

**TOWN OF CANAJOHARIE  
MONTGOMERY COUNTY**

**May 8, 2014**

The Town Council met for a regular monthly meeting at the Town Hall building, 12 Mitchell Street, Canajoharie, New York.

**Present:** Supervisor Herbert Allen, Councilpersons Judith Burgess, John Toomey, Jr., Rodney Young, and William Armitstead; Bookkeeper Amy Kretser; Highway Superintendent David Hodge; Code Enforcer Les Hassan

The meeting was opened by the Supervisor at 7:30, and the evening's agenda was presented

**On a motion** by Councilman Toomey, seconded by Councilperson Burgess, the **agenda** was **unanimously approved**.

**On a motion** by Councilman Armitstead, seconded by Councilman Toomey, the **minutes** of the April meeting were **unanimously approved**.

**Public Comment**-None

Supervisor Allen opens sealed bids for Gradall ditch digger. One bid received from Yacano's Gradall, PO Box 1049, Norwich, NY, 13815. Bid for one used excavator in amount of \$50,000.00. Superintendent Hodge states that the bid is missing a digging bucket, which would be an additional \$2,500.00. Superintendent Hodge thinks it is a fair bid. Half of the cost of the Gradall would be paid for from the Auction International proceeds totaling \$29,700.00. The Gradall was a FEMA vehicle that came from Florida and sat for five years unused.

**Motion to accept bid** from Yacano's Gradall by Councilman Young, seconded by Councilman Toomey; **all in favor and unanimously carried**.

**Resolution #8 2014**

**Resolution No. 8 2014  
RESOLUTION ADOPTING TOWN OF CANAJOHARIE WORKPLACE VIOLENCE  
POLICY**

Resolution By: William Armitstead Seconded By: Judy Burgess

NYS Labor Law, Article 2, Section 27-B states that the duty of public employers is to develop and implement programs to prevent workplace violence to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees, and

WHEREAS, said law requires every employer evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides, and

WHEREAS, said law further requires that every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention program for its workplace or workplaces, and

WHEREAS, the Town Council, in conjunction with the Department Heads, has compiled a recommended policy to comply with said law,

RESOLVED, that the Town of Canajoharie Town Board adopts the Town of Canajoharie workplace Violence Policy attached hereto and made part of this resolution.

Resolution adopted with unanimous aye voice vote                      DATE: May 8, 2014  
Allen: Aye Toomey: Aye Burgess: Aye Young: Aye Armitstead: Aye

Laurie M. Vroman  
Town Clerk  
May 8, 2014

### *Workplace Violence Prevention Policy Policy Statement*

*Town of Canajoharie has a long-standing commitment to promoting a safe and secure work environment that promotes the achievement of its mission. All members of town of Canajoharie community are expected to maintain a working and learning environment free from violence, threats of harassment, intimidation or coercion. While these behaviors are not prevalent at Town of Canajoharie, no organization is immune. The purpose of this policy is to address the issue of potential workplace violence in our town, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.*

#### *Policy*

*Town of Canajoharie of New York prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Town of Canajoharie property and are subject to disciplinary and/or personnel action up to and including termination, consistent with Town of Canajoharie, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Town of Canajoharie, at the request of an employee, or at its' own discretion, may prohibit members of the Public, including family members, from seeing an employee on Town of Canajoharie property unless necessary to transact Town of Canajoharie related business. This policy particularly applies in cases where the employee will result from an encounter with said individual(s).*

#### *Scope*

*All staff, vendors, contractors, consultants, and others, who do business with Town of Canajoharie, whether in Town of Canajoharie facility or off campus location where Town of Canajoharie business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with Town of Canajoharie , such as former employees and visitors.*

#### *Definitions*

*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, or Town of Canajoharie ability to provide services to the public. Examples of workplace violence include, but are not limited to:*

- 1. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).*
- 2. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).*
- 3. Menacing or treating behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements intended to frighten , coerce, or threaten ) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.*
- 4. Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one within Town of Canajoharie community shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to Town of Canajoharie property regardless of whether the individual possesses a valid permit to carry the firearm or weapon. This does not include County Law enforcement employees while on duty.*

## *Reporting of Incidents*

### *1. General Reporting Responsibilities*

*Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any member of the Town of Canajoharie community. Workplace violence should promptly be reported to the appropriate Town of Canajoharie official. Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence, as defined above. It is important that all members of the Town of Canajoharie community take this responsibility seriously to effectively maintain a safe working and learning environment.*

### *2. Imminent or Actual Violence*

*Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.*

### *3. Acts of Violence Not Involving Weapons or Injuries to Persons*

*Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or to the Town Supervisor.*

### *4. Commission of a Crime*

*All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency (Montgomery County Sheriff's Office).*

#### *5. False Reports*

*Employees of Town of Canajoharie 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.*

### *Responsibilities*

#### *1. Town Board*

*The Town Board of The Town of Canajoharie of New York shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all employees of Town of Canajoharie, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, constituting a Workplace Violence Advisory Team, and ensuring that all administrators, managers, and supervisors are aware of their responsibilities under this policy through internal communications and training.*

#### *2. Department Heads*

*Each Department Head or other person with supervisory responsibility is responsible with in his/her area of jurisdiction for the implementation of this policy. Department Heads must report to the Town Supervisor any complaint of workplace violence of which he/she becomes aware or reasonably believes to exist. Department Heads are expected to inform Town Supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed, and resolved. After having reported such complaint or incident to, Department Heads should keep incidents confidential and not disclose them further, except as necessary during the investigation process and or subsequent proceedings. Department Heads are required to contact the Supervisor Immediately in the event of imminent or actual violence involving weapons or potential physical injuries.*

#### *3. Town Supervisor*

*The Town Supervisor is responsible for assisting the department Heads in responding to workplace violence; and consulting with, as necessary, counseling services to secure professional intervention. The Town Supervisor or employees of the Personnel Department (Bookkeeper, Town Clerk) are responsible for providing new employees with a copy of the Workplace Violence Policy and Procedures and insuring that all county employees receive appropriate training. The Personnel Office will also be responsible annually disseminating this policy to all employees, as well as posting the policy throughout the buildings.*

#### *4. Workplace Violence Advisory Team*

*The Workplace Violence Advisory Team consisting of the Supervisor, Highway Superintendent, CSEA Local Union President.*

*This team will assist in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; assessing the potential problem of workplace violence at its site; assessing the Town's readiness for dealing with workplace violence; evaluating incidents to prevent future occurrences; and utilizing prevention, intervention, and interviewing techniques in responding to workplace violence. This team will also develop workplace violence prevention tools (such as pamphlets, guidelines, and handbooks) to further assist in recognizing and preventing workplace violence throughout Town of Canajoharie.*

### *Education*

*Personnel is responsible for the dissemination and enforcement of this policy as described herein as well as for providing opportunities for training in the prevention and awareness of workplace violence. The personal office will provide assistance in identifying available training opportunities, as well as other resources and tools that can be incorporated into prevention materials for dissemination to Town of Canajoharie employees. Additionally, the Workplace Violence Advisory Team will offer periodic training opportunities to supplement training programs.*

### *Confidentiality*

*Town of Canajoharie shall maintain the confidentiality of investigations of workplace violence to the fullest extent possible. Town of Canajoharie will act on the basis of anonymous complaints where it has reasonable basis to believe that there has been a violation of the Workplace Violence Prevention Policy and that the safety and well-being of Town of Canajoharie employees would be served by such action.*

### *Retaliation*

*Retaliation against anyone acting in good faith that 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 the is policy. Those found guilty of retaliatory action will be subject to discipline up to and including termination.*

Supervisor Allen mentions whether or not the Town has a policy on sexual harassment and will address the issue in the future.

**Code Enforcer-** Les Hassan discusses with the Board the structure brought to his attention on South Buel Road. Mr. Hassan observed that it is a “puppy dog” building—has 24 doors placed in three rows on top of each other. He states that there is a moratorium in place regarding dog kennels, and that the owner of the structure is well aware there is a moratorium in place. The owner has moved the structure about 300 feet, near the woods. There are no dogs in it currently. Mr. Hassan has left the owner a building permit application for the structure. Councilman Young agrees that a building permit is necessary to have the structure on the property.

Supervisor Allen also asks about the existing dog kennel on Clinton Road. He had heard that there is possibly 200 dogs there, does the Town have any recourse? Councilman Young and Mr. Hassan agree that it is in the hands of the Department of Agriculture and Markets. Mr. Hassan will call is contact there for advice.

**Highway Superintendent-**Stephen Oare is starting May 14<sup>th</sup>. Completing OSHA compliance with the town barn building. Breaker boxes, outlets need updating. Town barn is in rough shape. Mentions that the 2005 truck roof is leaking. Skinning process to repair it costs approximately \$2,449.73. Superintendent Hodge inquires as to whether it should be fixed, or see how much a new truck would cost. Supervisor Allen suggests asking who has gotten one recently in the immediate area and the cost.

**New Business-** Supervisor Allen asks if the Board is interested in a grant writer? To have a grant writer come to the Board and describe his services. The Board is in agreement. Supervisor Allen will invite the grant writer to the next monthly Board meeting.

**Planning Board-**Nothing to report at this time. Secretary to Planning Board was on vacation for last Planning Board meeting. Will update meeting minutes that were provided by fill-in secretary, Marigrace Hoag.

**Bookkeeper-**

TOWN OF CANAJOHARIE  
CASH REPORT APRIL 30, 2014

| CHECKING ACCOUNTS   |                    |
|---------------------|--------------------|
| General             | \$ 25,952.38       |
| Fire District       | \$ 39.86           |
| Consolidated Health | \$ 15.28           |
| Highway Town Wide   | \$ 28,322.88       |
| Highway Part Town   | <u>\$ 5,965.09</u> |
| Total               | \$ 60,295.49       |

| MONEY MARKET ACCOUNTS |                     |
|-----------------------|---------------------|
| General               | \$245,549.63        |
| Highway Town Wide     | \$ 55,704.64        |
| Highway Part Town     | <u>\$195,380.19</u> |
| Total                 | \$496,634.46        |

| SAVINGS ACCOUNTS    |                     |
|---------------------|---------------------|
| Consolidated Health | \$ 1,503.11         |
| Highway Cap Reserv  | \$ 69,911.84        |
| Gen-Cap Reserve     | \$134,607.65        |
| Gen-Sale of Land    | <u>\$ 53,793.91</u> |
| Total               | \$259,816.51        |

**Town Clerk-** Nothing to report

**Motion** to Pay Bills by Councilperson Burgess, seconded by Councilman Toomey, all in favor **and unanimously approved**

General Fund vouchers numbered 95 through 109 totaling \$12, 119.65

Highway Fund vouchers numbered 102 through 119 totaling \$5,816.85

**No Executive Session**

**8:26PM**-Councilman Young **moves** to adjourn meeting, seconded by Councilperson Burgess, all in favor, and **unanimously approved**.

Respectfully submitted,

Laurie M. Vroman  
Town Clerk