

## **Sennett Town Board Meeting Minutes August 20, 2019**

Minutes of the Town of Sennett Town Board Meeting held on Tuesday August 20, 2019 at the Town of Sennett Office Building at 7:00 PM.

Members Present: Peter Adams, Supervisor  
Jerrold Eades, Councilman  
Edward Rizzo, Councilman  
Richard Gagliardi, Councilman  
James Jeffers, Councilman  
Ron Schalck, Water and Wastewater Superintendent  
Richard Andino, Town Attorney  
Penelope Dennis, Town Clerk

The meeting is opened with the pledge to the flag. The minutes of the July meeting are approved on a motion made by Councilman Eades, seconded by Councilman Rizzo, 4 ayes, 0 nays, Councilman Jeffers abstains due to his absence from the meeting.

Old Business: The easement for the proposed water tank is being worked on, they plan to be on site on Friday. The original easement will be updated.

The Mandatory Sexual Harassment Prevention training will be held on August 27 at noon.

New Business: Ray Bizzarri, the Director of Cayuga County Community Services gave the following presentation:

Cayuga County's Emergency Housing Current Strategies and Future Opportunities-Shelter v Motels

### RULES

- "Where Found" • Code Blue • Inspections/OTDA Licensing • Safety • Case Management • Sanctions • Reimbursement 100% Code Blue; 29% Single Safety Net; 100% Temporary Assistance to Needy Families

### WHAT RESOURCES DO WE HAVE?

- Chapel House 19 singles (men) • Ray of Light 16 singles (men and women)
- DV Shelter 9 • Family Transitions 8 hard to house families • Sex Offenders 2 designated motels • Hotel/motels every family and anyone when shelters are at capacity • Case Management contracts find affordable housing for the homeless

## NUMBERS AND THE SPEND:

Emergency Housing Expenses (shelters and motels)

2016 = 701,118; 2017 = 637,861; 2018 = 784,768; 2019 YTD = 657,877 and 2019 Projected = 1,315,754\*.

Code Blue expenses have more than doubled and year hasn't ended. Safety Net expenses will almost double and that expense has the greatest local share  
\*local share of shelters only projected at \$653,604

## NUMBERS AND THE SPEND

Motels are used when all shelter beds are full • In 2018, LDSS used 294 motel rooms • YTD 2019, LDSS used 190 motel rooms • LDSS housed an average of 31 recipients in motels in 2018 and 2019 YTD average is 50  
Recipients housed in motels stay on average, between 33-47 days before retaining permanent housing

## WHAT'S BEEN DONE TO MANAGE THE MANDATED, HIGH-COST OF EMERGENCY SHELTER/HOUSING?

- Eliminated the payment of security deposits (250-300k savings) • Ray of Light (annual savings of 90-100k in each of contracted 5 years: difference between motel v ROL rate) • Referral to Adult Protective Services for representative payee to manage money and pay bills for folks that are evicted for not paying rent • Effective Case Management contracts • Solution to End Homelessness Program Grant • Homeless Services Coordinator • Point of emphasis on managing the problem

## SHELTER V MOTEL

- Shelters are cheaper than motels • Shelters are supervised, safer and staffed 24/7 • Experience tells us that motels are more attractive than shelter beds so "where found" sometimes brings folks here • Using motels is chaotic and time-consuming for staff • Motel damage necessary expenses/less damage expense at shelters • As untreated mental illness/substance abuse issues are a principle driver of homelessness, the opportunity to provide integrated services is a meaningful step towards short and long term improvement in the numbers

## PROPOSED SHELTER PLANS

### THE VISION

- All single men/women and families sheltered at the nursing home: capacity will meet county's needs for a decade or more • Sex Offenders housed at Ray of Light (no more motels) • DSS Temporary Assistance/Employment/Adult Protective Services/Mental Health/Substance Abuse/Primary Care services pushed in. Satellite clinics bill for services. Reduced traffic at COB. • Sufficient adult respite opportunities for those in crisis • Some permanent, supervised

housing for the hard/impossible to house • Much improved emergency housing for families/children • Police drop-off capability

#### NYS OTDA OPINION ON THE PROJECT

- Facility in excellent shape (thanks to Gary and his guys) and needs very little to meet licensure
- Will be state of the art and a model in NYS
- Discussions with NYS Homeless Housing Assistance Program staff indicate strong possibility of a vendor receiving funding to purchase, make any renovations and for the county to be reimbursed 25% of first year contract cost
- OTDA commitment to work with us throughout the process

#### OPTION 1 RFP

3-year lease to experienced shelter operator and contract for shelter services

PRO • Opportunity to measure the financial and human impact of the project • Allows for earlier implementation/start-up • Keeps options open for additional building uses

CON • County retains property in the long run

#### OPTION 2 RFP

Lease/option to buy with experienced shelter provider and contract for shelter services

PRO • Also allows for an earlier start-up • More predictable project for vendors...can apply and negotiate fusing for capital expenses • County realizes short- and long-term financial benefits

CON • County retains property in the short run but then sells

#### HOW TO FUND THE PROJECT?

- HHAP application for purchase, renovations and 25% off first year operating budget
- Push in 100k OMH State Aid for respite
- Provider can bill/contract for Home and Community Based Services respite rate
- Code Blue shelter funds 100% reimbursed
- Collapsing funded, separate case management/homeless coordinator contracts into the project (\$160k)
- 100% Temporary Aid to Needy Families reimbursement for shelter costs
- 29% Safety Net reimbursement for shelter
- Investigate private funders interest
- Seek other blending strategies with future local and regional opportunities
- The 2019 total emergency housing spend is projected to be at least \$1.5 million

#### PROJECTED SAVINGS

- 40k annual cost for county to maintain the building
- Difference between the motel/shelter rate
- Related expenses related to regulatory compliance with emergency housing rules and regulations
- Motel damages
- Staff time

Mr. Bizzari reminds everyone that this is mandatory for the County to provide and they are doing their due diligence, There is much discussion on this.

The City of Auburn is proposing a sewer rate increase of \$.07 per 100 CF for 2020. They are also discussing the replacement of all the meters at the town connections. The meters would all be new, standardized, upgraded meters, at an estimated cost of \$20,000.00± per town. More information to come.

Supervisor Adams thanks all who helped at the Phase 3 Park Buildout on the 16<sup>th</sup> and 17<sup>th</sup>. The paving of the parking lot and the driveway is discussed. Attorney Andino explains the process and the time needed for the bidding of the job. It should be advertised for at least five days. The bids will be opened on September 10<sup>th</sup> at 6:00 PM.

The CH4 project is discussed as to what still needs to be finished. Attorney Andino states that he will communicate with the MRB engineers to get an update. Ron Schalck states that there are issues with the hotbox. Ron will also contact the MRB engineers. More information at a later meeting.

According to new NYS laws the Town needs to adopt a Sexual Harassment Prevention Policy and offer training to all employees. Attorney Andino explains the policy to all section by section. The state just recently made a change in the regulations. The training for the town will be on the 21<sup>st</sup> at noon. The following policy is adopted by the Town Board:

## **TOWN BOARD RESOLUTION**

**August 20, 2019**

### **ADOPTION OF A SEXUAL HARASSMENT PREVENTION POLICY**

The following resolution was offered by Councilman Eades, who moved its adoption, seconded by Supervisor Adams, to wit:

**WHEREAS**, the Town of Sennett has recognized its commitment to promote a safe and secure work environment that promotes the achievement of its mission of serving the public; and

**WHEREAS**, pursuant to New York State Labor Law all municipalities are required to develop and implement programs and policies to prevent workplace sexual harassment and sex discrimination; and

**WHEREAS**, the Town of Sennett has caused to be prepared a “Sexual Harassment Prevention Policy” compliant with the applicable State and Federal Law, as amended; and

**WHEREAS**, adoption of a “Sexual Harassment Prevention Policy” has been determined to be a Type II action and will have no significant adverse effect on the environment, pursuant to 6 N.Y.C.R.R. Part 617.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Sennett hereby adopts the “Town of Sennett Sexual Harassment Prevention Policy” set forth herein:

**“TOWN OF SENNETT  
SEXUAL HARASSMENT PREVENTION POLICY  
(Adopted 08/20/2019)**

A. **Statement of Policy**

1. **Sexual Harassment Prohibited:** It is the policy of the Town of Sennett to promote a safe, productive environment for its employees and visitors. As with discrimination involving other protected characteristics, the Town of Sennett prohibits sex discrimination, including sexual harassment of its employees, applicants for employment, interns (paid or unpaid), contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace. The Town of Sennett has zero-tolerance for any form of sexual harassment and requires all of its employees to work in a manner that prevents sexual harassment in the workplace.

The Town of Sennett recognizes that sexual harassment is prohibited by federal and state law and considers sexual harassment by an employee to be a form of employee misconduct. It is further the policy of the Town of Sennett that employees who engage in sexual harassment, or who are a manager or supervisory employee who knowingly allows harassment to occur, shall be subject to potential disciplinary action.

2. **Sexual Harassment Defined:** Sexual harassment is a form of sex discrimination, and includes harassment on the basis of sex, sexual orientation, self-identified sex, gender expression

or identity and the status of being transgender. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, is made either explicitly or implicitly a term or condition of employment, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- a. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
  - b. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
  - c. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
  - d. Sexual harassment may occur without economic injury to or discharge of the victim.
  - e. The harasser's conduct must be unwelcome.
2. **Forms of Sexual Harassment:** Specific conduct that may constitute prohibited sexual harassment includes, but is not limited to:
- a. Any sexual advance or request for sexual favors that is unwelcome, or that occurs when a person in authority tries to trade job benefits for sexual favors.
  - b. Verbal comments of a sexual nature related to a person's gender, including sexual innuendoes, slurs, comments or sounds of a sexual nature that are suggestive, derogatory or insulting, whistling, sexually themed jokes or stories and sexual propositions or threats.
  - c. Sexually oriented comments about a person's body or appearance that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile or offensive working environment.

- d. Displaying or distributing written, recorded or electronically transmitted material that is sexually suggestive, including, but not limited to: pornographic or sexually explicit images or objects, graphic commentaries or obscene gestures that unreasonably interferes with an employee's work performance, or creates an intimidating, hostile or offensive working environment.
- e. Physical contact of any kind, which is unwelcome, including, but not limited to: touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against another person's body.

**B. Reporting and Investigation of Sexual Harassment**

1. **Reporting Sexual Harassment:** Any covered individuals who believe they have been subjected to sexual harassment or who witness or become aware of potential instances of sexual harassment and would like to either obtain guidance about how to file a complaint or report such incidents should contact their immediate supervisor or the Town Supervisor. A person who reports possible sexual harassment shall be advised of the right to file a written report and provided with a copy of the Town of Sennett's policy and reporting form, a copy of which is incorporated as part of this policy.
2. **Investigation of Reported Sexual Harassment:** Upon receiving a report of possible sexual harassment, whether communicated verbally or through the written complaint form referenced in this policy, the person receiving report shall log the report, provide the reporter with written acknowledgement of the report, and either designate a fact-finder to conduct a fact-finding inquiry designed to determine within a reasonable degree of probability what happened or conduct such fact-finding inquiry him/herself. Such fact-finding investigations shall be conducted in such a manner as to protect the confidentiality of the reporter to the fullest extent possible.
  - a. The fact-finding investigation should be conducted in a timely manner after the report is made and pursued with sufficient diligence to reach a conclusion without undue delay.

- b. An independent third party may be designated to conduct the investigation.
  - c. The investigation should determine, with as much detail as possible, the sequence in which events occurred, the identity of each person involved and their respective roles, and the exact words and/or conduct of each person involved in the reported events. To the extent possible, fact-finding interviews should be conducted by one person.
  - d. The investigation shall include an opportunity for any person alleged in such a report to have violated this policy to respond to each statement or action constituting an alleged violation.
  - e. Investigative interviews shall be scheduled and conducted in compliance with applicable provisions of law and collective bargaining agreements.
  - f. Each person interviewed in connection with such an investigation shall be advised that they are protected by the non-retaliation provision of this policy.
3. **Resolution of Investigation:** Upon completion of the investigation, the Town Supervisor or his or her designated factfinder shall:
- a. Promptly prepare a written fact-finding report describing:
    - i. The investigation, including a summary of each interview performed and any documents or other evidence reviewed
    - ii. Any conclusions drawn regarding disputed facts
    - iii. A conclusion as to whether or not prohibited sexual harassment has occurred
    - iv. A recommendation regarding any corrective action if sexual harassment is found to have occurred
  - b. If the fact-finding report determines that sexual harassment did not occur, the reporter and any person who was alleged by the reporter to have engaged in sexual harassment shall be advised of the determination verbally and in writing. The reporter may request that the report be reviewed.



- c. If the fact-finding report determines that sexual harassment did occur, the reporter shall be advised of the determination orally and in writing and, consistent with applicable policies or law concerning the confidentiality of employee personnel records, be advised that corrective action shall be taken to deter similar conduct in the future. Any person(s) found in the report to have committed sexual harassment shall be advised verbally and in writing of the determination and the right to have such determination reviewed, advised verbally of the recommended corrective action and, to the extent required by applicable law or collective bargaining agreement, the steps that the Town of Sennett intends to pursue to implement such corrective action.
- d. Review of a fact-finding report shall be conducted by the Deputy Town Supervisor, the Town's designated review officer, who shall perform such review promptly and advise the person requesting such review of any action taken resulting from the review.
- e. Upon issuance of a final fact-finding report, the reporter shall be advised that sexual harassment is prohibited under federal and state nondiscrimination laws and regulations, and of the right to pursue redress of a report of sexual harassment, whether or not the fact-finding report determined that sexual harassment occurred, through the filing of an external complaint, as outlined in Section E herein.

C. **Retaliation Prohibited**

1. No person covered by this policy shall be subjected to retaliation of any kind, including adverse employment actions such as discharge, discipline, or other discrimination, as a result of reporting sexual harassment or assisting or participating in the investigation of a complaint of sexual harassment.
2. Intimidation, coercion, threats, reprisal or discrimination against any person who in good faith reports possible sexual harassment, or any person who cooperates, aids or assists with an investigation of such a report, is strictly prohibited.
3. Retaliation against a person who makes a good faith report of sexual harassment, or any person who cooperates, aids or

assists with an investigation of such a report is unlawful and a form of employee misconduct that may be subject to disciplinary action.

4. This retaliation provision is not intended to protect persons who make intentional false charges of harassment.

D. **Supervisory Responsibility:** Department heads and supervisory personnel are responsible for promoting a workplace that is free from unsolicited, unwelcome and/or intimidating conduct of a sexual nature. Supervisory employees must take immediate and appropriate corrective action upon becoming aware of such conduct involving any employee of the Town of Sennett or any contractor, consultant, vendor or other person providing services to or receiving services from the Town of Sennett.

E. **Availability of Administrative and Judicial Review and Employee Rights:**

1. Persons who believe they have been the subject of sexual harassment may, in addition to the procedures set forth in this policy, pursue claims of sexual harassment through state or federal entities such as:

- a. **The New York State Division of Human Rights (“DHR”):**  
The New York State Human Rights Law, codified as Executive Law Article 15, sections 290 et seq., applies to employers in New York State with regard to sexual harassment and protects employees, paid or unpaid interns and non-employees. A complaint alleging a violation of the Human Rights Law may be filed with the DHR or in an appropriate federal or state court.

Complaints filed with DHR may be filed within one (1) year of the date of alleged harassment. Upon receiving a complaint, DHR will investigate and determine whether probable cause exists that discrimination has occurred. If probable cause is found, DHR refers the matter to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award various forms of relief, including directives to an employer to stop harassment and monetary damages.

If an individual does not file a complaint with DHR, they can still pursue a claim directly in an appropriate court within three (3) years of alleged discrimination.

An internal complaint made under this policy does not extend the time in which to file a complaint with DHR or in court. A complaining party does not need an attorney, and there is no cost to the complainant to file a complaint with DHR.

More information about filing a complaint with DHR may be obtained through the DHR website at [www.dhr.ny.gov](http://www.dhr.ny.gov) or by calling (888) 392-3644.

- b. **The Equal Employment Opportunity Commission (“EEOC”)**: The EEOC enforces federal antidiscrimination laws, including Title VII of the Civil Rights Act of 1964, codified at 42 U.S.C. Section 2000e et seq. An individual may file a complaint with the EEOC any time within 300 days of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine if there is reasonable cause to believe that discrimination has occurred, at which point it may issue a Right to Sue letter permitting the individual to file a complaint in an appropriate court.

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

Any employee who believes he or she has experienced sexual harassment or any other form of unlawful discrimination at work can file a Charge of Discrimination with the EEOC. More information may be obtained through the EEOC's website [www.eeoc.gov](http://www.eeoc.gov) or by calling 1-800-669-4000.

- c. Local Protections: Many localities enforce laws protecting individuals from sexual harassment. An individual should contact the county, city or town in which they live or work to find out if such a law exists.
2. Nothing in this policy should be construed as in any way limiting, diminishing or otherwise affecting the rights of employees to use any applicable Dispute Resolution Procedure or to affect any due process rights available under applicable law or regulation.

F. **Posting and Distribution of this Policy**: A copy of this Policy will be

provided to all employees in writing, including the method of electronic transmission (e-mail). A copy of this Policy may also be posted in areas of the workplace where it is visible to employees and other covered individuals."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>Peter Adams</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Rick Gagliardi</b>	<b>Councilmember</b>	<b>Voted</b>	<b>Yes</b>
<b>Jerrold Eade</b>	<b>Councilmember</b>	<b>Voted</b>	<b>Yes</b>
<b>James Jeffer</b>	<b>Councilmember</b>	<b>Voted</b>	<b>Yes</b>
<b>Edward Rizzo</b>	<b>Councilmember</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

Department Reports: The Water and Sewer Department reports that monthly water operation reports were done and given to DOH by the 10<sup>th</sup>; monthly and quarterly water samples were done; marked many dig requests; grass was cut around water tank and Franklin St pump station as needed; grass was cut around all fire hydrants; installed risers on manholes and valves boxes on the roads that were paved by the highway department; there were two alarms at Butera pump station. Some wiring and a terminal block were replaced due to overheating of the block. Both pumps were pulled three times and unclogged of towels; we were called by DDS several times while they were replacing the gas line for NYSEG on Wegman St for a broken sewer lateral and two hit water service lines also to confirm our markings of water and sewer lines; I attended a training course for basic electricity and received 6 credit hours towards renewing my water license; the backhoe was greased and cleaned; changed oil, checked fluids and greased van. The Highway report was read by the board and reviewed as follows: did monthly brush pickup; mowed all lawns, cemetery, roadsides; trimmed guard rails; milled out Mandy Rue with help from Brutus and Throop; paved Mandy Rue with help from Throop, Brutus, Skaneateles, Conquest, Owasco, Mentz, Cayuga County and Elbridge (19 trucks total); Paved Eastern Parkway and Kenwood Road with help from Brutus, Throop, Skaneateles and Elbridge; Sent two trucks to Skaneateles to pave, two to Mentz to pave, two to Cayuga County to haul stone, two to Elbridge to mix pave; hauled some grindings to Seneca Stone; hired a tree service to cut trees by the power lines on Taylor Road; mowed the Quincy Hill Drainage District; repairs were done on Mandy Rue after paving; cleaned up a lot of trees and debris from the extreme storms we have had lately; repaired the fuel injector on truck #4 and center lined Gates, Mutton Hill and Center Street Roads. The Court Clerk's report was read and reviewed by the board. Judge Timian reports \$2,910.50 for July. Judge Riley reports \$3,030.00 for July. The Town Clerk reports

\$1,224.94 for July. The CEO, Jerry VeVone, reports that ABC has installed the sprinkler system and the alarm will be in soon, should be opened within two to three weeks. Duke Co. is opened. Storage facility is building, Mutton Hill Road is proposing a used car lot, Munchies is doing some changes, and fire inspections have been done. The Attorney has information for the Highway Superintendent, (absent) regarding an issue with a tree stump on Wegman Street. Attorney Andino discusses the options available. Supervisor Adams reports that the Town made a good decision to change health care coverage to the Tompkins County Healthcare Consortium, less claims, costs are manageable, overall a good move. Also, the Emergency Management Training meeting is August 21<sup>st</sup>. The meeting with the union is October 1<sup>st</sup>.

The Public to be Heard segment is opened on a motion made by Councilman Eades, seconded by Supervisor Adams, 5 ayes 0 nays, carried. Hearing nothing the Public to be Heard segment is closed on a motion made by Supervisor Adams, seconded by Councilman Jeffers, 5 ayes, 0 nays, carried.

The abstract in the amount of \$366,032.09 is approved for payment on a motion made by Councilman Jeffers, seconded by Supervisor Adams. Roll Call vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Supervisor Adams yes and Councilman Jeffers yes, carried.

Meeting is adjourned on a motion made by Councilman Jeffers, seconded by Supervisor Adams, 5 ayes, 0 nays, carried.

Respectfully submitted,  
*Penelope Dennis*, Town Clerk  
Town of Sennett