

**ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES**

**INCORPORATED VILLAGE OF NISSEQUOGUE – July 11, 2022**

**Notice Published in Smithtown News:** July 15, 2021 - The Smithtown News

**Notice Posted in Village:** July 14, 2021 - 1 Official Bulletin Board  
Nissequogue, New York

**Notice Posted on Village Website:** July 13, 2021

**AN ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF NISSEQUOGUE WAS HELD AT THE NISSEQUOGUE VILLAGE HALL, 631 MORICHES RD, NISSEQUOGUE, NY ON THE 11<sup>th</sup> DAY OF JULY 2022.**

**BOARD MEMBERS PRESENT:**

Mayor: Richard B. Smith  
Trustees: Michael T. Grosskopf  
Maureen C. Potter  
Russell J. von Frank II

**BOARD MEMBERS ABSENT:** Kurt J. Meyer

**ALSO PRESENT:**

Village Clerk/Treasurer/Administrator Patricia A. Mulderig  
Village Deputy Clerk Laura K. Winkeler

Mayor Smith opened the Organizational Meeting at 6:05 p.m.

**Appointments:**

**RESOLUTION # 111-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to appoint/reappoint the following individuals:

Deputy Village Clerk	Laura K. Winkeler	one year term expiring 2023
Justice Court Clerk	Laura K. Winkeler	one year term expiring 2023
Village Hall Clerical Assistant	Patricia Milano	one year term expiring 2023
Village Engineer	Daniel Falasco	one year term expiring 2023
Building Inspector/Code Enforcement	Joseph Arico	one year term expiring 2023
Deputy Building Inspector	Brian Heinrichs	one year term expiring 2023
Building Department Clerk	Barbara Trampel-Zulawski	one year term expiring 2023
Superintendent of Highways	Dominick Alois	one year term expiring 2023
Deputy Police Commissioner	John I. Valentine	one year term expiring 2023
Civil Defense Coordinator	John I. Valentine	one year term expiring 2023
Village Historian	Leighton H. Coleman III	one year term expiring 2023
Board of Appeals Chairperson	Michael Fazio	one year term expiring 2023
Board of Appeals Member	Michael Fazio	five year term expiring 2027
Board of Appeals Secretary	Susan Cimino McGarrigal	one year term expiring 2023
Planning Board Chairperson	Peter Marullo	one year term expiring 2023
Planning Board Member	Daniel Segal	five year term expiring 2027
Planning Board Member	Jill Rosen Nikoloff	four year term expiring 2026
Planning Board Secretary	Herta M. Walsh	one year term expiring 2023

**Appointments (cont.):**

ARB Chairperson	Susan Faulhaber .	one year term expiring 2023
ARB Member	Richard Barbato	five year term expiring 2027
ARB Member	Ron Rothman	five year term expiring 2027
ARB Secretary	Herta M. Walsh	one year term expiring 2023
Joint Coastal Chairperson	Kaylee Engellenner	one year term expiring 2023
Joint Coastal Member	Dian Knott	three year term expiring 2025
Joint Coastal Member	Pamela RB Krauth	three year term expiring 2025

**Village Auditor:**

**RESOLUTION # 112-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to reappoint R.S. Abrams as Village Auditor.”

**Official Newspapers:**

**RESOLUTION # 113-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to approve The Smithtown News as the Official Newspaper and Newsday as the Alternate Official Newspaper.”

**Designating Depositories:**

**RESOLUTION # 114-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to approve the following as official depositories:

- Primary – TD Bank
- Secondary – NY Class, Dime Bank, & First National Bank of Long Island
- Justice Court – TD Bank
- LOSAP - Dime Financial Services / LPL Financial
- Park Fund, Trust & Agency-Dime Bank.”

**Procedure for Calling Special Meetings:**

**RESOLUTION # 115-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to follow the NYCOM Handbook as stated below:

The calling of Special Meetings will abide by the following procedures:

- Method of giving notice to the members of the Board of Trustees - e-mail, phone or fax.”

**RESOLUTION # 116-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to follow the NYCOM Handbook as stated below:

The calling of Special Meetings will abide by the following procedures:

- Method of giving notice to news media – fax and e-mail.”

**RESOLUTION # 117-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to follow the NYCOM Handbook as stated below:

The calling of Special Meetings will abide by the following procedures:

- Method of giving notice to public - posting on Village Bulletin Board and Village Web-Site.”

**Bond Insurance:**

**RESOLUTION # 118-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Laura K. Winkeler,  
Deputy Village Clerk/Justice Court Clerk (Collects Taxes, Miscellaneous Receipts & Court Fines).”

**RESOLUTION # 119-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Patricia Milano,  
Clerical Assistant (Collects Village Taxes).”

**RESOLUTION # 120-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Patricia A.  
Mulderig, Village Clerk-Treasurer/Administrator (Deposits Taxes and Other Receipts).”

**RESOLUTION # 121-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Joseph Arico,  
Building Inspector & Code Enforcement Officer (Collects Building Fees).”

**RESOLUTION # 122-22:**

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Brian Heinrichs,  
Deputy Building Inspector (Collects Building Fees).”

**RESOLUTION # 123-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Barbara  
Trampel-Zulawski, Building Department Clerk (Collects Building Fees).”

**RESOLUTION # 124-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Herta Walsh,  
Planning Board & Architectural Review Board Secretary (Collects Planning Board & Subdivision Fees).”

**RESOLUTION # 125-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Dominick Alois,  
Superintendent of Highways (Collects Road Opening Permit Fees).”

**RESOLUTION # 126-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the execution of a bond in the amount of \$25,000 for Susan Cimino  
McGarrigal, Zoning Board of Appeals Secretary Clerk (Collects ZBA Fees).”

**Dates of Regular Meetings and Organizational Meeting:**

**RESOLUTION # 127-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to authorize that the Regular Meetings of the Board of Trustees be held on the third Tuesday of each month at 7:00 P.M. at the Village Hall, except for the months of April (2<sup>nd</sup> Tuesday) and June (4<sup>th</sup> Tuesday), and the Annual Organizational Meeting on the first Monday in July, and that the Village Clerk post and publish these dates.”

The list of 2022-2023 Regular Board of Trustee meetings is as follows:

- July 19, 2022
- August 16, 2022
- September 20, 2022
- October 18, 2022
- November 15, 2022
- December 20, 2022
- January 17, 2023
- February 21, 2023
- March 21, 2023
- April 11, 2023 (2<sup>nd</sup> Tuesday)
- May 16, 2023
- June 27, 2023 (4<sup>th</sup> Tuesday)
- July 03, 2023 Organizational Mtg.
- July 18, 2023

**Dates of the Planning Board:**

**RESOLUTION # 128-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to authorize the Village Clerk to post and publish the meeting dates of the Planning Board Meetings as listed below, to be held at 7:00 P.M. at the Nissequogue Village Hall on the first Monday of the month except for September (2<sup>nd</sup> Monday).”

The list of 2022-2023 Planning Board meetings is as follows:

- August 01, 2022
- September 12, 2022 (2<sup>nd</sup> Monday)
- October 03, 2022
- November 07, 2022
- December 05, 2022
- January 09, 2023 (2<sup>nd</sup> Monday)
- February 06, 2023
- March 06, 2023
- April 03, 2023
- May 01, 2023
- June 05, 2023
- July 10, 2023 (2<sup>nd</sup> Monday)

**Dates of the Architectural Review Board:**

**RESOLUTION # 129-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to authorize the Village Clerk to post and publish the meeting dates of the Architectural Review Board Meetings as listed below, to be held at 7:00 P.M. at the Nissequogue Village Hall on the last Monday of the month, except for September (3<sup>rd</sup> Monday), October (4<sup>th</sup> Monday), December (No Meeting) and May (4<sup>th</sup> Monday).”

The list of 2022-2023 Architectural Review Board meetings is as follows:

- July 25, 2022
- August 29, 2022
- September 19, 2022 (3<sup>rd</sup> Monday)
- October 24, 2022 (4<sup>th</sup> Monday)
- November 28, 2022
- December 2022 (No Meeting)
- January 30, 2023
- February 27, 2023
- March 27, 2023
- April 24, 2023
- May 22, 2023 (4<sup>th</sup> Monday)
- June 26, 2023
- July 31, 2023

**Dates of the Joint Coastal Management Committee:**

**RESOLUTION # 130-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to authorize the Village Clerk to post and publish the meeting dates of the Joint Coastal Commission Meetings as listed below, to be held at 7:30 P.M. at the Nissequogue Village Hall on the first Thursday of the month.”

The list of 2022-2023 Joint Coastal Committee meetings is as follows:

- August 04, 2022
- September 01, 2022
- October 06, 2022
- November 03, 2022
- December 01, 2022
- January 05, 2023
- February 02, 2023
- March 02, 2023
- April 06, 2023
- May 04, 2023
- June 01, 2023
- July 06, 2023

**Procurement Policy:**

**RESOLUTION # 131-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was

“**RESOLVED** to reaffirm the Village Procurement Policy.”

**ATTACHED HERETO**

**Investment Policy:**

**RESOLUTION # 132-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to reaffirm the Village Investment Policy.”

**ATTACHED HERETO**

**Resolutions to Adopt at the Organizational Meeting:**

**RESOLUTION # 133-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to authorize the advance approval of recurring monthly claims for the following:

- Public Utility Services (Telephone, Cable, Electricity, Gasoline for PD, FD, Highway, Water (not hydrants), and Fuel Oil.
- Professional Organizations-LIVCTA, NYCOM, NYS GFOA, and SCVOA.
- Postage
- Insurance for Health and Dental
- NYS Comptrollers Fund for Justice Court Fines.
- Fingerprinting Charges (Idemia, Identogo, Morpho Trust USA Inc. or similar).
- New York State Insurance Fund (NYSIF), (Worker’s Compensation Insurance)
- Suffolk County Water Authority Hydrants.”

**Mileage Allowance:**

**RESOLUTION # 134-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to authorize mileage allowance at the level permitted by the IRS, and that this amount will be paid to officers and employees of the Village who use their personal vehicles while performing their official duties on behalf of the Village (A voucher must be submitted at the time of reimbursement.)”

**Attendance at Schools and Conferences:**

**RESOLUTION # 135-22:**

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and passed 4-0, it was  
“**RESOLVED** to address each request to attend a school or conference on a case-by-case basis.”

**Check Signing:**

**RESOLUTION # 136-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to maintain the dual signature requirements on checks in the amount of \$5,000 and greater, with the three signers being the Mayor, Deputy Mayor and Village Treasurer.”

**Retainer Agreements:**

**RESOLUTION # 137-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to reappoint:  
Lamb & Barnosky, LLP as Village Attorney for a period of one (1) year from June 1, 2022 through May 31, 2023 at an annual retainer of \$75,000.00. Termination is subject to the retainer agreement.”

**RESOLUTION # 138-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to reappoint:  
Daniel Falasco, P.E., P.C. as Village Engineer for a period of one (1) year from June 1, 2022 through May 31, 2023 at a per hour rate of \$130.00. Either party may terminate the agreement on thirty (30) days’ notice.”

**Sexual Harassment Policy-Female/Male Intake Persons:**

**RESOLUTION # 139-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to reappoint Patricia Mulderig as the female counselor and appoint John Valentine as the male counselor for complaints arising from sexual harassment.”

**RESOLUTION # 140-22:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to reaffirm the Incorporated Village of Nissequogue Policy Against Workplace Sexual Harassment.”

**ATTACHED HERETO**

**Discrimination and Harassment Policy:**

**RESOLUTION # 141-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to reaffirm the Incorporated Village of Nissequogue Policy Against Discrimination and Harassment.”

**ATTACHED HERETO**

**RESOLUTION # 142-22:**

Upon a motion by Mayor Smith, seconded by Trustee Grosskopf, and passed 4-0, it was  
“**RESOLVED** to appoint Trustee von Frank as the Board of Trustees’ point of contact for complaints arising from prohibited harassment or discrimination.”

**Travel & Entertainment Policy:**

**RESOLUTION # 143-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to reaffirm the Travel & Entertainment Policy, and require appropriate documentation in order to be reimbursed (no reimbursement for alcoholic beverages or sales tax).”

**ATTACHED HERETO**

**Length of Service Award Program (LOSAP):**

**RESOLUTION # 144-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to reappoint for one year, from June 1, 2022 to May 31, 2023, Sentinel Benefits & Financial Group, the actuary, and Dime Financial Services / LPL Financial, as the Trustee, for the Length of Service Award Program.”

**Digital Network Technology Annual Agreement for Website Hosting and Support:**

**RESOLUTION # 145-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to renew the contract for website hosting with Digital Network Technology LLC for a term of one year commencing July 1, 2022 and ending June 30, 2023, in the amount of \$2,675.00, and to authorize payment of a one-time charge of \$1,500.00 for overhaul of the Village Website, which bundling of the two results in a discount of \$175.00 and a net total due of \$4,000.00.”

**Computer Use Policy:**

**RESOLUTION # 146-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to reaffirm the Computer Use Policy.”

**ATTACHED HERETO**

**Code Supplements:**

**RESOLUTION # 147-22:**

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and passed 4-0, it was  
“**RESOLVED** to post code supplements on the Village Website as well as distributing same to appropriate Village Board members.”

**Suffolk County Police Department Rules and Procedures:**

**RESOLUTION # 148-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to adopt Rules, Policies, and Procedures of the Suffolk County Police Department in its entirety including any and all updates, deletions, and / or changes.”

**Nissequoque Fire Department Non-Resident Members Annual Approval Request:**

**RESOLUTION # 149-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to reapprove those fire department members who reside outside of the Village of Nissequoque, as requested by the Chief’s Office of the Nissequoque Fire Department.”

**ATTACHED HERETO**

**RESOLUTION # 150-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to approve Abstract 2656 for payment of NYSIF Workers Compensation invoices totaling \$5,123.67 that require payment prior to the July 19, 2022 Board of Trustees Meeting.”

**RESOLUTION # 151-22:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to authorize the Village Clerk to accept payment of \$138.56 from Suffolk County for Village Tax payments postmarked July 1, 2022 but incorrectly misdirected to another village.”

**Adjournment:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to adjourn the Organizational Meeting at 6:47 pm.”

Respectfully yours,

Laura K. Winkeler  
Deputy Village Clerk



VENDOR CODE \_\_\_\_\_

VOUCHER NO. 202 \_\_\_\_\_

**VILLAGE OF NISSEQUOGUE**  
631 MORICHES ROAD  
ST. JAMES, NEW YORK 11780

PAY TO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Please fill out, sign and attach this Certification to all bills as required by Section 5-524 of Village Law.

I/We Certify that this voucher is attached to a Bill in the Amount of \$ \_\_\_\_\_ and that the bill is just true and correct, that no part has been paid except as stated and the balance is due and owing for the items received by the VILLAGE OF NISSEQUOGUE.

<i>Date:</i>	<i>Detailed Information:</i>	<i>Amount:</i>
<i>Exp Acct:</i>		

VENDOR'S SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

Certified As to Accuracy and/or Approval for Payment \_\_\_\_\_  
**VILLAGE DEPARTMENT HEAD**

Certified As to Accuracy and/or Approval for Payment \_\_\_\_\_  
RBS                  KJM                  MTG                  MCP                  RvF  
**BOARD OF TRUSTEES APPROVAL**

**A. No bid or quote is necessary for the following purchases**

- \_\_\_\_\_ County or State Bid # \_\_\_\_\_
- \_\_\_\_\_ Purchase is less than \$1,000.00
- \_\_\_\_\_ Item can only be purchased from a single source
- \_\_\_\_\_ Professional services
- \_\_\_\_\_ Emergency purchases pursuant to Section 103(4) General Municipal Law
- \_\_\_\_\_ Explanation: \_\_\_\_\_
- \_\_\_\_\_ Gasoline purchases

**B. If the estimated amount of purchase contract is \$1,000.00 to \$2,999.00, two verbal quotes are to be procured.**

- 1. \$ \_\_\_\_\_ is the verbal quote from \_\_\_\_\_
- 2. \$ \_\_\_\_\_ is the verbal quote from \_\_\_\_\_

**C. If the estimated amount of purchase contract is \$3,000.00 to \$19,999.00, or for Public Works \$3,000.00 to \$34,999.00, three written/fax quotes are to be procured**

- 1. \$ \_\_\_\_\_ is the written/fax quote from \_\_\_\_\_
- 2. \$ \_\_\_\_\_ is the written/fax quote from \_\_\_\_\_
- 3. \$ \_\_\_\_\_ is the written/fax quote from \_\_\_\_\_

**D. If the estimated amount of purchase contract is \$20,000.00 (\$35,000 for Public Works Contracts) or more, the purchase contract has to be bid via public advertisement.**

\_\_\_\_\_ A copy of the public advertisement is attached Revised 7/04/2022

**INVESTMENT POLICY**  
**INCORPORATED VILLAGE OF NISSEQUOGUE**

ADOPTED AUGUST 19, 2003  
AMENDED JULY 11, 2022

# INVESTMENT POLICY

## FOR INCORPORATED VILLAGE OF NISSEQUOGUE

### I. SCOPE

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- a. to conform with all applicable federal, state and other legal requirements (legal);
- b. to adequately safeguard principal (safety);
- c. to provide sufficient liquidity to meet all operating requirements (liquidity); and
- d. to obtain a reasonable rate of return (yield).

### III. DELEGATION OF AUTHORITY

The Board of Trustees' responsibility for administration of the investment program is delegated to the Treasurer who shall establish procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

### IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transactions that might impair public confidence in the Incorporated Village of Nissequogue to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

### V. DIVERSIFICATION

It is the policy of the Incorporated Village of Nissequogue to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling to meet projected cash flow needs.

**VI. INTERNAL CONTROLS**

It is the policy of the Incorporated Village of Nissequogue for all monies collected by any officer or employee of the Village to transfer those funds to the Treasurer within ten (10) days of deposit or within the time period specified in law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

**VII. DESIGNATION OF DEPOSITORIES**

The designation of bank depositories is made by resolution of the Board of Trustees at its annual organizational meeting, which designation may be changed at any time by further resolution.

The bank and trust companies currently authorized for the deposit of monies up to the maximum amount are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
TD Bank	\$ 2,500,000	Matthew V. Pickett
MBIA Class	\$1,000,000	Joel Friedman/Christopher Starr
BNB Bank	\$1,000,000	LuAnn Commisso
FNBLI Bank	\$1,000,000	Linda Roldan

**VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law Section 10, all deposits of the Incorporated Village of Nissequogue, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

By a pledge of "eligible securities" including Irrevocable Stand-by Letter of Credit issued by the Federal Home Loan Bank of Pittsburgh with an aggregate "market value" as provided by General Municipal Law Section 10, at least equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy, together with a security agreement from the bank or trust company consistent with Section IX of this policy.

**IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to a security and custodial agreement.

The security agreement shall provide that eligible securities are being pledged to secure Village deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the Village to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Incorporated Village, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Nissequogue or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

**X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law Section 11, the Incorporated Village of Nissequogue authorizes the Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- a. Special time deposit accounts;
- b. Certificates of deposit (Including FDIC Insured Market Linked CDs);
- c. Obligations of the United States of America;
- d. Ginnie Mae Small Business Administration (SBA) agencies where the payment of principal and interest are fully guaranteed by the United States of America;
- e. Obligations of the State of New York that carry a single A rating or better and are not on the watch list of Moody's or Standard & Poors (S & P);
- f. Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality or Village corporation other than the Village of Nissequogue that carry a single A rating or better and are not on the watch list of Moody's or S & P;
- g. Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments that carry a single A rating or better and are not on the watch list of Moody's or S & P.
- h. Repurchase agreements subject to restrictions in Section XIII.
- i. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

All investment obligations shall be payable or redeemable at the option of the Incorporated Village of Nissequogue within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Incorporated Village of Nissequogue within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Incorporated Village of Nissequogue shall maintain a list of financial institutions and dealers approved by the Board of Trustees for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the Village conducts business must be credit worthy and carry a single A rating or better from Moody's or S & P and not be on the watch list of either agency. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Incorporated Village of Nissequogue. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers and have a rating of single A or better from Moody's or S & P and not be on the watch list of either agency. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually and approved by the Board of Trustees.

**XII. PURCHASE OF INVESTMENTS**

The Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner;
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program meets the Village guidelines for credit worthiness and has been authorized by the Board of Trustees;
3. By utilizing an ongoing investment program with an authorized trading partner who meets the Village's guidelines for credit worthiness and pursuant to a contract authorized by the Board of Trustees.

All purchased obligations, unless registered or inscribed in the name of the Village, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Incorporated Village of Nissequogue by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

- a. All purchase agreements must be entered into subject to a Master Repurchase Agreement;
- b. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers that carry a single A rating or better from Moody's or S & P and are not on the watch list of either agency;

**XIII. REPURCHASE AGREEMENTS-CONTINUED**

- c. Obligations shall be limited to obligations of the United States of America and Ginnie Mae agencies where the payment of principal and interest are guaranteed by the United States of America;
- d. No substitution of securities will be allowed;
- e. The custodian shall be a party other than the trading partner.

**XIV. ANNUAL BOARD OF TRUSTEES REVIEW**

This policy shall be approved annually by the Board of Trustees at the annual organizational meeting of the Incorporated Village of Nissequogue Board of Trustees.

Legal References: General Municipal Law Section 10, Section 11

Policy Adopted: August 19, 2003  
Amended: July 1, 2019

**APPENDIX A**

**SCHEDULE OF ELIGIBLE SECURITIES FOR COLLATERALIZATION**

\* Obligations issued or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, or Village corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies provided that the obligation carries a single A rating or better from Moody's and/or S & P and are not on the watch list of either agency.



# **POLICY AGAINST WORKPLACE SEXUAL HARASSMENT**

## **Introduction**

The Incorporated Village of Nissequogue is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. 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 discrimination and other types of prohibited harassment. Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to "The Incorporated Village Of Nissequogue Policy Against Discrimination and Harassment."

## **Policy**

This Policy applies to all employees, applicants for employment, interns, non-employees (see definition below), and other persons conducting business with the Village, regardless of immigration status, ("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 volunteers, 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 may subject the Village to liability for harm to targets 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, subject to any statutory or contractual limitations, 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, self-identified or perceived sex, gender expression, 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 reporting 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 includes, but is not limited to, 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 describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
  - Touching, pinching, patting, kissing, hugging, 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 target'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.
- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace 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. Sexual harassers 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, on personal devices or outside of work hours.

### **Retaliation is Prohibited**

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated.

No covered individual will be subject to adverse 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.

Appropriate corrective action, subject to any statutory or contractual limitations, 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.

Unlawful retaliation can be any action that could discourage 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 (*e.g.*, threats of physical violence outside of work hours).

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:

- made 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;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to his/her Supervisor

or the Village Administrator. If the complaint involves or the individual is hesitant to report to his/her Supervisor or the Village Administrator, the individual should report the conduct to the Mayor or any member of the Board of Trustees. Contact information for these individuals can be found on the Village's website or is available from the Village Clerk.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "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 his/her Supervisor or the Village Administrator. If the complaint involves or the individual is hesitant to report to his/her Supervisor or the Village Administrator, the behavior should be reported to the Mayor or any member of the Board of Trustees. Contact information for these individuals can be found on the Village's website or is available from 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.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections."

### **Supervisory Responsibilities**

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is **required** to report that suspected sexual harassment to the Village Administrator, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Village Administrator, the supervisor/manager must report the suspected sexual harassment to the Mayor. Contact information for these individuals can be found on the Village's website or is available from the Village Clerk.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to

any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

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

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, 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 Village will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Village Administrator, 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 Administrator, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Village Administrator, 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 Administrator, 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 Administrator, or designee, will request and review all relevant documents, including all electronic communications.
- The Village Administrator, or designee, will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.

- The Village Administrator, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Village Administrator, 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 an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension 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 and the non-employee or other individual.

### **Confidentiality**

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy 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 or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/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 that person, subject to any statutory or contractual limitations.

### **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 including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### **New York State Human Rights Law (HRL)**

The 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 Division of Human Rights (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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, 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.

The DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Suffolk County Office is: State Office Building, 250 Veterans Memorial Highway, Suite 2B-49, Hauppauge, New York 11788, (631) 952-6434, [www.dhr.ny.gov](http://www.dhr.ny.gov). Individuals can contact the DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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 Suffolk County may file complaints of sexual harassment with the Suffolk County Human Rights Commission at: H. Lee Dennison Building, 100 Veterans Memorial Hwy, Third Floor, Hauppauge, NY 11788, (631) 853-5480.

### **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 should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The Village will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All 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 your Supervisor or the Village Administrator. If your complaint involves or you are hesitant to submit this form to your Supervisor or the Village Administrator, you should submit the form to the Mayor or any member of the Board of Trustees. Contact information for these individuals can be found on the Village's website or is available from the Village Clerk. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the Village will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINANT INFORMATION**

Name: \_\_\_\_\_  
Work Address: \_\_\_\_\_  
Work Phone: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Email: \_\_\_\_\_  
Select Preferred Communication Method:  Email  Phone  In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Work Address: \_\_\_\_\_

**COMPLAINT INFORMATION**

1. The complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

2. Please describe what happened and how it is affecting you and your work. 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 who may have information related to your complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you retained legal counsel and would like us to work with them, please provide their contact information. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*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: \_\_\_\_\_

## **INCORPORATED VILLAGE OF NISSEQUOGUE POLICY AGAINST DISCRIMINATION AND HARASSMENT**

The Incorporated Village of Nissequogue is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Unlawful discrimination or harassment based on any characteristic or status protected by applicable law including, but not limited to, race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy related condition, arrest (not pending), criminal conviction (in violation of Article 23-A of the New York Correction Law), military or veteran service status, use of a guide dog, or hearing dog or service dog is strictly prohibited and will not be sanctioned or tolerated. The Village further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the “Policy Against Workplace Sexual Harassment.”

### **Prohibited Conduct**

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction (in violation of Article 23-A of the New York Correction Law), military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment. This prohibition extends to conduct by Village employees, officers, board members, volunteers, independent contractors, agents or anyone providing services to the Village.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the Village’s premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion

or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

### **Complaint Procedure**

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact his/her Supervisor or the Village Administrator. If the complaint involves or the individual is hesitant to report to his/her Supervisor or the Village Administrator, a report can be made to the Mayor or any member of the Board of Trustees. The contact information for these individuals is listed on the Village's website or is available from the Village Clerk.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

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

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with his/her Supervisor or the Village Administrator. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with his/her Supervisor or the Village Administrator, the employee should file the complaint with the Mayor or any member of the Board of Trustees.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify the Village Administrator or, if the behavior involves the Village Administrator, the supervisor must immediately notify the Mayor.
- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Village Administrator or a designee of the Village Administrator (which may include a third party). The investigation may include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be

maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.

- At the conclusion of the investigation, the investigator will report the findings to the Board of Trustees. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

### **Confidentiality**

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

### **Retaliation is Prohibited**

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with Village policy, the Code of the Village of Nissequogue (“the Village Code”) and applicable laws, regulations and contractual provisions.

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to his/her Supervisor or the Village Administrator. If the complaint involves or the individual is hesitant to bring the matter to the attention of his/her Supervisor or the Village Administrator, the report should be made to the Mayor or any member of the Board of Trustees.

### **Interim Measures**

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the Village will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

### **Corrective Action**

If, after appropriate investigation, the Village finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with Village policy, the Village Code and applicable laws, regulations and contractual provisions.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a Village employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the Village and the individual.

### **Bad Faith Claims**

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/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 that individual.

### **Dissemination and Training**

This Policy will be available in each Village facility, on the Village's website and in employee handbooks. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy.

The Village's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

### **Review and Revision of Policy**

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board of Trustees when appropriate.

## **WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Use this form to file an internal claim of workplace harassment (other than sexual harassment, which should be filed in accordance with the Policy Against Workplace Sexual Harassment) or discrimination, including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction (in violation of Article 23-A of the New York Correction Law), military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law.

**PERSONAL INFORMATION**

Name: \_\_\_\_\_  
Department: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
\_\_\_\_\_ Zip \_\_\_\_\_

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Business Phone: \_\_\_\_\_

**DETAILS OF CLAIM**

1. Claim of discrimination/harassment is based on (check one or more that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> RACE  | <input type="checkbox"/> RELIGION                           | <input type="checkbox"/> DISABILITY                                      |
| <input type="checkbox"/> COLOR   | <input type="checkbox"/> MARITAL STATUS                     | <input type="checkbox"/> PREGNANCY OR<br>PREGNANCY -RELATED<br>CONDITION |
| <input type="checkbox"/> NATIONAL ORIGIN                                   | <input type="checkbox"/> FAMILIAL STATUS                    | <input type="checkbox"/> ARREST (NOT PENDING)                            |
| <input type="checkbox"/> CREED   | <input type="checkbox"/> DOMESTIC VIOLENCE<br>VICTIM STATUS | <input type="checkbox"/> CRIMINAL CONVICTION                             |
| <input type="checkbox"/> AGE   | <input type="checkbox"/> GENETIC INFORMATION                | <input type="checkbox"/> MILITARY STATUS                                 |
| <input type="checkbox"/> VETERAN STATUS                                    | OR PREDISPOSING GENETIC<br>CHARACTERISTICS                  |  |
| <input type="checkbox"/> USE OF A GUIDE DOG,<br>HEARING DOG OR SERVICE DOG |   |  |
| <input type="checkbox"/> OTHER (explain)                                   |   |  |



2. Claim of discrimination/harassment is made against: Your Relationship to this person:  
 Name: \_\_\_\_\_ ( ) Supervisor  
 Work Address: \_\_\_\_\_ ( ) Co-worker  
 \_\_\_\_\_ ( ) Subordinate  
 Work Phone: \_\_\_\_\_ ( ) Other: \_\_\_\_\_

3. Incident(s) occurred on or about (date(s)):  
 \_\_\_\_\_

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting data, if available. Use an additional sheet(s), if necessary.

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**AFFIRMATION:** I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes. I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

-----  
**DATE RECEIVED:**                      **BY WHOM:**

\_\_\_\_\_  
Signature Print Name

\_\_\_\_\_  
Signature Print Name

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Signature

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Print Name

**VILLAGE OF NISSEQUOGUE  
TRAVEL & ENTERTAINMENT POLICY  
ADOPTED JANUARY 1, 2007**

**MEALS, REFRESHMENTS, AND TRAVEL EXPENSES**

The Village of Nissequogue recognizes that from time to time it may be appropriate to provide meals and/or refreshments at Board meetings and/or events, which are being held for a business purpose. The Village of Nissequogue also recognizes that employee travel to conferences may be necessary for staff development purposes. Any expenditure made on such meals, refreshments, and/or travel expenses should be appropriately documented with a receipt, itemized whenever possible, and submitted to the Village Clerk on a properly authorized Village of Nissequogue Voucher/Purchase Order for the purpose of audit and reimbursement.

Examples of authorized categories of expenditures include but are not limited to refreshments for budget meetings, fire department meetings at which Village of Nissequogue business is conducted.

**SUBJECT: MEALS, REFRESHMENTS, AND TRAVEL REGULATION**

**Rules Relating to Meals and Refreshments**

From time to time, meals and/or refreshments may be deemed appropriate for a particular meeting, event or situation.

Whenever meals and/or refreshments (excluding alcoholic beverages) are ordered, the person making the request shall indicate the date, purpose of the meeting and identify the names of the persons in attendance. It is acknowledged that meal and/or refreshment expenditures may be incurred as an extension of the responsibilities of employees or to continue to enhance a specific activity or event that is being held for a business purpose. In such instances, documentation as noted above shall be submitted to the business office for the purposes of audit and possible reimbursement. In an instance where a receipt has been lost or not obtained, at the discretion of the Village Treasurer, a signed statement may be submitted as a substitute document.

Examples of authorized categories include but are not limited to a meal with a consultant employed by the village, a meal provided to a committee or board whose responsibilities require working through the meal hour, or other specific circumstances for which working through the meal hour is advantageous to the village.

**VILLAGE OF NISSEQUOGUE  
TRAVEL & ENTERTAINMENT POLICY  
ADOPTED JANUARY 1, 2007**

**Employee Travel**

- 1 Effective January 1, 2007, meal expenses for overnight travel will only be reimbursed for pre-approved travel. All overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses.
2. New York State sales taxes for lodging and meals cannot be reimbursed. A sales tax-exempt form can be obtained from the Village Hall prior to travel for hotel accommodations.
3. Mileage for use of personal auto will be reimbursed at the existing approved IRS Business Mileage Rate.

**Rules Relating for Completing Vouchers for Travel and Entertainment Expenses**

1. All appropriate original receipts must be attached. Reimbursements will not be approved if copies of receipts are used. In circumstances where a personal check or credit card is used, a copy of the check front and back or credit card statement will be accepted only if itemized receipts cannot be obtained.

# **VILLAGE OF NISSEQUOGUE COMPUTER USE POLICY**

## **Electronic Use Policy**

The purpose of this section is to establish an electronic use policy for the Village of Nissequogue.

## **Privacy**

Computers, computer files, the e-mail system, software, and cell phones that are furnished to employees are the Village of Nissequogue property intended for business use only. No employee should expect privacy in work-related conduct or the use of this property owned or provided by the Village. The purpose of this policy is to notify you that no reasonable expectation of privacy exists in connection with your use of such property.

## **Right to Access**

Although employees may have individual access passwords to voicemail, e-mail, computer network and other electronic information systems, these systems are, and must remain, accessible at all times to and by the Village of Nissequogue and may be subject to periodic, unannounced inspections by the Board of Trustees for business purposes. Employees may not withhold information maintained within computer files, computer databases or electronic information systems with the exception of personnel records. Passwords not made available to the Village may be decrypted. E-mail and voicemail messages can be maintained by or accessible to the Village and may be referenced for business, legal or other reasons. All information accessible to the Village may be duplicated by the Village. To ensure compliance with this policy, computer and e-mail usage may be monitored.

## **Use Restrictions**

No employee shall copy for personal use any program, file or record containing proprietary or copyrighted materials belonging to the Village of Nissequogue or to a third-party software license or which the Village has purchased, leased or licensed for official Village business. Additionally, no employee shall copy onto the Department's computer system any employee's personal programs, files or software.

## **Password Policy**

All employees shall update their passwords quarterly. Passwords must contain at least one uppercase letter, one lowercase letter and one numeric character. All passwords must have a minimum of eight characters. Passwords will be maintained in a sealed envelope in the Village files to allow access to the Village Mayor or Board of Trustees in the event an emergency.

## **Internet Usage**

Internet access to global electronic information resources on the World Wide Web is provided by the Village to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive internet usage. While internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits and subject to this policy. Village of Nissequogue reserves the right to monitor any and all Internet traffic.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of Village of Nissequogue and, as such, is subject to disclosure to law enforcement or other third parties. This data is not private and no employee should expect that it is. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, and ethical, in compliance with all Village policies and is lawful.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Users should take the necessary anti-virus precautions before downloading or copying any file from the Internet or outside media (i.e.: cd's, flash drives, compact flash cards etc.). All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by Village is violation of law or Village of Nissequogue policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

## **Content**

The Village of Nissequogue strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Village prohibits the use of personal computers, portable electronic devices, and e-mail / messaging systems in ways that are disruptive, offensive to others, or harmful to morale. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

## **Violations**

Employees should notify their immediate supervisor or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## **Social Networking**

- The use of department logos, name, pictures or accounts of activities is strictly prohibited without prior approval from the Mayor.
- Personal blogs or other postings should have clear disclaimers that the views expressed by the author are the author's alone and do not represent the views of the department.
- Social media activities must not interfere with work related commitments or activities.
- Your online presence reflects the Village of Nissequogue. Be aware your actions captured via images, posts, or comments can reflect that of our Village.
- Do not reference or site Village employees or vendors without their express consent.



643 Moriches Road  
Nissequogue NY, 11780

### Nissequogue Fire Department Non-Resident Members Annual Approval List 2022-2023

Linda Howard	43 Bayberry Lane, Saint James, NY 11780
William Howard	43 Bayberry Lane, Saint James, NY 11780
Thomas Glenn	211 Fifth Street, Saint James, NY 11780
Frank McGarrigal	73 Laurel Drive, Smithtown, NY 11787
Brenda Zaino	64 Blydenburg Avenue, Smithtown, NY 11787
Desmond Murphy	34 East Main Street, Smithtown, NY 11787