

**Candor Town Board Meeting  
May 10, 2011  
101 Owego Road  
Candor, New York 13743**

The Regular meeting of the Candor Town Board was called to order at 7:00pm with pledge to the flag followed by prayer.

Present: Supervisor Darlene Cobler

Council: Joseph Bish, Milton Dougherty, Dan Lindsay and George Williams

Others present: Superintendent Kevin Noble, Code Officer James Douglas, Town Clerk Connie Kulze Assessor Denise Spaulding and Attorney Kurt Schrader.

Guest: 4 People from the public

**M-50** Supervisor Cobler moved, seconded by Clm. Williams that the Minutes of the 2/22/2011 Meeting of the Candor Town Board be amended to correct the duplicate numbering of the Resolutions. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

Supervisor Cobler tabled the Minutes of the April 26, 2011 Candor Town Board Meeting because the Town Clerk failed to meet the time requirement in providing the minutes to the Town Supervisor and the Town Board Members.

Correspondence Folder:

CMC Annual Report (Cayuga Medical Center)

Sage Fixed Assets

Time Warner report

TCHCP (Tioga County Healthy Communities Partnership) information from Hans Peeters

Microd 2011 STMC race schedule

Supervisor Cobler stated contacting Supervisor Zorn of Tioga Center regarding Assessor Spaulding's training and the billing break downs between Candor, Tioga Center and Nichols.

Reports: Town Clerk's, Dog Control Officer's and Assessor's monthly report were presented to the Board and is filed with the Clerk.

Assessor Spaulding informed the Board that the Tentative Roll was filed and a copy for public inspection is available. Grievance Day for the Town of Candor is scheduled for May 25. June 7 Public Meeting on Revaluation will be held at the Candor High School presented by Mike Maxwell. A letter has been sent to the Property Owners regarding the Revaluation meeting. Mike Hollenbeck Computer Technician for Town of Candor will be correcting the website and will have the tentative roll available.

**M-51** Clm. Williams moved, seconded by Clm. Bish to accept bid to mow and trim, and blow grass from head stones once every three (3) weeks or as needed to maintain a neat well kept appearance. Starting beginning or middle of May, the Town Cemeteries from "We Mow" for the Cemeteries at a flat rate of \$4,725, 50% to be paid at the beginning of the season and 50% to be paid at the end of the season. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye. Tire Disposal Day is set for June 11, 2011 and will be held at the Town Highway Barn.

Clm. Dougherty reported on MEGA regarding fixed rate verses variable and is tabled until the next meeting.

Road clean up with the 4-Wheelers Club and residents of Crane's Nest Road will be rescheduled.

Committee Reports:

Oil & Gas – Clm. Dougherty – none

Buildings & Grounds – Clm. Lindsay – Bid on Hall mowing

**M-52** Clm. Lindsay moved, seconded by Clm. Bish to accept bid for mowing for the Town Hall from "We Mow" to mow and weed eat weekly or as needed to maintain a well kept and neat appearance for a rate of \$55.00 per mowing. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

Supervisor's Report for the month of April was presented to the Board and is filed with the Clerk.

Supv. Cobler and Clm. Lindsay attended the Pipeline Safety Meeting and found it very informational and felt that the Fire Department would benefit from attending the meetings.

COG (Tioga County Council of Governments) Meeting minutes of 4/21/11 were presented to the Board.

TING (Tioga Investigates Natural Gas) Elaine Jardine and Doug Barton will be attending our June 14 meeting presenting the Resource Binder for Natural Gas Exploration and Development.

Supv. Cobler will be attending the June 9 Diversity Roundtable at Ithaca College – no cost.

AOT (Association of Towns) will be hosting a conference on Home Rule: Preparing for Natural Gas Drilling in the Marcellus Shale Region on June 24 in Binghamton.

**M-53** Clm. Bish moved, seconded by Clm. Williams to allow Clm. Dougherty and Supervisor Cobler to attend the Association of Towns Meeting being held in Binghamton, NY Friday June 24, 2011. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

Equipment Committee Report – Clm. Williams – none

Superintendent Kevin Noble reported on road damage in Candor and that Fema has been inspecting Owego and part of Newark Valley. Supt. Noble reported 2 large pipes one on Howard Hill Rd. and the other on Dominick Rd. are severely damaged.

Superintendent Noble also addressed the Board regarding a letter he received from Lopke stating possible escalating cost of fuel added onto billing statements. Supt. Noble is hoping the County will be in touch with Lopke to see if it affects our County Bid.

Superintendent Noble received a letter from Federal Communications Commission regarding compliance with the January 1, 2013 Narrowbanding Deadline. Supt. Noble stated that all their radios except 4 will have to be reprogrammed.

Mayor Steve Sparling, Village Street Commissioner Marvin Roberts and Superintendent Noble have scheduled a meeting on May 11th regarding Humiston Street.

Supervisor Cobler, Councilman Joseph Bish and Town Clerk Connie Kulze have been requested to meet Kim on May 20, 2011 at the Tioga State Bank for an Audit Cash Management Account.

Pitney Bowes letter addressing online services available to track, pay postage and manage your prepaid Reserve Account starting May 15, 2011.

**M-54** Clm. Bish moved, seconded by Clm. Lindsay Town of Candor Cell Phone Policy. There shall be no personal use of Town cell phones. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

**M-55** Clm. Williams moved, seconded by Clm. Bish Meal Reimbursement Policy. Meals will only be reimbursed when there is an overnight required in conjunction with a conference or meeting. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

**M-56** Clm. Bish moved, seconded by Clm. Lindsay Smoking Policy. All buildings are non-smoking areas. Employees who wish to smoke may do so out of doors during their breaks. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

## **Code of Ethics Policy**

### **1. Definitions.**

(a) "Town Officer or Employee" means an officer or employee of the Town, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a direct or indirect pecuniary or material benefit accruing to a town officer or employee as the result of a contract with the town. For the purposes of this code a town officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the town, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

(c) "Recusal" means that the official may not deliberate, vote or participate in any way in that matter. The official should disclose his conflict and remove him or herself from the board. He/she should not provide input regarding the matter from the audience in his/her capacity as a member of the public.

(d) Gifts do not include gifts from family members; attendance at local social events such as holiday festivities; benefits available to the general public; functions that officials routinely attend, such as the Chamber of Commerce events; and an event or activity fulfilling a public purpose.

2. Standards of Conduct. Every officer or employee of the town shall be subject to and abide by the following standards of conduct:

1. (a) Gifts. He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of twenty five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
2. (b) Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
3. (c) Representation before one's own agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any town agency of which he is an officer, member or employee or of any town agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
4. (d) Appearance of Impropriety  
An official must avoid circumstances that compromise his ability to make decisions solely in the public interest or create an appearance of impropriety.
5. (e) Conflicts of Interest  
No Official may take action that provides a financial or other personal benefit to the official, relatives, customers, clients, an employer, or a person who has made campaign contributions to the official within a 12 month period.
6. (f) Disclosure of interest in legislation. To the extent that he knows thereof, a member of the town board and any officer or employee of the town, whether paid or unpaid, who participates in the discussion or gives an official opinion to the town board on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

7. (g) Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
8. (h) Recusal. An official must recuse himself when faced with the above conflicts.
9. (i) Town Property and Resources. No employee may use town-owned property, assets or any resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.
10. (j) Nepotism  
Spouses and other family members of the municipal official may not serve in positions whose duties conflict or appear to conflict within the duties of the official. They may not serve on a commission, board or body of which the official is a member.
11. (k) Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
12. (l) Future employment. He shall not, after the termination of service or employment with the town, appear before any board or agency of the town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former town officer or employee of any claim, account, demand or suit against the town or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

4. Distribution of Code of Ethics. The supervisor shall cause a copy of this code of ethics to be distributed to every officer and employee of the town within thirty days after the effective date of this resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

5. Relationship to other laws. The rules of ethical conduct provided by this resolution shall not conflict with, but shall be in addition to, any provision of Article 18 of the General Municipal Law or of any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**M-57** Motion Proposed by Clm. Williams, seconded by Clm. Bish.

Roll Call Vote: Cobler-aye, Clm. Bish-aye, Clm. Dougherty-aye, Clm. Lindsay-aye and Clm. Williams-aye.

**ADA Employment Policy**

It is the policy of the Town of Candor to fully comply with the provisions and spirit of the ADA and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual. Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the operations of a program.

Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position, not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The Town of Candor intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave and all other forms of employment compensation or advantage.

The Town of Candor has designated names, titles, addresses and telephone numbers of persons designated to accept discrimination claims and monitor compliance to monitor efforts to ensure the municipality's compliance with the ADA, and to receive complaints of discrimination against disabled persons. Any person who believes he or she is a victim of discrimination can direct a written complaint to this person. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

The Town of Candor's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practical, the Town of Candor will keep complaints and their resolutions confidential. If an investigation confirms that discrimination has occurred, the Town of Candor will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment. The Town of Candor will cooperate with any state or federal agency in the investigation of any complaints.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this directive will only form the basis for municipal administrative sanctions. Violations of law will form the basis for civil and criminal sanctions and a recognized judicial setting.

**M-58** Motion Proposed by Clm. Lindsay, Seconded by Clm. Bish. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

## **Equal Employment Opportunity Policy**

The Town of Candor is an Equal Opportunity Employer. Discrimination on the basis of race, color, sex, religion, age, national origin, marital status, disability or veteran status will not be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to employment advertising, hiring, placement, compensation, training, promotion, demotion, termination, layoff, transfer, disciplinary actions, leave of absence or any other benefits. Discrimination based on any of the above is strictly prohibited and any supervisor, administrator or employee who engages in or tolerates such behavior is subject to disciplinary action in accordance with the Civil Service Law, collective bargaining agreements or any other applicable State or Federal Laws.

If an employee believes they have encountered violations of this policy, they may advise their Department Head. In addition, an employee can file a written complaint with Names, Titles, Addresses and Telephone Numbers of Persons Designated to Accept Complaints within (30) calendar days of the incident. Retaliation against the complainant will not be tolerated. False accusations will be treated as a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

The Town of Candor's policy is to investigate all such complaints. If an investigation confirms that a violation has occurred, the Town of Candor will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this directive will only form the basis for municipal administrative sanctions. Violations of law will form the basis for civil and criminal sanctions and a recognized judicial setting.

**M-59** Motion Proposed by Clm. Bish, Seconded by Clm. Dougherty. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

## **Drug Free Workplace Policy and Procedure**

### **Policy Statement**

The Town of Candor is dedicated to providing safe and efficient service to our community. Moreover, we are dedicated to providing a safe workplace for our employees.

In order to meet this goal, we hereby endorse the Federal Highway Administration substance abuse regulations. We will provide training, education and other assistance to our employees. Drug testing, in compliance with DOT

regulations, is an integral part of our program. Noncompliance with this policy or violation of the regulations may result in severe disciplinary action including suspension or dismissal.

### **Employee Assistance Program**

The Town has established an Employee Assistance Program (EAP) which includes education and training for drivers, supervisors and Town officials about controlled substances and alcohol.

The training program will cover the effects of controlled substance use on personal health, safety, and the work environment. Manifestations and behavioral changes that may indicate substance use and abuse will also be addressed. Documentation of these training sessions will be maintained.

### **Prohibitions**

No driver shall report for duty within four (4) hours of consuming alcohol.

No driver shall use alcohol while on-duty.

No driver shall be on duty while having an alcohol concentration of 0.02 or greater.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

No driver shall use alcohol for eight (8) hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall use controlled substances, except when pursuant to the instructions of a physician who has advised the driver that such use will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

### **Drug and Alcohol Testing Program**

This testing policy applies to all employees requiring a commercial driver's license, as defined by the Department of Transportation Title 49 Code of Federal Regulations part 383.5.

### **Types of Tests**

Drug testing for marijuana, cocaine, opiates, amphetamines, and PCP will be performed on urine specimens. Alcohol testing will be performed by means of breath testing devices approved by the National Highway Traffic Safety Administration. Testing procedures will comply with Federal Motor Carrier regulations 49 CFR Part 40. Individual test reports will be maintained in each employee's confidential file.

Six types of drug and alcohol tests are required under federal regulations: pre-employment, random, reasonable cause, return to duty, follow-up and post accident. In addition, testing may be done as part of the periodic physical exam.

1. All applicants for employment will submit to drug testing only.
2. Throughout the year, drivers are subject to unannounced testing on a random basis. The total number of random drug tests will equal or exceed 50% of the average number of commercial motor vehicle driver positions for which testing is required. The minimum alcohol testing rate will be 25%. Since drivers are chosen at random throughout the year, each individual driver may not be tested or may be tested once, twice or more in a given year.
3. A driver shall submit to testing, upon reasonable cause, when requested to do so by the Town. Conduct triggering testing under this part must be directly observed by a supervisor or Town official. The supervisor making this determination must have received training in the identification of behavior indicative of use of a controlled substance. Documentation of the driver's conduct shall be prepared and signed by the witness within 24 hours.
4. If a driver who violates this policy is allowed to return to duty, a test will be conducted prior to the performance of a safety-sensitive function. In addition, the driver will be subject to unannounced follow-up testing. The frequency of such tests will be prescribed by a substance abuse professional and will consist of a minimum of six (6) tests in the first 12 months following the driver's return to duty.
5. The employer will test for alcohol and drugs as soon as possible after an accident, if the driver receives a citation for a moving traffic violation related to the accident or there is a fatality. The alcohol test should be performed within two (2) hours of the accident. If not tested within two (2) hours, the driver may be tested for alcohol up to eight (8) hours following the accident. The drug test will be performed within 32 hours of the accident.

### **Procedures for Drug Test**

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with DOT regulations. The specimen is divided into two (2) separate containers (the primary sample and the split sample) and sealed in a tamper-evident container and shipped to a NIDA-certified lab for testing. Laboratory test results are reported to the medical review office (MRO). Before reporting a positive test to the employer, the MRO will attempt to contact the driver to discuss the test results. If the MRO is unable to contact the driver directly, the MRO will contact the employer's Drug Program Administrator who will contact the employee. If there is no legitimate explanation for the positive test, the MRO will report the test as positive. If there is a valid explanation for the positive test other than illegal drug use, the MRO will report the test as negative. A test showing the presence of a medication which the employee used in accordance with a valid prescription will be considered a negative test.

In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. This request must be made within 72 hours of the time the driver was informed of the



results by the MRO. The split sample test is to be paid for by the employee. If the second test comes back negative, the employee will be reimbursed.

### **Procedures for Alcohol Tests**

Certified breath alcohol technicians will perform these tests using evidential breath testing devices. If the test shows a result of less than 0.02, the test is considered negative. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

### **Consequences of a Positive Test**

1. Applicants for employment who test positive for drugs will not be hired.
2. Any employee who tests positive for alcohol at a level of 0.04 or higher or who tests positive for drugs will be removed from service and be referred to a substance abuse professional (SAP). The SAP will determine what assistance, if any, the employee needs in resolving the problem. A second positive test will result in the employee being dismissed.
3. If a driver tests positive for alcohol and the test is between 0.02 and 0.04, the driver must be removed from duties for 24 hours. No other action will be taken against the driver based solely on test results showing an alcohol concentration less than 0.04. This day off will be without pay.
4. If the test is positive the employee may demand to have an independent analysis of the split sample made. Such analysis shall be at the expense of the employee unless the analysis is negative, in which case the Town shall reimburse the employee for the cost of such analysis.
5. Any employee who fails a test and is required to participate in a rehabilitation program will be responsible for any costs incurred in such participation. The costs of evaluations, rehabilitation, and return-to-duty tests shall also be at the employee's expense. The Town will pay for follow-up testing after the employee returns to duty. A written letter from the Rehabilitation Program stating that employee is fit to return to work will be required before returning to duty. However, the Town does not guarantee the rehiring of an employee after completing rehabilitation.
6. Any employee required to be evaluated and participate in a rehabilitation program may, at the employee's option, exhaust any or all of his/her sick time, vacation, and personal leave while participating in the program. No other compensation will be paid by the Town.
7. The Town will continue to pay its share of the employee's health plan premium during active participation in a rehabilitation program unless the employee is terminated.
8. Any employee refusing to enter a rehabilitation program or failing to successfully complete a rehabilitation program shall be dismissed from employment.

### **Consequences of Refusing a Drug or Alcohol Test**

The consequences of refusing a test are the same as testing positive.

## **Rehabilitation**

In order to be eligible to return to duty after a positive drug test or an alcohol level of 0.04 or higher, a driver must complete the course of rehabilitation prescribed by the substance abuse professional and undergo a return-to-duty test with a negative result. After returning to work, the driver must continue in an after-care program and be subject to follow-up testing.

**M-60** Motion Proposed by Clm. Bish, Seconded by Clm. Williams. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

## **Sexual Harassment Policy**

Sexual harassment is a form of gender discrimination and is a violation of state and federal civil rights laws. It is the policy of this municipality to strongly oppose and prevent any form of discrimination. We recognize that any employee's ability to perform his or her job may be adversely affected by harassment based on sex. Therefore, this policy has been prepared to aid our employees in understanding and helping to prevent sexual harassment.

The Equal Employment Opportunity Commission defines sexual harassment as "unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or; submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual, or; such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or otherwise offensive working environment, or; such conduct created an intimidating, hostile or offensive work environment.

Sexual harassment can include abusive verbal language related to an employee's sex, sexually oriented comments about an individual's body that are unwelcome and/or reasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment; displays of obscene printed or visual material; and physical contact, such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

Any employee who believes that another employee is initiating sexual harassment may file a written complaint with Names, Titles, Addresses and Telephone Numbers of Persons Designated to Accept Sexual Harassment Claims within (30) calendar days of the incident. Retaliation against the complainant will not be tolerated. Due to the serious and private nature of this offense, false accusations of sexual harassment are and will be treated as a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

The policy of the Town of Candor is to investigate all such complaints. If an investigation confirms that harassment has occurred, the Town of Candor will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal policy shall not be construed as a creation of higher legal standard or safety or care in an evidential sense with respect to third party claims. Violations of this directive will only form the basis for municipal administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

**M-61** Motion Proposed by Clm. Bish, Seconded by Clm. Lindsay. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

### **Violence in the Workplace Policy**

**Violence in the Workplace Policy Statement** – The Town of Candor is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Town also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as “visitors”) to be of paramount importance and strives to provide them the same type of protections while on Town property.

**Workplace Violence Prevention Program** – In accordance with the New York State Workplace Violence Prevention Act, the Town of Candor has developed a Workplace Violence Prevention Program. As a part of this program, the Town conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement measures to minimize or eliminate these hazards. In order to achieve this goal, the Town encourages the participation and cooperation of employee representative(s).

**Prohibited Conduct** - The Town has zero tolerance for violence of any kind in the workplace, including, but not limited to, physical assault e.g., hitting, pushing), threatening, or intimidating behavior, or verbal abuse or harassment. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head or Supervisor immediately.

For the purpose of this program, the workplace is defined as any location away from an employee’s home, either permanent or temporary, where the employee performs any work related duty in the course of employment. This includes, but is not limited to, Town-owned buildings and surrounding perimeters, parking lots, work sites, and traveling to and from work assignments.

**Reporting Requirements** – Any incident of Workplace violence or imminent danger must be promptly reported to the Highway Superintendent, if it involves a Highway Employee, and the Town Supervisor’s Office.

**Policy Violations** – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action according to the circumstances.

**Prohibition Against Retaliation** – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this policy.

**M-62** Motion Proposed by Clm. Williams, Seconded by Clm. Dougherty. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

#### **Town of Candor 2011 Policy on Health Insurance**

Health insurance will be provided to all fulltime employees with the cost being borne as negotiated in each year's contract. Fulltime is defined as working a minimum of 30 hours per week for the Town.

Part-time employees will be eligible to purchase coverage with the employee bearing the full cost of the premium.

All employees will contribute toward their health insurance at the same rate as negotiated with the Highway Employees.

All employees shall be eligible for membership in the BC/BS prescription Plan which shall require the employee to pay \$5 per prescription for generic prescriptions, \$15 for name brand prescriptions and \$30 for name brand prescriptions that are new to the market.

Employees shall be eligible for Prime Blue Dental Classes I & II. An Employee or Retiree who elects to carry Individual Health Insurance Coverage can carry Family Dental Coverage by paying the difference between the Family and the Individual Dental Insurance Rates.

Health Insurance will be provided to the Highway Superintendent and Town Clerk providing he/she works a minimum of 30 hours a week.

All non-contractual employees who have health insurance will have deductions taken out of their bi-weekly pay checks.

Health insurance coverage will be provided to those who retire while employed by the Town and have a minimum of 10 years of uninterrupted full time service at the time of retirement. An employee who opts for the insurance buyout will be eligible for health insurance through the Town when he/she becomes eligible to retire even if he/she does not have Town health insurance at that time.

All employees retiring on or after January 1, 2004, and are eligible for health insurance upon retiring, will contribute to the Town for health insurance commensurate with rates of current employees.

Upon the death of an employee or retiree the spouse will have the option of continuing their health insurance with the full cost to be borne by the spouse.

Any employee eligible for family health insurance coverage, upon proof of coverage through their spouse's employer, and who opts to decline coverage through the Town, will be compensated by the Town at a rate of \$3,000 annually to be paid bi-weekly.

Effective 11/9/10 the Town will no longer make reimbursement for the Medicare Part B premium. Note: as of 11/1/2010 Ann Lounsbury and Lionel Fields are grandfathered at the 100% rate.

This agreement supersedes all previous language related to health insurance. Dated: 05/10/11

**M-63** Motion made by: Clm. Bish, Seconded by: Dan Lindsay. Roll Call Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

**M-64** Clm. Lindsay moved, seconded by Clm. Bish to accept the Planning Board's recommendation of Ken Kafka for appointment to fill the vacancy created by the resignation of Christine Curkendall, term to expire 12-31-2013. Vote: Cobler-aye, Bish-aye, Dougherty-aye, Lindsay-aye and Williams-aye.

Code Officer James Douglas reported a race that commenced on Prospect Valley Road without a license; Mr. Douglas gave the property owners a copy of our race track law. Mr. Douglas received a complaint of a race track behind Doucett's business which turned out to be dirt mounds for recreational use only. Coneys have not complied with removal of the mobile home; Justice Dence will be sending another appearance notice. Mr. Douglas also commented about the control issues with the Town Hall's HVAC a meeting with Richard Miller from Suretemp is scheduled on May 11 @ 1:00.

General Government claims on Abstract #5 for 2011 numbers 115-137 in the amount of \$19,548.02 were audited by the Board. Highway Claims on Abstract #5 for 2011, numbers 101-116 in the amount of \$19,401.92 were audited by the Board.

Clm. Bish moved, seconded by Clm. Lindsay to adjourn the regular meeting at 8:13pm.