall not exceed the number of units that would ordinarily be permitted in the PDZ's area in accordance with the regulations of the underlying zone or district, unless the Village’s Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

§ 8.4. Size of Lots. Lot size shall be specified in the Board of Trustees’ approval of a Planned Development Zone.

§ 8.5. Yards. Buildings in a Planned Development Zone shall be located not less than seventy-five (75) feet from any public road right-of-way line existing at the time of the PDZ application, or one hundred (100) feet from any other existing property line bordering the PDZ, or as otherwise specified in the Board of Trustees’ approval of a PDZ.

§ 8.6. Height of Buildings.

A. No building in a Planned Development Zone shall be more than two (2) stories high, and no building shall exceed a height of thirty-five (35) feet from the average finished grade to the average height between the eaves and ridgeline of a pitched roof or the highest point of a flat roof as measured from the average finished grade to the highest point of the building, unless the Village's Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

B. In cases where the proposed finished grade is higher than the existing grade, the change must be approved by the Code Enforcement Officer at the time of issuance of the building permit.

C. The height limitations of this Section § 8.6 shall not apply to chimneys, ventilators, skylights, or other necessary features ordinarily extending above roofs nor to spires of churches or other buildings if such features are in no way used or usable for living purposes.

§ 8.7. Lot Coverage. The total lot coverage for all buildings in the Planned Development Zone shall not exceed the lot coverage requirements of the underlying zoning district, unless the Village's Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

§ 8.8. Natural Features. Existing natural features within a Planned Development Zone shall be preserved to the maximum extent feasible and incorporated into the site design.

§ 8.9. Stormwater Runoff. The rate of stormwater runoff from a Planned Development Zone after development is complete shall not exceed the rate that would occur under a natural undeveloped condition as calculated for a one hundred (100) year storm and is in compliance with the Village's Stormwater Local Law and applicable State law and regulations.

§ 8.10. Site Planning Requirements.

A. Roads. All proposed roads in a Planned Development Zone shall be designed and constructed to meet Village standards and specifications and shall be approved by the Village Engineer.

B. Service Areas. Loading and service areas that face or are visible from a public road, including areas for the storage of solid waste and trash, shall be screened from public view by a vertical screen at least

six (6) feet high. A landscaped buffer strip or a combination of landscaping and fencing may be used to provide the required screening.

C. Public Transit and Parking. Appropriate provisions shall be made for public transit and an adequate amount of off-street parking will be provided for the proposed use. No off-street parking space shall be located less than twenty-five (25) feet from any existing property line. All parking areas containing more than four (4) spaces shall be landscaped and shall be otherwise in compliance with Article 12 of this Zoning Law.

D. Underground services. All electric, telephone, and television lines and cables shall be installed underground. All access points shall be landscaped in a manner approved by the Village's Planning Board during the site plan approval process for the PDZ.

E. Lighting. Adequate site lighting shall be provided and shall be designed and located so that it does not produce glare on adjacent properties, does not impede the vision of traffic on adjacent roads, and shall be otherwise in compliance with Article 11 of this Zoning Law.

F. Access Drives. Multiple and extra-wide driveways shall be avoided. Access drives that do not provide safe sight distances shall not be permitted. Access drives shall intersect existing roads at a ninety (90) degree angle and shall not have a slope of greater than five percent (5%) for a distance of sixty (60) feet from the intersection of centerlines.

G. Intersections. On- and off-site intersections shall be designed to accommodate traffic safely. Turning lanes, deceleration lanes, by-pass lanes, and other safety measures shall be provided as required by the Village's Planning Board during the site plan approval process for the PDZ.

H. Signs. One (1) identification sign shall be permitted. Such sign may be two-sided but shall have a total area of no greater than sixteen (16) square feet per side and shall be otherwise in compliance with Article 10 of this Zoning Law.

I. Operation. No offensive noise, traffic, odor, smoke, dust, heat, glare, electrical disturbance, or other pollutants shall be produced by the normal operating conditions of the proposed PDZ.

J. Landscaping. The number of trees to be planted in the PDZ shall be at least equal to the number of trees removed for development purposes and shall comply with standards set by the Village's Shade Tree Advisory Committee.

§ 8.11. Site plan approval. Site plan approval for a Planned Development Zone shall follow the same review procedures as set forth in Article 17 of this Zoning Law and shall have the same plan requirements as specified for major subdivisions in Article 18 of this Zoning Law. Notwithstanding the application of such review procedures, the Planning Board's site plan approval for a PDZ shall be conditioned on the Village's Board of Trustees granting final approval of the PDZ. Following the

Planning Board's grant of conditional site plan approval, but before the approved site plan has been signed by the Planning Board chairperson, the Village's Board of Trustees must grant its final approval of the PDZ.

§ 8.12. Special Circumstances. Notwithstanding any of the requirements set forth in this Article, the Village's Board of Trustees shall have the authority to make exceptions to certain requirements of this Article in accordance with the following conditions. If the Board determines (a) that (i) the physical features, location or proposed use or uses of the site proposed for a PDZ, or (ii) such site's relationship to other sites in the vicinity of the proposed PDZ site or the physical features or uses of those other sites, warrant that an exception be made to the requirements set forth in Sections 8.3(C), 8.6 or 8.7 of this Article, and (b) that such exception is justified (i) by achieving a specific goal or recommendation of the Village's Comprehensive Plan or (ii) by promoting the public health, safety and general welfare of the Village and its residents, in either case to an extent greater than could be achieved or promoted if the proposed PDZ site were developed in accordance with the underlying zoning district requirements for such site, then the Board of Trustees may modify the requirements set forth in Sections 8.3(C), 8.6 or 8.7 of this Article subject to any conditions the Board may wish to impose. In order for the Board to grant an exception to the requirements set forth in Sections 8.3(C), 8.6 or 8.7 of this Article, the Board must identify in the record (a) the specific goal or recommendation of the Village's Comprehensive Plan that will be achieved, or the specific aspect of the public health, safety and general welfare of the Village and its residents that will be promoted, and (b) how the PDZ will achieve or promote such result to an extent greater than could be achieved or promoted if the proposed PDZ site were developed in accordance with the underlying zoning district requirements for such site.

SECTION V SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

SECTION VI PARTIAL INVALIDITY.

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION VII EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

EXHBIT 2019-129

VILLAGE OF CAYUGA HEIGHTS

DRAFT

PROPOSED LOCAL LAW B OF THE YEAR 2019

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

Section 1 Legislative Intent: It is the intent of this local law to allow the Village of Cayuga Heights to adopt a budget for the fiscal year commencing in 2019 that requires a real property tax levy in excess of the tax levy limit as defined by General Municipal Law §3-c.

Section 2 Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes a local governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3 Tax Levy Limit Override: The Board of Trustees of the Village of Cayuga Heights, County of Tompkins, is hereby authorized to adopt a budget for the fiscal year commencing in 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4 Severability: If a court determines that any clause sentence paragraph subdivision or part of this local law or the application thereof to any person firm or corporation or circumstance is invalid or unconstitutional the court order or judgment shall not affect impair or invalidate the remainder of this local law 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 5 Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.

EXHIBIT 2019-130

VILLAGE OF CAYUGA HEIGHTS

DRAFT

PROPOSED LOCAL LAW C OF THE YEAR 2019

A LOCAL LAW TO PRESERVE VILLAGE ROADS

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

The intent of this Local Law is to establish rules, regulations and conditions to preserve and protect the condition of the public roads of the Village of Cayuga Heights (the “Village”). The Village’s Board of Trustees (the “Board”) has determined that future development projects in the Village and in the vicinity of the Village may result in extraordinary, high-intensity traffic to and from development sites, causing significant and measurable damage to the Village’s roads that jeopardizes the health and safety of residents and others who use those roads. Damage to Village roads that results from high-intensity traffic must be evaluated and repaired promptly and to appropriate engineering standards. The Village Board further has determined that it is in the best interest of taxpayers of the Village and the general public to assign responsibility for the repair of damage to Village roads attributable to such high-intensity use, and, where necessary, for the improvement of Village roads to a standard appropriate for high-intensity use prior to the commencement of the activity, to those responsible for the damage rather than to all Village taxpayers. The purpose of this Local Law is to maintain the safety and general welfare of Village residents by regulating high-intensity uses of Village roads that have the potential to adversely affect such roads. Well-maintained roads are important to the safety and economic well-being of the Village and its residents. The Board also acknowledges the value and economic benefit of further development in the Village and in the vicinity of the Village, and this Local Law is not intended to regulate such business activity, the intent of this Local Law is to protect the Village’s roads from damage resulting from traffic generated in connection with such development.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

SECTION III DEFINITIONS

1. High-frequency, high-impact truck traffic: Traffic to and from a project site that generates more than one thousand (1,000) truck trips. For purposes of this Local Law, a truck trip is a trip to or from a project site involving a truck with a gross weight of thirty (30) or more tons (truck and load combined). A single truck makes two truck trips if it meets the weight limit traveling to the project site and meets the weight limit traveling from the project site.
2. Bond: A commercial bond to ensure that the condition of the Village Roads is not adversely impacted by high-frequency, high-impact truck traffic. The Village Board may accept an equivalent financial guarantee in lieu of bond.
3. Bond Release: A bond release given by the Village Board based on satisfactory road conditions at completion of the high-frequency, high-impact truck traffic.
4. Permittee: The person responsible for the project generating the high-frequency, high-impact truck traffic and who is responsible under this Local Law to obtain a permit, regardless of whether or not the person in fact obtains a permit. In any instance in which another approval or permit is required in connection with the project that is generating the truck traffic, such as a site plan approval or building permit, any person who is required to obtain any such other approval or permit shall be deemed the permittee for purposes of this Local Law. In the event no other approval or permit is required, the owner of any property on which the project is taking place shall be deemed the permittee for purposes of this Local Law.
5. Person: Any individual, public or private corporation, limited liability company, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other legal entity whatsoever.
6. Temporary project: Any non-permanent activity that generates high-frequency, high-impact truck traffic on Village Roads whether or not the project itself is located in the Village. Projects include, but are not limited to, construction projects. With regard to projects that require another approval or permit, such as site plan approval or a building permit, all activities covered by that other approval or permit are considered part of the temporary project for purposes of this Local Law. Agricultural operations as defined by New York State Agricultural District Law and the movement of agricultural products are excluded. Also excluded are school buses, law enforcement vehicles, fire-fighting

vehicles, military vehicles, and municipal vehicles engaging in road work on behalf of one or more municipalities.

7. Village Roads: All public roads, to the extent such roads are located within the Village of Cayuga Heights, that are maintained by the Village.

SECTION IV GENERAL PROVISIONS

1. The Village Board has determined that high-frequency, high-impact truck traffic associated with temporary projects will cause damage to Village Roads.
2. Upon a determination by the Village's Superintendent of Public Works or Village Engineer that a temporary project shall generate high-frequency, high-impact truck traffic on any Village Roads, the Village's Department of Public Works shall erect signs on the appropriate sections of Village Roads providing notice that vehicles generating such traffic are excluded, and the Village shall publish notice of such exclusion in the official newspaper of Tompkins County.
3. A permittee may apply to the Village's Superintendent of Public Works for a permit providing for an appropriate exemption for the vehicles to be used on Village Roads in connection with the temporary project. Such permit shall be granted, upon appropriate terms and conditions, if the vehicles are performing essential local pick-up or delivery in connection with the temporary project. For purposes of this Local Law, essential local pickup or delivery shall include, but shall not be limited to, pickup from and delivery to a construction site of materials or equipment and traffic associated with New York State-permitted mining or gas-drilling operations.
4. Any such permit shall designate the route(s) to be traversed and contain other reasonable restrictions or conditions deemed necessary by the Village's Superintendent of Public Works. The conditions may include, but not be limited to, requiring the permittee to make road improvements to ensure that the roads have the strength and capacity to handle the anticipated traffic. The permit shall be carried on all vehicles used in connection with the project and shall be open to inspection by any peace officer acting pursuant to his special duties, or police officer. Such permit shall be for the duration of the temporary project.
5. In order to obtain a permit, the permittee must submit a permit application to the Village's Superintendent of Public Works, which shall include all information required by the Village's Superintendent of Public Works including, but not limited to, vehicle identification number and owners/operators, vehicle weights, load weights, materials carried, route(s) to be followed on Village Roads, duration of activity (beginning date and end date), frequency of trips and times of operation. The applicant shall pay a permit fee to be established by the Village Board, but in no event shall the fee be less than \$250.
6. The Village's Superintendent of Public Works may require, as a condition of the issuing the permit, that the permittee submit documentation (including, but not limited to, photographs and videos) of the

condition of the roads, shoulders and all improvements and structures (culverts, bridges, sidewalks, etc.) that will be traversed by the permitted traffic.

7. In addition to the restrictions on routes and other reasonable restrictions, the Village's Superintendent of Public Works will determine if the scope of work is such that a bond is required, and the amount of any such bond. The determination of the need and amount of any bond shall be based on a determination of potential damage to Village Roads based on the traffic routes, weight of the vehicles, number of trips, seasonal conditions and the type-category (classification) of the roads on the approved routes.
8. A permittee aggrieved by a determination of the Village's Superintendent of Public Works regarding the need for or conditions of a permit may, within ten (10) days of the determination, appeal to the Village Board. No action inconsistent with the determination of the Village's Superintendent of Public Works shall take place pending the determination of the Village Board.
9. The permittee shall be responsible for assuring that the high-frequency, high-impact truck traffic does not prevent any impacted Village Roads from remaining in safe and useable condition for all legal uses of the road throughout the duration of the temporary project.
10. Upon completion of the high-frequency, high-impact truck traffic generated by the project, the permittee will apply to the Village's Superintendent of Public Works for a bond release. Following inspection of the traveled roads, the Village's Superintendent of Public Works may approve the release of the bond. If the release is not approved, the Village's Superintendent of Public Works will document the work that the permittee must complete in order for the bond to be released, which may include, but not be limited to, the payment of money for repair of damaged Village Roads. The permittee must complete such work before the bond may be released.
11. If the permittee does not comply with this Local Law or the terms and conditions of the permit, the Village's Superintendent of Public Works may revoke the permit. In the event that high-frequency, high-impact truck traffic uses any Village Roads without a valid permit issued in accordance with this Local Law, the Village's Superintendent of Public Works, any law enforcement officer or code enforcement officer has the authority to deny such vehicles access to Village Roads and to shut down the project to the extent that the project is located in the Village. This relief is in addition to any and all damages and penalties.
12. The permittee will be responsible for the repair of any damages that occur to any Village Roads as a result of high-frequency, high-impact truck traffic when a project proceeds with or without a proper permit, as well as for all fines and penalties specified in this Local Law.
13. In lieu of obtaining a permit, any person who may be responsible to obtain a permit may enter into a road use agreement with the Village, although the Village has no obligation to enter into a road use agreement. If the Village enters into a road use agreement with the permittee, the use of Village Roads shall be governed by the agreement, rather than by permit conditions.

SECTION V ENFORCEMENT

The Village's Superintendent of Public Works shall enforce the provisions of this Local Law and any rules, regulations and conditions made pursuant hereto. Such enforcement shall include, but not be limited to, legal or equitable proceedings, including without limitation an action for specific performance brought in the name of the Village.

SECTION VI PENALTIES FOR OFFENSES

1. Any person who violates this Local Law shall be guilty of a violation and subject to a fine of not more than \$500 and/or imprisonment for not more than fifteen (15) days. Each and every act committed that is prohibited by this Local Law shall constitute a separate violation. On each occasion that a vehicle travels on any Village Roads without a permit as required by this Local Law shall constitute a separate violation.
2. Upon failure of any permittee to comply with the requirements of this Local Law, the permit shall be subject to suspension, revocation and the imposition of conditions.

SECTION VII SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

SECTION VIII PARTIAL INVALIDITY.

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION IX EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

EXHIBIT 2019-131



**Village of Cayuga Heights
Police Department**

Jerry L. Wright
Chief of Police

3/11/2019

To: The Honorable Mayor Woodard
Members of the Board of Trustees
Village of Cayuga Heights

Re: Report of the Police Department for February 2019

In the month of February, the police department received 374 calls for service. In addition to these calls 98 uniform traffic tickets were issued and 2 parking violations were cited. A breakdown of the calls for service is as follows:

1 Incident of Felony Grand Larceny was reported. An elderly resident at a local facility stated that an unknown subject contacted her by telephone to request an amount of money to get her grandson out of trouble regarding a motor vehicle accident that they had allegedly been involved in. The resident believed the call to be legitimate and sent money. After a follow up request was made by the unknown subjects, the resident suspected that the incident was a scam and contacted the police. An investigation of this matter is being conducted.

1 Penal Law Misdemeanor incident for Fraud was handled. The complaint consisted of an unknown subject or subjects opening credit cards under the name/identity of the resident. Items purchased with the credit card arrived at the resident's home. The resident contacted the credit card companies, and all cards were canceled. No loss of property or money was reported.

8 Misdemeanor Vehicle and Traffic Arrests were made during traffic stops. After investigation of 8 traffic stops the following charges were filed: 1-Aggravated Unlicensed Operation of a Motor Vehicle 2nd, 6-Aggravated Unlicensed Operation of a Motor Vehicle 3rd and 1-Suspended Registration.

5 Penal Law Violation Incidents was handled, 2 for Trespass and 3 for Drugs. One trespass complaint involved a subject entering a residence without permission to look for his daughter. Officers contacted

the subject and the matter was resolved. The second incident of Trespass was initiated by the on-duty officer when they observed an uber driver taking their break parked in the cemetery during closed hours. The driver was advised of the Villages local law and the driver left the area without incident. 3 charges of Unlawful Possession of Marijuana were filed after officer conducted traffic stops and found one of more of the occupants in possession of the substance.

There were 3 calls for service for Local Law Violations, 1 for In the Park after Hours and 2 for Dog Control. While on patrol the on-duty officer observed two subjects parked in the lot as Sunset Park after hours. Upon contact, the subjects stated they had lost track of time and were familiar with the Village's ordinance regarding Sunset Park hours. The subjects left the park without incident. One of the dog complaints involved a resident who was running in the area and was met by an aggressive dog that was unleashed. Officers contacted the dog owner who was advised of the Village's local law regarding dog control. The remaining complaint came in from a concerned resident stating that a dog in the neighborhood was barking and seemed in distress. Upon officer's arrival, the dog was secured in a fenced in area and appeared normal. Officer contacted the dog owner, who was out of town and had left a neighbor in charge of the dog. The owner would contact the care provider to resolve the matter.

There were 4 motor vehicle accidents reported in TraCs, none involving deer.

1 Mental Health Arrest was made. Officers assisted a Tompkins County Mental Health employee with taking a subject into custody under an MHY 9.45 order.

In summary 11 persons were arrested and the following 13 charges were filed: 1-AUO 2nd, 6-AUO 3rd, 1-Suspended Registration, 4-Unlawful Possession of Marijuana, 1-Taken into Custody/Mentally Ill.

Over the course of the month the following trainings and events took place: On the 8th Officer Jim Landon attended the monthly investigators meeting held at Ithaca College. On the 25th Chief Wright and Clerk Jackie Carr went to the Officer of the Month Kiwanis Luncheon at Kendal of Ithaca. February's meeting honored retiring Cornell Chief of Police, Cathy Zoner. Officer Adam Langlois participated in the Project Lifesaver training at the TCSD on the 27th. Lastly, at the monthly Board of Trustees meeting on the 25th, Chief Wright announced the hiring of two new part time officers, Derek Barr and Stephen Moracco.

The full-time officers worked a total of 28.5 hours of overtime and the part-time officers worked a total of 100 hours.

Sincerely,
Chief Jerry Wright

EXHIBIT 2019-131
VILLAGE OF CAYUGA HEIGHTS TREASURER'S REPORT
March 18, 2019

Administration:

Attended Administrative Committee Meeting on February 27th.

Audit:

Insero's audit of the Village's FYE2018 Finances has been received and reviewed. The completed document has been sent to the NYS OSC, Moody's and is presented to the Board of Trustees.

Budget:

Department Heads submitted their completed Budget Worksheets and the Tentative Budget for each fund is prepared. The Budget Workshop is scheduled for March 23rd and will start at 9:00 a.m.

Finance Committee:

The Committee will schedule a meeting during the week of March 25th to review the Village's Q3 Financials.

Local Law Codification:

The DRAFT version of the Village's Codified Laws is undergoing entry of revisions recommended by Village Attorney Marcus and Trustees Biloski and McMurry.

Debt and Financing: WWTP

Additional information gathered and submitted as requested by NYS EFC.

Current Revenues and Expenses:

Abstract #9, dated February 25, 2019 for expenditures incurred during Fiscal Year Ending May 31, 2019 was reduced in the amount of \$36,614.54 due to an error in calculation of the amount due on Voucher #676. The correct amount of \$23,052.45 is on Voucher #713 listed on Abstract #10.

Abstract #10, dated March 18, 2019 for expenditures incurred during Fiscal Year Ending May 31, 2019 as presented.

February Bank to Book Reconciliations and General Journal entry reviews were completed by Trustee & Deputy Treasurer Biloski. The Audited Report is attached to this report.

Approval of March Abstract:

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Abstract #10 for FYE2019 consisting of TA vouchers 84 – 92 in the amount of \$17,332.70 and Consolidated Fund vouchers 679 – 743 in the amount of \$169,908.50 and the Treasurer is instructed to make payments thereon.

Respectfully submitted, *Joan M. Mangione*

MONTHLY REPORT OF TREASURER

TO THE VILLAGE BOARD OF THE VILLAGE OF CAYUGA HEIGHTS :

The following is a detailed statement of all moneys received AND disbursed BY me during the month of February, 2019:

DATED: March 14, 2019

Joan M. Mangione
TREASURER

	Balance 01/31/2019	Increases	Decreases	Balance 02/28/2019
A GENERAL FUND - VILLAGE				
CASH - CHECKING	210,279.36	114,352.09	215,195.81	109,435.64 -
CASH - SAVING	551,991.25	103.54	0.00	552,094.79 -
CERTIFICATE OF DEPOSIT	1,034,464.19	871.03	0.00	1,035,335.22 -
PETTY CASH	450.00	0.00	0.00	450.00 -
FIRE COUNCIL CASH ASSETS	1,281.22	0.00	0.00	1,281.22 -
GROUNDS WORK RESERVE	500.00	0.00	0.00	500.00 -
POLICE COMP TIME RESERVE	25,000.00	0.00	0.00	25,000.00 -
TOTAL	1,823,966.02	115,326.66	215,195.81	1,724,096.87
F WATER FUND				
CASH - CHECKING	120,057.18	155,144.54	93,479.34	181,722.38 -
TOTAL	120,057.18	155,144.54	93,479.34	181,722.38
G SEWER FUND				
CASH - CHECKING	115,828.68	338,834.48	318,901.70	135,761.46 -
CASH - SAVINGS	268,299.05	50.33	250,000.00	18,349.38 -
CERTIFICATE OF DEPOSIT	403,220.99	51.38	0.00	403,272.37 -
TOTAL	787,348.72	338,936.19	568,901.70	557,383.21
H CAPITAL FUND				
CASH - CHECKING	-107,434.94	250,000.00	39,770.52	102,794.54 -
CASH FROM OBLIGATIONS	-56,000.00	0.00	0.00	-56,000.00 -
TOTAL	-163,434.94	250,000.00	39,770.52	46,794.54
TA TRUST & AGENCY				
CASH - CHECKING	8,798.61	142,961.94	146,077.02	5,683.53 -
TOTAL	8,798.61	142,961.94	146,077.02	5,683.53

Jennifer Biloxi
3/14/19

EXHIBIT 2019-133



VILLAGE OF CAYUGA HEIGHTS

836 HANSHAW ROAD · ITHACA · NY · 14850
(607) 257-1238 · FAX: (607) 257-4910

Introduction

The Village of Cayuga Heights is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The Village of Cayuga Heights' commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with The Village of Cayuga Heights. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws.

Policy:

1. The Village of Cayuga Heights' policy applies to all employees, applicants for employment, volunteers, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village of Cayuga Heights. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Village of Cayuga Heights will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of The Village of Cayuga Heights who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Chief of Police. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village of Cayuga Heights to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Cayuga Heights will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Village of Cayuga Heights will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Village of Cayuga Heights will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Chief of Police.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical 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;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; 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

Preventing sexual harassment is everyone’s responsibility. The Village of Cayuga Heights cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Chief of Police. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Chief of Police.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Chief of Police.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

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

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village of Cayuga Heights will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

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

- Upon receipt of complaint, the Chief of Police 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 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.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by The Village of Cayuga Heights but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at The Village of Cayuga Heights, 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 regarding 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 Village of Cayuga Heights does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

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 anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. 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 Local Police Department

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

From the Employee Handbook

SEXUAL HARASSMENT

It is the policy of the Village of Cayuga Heights to provide mandatory annual training and maintain a work environment that is free from unlawful discrimination. Sexual harassment is a form of unlawful discrimination and is prohibited in the Village work environment and in situations that affect the Village work environment. This conduct includes unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature or conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Incidents of sexual harassment should be reported immediately to your Department Head or the Mayor or Chief of Police for prompt investigation, and corrective action, if necessary. If the person receiving the report, receives it in oral and not written form, that person shall immediately produce that report to written form, including the following information: date of the incident, person(s) involved in the incident, any witnesses to the incident, substance of the incident, where and when (date and time) the incident occurred, what action, if any, was taken by persons present.

The Department Head, Mayor or Chief of Police (as the case may be), will handle the matter within their discretion, including conducting interviews with the complaining party, the alleged harasser and any relevant third parties. The Department Head, Mayor or Chief of Police, will make corrective recommendations, if necessary, to the supervisor of the alleged offending employee after an investigation. The investigator will maintain a file to be kept separately from personnel files, unless a letter is included in an individual's file as a corrective measure. The Department Head, Mayor or Chief of Police, will inform both parties of the results of the investigation. Corrective measures shall be direct and appropriate to the case, and may include altering work assignments, mandated counseling or other disciplinary actions up to and including discharge, (available civil and criminal remedies notwithstanding). Effective 2/16/98, revised 9/13/04, revised 3/18/19

ADDRESSING COMPLAINTS OF DISCRIMINATION

Each member of management is responsible for creating an atmosphere free of discrimination. Further, employees are responsible for respecting the rights of their coworkers.

If you experience any job-related discrimination or harassment based on your race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, amnesty, or veteran status, or if you believe you have been treated in a unlawful, discriminatory manner or have been unlawfully harassed, promptly report the incident to your supervisor. If you believe it would be inappropriate to discuss the matter with your supervisor, report it directly to the head of your Department, Village Clerk, or other Village official or officer. Once made aware of your complaint, the Village of Cayuga Heights is committed to commence an immediate, thorough investigation of the allegations. Your complaint will be kept confidential as possible.

If, at the completion of the investigation, the Village of Cayuga Heights determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action will be taken. .

The Village of Cayuga Heights prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in the complaint investigation.