

**MINUTES OF
REGULAR MEETING/PUBLIC HEARING
OF THE BOARD OF TRUSTEES
November 5, 2018**

The regular monthly meeting and public hearing of the Board of Trustees was held on November 5, 2018. The meeting was called to order at 7:36 PM by Mayor McNamara with the following in attendance:

Robert McNamara	Mayor
Brian Herrington	Deputy Mayor
Randall Rosenbaum	Trustee
Gary Lewandowski	Trustee
Jay Beber	Trustee
Frank Genese	Trustee
Kate Hirsch	Trustee
Jeffrey Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Suzanne Tangredi	Village Treasurer
Peter Albinski	Building Superintendent
Robert Rockelein	Code Enforcement Officer
Rich Falcones	Superintendent of Public Works

Ms. Shatzkamer led the assembly in the Pledge of Allegiance. There were 15 members of the public present.

Public Hearing

On motion of Trustee Beber, seconded by the Trustee Lewandowski, the public hearing portion of the meeting was called to order at 7:36 pm.

The first hearing was to consider Local Law M – 2018 regarding the installation of stop signs at Bonnie Heights Road at the intersection with Knolls Road and Bonnie Heights Road at the intersection with Elderfields Road.

**Resolution No. 55 – November 5, 2018
RESOLUTION ENACTING LOCAL LAW 13 OF 2018**

The following resolution was offered by Deputy Mayor Herrington, seconded by Mayor McNamara:

WHEREAS, the Board of Trustees has determined that it is in the best interests of traffic safety in the Village to enact proposed Local Law M – 2018 as Local Law 13 - 2018; and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, (“SEQRA”), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law M - 2018 as Local Law 13– 2018; and

BE IT FURTHER RESOLVED that this law shall take effect immediately

The Board of Trustees was polled as follows:

Trustee Hirsch	Aye
Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Genese	Aye
Trustee Lewandowski	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

VILLAGE OF FLOWER HILL
Local Law 13 of the Year 2018

A Local Law amending Chapter 227 of the Municipal Code of the Incorporated Village of Flower Hill entitled "Vehicles and Traffic" as follows:

Be it enacted by the Board of Trustees of the Incorporated Village of Flower Hill, New York as follows:

Section 1. Amending Section 227-8 "Stop Intersections", Schedule V, to designate Bonnie Heights Road, east and westbound at the intersection with Knolls Lane as a stop intersection; and Bonnie Heights Road westbound at the intersection with Elderfields Road as a stop intersection

Section 2. Amend Schedule V as follows:

Stop sign on	Direction of travel	At intersection of
Bonnie Heights Road	East and West	Knolls Lane
Bonnie Heights Road	West	Elderfields Road

Section 3. Exercise of supersession authority. The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law 10(1)(ii)(e)(3) with respect to the within local law and hereby supersedes Village Law section 7-706(2) to the extent it requires notice for publication other than has been, or will be, provided as to the within local law.

Section 4. Effective Date. This law shall take effect immediately.

The second hearing was to consider the grant of an Exhibition Permit to Robert Young, 9 Sunnyvale Road, Port Washington, NY 11050 for a sound and light display at the same premises pursuant to Chapter 114 of the Village Code. The Board reviewed the details of the application. Trustee Rosenbaum suggested some modification which was agreed to by Mr. Young. As the notice of the hearing was mailed outside of the time period required by code, a unanimous motion was made by Mayor McNamara, seconded by Trustee Genese, that the Board will formally approve the application at the December 3 meeting.

On motion of Trustee Hirsch, second by Trustee Lewandowski, the public hearing portion of the meeting was closed at 8:00 pm.

See the stenographic record for details

Regular Meeting

Architectural Review Committee Report

Mr. Albinski reported on the October 29, 2018 meeting. The following application was sent back for further redesign, 29 Ridge Drive East for a new house. The Board inadvertently failed to approve the following application from the September 24, 2018 meeting so the ARC is recommending its approval again: 150 Northwoods Road for a side yard addition.

Mr. Albinski summarized a meeting held prior to this meeting regarding a new house at 7 Bayberry Ridge. Several residents had objected to the project. Mr. Albinski and the ARC are recommending approval with conditions.

On motion of Trustee Lewandowski, seconded by Deputy Mayor Herrington, the Board unanimously approved the recommendations of the Architectural Review Committee.

Approval of Minutes

The minutes of the October 1, 2018 regular meeting/public hearing were approved as submitted on motion of Deputy Mayor Herrington, seconded by Trustee Rosenbaum.

Treasurer's Report

The claims were unanimously approved on motion of Mayor McNamara., seconded by Trustee Rosenbaum.

RESOLUTION NO.56 – November 5, 2018
RESOLUTION REGARDING TAX CERTIORARI SETTLEMENTS

The following resolution was offered by Deputy Mayor Herrington, Trustee Lewandowski :

RESOLVED, that the County tax certiorari settlement for Elona Realty, 1027 Northern Blvd., Roslyn, NY, also known as Section 6, Block B05, Lots 227, 325, 426, 427 on the Nassau County Land and Tax Map, for tax years 13/14, 14/15, 15/16, 16/17, 17/18 have been resolved; and

THEREFORE as the Village has adopted the Nassau County Assessment roll as its own, Flower Hill is required to issue a refund in the corresponding amount of \$2,864.45; and

BE IT RESOLVED that the County tax certiorari settlement for Cumberland Farms, 1087 Northern Blvd., Roslyn, NY, also known as Section 6, Block 54, Lots 2 and 904 on the Nassau County Land and Tax Map, for tax years 14/15, 15/16 have been resolved; and

THEREFORE as the Village has adopted the Nassau County Assessment roll as its own, Flower Hill is required to issue a refund in the corresponding amount of \$7,534.00

The Board of Trustees was polled as follows:

Trustee Hirsch	Aye
Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Genese	Aye
Trustee Lewandowski	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

Public Works Superintendent Report

Mr. Falcones reported that the new traffic islands at Northern Blvd and Ridge Drive West have been completed. Trustee Lewandowski suggested that a Do Not Enter sign and a directional arrow pointing south be painted on the road to further assist in the traffic control of that intersection.

Engineers Report

AJ Calabrese represent SHL Engineering. He reported that the 2018 Paving and Drainage contract is nearing completion. All paving work should be done by Wednesday to be followed by catch basin work and then repair of miscellaneous items.

Administrator's Report

Ms. Shatzkamer presented the 2019 calendar of meeting dates to the Board and asked for feedback on any conflicts.

The State has enacted a requirement that all municipalities adopt a Sexual Harassment Prevention Policy and training requirement. On motion of Mayor McNamara, seconded by Deputy Mayor Herrington, the Board unanimously adopted the following policy:

VILLAGE OF FLOWER HILL SEXUAL HARASSMENT PREVENTION POLICY

Introduction:

The Village of Flower Hill 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 Village of Flower Hill's 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 Flower Hill. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

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.

Policy:

1. The Village policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Village of Flower Hill. 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).
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. Village of Flower Hill 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 Flower Hill 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 Village Administrator or Mayor. 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 Flower Hill 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 Flower Hill 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 Flower Hill 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 Flower Hill 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 Village Administrator or Mayor.
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 Flower Hill 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 Village Administrator or Mayor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Village Administrator or Mayor.

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 Village Administrator or Mayor.

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 Flower Hill 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, Village Administrator or Mayor 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 Flower Hill but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village of Flower Hill, 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 with regard to 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 Flower Hill 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.

Trustees Report

Trustee Genese attended the October NCVOA meeting with new Nassau County Police Commissioner Ryder. The Commissioner highlighted his top priorities for his tenure: school safety, the opioid crisis and gangs. He also reported that the 6th precinct is slated to be reopened.

Mayor's Report

Mayor McNamara reported that the DOT has informed the Village that paving on Port Washington Blvd from Campus Drive to the Sands Point border will begin within the next two weeks. Further paving will be done next spring.

New Business

David Baron, owner of 1045 Northern Blvd. requested an exemption from the Village imposed impact fees based on the fact that his building is on a state road. The Mayor advised that the Village Code does not provide any exemptions from the fee and therefore cannot grant his request.

History Report

Village Historian Rhoda Becker reported on the original tax basis in the Village and how that amount was determined.

Public Comment

A resident of Oak Tree Lane noted that he lives next to a stop sign and very few cars actually stopped. He asked the Village if there is anything that can be done.

On motion of the Deputy Mayor, second by the Mayor, the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator