

VILLAGE OF WEST HAMPTON DUNES  
2024 ANNUAL REORGANIZATION MEETING  
906 Dune Road, West Hampton Dunes, NY  
Monday, July 1, 2024 at 12:00 PM

Present: Irwin R. Krasnow, Mayor  
Gary Trimarchi, Trustee  
John J. Eff, Jr., Trustee  
Regina M. Mulhearn, Trustee  
Howard Freedman, Trustee

Motion to Open the Annual Organizational Meeting

Motion by: Trustee Trimarchi  
Seconded by: Trustee Freedman  
Vote: All in favor  
None opposed

Pledge of Allegiance

Mayor's Report

Mayor Krasnow opened the meeting and welcomed his new administration, Howard Freedman and Gina Mulhearn along with the current trustees, Gary Trimarchi and John Eff. Mayor Krasnow expressed how excited and happy he is to get started.

Jared Kasschau the new Village Attorney, then proceeded to read through each resolution.

Resolutions

RESOLUTION # 07-2024-1  
APPROVING APPOINTMENTS OF VILLAGE OFFICIALS

WHEREAS the Honorable Irwin R. Krasnow as the Mayor of the Incorporated Village of WEST HAMPTON DUNES has made certain appointments of Village Officials, Commissioners, Board Members and other appointed officers of the Village, and;

WHEREAS at the annual organizational meeting of the Village conducted on July 1, 2024, these appointments duly came before the Board of Trustees for approval, and the Board duly approved those appointments, it is therefore;

RESOLVED that the appointments of Village Officials, Officers, Commissioners, Board Members and other appointed officers of the Village are hereby approved as follows:

Title	Appointee	Term	End Date
Village Treasurer:			
Village Attorney:	Harris Beach PLLC	1 Year	July 7, 2025
Associate Village Justice ( <i>pro bono</i> ):	Jack M. Martins, Esq.	4 Years	July 3, 2028
Village Prosecutor:	Thomas Moore, Esq.	1 Year	July 7, 2025

<b>Title</b>	<b>Appointee</b>	<b>Term</b>	<b>End Date</b>
Records Access Officer:	Village Clerk	1 Year	
Records Access Appeals Officer:	Village Attorney	1 Year	
Commissioner of Police Constabulary:	Gary Trimarchi	1 Year	July 7, 2025
Deputy Commissioner of Police Constabulary:	Irwin R. Krasnow	1 Year	July 7, 2025
Commissioner of Energy, Utilities & Sustainability	John Eff, Jr.	1 Year	July 7, 2025
Board of Ethics:	Mary Jane O'Connell (D)	3 Years	July 5, 2027
	Lisa Jacobs (D)	2 Years	July 6, 2026
	Richard White (R)	3 Years	July 5, 2027
	Catherine Vaczy (R)	3 Years	July 5, 2027
	Catherine Woolfson (R)	2 Years	July 6, 2026
Zoning Board of Appeals:	Joseph Mizzi	5 Years	July 2, 2029

Motion by: Trustee Freedman  
 Seconded by: Trustee Mulhearn  
 Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

**RESOLUTION # 7-2024-2**  
**APPOINTMENT OF GARY TRIMARCHI AS DEPUTY MAYOR**

WHEREAS the Honorable Irwin R. Krasnow, Mayor of the Village of WEST HAMPTON DUNES has the responsibility pursuant to Section 4-400(1)(h) to appoint member of the Board of Trustees as the Deputy Mayor of the Village of West Hampton Dunes, and has appointed GARY TRIMARCHI as Deputy Mayor;

WHEREAS GARY TRIMARCHI is a duly elected Trustee of the Village of WEST HAMPTON DUNES and possesses the knowledge, skills and experience to perform the duties of Mayor in the event of the absence of the Mayor and will distinguish the Village in that capacity, it is therefore;

GARY TRIMARCHI is hereby appointed Deputy Mayor of the Village of WEST HAMPTON DUNES.

**RESOLUTION # 7-2024-3**  
**DETERMINING COST OF BONDING VILLAGE OFFICERS TO BE A VILLAGE EXPENSE**

WHEREAS certain officers of the Incorporated Village of West Hampton Dunes are required by law to be bonded, and;

WHEREAS such bonding is in conjunction with the discharge of their duties as officers of the Village, and;

WHEREAS the Board of Trustees by law may determine that the cost of such bonding is a Village expense, it is therefore;

RESOLVED by the Board of Trustees of the Village of West Hampton Dunes that the cost of the bonding required of certain Village officers in conjunction with the discharge of their duties as a Village officer is a Village expense, and that such charge shall be charged to and paid by the Incorporated Village of West Hampton Dunes.

Motion by: Trustee Mulhearn  
Seconded by: Trustee Freedman  
Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-4  
AUTHORIZING A BLANKET UNDERTAKING  
FOR VILLAGE OFFICERS

WHEREAS certain officers of the Incorporated Village of West Hampton Dunes are required by law to post an undertaking, and;

WHEREAS the purpose of the undertaking is to ensure that those Village officers will faithfully discharge their duties and promptly account for and pay over all moneys or property received by them in their official capacity, and;

WHEREAS the Board of Trustees may, in lieu of requiring individual undertakings from each such officer, authorize and require the Village to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks, and employees that must indemnify against losses: (a) through the failure of the officers, clerks, and employees covered thereunder faithfully to perform their duties or account properly for all moneys or property received by virtue of their positions or employment; and (b) through fraudulent or dishonest acts committed by the officers, clerks, and employees covered thereunder; it is therefore

RESOLVED by the Board of Trustees of the Village of West Hampton Dunes that the Village shall maintain a blanket undertaking for all appropriate Village officers in the amount of \$ 50,000.00 .

Motion by: Trustee Freedman  
Seconded by: Trustee Mulhearn  
Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
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Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

**RESOLUTION # 7-2024-5**  
**DESIGNATING OFFICIAL VILLAGE BANKS AND DEPOSITORIES**

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES are required to designate and approve a bank as the official depositories of the Village for the deposit of Village funds, it is therefore;

RESOLVED that the official banks and depositories of the Incorporated Village of WEST HAMPTON DUNES shall be the following:

- TD Bank
- NY Class (for deposit and investment of funds).

Subject to the review of appropriate documentation of each bank by the Village Attorney and Treasurer.

Motion by: Trustee Trimarchi  
 Seconded by: Trustee Eff  
 Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

**RESOLUTION # 7-2024-6**  
**DESIGNATING OFFICIAL VILLAGE NEWSPAPER**

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES are required to designate and approve a newspaper as the official newspaper of the Village for the posting of public notices of the Village, and other requirements, it is therefore;

RESOLVED that the official newspaper of the Incorporated Village of WEST HAMPTON DUNES shall be the Southampton Press and, in the event notice cannot be regularly posted in that official newspaper, Newsday.

Motion by: Trustee Freedman  
 Seconded: Trustee Trimarchi  
 Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		

Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-7  
SETTING DATES OF REGULAR MONTHLY MEETINGS

RESOLVED that regular meetings of the Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES shall be held at 914 Dune Road, West Hampton Dunes, unless otherwise rescheduled, as follows:

Friday	July 19	7:30 PM	Public Meeting
Friday	August 16	7:30 PM	Public Meeting
Thursday	September 12	6:00 PM	Public Meeting
Thursday	October 17	6:00 PM	Public Meeting
Thursday	November 14	6:00 PM	Public Meeting
Thursday	December 12	6:00 PM	Public Meeting
Thursday	January 9	6:00 PM	Public Meeting
Thursday	February 13	6:00 PM	Public Meeting
Thursday	March 13	6:00 PM	Public Meeting
Thursday	April 10	6:00 PM	Public Meeting
Thursday	May 8	6:00 PM	Public Meeting
Thursday	June 12	6:30 PM	Public Meeting
Thursday	July 7	6:00 PM	Public Meeting

Motion by: Trustee Mulhearn  
 Seconded: Trustee Freedman  
 Vote:

AYE	NAY	ABSTAIN
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-8  
ESTABLISHING PROCEDURES FOR THE SETTING  
 AND NOTIFICATION OF A SPECIAL MEETING

RESOLVED, that the Mayor has authority to call a special meeting, and that if such meeting is called, the Village Clerk shall give notice of the meeting by electronic mail to the Trustees; and be it

FURTHER RESOLVED that any meetings held by the Board of Trustees may be held in a manner as determined by the Mayor, subject to compliance with then applicable laws and/or Executive Orders.

Motion by: Trustee Freedman  
 Seconded: Trustee Eff  
 Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

**RESOLUTION # 7-2024-9**  
**ADOPTING ROBERTS RULES OF ORDER AS THE**  
**OFFICIAL PROCEDURE OF THE BOARD**

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES are able to develop or designate rules of procedure and meetings to be applied for the meetings of the Board, and;

WHEREAS the Board of Trustees believes it is in the best interests of the Village to adopt the Roberts Rules of Order as the rules of procedure for the Board, it is therefore;

RESOLVED that the Roberts Rules of Order are hereby adopted as the rules of procedure for the Board of Trustees of the Village to the extent that they are not inconsistent with New York State law.

Motion by: Trustee Mulhearn

Seconded: Trustee Trimarchi

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-10  
ADOPTING THE VILLAGE INVESTMENT POLICY

**RESOLVED, that the Board adopts the following investment policyI**

**I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment by the Village or any other entity on behalf of the Village.

**II. OBJECTIVES**

The primary objectives of the Village's investment activities are to:

- A. Conform with all applicable federal, state and other legal requirements;
- B. Adequately safeguard principal;
- C. Provide sufficient liquidity to meet all operating requirements; and
- D. Obtain a reasonable rate of return.

**III. Delegation of authority.**

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

**IV. Diversification.**

It is the policy of the Village to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

**V. Internal controls.**

**A.** It is the policy of the Village for all moneys collected by any officer or employee of the Village to transfer those funds to the Village Treasurer within three days of deposit, or within the time period specified by law, whichever is shorter.

**B.** The Village 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.

**VI. Designation of depositories.**

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are to be determined by resolution from time to time, each to the maximum amount for which Federal Deposit Insurance Act insurance is available, or other maximum amount as set forth in an approved collateral agreement between the Village and such institution.

**VII. Collateralizing of deposits.**

All deposits of the Village, including certificates of deposit and special time deposits, in excess of the amounts insured under the provisions of the Federal Deposit Insurance Act shall be secured in accordance with the provisions of General Municipal Law §10.

**VIII. Safekeeping and collateralization.**

Eligible securities used for collateralizing deposits shall be held by a third-party bank or trust company subject to security and custodial arrangements.

**A.** The security agreement shall provide that eligible securities are being pledged to secure local government 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 local government to exercise its rights against the pledged securities. If the securities are not registered or inscribed in the name of the Village, such securities shall be delivered in a form suitable for transfer, or with an assignment in blank, to the Village or its custodial bank.

**B.** The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, 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.

**IX. Permitted investments.**



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

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village.
- (7) 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.
- (8) Certificates of participation (COPS) issued pursuant to General Municipal Law § 109-b.
- (9) Obligations of the Village, but only with any moneys in a reserve fund established pursuant to General Municipal Law §§ 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys 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 Village within two years of the date of purchase.

**X. Authorized financial institutions and dealers.**

The Village shall maintain a list of financial institutions and dealers approved 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 creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village. 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. The Village 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.

**XI. Purchase of investments.**

**A.** The Village 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 5-G 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 Board of Trustees.

(3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Village Board of Trustees.

**B.** 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 any 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 Village 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 § 10.

**C.** The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, 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 Village a perfected interest in the securities.

**XII. Repurchase agreements.**

Repurchase agreements are authorized subject to the following restrictions:

- A. All repurchase 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.
- C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- D. No substitution of securities will be allowed.
- E. The custodian shall be a person other than the trading partner.

Motion by: Trustee Freedman

Seconded: Trustee Mulhearn

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-11  
ADOPTING THE VILLAGE PROCUREMENT POLICY

WHEREAS, General Municipal Law (GML) §104-b, as adopted by Chapter 413 of the Laws of 1991, requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, the Board of Trustees has examined the Village's policies and procedures for such procurement, and has determined appropriate procedures to comply with this new legislation,

NOW THEREFORE, BE IT

RESOLVED, that the VILLAGE OF WEST HAMPTON DUNES does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF WEST HAMPTON DUNES

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract and as otherwise provided herein. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a single fiscal year. The following items are not subject to competitive bidding pursuant to GML §103: Purchase Contracts under \$20,000 and Public Works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State, County and Federal contracts and other lawfully authorized entities; contracts for personal services; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase or proposing that the Board of Trustees approve a purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, where purchases are made or services obtained in compliance with State law requirements for competitive bidding, or where State law provides that such procedures are not required, or for purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract  
\$500 - \$4,999  
\$5,000 - \$19,999

Minimum Required Method  
2 verbal quotations  
3 written/fax quotations or  
written request for proposals

Estimated Amount of Public Works Contract

\$1,000 - \$4,999  
\$5,000 - \$9,999  
\$10,000 - \$34,999

Minimum Required Method

2 verbal quotations  
2 written/fax quotations  
3 written/fax quotations or  
written request for proposals

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible, or any other reason why the contract was awarded to other than the lowest responsible offeror. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to GML §104-b(2)(f), the Village's Procurement Policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Village of WEST HAMPTON DUNES to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on the accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Board of Trustees shall take into consideration the following guidelines:

- 1) whether the services are subject to State licensing or testing requirements;
- 2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- 3) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to GML §103(4). Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude seeking alternate proposals if time permits.

c. Purchases of surplus and second-hand goods. In this circumstance, if alternative proposals are required, the Village may be precluded from obtaining best prices in situations where such best prices may be available, including auctions and specific advertised sources. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$500 and Public Works under \$1,000. The time and documentation required to purchase goods or procure services through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Notwithstanding any other provision of this policy with respect to purchase contracts (including for purchase of service work), and pursuant to the provisions of General Municipal Law §103(1), the Village of West Hampton Dunes may award such purchase contracts to a responsive and responsible bidder or offeror on the basis of “best value”.

8. When the Village procures property, equipment or services under a federal grant, award or subaward, the Village will comply with all applicable federal laws and regulations, including those contained in sections 200.318 through 200.327, inclusive, of Title 2 of the Code of Federal Regulations (2 CFR 200.318 through 200.327), as well as any applicable state, local and tribal laws and regulations.

And it is further

RESOLVED, that this resolution shall go into effect immediately, and will be reviewed annually by the Board of Trustees.

Motion by: Trustee Freedman

Seconded: Trustee Mulhearn

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-12  
DESIGNATING VILLAGE AUDITORS

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES are required to retain the services of a public accounting firm to serve in the capacity as the auditors of the Village, and;

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES are desirous remaining with the services of R.S Abrams & Co as the auditors of the Village of WEST HAMPTON DUNES, it is therefore;

RESOLVED that RS Abrams & Co is hereby appointed as the Village Auditors of the Village of WEST HAMPTON DUNES, pursuant to further agreement of engagement to be submitted by that firm for review.

Motion by: Trustee Mulhearn

Seconded: Trustee Trimarchi

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-13  
AUTHORIZING PAYMENT OF CERTAIN CLAIMS PRIOR TO AUDIT

**Whereas**, pursuant to Village Law §5-524 and subject to certain exceptions as authorized by that statute, the Board of Trustees is required to audit all claims against the Village prior to payment; and

**Whereas**, the Board of Trustees wishes to establish in documented form the policy of the Village with respect to payment of claims, now, therefore, be it

**RESOLVED**, that except as otherwise provided in this resolution, no claim against the Village shall be paid and no instrument of payment of a claim shall be issued by the Village unless and until the claim is (a) in writing, (b) certified or verified under oath of the claimant or the claimant’s duly authorized agent, (c) itemized to the satisfaction of the Board of Trustees, (d) approved by the officer or employee whose action gave rise or origin to the claim, and (d) audited and approved by the Board of Trustees, and it is further

**RESOLVED**, that notwithstanding the foregoing, and pursuant to Village Law §5-524(5), the following claims may be paid without prior audit and approval by the Board of Trustees:

- (a) fixed salaries;
- (b) debt service;
- (c) amounts becoming due upon lawful contracts for periods exceeding one year;
- (d) compensation for services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month or year; provided, however, that with respect to items (a) and (d) in this paragraph, no such payment shall be made unless the payroll or other claim for compensation for personal services rendered to the Village by any person other than an elective Village officer shall be certified by the Village officer or employee having direct supervision of the claimant to the effect that such services were actually performed by the person or persons mentioned therein; and it is further

**RESOLVED**, that notwithstanding the foregoing and pursuant to Village Law §5-524(6), the following claims may be paid in advance of audit and approval of the Board of Trustees, provided such claims are presented for audit and approval at the next regular meeting of the Board of Trustees:

- (a) public utility services;
- (b) postage;
- (c) freight and express charges;
- (d) charges for expenses incurred with the approval of the Board of Trustees where there is a discount for timely payment and audit of such claims is not feasible prior to the date for such discounted payment; and it is further

**RESOLVED**, that the policy established by this resolution shall be reviewed at each ensuing organizational meeting of the Board of Trustees, and shall remain in effect until amended by resolution of the Board of Trustees at any duly convened meeting of the Board of Trustees.

Motion by: Trustee Trimarchi

Seconded: Trustee Eff

Vote:

AYE	NAY	ABSTAIN
Trustee Trimarchi		
Trustee Eff		



Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-14  
 AUTHORIZING OFFICERS AND EMPLOYEES OF THE  
VILLAGE TO ATTEND CONFERENCES AND SEMINARS

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES have determined that it is in the best interests of the Village and its residents that officers and employees of the Village of WEST HAMPTON DUNES from time to time attend conferences and seminars of public employees and officials for educational and training and other similar purposes and that upon prior approval that they may be reimbursed for some or all of their reasonable expenses incurred, it is therefore;

RESOLVED that the officers and employees of the Village of West Hampton Dunes may after prior approval by the Board of Trustees attend conferences and seminars of public employees and officials for the purpose of education and training and other related purposes, and be reimbursed for part or all of their reasonable expenses incurred which shall be intended to be limited to the per diem amount established by the State of New York provided that their attendance and the expenses were approved by the Board of Trustees in advance of their attendance at the conference or seminar.

Motion by: Trustee Trimarchi

Seconded: Trustee Eff

Vote:

AYE	NAY	ABSTAIN
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION #7-2024-15  
 AUTHORIZING AND SETTING RATE OF MILEAGE  
REIMBURSEMENT FOR VILLAGE OFFICERS AND EMPLOYEES

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES have determined that it is in the best interests of the Village and its residents that officers and employees of the Village of West Hampton Dunes be reimbursed for the reasonable cost of the use of their personal vehicles for Village purposes, and that a standard for the rate of this reimbursement be adopted by the Village, it is therefore;

RESOLVED that the Village of West Hampton Dunes will reimburse the officers and employees for the reasonable cost of the use of their personal vehicles for village purposes on the submission of a written request and documentation of same, and that the rate of reimbursement shall be the then posted rate as set by the Internal Revenue Service at the time of the use.

Motion by: Trustee Trimarchi

Seconded: Trustee Eff

Vote:

AYE	NAY	ABSTAIN
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-16  
SETTING THE DATE OF THE 2024 ORGANIZATIONAL MEETING

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of WEST HAMPTON DUNES are empowered to set the date of the 2024 organizational meeting of the Village of West Hampton Dunes, it is therefore;

RESOLVED that the 2024 Organizational Meeting of the Village of WEST HAMPTON DUNES shall be held on July 7, 2025 at 12:00 p.m.

Motion by: Trustee Mulhearn

Seconded: Trustee Trimarchi

Vote:

AYE	NAY	ABSTAIN
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-17  
AUTHORIZING ENGAGEMENT OF HARRIS BEACH PLLC

BE IT RESOLVED that the Mayor is authorized and empowered to enter into and execute the letter of engagement with HARRIS BEACH PLLC for legal services in its capacity as Village Attorney dated July 1, 2024.

Motion by: Trustee Freedman  
Seconded: Trustee Mulhearn  
Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-18  
AUTHORIZING PAYMENT TO VILLAGE PROSECUTOR

BE IT RESOLVED that payment to Thomas Moore, Esq. for his work as Village Prosecutor is authorized at a rate of \$295 per hour.

Motion by: Trustee Mulhearn  
Seconded: Trustee Trimarchi  
Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-19  
ANTI-SEXUAL HARASSMENT POLICY

WHEREAS, New York State Labor Law requires that the Village adopt an anti-sexual harassment policy and the Board is desirous of creating such policy,

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the following policy:

**WEST HAMPTON DUNES ANTI-SEXUAL HARASSMENT POLICY**

**Introduction**

The Village of West Hampton Dunes is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Village of West Hampton Dunes has a zero-tolerance policy for any form of sexual harassment, and all employees

are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village of West Hampton Dunes's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Village Clerk, Mayor, or with a government agency or in court under federal, state or local antidiscrimination laws.

**Policy:**

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

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

### **What is “Sexual Harassment”?**

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

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

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

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

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

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

### **Examples of sexual harassment**

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

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

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

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

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

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

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

### **What is "Retaliation"?**

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

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

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

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Village of West Hampton Dunes cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, Mayor or Village Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, Mayor or Village Clerk.

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

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

### **Supervisory Responsibilities**

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

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

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## **Complaint And Investigation of Sexual Harassment**

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

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

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

Investigations will be done in accordance with the following steps:

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



- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by the Village of West Hampton Dunes but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village of West Hampton Dunes, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

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

Complaining internally to the Village of West Hampton Dunes does not extend your time to file with DHR, and there is no cost to file with DHR.

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

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

Contact 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 DHR. The website also contains contact information DHR's regional offices across New York State.

### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U. S. C. § 200e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the

EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

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

### **Local Protections**

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

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

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

Motion by: Trustee Freedman

Seconded: Trustee Mulhearn

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

RESOLUTION # 7-2024-20  
WORKPLACE VIOLENCE POLICY

WHEREAS, the New York State Workplace Violence Prevention Act requires public sector employers to develop and implement workplace violence protection programs; and

WHEREAS, the Village Board hereby appoints the Village Clerk as Safety Coordinator;  
now

BE IT RESOLVED, that the Village Board hereby adopts the following policy:

**Workplace Violence Prevention Policy and Procedures**

**Objective**

The Village of West Hampton Dunes, Nassau County, New York is committed to preventing workplace violence and to promoting and maintaining a safe and secure work environment for all employees. The purpose of this Policy is to address the issue of potential workplace violence in the Village, to help prevent workplace violence from occurring to the fullest extent possible, and to set forth procedures to be followed when such violence has occurred. Given the increasing violence in society in general, the Village of West Hampton Dunes has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence, or actual violence, that may occur on its premises. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand the provisions of this Policy.

**Definition**

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Village's ability to provide services to the public.

**Scope of Policy**

- A. All full-time and part-time, active employees of the Village of West Hampton Dunes are covered by this Policy.
- B. All employees of the Village of West Hampton Dunes are expected to maintain a working environment free from violence, threats of harassment, intimidation, or coercion.
- C. All members of the public, vendors, contractors, consultants, and others who do business with the Village of West Hampton Dunes, whether at a Village facility or at an off-site location where Village business is conducted, are covered by this Policy.
- D. This Policy also applies to other persons not affiliated with the Village, such as former employees, and visitors.

## **Zero tolerance**

The Village of West Hampton Dunes has a Policy of zero tolerance for violence. Employees who engage in any violence in the workplace, or threaten violence in the workplace, may be removed from Village property and are subject to disciplinary action up to and including the immediate termination of employment for cause. No talk of violence or joking about violence will be tolerated.

## **Prohibited conduct**

- A. The Village of West Hampton Dunes does not tolerate any type of workplace violence committed by or against employees. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Employees are prohibited from making threats or engaging in violent activities.
- B. The following list of behaviors, while not inclusive, provides examples of conduct that are prohibited:
  - (1) Intentional physical contact for the purpose of causing harm such as slapping, stabbing, punching, striking, shoving, pushing, or other physical attack.
  - (2) Causing physical injury to another person;
  - (3) Making oral or written statements specifically intended to frighten, coerce, or threaten another person where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
  - (4) Menacing, threatening, or other disruptive behavior intended to disturb, interfere with or prevent normal work activities such as harassment, intimidation, yelling, using profanity, verbally abusing another person, waving arms and fists, throwing objects, pounding on a desk or door, damaging property, or stalking.
  - (5) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
  - (6) Intentionally damaging Village property or property of another employee;
  - (7) Unauthorized possession of a weapon while on Village property or while on Village business;
  - (8) Committing acts motivated by, or related to, sexual harassment or domestic violence.

## **Reporting procedures**

- A. Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.
- B. All threats of violence, or actual violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor or department head. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.
- C. Employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees should not place themselves in peril. If an employee sees or hears a commotion or disturbance near his or her workstation, the employee should not try to intercede or see what is happening.
- D. It is everyone's business to prevent violence in the workplace. Employees can help by reporting what they see in the workplace that could indicate that a co-worker is in trouble. Employees are in a better position than management to know what is happening with those they work with.
- E. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. The Village will promptly and thoroughly investigate all reports of threats of violence, or actual violence, and of suspicious individuals or activities. The identity of the Village employee making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Village may suspend employees, either with or without pay, pending investigation.
- F. When employees have complaints about other employees, they should contact their supervisor immediately. The Village encourages employees to bring their disputes or differences with other employees to the attention of their supervisors before the situation escalates into potential violence. The Village is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.
- G. Employees of the Village who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

## **Identifying possible threats**

- A. Individual situations. While the Village does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Examples of such behavior include:

- (1) Discussing weapons or bringing them to the workplace;
- (2) Displaying overt signs of extreme stress, resentment, hostility or anger;
- (3) Making threatening remarks;
- (4) Sudden or significant deterioration of performance;
- (5) Displaying irrational or inappropriate behavior.

B. Employees at risk.

- (1) The Human Resource Department or Safety Coordinator will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee. The Village will design a plan with at-risk employees to prepare for any possible emergency situations.
- (2) The Village, 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 Village property unless necessary to transact Village-related business. This Policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).
- (3) Employees who have obtained Orders of Protection should notify their supervisors and the Safety Coordinator of any orders that list Village locations as protected areas.
- (4) Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, or the Safety Coordinator. Confidentiality will be maintained to the extent possible.

**Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on Village premises will be reported to the proper authorities and fully prosecuted.

**Responsibilities**

- A. Mayor. The Mayor shall be responsible for the implementation of this Policy. The responsibility includes dissemination of this Policy to all Village employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and

ensuring that all administrators and supervisors are aware of their responsibilities under this Policy through internal communications and training.

B. Safety Coordinator. The Safety Coordinator is responsible for the following actions and procedures:

- (1) Respond to, intervene in, and document all incidents of violence in the workplace;
- (2) Maintain an internal tracking system of all threats and incidents of violence;
- (3) Assist the Law Enforcement Agency and supervisors in responding to workplace violence;
- (4) Facilitate appropriate responses to reported incidents of workplace violence;
- (5) Notify the Law Enforcement Agency of workplace violence incidents reported to that office;
- (6) Consult with, as necessary, counseling services to secure professional intervention;
- (7) Provide new employees with a copy of the Workplace Violence Prevention Policy and Procedures;
- (8) Insure that employees receive appropriate training;
- (9) Disseminate this Policy annually to all employees.

C. Supervisor/Department Head. Each Department Head or other person with supervisory responsibility, (hereinafter "supervisor") shall have the following responsibilities within his or her area of jurisdiction for the implementation of this Policy:

- (1) Report any complaint of workplace violence made to him or her and any other incidents of workplace violence of which he or she becomes aware or reasonably believes to exist to the Safety Coordinator;
- (2) Inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved;
- (3) After having reported such complaint or incident to the Safety Coordinator and immediate supervisor, keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings;
- (4) Contact the Law Enforcement Agency immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

### **Training Program and Notification**

- A. As part of its commitment to preventing workplace violence, the Village has established training programs for all employees. Training will be included as part of the orientation for all employees. Thereafter, employees will be scheduled for annual refresher training. This training is mandatory and attendance will be taken.
- B. Upon hiring, and annually thereafter, employees will receive copies of this Policy. Additionally, the Policy will be posted in the Village Hall and placed on the Village's website, as appropriate.

### **Employee assistance program**

- A. The Village provides an employee assistance program (EAP) for all full-time and part-time employees. This EAP offers services to these employees and their eligible dependents. While the Village receives periodic reports on the number and types of visits or calls made to the EAP, the Village does not receive information about individual contacts with the EAP.
- B. All employees are encouraged to use the EAP whenever they feel the need for guidance in coping with life's difficulties. If an employee has difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service to be used when an employee needs help.

### **Violence prevention team**

- A. The Village has created a violence prevention team to create and implement the Workplace Violence Prevention Program. The team will also handle the consequences of any incidents of violence that occur, providing assistance to employees and information to the media. The team will take the steps necessary to continue or resume business. The Village believes that a multi-disciplinary approach is best suited to handle workplace violence problems.
- B. If an employee has suggestions for ways to improve the safety and security at work, he or she should pass them along to their supervisor or leave a suggestion in any one of their mailboxes.

### **Incident management**

- A. In the event of a major workplace incident that effects, or has the potential to affect, the mental health of the Village workplace, the Village will provide initial counseling and support services to all Village employees and their immediate family members who request such counseling and support services.
- B. As the crisis passes and support systems are put into place for individuals affected by the incident, the Village will make every effort to return to normal business operations. A



reasonable effort will be made to notify employees and others who need to know of the status of business operations directly whenever possible. In cases where direct contact is not possible or practical, an effort will be made to communicate through the Village website, news media and other available resources.

**Confidentiality**

The Village of West Hampton Dunes shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Village will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this Policy and that the safety and well-being of employees of the Village would be served by such action.

**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.

Motion by: Trustee Mulhearn

Seconded: Trustee Trimarchi

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		

The Mayor expressed how he has been pressed on time and has not been able to do all of the appointments.

In 2013 the previous administration passed a law to have a five person Ethics Board put in place, but it was never enforced. The Mayor feels this is a very important tool to have and is thankful for the following residents who have volunteered for this position.

Mary Jane O’Connell

Lisa Jacobs

Richard White

Catherine Vaczy

Catherine Woolfson

Within 30 days of the inauguration, the Board of Trustees will fill out a financial disclosure form with the Ethics Board. If there is something that the Ethics board finds not in compliance or questionable, they can bring it to the attention of the Board, where the issue will be immediately addressed.

The Mayor is looking to hire outside experts to review applications that come into the village for new construction, or for any kind of variances, where a licensed professional would review and determine whether the applicant needs to go before the Zoning Board of Appeals.

There is a proposal for hiring a new person who is a licensed architect, who can help support John, the building inspector, and will help to make decisions with no conflicts of interest.

Public Comment:

Jim Cashin, a resident and a member of the Zoning Board, expressed his appreciation for adding the new position to help with zoning board applications and procedures.

Sara Covelli, 929 Dune Road offered her congratulations to the whole team! So happy for all and it seems like it's been a great start to the new administration.

Motion to leave public session and go into executive session for reason of discussing personnel.

Motion by: Trustee Trimarchi

Seconded: Trustee Freedman

Vote:

<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Trustee Trimarchi		
Trustee Eff		
Trustee Mulhearn		
Trustee Freedman		