

**TOWN OF CAMBRIA TOWN BOARD**

**December 13, 2018**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13<sup>th</sup> day of December 2018 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Matthew P. Foe, Councilman  
Jeffrey S. Hurtgam, Councilman  
Randy M. Roberts, Councilman  
Joseph Ohol, Councilman

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Jon MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
interested individuals

Following salute to the flag, Supervisor Ellis called the regular meeting to order. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve the minutes of the Town Board meetings of November 8, 2018.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

Having been reviewed by the Town Board, the following claims were presented for payment:

Cemetery Fund	Claim	10	\$ 280.00
Drainage Fund	Claim	12	\$ 180.00
General Fund	Claims	511-568	\$ 98,038.49
Highway Fund	Claims	183-194	\$ 62,883.48
Refuse Fund	Claims	18-20	\$ 32,211.55
Sewer Operating Fund	Claims	37-41	\$ 10,171.74
Trust & Agency Fund	Claims	28-32	\$ 2,017.36
Water Operating Fund	Claims	175-187	\$ 22,405.62

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated December 13, 2018, be approved as read by the Town Clerk.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT**

Jamie Johnson, Wendel Engineers, reported on the following:

Wendel is submitting to the Town Board a proposal for survey, design, and bidding service for the design of the Saunders Settlement Replacement project. The Town is pursuing the replacement of approximately 5,200 LF of existing 8 inch waterline along Saunders Settlement Road from Baer Road to Shenk Road with a new 12 inch PVC waterline. Total Cost: Survey and Design Services-\$61,250.00; Soil Borings Consultant-\$7,500.00 and Bidding Services-\$3,500.00 total lump sum of \$72,250.00. This project is to increase the water flow for NCCC and BOCES.

The Town missed out on a grant this year so the timing of this project will coincide with reapplying for the grant in June 2019 that will offset a portion of the cost.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the proposal from Wendel for survey, design, and bidding service for the design of the Saunders Settlement Replacement project to replacement of approximately 5,200 LF of existing 8 inch waterline from Baer Road to Shenk Road with a new 12 inch PVC waterline. Total Cost: Survey and Design Services-\$61,250.00; Soil Borings Consultant-\$7,500.00 and Bidding Services-\$3,500.00 total lump sum of \$72,250.00**

The question of the adoption of the forgoing Resolution was duly put to a vote on roll call, which resulted as follows:



decide what goes into the PILOT. Supervisor Ellis replied that the Town, County and School district do. The IDA reaches out to the affected community but in the end they have the final say.

### **BEAR RIDGE SOLAR, LLC BRIEFING**

Supervisor Ellis introduced Marissa Scavo and Kevin Kohlstedt, Project Managers of the Bear Ridge Solar Project-Cypress Creek Renewables to give a brief presentation on the project.

Councilman Ohol excused himself from his seat and sat in the audience, as he has family members involved in this project.

Ms. Scavo reported that she and Mr. Kohlstedt met with the Town Board on behalf of Cypress Creek Renewables a few times and had also had open houses for residents in October. CCR is a national utility scale solar developer. They have three (3) GW projects developed across 13 states. It powers about 1,000,000 homes. They have been in the State of NY for three (3) years with 30 permanent projects across the state and placed in service 13 in the past year. CCR is expecting to invest an additional \$5,000,000 in the state over the next five (5) years and hope to get up to 75-80 permanent projects.

Bear Ridge Solar Project:

The project is expected to be located in Cambria (700 acres) Lockport Road moving North with (200 acres) located in Pendleton. This is a 100 MW project on 900 acres. The size is *not* increasing. Ms. Scavo explained that because of the Article 10 process, they are required to file a Public Involvement Program Plan which explains how they will ensure outreach in the community, a three (3) year plan to engage with the community in order to get feedback and within that plan they intentionally make the facility area larger in order to encompass all surrounding areas.

After the two open house meetings there are some common themes and feedback CCR would like to share. The most commonly asked questions and they offered some solutions:

1. How does this project benefit individuals and the community?

Dedicating a portion of the Bear Ridge Transmission Project. It is built, primarily to service hospitals, stadiums or large energy users and not individual home owners. CCR can dedicate a portion of the project to a community solar facility which allows residents to subscribe to the system and be able to access that renewable power. This would be at a discount at what residents are currently paying and anyone who would like to subscribe to that system would be receiving a percentage discount off of their current electricity rates.

2. Why is the Towns being written out of the permitting process and why is this project subject to state regulated Article 10 process?

**With regard to the Community Solar Facility:** This project is 2 MW Community Solar Facility and they are not subject to Article 10 and would fall under local permitting. Two separate projects will be proposed to Cambria and Pendleton and this would give jurisdiction to the local governing body.

Councilman Roberts asked what kind of percentage are you talking about for the Community Solar Project?

Ms. Scavo said CCR is prepared to be in the 30% reduction range and the residents closer to the affected area may receive more %.

Councilman Foe stated that one needs to be careful when talking about generation cost vs. transmission cost. He doesn't believe that CCR has the ability to change the transmission cost. Ms. Scavo agreed. The Community Solar Projects are different than the way they describe the Bear Ridge Solar Project. In the Community Solar Project the transmission costs are included so it is issued against the total utility bill. Resident will receive their bill from utility company and CCR would issue a credit.

Councilman Foe asked if all (approx.) 2,900 homes in Cambria would be eligible for some reduction. Ms. Scavo said with the land they have with Community Solar Project and with the limit on MW for Community Solar Projects in NY- it can only go up to 5 MW. With the two proposed projects it would be 7 MW total of Community Solar which would power 2,500 homes within Cambria and Pendleton; not sure they could subscribe entire Town.

Councilman Roberts asked how CCR would decide who is eligible to subscribe. Ms. Scavo indicated that it is a first come first served program. Councilman Foe asked if they would consider working from closest radius to the project outward with a cutoff date. Ms. Scavo said that makes a lot of sense, but they haven't gotten that far in the process yet.

### **Michael Gross-4664 Green Road**

Mr. Gross asked if CCR has experience doing this and how has it been done?

Ms. Scavo said they have done Community Solar; 30 permanent and 13 placed in service this year so they have experienced the credit system. Co-locating a Community Solar Project with a transmission project has not been done in the State of NY. It requires a unique environment to develop it and you have to have transmission lines and three phase distribution lines in the same area. Mr. Gross asked if they have experience determining eligibility for Community Solar Projects as mentioned by Councilmen Foe and Roberts. He said he would like to see the people closest to the project benefit. Mr. Kohlstedt indicated he doesn't think they have, but it sounds like a fair solution.

Ms. Scavo mentioned that they have presented the Town Board with establishing a Community Benefits Agreement with this project. It is a legal document that describes all the benefits that the project is bringing to the community; it is signed and filed into record. CCR is legally obligated to comply with this document.

**Ed Saleh-5269 Subbera Rd.**

That is a great agreement but what happens if the company fails.

Mr. Kohlstedt indicated that the contract would be legally enforceable and the obligation would still be paid. The project will be bonded and enter into a decommissioning bond for a project of this size. If the company goes under there will be money to cover decommissioning and removal of the facility. All documents and legal approvals are assigned to that project LLC (BRS) and it is not assigned to the parent co. CCR. Mr. Saleh mentioned that the LLC is separate so if the project LLC goes under, CCR would not be held accountable.

Supervisor Ellis indicated there are many good questions however most of them are questions for down the road. They are questions that the Town Board has already raised in prior meetings, such as bonding and recommissioning. These questions are expected to be answered some time down the road. This potential project is still in its infancy and it is very difficult to give a fair answer at this point in time.

Mr. Kohlstedt indicated that another issue at the open houses was the desire to know about the project layout and the design of the facility. It is too early and they do not have engineer drawings yet. They have identified the parcels where they would like the project to go. They have a facility area that encompasses 900 acres. In the interest of sharing more about the potential project and as part of the preliminary scoping statement filing that will be filed in January will include a primary site design.

Ms. Scavo indicated there will be approximately two more public meetings prior to filing the preliminary scoping statement and site design and after it is filed there will be a 21 day public comment period and then a negotiation phase.

3. Is CCR asking the Town to rezone the majority of the parcels for the potential project?

Ms. Scavo indicated that it is not the hope or intent to rezone this area. They would like to prove to the community that solar is a passive use and should belong or be allowed within an agricultural/residential district. She understands that not everyone will agree with that statement and wants to be clear their intent is not to rezone those parcels.

In June the Town Board was presented with the idea of creating a community advisory board. There will be members of the community (Cambria and Pendleton) and school districts and they will meet every few months and talk about ways to make this project beneficial to their community.

Mr. Kohlstedt presented the Town Board with a Project Schedule along with the Article 10 process. (both documents are available on the Town's website)

The open houses were successful with over 100 people in attendance.

Mr. Kohlstedt went over the project schedule and a brief discussion took place.

Mr. Roberson, Town Attorney, asked who sets the 21 day comment period. Mr. Kohlstedt said it is part of the Article 10 regulations. Mr. Roberson indicated that it is an inadequate amount of time for a community to read a document that has hundreds of pages and address any issues. Ms. Scavo is in agreement and stated that this is the reason a public meeting will be scheduled before the document is submitted, giving them a chance to walk through the document with the community and opening a forum for questions and concerns before the documents are submitted.

Supervisor Ellis asked how the scoping statement will get to the public and where the Bear Ridge Solar Project office is located.

Ms. Scavo indicated that within the Article 10 there are several requirements they need to comply with. Individual notices have to be mailed out to home owners within the study area of the project. They have to notify the public that they are filing the document via the newspaper, and on their website. They will also be trying to publicize the public meeting.

Mr. Kohlstedt indicated they are exploring spaces right now for the office but it is not open as of yet.

Councilman Roberts indicated he is not speaking on behalf of the Town Board or the community; he is speaking for himself as a resident. He feels going through the Article 10 process makes many feel that this project is being forced upon the Town. CCR is going to listen to the residents and take input and give options, but when it comes right down to it, he feels they do not have to do anything the residents say or include anything they ask for. This may be a perception that the community is getting-that they don't have a choice.

Ms. Scavo understands this concern unfortunately with a project over the 25 MW the state mandates they go through the Article 10 process. The siting committee that ultimately makes the approval or denial of the project does have community members appointed. (two out of seven members)

Supervisor Ellis commented on the representation on the siting board:

It is a seven member Board which includes five members are heads of agencies in Albany; Cambria nominates four people; Pendleton nominates four people; Niagara County nominates four people

Out of those 12 people, two are chosen from people in Albany to be on the board with the five members from NYS agencies. There will be no guarantee that anyone will be representing the Town of Cambria.

Ms. Scavo would like community to know they are giving plenty of opportunities to be involved and have input. They know that projects are not successful if the people do not support them. They do not want to go forward with a project that a community does not want, it's not good business. The Community Solar Project will give the Town some say in the matter, but the Town will not have much say in the large, main Bear Ridge Solar Project.

Councilman Foe asked what the average payout is for a PILOT project. Ms. Scavo indicated that this project is so early on and there are many things that need to be done in the next six to eight months that will determine the answer to this question. Councilman Foe indicated he is very concerned about the Town's ability to engage the entire Town because they will all be impacted.

Ms. Scavo indicated there would be a multicomponent plan: They would be entering into to PILOT project in addition to funding specific projects that are determined by the committee. This may be a one-time lump sum donation at the beginning of the project or an annual scholarship fund that is replenished on a yearly basis over the course of the project. The final component is the reduced electricity rates. What will benefit the community the most?

Councilman Roberts reiterated what Ms. Scavo stated earlier; CCR does not want to have a project like this in a Town that really doesn't want it. What will they use to determine this? Mr. Kohlstedt indicated they are open to positive and negative feedback and hope they can make adjustments to show the Town the benefits of the project. He said it was difficult to quantify the amount of opposition needed to stop the project. They want to be open and honest and transparent. Ms. Scavo reported that across the State of NY CCR had about 500 projects in development and since then that number has reduced to 60 and 30 of those are permanent (smaller 2-5 MW projects). Determination is on a project to project basis.

#### **Ed Saleh-5269 Subbera Rd.**

Mr. Saleh indicated that based on a project scope of approximately \$220,000,000.00, is CCR receiving tax credits on this amount? Mr. Kohlstedt indicated that they are submitting this project to the state's renewable energy program and will receive certificates; they have not done this yet so the answer to the question is unknown at this point. Mr. Saleh wants to know if he will be funding something that he may or may not want.

Supervisor Ellis thanked Marissa and Kevin for being in attendance and for the information provided. He addressed the members of the audience that had questions and concerns and indicated that there is a sense of frustration on behalf of the Town Board in the lack of information that is forthcoming or inability of the company to provide it. The Town Board is trying to be objective as this moves forward looking at both sides before any decision is made.

#### **Shirley Urtel-4443 N Ridge Road**

Ms. Urtel made a final statement. She doesn't know who invited this project into the Town, but does not want to see what happened with the power plant. All that energy is moved down state and it provides cheap energy for them and we see no benefit and we live next door to it. She indicated that the community gets tired of being used for a supplier to down state. If this project becomes one where her taxes are increased, because of land being taken off the tax roll and CCR is getting a credit for it and property values are being reassessed that may be near the project and therefore she has to pay more taxes because she has to take more of the burden because those properties are not going to sell for what they should be. The Town Board has excellent points about how little control the Town seems to have. How can NYS say to Cambria and Pendleton-you will take this project. It is wrong.

### **2018 YEAR END CLOSEOUT OF ACCOUNTS**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol it was resolved to authorize the Supervisor to encumber funds, pay bills and make necessary line item transfers to close out the 2018 accounts.**

### **SEXUAL HARASSMENT POLICY**

Supervisor Ellis reported there is a Sexual Harassment Policy for the Town of Cambria and going forward it will be the policy that sexual harassment in any form is strictly prohibited. Sexual harassment in any form will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, and persons conducting business with the Town of Cambria. This was directed by the NYS Legislature and signed off by the governor at the end of the last session and filtered down to municipalities a couple months ago.

#### **Town of Cambria**

### **SEXUAL HARASSMENT POLICY**

#### **Introduction**

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

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Town of Cambria, or with a government agency or in court under federal, state, or local anti-discrimination laws.

**Policy:**

1. It is the policy of the Town of Cambria that sexual harassment in any form is strictly prohibited. Sexual harassment in any form will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
2. This Town of Cambria Sexual Harassment Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, and persons conducting business with the Town of Cambria.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Cambria has a zero-tolerance policy for retaliation against anyone who, in good faith, complains or provides information about suspected sexual harassment. Any employee of the Town of Cambria who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Town Supervisor. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Town of Cambria to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. The Town of Cambria will conduct a prompt, thorough, and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Cambria will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the Town Supervisor.
8. This policy shall apply to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy shall be posted prominently in all work locations and be provided to employees upon hiring.

**What Is “Sexual Harassment”?**

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

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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

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

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

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

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

### **What Is "Retaliation"?**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who engaged in "protected activity." Protected activity occurs when a person has:

- Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Complained that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Town of Cambria, as an administrative governmental unit, cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or the Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Town Supervisor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All department heads, supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town Supervisor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Department heads, supervisors and managers will also be subjected to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about suspected sexual harassment shall be investigated, whether that information was reported in verbal or written form. Investigations shall be conducted in a timely manner, and shall be confidential to the extent possible.

An investigation of any complaint, information, or knowledge of suspected sexual harassment shall be prompt and thorough, and should be completed within 30 days. The investigation shall be confidential to the extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators shall be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations shall be done in accordance with the following steps:

- Upon receipt of complaint, the Town Supervisor, or his designee, shall initiate an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails, or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including relevant witnesses.
- Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded, of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.



### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town of Cambria, but is also prohibited by state, federal, and where applicable, local law.

Aside from the internal process at the Town of Cambria, employees 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 or unpaid interns, and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in the New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to the Town of Cambria does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies, but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### **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. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

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](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

#### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement, or coerced sex acts, or the threats of such conduct, the conduct may constitute a crime. Contact the local police department.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the Town of Cambria Sexual Harassment Policy as presented.**

The question of the adoption of the forgoing Resolution was duly put to a vote on roll call, which resulted as follows:



**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Prentice Office Environments, Buffalo, NY for storage cabinets in Building Inspector's Office in the amount of \$1,623.34.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**FUND TRANSFER**

**Upon a motion duly made by Councilman Hurtgam and Councilman Foe, it was resolved to transfer \$1,623.34 from General Contractual 3620.04 to General Equipment 3620.02 to cover the purchase of the storage cabinets.**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.  
Time: 8:20 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk