

The Milan Town Board held their Regular Town Board Meeting on 02/20/2012 at 7:30 PM at the Milan Town Hall.

Present: Supervisor William Gallagher  
Councilpersons Jack Campisi, Roberta Egan, Jack Grumet, Marion Mathison

The Supervisor opened the meeting with the Pledge of Allegiance.

The Tax Collector, Pamela Johnson submitted to the town Board her January Monthly report. She collected \$374,319.63

**MINUTES:** Special Meeting – Annual Acct. of Books – 01/16/12. **MOTION** by Supervisor Gallagher seconded by Council. Egan to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

**MINUTES:** Regular Town Board Meeting – 01/16/12. **MOTION** by Supervisor Gallagher seconded by Council. Campisi to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

#### **CORRESPONDENCE:**

Public Notice hearing from the Town of Rhinebeck – hearing to take place on March 12, 2012 on the Proposed Local Law No. 1 of 2012, Amendment of Town Code Chapter 125, Zoning.

#### **BUSINESS:**

#### **SELECTION OF WOMAN OF DISTINCTION:**

The Supervisor announced that the Town Board selected Ann Mancini as the Town's Woman of Distinction. This nomination is through the office of Senator Ball. He read off some of her accomplishments: a Hospice volunteer and a volunteer at the Hyde Park nursing Home. She is a charter member of the Milan Rescue Squad. In the early 1970's she was co-editor of the Milan Community Association news letter. Ms. Mancini also worked for the town in the late 80's and early 90's as secretary to the Planning and Zoning Board. Currently she is an Election Inspector, co owner of Rock City Sand & Gravel, co-owner of Sue Ann's fitness and Vice President of the Old Dutch Village Garden Club.

#### **APPOINTMENT**

**MOTION** by Supervisor Gallagher seconded by Council. Grumet to appoint Keith Wheeler as Recreation Chairman. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO -0

**LOAN – Salisbury Bridge Fund**

**MOTION** by Supervisor Gallagher seconded by Council. Egan to cancel the \$30,000 loan due the General fund from the Salisbury Bridge Fund. Discussion followed. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

**PEST CONTROL – TOWN HALL**

The Supervisor inquired whether or not the town should continue with pest control services. The consensus from the board was to have the town do the exterminating.

**PERSONNEL POLICIES**

Council. Campisi asked the town board to review Chapter 59 of the Code Book and review the changes. He said that he would like that back within two weeks to give them to the attorney for review and then discuss it at the next board meeting.

**RESOLUTION # 51-2012 – Town of Milan Workplace Anti-Violence Policy**

Resolution offered by Supervisor Gallagher seconded by Council. Egan to adopt the following Town of Milan Workplace Anti-Violence Policy :

**A. Intent**

The Town of Milan has a commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All elected officials, employees, volunteers, and appointed individuals (hereafter called employees) of the Town are expected to maintain a working environment free from violence, threats of harassment, threats of violence, intimidation, or coercion. Such acts that involve or affect the employees of the Town will not be tolerated. While these behaviors are not prevalent at the Town of Milan, the Town Board recognizes that no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in our Town, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to follow when such violence has occurred. This policy is written to meet the requirements of NYS Labor Law, Section 27-b.

**B. Policy**

The Town of Milan prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Town property or work area and are subject to disciplinary and/or personnel action up to and including termination, consistent with Town policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered separately under the Town’s Policy against Sexual Harassment.

The Town, at the request of an employee or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on Town property or workplace unless necessary to transact Town-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

### ***C. Scope of the Policy***

All employees, appointed individuals, members of the public, vendors, contractors, consultants, and others who do business with the Town, whether in a Town facility or off-site location (workplace) where Town business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Town, such as former employees and visitors. This policy includes violence between employees, employees and public, and employees and contractors.

### ***D. Definitions***

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses, or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Town's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- a. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, hand gestures, or waving arms and fists).
- b. Intentional physical contact for the purpose of causing harm (such as slapping, jabbing, stabbing, punching, striking, shoving, or other physical attack).
- c. Menacing or threatening behavior such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten. Behavior that creates a hostile work environment where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.
- d. Possessing firearms, imitation firearms, BB guns, paint ball guns, pellet guns, knives with blades longer than four inches or other dangerous weapons, instruments, or materials. No one within the Town workplace, with the exception of a police agency, shall have in their possession a firearm or other dangerous weapon, instrument, or material that can be used to inflict bodily harm on an individual or damage to Town property without specific written authorization from the Town Supervisor regardless of whether the individual possesses a valid permit to carry the firearm or weapon. This restriction applies to firearms or weapons located in personal and commercial vehicles.
- e. Harassing or threatening letters, phone calls, FAX=s, text messages, instant messages, web-postings, e-mails, and other forms of communication.
- f. Threats or attempts to commit suicide.
- g. Surveillance includes unapproved photos and video on cell phones, cameras, and/or camcorders.

2. Department Head is the person designated to supervise the activities and operation of departments in Town of Milan Government. Department Heads are: Town Clerk, Town Supervisor, Highway Superintendent, Assessor Chairman and two (2) Town Justices.

3. Chair is the appointed leader for the following Boards and Committees: Board of Assessment Review (BAR), Planning Board, Zoning Board of Appeals (ZBA), Recreation Committee, Conservation Advisory Committee (CAC), or any other committee(s) appointed by the Town Board.

4. Employee is any person involved in Town of Milan government including: elected officials, paid employees, appointed individuals and volunteers appointed to various Boards and/or committees and are called employees herein.

5. Workplace includes any Town-owned property (building, park, or parking lots), work site (road construction and maintenance, tree and brush trimming and cutting, roadside mowing, culvert / bridge construction and maintenance, and snow and ice control operations), other similar locations and activities, and Town-sponsored activities.

### **E. Risk Factors**

Potential risk factors include but are not limited to:

1. Working in a public setting.
2. Working late night or early morning hours.
3. Exchanging money with the public.
4. Working alone or in small numbers.
5. Uncontrolled access to the workplace.
6. Areas of previous security problems.

### **F. Prevention Actions**

The methods the Town of Milan will use to prevent incidents of occupational assaults and homicides in the workplace include but are not limited to the following:

1. Making high-risk areas more visible to more people.
2. Installing good external lighting.
3. Using drop safes or other methods to minimize cash on hand.
4. Providing training in conflict resolution and nonviolent self-defense responses.
5. Establishing and implementing reporting systems for incidents of aggressive behavior.

### **G. Reporting of Incidents**

#### 1. General Reporting Responsibilities

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the Town. Workplace violence should promptly be reported to the appropriate Town official (see H. Responsibilities). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in D. Definitions. It is important that all employees of the Town take this responsibility seriously to effectively maintain a safe working and learning environment.

#### 2. Imminent or Actual Violence

Any employee experiencing or witnessing imminent danger or actual violence involving weapons or personal injury must immediately call 911 and then notify their supervisor.

#### 3. Acts of Violence Not Involving Weapons or Injuries to Persons

Any employee who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, must report the incident to their supervisor, or in lieu thereof, to the Town Supervisor.

#### 4. Commission of a Crime

All employees who believe a crime has been committed against them have the right and are encouraged to report the incident to the appropriate law enforcement agency.

#### 5. False Reports

Employees who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

#### 6. Incident Reports

The Town Supervisor will maintain an incident report file for the Town.

### **H. Responsibilities**

#### 1. Town Supervisor

The Town Supervisor shall be responsible for the implementation of this policy for all Town non-highway employees. The responsibility includes dissemination of this policy to all non-highway Town employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all department heads are aware of their responsibilities under this policy through internal communications and training.

The Town Supervisor is responsible for responding to, intervening, and documenting all incidents of violence in the workplace for Town non-highway employees. The Town Supervisor will immediately log all incidents of workplace violence.

#### 2. Highway Superintendent

The Highway Superintendent shall be responsible for the implementation of this policy for all Town highway employees. The responsibility includes dissemination of this policy to all Town highway employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that the Town Supervisor is notified of all matters relating to the investigation and follow-up of all alleged incidents of workplace violence.

The Highway Superintendent is responsible for responding to, intervening, and documenting all incidents of violence in the workplace for Town highway employees. The Highway Superintendent will immediately log all incidents of workplace violence and notify the Town Supervisor of the alleged incident.

#### 3. Department Heads/Chairs

All department heads should be knowledgeable of when law enforcement action may be appropriate. Department Heads and Chairs will be trained in workplace violence awareness and prevention, non-violent crises intervention, conflict management, and dispute resolution. The Town Supervisor will work closely with Department Heads and Chairs when the possibility of workplace violence is heightened, as well as on the appropriate response to workplace violence incidents consistent with Town policies, rules, procedures, New York State laws, rules, and regulations, Federal laws, rules, and regulations, and applicable labor agreements, including appropriate disciplinary action up to and including termination.

Each Department Head or Chair with supervisory responsibility is responsible within their area of jurisdiction for the implementation of this policy. Department

Heads and Chairs must report to the Supervisor any complaint of workplace violence made to them and any other incidents of workplace violence of which they become aware or reasonably believes to exist. Department Heads and Chairs must inform the Town Supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Town Supervisor, the Department Head or Chair must keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Department Heads and Chairs are required to contact the police by immediately calling 911 in the event of imminent or actual violence involving weapons or potential physical injuries.

#### 4. Employees

Employees must report workplace violence, as defined above, to their Department Head or Chair. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's Department Head or Chair should be brought directly to the attention of the Town Supervisor.

Employees who have obtained Orders of Protection are expected to notify their Department Head, Chair, and the Town Supervisor of any orders that list Town locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their Department Head, Chair, or the Town Supervisor. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, employees will receive copies of this policy from the Town Clerk. Additionally, the policy will be posted throughout the Town and be placed on the Town website, as appropriate.

#### 5. Town Supervisor/ Town Clerk Responsibilities

The Town Supervisor is responsible for responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; and consulting with, as necessary, counseling services to secure professional intervention. The Town Supervisor shall insure that employees receive appropriate training.

The Town Clerk is responsible for providing new employees with a copy of the Workplace Anti-Violence Policy and Procedures as well as posting the policy throughout the Town's properties and on the Town's website, as appropriate. Each year, the Town Clerk will distribute a copy of the Anti-Violence Workplace policy after the Reorganizational Meeting and request a certification of receipt of the policy.

### ***I. Education***

The Town Supervisor is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Additionally, annual training in conflict resolution and nonviolent self-defense responses will be provided along with measures employees can take to protect themselves from such risks, such as appropriate work practices, emergency procedures, use of security alarms, and other devices. Literature and a video will be available when desired from the Town Supervisor for employees' self-training and refreshing. The Town Supervisor shall disseminate the policy to the Highway

Superintendent who is then responsible to enforce the policy, as described herein to the Town Highway employees.

### ***J. Confidentiality***

The Town shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of employees of the Town would be served by such action.

### ***K. Retaliation***

Retaliation against anyone who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline as provided in appropriate laws, rules, regulations, and policies up to and including termination.

### **L. Employee Security Survey**

Employees will be encouraged periodically to complete the \*attached Employee Security Survey. The information obtained from the survey will be used to improve the security of the workplace for the employees and to make appropriate revisions to this policy. The Town Supervisor and/or the Town Highway Superintendent will be responsible to conduct the survey when desired, to analyze the information, and to take appropriate corrective action.

### **M. Workplace Violence Incident Report**

Workplace violence should not be ignored and employees are encouraged to report incidents of violent behavior. Reporting of incidents will enable the Town to maintain a safe working environment. The \*attached Workplace Violence Incident Report shall be used to document specific incidents and should be kept in the incident report file with the Town Supervisor.

### **N. Record Keeping**

Currently, public employers are required to record and report workplace violence incidents in accordance with New York State Labor Law, Section 27-a (Public Employer Safety and Health Act). NYCRR Part 801 of that Law, Recording and Reporting Public Employees= Occupational Injuries and Illnesses, specifies conditions for employer recordkeeping and reporting requirements. Specifically, an employer is required to record an employee workplace violence injury if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid and loss of consciousness. Additionally, employers should utilize accident and illness recordkeeping information to ensure that their written workplace violence prevention plan is as effective as possible. Employers are also required to report employee workplace violence related fatalities and multiple hospitalizations to the Department's Public Employee Safety and Health (PESH) Bureau within 8 hours of the incident by calling the Albany office: 1-518-457-5508. (Refer to NYCRR Part 801 for complete information pertaining to employee record keeping and PESH reporting requirements).

Discussion followed. Council. Campisi had changes to the resolution. On page 2, change Town Assessor to Assessor Chairman and a typo on page 7. MOTION by Council. Campisi seconded by Supervisor Gallagher to amend the changes to Resolution # 51 2012. Roll was taken and carried.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

Roll was taken and adopted on Resolution # 51-2012 as amended.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

\*Available in the Town Clerk's office.

## **CREDIT CARDS**

The Supervisor informed the board that he would like to apply for credit cards for the town for office services and supplies and for the highway department for an E-Z pass when he travels across the bridge to Kingston.

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to authorize the Supervisor to obtain two (2) credit cards from the Millbrook Bank in the name of William Gallagher and Glenn Butler with a limit of \$1,000. Discussion followed. The Board discussed whether it should be in the name of the Town of Milan/Highway Department. The Supervisor said that the credit cards would be kept in the safe in the Town Clerks office. Council. Egan asked if they were going to charge for the credit card and if her name would also be on the card in case the Supervisor was not around. The Supervisor said that he would look into that. Council. Campisi said that the statement must be by the tenth of each month. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

## **BOOKKEEPER'S HOURS**

**MOTION** by Supervisor Gallagher seconded by Council. Egan that beginning with the pay period 03/09/2012, the town bookkeeper shall be paid at the hourly rate of \$27.28 for an 18 hour workweek, consisting of three six (6) hour days (Monday, Wednesday and Friday, starting at 9:30 AM and ending at 3:30 PM). In the event that the bookkeeper is late on any given workday in excess of five (5) minutes, that workday shall start with the next full quarter hour and the bookkeeper shall be paid accordingly. In the event that the bookkeeper shall leave prior to the completion of the work day, except for Milan Town business at the request of the Supervisor, the same reduction in pay shall apply. Unless authorized by the Supervisor in advance, the bookkeeper shall not make up any time lost due to lateness. The Supervisor shall establish procedures to verify the date, day and time of the start and end of the bookkeeper's work day. The Supervisor may, at his discretion restore the bookkeeper's pay to a salary basis. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

Council. Campisi wanted to know the status of the cell tower and the Sheriff Department usage and payment. The Supervisor said that the town has not been paid. He said that he was going to contact the town board attorney and discuss the issue with her and also ask Marc Molinaro, County Executive for help regarding this situation. The Supervisor said that if there is no response or communication from the Sheriff's Department that he will direct the town board attorney to write a letter telling them that their services will be shut down and the state the reason why. Council. Grumet suggested that the town send a registered letter to that effect. Council. Campisi said that the letter should be sent to Mr. Molinaro, County Executive and copy the Sheriff Department.

## HIGHWAY TRUCK

Supervisor opened the discussion among Glenn Butler, Highway Superintendent and the Town Board regarding the purchase of a new plow truck. Mr. Butler said that there would be an additional rate increase of 2% if the town was to purchase a new truck. He started by saying that right now the highway department has five (5) trucks, one which was replaced last year. He said that his recommendation was to replace both 1989's last year but the town board only replaced one. Mr. Butler said that his recommendation is still to replace the other 1989 truck and the cost for that truck is \$220,000. He said that it is not worth it to put any more money into this truck. He said that it would be a waste of tax payers money to fix the '89 truck which needs around \$40,000 worth of repairs. Mr. Butler said the next big truck is the 1997 which has a lot of hours on it and it is basically used only for snow removal. When there is a snow storm he said he needs all (5) five trucks to be ready to go out the door.

Council. Mathison wanted some clarification from Glenn about the budget including maintenance for the fleet or renewal of the fleet, what the alternative is and what the other towns do. Council. Mathison wanted to know if the town does not replace this truck how will it affect the service and the answer she received from Mr. Butler was that it would delay the service and there would be concern for the safety.

Mr. Butler said that the town always bonded for new trucks and we do have an equipment reserve fund that we receive for snow removal, which is used for small purchases. He said that some towns appropriate funds each year to go into an equipment reserve fund. If you do not replace this truck, you will be down to four (4) trucks and it would take an additional one and half (1 ½) hours per route. This will mean longer working hours for the men which could become a safety issue.

They talked about what the increase would be. Mr. Butler said that the increase would be an additional 2% but with the mild winter this year he said he might be able to get down to a 1% increase.

The Supervisor asked what the down payment would be. Mr. Butler said that it would be around \$11,000. The Supervisor wanted to know what amount of money we would need to lower that tax increase. Mr. Butler said the more you put down the lower it will be.

Council. Grumet asked if he would be able to save the '89 truck since the town had an easy winter this year. Mr. Butler responded saying that the town had a hard winter last year and it was hard getting through it with the trucks.

Council. Egan asked about the life expectancy of the trucks and how Mr. Butler came up with that number. Mr. Butler said that he gets them from the manufacture adopted through the comptrollers guidelines. She wanted to know if this new vehicle would be the main one for snow removal. Mr. Butler said that this would be the main one. She wanted to know what the percentage was debt service. Council. Campisi said it was 11% (\$107,000). Council. Egan had concerns about how much we are bonding. She talked about the benefit to the community would be if you purchased a new truck. Mr. Butler said that you are maintaining a level of service instead of decreasing a level of service. She asked how much money Mr. Butler received from the County. He said around \$5,000.

They spoke briefly about the benefits working with the County and having a good relationship with them. Discussion continued. Council. Campisi wanted to know why the cost was \$220,000. Mr. Butler said that it was \$195,000 under New York State Contract which lapsed as of 12/31/2011. He said that when he spoke with the Office of General Services they did not see any contracts coming up any time soon and they did not think they will have them in the future. He said that with the state purchasing you can get up to a 30% discount and we are not getting that now. Council. Campisi said what about the County. Mr. Butler responded saying they also go through state contract. The board continued to discuss what the increase would be on the upcoming budget, if they should buy a used vehicle or lease. Mr. Butler felt that it was not a good idea to buy a used vehicle and said that he did do research on that and there weren't any good ones out there. Discussion continued and other various comments were made.

**MOTION** was made by the Supervisor seconded by Council. Egan to authorize the Highway Superintendent to draw up specifications for a new vehicle either purchased or leased. Roll was taken and carried

YES - 5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**TRANSFERS:**

**MOTION** by Supervisor Gallagher seconded by Council. Egan to make the following transfers from the 2011 Budget:

\$ 243.00 from 1420.4 (Attorney) to 5132.4 (Garage)

2,391.00 from 1420.4 (Attorney) to 1620.4 (Town Hall)

643.00 from 1420.4 (Attorney) to 6869.4 (Cell Towers)

960.00 from 1420.4 (Attorney) to 9060.4 (Hospital/Medical Ins.)

Roll was taken and carried .

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to transfer \$9703.50 from the Bond Interest Reserve Fund to the General fund to pay the interest due on the Town Hall bond. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**MOTION** by Supervisor Gallagher seconded by Council. Egan to transfer from the Highway Fund \$5,015.15 to the Highway Equipment Reserve Fund. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**BILLS** – Bills were presented to the Board for their audit and review. **MOTION** by Council. Campisi seconded by Council. Egan to pay General Abstract # 15 Claims 546 thru 555, totaling \$4,780.76 – Highway Abstract # 15 Claim 201, totaling \$64.69 – General Abstract # 2 Claims 21 thru 63, totaling \$31,214.62 – Highway Abstract # 2 Claims 2 thru 23, totaling \$30,908.08 - Capital Bridge Project Abstract # 2 Claim 1, totaling \$1,837.75 – Escrow Abstract # 2 Claim 1, totaling \$312.25. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**MOTION** by Supervisor Gallagher seconded by Council. Egan to adjourn this meeting. (9:00PM). Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

Respectfully submitted,

Catherine Gill, Town Clerk

