

**Village of Rhinebeck Board of Trustees  
December 9, 2014 7:00 PM**

Mayor Heath Tortarella opened the meeting with a Pledge of Allegiance at 7:00 pm. In attendance was PANDA and County Legislator Joel Tyner.

County Legislator Joel Tyner reported that he will be looking into a bill such as what Ulster County just adopted in regards to humane dog treatment. County Legislator Joel Tyner also reported that he voted against the proposed County Budget for several reasons including that it would raise the tax rate for county residents. He would like to see the 5 day a week senior friendship program brought back to Rhinebeck- increasing it from what it now is- instead of increasing the tourism budget. Mr. Tyner also reported that there will be another repair café on January 17 from 12-4 at the Rhinebeck Town hall and encouraged anyone who would like to become involved to contact him.

Treasurer's report- Complete report is on file in the Clerk's office. The Board will hold the first Budget Workshop on December 18 at 6:00.

Water Department- Trustee Sauer reported that he will be working on a newsletter to be distributed to water customers several times per year. The purpose of this newsletter is to have customers made aware of the history, problems and improvements that are within the water system. Mayor Tortarella stated that the Board will need to approve prior to sending. Trustee Sauer stated that a water meter has been installed at the Waste Water Plant as the department is trying to find where the 20 millions of water a year are lost. Trustee Sauer reported on communication with Supervisor Spinzia regarding fire hydrants and that Operator Trainee Bryan Alix has taken the test to become a licensed operator. The complete report is on file in the Clerk's office.

Wastewater Department- Trustee Kenton reported that an audit of the Waste Water plant was conducted in order to get a better handle on the plant functions regarding water used. A complete report should be completed by the first of 2015. Trustee Sauer stated that the Waste Water Department will be paying the Water Department for all water used. Trustee Kenton reported that the Pump and Control replacement at Astor Home Pump station bid opening happened at 2:00 today, and that Engineer Dennis Larios is reviewing the bid packets. Results are to be reported at a future date. A complete report is on file in the Clerk's office.

Fire Department- Trustee Cruikshank reported that there was in the Town: 24 EMS calls, 20 fire and 3 Motor vehicle calls. In the Village there were 26 EMS calls, 11 Fire calls and 1 motor vehicle calls. The total of 85 calls up to 11-2014:50 EMS, 21 Fire and 4 motor vehicle calls. Trustee Cruikshank made a motion to accept the appointment of new members: Helen Nesel-Knapp, Henry Devries, JoseAlberto Andrade. Mayor Tortarella seconded and all the board present was in favor. A complete report is on file in the Clerk's office.

Street Department – Deputy Mayor Traudt read the report as submitted. Deputy Mayor Traudt reported that the tree commission is looking for a fifth member, and any interested parties should send a letter of interest to the Village Clerk. Deputy Mayor Traudt also reported that the request for tree removal at 35 Oak Street is to be looked at and determinate if it is a Village of Rhinebeck tree or Central Hudson's responsibility. Mayor Tortarella reported he met with Mark Mulpeter and Peter McFarland of Central Hudson regarding maintaining their corridor and keeping the wire clear. Members from Central Hudson offered to sit in on a Tree Commission meeting and discuss recommendations. Central Hudson representatives also had several ideas in preventing trees in the wires and getting on the same page with the Tree Commission in regards to species of trees. A complete report is on file in the Clerk's office.

Planning & Zoning - Mayor Tortarella made a motion to appoint Colton Johnson as ZBA Chair. Motion was second by Trustee Kenton and all the Board present voted in favor. It was discussed that Al DeKrey will serve as the interim chair in Colton's absence. Trustee Cruikshank reported that the committee is on tract for the Planning/Zoning and Building

Code updates. He reported that suggested changes from the comptroller have been implemented. A complete report is on file in the Clerk’s office.

Police & Court- Mayor Tortarella reported that following total police incidents: 27 in the Town, 93 in the Village, 9 tickets in the town, 53 in the Village, 5 total arrests, and 7 total accidents. Mayor Tortarella also reported that the Durango broke down during the Turkey Trot, and the Chamber Tree lighting happened without incident. Mayor Tortarella reported that Sinterklaas Parade took place and that Sgt. Dunn will schedule and after action meeting regarding the event in a month or two. Mayor Tortarella made a motion to hold a public hearing at the next Village Board meeting on January 13 regarding the parking on the south side of East Market Street due to impaired visibility. Motion was second by Deputy Mayor Traudt and all the board present was in favor. A complete report is on file in the Clerk’s office.

Special Requests-

Lou Tumolo made a special request regarding a Crosswalk Flag Proposal. Dr. Tumolo agreed to finance this pilot study and will provide the bracket, flags and sign. Mayor Tortarella made the motion to approve the pilot study with flags from April 1<sup>st</sup> to July 1<sup>st</sup>. with a review at the July Board meeting. Motion second by Deputy Mayor Traudt and all the board present was in favor. Trustee Cruikshank stated would like to see what the flags, bracket and sign look like prior to putting in place.

Darryl’s- submitted a Sidewalk Sale Permit Application for sidewalks on 5/8-10, 5/22-24, 7/1-3, 9/4-6, 10/9-11. Permit request was tabled until confirmation from the Rhinebeck Chamber of Commerce to see when their two pre approved sales are to be held.

Pat Coon made a request to buy out 70 hours of vacation time. Motion to approve made by Mayor Tortarella second by Trustee Kenton and all the board present was in favor.

Other Business-

Motion made by Trustee Kenton second by Trustee Sauer to approve the appointment of Arun Kumar Lahiri, Esq. to the Ethics Board. All the board present voted in favor. Trustee Kenton discussed that the Ethics committee consisting of 3 members has been dominant for approximately 3 years.

Mayor Tortarella discussed creating a parks and recreation committee to be involved in Village park space including the Mini Park, Legion Park and Crystal Lake. Motion was seconded by Trustee Cruikshank and all the board present was in favor. Any interested parties should send letters of interest to the Village Clerk.

Correspondence-

Rhinebeck Historical Society sent a letter asking for permission to allow them to start scanning the minutes in the Village of Rhinebeck archives. Mayor Tortarella made a motion to allow the Historical Society to remove the minutes from the Village Hall and to scan them. The motion was second by Trustee Sauer and all the Board present voted in favor.

Mayor Tortarella discussed a letter received from Lily Page asking the Village Board to look into the parking situation n the Village, with the growing popularity and improvements.

Mayor Tortarella discussed the upcoming improvements in the technology between the town and the Village

Water & Sewer Adjustments-

<b>November 2014 Waste Water Adjustment</b>				
<b>Waste Water</b>				
<b>Acct #</b>	<b>DM (balance )</b>	<b>CM</b>	<b>Differenc e</b>	<b>Reason</b>
21329	125.37		\$125.37	final
40155	104.45		\$104.45	final

720	168.75		\$168.75	final
			\$0.00	final
720	25.00	0.00	\$25.00	new owner
21329	25.00	0.00	\$25.00	new owner
40155	25.00	0.00	\$25.00	new owner
21329	25.00	0.00	\$25.00	new owner
<b>October 2014 Water Adjustment</b>				
<b>Water</b>				
<b>Acct #</b>	<b>DM (balance )</b>	<b>CM</b>	<b>Difference</b>	<b>Reason</b>
		-		
		89.9		
523	89.97	7	\$0.00	normalized
353	14.00	0.00	\$14.00	final
276	35.40	0.00	\$35.40	final
884	460.98	0.00	\$460.98	final
782	84.60	0.00	\$84.60	final
21329	5.80	0.00	\$5.80	final
11440	30.84	0.00	\$30.84	final
353	25.00	0.00	\$25.00	new owner
276	25.00	0.00	\$25.00	new owner
720	25.00	0.00	\$25.00	new owner
884	25.00	0.00	\$25.00	new owner
250	25.00	0.00	\$25.00	new owner
782	25.00	0.00	\$25.00	new owner
11440	25.00	0.00	\$25.00	new owner
21329	25.00	0.00	\$25.00	new owner
40155	25.00	0.00	\$25.00	new owner
		-		
		64.8		
351		6	-\$64.86	meter change out
		-		
		75.0		
707	0.00	0	-\$75.00	water off building torn down
		-		
		57.5		
709	0.00	0	-\$57.50	credit from #707 applied
		-		
		25.0		
454	0.00	0	-\$25.00	removal of penalty
31200	1,000.00	0.00	\$1,000.00	tap fee

Minute's approval – The September 15 and October 14 minutes will be discussed at the next Board meeting.

Executive session- Motion made by Mayor Tortarella to enter into Executive Session which was second by Trustee Cruikshank and all the Board present voted in favor. Motion made to adjourn the Executive session made by Mayor Tortarella second by Deputy Mayor Traudt and all the Board present voted in favor. Motion to adjourn the regular meeting made by Mayor Tortarella second by Trustee Cruikshank and all the Board present voted in favor.

Respectfully Submitted,

Patricia D. Coon  
Clerk



Special Meeting  
Thursday December 18, 2014  
6:00 pm  
Village Hall

**Present:** Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Scott Cruikshank, Heinz Sauer, and Village Clerk Patricia Coon.

Mayor Tortarella opened the meeting at 6:10 pm with the Pledge of Allegiance.

The special meeting started with presentations from Accadia HR Company and Paychex both including time management systems. Discussion followed including the time savings versus the cost. No action taken.

Trustee Cruikshank made a motion to accept new member Erika Bradway as a Probationary Firefighter. Second by Deputy Mayor Traudt. Vote: Mayor Tortarella- abstained; Trustee Sauer- yes; Trustee Cruikshank- yes; Deputy Mayor Traudt- yes. Motion carried.

Trustee Sauer discussed Water Department employee Bryan Alix and his completion and passing the Water Treatment Plant operator course. After discussion, Trustee Sauer made a motion to give Bryan Alix and increase in his salary from \$14 per hour to \$17.50 retroactive back to his passing the test on October 3, 2014. Motion second by Mayor Tortarella. Deputy Mayor Traudt questioned the salaries of other employees. Vote: Mayor Tortarella- yes; Trustee Sauer- yes; Trustee Cruikshank- yes; Deputy Mayor Traudt- no. Motion carried.

Trustee Sauer also discussed several issues at the water plant, all of which are being addressed. Trustee Sauer also stated that he and Trustee Cruikshank will be meeting with several engineering firms who have submitted proposals for the distribution project.

The remainder of the special meeting was a budget workshop and addressed by Consultant Michelle Zagorski in the absence of Treasurer Karen McLaughlin.

With no further business to be brought before the Board, Mayor Tortarella made a motion to adjourn, seconded by Deputy Mayor Traudt and all the board present was in favor.

Respectfully submitted,

Patricia D. Coon  
Village Clerk

Regular Monthly Board Meeting  
 Tuesday January 13, 2015  
 7:00 PM Village Hall

**Present:** Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Scott Cruikshank, Heinz Sauer, Trustee Gary Kenton and Village Clerk Patricia Coon.

Mayor Tortarella opened the meeting at 7:00 pm with the Pledge of Allegiance. Mayor Tortarella welcomed and wished everyone a Happy New Year.

County Legislator Joel Tyner reported on various topics that he is involved with at the county legislature. Mr. Tyner also reported that the fourth Repair Café would be held Saturday January 17, 2015 at the Rhinebeck Town Hall from 12-4. He is hosting a forum and potluck with featured speaker David McCarthy on Wed. January 14<sup>th</sup> at 6:00 at the town hall.

Mayor Tortarella made a motion to open the public hearing on the proposed change in Chapter 109 Vehicle and Traffic Code. Motion was second by Trustee Sauer and all the Board present was in favor. Mayor Tortarella made a motion to close the public hearing. Motion was second by Trustee Cruikshank and all the Board present was in favor. Mayor Tortarella made the following resolution

**RESOLUTION #1 - 2015**

WHEREAS, the attached amendments to Chapter 109 Vehicle and Traffic

Code was introduced by the Board of Trustees of the Village of Rhinebeck on

December 9, 2014, and

WHEREAS, a public hearing was held on January 13, 2015 at 7:00 p.m. at

the Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said

hearing duly published and at which time all interested parties had an opportunity

to be heard; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined

this action to be an Unlisted action based on the criteria found in 6 NYCRR, § 617.4

and has determined that there are no adverse environmental impacts associated

with the adoption of this Local Law, and the Village Board hereby issues a Negative

Declaration in connection with the adoption of this Local Law;

NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village

of Rhinebeck the following:

VILLAGE LAW OF RHINEBECK

LOCAL LAW NO. 1 OF 2015

VEHICLE AND TRAFFIC REGULATION AMENDMENTS

DELETIONS TO SECTION 109-45 SCHEDULE XI

Name of Street Side Location

East Market Street South From the east curb line of Center

Street to a point 30 feet east thereof

ADDITIONS TO SECTION 109-45 SCHEDULE XI

Name of Street Side Location

East Market Street North/South From the east curb line of Center

Street to a point 55 feet east thereof

This amendments shall take effect immediately upon filing in the office of the

Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: January 13, 2015

MOVED: \_ Mayor Heath Tortarella \_\_\_\_\_

SECOND: \_ Trustee Gary Kenton \_\_\_\_\_

AYES: \_\_ 5 \_\_ NAYS: \_\_ 0 \_\_ Vehicle and Traffic Local Law #1 of 2015

**Treasurer's report-** Complete report is on file in the Clerk's office. The Board will hold a Budget Workshop on January 15, 2015 at 6:30pm.

**Water Department-** Water Department- Trustee Sauer reported the water department has been working on upgrading the control panel at the water plant. Trustee Sauer reported on communication with Supervisor Spinzia regarding fire hydrants. Trustee Sauer made a motion to approve the \$24000 bid from Stantec Consulting and to enter into contract for items 1-4 of the Water Distribution System Improvement RFP contingent on legal council approval. Motion was second by Trustee Kenton. During discussion Trustee Cruikshank reviewed the interview process that he and Trustee Sauer conducted. Deputy Mayor Traudt asked to review entire tasks. All the Board present was in favor. The complete report is on file in the Clerk's office.

**Wastewater Department-** Trustee Kenton reported on the 9 bids received for the Astor Home Pump Station and will award the bids after review. The complete report is on file in the Clerk's office.

**Fire Department-** Trustee Cruikshank thanked the Fire Department for the installation of officers' dinner and thanked the new offices and award recipients for their dedication. Trustee Cruikshank is grateful for the men and women who serve on the Rhinebeck Fire Department and the Rescue squad. Trustee Cruikshank made a motion to approve the list of Rhinebeck Fire Department officers for 2015. They are as follows:

Chief-	Kevin Asher
1 <sup>st</sup> Asst. Chief -	Darren Forbes
2 <sup>nd</sup> Asst. Chief-	Bryant Knapp
Captain-	Peter Fraleigh
1 <sup>st</sup> Lieutenant-	Charles Fraleigh
2 <sup>nd</sup> Lieutenant-	Shane Hassett
Rescue Captain-	Christine Eighmy
1 <sup>st</sup> Lieutenant-	Nicholas Washburn
2 <sup>nd</sup> Lieutenant-	Rebecca Asher
Fire Police Captain-	Ryan Hapeman
1 <sup>st</sup> Lieutenant-	Tim Day
2 <sup>nd</sup> Lieutenant-	Open

Motion was second by Trustee Sauer and all the Board present was in favor. Trustee Cruikshank reported that a consultant was hired to review the equipment need and a final report will be received in a week or so. The complete report is on file in the Clerk's office.

**Street Department-** Deputy Mayor Traudt reminded everyone that cars are not allowed on Village Streets from midnight to 6:00am until April one and violators will receive tickets. Mayor Tortarella discussed a request received to place a crosswalk sign at Astor Home (Route 9) and South Street. Deputy Mayor Traudt agreed to the need. Trustee Cruikshank discussed the need for an awareness campaign for the crosswalks to take place by the police in the spring. Mike Wolff made a request to buy out 220 hours of vacation time. Motion to approve made by Deputy Mayor Traudt second by Trustee Kenton and all the board present was in favor. The complete report is on file in the Clerk's office.

**Tree Commission-** Deputy Mayor Traudt reported that another volunteer is needed for the tree commission and interested parties should contact Clerk Pat Coon. Deputy Mayor Traudt made a motion to approve the take down of a tree at Dorothy Donus with the property owner covering 50% of the cost. Motion was second by Trustee Kenton and all the board present was in favor. Mr. Ed Kellogg met with the tree commission and the Tree Commission will have a site visit later in the week. Deputy Mayor Traudt reported that John Weschler had

previously sent in a letter of resignation and the Board wanted to thank him for his service to the Tree Commission. The complete report is on file in the Clerk’s office.

**Planning & Zoning-** Trustee Cruikshank reported that the following has been conducted by the department: 6 Co searches, 12 Building permits, 2 Certificates of Occupancy, 1 Sign Application, 1 Site Plan Application, 1 Special permit. The complete report is on file in the Clerk’s office.

**Police & Court-** December Summary: Total # of Incidents – Town:30; Total # of Incidents- Village: 109; Total # of Tickets – Town: 16; Total # of Tickets – Village: 65; Total # of Arrests: 3; Total # of Accidents: 8  
 Special Notes: The snow ordinance local law is in effect. Vehicles may not park on village streets from midnight to 6 AM. The complete report is on file in the Clerk’s office.

**Special Requests-**

- A. Darryl’s submitted a license to conduct Sidewalk Sales 5 different times in the Village. Motion to approve application as submitted made by Mayor Tortarella. Motion was second by Trustee Sauer. After discussion, the motion was tabled and no decision made.
- B. Rhinebeck Republican Committee Caucus- Motion made by Mayor Tortarella second by Trustee Cruikshank and all the board present was in favor.
- B. Northern Dutchess Hospital Crosswalk signs- Mayor Tortarella made a motion to install the crosswalk signs at Northern Dutchess Hospital. Motion was second by Trustee Cruikshank and all the board present was in favor.

7. Other Business

A. Resolutions for New York State Retirement System- Mayor Tortarella made a motion to accept the following resolution:

BE IT RESOLVED, that the Village of Rhinebeck/ Location code 40241 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities: Village Justice William Sanchez; Trustee Heath Tortarella; Interim Clerk Patricia D. Coon; Interim Treasurer Christina Denu from the period 4/1/13 to 3/31/17.

BE IT RESOLVED, that the Village of Rhinebeck/ Location code 40241 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities: Mayor Heath Tortarella; Clerk Patricia D. Coon; Deputy Clerk Christina Denu; Treasurer Karen McLaughlin from the period 4/1/14 to 3/31/15.

Trustee Cruikshank second the motion and all the board present was in favor.

**Correspondence**

**Water & Sewer Adjustments**

<b>December 2014 Waste Water Adjustment</b>				
<b>Waste Water</b>				
<b>Acct #</b>	<b>DM (balance )</b>	<b>CM</b>	<b>Difference</b>	<b>Reason</b>
40124	6.86	0.00	\$6.86	final
40003		-142.43	-\$142.43	water off
673	500.00		\$500.00	tap application
21319		-8.82	-\$8.82	payment applied to wrong account
40143	168.80	-168.80	\$0.00	normalized
40155		-	-\$1,817.56	computer issue



672		-480.09	-\$480.09	sewer connection just made
21225		-3.76	-\$3.76	removal of penalty
21269		-3.60	-\$3.60	removal of penalty
21290		-		
		1,242.00	-\$1,242.00	refund meter read issue
<b>December 2014 Water Adjustment</b>				
<b>Water</b>				
<b>Acct #</b>	<b>DM (balance)</b>	<b>CM</b>	<b>Difference</b>	<b>Reason</b>
606	41.97	0.00	\$41.97	final
F13	206.67	0.00	\$206.67	final
115	123.39	0.00	\$123.39	final
282	51.60	0.00	\$51.60	final
572	22.40	0.00	\$22.40	final
40124	14.40	0.00	\$14.40	final
513	25.00	0.00	\$25.00	new owner
282	25.00	0.00	\$25.00	new owner
572	25.00	0.00	\$25.00	new owner
606	25.00	0.00	\$25.00	new owner
115	25.00	0.00	\$25.00	new owner
40124	25.00	0.00	\$25.00	new owner
21225		-3.76	-\$3.76	removal of penalty
21269		-3.60	-\$3.60	removal of penalty
6881		-50.00	-\$50.00	removal of collection fee
31419	0.00	-200.95	-\$200.95	no charge per village agreement
248	0.00	-947.40	-\$947.40	landscape meter water incl in billing not separate
21472	378.00	0.00	\$378.00	village owned reversal
	500.00	0.00	\$500.00	tap fee
21290		-552.00	-\$552.00	refund meter read issue
40003		-54.00	-\$54.00	water off
21368		-5.40	-\$5.40	removal of penalty
6881		-50.00	-\$50.00	remove collection fee

**Correspondence-**Thomas Hermans wrote a letter of interest in the Parks and Recreation Committee

**Minutes approval** – Mayor Tortarella made a motion to accept the following minutes as submitted and corrected: 8-12-14; 8-14-14; 9-23-14; 9-9-14; 9-2-14; 12-18-14. Motion was second by Trustee Cruikshank all the board present was in favor.

**Executive session-** Motion to go into executive session made by Mayor Tortarella second by Trustee Kenton and all the Board present voted in favor. Motion to close Executive Session and return to regular session made by Mayor Tortarella second by Deputy Mayor Traudt and all the Board present voted in favor.

Mayor Tortarella made a motion to approve the Separation and Release Agreement between the Village of Rhinebeck and Anthony Gasparini. Motion was second by Trustee Cruikshank and all the Board present voted in favor.

Motion to adjourn made by Mayor Tortarella second by Trustee Cruikshank.

Respectfully Submitted,

Patricia D. Coon  
Clerk

Village of Rhinebeck  
Special Meeting  
Thursday January 22, 2015  
6:30 pm  
Village Hall

**Present:** Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Scott Cruikshank, Heinz Sauer, Gary Kenton, Treasurer Karen McLaughlin.

Mayor Tortarella opened the meeting at 6:30 pm with the Pledge of Allegiance.

Mayor Tortarella made a motion to approve the following Village Election inspectors for the March 18, 2014 election as submitted by the Village Clerk: Jennifer Mund- Machine Inspector; Mary Sipperley-Intake Inspector Alternate; Susan Waters- Intake Inspector; David Gelb- Intake Inspector; Linda McAteer- Machine Inspector Alternate; Gina Fox- Machine Inspector. The motion second by Deputy Mayor Traudt and all the present voted in favor.

Mayor Tortarella made a motion to approve the Rhinebeck Town Republican party's use of the building on Feb. 18, 2015 from 7-10pm. Motion was second by Trustee Cruikshank and all the present voted in favor.

Mayor Tortarella discussed the Chief Waste Water Plant Operator position vacated by Anthony Gasparini that was posted for filling. Mayor Tortarella made a motion to appoint Peter Rathjen effective January 23, 2015 at rate of \$25.50. Motion was second by Deputy Mayor Traudt. Discussion on the qualifications, salaries and increases involved and all the present voted in favor.

Mayor Tortarella made a motion to post a Waste Water Treatment Plant Operator Laborer -position requiring a flexible work week including weekends. Motion was second by Trustee Kenton. Discussion on the motion commenced. Mayor Tortarella amended the motion to post a Waste Water Treatment Plant Operator Trainee -position requiring a flexible work week including weekends. Motion was second by and all the present voted in favor.

Mayor Tortarella reported that Officer Kristopher Cuddeback has resigned from the Village Police and will be employed at the Dutchess County Sheriff's Office.

Mayor Tortarella reported that the Rhinebeck Central School District is having a [hearing on adopting the alternate veteran's tax exemption on Tuesday January 27, 2015 at 7:00pm in the BMS/RHS Library.](#)

The remainder of the special meeting was a budget workshop and addressed by Treasurer Karen McLaughlin.

With no further business to be brought before the Board, Mayor Tortarella made a motion to adjourn at approximately 8:05pm, seconded by Deputy Mayor Traudt and all the board present was in favor.

Respectfully submitted,

Patricia D. Coon  
Village Clerk

**Village of Rhinebeck Board of Trustees  
Special Meeting  
Tuesday February 5, 2015 6:30 PM**

**Present:** Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Scott Cruikshank, Heinz Sauer, Gary Kenton, Clerk Pat Coon, Treasurer Karen McLaughlin.

Mayor Tortarella opened the meeting at 6:45 pm with the Pledge of Allegiance.

**Harassment and Discrimination** Mayor Tortarella made a motion to accept the Harassment and Discrimination Policy as written.

**HARASSMENT AND DISCRIMINATION POLICY**

**SECTION 1: PURPOSE**

The Village of Rhinebeck believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, Village of Rhinebeck is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment free from harassment or discrimination in the workplace. As with discrimination based on sex and sexual harassment, it is the Village of Rhinebeck's policy to provide an employment environment free from discrimination and harassment based on race, color, creed, religion, national origin, disability, political affiliation, age, arrest record, gender identity, sexual orientation, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status.

**A. Scope of Policy:** This Policy applies to all Village of Rhinebeck employees and all personnel in a contractual or other business relationship with the Village of Rhinebeck including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of control exercised by the Village of Rhinebeck, this Policy may be applied to the conduct of non-employees with respect to unlawful harassment and/or discrimination of Village of Rhinebeck employees in the workplace. This Policy applies with equal force on Village of Rhinebeck property as it does at Village of Rhinebeck sponsored events, programs, and activities that take place off municipal premises.

**B. Policy Objectives:** By adopting and publishing this Policy, it is the intent of the Village of Rhinebeck Board of Trustees to:

- (1) notify employees about the types of conduct that constitute discrimination or harassment prohibited by this Policy;
- (2) inform employees about the complaint procedures established by the Village of Rhinebeck that enable any employee who believes s/he is the victim of discrimination or harassment to submit a complaint which will be investigated by the Village of Rhinebeck;
- (3) clearly advise all supervisory staff, administrators, and employees that discriminatory treatment based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status of employees is strictly prohibited and no such person possesses

the authority to harass or discriminate; and

(4) notify all employees that the Village of Rhinebeck has appointed a Compliance Officer who is specifically designated to receive complaints of discrimination based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status, and ensure compliance with this Policy.

NOTE: The names and office locations of each Compliance Officer designated to receive and investigate complaints are listed in Section 9 hereof.

## **SECTION 2: DEFINITIONS**

**“Prohibited Discrimination”:** Prohibited discrimination of employees can take the form of any negative treatment of an employee, by either a municipal employee or official, or a third party engaged in sponsored activities which: (a) adversely impacts an employee’s employment opportunities and/or employment benefits; *and* (b) is based upon the employee’s race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status. Prohibited discrimination of employees can also take the form of harassment even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of “prohibited harassment” (defined below).

**“Prohibited Harassment”:** Harassment can constitute a form of prohibited discrimination under this Policy if it is unwelcome and has the purpose or effect of unreasonably interfering with an individual’s work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based upon race, color, creed, religion, national origin, disability, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

**“Prohibited Behavior”:** While it is impossible to list all of the possible forms of unlawful harassment, the following is a list of *examples* of conduct that may constitute harassment:

- Using slurs or derogatory terms based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Telling derogatory jokes or stories based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Displaying graffiti or other derogatory or insulting writings based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Making degrading comments about a person and/or his or her appearance based on race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Demeaning or criticizing an individual because of his or her race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Sabotaging, damaging, or interfering with an individual’s work because of that individual’s race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status
- Threatening or intimidating an individual because of his or her race, color, creed, religion, national origin, disability, political affiliation, age, gender identity, sexual orientation, arrest record, domestic violence victim status, predisposing genetic characteristics, and veteran or marital status

As set forth above, this list is not intended to be all-inclusive. Furthermore, while a single incident of these types of behavior may not create a hostile working environment, if such behavior is severe, persistent or pervasive, and objectively offensive or if submission to such conduct is made either explicitly or implicitly a term or

condition of employment or receipt of employment benefits, such conduct constitutes prohibited discrimination and/or harassment.

### **SECTION 3: POLICY**

As with discrimination based on sex and sexual harassment, the Village of Rhinebeck prohibits discrimination based on race, color, creed, religion, national origin, disability, age, arrest record and veteran or marital status and will not tolerate any form of unlawful discrimination or harassment. The Village of Rhinebeck will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace. All employees, including but not limited to, Village of Rhinebeck officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited discrimination and harassment. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of sexual harassment or sex discrimination. Employees are encouraged to report violations to one of the Compliance Officers listed in Section 9 of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials and supervisors must take immediate and appropriate corrective action when instances of prohibited discrimination and/or harassment come to their attention to assure compliance with this Policy. Each employee is assured pursuant to Section 6 of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in Section 9 of this Policy.

### **SECTION 4: POLICY ENFORCEMENT**

#### **A. Complaint Procedure for Employees**

**1. Notification Procedure:** Prompt reporting of complaints or concerns is required so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in Section 9 of this Policy, or another administrator.

**2. Making a Complaint:** If the complainant prefers, s/he may report the matter directly to her/his supervisor. If the complainant feels uncomfortable reporting the harassment to her/his supervisor, s/he should immediately report the matter to any member of the Board of Trustees. The Village of Rhinebeck will not tolerate violations of this policy and strongly encourages victims of sexual harassment to report such harassment as soon as it occurs. Complainants are expected to cooperate with the Village of Rhinebeck's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

#### **B. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of discrimination complaints and effective remedial action oftentimes is possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

#### **C. Confidentiality and Privacy**

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the Village of Rhinebeck shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the Village of Rhinebeck may be required by law to contact and cooperate with the appropriate law enforcement authorities.

### **SECTION 5: INVESTIGATION**

The Village of Rhinebeck will investigate all allegations of discrimination and harassment prohibited by this Policy as promptly as possible.

### **SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY**

Retaliation is strictly prohibited by this Policy and by law against anyone who in

good faith reports a suspected violation of this Policy, who assists in making such a complaint, or who cooperates in a harassment or discrimination investigation. Retaliation means taking any adverse action in response to a complaint being made.

Complaints of retaliation should be brought directly to a Compliance Officer, or a member of the Board of Trustees. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

#### **SECTION 7: APPEALS**

Any complainant or accused party who wishes to appeal the procedures which the Village followed in investigating a written complaint filed under this Policy, may do so within ten (10) days of receipt of the appellant's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Village of Rhinebeck Board of Trustees by submission to the Village Clerk. The appellant shall be entitled to present evidence as to why the investigation procedures were flawed, improper, or otherwise not in compliance with this Policy. The Village of Rhinebeck's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Village of Rhinebeck, or its designee, shall render a decision. The Village of Rhinebeck's decision shall be final. The appellant shall be notified of the decision in writing. Nothing set forth in the Appeal Process above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Village of Rhinebeck's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Village of Rhinebeck at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

#### **SECTION 8: RECORD KEEPING**

The Village of Rhinebeck shall maintain a written record of all complaints of illegal discrimination and/or harassment for a period of at least six years. The Village of Rhinebeck shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Village of Rhinebeck shall also maintain these documents for, at a minimum, six years. The Village of Rhinebeck records regarding alleged discrimination shall be maintained separate and apart from personnel records.

#### **SECTION 9: QUESTIONS**

Any questions by employees of the Village of Rhinebeck about this Policy or potential discrimination should be brought to the attention of one of the Village of Rhinebeck's Compliance Officers or the Mayor. The names, addresses, and telephone numbers of the Village of Rhinebeck's Compliance Officers are listed in Section 9 of this Policy.

#### **SECTION 10: COMPLIANCE OFFICERS**

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Name Office Location

Village of Rhinebeck, 76 East Market St., Rhinebeck, NY 12572845-876-7015

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Name Office Location

Village of Rhinebeck, 76 East Market St., Rhinebeck, NY 12572 845-876-7015

#### **SECTION 11: EFFECTIVE DATE AND POLICY DISSEMINATION**

The effective date of this Policy shall be January 5, 2015. The Mayor shall ensure that this Policy is adequately disseminated and made available to all employees of the Village of Rhinebeck. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer; the Mayor, as well as the Village of Rhinebeck Policy Book that is available at the Village Clerk's Office. Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace all prior Village of Rhinebeck policies and regulations regarding employee discrimination and harassment, and related complaint procedures with the exception of the Village of Rhinebeck Policy Against Sex Discrimination and Sexual Harassment.

**NY State Sidewalk Grant-** Mayor Tortarella discussed a grant the Village has received for \$15000.00 for sidewalk restoration. Deputy Mayor Traudt will discuss areas of the Village where the sidewalks will need restoration due to Village responsibility and create a list.

**Sinterklaas Grant** Trustee Cruikshank will schedule a meeting with Jeanne Fleming, Mayor Tortarella and Clerk Pat Coon in regards to the NYS Parks and Recreation Grant.

Trustee Kenton discussed with the board working on an Employee Handbook. Discussion as to doing in house and having the handbook contracted out. Trustee Kenton was willing to work on and present to the Board in the next few months..

The remainder of the special meeting was a budget workshop and addressed by Treasurer Karen McLaughlin.

With no further business to be brought before the Board, Mayor Tortarella made a motion to adjourn at approximately 8:10 pm seconded by Deputy Mayor Traudt and all the board present was in favor.

Respectfully submitted,

Patricia D. Coon  
Village Clerk

