



AGENDA
WEDNESDAY OCTOBER 3, 2018
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 8:00 PM

Pledge of Allegiance

Board of Trustees Announcements

Village Managers Report

Public Comments

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1. Tax Certiorari – 1460 Pleasantville Road
2. Adoption of Amended Sexual Harassment Policy
3. Budget Amendment

**NEXT REGULAR BOARD OF TRUSTEES MEETING – WEDNESDAY,
OCTOBER 17, 2018**

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 3, 2018

1. TAX CERTIORARI – 1460 PLEASANTVILLE ROAD

WHEREAS, Briarcliff Ventures LLC. (1460 Pleasantville Road) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment year 2016; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal year 2017-2018; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on August 14, 2018;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Year 2017-2018;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Year 2017-2018 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year 2017-2018 in the amount of \$807.38 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2016	1460 Pleasantville Rd	\$726,000	\$580,000	\$146,000	\$4,014.78	\$3,207.40	\$807.38	
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	\$807.38

Rate - Town of Ossining 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
 Bill Year VBW 81.0456 84.8943 86.5802 \$ 87.30 \$ 89.00 90.32 93.988 97.166 99.188 99.8684 5.53 5.494999

Assessment	Year	Owner on Bill	Bill #	Parcel Address	Parcel	Assessed Value	Current Tax Bill	Reduction Tax Bill	New Assessed	Reduction	New Tax Amount	Change In Tax	Refund Prior Yrs	Refund Current Yr	Abate 2nd Half
	2016	Bratcliff Ventures	2170722	1460 Pleasantville road	98 06-1-5	\$ 726,000.00	\$ 4,014.78	\$ 807.38	\$ 580,000.00	\$ 146,000.00	\$ 3,207.40	\$ 807.38	\$ 807.38	\$ -	

A1964.423 Budget \$ 100,000.00
 Prior Refunds \$ -
 Balance \$ 100,000.00
 A1964.423 Refund of Real Prop \$ 807.38
 A0102.1001 Real Prop Tax Rev. \$ -
 Total Reduction \$ 807.38

LINDEMANN & LINDEMANN, P.C.

ATTORNEYS AT LAW

TOWN OF OSSINING

AUG 27 2018

ASSESSORS OFFICE

PAUL LINDEMANN (1908-1984)
STEPHEN W. LINDEMANN (1939-2003)
ERIC T. LINDEMANN*

* ADMITTED IN NY & CONN.

25 WEST 43RD STREET
NEW YORK, N.Y. 10036
TEL. (212) 354-8930
FAX. (212) 764-7888
EMAIL: CONTACT_US@CERTLAW.COM

August 22, 2018

VIA CERTIFIED MAIL:

Ms. Holly Perlowitz, Receiver of Taxes
Town of Ossining
16 Croton Avenue
Ossining, NY 10562

**Re: BRIARCLIFF VENTURES LLC v. The Assessor of the Town of Ossining
and the Board of Assessment Review of the Town of Ossining — CONSENT
ORDER (Section 98.06/ Block 1/ Lot 5)
Index No.: 65381/2016
Premises: 1460 Pleasantville Road**

Dear Receiver of Taxes:

Please find enclosed for service and demand for payment a copy of the Consent Order referred to above. If you have any questions, please contact me at trish.lindemann@certlaw.com.

Please note our address has changed. Please mail the check to:

Lindemann & Lindemann, P.C.
c/o Tuchman Korngold, Weiss, Liebman & Lindemann LLP
6 East 45th Street, 7th Floor
New York, NY 10017

Very truly yours,
LINDEMANN & LINDEMANN, P.C.


Trish Lindemann

Encls.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER-----X
In the Matter of the Application of

BRIARCLIFF VENTURES LLC,

Petitioner,

Index No. 65381/2016 ✓

-against-

THE ASSESSOR OF THE TOWN OF OSSINING
AND THE BOARD OF ASSESSMENT REVIEW
OF THE TOWN OF OSSINING,CONSENT
ORDER

Respondents,

Section: 98.06

Block: 1

Lot: 5

For a Review under Article 7 of the RPTL.
-----X

The above petitioner, having duly filed and served the Petition and Notice to review property tax assessments fixed by the Town of Ossining, County of Westchester, State of New York, for the assessment year 2016 as hereinabove indicated for the purposes of taxation upon certain real property located at 1460 Pleasantville Road, Town of Ossining, Village of Briarcliff Manor and known as Section 98.06, Block 1, Lot 5 on the Official Assessment Map of the Town of Ossining, and

The issues of these proceedings having duly assigned and scheduled for trial at an IAS Term of this Court, and the petitioner having appeared by Lindemann & Lindemann, P.C. by Eric Lindemann, Esq., and the respondents having appeared by the Town Attorney, and the Briarcliff Manor Union Free School District as Intervenor-Respondent

TOWN OF OSSINING

AUG 27 2018

ASSESSORS OFFICE

RECEIVED

AUG 14 2018

CHAMBERS OF
HON. BRUCE E. TOLBERT
J.S.C.

having appeared by Shaw, Perelson, May & Lambert, LLP by Marc E. Sharff, Esq., and the parties consenting as set forth in this Order, it is

ORDERED, ADJUDGED and DECREED that the assessment of the petitioner's property upon the assessment roll of the Town of Ossining, County of Westchester, State of New York, is hereby reduced, corrected and fixed as follows:

Assessed Valuation

1460 Pleasantville Road
Section 98.06, Block 1, Lot 5

Year	Current AV	Reduced AV	AV Reduction
2016	\$726,000	\$580,000	\$146,000

and it is further

ORDERED, ADJUDGED and DECREED that the officer or officers having custody of the assessment roll upon which the above-mentioned assessment and any taxes levied thereon is entered shall correct said entry in conformity with this Consent Order and shall note upon the margin of said roll, opposite said entry, that the same has been corrected by the authorization of this Consent Order, and it is further

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to Lindemann & Lindemann, P.C., attorney for the petitioner, by the Town of Ossining, the amounts paid by the petitioner as Town Taxes and taxes relating to any special taxing district for which the Town collects such taxes, as appropriate, against the original assessment in excess of what the taxes would have been if said assessment made in the aforesaid year had been made as determined by this Consent Order, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of

\$807.38

20170722

said excess taxes, and interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to Lindemann & Lindemann, P.C., attorney for the petitioner, by the Village of Briarcliff Manor, the amounts paid by the petitioner as Village Taxes, against the original assessment in excess of what the taxes would have been if said assessment made in the aforesaid year had been made as determined by this Consent Order, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, and interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to Lindemann & Lindemann, P.C., attorney for the petitioner, by the BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT, the amounts paid by the petitioner as School District Taxes, against the original assessment in excess of what the taxes would have been if said assessment made in the aforesaid year had been made as determined by this Consent Order, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, and interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that the County Legislators of the County of Westchester, State of New York, be and are hereby directed and authorized to audit, allow and pay to Lindemann & Lindemann, P.C., attorney for the petitioner, the amounts, if any, of County, Judiciary, Sewer and other special district taxes for which the County collects such taxes, which were paid by the petitioner as taxes against the said

original assessment in excess of what the taxes would have been if the said assessment made in the aforesaid years had been made as determined by this Consent Order, together with interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that the Commissioner of Finance of the County of Westchester be served with a copy of this Consent Order with notice of entry, together with proof of payment of state, county, judiciary, sewer and any other Westchester County special district taxes, and it is further

ORDERED and DIRECTED, that all tax refund hereinabove directed to be made by Respondent, the Town of Ossining and/or any of the various taxing authorities listed herein, be made by check or draft payable to the order of Lindemann & Lindemann, P.C., attorney for the petitioner, who are to hold the proceedings as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law Section 475 and it is further

ORDERED, ADJUDGED and DECREED that interest required to be paid hereby shall be waived in the event that payment is made within sixty (60) days from the date of service of this Consent Order with notice of entry upon the respective taxing districts, which service shall be completed by mailing a copy of the herein Consent Order to the Receiver of Taxes for the Town of Ossining, the Treasurer of the Village of Briarcliff Manor, the Superintendent of the Briarcliff Manor Union Free School District, and the Commissioner of Finance of the County of Westchester, and it is further

ORDERED, ADJUDGED and DECREED that this Consent Order hereby constitutes and represents full disposition of the tax review proceedings herein, and that there are no costs or allowance awarded to, by or against any party and that upon

compliance with the terms of this Consent Order the above entitled proceedings be and the same are disposed and discontinued with prejudice.

Dated: August 20, 2018
White Plains, New York

Bruce E. Tolbert
HON. BRUCE E. TOLBERT, J.S.C.

SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:

Town of Ossining

August 21 st 2018

Benjamin Leavitt
Benjamin Leavitt, Esq.
Special Counsel to the Town of Ossining

Eric Lindemann
By: Eric Lindemann, Esq.
Lindemann & Lindemann, P.C.
Attorney for Petitioner
c/o Tuchman, Korngold, Weiss, Liebman & Lindemann, LLP.
6 East 45th Street, 7th Floor
New York, NY 10017
(212) 687/3747
* elindemann@tkwll.com

Marc Sharff
By: Marc Sharff, Esq.
Shaw, Perelson, May & Lambert, LLP
Attorney for Intervenor-Respondent
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870
msharff@shawperelson.com

THE COUNTY OF THE WESTCHESTER
COUNTY CLERK HAS NO OBJECTION
TO THE SIGNING OF THE WITHIN
ORDER.

DATED: August 17, 2018


[Signature]
COUNTY ATTORNEY
THE COUNTY OF WESTCHESTER

Westchester
gov.com

August 17, 2018

TO: HON. BRUCE E. TOLBERT
Richard J. Daronco Courthouse
111 Dr. Martin Luther King, Jr. Blvd., Rm. 1618
White Plains, New York 10601

Attn: Kathleen Stradling
Court Clerk

FROM: Jeffrey P. Goldman 
Assistant County Attorney

RE: **Briarcliff Ventures LLC v. Town of Ossining (CON112814)**
Index Nos.: 65381/16
1460 Pleasantville Road, Town of Ossining
Section 98.06; Block 1, Lot 5

The Office of the Westchester County Attorney has no objection
to the entering of the within order.

JPG:ml
Enc.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 3, 2018

2. ADOPTION OF AMENDED SEXUAL HARASSMENT POLICY

BE IT RESOLVED that Board of Trustees does hereby adopt the following policy:

**VILLAGE OF BRIARCLIFF MANOR
POLICY AGAINST WORKPLACE SEXUAL HARASSMENT**

Introduction

The Village of Briarcliff Manor is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Village has a zero-tolerance policy for any form of sexual harassment. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, interns, non-employees (as defined below) and other persons conducting business with the Village have a legal right to a workplace that is free from sexual harassment.

The Village is equally committed to maintaining a workplace that is free from other types of prohibited harassment. For more information, please see Section 903 "Harassment in the Workplace" in the Employee Handbook.

Policy

This Policy applies to all employees, applicants for employment, interns, non-employees (see definition below), and other persons conducting business with the Village ("covered individuals") with respect to conduct by other persons.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the Village.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the Village's Policies, unlawful, and subjects the Village to liability for harm to victims of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the Village will conduct a prompt,

thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action will be taken whenever sexual harassment is found to have occurred.

What is "Sexual Harassment?"

Sexual harassment is a form of sex discrimination and is unlawful pursuant to federal, State and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

- the 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 complaining individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

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

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

Examples of Sexual Harassment

The following examples describe some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical assaults of a sexual nature including:

- Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; and
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
 - Sabotaging a person's work; and
 - Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. A perpetrator of sexual harassment can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises or outside of work hours.

Retaliation is Prohibited

The Village has a zero-tolerance policy and will not tolerate coercion, intimidation, interference, retaliation or discrimination against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise.

What is "Retaliation"?

Retaliation for reporting any perceived acts of unlawful sexual harassment or for otherwise being involved in a sexual harassment investigation will not be tolerated. Appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Village will be implemented.

No covered individual will be subject to adverse employment action(s) (e.g., being discharged, disciplined, discriminated against; etc.) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Unlawful retaliation can be any action that would keep a covered individual 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.

Retaliation is unlawful pursuant to 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, in good faith:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to 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;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Any covered individual who believes that he/she has been subjected to any acts of retaliation for filing a sexual harassment complaint or assisting in an investigation in accordance with this Policy should immediately report that conduct to their Department Head. If the complaint involves or the individual is hesitant to report to their Department Head, the individual should inform the Village Manager.

Any covered individual who believes that he/she has been subjected to prohibited retaliation may also seek legal remedies, as explained below in the section about Legal Protections.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Village cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to their Department Head. If the complaint involves or the individual is hesitant to report to their Department Head, the behavior should be reported to Village Manager. If the complaint involves or the individual is hesitant to report to the Village Manager, the individual is encouraged to report the behavior to the Village Clerk.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Covered individuals who believe that they have been the subject of sexual harassment may also seek assistance as explained below in the section on "Legal Protections."

Supervisory Responsibilities

All supervisors and Department Heads 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 or has occurred, are required to report that suspected sexual harassment to the Village Manager, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Village Manager, the supervisor/Department Head must report the suspected sexual harassment to the Village Clerk.

In addition to potentially being subject to appropriate corrective action including, but not limited to, disciplinary action or termination of employment if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers may be subject to appropriate corrective action including, but not limited to, disciplinary action or termination of employment for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue.

Complaint and Investigation of Sexual Harassment

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in oral or written form. Investigations will be conducted in a timely manner. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days from

the date that the Village Manager, or other individual, as outlined above, is notified of a complaint or suspected problem. All persons involved, including complainants, witnesses and alleged perpetrators will be afforded due process to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason.

The following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- Village Manager, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Village Manager, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Village Manager, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Village Manager, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the Village will take steps to obtain and preserve them.
- The Village Manager, or designee, will request and review all relevant documents, including all electronic communications.
- The Village Manager, or designee, will interview all parties involved, including any relevant witnesses.
- The Village Manager, or designee, will create written documentation of the investigation that includes 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 final resolution of the complaint, together with any corrective actions.

- The Village Manager, or designee, will maintain the written documentation and associated documents in the Village's records in an independent and confidential file.
- The Village Manager, or designee, will promptly notify the individual who complained and the alleged perpetrator of the final determination.
- The Village Manager, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.

Corrective Action

Any person, including covered individuals of every level who, upon investigation of a sexual harassment complaint, is determined to have engaged in impermissible sexual harassment in violation of this Policy may be subject to appropriate corrective action including, but not limited to, disciplinary action or termination of employment.

If the sexual harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the Village the non-employee or other individual.

Confidentiality

The confidentiality and privacy of all parties involved in a sexual harassment complaint, report of information regarding suspected sexual harassment and investigation of sexual harassment will be respected to the extent possible while permitting the Village to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment in bad faith, or intentionally provided false information regarding a sexual harassment complaint, legal action or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Village may be taken against the person who filed the complaint or provided the information.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Village, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the Village covered individuals may also choose to pursue legal remedies with the following governmental entities at any time:

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment and protects

employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the Village does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' 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, (718) 741-8400, www.dhr.ny.gov. The contact information for DHR's Westchester County Office is: 7-11 South Broadway, Suite 314, White Plains, New York 10601, (914) 989-3120. Individuals can contact the 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 the DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The 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. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. 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.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the 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 or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Westchester County may file complaints of sexual harassment with the Westchester County Human Rights Commission at: 112 East Post Road, 3rd Floor, White Plains, New York 10601, (914) 995-7710.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Dissemination and Training

This Policy will be posted prominently in all work locations. The Village's employees will be provided a copy of this Policy upon hire. The Village's employees will receive sexual harassment prevention training at least annually.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to a supervisor, Department Head and/or the Village Manager. This form can be submitted by: e-mail, intra-office mail or hand delivery. Once you submit this form, the Village will follow its Policy Against Workplace Sexual Harassment and investigate any claims. If you are more comfortable reporting orally or in another manner, the Village will still follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name: _____
Home Address: _____ Work Address: _____
Home Phone: _____ Work Phone: _____
Job Title: _____ Email: _____
Select Preferred Communication Method: _____ (please select one)

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made against:

Name: _____ Title: _____
Work Address: _____ Work Phone: _____

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker
☐ Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ____ Yes ____ No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (oral or written) about sexual harassment at the Village? ____ Yes ____ No

If yes, when and to whom did you complain or provide information? _____

Employees who file complaints with their employer might have the ability to get help or file claims with other entities including federal, State or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, State or local government agency? ____ Yes ____ No

Have you instituted a legal suit or court action regarding this complaint? ____ Yes ____ No

Have you hired an attorney with respect to this complaint? ____ Yes ____ No

I request that the Village investigate this complaint of sexual harassment in a timely and confidential manner as outlined in its Policy Against Workplace Sexual Harassment and advise me of the results of the investigation. I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____



LAMB & BARNOSKY, LLP

TRUST. PERSONAL ATTENTION. RESULTS.

MEMORANDUM

TO: OUR EMPLOYER CLIENTS

FROM: LAMB & BARNOSKY, LLP

DATE: SEPTEMBER 18, 2018

**RE: NYS DRAFT ANTI-SEXUAL HARASSMENT MODEL POLICY AND
TRAINING MATERIALS**

KEEPING YOU INFORMED...

As we advised you earlier this year, in April 2018, New York State enacted Labor Law Section 201 -g mandating that all public and private employers address workplace sexual harassment by, among other things, adopting and implementing a sexual harassment policy and training program that meets or exceeds State-established minimum standards (see our attached May 7, 2018 client memo). We also advised you that the State was in the process of creating a model policy and training program that would satisfy these new requirements.

The State recently published a draft (*i.e.*, non-final version) of its model policy and training program, as well as draft FAQs about the new law and its implementation. The draft model policy, training program and FAQs were open to public comment through September 12, 2018.

As a reminder, the new law requires that, by October 9, 2018, employers adopt either the State model sexual harassment policy (which is not yet finalized) or establish a policy that meets or exceeds the State's minimum standards. This puts a tight time limitation on those employers that must formally adopt policies at Board meetings, particularly because the State's model policy is not yet final.

In addition, pursuant to the State-issued draft FAQs, all employees must, by January 1, 2019, receive comprehensive training on the new/revised harassment policy that meets or exceeds the State's minimum standards and new employees hired after January 1, 2019 will need to be trained within 30 days of hire. While this requirement is not part of Labor Law Section 201-g, which only requires that training that meets or exceeds the State's minimum standards be conducted annually, we anticipate that it may be included in the to-be-issued regulations.

We are currently analyzing the draft model documents and preparing a model sexual harassment policy and training program for our clients that will comply with the new law's



LAMB & BARNOSKY, LLP

TRUST. PERSONAL ATTENTION. RESULTS.

MEMORANDUM

TO: OUR EMPLOYER CLIENTS

FROM: LAMB & BARNOSKY, LLP

DATE: MAY 7, 2018

**RE: NEW STATE LAWS REQUIRING ALL EMPLOYERS TO TAKE STEPS
TO ADDRESS AND PREVENT SEXUAL HARASSMENT**

KEEPING YOU INFORMED...

The 2018-2019 New York State Budget Bill, signed by Governor Cuomo on April 12, 2018, enacted several laws mandating that all public and private employers address workplace sexual harassment through the implementation of a variety of measures. Employers will need to revise their policies, training programs and contracts with third parties who enter their workplace as a result of these new laws. The new requirements are summarized below.

All Employers Must Adopt a Sexual Harassment Prevention Policy

- All employers are required to adopt and distribute to all employees, in writing, a sexual harassment policy. This must be done by no later than October 9, 2018. Any time a new employee is hired, the employee must also be given this policy.

An employer may either adopt the model sexual harassment prevention policy that is being created by the New York State Department of Labor (DOL) and the New York State Division of Human Rights (DHR) or its own policy. If an employer adopts its own policy, the policy must equal or exceed the minimum standards in the model policy. The policy must:

- (1) prohibit sexual harassment and provide examples of prohibited conduct that would constitute unlawful sexual harassment;
- (2) include information regarding federal and state laws concerning sexual harassment, remedies available to victims of sexual harassment, and include a statement that local laws may be applicable;
- (3) include a standard complaint form;

(4) include a procedure for timely and confidential investigation of complaints and ensure due process for all parties;

(5) inform employees of their right to redress claims administratively or judicially;

(6) state that sexual harassment is considered a form of employee misconduct and that sanctions will be entered against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow the behavior to continue; and

(7) state that retaliation against individuals who complain of sexual harassment or who testify or assist in any proceeding is unlawful.

- To date, the model policy and standard complaint form have not been released. Nor has the Commissioner of Labor indicated whether implementing regulations will be issued.

All Employers Must Implement a Sexual Harassment Prevention Training Program

- Commencing October 9, 2018, all employers are required to provide sexual harassment prevention training, at least annually, to all employees. An employer must either utilize the model sexual harassment prevention training program being developed by the DOL and SDHR, or one that it establishes on its own as long as the program equals or exceeds the minimum standards provided by the model program. The model program is to be interactive and include:

(1) an explanation of sexual harassment;

(2) examples of conduct that constitute unlawful sexual harassment;

(3) information regarding federal and state laws concerning sexual harassment and remedies available to victims of sexual harassment; and

(4) information concerning employees' rights of redress and all available forums for adjudicating complaints.

- It is not yet clear whether employers will have a year from October 9, 2018 to conduct this training since the model training program has not been released. Nor has the Commissioner of Labor indicated whether implementing regulations will be issued.

Sexual Harassment of Non-Employees in the Workplace is Prohibited

- Immediately upon the April 12, 2018 enactment of the Budget Bill, a new unlawful discriminatory practice was added to the New York State Executive Law (commonly referred to as the Human Rights Law), whereby an employer will be found to have

engaged in an unlawful discriminatory practice if it permits sexual harassment of non-employees in its workplace.

- Non-employees include a contractor, subcontractor, vendor, consultant, or other person, or their employees, providing services to the employer pursuant to a contract.
- An employer may now be held liable to a non-employee if the employer, its agents or supervisors knew or should have known that the non-employee was subjected to sexual harassment in the employer's workplace and failed to take immediate and appropriate corrective action.
- We recommend that contracts entered into with non-employees who will be entering your workplace be revised to include provisions addressing how you will address concerns about sexual harassment and requiring the contractor to advise its employees of same.

Contract Clauses Mandating Arbitration of Sexual Harassment Claims are Prohibited

- Commencing July 11, 2018, all employers with four or more employees are prohibited from including any clause in a contract, which requires as a condition of the enforcement of the contract or for obtaining remedies pursuant to the contract, that the parties submit to mandatory arbitration to resolve any allegation or claim of an unlawful discriminatory practice of sexual harassment. Any contract entered into on or after July 11, 2018 containing a mandatory arbitration clause will remain enforceable, but the prohibited clause will be null and void. We therefore recommend that any contracts with mandatory arbitration provisions be updated prior to July 11, 2018. If there is a conflict between a collective bargaining agreement provision and the new law, the collective bargaining agreement will control.

Nondisclosure Agreements Prohibited

- Commencing July 11, 2018, nondisclosure clauses prohibiting disclosure of the underlying facts and circumstances to a sexual harassment claim or action in settlements or other agreements or resolutions are not permitted unless the condition of confidentiality is the complainant's preference. If included as the complainant's preference, he/she must be provided with 21 days to consider the term or condition relating to nondisclosure and then must be given at least seven days after execution of the agreement to revoke it.

Additional Requirements Applicable to Public Employers

Required Statement for Public Bidding

- Commencing January 1, 2019, every competitively required bid submitted to the State or any department or agency of the State must contain an affirmation certifying that the bidder: (1) has implemented a written policy addressing sexual harassment prevention in the workplace, and (2) provides annual sexual harassment prevention training to all of its employees.
- When a competitive bid is not required, the department, agency or official still has the discretion to require the certification.

Reimbursement of Funds by Public Employees Found Liable for Intentional Wrong-doing

- Effective April 12, 2018, public employees subject to a final judgment of personal liability for intentional wrong-doing related to a claim of sexual harassment are required to reimburse the public employer or the entity that makes payment for their proportionate share of the judgment. This reimbursement must occur within 90 days of payment.
- For purposes of this provision, the term public entity includes a county, city, town, village or other State political subdivision or civil division; a school district, BOCES, or any other governmental entity or combination or association of governmental entities operating a public school, college, community college or university; a public improvement or special district; a public authority, commission, agency or public benefit corporation; or any other separate corporate instrumentality or unit of government.

If you would like assistance creating, revising, updating, implementing or providing sexual harassment prevention training or policies, or updating contracts with third parties to address these new requirements, please contact Sharon N. Berlin, Esq. or one of our other attorneys at (631) 694-2300.

THIS MEMORANDUM IS MEANT TO ASSIST IN GENERAL UNDERSTANDING OF THE CURRENT LAW. IT IS NOT TO BE REGARDED AS LEGAL ADVICE. THOSE WITH PARTICULAR QUESTIONS SHOULD SEEK THE ADVICE OF COUNSEL.

requirements. Please send us your existing anti-harassment/sexual harassment policy so that we can determine whether you are in compliance.

If you would like to discuss this law in more detail, or would like to schedule a training session(s), please contact Richard Zuckerman, Sharon Berlin, Alyson Mathews, Alyssa Zuckerman or one of our other attorneys at 631-694-2300.

THIS MEMORANDUM IS MEANT TO ASSIST IN GENERAL UNDERSTANDING OF THE CURRENT LAW. IT IS NOT TO BE REGARDED AS LEGAL ADVICE. THOSE WITH PARTICULAR QUESTIONS SHOULD SEEK THE ADVICE OF COUNSEL.

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VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 3, 2018

3. BUDGET AMENDMENT

BE IT RESOLVED that the budget for fiscal year 2018-2019 is hereby amended as follows:

WATER FUND

FROM:	F8120.211	General Repair & Maintenance	\$10,000
	F1990.499	Contingency	\$20,000
TO:	F8320.211	General Repair & Maintenance	\$30,000

BUDGET TRANSFER REQUEST FORM 2018-19

Amount from:	Muni Code	Budget Line
\$ 10,000.00	F8120.211	General Repair & Maintenance
Amount from:	Muni Code	Budget Line
\$ 20,000.00	F1990.499	Contingency
Amount to:	Muni Code	Budget Line
\$ 30,000.00	F8320.211	General Repair & Maintenance

The Remainder is already in code F8320.211.

Reason for Transfer Request: Funding for (2) sewer station pump(s) replacements

Signature of Requesting Department Head

Date Signed

[Signature] 28 Sept.

Village Manager Approval

Date Signed

[Signature] 9/27/18

Village Treasurer Approval

Date Signed

If over \$10,000, Board of Trustees Approval Date:

Village of Briarcliff Manor
Department of Public Works
10 Buckhout Road
Briarcliff Manor, NY 10510



Village of Briarcliff Manor
Main (914) 941-9105
Fax (914) 941-4747

MEMORANDUM

TO: Philip Zegarelli, Village Manager
Ed Ritter, Village Treasurer

FROM: Edward C. Torhan, Superintendent

DATE: September 26, 2018

RE: Pine Road Sewer Station
Long Hill Road Sewer Station

The two sanitary sewer stations referenced above are critical to provide sanitary facilities to hundreds of homes. Both of these sewer stations rely on 2 and 3 pumps for peak flow conditions. As a result of numerous pump problems and failures, we have been experiencing. We hired All Makes Pump and repair into fix and diagnose the problems.

Although the contractor was able to make a temporary repair, he has indicated that each of these stations will need a new pump motor and rotating assembly in the near future. These pumps are customized for our pump stations, available only through the manufacturer (Smith & Loveless) and have a 10 to 12 week lead time. In order to be proactive to assure that these pump stations function properly, and do not inadvertently discharge sewage to the surface of the ground or water course, I recommend we purchase these pumps immediately.

(P2) This is an unbudgeted item which would come out of the Water/Sewer Budget. Please advise if I can. If so, I will need an account number for the Purchase Order.

All Makes Pump & Motor Repair Inc.

1735 Front Street
Yorktown Hts., NY 10598
Ph: 914-243-3645
Fax: 914-243-3661

QUOTATION

Date	Estimate #
9/11/2018	18-1713

CUSTOMER
Village of Briarcliff Manor DPW Buckout Road Briarcliff Manor, NY 10510

Terms	Rep	Delivery	Job
Net 30	BD	10 weeks	Longhill

Qty	Description	Unit Price	Total
	We are quoting on a spare rotating assembly (complete pump less casing / volute) for the Longhill Sewage Pump Station. This station has 2 identical pumps except 1 is left hand and the other is right hand. This is done to keep the foot print small for the discharge piping configuration. In order to keep a spare for both pumps a second impeller of the opposite rotation needs to be ordered with the rotating assembly		
1	Pump Complete - Smith & Loveless model 4C3B vacuum primed rotating assembly complete with: -25HP 1800RPM 3PH 208V ODP enclosure electric motor -Motor shall be premium efficiency and inverter (VFD) ready -The rotating assembly includes the motor, bronze seal housing assembly with mechanical seal, motor adapter, vacuum probe and dome assembly and the impeller -Spare impeller of the opposite rotation - All hardware and gaskets to mount the unit into the existing casing / volute		20,880.00
1	Shipping - incoming truck freight		400.00
	LONGHILL SEWAGE PUMPING STATION		
		Total	\$21,280.00

Signature _____

All Makes Pump & Motor Repair Inc.

1735 Front Street
Yorktown Hts., NY 10598
Ph: 914-243-3645
Fax: 914-243-3661

QUOTATION

Date	Estimate #
9/11/2018	18-1714

CUSTOMER
Village of Briarcliff Manor DPW Buckout Road Briarcliff Manor, NY 10510

Terms	Rep	Delivery	Job
Net 30	BD	10 weeks	Park Lane Pine Road

Qty	Description	Unit Price	Total
	We are quoting on a spare rotating assembly (complete pump less casing / volute) for the Park Lane Sewage Pump Station. This station has 3 identical pumps except 1 is left hand and the other 2 are right hand. This is done to keep the foot print small for the discharge piping configuration. In order to keep a spare for all 3 pumps a second impeller of the opposite rotation needs to be ordered with the rotating assembly		
1	Pump Complete - Smith & Loveless model 4C3B vacuum primed rotating assembly complete with: -20HP 1800RPM 3PH 208V ODP enclosure electric motor -Motor shall be premium efficiency and inverter (VFD) ready -The rotating assembly includes the motor, bronze seal housing assembly with mechanical seal, motor adapter, vacuum probe and dome assembly and the impeller -Spare impeller of the opposite rotation - All hardware and gaskets to mount the unit into the existing casing / volute		19,485.00
1	Shipping - incoming truck freight		400.00
	PARK LANE SEWAGE PUMPING STATION Pine Road		
		Total	\$19,885.00

Signature _____