

WHEREAS, it is now desired to complete the westerly portion of the Town Park at an estimated costs of \$200,000.00 and authorizing the issuance of \$200,000.00 serial bonds, and to provide for the financing thereof in accordance with the aforesaid order;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. The completion of the westerly portion of the Town Park at an estimated cost of \$200,000.00 and authorizing issuance of \$200,000.00 serial bonds in and for the Town of Cambria, Niagara County, New York as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$200,000.00 and the plan for the financing thereof is \$200,000.00 by the issuance of the serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said town of Cambria which the town shall determine and specify to be especially benefitted by the improvement, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. This resolution is adopted subject to permissive referendum as provided by law.

Section 8. Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

Upon a motion duly made by Councilman Blackman, seconded by Councilman Ohol it was resolved to authorize the bond resolution as presented.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows: Wright H. Ellis voting AYE; Robert E. Blackman voting AYE; Joseph Ohol voting AYE; Randy M. Roberts voting AYE; Matthew P. Foe voting AYE

The Resolution was thereupon declared duly adopted.

CROWN CASTLE LEASE AGREEMENT

Attorney Roberson indicated he has nothing to report on the matter and that he will speak to their representative.

WATER/SEWER REPORTS

- Mr. MacSwan reported a leak was discovered at the bottom of Cambria Road Hill and the road was closed to make the necessary repairs.

RECREATION

Councilman Roberts reported Baseball sign-ups are underway. The Recreation Committee will be preparing a document for the Town Board to review for the rental of the baseball diamonds.

WORKPLACE VIOLENCE PREVENTION POLICY

Supervisor Ellis explained it is a mandate of New York State that the Town adopt a Workplace Violence Prevention Policy. The New York State Department of Labor (PESH) would assist with the necessary training.

The following policy, including the Policy Statement was presented for the Board's consideration:

TOWN OF CAMBRIA WORKPLACE VIOLENCE PREVENTION PROGRAM

POLICY

The Town of Cambria ("Town") prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from the Town property and are subject to disciplinary and/or personnel action up to and including termination, consistent with the Town of Cambria policies; rules; and /or referral to law enforcement authorities for criminal prosecution.

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

SCOPE

All employees, members of the public, vendors, contractors, consultants, and others who do business with the Town, whether in a Town facility or off-site location where Town business is conducted, are subject to this policy. This policy applies to persons not affiliated with the Town, such as former employees and visitors.

DEFINITIONS

Violence shall mean any form of threat, intimidation, or aggressive physical contact. Prohibited conduct includes, but is not limited to the following:

- **Threat:** the expression of intent to cause physical or mental harm. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional or future basis.
- **Physical attack:** unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects or fighting.
- **Intimidation:** includes but is not limited to stalking or engaging in actions, either verbal or physical, which frighten or coerce.
- **Property damage:** intentional damage to or destruction of property owned by the Town, Town personnel, persons contracted by the Town, seasonal or part-time Town employees, volunteers, customers or anyone else on Town property.
- **Possession of dangerous weapon:** including a firearm, explosive or dangerous device or using an object as a weapon on Town property or during a Town related activity except when acting within the scope of one's job duties.
- **Stalking** another employee
- **Using abusive or obscene language** or gestures in a threatening manner.

NOTIFICATION AND REPORTING OF INCIDENTS

All Town personnel are responsible for notifying their supervisor immediately of any violence or threat of violence, either direct or indirect. Even without a specific threat, all employees should report any behavior they have witnessed that they regard as being potentially threatening or violent or which could endanger the health or safety of any employee when the behavior might be or has been carried out on a Town-controlled site or is connected to Town employment or Town business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.

When employees have complaints about other employees, they should contact their supervisor. If their supervisor is unavailable, contact the Town Supervisor or Town Clerk at (716) 433-7664.

CONFIDENTIALITY

The Town understands the sensitivity of the information requested. The Town shall maintain the confidentiality of investigations of workplace violence to the extent possible to respect the privacy of the reporting employee.

DEALING WITH POTENTIALLY VIOLENT INDIVIDUALS

If you witness a potentially violent situation, or are dealing with a threatening or violent person, do not place yourself in danger. If possible, escape the scene and immediately contact your supervisor or local law enforcement authorities.

WHAT TO DO:

- Project calmness. Move and speak slowly and confidently.
- Listen attentively and encourage the person to talk.
- Actively listen and respond to the individual.
- Maintain a distance of three to six feet between you and the other person.
- Arrange yourself so your exit is not blocked.

WHAT NOT TO DO:

- Don't make sudden movements that may be perceived as threatening.
- Don't make physical contact.
- Don't stand in challenging stances, such as hands on hips, or with arms crossed.
- Don't threaten, criticize or act impatient.
- Don't invade the personal space of the individual.
- Do not touch the threatening or violent individual.

RESTRAINING AND PROTECTIVE ORDERS

An employee who applies for or obtains a protective or restraining order against another person, should notify the Supervisor's Office or his or her immediate supervisor so that the other person's presence on Town property can be known as a danger.

TOWN RESPONSE TO THREATS AND VIOLENCE

The Town will promptly and thoroughly investigate reports of threats of (or actual) violence and of suspicious individuals or activities. Disciplinary action and/or legal prosecution will be pursued against Town personnel, and those outside the organization for violating this policy.

PROTECTION

The identity of the individual making the report will be protected as much as practical. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees or volunteers suspected of violence or threats of violence, either with or without pay, pending investigation.

WORKPLACE VIOLENCE TRAINING

Training will be provided by the Town and shall be mandatory for all employees.

RETALIATION

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

WORKPLACE RISK ASSESSMENT will be completed. Employee questionnaires will be distributed. A workplace risk assessment will be done annually.

COVERAGE

The Town may from time to time modify this policy to comply with future state and/or federal legislative action. In the event the policy is revised, a copy of the revised policy will be provided to each employee.

FORMS ATTACHED:

1. Workplace Violence Incident Report Form
2. Employee Security Survey Form
3. Policy Acknowledgment Form
4. Training Acknowledgment Form

REFERRAL TO DEPT OF LABOR

If at any time an employee feels they are not being treated fairly when reporting a workplace violence incident, they may contact:

NYS Department of Labor
Public Employee Safety and Health Bureau
65 Court, Street, Room 401
Buffalo, NY 14202
Phone: 716-847-7133 Fax: 716-847-7108

TOWN OF CAMBRIA
Workplace Violence Incident Report Form

NOTE: Any serious/criminal conduct which poses immediate or continuous threat should be reported to the appropriate police agency (911) immediately.

THIS FORM MUST BE USED TO DOCUMENT any reportable workplace violence incident. For any incident, an employee must submit this completed form to the Department Head or supervisor immediately. The Department Head/supervisor is responsible for forwarding this form to the Town Supervisor within 48 hours.

Victim's Name	
Job Title	
Department/Location	
Date and Time of Incident	
Location of Incident	
Name/Job Title of Individual Filing this Report	
Work Phone Number	
Date Incident Report Completed	
Date Incident Report Received by Dept Head/Sup	

Date Incident Report Received by Town Supervisor	
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List any individuals who may have witnessed this incident:

Witness Name/Job Title	Witness Work Phone Number

Check the type of violence the victim experienced (Check all that apply):

- Intimidation by
 - Bullying
 - Verbal Abuse
 - Harassment
 - Shouting
 - Swearing
 - Obscene Gestures
 - Threats of violence
 - Threats of physical attack
 - Stalking
 - Displaying a weapon
 - Displaying an instrument to be used as a weapon

- Physical Abuse or Assault by
 - Touching, Striking, Kicking, Grabbing
 - Striking with an object
 - Striking with a weapon (gun, knife, etc.)
 - Sexual touching
 - Sexual Assault
 - Throwing of an object

- Psychological Trauma by
 - Obscene phone call, e-mail, IM
 - Threatening phone call, e-mail, IM
 - Stalking
 - False Statements
 - Comments of a sexual nature
 - Displaying pictures, photo's, display of a sexual nature
 - Comment of a personal nature

Please provide a detailed description of the incident, including what happened immediately prior to the incident and how the incident ended. (Use additional sheet if more room is needed)

Assailant/Perpetrator	√	Name	Address	City	State
Member of the Public	<input type="checkbox"/>				
Employee's Spouse	<input type="checkbox"/>				
Employee's Significant Other	<input type="checkbox"/>				
Employee's Supervisor	<input type="checkbox"/>				
Co-Worker	<input type="checkbox"/>				
Former Employee	<input type="checkbox"/>				
Other (specify)	<input type="checkbox"/>				

Did Police respond to the incident? Yes No
 If yes, name of the Police Department _____
 Date and time _____
 Was a police report filed? Yes No Report No. _____
 Was the victim injured? Yes No
 If yes, please specify the injuries and the name and location of the facility that provided medical care:

Signature _____ Date: _____

Upon a motion duly made by Councilman Foe, seconded by Councilman Blackman, it was resolved to adopt the Town of Cambria Work Place Violence Prevention Policy Statement.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

Upon a motion duly made by Councilman Roberts, seconded by Councilman Ohol, it was resolved to approve the Town of Cambria Work Place Violence Prevention Program in support of the Work Place Violence Prevention policy statement.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

CONCERNS OF THE CITIZENS

Supervisor Ellis recognized some members of Boy Scout Troop 8 in attendance at the meeting tonight for their citizenship badge.

Geraldine Daul, Church Road, inquired about the hours for the new cleaning person.

SECURITY ALARM CONTRACT

Supervisor Ellis reported there are three contracts from Eastern States Sentinel for security alarm monitoring services at BOCES, Fairview Drive and Southway Drive lift stations. The contracts are for five years at \$240 per year for each contract.

Upon a motion duly made by Councilman Foe, seconded by Councilman Ohol, it was resolved to approve the contract for five years with Eastern States Sentinel for monitoring of the three lift stations at a cost of \$240 per year for each contract.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

AGREEMENT TO SPEND TOWN HIGHWAY

Supervisor Ellis presented the Agreement to spend Town Highway Funds.

General Repairs. The sum of \$361,548.00 may be expended for general repairs upon 31.58 miles of town highways. The sums shall be set aside to be expended for the improvement of Lower Baer Road (gas pipeline cross) and leading to NYS Rte. 104, a distance of 1.2 miles (Recycle and Pave). And on the road commencing at Cambria Road South (Upper Mountain Road) and leading to NYS Rte. 31 a distance of 1.29 miles (Milling and Paving)

Upon a motion duly made by Councilman Foe, seconded by Councilman Blackman, it was resolved to approve the 2012 Agreement to spend Town Highway Funds in the amount of \$361,548.00.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

PICKUP TRUCK PURCHASES

Supervisor Ellis indicated authorization is required for the purchase from NYS contract two new pick up trucks, one for the Highway Department and one for the Water Department, both of which are included in the 2012 budget. The Highway truck is a 2012 Chevrolet Silverado, 2500 HD 4WD Ext. Cab 144.2" Work Truck , at a cost not to exceed \$28,000; The Water Truck is a 2012 Chevrolet Silverado 2500 HD 4WD Ext Cab 158.2", at a cost not to exceed \$27,500.

Upon a motion duly made by Councilman Roberts, seconded by Councilman Foe it was resolved to approve the purchase of two new 2012 Chevrolet Silverado Pickup trucks – The Highway truck at a cost not to exceed \$28,000.00; the Water Department truck at a cost not to exceed \$27,500.00.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

PROCUREMENT REPLACEMENT WATER METERS

Supervisor Ellis reported the water meter needs to be replaced for Niagara Lazy Lakes Campground. This will be a sole source procurement through Lock City Supply. He indicated an Orion Radio Read meter will also be installed so it will comply with the other water meters we are replacing throughout the Town.

Upon a motion duly made by Councilman Ohol, seconded by Councilman Blackman it was resolved to authorize the purchase of a 3" compound series water meter with a remote reader as a sole source through Lock City Supply at a cost of \$2,525.65.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

WENDEL ENGINEERING PROPOSAL - STORMWATER REGULATIONS

Supervisor Ellis presented the Phase 2 Stormwater Regulations Proposal for engineering related to the Stormwater Program. This will be done on a time and expense basis not to exceed \$5,500.00.

