

TOWN OF CLARKSON
TOWN BOARD MEETING
February 13, 2018

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, February 13, 2018 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Gerald Underwood	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Jackie Smith	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Director of Finance
Chad Fabry	Building Insp/Code Enf.
Elizabeth Spencer	Assessor
**excused	

Supervisor Underwood opened the meeting, and Sharon Mattison, Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military and our First Responders.

OPEN FORUM

Joe Wielgosz of 10 Tearose Meadow Lane appeared to see if the Board had made a determination on sidewalk plowing. He contacted the County of Monroe and the State of New York, and they don't have anything to do with sidewalks. R. Olson said that his recollection is that when some of the sidewalks were put in, there was grant money and town maintenance of the sidewalks was a condition, however that was a long time ago. Mr. Wielgosz questioned whether residents with plowed sidewalks were paying more taxes, they are not. R. Viscardi said he would have cost information regarding sidewalk plowing available at the next meeting. Mr. Wielgosz said he would return to the next meeting.

Mr. Wielgosz also stated that regarding open forum, every meeting he has been to or he has run, open forum conversations and suggestions are noted in the minutes. He went to our minutes and stated there is nothing. He has checked other meetings that have been held and did not see anything as far as any conversation in the open forum. If there is an action item in open forum, that should be part of the minutes. Councilperson Smith stated that per the workshop she and Supervisor Underwood recently attended, per New York State Law, we are only required to do motions in our minutes and who voted on those motions. Supervisor Underwood agreed with Councilperson Smith regarding the limited requirements. He thanked the Board for their time.

Alan VanEecke of 2669 Redman Road spoke regarding public water. He has been in his parent's home since 1954 and they have tried to get water down the road a few times and it has always been too expensive. He would really appreciate some kind of public funding. Supervisor Underwood commented that funding through grants may be a possibility, but said it has something to do with the high income level in Monroe County. Councilperson Didas stated that residents from Sweden Walker Road are also here to talk about public water and suggested Mr. VanEecke follow along to learn about the process. Mr. VanEecke did not agree that residents should have to pay for the piping for water lines. H. Mundy asked whether he should get a rebate for the pipes he put in for water.

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Susan Smith, from the Town of Sweden, stated that in January she was elected President of Pro Brockport which began in 2010. This is a political action committee. She summarized the projects completed by their group over the past few years. One of their main goals is encouraging residents to get involved in local government. Their group is inviting each of the three municipalities (Town of Clarkson, Town of Sweden and Village of Brockport) to have a Town Board representative at a planning meeting, along with four other local Boards - Fire District, School District, Seymour Library and the Town Gown Committee. She will be addressing each of these boards with her request.

RESOLUTION #77
PUBLIC HEARING – ROUTE 18 CLARKSON HAMLIN TOWN LINE
WATER DISTRICT

Supervisor Underwood opened the public hearing. R. Olson explained that no SEQR was necessary because it was done previously. This will be consolidated with the Town of Hamlin's district and they are managed as one, so each parcel in Hamlin will pay the same as a parcel in Clarkson, as part of their tax bill.

Introduced by Councilperson Filipowicz

Seconded by Councilperson Didas

To close the public hearing.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #78
ESTABLISHING WATER DISTRICT
ROUTE 18 CLARKSON HAMLIN TOWN LINE WATER DISTRICT

PRESENT: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: None

In the Matter
of
The Creation of the Route 18 Clarkson Hamlin Town Line Road Water District, Town of
Clarkson, Monroe County, New York

WHEREAS, a petition for the creation of the Route 18 Clarkson Hamlin Town Line Road Water in the Town of Clarkson, Monroe County, New York, said petition being dated November 6, 2017, was duly presented to this Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by The Town Board on the 23rd of January, 2018, reciting the filing of said petition for the proposed district and the estimated expense thereof, and specifying February 13, 2018, at 6:00 P.M., as the time, and the Town Hall, 3710 Lake Road, Clarkson, New York, as the place, where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly posted and published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Town Board on the 13th day of February, 2018, commencing at 6:00 P.M., in the Town Hall, 3710 Lake Road in said Town, and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, it is proposed that the cost of said district in an amount not to exceed \$397,055.84 to pay for the following improvements: seven thousand four hundred (7,400) feet of twelve-inch PVC water main, seven valves, thirteen fire hydrants and all incidental equipment, including the necessary access to lands and the right-of-way therefore in accordance with plans prepared by Chatfield Engineers, P.C. and which were part of the petition filed on November 6, 2017; and

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WHEREAS, the method for financing the balance of construction of the water district is by the issuance of Serial bonds in an amount not to exceed \$397,055.84 for a maturity not to exceed forty years in accordance with the provisions of the Local Finance Law of the State of New York; and

WHEREAS, the Town of Clarkson, by prior Resolution, has determined that this action will not have a significant impact on the environment and has issued a negative declaration for this project.

NOW, upon the evidence given at such hearing, upon the motion of Councilperson Smith, seconded by Councilperson Hoy, it is

RESOLVED AND DETERMINED THAT:

A. The petition aforesaid is signed and acknowledged or proved as required by law, in due compliance with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed extension as herein approved, and it is otherwise sufficient;

B. All the property and property owners within the proposed extension are benefited thereby;

C. All the property and property owners benefited are included within the limits of the proposed district; and

D. It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED that the establishment of the district as proposed in said petition be approved; that the improvement therein mentioned be constructed upon the required funds being made available or provided for; and that such district shall be designated and known as the Route 18 Clarkson-Hamlin Town Line Road Water District of the Town of Clarkson, and shall be bounded and described as follows:

Beginning at a point, said point being the intersection of the centerline of Clarkson Parma Town Line Road and Roosevelt Highway Extension; thence

- C1. Southerly, 528 feet more or less, the centerline of Clarkson Parma Town Line Road, thence
- C2. Westerly, 8,150 feet more or less, along a line parallel to and 500 feet southerly of the centerline of Roosevelt Highway Extension and Roosevelt Highway (NYS Rt. 18) to a point, said point being on the easterly boundary of the Town of Clarkson Lawrence Road West Water District, also being the easterly property line of Tax Account No. 30.02-2-6; thence
- C3. Northerly, 83 feet more or less, along the easterly boundary of Town of Clarkson Lawrence Road West Water District to a point, said point being the northeast property corner of Tax Account No. 30.02-2-6; thence
- C4. Westerly, 278 feet more or less, along a northerly boundary of Town of Clarkson Lawrence Road West Water District to a point, said point being the southeast property corner of Tax Account No. 30.02-2-7; thence
- C5. Northerly, 444 feet more or less, along an easterly boundary of Town of Clarkson Lawrence Road West Water District also being the easterly property line of Tax Account No. 30.02-2-7 to a point, said point being the centerline of Roosevelt Highway (NYS Rt. 18); thence
- C6. Easterly, 8,433 feet more or less, along the centerline of Roosevelt Highway (NYS Rt. 18) and Roosevelt Highway Extension to a point, said point being the point of beginning.

All the lands and territory above described are situate within the Town of Clarkson and outside of any incorporated village or city; and it is further

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RESOLVED that a Water District be established in said Town of Clarkson, Monroe County, New York, the description and boundaries of which shall be as above described; and it is further

RESOLVED that this district be established and combined with a district formed by the Town of Hamlin, Monroe County, New York, pursuant to a duly adopted Resolution of the Town Board of the Town of Hamlin, and that said districts, using an intermunicipal agreement, be managed as one joint district and that the total cost of said districts being of \$397,055.84 and indebtedness of said joint district be in the amount of \$397,055.84; and it is further

RESOLVED that this district be established and combined with a district to be formed by the Town of Hamlin, Monroe County, New York, pursuant to an Order of the Town Board of the Town of Hamlin, and that said districts, using an intermunicipal agreement, be managed as one joint district and that the total cost of said districts being three hundred ninety seven thousand fifty five and 84/100 dollars (\$397,055.84) and indebtedness of said joint district be in the amount of three hundred ninety seven thousand fifty five and 84/100 dollars (\$397,055.84) ; and it is further

RESOLVED that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, together with an application in duplicate, for permission to so create said Water District in the manner and form prescribed by Section 194 of the Town Law of New York; and it is further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute said application on behalf of the Town of Clarkson, New York, and it is further,

RESOLVED, that the Supervisor be, and he hereby is authorized and directed to make application to the Water Resources Commission of the State of New York for the approval of the Route 18 Clarkson Hamlin Town Line Water District; and it is further

RESOLVED, that this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

BUILDING INSPECTOR REPORT

C. Fabry stated that the Board has asked him to evaluate the Town Hall and the Courthouse for compliance issues on the premise that his observations would be used to determine adequacy for improvement. The Town Hall has a number of issues that do not comply with current building standards. We would need an additional exit besides the fire escape, which is why the room capacity is set at 49, which only requires one exit. Normally you set the capacity to the size of the room, not to the number of exits. If this was a new construction, the Town would be compelled to add another ground level (30 inches above grade) discharge point. We have compliance issues at entry points, stair issues, ADA compliance issues with bathrooms, the lower level and the office spaces. The exterior components are nearing end-of-life, including the chimney, as well as the foundation, the front porch and the two empty rooms downstairs. It may cost as much or more to adapt this building than new construction. The Courthouse has a few accessibility issues with the pathway/ramp. Chad reviewed the specifications for guard rails versus hand rails. Otherwise, the Courthouse building is in pretty good shape. Councilperson Smith asked for a written report of Chad's findings. He will provide her with a copy of the report from Barkstrom and LaCroix which in essence lists the same findings.

The Town of Clarkson owns a two to three acre parcel of land behind what is currently *The Farmer's Daughter* on Ridge Road. It borders land owned by Oded Kalir. This parcel is landlocked, but does have sewer easements. Mr. Kalir would like to either buy or do a land trade for this parcel, perhaps for the land that backs up to Wedgewood. Mr. Kalir will be informed to have his attorney contact Richard Olson regarding an offer for this parcel. L. Spencer will pull the deeds on both parcels and forward them to R. Olson.

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Chad has been questioned about commercial solar installations. He would like some parameters from the Town Board before drafting a basic set of criteria and/or application. At this time, Redman and Drake Roads appear to be the best locations. Supervisor Underwood commented that he spoke with Paul Dittman (ZBA) and Conrad Ziarniak (Planning Board) and they both would like the opportunity to research this topic. A lengthy discussion followed.

BACK-UP CUSTODIAN

Aaron Jones submitted a letter of interest in this position. S. Mattison and Supervisor Underwood will meet with Mr. Jones. He would be subject to the usual background screening and hiring procedures.

RESOLUTION #79**ALLOWING COMMINGLING OF WATER/SEWER DISTRICT FUNDS**

K. Coon has been working with Bob Fox to set up a new fund for the new water and sewer districts. Our financial software will enable us to track the separate districts within that fund.

PRESENT: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith
ABSENT: None

Introduced by Councilperson Filipowicz
 Seconded by Councilperson Didas

WHEREAS, The Town of Clarkson is establishing the Clarkson-Parma Townline Rd water district, the Lake-Cook sewer district, and the Clarkson-Hamlin Roosevelt Highway water district; and

WHEREAS, there will be debt service issued for the aforementioned special districts; and

WHEREAS, New York Local Finance Law Section 165.00 requires the bond proceeds be deposited in a special account to be expended only for the purpose for which such obligation were issued; and

WHEREAS The same New York Local Finance Law allows the Town Board to allow by Resolution the issue of a single special account for any two or more issues of bonds; and

WHEREAS the Town shall then maintain a separate accounting record of each issue to ensure that the proceeds shall be used only for the object or purpose for which the obligation was used.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Clarkson, Monroe County, New York, as follows:

SECTION I: The Town Board does hereby resolve to allow a single bank account to be used for the three district bond issues, using separate accounting records for each.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith
NAYS: None

02.13.18

RESOLUTION #80

ADOPTING MONROE COUNTY HAZARD MITIGATION PLAN

PRESENT: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: None

Introduced by Councilperson Smith

Seconded by Councilperson Didas

WHEREAS, the Town of Clarkson, with the assistance from the Monroe County Office of Emergency Management, has gathered information and prepared the Monroe County Hazard Mitigation Plan; and

WHEREAS, the Monroe County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Clarkson is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Clarkson has reviewed the Plan and affirms that the Plan will be updated no less than every five years; and

NOW THEREFORE, BE IT RESOLVED by the Town Board that the Town of Clarkson adopts the Monroe County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 13th day of February, 2018 at the Town of Clarkson, Town Board meeting.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz Didas and Smith

NAYS: None

RESOLUTION #81

POLICY ON RECORDING DEVICES

R. Olson stated that it is permissible to record the open portion of the Town Board meetings. If approved, this policy would then become part of the employee manual. Discussion was held regarding possible minor changes in wording; e.g. *prohibited by employees in the work place* instead of *during work hours*.

Introduced by Councilperson Didas

Seconded by Councilperson Filipowicz

To include the Policy on Recording Devices in the employee manual with the minor edit noted above.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

***see attached policy**

SPECIAL DISTRICTS: PUBLIC WATER INTEREST ON SWEDEN WALKER ROAD

Gary Mantagna of Sweden Walker Road reported that for over 26 years he has been part of a group of residents on Sweden Walker Road who have petitioned the Town numerous times to develop a water district from Ridge Road to Gilmore Road, with no success. He is asking for clarification on the process. R. Olson explained the procedure for establishing a water district. MCWA now allows PVC pipe which offers a large cost savings. We need to have the engineer re-visit the project and provide a current cost estimate based on current average water bills, materials, labor, and interest rates. Once an adequate number of signatures are obtained, a public hearing can be scheduled.

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The next step is to pass a resolution, subject to permissive referendum, to spend up to \$2,500 for a current cost estimate. It is the same engineer that performed this investigation in 2007. An ad will be placed in the paper, engineering report will be made available, a petition will be circulated for signatures, and then a public hearing will be held if an adequate number of signatures are obtained. Provided the dollar amount is under \$904 per household, the district should be approved; otherwise the State Comptroller's Office becomes involved. Councilperson Filipowicz commented that she remembers working on this in 2000, 2004 and again in 2007. She added that it should be to our advantage that we have previous engineering information on this section of Sweden Walker Road.

Mr. VanEecke reiterated that he is willing to pay for connecting to a water line, but does not feel that he should have to pay for the piping that would go down his road. It was suggested that Mr. VanEecke poll his neighbors to see if there is sufficient interest to pursue a water line.

Wayne Ward stated that there are State grants available for assistance in funding water lines. We just have to do the paperwork.

RESOLUTION #82
APPROVE FUNDS FOR ENGINEERING STUDY

Introduced by Councilperson Hoy

Seconded by Councilperson Smith

Subject to permissive referendum, to approve engineering expenses up to \$2,500 to investigate public water on Sweden Walker Road, from Ridge Road to Gilmore Road.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #83
APPROVE DISMISSAL OF PRE-2017 CHARGES FOR CLARKSON-PARMA
TOWN LINE ROAD WATER DISTRICT

K. Coon reported that there are approximately \$2,300 in charges from 2013 and 2015. Bob Fox has recommended that these be forgiven; there is still \$28,000 in current charges.

Introduced by Councilperson Didas

Seconded by Councilperson Smith

To dismiss charges from 2013 and 2015 for failed water district expenses.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #84
TO ACCEPT MATERIAL BID

Discussion: Four water main material bids were received for Clarkson Parma Town Line Road water district. The lowest acceptable bid was from Lock City Supply, Inc., Lockport, NY. Additional bids were received from Blair Supply Corp, Core & Main LP and Everett J. Prescott, Inc.

Introduced by Councilperson Filipowicz

Seconded by Councilperson Smith

Upon recommendation from Town Engineer, Chatfield Engineers, the Town Board will accept the lowest bid received from Lock City Supply, Inc. for the total base bid amount of \$147,686.46.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

02.13.18

RESOLUTION #85

ACKNOWLEDGE RECEIPT OF SUPERVISOR REPORT

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

To acknowledge receipt of the Supervisor's monthly financial report.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

TOWN CLERK REPORT

S. Mattison reported that so far in 2018 she has collected \$4.6 million in Town and County taxes, sold 382 transfer station permits (last year we had sold 402 by this date), and lodge rentals are up from 48 last year to 55 so far this year. In addition, she worked the first six Saturdays of this year and took in almost \$11,000 in Town licensing fees.

ASSESSOR REPORTS

L. Spencer reported that in regards to Mr. Kalir's property and proposed land trade, she found the deed in question and will give it to R. Olson. In regards to solar installations, she stated that she has a copy of NYSERDA's guide book for local governments. Solar systems are still new and assessment procedures have not been finalized. Kathy and Susan have been updating inventory. Liz recently toured the nursing home with our commercial consultant, as well as the assessor from Sweden, because that is considered the Village. Discussions are ongoing in regards to the selling price. She has a meeting next week regarding the Brockport Country Club with the assessor from Murray. Liz reviewed the process of assessing these commercial properties. She also reported that Mr. Chambers is all set to move forward with the courtesy merge discussed at the last meeting.

ASSESSOR INFORMATIVE SESSION

Councilperson Smith stated she received a phone call from a resident regarding an information session offered. The resident was concerned that it was found on a political website, and could not be found on the Town website or Facebook page. Supervisor Underwood apologized, stating it was his error and this information should have been publicized on the Town website first. L. Spencer said the State will be coming in this summer for a presentation. Discussion was held on the best time for L. Spencer to hold an information session for residents regarding property assessment.

HIGHWAY SUPT. REPORTS

R. Viscardi reported that his crew has been very busy with snow removal. All of our allotted 2,500 tons of salt has been purchased, with approximately 600 to 700 tons of salt in stock which he hopes will last through this winter.

RESOLUTION #86

MOTION TO APPROVE ANNUAL LOADER TURNOVER PROGRAM

Bob shared a new contract for the annual loader turnover program; this is the last year of this program. The price increase for the new loader is \$6,408 and we have around 350 hours on it so that is \$3,500. This is about the same price as last year. We can keep this loader as it is paid for now or there will be a new program where we would get a new loader ever three years and you pay for the hours, probably in the \$30,000 range for a new loader.

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To approve the annual Caterpillar loader turnover program.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

02.13.18

RESOLUTION #87
MOTION TO PURCHASE A TIME CLOCK SYSTEM

Supt. Viscardi has been working with ADP to set up a web-based time clock system. Highway would use an actual time clock that would be mounted on the wall, hourly employees at the Courthouse and Town Hall would use a computer system.

Ursula and Kristin spend a lot of time deciphering the handwritten time sheets, so this process will save them both a considerable amount of time. Bob reviewed some details of the process. Cost is \$108 for 20 employees, approximately \$1,200 annually.

Introduced by Councilperson Filipowicz

Seconded by Councilperson Didas

To approve the purchase of a time clock system through ADP.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

PERMIT FEES FOR UTILITY COMPANIES

R. Viscardi distributed a report on permit fees for utility companies for Board members to review. Most of the surrounding towns have \$500 or \$1,000 yearly permit fees for utility companies to use Town right of ways. Attorney Olson will review.

RESOLUTION #88
MINUTES

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To approve minutes from 1/22/2018.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #89
MINUTES

Introduced by Councilperson Smith

Seconded by Councilperson Filipowicz

To approve minutes from 1/23/2018.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #90
MINUTES

Introduced by Councilperson Smith

Seconded by Councilperson Filipowicz

To approve minutes from 1/29/2018.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #91
MINUTES

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To approve minutes from 2/01/2018.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

02.13.18

RESOLUTION #92
AUDIT—2-01-2018

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 2-01-2018 to include the following:

Vouchers 20180126 - 20180202; Total \$93,717.25; Gen. \$27,250.23; Hwy. \$60,707.26;

SS Funds \$1,702.95; SL Funds \$4,056.81

For distribution checks from 32831 - 32852

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #93
EXECUTIVE SESSION

Motion by Councilperson Didas

Seconded by Councilperson Smith

To enter executive session at 7:30 P.M. to discuss a personnel matter.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #94
RETURN TO REGULAR SESSION

Motion by Councilperson Smith

Seconded by Councilperson Didas

To return to regular session at 9:03 P.M.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION #95
ADJOURNMENT

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To adjourn the Town Board meeting at 9:03 P.M.

VOTE OF THE BOARD

AYES: Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 02-27-2017

Policy on Recording Devices

Effective Date: 02/13/2018

Recognition: With virtually everyone having a “smart phone” with the capability to record or capture any given moment via video or audio at the tap of a finger, technology is available which may both advance workplace safety and foster a good environment or it may hinder or chill an employee’s willingness to speak about issues or invade one’s reasonable expectation of privacy.

The Town recognizes that surreptitious recordings in and of themselves may create a suspect environment and chill the employee’s right to take action for the betterment of the Town.

It is also recognized that mobile smart devices may be used for private communication unrelated to work, which may create the perception that an employee is using work or “public” time for personal purposes.

Purpose: The Town’s goal with this policy is to reach a balance with respect to use of recording devices so that personal privacy is protected and the workplace environment for all personnel is conducive to a productive, efficient, and safe work environment. Additionally, the intent is to limit cell phone use in the workplace; protect employees from unwanted publication of private information; to encourage trust among employees and supervisors; and to guarantee the rights of employees with respect to their employment with the Town as well as a safe place to work.

Likewise, the Town wishes to minimize mobile device use for personal purposes during the work day.

Method: As personal privacy is of significant interest, the method employed to accomplish the purpose is to prohibit surreptitious recording as a general proposition, with exceptions provided so as to accomplish the secondary interest of workplace safety and a safe discrimination free workplace environment.

Definition: “Recording” shall mean the use of any device to obtain an electronic, video, audio, graphic, digital or data depiction or preservation by any other means or method of any event, statement, conversation, graphic representation, picture, video, or other mechanical or electronic recording or other method of preservation capable of being presented at a future moment in time of any past visual, or electronic display or depiction, or audible reproduction.

A. Recording Policy:

The secretive use of any audio, video or single picture recording device is prohibited by employees in the workplace except under the following provisions:

1. Upon consent for work related purposes when the individual that is the subject of or recipient of the recorded image does so upon consent and so states on the recording;
2. During formal employee evaluations, with notice unless provision 4, 5, or 6 below are applicable;
3. During formal disciplinary proceedings, with notice, unless provision 4,5 or 6 below are applicable;
4. To document perceived safety violations; provided however that the safety violation recorded shall include similarly recorded documentation of the date, time, and location of the alleged safety violation and further that a copy of said recording as well as the alleged safety violation shall be promptly reported via the chain of command to the appropriate foreman, supervisor or department head;
5. To record the commission of a crime, provided however that the crime alleged shall be immediately reported to appropriate law enforcement personnel with notice via the chain of command to the appropriate foreman, supervisor or department head;
6. To record any claimed unlawful discriminatory conduct or hostile work environment, provided however that the alleged unlawful discriminatory conduct shall include recorded documentation of the date, time and location of the alleged discriminatory action or hostile work environment which shall be immediately reported as per the Town Policy regarding complaints of discrimination or hostile work environment.

B. Cell Phone Use Policy:

Personal cell phones shall remain in locations out of the public view and shall not be used for personal audible conversations or texting during work hours except as follows:

1. An emergency, which shall be reported via the chain of command to the individual’s superior; and
2. During mandatory breaks or lunch break at a suitable location so as not to disturb employees that are working and not on break or where the public would perceive the employee to be conducting personal business on work time.