



# Town of Copake Policy Manual

October 12, 2023

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## I. PREFACE

The Town of Copake considers that the first purpose of government is to protect the people’s rights and maintains that our Constitution is the most fundamental document in this regard. Therefore, it is the Town intention that all of its policies and practices shall be consistent with the wording and meaning of the U.S. Constitution, New York State Constitution and Law, and Copake Town Code. In addition, the Policy Manual emphasizes the Town’s several responsibilities for the safety and general welfare of its officers, employees, board members, committee members and citizens.

The Copake Policy Manual is written such that each of its major sections, indicated by roman numerals, stands alone. Since no section depends on or references any other section, each can be read, implemented and changed without consideration of the remainder of the document.

### A. Objective

To provide a summary of Town policy decisions to assist elected officials, appointees and employees to act in compliance with these requirements; to enable the Town Board to maintain a continual review of Town policy decisions and to ensure they are in keeping with Federal and State Law and the Town Code as well as with current community expectations and trends; and to enable residents to obtain immediate advice on matters of Town Policy.

### B. Adoption and Review

The role of the Town Board is to determine the local government’s policies. Policies set a guiding direction for the management of the Town and establish a fair and cohesive approach to resolving issues. Policies help to ensure that fair and equitable decisions are made and that strategies are established and understood by all. This manual shall be reviewed, amended and approved by the Town Board periodically. Policies needing immediate review will be addressed as the need arises, and amendments will be inserted at the time of approval.

### C. Application

All Town elected officials, appointees and employees shall be issued a copy of manual. Each individual shall acknowledge receipt of the Policy by completing the signature page attached at the end.

Conduct of employees, officials, and appointees. To the extent that this Policy Manual prescribes or prohibits conduct by employees, officials, or appointees of the Town, failure of any such person to comply with the provisions of this manual constitutes misconduct and may be grounds for disciplinary action, including termination, to the extent and in the manner such person may lawfully be subject to such disciplinary action.

Official Action. With respect to official action of the Town or its officials, no act shall be found or made void on the sole basis that it was not executed in conformity with this Policy Manual, if such act was otherwise lawful and in compliance with Federal and State Law and with the Code of the Town of Copake.

## **II. ORGANIZATIONAL CHARTS**

Organizational charts are located in the Appendices of this policy manual.

## **III. CODE OF ETHICS**

All elected officials, appointees and employees of the Town of Copake shall be bound by the provisions of the Town Code of Ethics, as set out in Chapter 23 of the Code of the Town of Copake. Please take special note of the provisions of the Code as they relate to Standards of Conduct, Conflict of Interest and Whistleblower Policy.

## **IV. CONDUCT OF TOWN BOARD MEETINGS**

### **A. Presiding Officer**

The supervisor, when present, shall preside at meetings of the Town Board. In the absence of the supervisor, the deputy supervisor, if one has been appointed pursuant to NYS Town Law § 42, shall preside. Otherwise, the remaining board members shall designate a board member to act temporarily as presiding officer. (Sections 63 and 42 of the NYS Town Law.) For purposes of this section, the supervisor, a deputy supervisor, and any board member may be deemed “present” where they are in attendance in person, or are participating by videoconference in accordance with Chapter 12, Article IV of the Town of Copake Town Code and the Procedures for Member Videoconferencing Pursuant to Public Officers Law § 103-a. Any presiding officer participating by videoconference may yield the responsibility of serving as presiding officer of the meeting to another person that would otherwise be authorized to serve as presiding officer in the absence of such yielding presiding officer. **(Amended October 13, 2022)**

### **B. Action by the Board**

NYS Town Law, Section 63, provides as follows: “A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The vote upon every question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the town board.

“The Board may determine the rules of its procedure, and the supervisor may, from time to time, appoint one or more committees, consisting of members of the Board, to aid and assist the Board in the performance of its duties.”

### **C. Meeting Schedule, Agenda, Minutes**

1. Regular Town Board meetings shall be held monthly on the second Thursday evening of each month except for August, when the meeting shall be held on the second Saturday morning of that month. Special and emergency Town Board meetings may be held as called in compliance with applicable law.
2. The agenda of the regular Town Board meetings shall be established and posted on the Town Website and on the Town Bulletin Board at least five days prior to the scheduled Board meeting. Copies of the Agenda shall be made available in the Clerks' office upon request and shall be made available to the public during the Meeting.
3. Minutes shall be recorded and made available in Town Hall within ten days of the meeting date and posted on the Town website within 10 days of their approval date. **(Amended February 10, 2022)**

### **D. Order of Business**

The Order of Business shall be flexible, and within the discretion of the Supervisor, but shall generally follow the order set forth below:

1. Call to Order and Pledge of Allegiance
2. Reading and approval of the minutes of the previous meeting. Reading of the minutes may be waived by a motion and majority vote of the Board.
3. Correspondence: Letters deemed significant to the conduct of business may be read by the Supervisor. All letters of resignation are to be noted, but not read unless the resigning person wishes to read his/her letter. Correspondence shall be attached to the minutes of the meeting.
4. Board, Committee or Commission head reports: Group heads shall report on the activity of his/her group. The head may designate another member of the group to report in his/her absence.
5. Board Member reports: Each Board Member shall report on any activities which he/she deems of significant interest to the public.
6. Budget Officer report: The Budget Officer shall report monthly on any significant deviations in the budget as well as the necessity for any balance transfers within the budget. Necessary balance transfers will be discussed by the Board and explained to the public prior to vote.
7. Introduction and consideration of new laws
  - a. Proposed laws and ordinances for which a public hearing has been held and concluded shall be introduced by the sponsoring member and read, followed by motions and voting.
  - b. New proposed laws shall be introduced and a working title and summary of their purpose and effect stated by the introducing member, followed by a motion and vote to hold a public hearing, if the Board so desires at that time.
  - c. Resolutions shall be introduced by the sponsoring member, followed by discussion, motions, and voting. **(Amended October 13, 2022)**
8. Old business: Matters considered at previous meetings may be further discussed to update the public on progress.

9. New business: New matters may be raised by any Board member for discussion by the entire Board.
10. General public comment: The Board will permit the audience to raise questions and comment in an open forum before the conclusion of each meeting. Any individual called on to address the Board shall first state his or her name. Questions will be directed to the Supervisor, who may choose to answer the question or defer to another Board member or person present. There will be no discussion or debate between members of the audience.

## **E. Resolutions**

All proposed resolutions to be voted on shall be provided in writing. Resolutions shall be posted on the Town Website and on the Town Bulletin Board and copies shall be available in the Clerks' office upon request. To the extent possible, all Resolutions shall be posted on the Town Website at least 24 hours prior to the meeting, if not before. **(Amended February 10, 2022)**

## **F. Executive Session**

Use of Executive Session is governed primarily by section 105 of the NYS Public Officers Law. Executive Session is permitted only for the eight subject areas specified in such statute, as well as for any matter made confidential by Federal or State Law, including matters subject to attorney-client privilege, pursuant to NYS Public Officers Law section 108. In accordance with statute, the Board may adjourn to Executive Session upon a majority vote of the full board membership following a motion to conduct an Executive Session that identifies the general nature of the matter(s) to be considered in such Executive Session.

While section 105 of the NYS Public Officers Law is controlling and should be referred to, some common areas for which Executive Session is generally permissible include discussion of litigation; matters related to the employment, appointment, promotion, dismissal, or discipline of a particular person, or the medical, financial, or employment history of a particular person; collective negotiations; and matters that would imperil public safety if disclosed.

Upon the closing of the Executive Session, the Board shall reconvene to the general meeting and report on any decisions made with explanation.

## **G. Videoconference Participation**

In accordance with Article IV of Chapter 12 of the Town of Copake Town Code, any board member (including the supervisor and deputy supervisor) may attend and participate in meetings of the Town Board by videoconference in accordance with the Procedures for Member Videoconferencing Pursuant to Public Officers Law § 103-a, as may be amended from time to time, a copy of which is included in the Appendices. **(Amended October 13, 2022)**

## V. CITIZEN PARTICIPATION

### A. Citizen Board, Committee and Commission Appointments

The Town Board recognizes the importance of the services of citizen volunteers for many functions relating to governance of the Town including the important work done by the various permanent and temporary boards, committees and commissions established by the Town Board.

In the appointment of persons to these bodies as in all other areas, it is the intent of the Town Board to conduct its business in a manner that is fair, open and representative of the Town's residents. Therefore, the following policy guidelines for making appointments are established:

1. The entire membership of each board, committee and commission serves as the nominating committee for its new members. **(Amended December 11, 2014)**
2. The nominating committee actively solicits the participation of citizens whenever a vacancy arises. This will include, but is not limited to posting a notice of the position in the Copake Connection, in Town Hall and on the Town website. **(Amended August 13, 2022)**
3. Applicants will be required to submit a letter of interest to the Town Clerk in-person, by post or e-mail. **(Amended August 13, 2022)**
4. The nominating committee together with the Town Board, at each member's option, will review the qualifications of and interview all candidates. Upon completion of the review, the voting members of the relevant boards, committees, or commissions shall vote and send its candidate recommendation to the Town Board.
5. Appointments are made by a majority vote of the Town Board.
6. Standing and temporary boards, committee and commissions, on making member recommendations to the Town Board, shall be guided by the following policies:
  - a. An individual cannot serve on more than three boards, committees or commissions at any one time unless no other qualified applicant is available.
  - b. Only one member of a household should be appointed to serve on the same board, committee or commission unless no other qualified applicant is available. In this situation, only one family member can hold an officer position.
7. Appointments shall be for a term of no more than three years unless prescribed by law. Exclusion - Zoning and Planning Boards, which have a special appointment structure pursuant to State law.
8. Existing members shall reapply prior to the end of their term if they desire to be reappointed for another term.
9. Standing boards, committees and commissions appointed by the Town Board shall have the number of members determined by Town Code. Terms must be staggered among board, committee and commission members to maintain continuity, eliminating a situation where the entire committee is replaced at the same time.
10. The size, membership terms, and initial membership of temporary committees shall be determined by the Town Board. When appointing members to Committees, the Board should advertise and solicit applications for initial membership in the same manner as for filling vacancies, in paragraph 2, above, except that where the anticipated duration of a temporary or ad hoc committee is short term or there is an urgent need for the Committee to begin its work, making such publication and solicitation impractical, the Town Board may make initial appointments at its discretion. **(Amended March 12, 2020)**



11. In order to be a member of an advisory committee, an individual must either be a Copake resident or own property in the Town of Copake. The Town Board, or a committee acting as its own nominating committee, may in its discretion expand eligibility for membership to include individuals who, although they are not residents or property owners, do have a substantial stake in the Town, (e.g. individuals who own a business in the Town or who are employed in the Town or who have otherwise demonstrated that they are stakeholders in Copake.) **(Amended March 12, 2020)**

12. The Supervisor shall appoint one Town Board member as a liaison as required by Town Code to each standing board, committee and commission. The Town Board may appoint a Board Member as a liaison to each temporary committee. Liaisons have full board, committee and commission rights except the right to vote. Liaisons have the primary responsibility to keep the Town Board and the board, committee or commission served informed of any and all matters relevant to each group's purpose and responsibilities. **(Amended March 12, 2020)**

13. It is the responsibility of each board, committee, or commission Chairperson to establish sub-committees and task forces as deemed necessary for the parent group to discharge its responsibilities and to solicit, review and appoint the membership for same. **(Amended November 10, 2022)**

14. If a member of a board, committee or commission has three consecutive unexcused absences or six consecutive absences regardless of the reasons, the Town Board may, at the request of the board, committee or commission, remove such member.

15. Annual stipends in an amount set at the Organizational Meeting shall be paid on or before December 31 to the following individuals: the Chair and members of the Board of Assessment Review, the Chair and members of the Planning Board, the Chair and members of the Zoning Board of Appeals, Person in Charge of Williams Cemetery and the Historian. **(Amended December 8, 2022)**

## **B. Freedom of Information (FOIL) Officer (Amended November 10, 2022)**

The Town's handling of requests to the Town of Copake for records is governed by NYS Public Officers Law Article 6, sections 84 - 90. Subject to such statute, the following provisions describe more specifically the Town's policies with respect to the handling of FOIL requests.

1. All requests to the Town of Copake for records under the Freedom of Information Law (Public Officers Law, Section 87) (FOIL) shall be in writing and shall be mailed, hand delivered or faxed to the Copake Town Clerk, who is designated the Town FOIL Officer, for recording and dating. Envelopes should be clearly marked "Freedom of Information Request". The Town will accept electronic requests. A log of requests will be maintained by the Town Clerk. **(Amended March 12, 2020)**

2. All requests should be identified on the face of the envelope as a FOIL REQUEST and, unopened if possible, shall be delivered to the mailbox of the FOIL Officer for review and response. In his/her absence, either the Town Attorney or the Deputy Town Clerk is permitted to review and reply. Requests received by department, board, or committee heads are to be delivered to the Town Clerk within one business day of receipt. **(Amended March 12, 2020)**

3. A copy of each request, as well as a copy of the reply, shall be delivered by the FOIL Officer to the Town Attorney. The initial response shall be in writing and shall be made within five business days of receipt of any such request. The initial reply shall be responsive and should, if possible, indicate when the requested files should be available at the office of the Town Clerk. If the FOIL Officer determines that the request can be fulfilled and

circumstances delay disclosure for twenty additional days, a written statement is to be sent to the requester stating when the request will be granted.

4. The Town shall be entitled to charge fees for copies of the records not exceeding 25 cents per page, except with respect to records in excess of 8" x 14" or records that cannot be photocopied; in that event, the charge shall be the actual cost of reproducing the record.

5. Any person denied access to a record by a decision of the FOIL Officer may within thirty days appeal in writing such denial to the Town Supervisor, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought, in accordance with section 89(4.) of the Public Officers Law. **(Amended March 12, 2020)**

**(Amended March 12, 2020)**

**C. Use of Employee Vehicle (Amended November 10, 2022)**

1. Employees using their own vehicle for town business may be reimbursed at the current IRS rate for mileage, subject to the approval of the Town Supervisor.

2. Reimbursement shall not include mileage from the employee's home to work or return home. All distances shall be computed from the employee's place of work to destination and return to place of work.

3. In the event that an employee leaves directly from home to travel for Town business and this distance is shorter than from the place of work to the destination, the employee shall be reimbursed for the lesser mileage.

4. All requests for mileage reimbursement shall be made on the appropriate voucher, available from the Town Clerk, and shall include: date of travel, destination, purpose of the trip and round trip mileage. The Voucher shall be signed and dated by the employee and approved by the employee's supervisor.

**5. Seat Belt Policy:**

a. All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business.

b. In addition, passengers in vehicles operated by the Town while on town business are required to wear seat belts. Unauthorized passengers are prohibited at any time.

c. This requirement shall not apply to vehicles in which the manufacturer has not installed seat belts.

d. Town employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.

e. Employees found violating this policy may be subject to disciplinary action.

6. All employees who drive or operate a Town vehicle, or who use their own vehicle for reimbursable Town business, must submit a copy of their driver's license to the Town Clerk in order to be enrolled in the NYS License Event Notification Service (LENS). **(Amended March 12, 2020)**

**D. Town Facilities and Property. (Amended August 12, 2023)**

**1. Tobacco, Cannabis, Vaping and E-Cigarettes.** Use of tobacco, cannabis, and similar products, including smoking, chewing, and use e-cigarettes or vaping devices, is strictly prohibited in all buildings, on all grounds, and in all vehicles owned or under the control of the Town of Copake.

**2. Use of Town Facilities and Property by Private Parties or Groups.** As part of its effort to have democratic practices prevail throughout the Town, the Town shall establish clear and constitutional guidelines governing

the use of all Town facilities. The Town Board's guidelines have as their first purpose to provide all citizens equal rights to use all Town facilities. Any activities conducted on or in Town facilities by Town officials, their proxies(i.e., boards, committees or commissions) or outside rental groups or individuals shall be conducted so as to give equal rights of access and visibility to all individuals and groups. The Town shall give no preferred publicity or physical location of any sort to any political party or interest group.

- a. Use of the Town Hall shall be scheduled through the Town Clerk.
- b. Use of the Lawrence O. Proper Community Center and Copake Memorial Park grounds shall be scheduled through the Booking Agent appointed by the Town Board.

Building Use Rules and Regulations are available from the Agent. An executed Center Use Form, also available from the Agent, along with an appropriate fee and deposit against cleaning expenses, shall be returned to the Agent prior to the use date.

Town property and/or facilities shall not be used by anyone seeking personal financial gain. Town equipment is not to be removed from Town premises. Recycling bins shall be placed in the Town Hall, Town Park Building, the Town Garage and the West Copake Storage Building and use of these bins is required. (**Amended August 12, 2023**)

#### **E. Community Outreach (Amended November 10, 2022)**

Citizen involvement is important to the enforcement of laws and maintenance of a healthy environment. Therefore, the Town welcomes participation from the community. Local organizations and students at Taconic Hills Central School should be encouraged to participate in Town activities that develop and implement health, environmental and ecological policies.

1. The Town Board may appoint a member or designee as liaison to the Taconic Hills Central School to develop a program that encourages student participation, with the student possibly earning course credit for participation.
2. Student participation on the Environmental and Conservation Committees and the Park Commission should be encouraged.
3. Observing Zoning Board of Appeals, Planning Board and the Town Board meetings would give students insight into local government and should be encouraged.
4. Liaisons may be appointed to any other community group seeking involvement.

## **VI. HUMAN RESOURCES**

Employment relations for public employees are governed by an array of Federal and State Laws. Subject to such controlling statutes, the provisions of this section describe the Town's policies with respect to personnel, employment, and the workplace, including conduct of employees, officials, and appointees in connection with carrying out Town duties and responsibilities.

When the provisions of this manual differ from those of the Town of Copake's Highway Department's most current contract with the Teamsters Local 294, then Highway Department employees are bound by the provisions of their contract, a current copy of which is available in the Town Clerk's office. **(Amended February 11, 2016)**

## **A. Hiring**

1. The Town shall advertise all vacant positions and any positions deemed necessary by the Town Board by posting a notice in the Town's official newspaper, on the Public Notice board in Town Hall and on the Town website.
2. Department Heads will review all applications and conduct interviews with candidates for paid positions under their authority. The Town Board will be invited to participate in the interviews to insure compliance with Town policy.
3. Candidates shall be hired on the basis of skills, experience, training, and personal background. There shall be no discrimination on the basis of race, ethnicity, religion, gender, sexual orientation, and/or disabilities that would not render them incapable of performing the duties specified in the job description. It is the intent of the Town Board that equal opportunity will be provided in all promotions, wages, benefits, and other privileges, terms, and conditions of employment.
4. The Department Heads shall forward to the Town Board for its approval the name, qualifications and recommendation for hire of the most qualified candidate.
5. Prior to final appointment, candidates selected for employment shall have their references consulted, and the Town of Copake shall conduct a criminal background check and an additional background check as deemed necessary. Employment candidates shall give the Town of Copake prior approval to contact their references and to perform a background check.

## **B. Employment Policy and Administration**

1. No more than one family member shall be employed per department. Existing employees shall remain until the end of their service. Such prohibition shall apply to spouses, parents, children, and siblings and members of the same household and their spouses. Exceptions to this policy must be approved by the Board. (This paragraph shall not apply to seasonal employment.)
2. Establishment of positions, abolition of existing positions, and changes to wage and hour schedules shall be approved by the Town Board.
3. All hourly employees must punch in and out on the Town's time clock, except in extraordinary circumstances. If an hourly employee leaves the premises on unofficial business, he/she must clock out and in again.
4. Meetings, conferences and training, when approved by the Department Head and Supervisor shall be considered paid work hours.
5. The cost of attendance at training sessions by employees and members of Boards must be pre-approved by the Town Board. Requests for approval must be made prior to registration for the session. Overnight lodging in conjunction with training must likewise be pre-approved but shall not be paid for by the Town except in exceptional circumstances (e.g. where the training is beyond a reasonable driving distance as determined by the Town Board, and there are no comparable courses within a shorter distance.)<sup>6</sup> Overtime: Overtime is governed by the Federal Fair Labor Standards Act (FLSA) and the NYS Labor Law. **Amended 5/8/2014**
7. Grievances are to be handled in accordance with NYS General Municipal Law, Section 683:

- a. Every public employee shall have the right to present his/her grievance to his/her employer in accordance with the provisions of Article 15-C of the NYS General Municipal Law, free from interference, coercion, restraint, discrimination or reprisal, and shall have the right to be represented at all stages thereof.
- b. It is the responsibility of supervisors at all levels, commensurate with the authority delegated to them by their superiors, promptly to consider and take appropriate action upon grievances presented to them by employees under their supervision.
- c. The head of each department or agency of government shall take such steps as may be necessary to give effect to the provisions of Article 15-C of the NYS General Municipal Law.

## **C. Benefits**

Except as specified below with respect to the eligibility of the Town Clerk/Tax Collector and Highway Superintendent to receive health insurance benefits and of all elected officials and employees to participate in the New York State Retirement System, application of the FMLA, and as may otherwise be required by law, only non-elected Town employees employed on a 40 hour per week basis are eligible for benefits. Subject to the above exceptions, throughout this “Benefits” section, the terms “employee” and “full-time employee” refer to non-elected employees employed on a 40 hour per week basis. A “part-time employee” is a person employed on the basis of fewer than 40 hours per week.

### **1. Health Insurance**

- a. Full time employees are eligible for health insurance after 90 days of full time employment, or as may be shortened by statute, law, or regulations. **(Amended November 10, 2022)** This time period may be waived for any person receiving health insurance benefits coverage from the Town who transfers from one eligible position to another. **(Amended February 11, 2016)** The Town Clerk/Tax Collector and the Superintendent of Highways are eligible immediately upon taking office.
- b. The Town of Copake shall pay 100% for individual health insurance coverage for the employee and 80% for family coverage for any employee hired or made a full-time employee after January 1, 2011. **(Amended November 10, 2022)** The Town shall pay 100% of both individual and family health coverage for any Town Clerk or Superintendent of Highways who first held such office on or prior to January 1, 2011. The Town of Copake shall pay 100% for individual health insurance and 75% for family coverage for any Town Clerk or Superintendent of Highways taking such office for the first time after January 1, 2011.
- c. The Town of Copake shall pay for individual or family coverage, as applicable, under the vision insurance offered by the New York State Teamsters Council Health and Hospital Fund for “non-bargaining” employees, for the Town Clerk and the Superintendent of Highways. **(Amended November 10, 2022)**
- d. Any eligible employee or official who opts out of the Town’s Health Insurance Program shall receive a buyout payment in accordance with the level of coverage that such employee or official is eligible to receive at the time of the opt-out, as follows: \$2,200 per year for an individual plan, \$4,500 per year for a 2-person plan, or \$6,000 per year for a family plan. In addition, any eligible employee or official who opts out of the Town’s Dental Insurance Program shall receive \$200 per year for an individual plan, \$500 per year for a 2-person plan, or \$700 per year for a family plan. **(Amended October 13, 2016)**
- e. The Highway Superintendent may waive the six month waiting period (or shorter period as may be set by statute, law, or regulation) for an employee’s health insurance to begin if the employee is transferring from another department within the Town or from another municipality. **(Amended February 11, 2016)**

f. Retired personnel. After twenty-five years of service with the Town, the Town will pay 75% of the health insurance premium of the employee and family; after thirty years of service, the Town will pay 90% of the cost of this coverage. In addition to paying for a percentage of the health insurance premium, for retired employees who are entitled to the foregoing coverage, the Town shall also pay for dental insurance for the employee and family in a plan of the Town's choosing pursuant to the same percentages as health insurance. Further, in lieu of a vision plan, the Town shall reimburse for each retiree and family member covered under the health insurance plan, up to \$150 per year per individual towards the cost of eye exams, glasses or contacts upon submission of paid receipts in pursuant to Town policy. For purposes of this paragraph, time served shall include time employed on a 40-hour per week basis and time served in the position of Town Clerk or Highway Superintendent. If an employee has unused sick time on the date of his retirement, the value of the sick time based upon their then rate of pay will be calculated and credited to the retiree and shall be applied towards his/her share of the cost of the health insurance premium. If the Town chooses a high deductible health insurance plan the Town will provide the retiree with a Health Reimbursement Account (HRA), a contribution equal to the annual minimum of 50% of the maximum out of pocket for the plan, not to exceed \$1800 for single and \$3600 for 2 person/family. **(Amended October 12, 2023)**

The above notwithstanding, when a retired person who is receiving medical insurance benefits as set forth above becomes eligible for Medicare, the Town shall no longer provide medical insurance benefits, but instead, shall provide Medicare Supplemental Coverage at the same cost share rates. However, when a retired employee who is receiving medical insurance through the Town becomes eligible for Medicare and has a spouse not eligible for Medicare or still has eligible dependents covered by the Town's medical coverage, the Town will provide Medicare Supplemental Coverage to the retired employee who is eligible for Medicare and continue to offer comparable or similar Retiree Health Insurance coverage to the spouse and/or eligible dependents with continuation of the same cost share ratio and applicable employee or family contribution. In this circumstance, the Town will continue to pay the HRA contribution for those family members who are still covered by the high deductible plan. **(Amended January 12, 2023)**

At such time as the Retiree(and their spouse, if applicable) becomes eligible for Medicare and there are no eligible dependents remaining on the high deductible plan, the Town will no longer pay the HRA contribution on behalf of the person(s) on Medicare. **(Amended January 12, 2023)**

In the event the retired employee dies, the Town's contribution toward spousal or family coverage will terminate, provided, however, that if, at the time the retired employee becomes deceased, such employee has a balance in their unused sick leave cash equivalent account, any balance will be made available to the deceased retiree's family to be utilized for health insurance available from the Town of Copake, and provided further that if there is no such balance or the balance is insufficient to pay the full cost of spousal or family insurance for a period of three months, the Town will pay the difference between the accumulated balance and the total cost of the health care premiums, up to the Town's 75% or 90% contribution level then in effect, for a period of three (3) months after the death of the retired employee, at which time the Town's contributions shall terminate.

BE IT FURTHER RESOLVED, that a new subparagraph g. is added to paragraph 1. (Health Insurance) of subdivision C. (Benefits) of section VI. (Human Resources) of the Town of Copake Policy Manual, as follows:

g. Deceased personnel. Should an active employee of the Town (who is eligible and receiving health insurance through the Town) become deceased, a comparable or similar health insurance will be offered to his/her family by the Town of Copake, with continuation of the same cost share ratio and applicable employee

or family contribution, for a period of two (2) years or until the spouse remarries, or until the spouse becomes eligible for Medicare, whichever comes first. (Amended July 13, 2017)

## **2. Pension – New York State Retirement System**

- a. Joining the NYS Retirement System is optional for all elected officials and employees, whether full-time or part-time.
- b. If an employee retires under the NYS Employees' Retirement System or retires and collects Social Security, an employee may convert their unused sick leave to a cash equivalent to be used by the Town for payment of his/her health insurance premium. The cash equivalent shall be computed at the rate for the position that the employee held at his retirement per unused sick leave days.
- c. At retirement, accumulated sick days up to 200 may be added to the employee's length of service.

## **3. Sick Leave**

- a. Accumulation:
  - i. Full time employees are eligible for six sick days per year. Any employee that has not used any sick time during the preceding year shall be credited with two additional sick days.
  - ii. Sick days may be accumulated to a maximum of 200 days.
- b. Conversion of Sick Days to Wages - Full time employees shall be entitled to convert accumulated sick leave days to wages in blocks of ten days subject to the following regulations:
  - i. For every ten days converted, employees will be compensated for five days at the current rate.
  - ii. Employees must maintain a minimum of twelve accumulated sick days after the conversion.
  - iii. Employees shall notify their superior in writing of their intent to convert sick leave at least thirty days in advance. Payment for the days converted shall be included in the first regular payroll after the thirty days have elapsed.
- c. Sick Leave of Absence
  - i. The Town may require a physician's certificate for any absence of more than three consecutive days. Where the illness or disability is of an extended duration, a physician's certificate shall be required for each thirty days of continuous absence. In any case, the Town may require an examination by a physician of the Town's choosing and at the employee's expense. Employees shall not be reimbursed for mileage in connection with this provision.
  - ii. Where an employee has demonstrated a pattern of sick leave use, the employee shall be counseled by a representative of the Town, and shall be notified in writing that the employee may be required to provide a doctor's certificate for each absence if the pattern of sick leave continues.

## **4. Personal Time**

- a. Full time employees shall be eligible for three personal leave days per year.
- b. Personal leave days shall not be carried over to the following year.
- c. The employee shall make every effort to request personal leave at least 24 hours in advance.

## 5. Vacation Time

a. Full time employees earn paid vacation based on years of service with the Town of Copake as follows:

After one year of service	1 week vacation
After two years up to ten years of service	2 week vacation
After ten years up to fifteen years of service	3 week vacation
After fifteen years and longer	4 week vacation

b. Vacation time shall not be carried over from one year to the next.

c. When an employee leaves service to the Town of Copake, he/she is entitled to compensation for any unused vacation time. An employee terminated for cause shall not be eligible for compensation of unused vacation time.

## 6. Holidays

a. Full time employees are entitled to the following 11 paid holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and the day after, and Christmas Day. **(Amended June 9, 2022)**

b. Holidays falling on Saturday will be observed on the preceding Friday, and holidays falling on Sunday will be observed on the following Monday.

## 7. Maternity Leave

In accordance with the Federal Pregnancy Act of 1978, pregnancy is to be considered a disability and therefore will be extended the same benefits and be subject to the same policies as any disability.

## 8. Military Leave

a. Training:

- i. Any full-time employee called for Armed Forces Reserve shall be excused from work for the duration of his service.
- ii. The employee shall receive the difference between his/her regular pay and his/her reservist pay provided that the employee presents an official statement of reservist pay received. The differential shall apply only to the normal scheduled work period.
- iii. The employee shall continue to accrue benefits during absence, except for reserve service duration longer than two weeks.
- iv. In instances of National Mobilization, accrued benefits shall continue up to thirty days.

b. Active Duty

- i. A full-time employee shall be granted a formal leave of absence without pay for periods of extended active duty. A copy of military orders directing this duty shall be filed with the Town supervisor and placed in the employee's personnel file.
- ii. The employee must make application for reinstatement upon release from active duty within the period specified by current federal law if he/she seeks re-employment.



## **9. Leave of Absence - Other than Sick Leave**

- a. Employees may request of their immediate supervisor, in writing, a leave of absence for up to one month and renewable for up to three months, subject to Town Board approval. Except as provided below, a leave of absence shall be without pay.
- b. Employees may utilize any accumulated vacation or personal leave days for a leave of absence with pay up to the accumulative leave granted. If the reason for the leave is the employee's illness or that of an immediate family member, then accumulated sick leave may be used; however, the employee must obtain a doctor's certificate as set forth in paragraph 4, above.

## **10. Family and Medical Leave Act of 1993 (FMLA)**

It is the policy of the Town of Copake to meet the requirements of the Family and Medical Leave Act of 1993.

## **11. Jury Duty**

Jury Duty is considered a mandatory service to the community, state and nation and is of such infrequent nature that employees are not to be penalized. Length of jury service shall be determined by the applicable court.

Compensation paid shall equal the full-time employee's base salary for the period in question, less any payments received from the applicable court for such service, not to exceed one week's pay for the normal work schedule. The employee shall present an official statement of pay received from the court.

## **D. Travel**

1. The Town vehicle shall be used for official Town business.
2. Use of the Town vehicle shall be scheduled in advance through the Town Clerk.
3. A log book shall be kept in the Town vehicle. Every time the vehicle is taken on the road, the trip shall be recorded in the logbook including: date, time out, destination, purpose of the trip, mileage, and time the vehicle is returned to the Town Hall.
4. Employees that use their own vehicle when the Town vehicle is available shall not be reimbursed for mileage.
5. Employees that use their own vehicle when the town vehicle is not available, for town business may be reimbursed at the current IRS rate for mileage, subject to the approval of the Town Supervisor.
6. Reimbursement shall not include mileage from the employee's home to work or return home. All distances shall be computed from the employee's place of work to destination and return to place of work.
7. In the event that an employee leaves directly from home to travel for Town business and this distance is shorter than from the place of work to the destination, the employee shall be reimbursed for the lesser mileage.
8. All requests for mileage reimbursement shall be made on the appropriate voucher, available from the Town Clerk, and shall include: date of travel, destination, purpose of the trip and round trip mileage. The Voucher shall be signed and dated by the employee and approved by the employee's supervisor.
9. Seat Belt Policy:

- a. All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business.
  - b. In addition, passengers in vehicles operated by the Town while on town business are required to wear seat belts. Unauthorized passengers are prohibited at any time.
  - c. This requirement shall not apply to vehicles in which the manufacturer has not installed seat belts.
  - d. Town employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.
  - e. Employees found violating this policy may be subject to disciplinary action.
10. All employees must submit a copy of their driver's license to the Town Clerk in order to be enrolled in the NYS License Event Notification Service (LENS).

## **E. Drugs, Alcohol and Smoking**

**1. Drugs** (The policy of the Town with respect to drugs is set out in the Town Code, Chapter 22, and the entirety of such chapter is applicable and controlling. The following is only a summary of key provisions.)

- a. The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited on the job, at the workplace or on properties under the jurisdiction and control of the Town of Copake.
- b. Employees may be subject to civil, criminal and disciplinary penalties, including dismissal from employment, for failure to observe this policy.
- c. All employees are hereby notified that, as a condition of employment, employees are required to:
  - i. Abide by the terms of the Town drug policy, as set out in Chapter 22 of the Copake Town Code.
  - ii. Notify the Town Attorney of any criminal drug statute convictions for a violation occurring in the workplace no later than five days after the employee's conviction.
- d. An employee convicted of a drug violation occurring in the workplace may be subject to a personnel action, including termination, or may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program.
- e. In addition to complying with the provisions of Chapter 22 of the Copake Town Code, no Town employee, appointee, or official shall unlawfully consume or be under the influence of any unlawfully consumed controlled substance during such person's work hours or at such person's workplace, or while conducting Town business in any public place, building, or property under the jurisdiction and control of the Town of Copake.

## **2. Alcohol** (Town Code, Chapter 80)

No Town employee, appointee, or official shall consume or be impaired by the consumption of any alcoholic beverage during such person's work hours or at such person's workplace, or while conducting Town business in any public place, building, or property under the jurisdiction and control of the Town of Copake.

### **3. Tobacco, Cannabis, Vaping, and E-Cigarettes. (Amended August 12, 2023)**

Use of tobacco, cannabis, and similar products, including smoking, chewing, and use e-cigarettes or vaping devices, is strictly prohibited in all buildings, on all grounds, and in all vehicles owned or under the control of the Town of Copake. (Amended August 12, 2023)

## **F. Anti-Discrimination and Harassment (Amended May 11, 2023)**

### **I. POLICY**

It is the policy of the Town of Copake to provide and maintain a work environment which is free from unlawful harassment and discrimination based on sex (with or without sexual conduct), race, creed, color, religion, national origin, age, disability, sexual orientation, familial status, marital status, military status, domestic violence victim status, arrest or conviction record, genetic characteristics, gender identity or gender expression (“GENDA”), and any other class protected by law (collectively referred to as “discriminatory harassment” or “harassment”). Discrimination or harassment based on these characteristics is a form of unlawful discrimination and is a form of misconduct that undermines the integrity of the employment relationship and will not be tolerated. Accordingly, such conduct is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

As such the Town expressly prohibits any form of employee discrimination or harassment based on race, creed, color, religion, sex, national origin, age, disability, sexual orientation, familial status, marital status, military status, domestic violence victim status, arrest or conviction record, genetic characteristics, gender identity or gender expression, or an individual’s status in any class protected as stated above by applicable federal, state, or local law. Improper interference with the ability of our employees to perform their expected job duties will not be tolerated.

All employees of the Town of Copake will be expected to comply with this policy and with all applicable laws and regulations prohibiting sexual harassment and other forms of discrimination or harassment and must take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but is not limited to, verbal or written reprimand, suspension or termination.

This policy applies to all applicants, employees, and elected or appointed Town Officials of the Town of Copake, committee members, and volunteers engaged in Town activities, as well as any non-employee such as citizens, contractors, sub-contractors, vendors, consultants, interns (paid and unpaid), temporary workers, “gig” workers, or anyone providing services in the workplace.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during work trips, work meetings, and work-related social events. Harassment can occur when an employee is working remotely from home, through calls, texts, emails and/or social media.

The interpretation and administration of this policy shall be the responsibility of the Town Supervisor. This includes development of procedures for handling and investigating complaints of sexual harassment and other forms of harassment, and enforcement of appropriate sanctions for such

conduct. The Town Supervisor will disseminate information and training, in a manner that is consistent with and in furtherance of this policy. Any and all questions regarding this policy should be directed to the Town Supervisor.

## II. DEFINITIONS

- A. **Sexual Harassment** is a form of gender-based discrimination. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Under New York State law it does not need to be severe or pervasive but must be more than petty slights.

There are two main types of sexual harassment:

1. Quid Pro Quo

- Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature;
- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc.); or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.

2. Hostile Work Environment

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; however, you do not need to be the intended target of the sexual harassment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

- Spoken or written words related to an individual's sex;
- Any sexual advance that is unwelcome;
- Sexually oriented comments, gestures, noises or remarks;
- Hostile actions taken against an individual because of that individual's sex, 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;
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace;
- Physical attacks (i.e., rape, sexual battery, etc.);
- Physical acts of a sexual nature (i.e., kissing, hugging, touching, etc.);
- Offensive touching, patting or pinching;
- Requests for sexual acts or favors;

- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct;
- Implied or overt threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances;
- Subtle pressure for sexual activities;
- Sexually charged or explicit jokes, stories and comments;
- Leering at a person; or
- Visiting sexual or otherwise inappropriate websites or distributing the same via electronic mail.

Sex stereotyping is a form of sexual harassment and occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Sexual harassment can occur between members of the same or different gender or sex. It can occur between supervisor/supervisee, co-workers, independent contractors, vendors, clients, customers, patients, residents and/or visitors.

It is no excuse that the alleged conduct "meant no harm" or was "a joke."

## **B. Other Unlawful Harassment**

Discrimination or harassment on the basis of any other protected characteristic is also prohibited.

Prohibited discrimination or harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of his/her race, creed, color, religion, national origin, age, disability, or any of the protected statuses enumerated above, and that:

- i. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- ii. has the purpose or effect of unreasonably interfering with an individual's work performance; or
- iii. otherwise adversely affects an individual's employment opportunities.

Examples of discrimination or harassment include, but are not limited to:

- Distributing derogatory epithets, slurs, jokes, or remarks;
- Stereotyping that is derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes;
- Threatening, intimidating or hostile acts; or
- Displaying or circulating in the workplace (including through e-mail, internet, or social networking sites, such as, but not limited to Facebook, TikTok, Instagram, or

Snapchat) written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

### **III. PROCEDURE**

#### **A. Reporting Discrimination and Harassment**

1. If an individual is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this policy, they may advise the harasser that his/her behavior is not welcomed and will not be tolerated, but that is not required under this policy. This policy and state/federal law do not require that an individual tell an alleged harasser to stop his/her actions. Employees should feel free to keep written records of any alleged harassment incidents, including the date, time, location, names of people involved, witnesses (if any), and who said or did what to whom.
2. If an individual is subjected to what he/she believes to be discriminatory harassment in violation of this policy, the Town encourages the individual to file a written or verbal complaint with the Town Supervisor or their immediate supervisor.
3. In the event an employee does not feel comfortable filing a complaint internally to the Town Supervisor or their immediate supervisor, they may submit a complaint to the Deputy Town Supervisor or Town Board.
4. Any employee that witnesses harassment as a bystander is encouraged to report it to the Town Supervisor. Any supervisor or manager who is a bystander to harassment is required to report it to the Town Supervisor.

#### **B. Investigation Process**

1. All harassment complaints, whether reported verbally or in writing, will be investigated as promptly as possible and resolved within a reasonable time after the receipt of the complaint. The Town will coordinate an investigation of the complaint, and, as part of the investigation, will collect relevant documents and/or records to be reviewed. Interviews will be conducted with all parties involved, including any relevant witness/witnesses.
2. Following the investigation, a written report of the Findings and Conclusions shall be issued by the investigator to the Town Supervisor. In the event the complaint is against the Town Supervisor, the Findings and Conclusions shall be forwarded to the Deputy Town Supervisor. All information gathered during an investigation of a harassment complaint will be handled in a confidential manner, to the extent possible. The documents and interviews of employees will be maintained in a secure location.
3. Based upon the Findings and Conclusions of the investigation, a Determination on the complaint will be issued by the Town Supervisor and/or the Town Board as may be appropriate. Thereafter, the Town Supervisor will communicate the results back to the complainant and the Town Board. In the event the alleged harasser is also an

employee, they will also receive notification of the results of the investigation from the Town Supervisor.

#### IV. RETALIATION

1. No person covered by this Policy shall be subject to adverse action for reporting incidents of harassment or discrimination, assisting in any investigation of such a complaint or testifying in a proceeding involving sexual harassment or discrimination.
2. Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is strictly forbidden.
3. Retaliation is a form of misconduct.
4. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this policy.
5. Employees who retaliate against other employees who complain about discrimination or harassment and/or participate in an investigation of discrimination or harassment will be subject to disciplinary action.
6. Individuals subject to this policy who believe they have been subject to retaliation should immediately reports same to the Town Supervisor, unless the allegation is against the Town Supervisor, then to the Deputy Town Supervisor.

#### V. MISCELLANEOUS

1. In the event a complaint of discriminatory harassment is determined to be founded, the Town will take appropriate disciplinary action in accordance with employer policies and procedures, and the provisions of state law.
2. This Policy does not preclude the filing of harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law, including any applicable local laws. (See VII below) File your complaint as soon as possible as some time limitations may preclude bringing an action in certain forums. The following is contact information for the New York State Division of Human Rights. **General inquiries may also be directed to [info@dhhr.ny.gov](mailto:info@dhhr.ny.gov) and local offices are also available at [infoAlbany@dhhr.ny.gov](mailto:infoAlbany@dhhr.ny.gov).** The following is contact information for the Federal Equal Employment Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov).

#### VI. RESPONSIBILITIES OF MANAGERS/SUPERVISORS

1. All managerial and supervisory personnel and elected or appointed Town Officials of the Town of Copake shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment, retaliation and their effects. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

2. All managerial and supervisory personnel who witness harassment or any violation of this policy are required to report it. Failure to report may result in disciplinary action.
3. All managerial and supervisory personnel who receive discriminatory harassment complaints will be responsible for immediately forwarding such complaints to the Town Supervisor.
4. The Town will conduct annual training for personnel on the issues surrounding discriminatory harassment, its effects and its appearances, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.
5. The Town shall distribute this Policy to all employees and all others covered by its parameters. Copies of this Policy will be distributed to new employees as they are hired and provided at each annual training.
6. Copies of this Policy will be conspicuously posted.

## **VII. LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

### **1. State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, §290 et seq., applies to all 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 the Division of Human Rights (DHR) or in New York State Supreme Court.

If you believe that you have been sexually harassed, you can file a complaint with the New York State Division of Human Rights. The statute of limitations for filing a sexual harassment complaint with DHR is three years.

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

Complaining internally to the Town does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, 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 of monetary damages, attorney's fees and civil fines.

Individuals experiencing sexual harassment in the workplace may call the DHR hotline to seek counsel relative to issues of workplace sexual harassment at 1-800-HARASS-3, Monday through Friday, 9:00 AM to 5:00 PM. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (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 for DHR's regional offices across New York State.

## 2. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. §2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. 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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), 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.

## 3. Contact the Local Police Department

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

## **G. Workplace Violence Prevention Policy & Incident Reporting**

The Town of Copake is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Copake property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that *is* designed to identify the workplace violence hazards our employees could be exposed to. Other tools that *are* utilized during this process include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in *a periodic* Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Copake has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Copake *will* provide counseling services or referrals for employees.

All Town of Copake personnel are responsible for notifying their designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

## **VII. FINANCIAL**

### **A. Procurement**

Procurement of goods and services will be done in conformity with applicable New York State Law and the Town of Copake Procurement Policies and Procedures, as amended from time to time, a copy of which is included in the Appendices. (Amended November 10, 2022)

### **B. Credit Card Policy**

The Town of Copake maintains a policy that any Town credit cards *shall only* be used in instances where purchases are unable to be completed through normal vendor relationships. Credit cards shall be the individual responsibility of the Town Supervisor.

- a) a. The credit limit on the Town credit card, established with the card issuer, shall be set by Resolution of the Town Board, and shall not be changed except by Resolution of the Town Board. Use of the credit card shall not exceed the card credit limit.
- b) In addition, neither the amount of any single transaction nor the balance on the card shall exceed two thousand five hundred dollars (\$2,500.00), except that such limits may be temporarily increased in the case of an emergency, not to exceed the card's established credit limit, upon prior approval of a majority of the Town Board members. Such approval shall be in writing, including email, and shall not require the convening of a meeting of the Board.
- c) The card in use shall be imprinted with the name of the Town Supervisor.
- d) The single credit card shall be locked in a designated file or drawer in the office of the Town Supervisor.
- e) Every purchase or transaction using the credit card must be approved and authorized in advance by the Supervisor.
- f) Telephone or online transactions shall be executed by the Supervisor or Town Clerk.
- g) In the event it is necessary to use the card for an in-store purchase or transaction outside of the Town offices, a Town officer or employee designated by the Supervisor may be provided written authorization from the Supervisor to sign for the off-premises transaction.
- h) Expenditures using the credit card shall be subject to the same Town policies and Resolutions governing the expenditure of Town funds by check or other means, including the departmental expenditure limits permissible without prior Town Board approval.
- i) Town credit cards shall be used only in instances where purchases are unable to be timely completed through the issuance of an invoice and payment by check, which could include an online or in-store transaction, or where the time delay in paying by check would increase the cost to the Town or cause a delay in obtaining a good or service to the detriment to the Town.
- j) In every use of the credit card, a printed, itemized receipt shall be immediately returned to the Supervisor and a copy promptly provided to the bookkeeper.
- k) The bookkeeper shall submit to the Town Board for approval a reconciled monthly credit card statement with supporting receipts in a timely manner so as to not incur any finance charges or other penalties.

**(Amended January 14, 2021)**

### **C. Donations**

Donations, in any amount, shall not be accepted by the Town from individuals or organizations with whom the Town is in litigation or considering applications or proposals for zoning variances, subdivisions, site plan approvals, contracts, employment, or any other action which might be influenced, or might appear to be influenced, by the acceptance of such donation. This does not apply to hunting and fishing licenses or other routine "in compliance" permit applications.

### **D. Financial Reporting**

Financial Reporting serves as the link between a local government's financial information and the government's numerous, varied users they are designed to serve. Section 30 of the General Municipal Law of the State of New

York requires every municipal corporation to annually make a report of its financial condition to the Comptroller. The report shall be made and certified by the chief fiscal officer, the Town Supervisor in Copake, and be filed within 60 days after the close of the fiscal year, December 31, in Copake. The report is a fund-by-fund presentation in a format prescribed by the New York State Accounting and Reporting Manual: <http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#arm>.

## **1. Annual Budget**

Based on submission of estimates submitted by department heads and committee chairs by September 20, the tentative annual budget is prepared by the Town Budget Officer and filed with the Town Clerk by September 30 of each year. The tentative budget must then be presented to the Town Board by October 5, at which time any revisions are made. The tentative budget then becomes the preliminary budget, which is filed with the Town Clerk and copies are made available to the public. After public notice at least five days prior, a public hearing on the preliminary budget is held by the Town Board, which hearing can be adjourned up to November 15. The preliminary budget can then be amended and shall be adopted by resolution of the Town Board no later than November 20. The Town Clerk then files copies with the County.

## **2. Annual Accounting by Town Officers and Employees**

- a. **Whereas**, the Town Board is required to conduct an annual accounting of funds received or disbursed by town officers and employees, the Town Board, as soon as is reasonably feasible following the conclusion of the fiscal year, will review and audit, or have reviewed and audited by a qualified outside auditor, the books and records, and supporting documentation, of the Town Supervisor, Town Clerk and Town Tax Collector and the books and records, and supporting documentation, of the Building Department, Zoning Board of Appeals, Planning Board and Town Court, and make comments regarding the quality of the Town's financial management process and underlying books and records, and suggest ways to improve the financial management process of the Town. **(Amended March 12, 2020)**
- b. In addition, the Town Board shall examine the criminal and civil dockets of each Town Justice and shall cause to be entered in the minutes of its proceedings that such dockets have been duly examined and that the fines and fees therein shown to have been collected have been turned over to the proper officials as required by law.
- c. Each Town officer, employee and appointee, including the Parks Commission Chair, and excluding the Town Justices, at the time of submitting his/her books and records, shall file with the Town Board a statement in writing showing his receipts and disbursements for the fiscal year. Such statement shall be in detail and shall be entered in the minutes of the meeting by the Town Clerk.
- d. The provisions of this section requiring an annual accounting and the submission of books and records by all Town officers and employees to the Town Board shall not apply if Copake has retained a Town Comptroller or prior to the 20th day of January, shall have engaged the services of a certified public accountant or public accountant to make an annual audit to be completed within 60 days after the close of the Town's fiscal year.
- e. Notwithstanding anything herein contained, the Town Board, at any time, may require any Town officer or employee to submit to the Board or to such certified public accountant or public accountant for examination his books, dockets, records, receipts, warrants, vouchers and cancelled checks or check images as authorized by Sect. 99-6 of the General Municipal Law.

### **3. Agency Funds**

Agency Funds are assets held by the Town in a custodial capacity. It is the policy of the Town to maintain oversight of these assets in order to ensure their proper administration. When the Town requires a deposit of funds to ensure performance and/or payment of an obligation, the obligation is described in a signed written agreement.

In order to ensure proper administration and monitoring of these funds, it is the policy of the Town to require the following:

- a. The agreement shall be entered into by the department head and the provider. Funds shall be released as described in the agreement. Requests for release of funds shall be approved in writing by the department head and then sent to the bookkeeper for processing.
- b. The Budget Officer shall provide to the Town Board at its December meeting, a summary of the Agency Fund agreements for which the Town holds funds and the status of each Fund balance as of the meeting date.
- c. An addendum to the Town's Annual Audit shall include a summary of the Agency Fund agreements for which the Town holds funds and the status of each Fund balance as of the audit date.

### **4. Annual Audit Policy**

The Annual Fiscal Audit of the Town of Copake is required to ensure fiscal responsibility and prudence in the stewardship of the monies of the taxpaying public in the township. The Annual Audit will be conducted by a Certified Public Accountant, and the scope of the Audit will include, but not be limited to the following, subject to Generally Accepted Accountancy Practices:

- a. Review and evaluate the soundness, adequacy and application of accounting, financial and other operating procedures to promote effective controls at reasonable costs.
- b. Review and test compliance with statutory, regulatory, and internal policy requirements.
- c. Determine the extent to which resources are used efficiently and effectively.
- d. Evaluate the timeliness, reliability, and usefulness of institutional records and reports.
- e. Determine the extent to which assets are accounted for and safeguarded from loss.

Upon completion of the Annual Audit, the findings will be documented in a management letter that will be sent to the Town Supervisor and each Town Board Member upon completion of audit. The completed report shall be made available to any person requesting a copy.

### **5. Audit Review**

In addition to the Annual Financial Audit described above, the Town may hire an outside CPA to review the previous three years of annual audits, as it deems necessary.

### **E. Online Transfers**

The Town of Copake performs transfers among accounts at one bank. It does not pay bills online or do other types of online transactions. The online transfer agreement with the bank must comply with statutory requirements in General Municipal Law (GML) section 5-a. The ability to execute online transfers should be restricted to employees in the Supervisor's office, which shall include the Deputy Supervisor. Authorization of any person other than the supervisor to make online transfers or otherwise utilize online banking services should be granted

by approval of a majority of town board members who cannot execute transfers or handle cash in any other capacity.

#### **F. Payroll Policy**

The Payroll shall be prepared based on the Time Clock records. Where an hourly employee performs works outside of Town Offices and therefore does not utilize the time clock, the employee shall submit a timesheet and the Town officer having direct supervision of that employee shall certify that the services indicated on the timesheet were actually performed. All employees are paid at Town Board approved rates for their services.

The payroll processing company should return payroll checks to the Town unsigned. The Supervisor (or in the absence of the Supervisor, the Deputy Supervisor) should sign payroll checks after the checks have been compared to the payroll registers. **(Amended March 12, 2020)**

#### **G. Fuel Billings**

Fuel billings should be accurate, timely, posted to the receivables account and collected in an efficient manner. The Board should formally assign responsibility for monitoring fuel account balances.

(See procedure in Appendices)

#### **H. Claims Processing**

The Board should develop detailed procedures to guide and govern the processing of claims against the Town. Procedures should require that all claims be sufficiently supported and properly approved prior to payment.

(See procedure in Appendices)

#### **I. Avoidance of Late Fees.**

In order to avoid incurring late fees, and in addition to the payment of utility, postage, and freight claims authorized for pre-audit payment, the supervisor is authorized to pay bills not to exceed five thousand dollars (\$5,000) without prior approval of three board members if necessary to avoid incurring a fee, provided that the supervisor provides prior notice by email to all Board members of the amount to be paid and the recipient vendor. Town Board approval of the voucher shall be obtained as soon as is reasonably possible, but no later than the next Town Board meeting. **(Amended March 12, 2020)**

#### **J. Countersigning of checks.**

Checks in amounts less than ten thousand dollars (\$10,000) may be issued with a single signature of the Supervisor or Deputy Supervisor. Any check in the amount of ten thousand dollars (\$10,000) or more shall be countersigned by both the Supervisor and Deputy Supervisor. In the event two signatures are required and either the Supervisor or Deputy Supervisor is unavailable to countersign such a check, any Town Board member is authorized to provide the second signature. **(Amended March 12, 2020)**

#### **K. Deposits and Investments. (Amended April 13, 2023)**

Deposits and investments of financial resources of the Town of Copake shall be undertaken in conformity with applicable New York State Law and the Town of Copake Investment Policy, as amended from time to time, a copy of which is included in the Appendices.

## **VIII. EMERGENCY MANAGEMENT**

The Supervisor of the Town of Copake is responsible for the conduct of disaster operations within the Town. The Supervisor shall use any and all facilities, equipment, supplies, personnel and other resources of the Town as may be necessary to respond to an emergency situation.

The Supervisor shall direct the activities of all agencies within the Town against the effects of an emergency in conformance with the approved plans for the rescue and relief of its residents, a recovery and the rehabilitation of the community. The Supervisor will use the services of the Emergency Operations Center and its staff for implementation of necessary measure to manage the emergency operation.

## **IX. INFORMATION TECHNOLOGY**

### **A. Computer Backups**

#### **1. General**

The Town of Copake has subscribed to Carbonite, a remote backup service, to backup their financial system and general operating computers Data is encrypted and individual files can be restored quickly. In the event of a catastrophic failure, backed up files can be shipped on a portable hard drive.

The financial system (BAS) is backed up daily to Carbonite.

The Tax Collector system is backed up daily to BAS.

The Court system backup is the responsibility of the Unified Court System.

#### **2. Carbonite Backup Testing**

Bi-weekly the town clerk will check to see that the remote backups are executing as scheduled for the financial system and miscellaneous employee files. At least annually the Town Clerk will test each computer to assure that backup files will restore properly.

#### **3. Financial System Testing**

The financial system (BAS) backup must be tested by the software vendor. At a minimum the software vendor should test the backup after each major software upgrade. To validate the results the budget officer will run top level financial reports on the active version and the backup restored version and compare the results.

### **B. Breach of Notification**

#### **1. Risks**

The records most at risk for loss of personal information include hardcopies of employee records, hardcopies of town clerk records and vendor records in the financial system.

## **2. Risk Avoidance**

The Town Clerk will delete obsolete records with confidential information that need no longer be maintained on the main system and store on securely stored media if necessary to meet FOIL requirements.

## **3. Response**

If a breach of private information is discovered the Town Clerk will notify all affected parties in writing.

## **C. Remote Access**

Individuals can only be provided remote access as approved by the Supervisor in writing.

Remote access must be granted using remote access software, e.g. Log Me In, which is licensed to the Town. Remote access may not be granted on the accessing party's remote access software license. Employees are not allowed to use personal software to log into town computers.

## **D. Virus Protection**

Self updating virus protection must be installed on all computers.

## **E. Technology Resources User Access Policy**

Technology resources are key assets of the Town of Copake. They are essential to the performance of Town business and are a part of the daily work of most employees. The Technology Resources User Access Policy in the Appendices to this policy manual sets standards for the use and protection of data and information in these technology resources. The policy applies to all employees of the Town as well as to any other individuals, including consultants, interns, temporary employees and vendors (collectively "other Users") who have authorized access to these technology resources. It shall be the responsibility of every employee and other User of Town Technology Resources to know and comply with this policy, and to sign the User Acknowledgement and Acceptance form.

## **X. AMERICANS WITH DISABILITIES ACT**

It is the policy of the Town of Copake to meet the requirements Title II of the Americans with Disabilities Act as it applies to State and local governments, including towns and townships. The Act prohibits discrimination on the basis of disability in all services, programs and activities provided by towns.

The Town of Copake will comply with the Act as interpreted in the ADA Guide for Small Towns dated April, 2000.

The Town Code Enforcement Officer will be the designated ADA Compliance Officer.



## APPENDICES

### A. Town of Copake Policy Manual Employee Signature Form

I, \_\_\_\_\_,

*(Print name.)*

have received a copy of the Town of Copake Policy Manual.

Name of relatives currently employed by the Town of Copake:

Name	Relation	Department
------	----------	------------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
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_____	_____
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\_\_\_\_\_

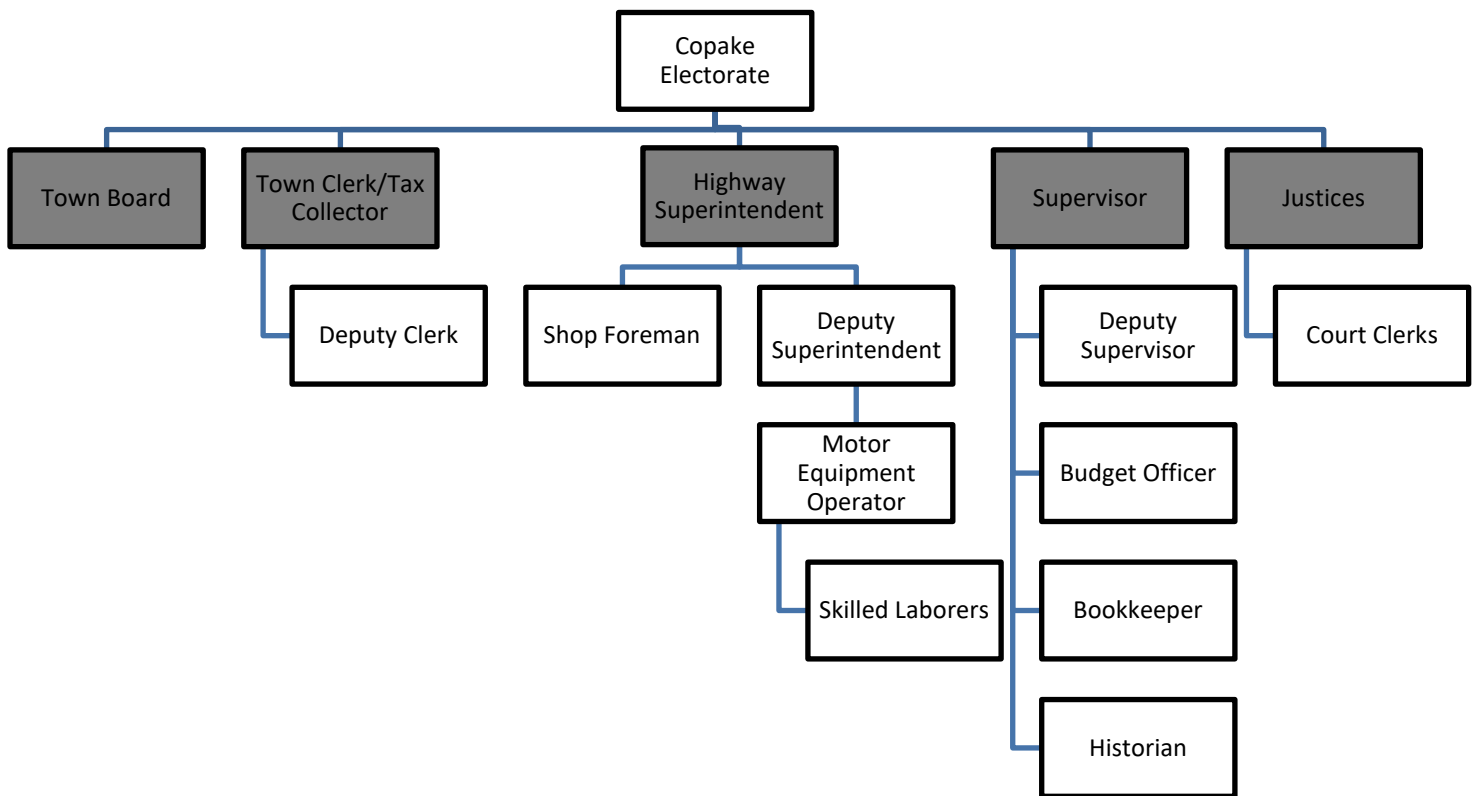
Town

Clerk

## B. Elected Positions Organization Chart

As of February 11, 2016

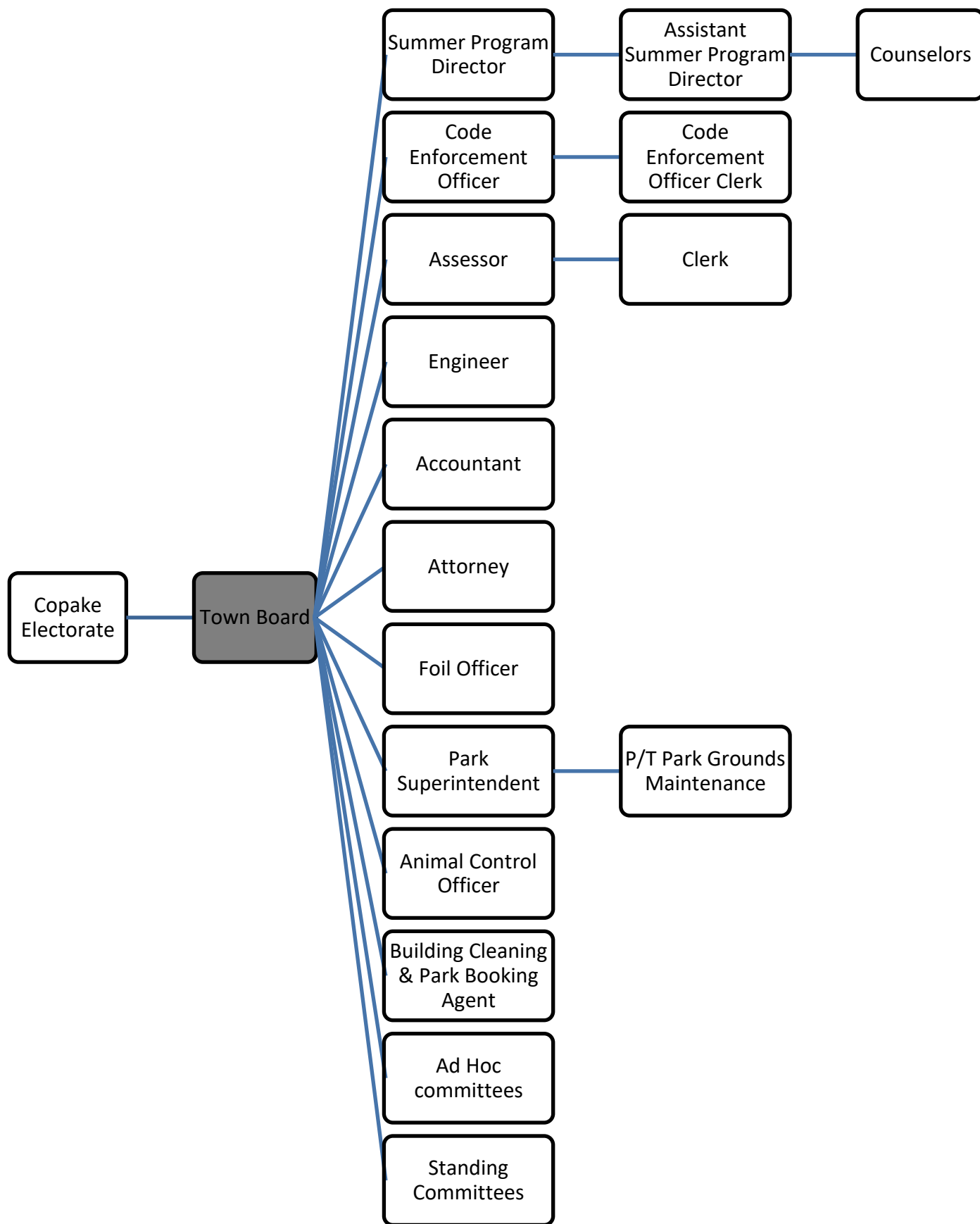
Elected Positions (in gray) and Appointments of Justices, Town Supervisor, Town Clerk and Highway Superintendent



## C. Town Primary Organization Chart

As of February 11, 2016

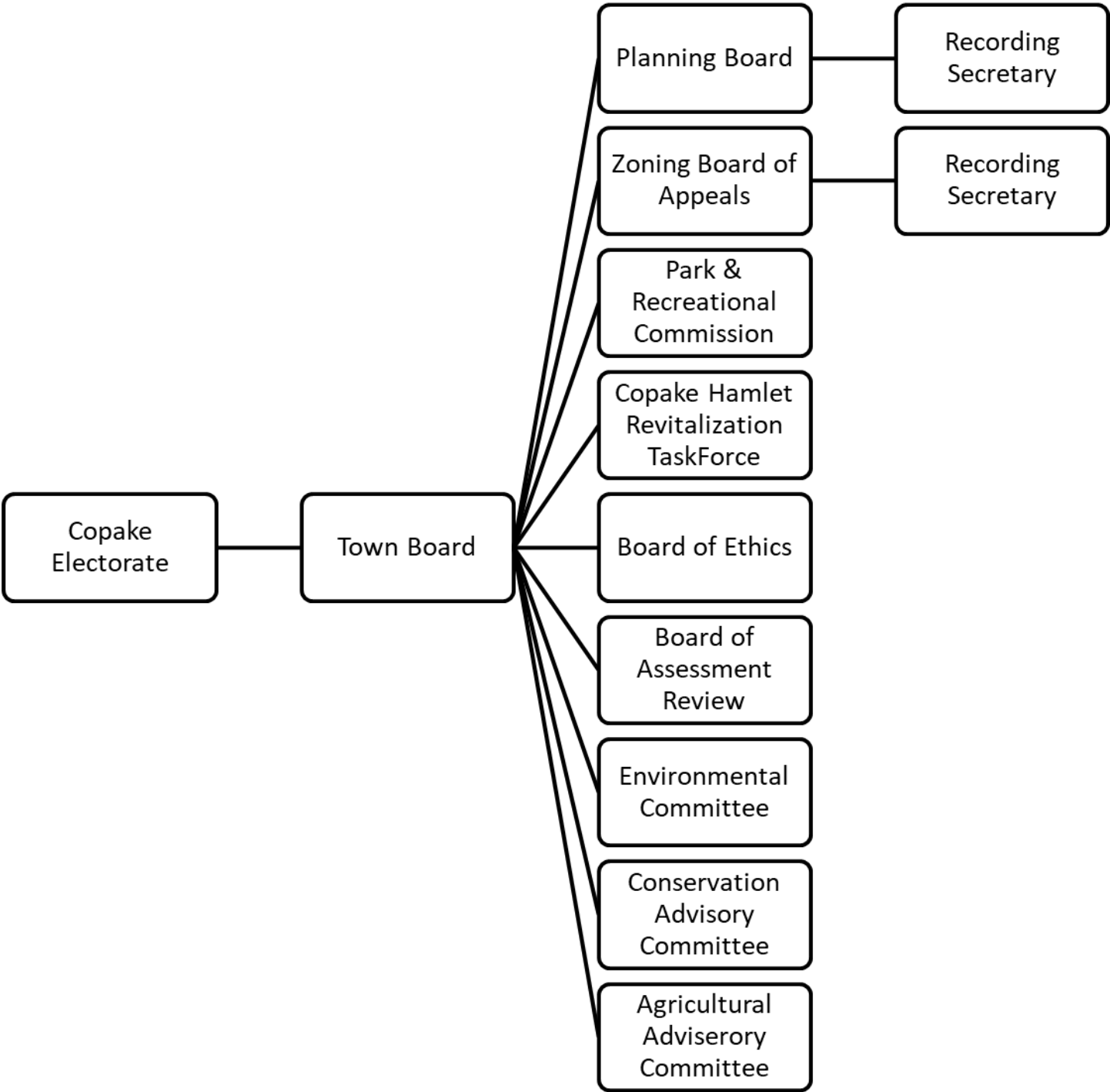
Elected Positions in gray



D. Town Board Standing Committees Organization Chart

As of February 11, 2016

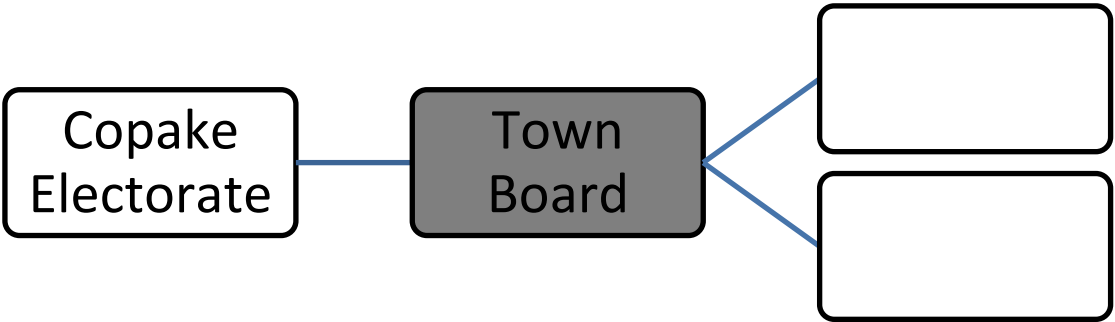
Elected Positions in gray



E. Town Board Ad Hoc Committees Organization Chart

As of February 11, 2016

Elected Positions in gray



## **F. Town of Copake Workplace Violence Prevention Policy & Incident Reporting Form**

The Town of Copake is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Copake property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the workplace violence hazards our employees could be exposed to. Other tools that are utilized during this process include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in *a* periodic Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Copake has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Copake will provide counseling services or referrals for employees.

All Town of Copake personnel are responsible for notifying their designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

### ***Designated Contact Person:***

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

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

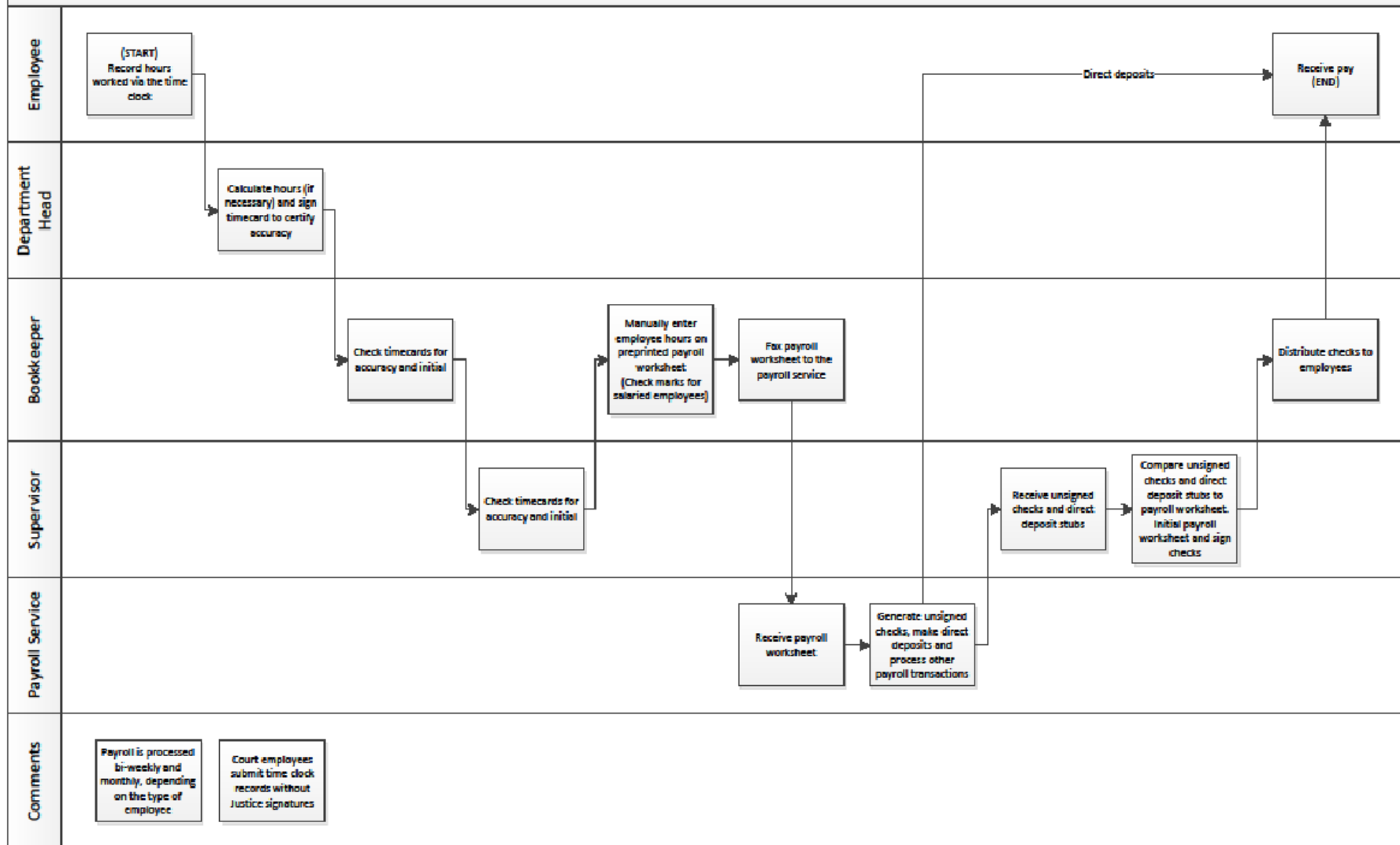
***Department:*** \_\_\_\_\_

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

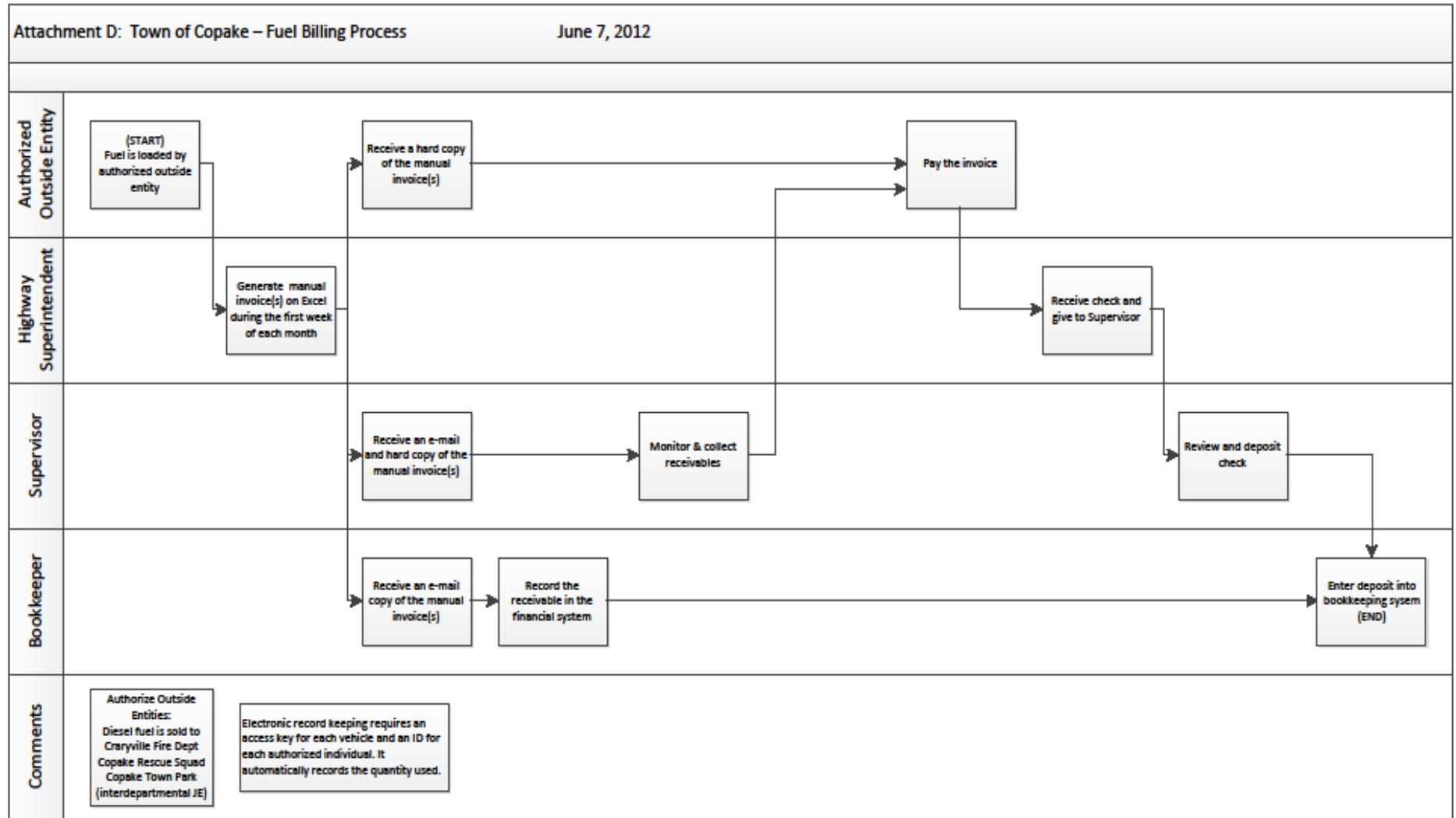
***Location:*** \_\_\_\_\_

## G. Payroll Procedure

Attachment C: Town of Copake Payroll Processing June 5, 2012

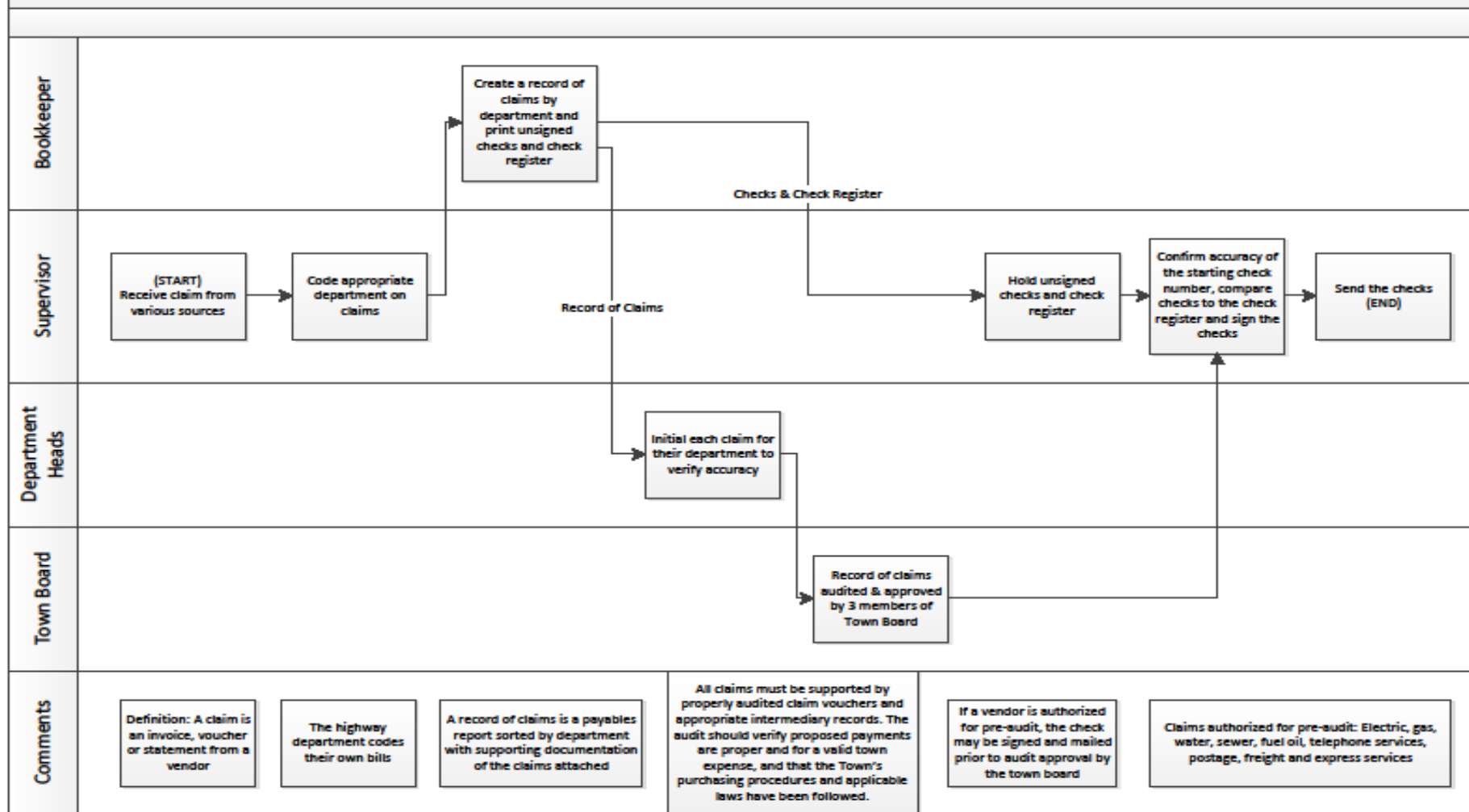


## H. Fuel Billings Procedure

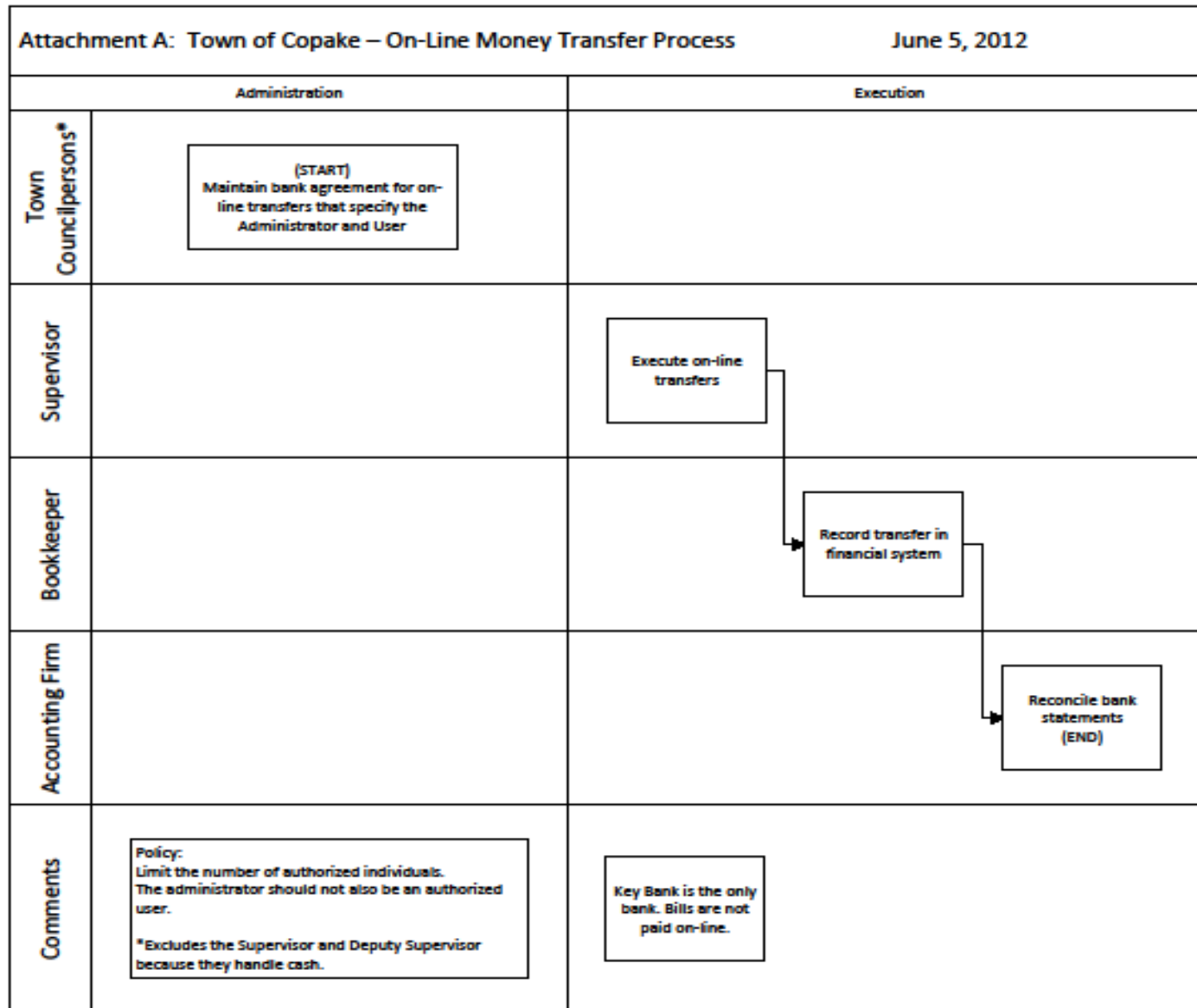




## **I. Claims Processing Procedure**



## J. On-Line Transfers



## **K. Town of Copake Technology Resources User Access Policy**

**Version 1.1 dated *December 9, 2012***

### **1. Purpose**

Technology Resources are key assets of the Town of Copake (“Town”). They are essential to the performance of Town business and are a part of the daily work of most employees. The Town provides these technology resources which include, but are not limited to, desktop computers, laptop computers, electronic mail (“e-mail”) User accounts, databases, equipment, software, networks and connections to the Internet/Intranet services, Wireless Infrastructure/devices (“WiFi”), desk phones, cellular phones, Blackberry devices, copy machines and fax machines (collectively “Town Technology Resources”).

The purpose of the policy is to set standards for the use and the protection of data and information in these technology resources. The policy applies to all employees of the Town as well as to any other individuals, including consultants, interns, temporary employees and vendors (collectively “other Users”) who have authorized access to these technology resources. It shall be the responsibility of every employee and other User of Town Technology Resources to know and comply with this policy and sign the User Acknowledgement Acceptance Form.

The protection of these Town assets is critical. Effective security is a team effort involving the participation and support of every employee and other User who has access to data and information in any of the resources. Inappropriate use of these resources exposes the Town to risks including virus attacks, system compromises, interruption of services and potential liability to third parties.

### **2. Authorized Use of Town Technology Resources; Establishment of Internal Procedures to Obtain Authorized Access**

Town Technology Resources are owned or licensed by the Town. Employees or other Users may be authorized to use Town Technology Resources in the performance of their assigned work responsibilities and duties for Town business purposes.

When authorized to use Town Technology Resources, employees or other Users must take every effort to ensure the security, safety and maintenance of that resource. In addition, employees or other Users shall use Town Technology Resources, such as a cellular phone or Blackberry device, in accordance with New York State law when operating a motor vehicle.

Employees and other Users are prohibited from connecting any other technology resources, including equipment or software, to Town Technology Resources without approval by the Town Supervisor.

The Supervisor shall develop and establish internal procedures to obtain authorized access to Town Technology Resources which shall be followed by all Department Heads, employees and other Users.

### **3. Prohibited Use of Town Technology Resources**

Employees and other Users are required to conduct themselves lawfully and appropriately in the workplace and are prohibited from using the Town's Technology Resources for activities that are unauthorized by this policy. Prohibited use of Town Technology Resources includes, but is not limited to, the following:

- (i) Any use of the Town's Technology Resources for any non-business purposes that could cause congestion, delay, or disruption of service to any of the Town's Technology Resources. For example, electronic greeting cards, entertainment software or games, gambling, streaming media (video), sound, digital images large computer file attachments or other continuous data streams can degrade the performance of the entire network.
- (ii) Any use of the Town's Technology Resources as a staging ground or platform to gain unauthorized access to other systems or in furtherance of unauthorized computer use (i.e., "hacking").
- (iii) Any use of the Town's Technology Resources in the creation, copying, transmission, or retransmission of chain letters, petitions or other unauthorized mass mailings regardless of the subject matter.
- (iv) Any use of the Town's Technology Resources for the creation, downloading, viewing, storage, copying, or transmission of any data and/or information that is: illegal; obscene; sexually explicit or sexually oriented; hate speech; threatening; defamatory; known to be fraudulent or ridicules others on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation.
- (v) Any use of the Town's Technology Resources for furtherance of a non-Town business or non-Town employment, including, without limitation, consulting for pay, sales or administration of business transactions or the purchase or sale of goods or services.
- (vi) Any use of the Town's Technology Resources to engage in any outside fund-raising activity, endorse any product or service, participate in any lobbying activity, or engage in any union related or political activity.
- (vii) Any use of the Town's Technology Resources to post Town information to external newsgroups, bulletin boards or other forums without express authorization by the Town Supervisor.
- (viii) Any use of the Town's Technology Resources in the unauthorized acquisition, use, reproduction, transmission, or distribution of any data and/or information, software, including without limitation: private or confidential information about any individual, business or other entity including, but not limited to, medical information; data and/or information that is copyrighted, patented or trademarked or has otherwise legally protected intellectual property rights; and proprietary data or software.
- (ix) Any unauthorized modification of the Town's Technology Resources, including, but not limited to, loading personal software or making configuration changes.
- (x) Any use of the Town's Technology Resources in violation of any federal, state or local law or regulation.
- (xi) Copying any non-public information from Town records is not permitted.

### **4. Incidental Personal Use of Town Technology Resources**

The Town acknowledges that its Technology Resources are valuable and useful to an employee or other User for the conduct of Town business. Incidental personal use of Town Technology Resources is permitted provided that

such use is in a limited amount and duration and does not interfere with the employee's assigned work responsibilities and duties.

Use of the Town's Technology Resources is only a privilege and may be revoked or limited at any time. This privilege does not create a right for an employee or other User to use any Town Technology Resources for non-Town purposes. An employee has no entitlement to accumulate time to use the Town Technology Resources for personal purposes. Incidental personal use of the Town's Technology Resources is at the sole risk of the employee and the employee acknowledges that the Town is not responsible for such personal use.

Employees and other Users are responsible to ensure that they are not giving the false impression that they are acting in their official capacities as Town employees when they are using the Town's Technology Resources for non-Town purposes. If there is a possibility that such a personal use could reasonably be interpreted as made on behalf of the Town, the employee or other User may not use the Town's Technology Resources.

## **5. No Privacy in Data files, E-mail Communications, Internet Use and other**

### **Use of Town Technology Resources; Right to Access, Monitor, Retrieve and/or Duplicate; Disclosure as Town Record**

Employees and other users should be aware that the data files and e-mail communications created and/or maintained on Town Technology Resources are neither private nor confidential. Employees and other Users have no right or expectation of privacy in any data files, e-mail communications, Internet use or other use of Town Technology Resources. The Town, through its Supervisor or his/her designee, has the unrestricted right to access, monitor, retrieve and/or duplicate all data files written or stored on the Town's Technology Resources at any time and for any reason, including all e-mail communications sent or received and any websites visited by an employee or other User.

All data files and e-mail communications created and/or maintained on Town Technology Resources are a Town record and shall be the property of the Town. In addition, as a Town record, any data files or e-mail communications are subject to disclosure to law enforcement or government officials or to other third parties through requests under the New York State Freedom of Information Law or other legal process.

## **6. Use of Passwords as Identification**

Passwords do not imply privacy, but are a means to identify users of Town Technology Resources. Each person must be positively identified prior to being able to access or use the Technology Resources. Positive identification for use of Town Technology Resources involves a User-ID and a password both of which are unique to the person. Upon employment with the Town, the Supervisor's designee shall provide the User-ID and an initial password at the formal request of the Department Head.

Although there is no privacy interest or confidentiality in the use of Town Technology Resources, employees and other Users should not permit access to any Town Technology Resource authorized for their use to any other person. In addition, passwords must not be shared with other employees, except to the appropriate Department

Head or designee upon request. Every employee or other User shall be accountable for the use of any Town Technology Resources assigned to them.

The Supervisor must be informed of any actual or suspected unauthorized password disclosures and shall reset the employee password upon request of the appropriate Department Head.

## **7. E-mail from Town Technology Resources**

Employees must be aware that e-mail communications from the Town's Technology Resources are visible representations of the Town. E-mail messages can be immediately broadcast worldwide and can be received by intended as well as unintended parties. Employees can easily misaddress e-mail communications, and receiving parties can forward e-mail messages to other persons without the original sender's permission or knowledge. Consequently, employees must assume that whatever they write may at some time be made public. Employees must use the Town's Technology Resources in a legal, professional and responsible manner.

## **8. Social Networking and other Web 2.0 Technologies; Internet Security**

Social networking and other Web 2.0 technologies can help support the Town's business purposes. However, improper uses of such Web 2.0 technologies raise security risks and the potential for damage to the Town's Technology Resources. An employee may only use Web 2.0 technologies if authorized by her or his Department Head, and/or the Town Supervisor. If an employee is authorized to use any Web 2.0 technologies, such employee shall adhere to this policy.

In addition, an employee shall obtain authorization from the Town Supervisor or other designee before communicating on behalf of the Town. Employees are responsible for their online activities that are conducted with a Town e-mail address, can be traced to the Town's domain and/or use Town Technology Resources.

## **9. Responsibility for Compliance; Consequences for Violation**

All employees and other Users of the Town's Technology Resources shall be responsible for complying with this policy. An employee or other User who violates this policy may be subject to: (1) loss of use or a limitation on use of Town Technology Resources; (2) financial liability for the cost of such use and/or abuse; (3) formal disciplinary actions in accordance with any applicable collective bargaining agreement which may result in suspension, demotion or termination as may be appropriate; and/or (4) civil and/or criminal liability and penalties.

In addition, all employees and other Users shall be required, annually or from time to time, to sign an acknowledgement certifying that they have read and agree to comply with this policy.

## **10. Prior Executive Orders & Policies Superseded**

This new user acceptance policy supersedes any and all prior Executive Order, resolutions or policies associated with the details contained within.

**L. Procedures for Member Videoconferencing Pursuant to Public Officers Law § 103-a (Amended October 13, 2022)**

**COPAKE TOWN POLICY FOR USE  
OF TOWN TECHNOLOGY RESOURCES**  
**User Acknowledgment & Acceptance Form**

I have read and agree to comply with the Town's "Policy for Use of the Town Technology Resources". I understand that I may bring any questions I have about the policy to my supervisor or Department head, as appropriate.

I acknowledge that I am authorized to use Town Technology Resources in the performance of my assigned work responsibilities and duties for Town business purposes. I further acknowledge that incidental personal use of Town Technology Resources is permitted provided that such use is in a limited amount and duration and does not interfere with my assigned work responsibilities and duties.

I further acknowledge that all data files and e-mail communications created and/or maintained on Town Technology resources are neither private nor confidential. I acknowledge that I have no right or expectation of privacy in any data files, e-mail communications, Internet use or other use of Town Technology Resources.

I further acknowledge that the Town, through its Town Supervisor, has the unrestricted right to access, monitor, retrieve and/or duplicate all data files written or stored on the Town's Technology Resources at any time and for any reason, including all e-mail communications sent or received and any websites visited by me.

I further acknowledge that all data files and e-mail communications created and/or maintained on Town Technology Resources are a Town record and shall be the property of the Town. In addition, as a Town record, I acknowledge that these data files and or e-mail communications are subject to disclosure to law enforcement or government officials or to other third parties through requests under the New York Freedom of Information Law or other legal process.

I further acknowledge that I shall be responsible for complying with this policy. If I violate this policy, I may be subject to: (1) loss of use or a limitation on use of Town Technology Resources; (2) financial liability for the cost of each such use and/or abuse; (3) formal disciplinary actions in accordance with any applicable collective bargaining agreement which may result in suspension, demotion or termination as may be appropriate; and/or (4) civil and/or criminal liability and penalties.

\_\_\_\_\_  
Name of Employee or User (Print Name)

\_\_\_\_\_  
Signature of Employee or User

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head/Designee (Print Name)

\_\_\_\_\_  
Date



## **Procedures for Member Videoconferencing**

### **Pursuant to Public Officers Law § 103-a**

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Copake Town Board on August 13, 2022, following a public hearing, enacted **Local Law No. 3 of 2022, A Local Law to Authorize Members of Public Bodies of the Town of Copake to Participate in Meetings via Videoconference**, as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that public bodies that permit its members to participate in meetings by videoconferencing from private locations under extraordinary circumstances must first establish written procedures governing member and public attendance.

These procedures shall govern member and public attendance at meetings of the Town of Copake Town Board in which one or more members attend via videoconference pursuant to Local Law No. 3 of 2022. In addition, these procedures shall govern member and public attendance at meetings conducted under authority of Local Law No. 3 of 2022 of all other boards, committees, and commissions of the Town of Copake for which a quorum is required in order to conduct public business and which are subject to the New York State Open Meetings Law (each, and inclusive of the Town Board, as applicable, hereinafter referred to as a “governed body”). Any governed body may, however, adopt its own written procedures governing member and public attendance at meetings conducted under authority of Local Law No. 3 of 2022, providing such written procedures are at least as restrictive as these procedures in terms of member participation and compliance with N.Y. Public Officers Law § 103-a for meeting participation authorized under Local Law No. 3 of 2022.

1. Members of the any governed body shall be physically present at any meeting of such body unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances, as defined herein.
2. The term “extraordinary circumstances” as used herein means and includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. No member of a governed body shall participate via videoconferencing under the authority of Local Law No. 3 of 2022 at more than three (3) monthly meetings in any calendar year.
4. The clerk of each governed body that conducts meetings under authority of Local Law No.

3 of 2022 shall post public notice for any such meeting informing the public that videoconferencing may or will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identifying the physical location for the meeting where the public can attend. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the clerk of such governed body no later than four business days prior to the scheduled meeting, if practicable, in order to ensure that proper notice is given that the meeting may or will be conducted as authorized by Local Law No. 3 of 2022. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the clerk of the governed body shall update its notice as soon as practicable to comply with these requirements.

5. If there is a quorum of members participating at a physical location(s) open to the public, the governed body may properly convene the meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the governed body, but may participate and vote if there is a quorum of members at a physical location(s) open to the public.

6. Except in the case of executive sessions conducted pursuant to POL § 105, the governed body shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

7. The minutes of the meetings conducted pursuant to authority granted by Local Law No. 3 of 2022 shall identify which, if any, members participated by videoconferencing from a private location.

8. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town website within five (5) business days following the meeting and shall remain so available for a minimum of five (5) years thereafter.

## **M. Procurement Policies and Procedures(Amended November 10, 2022)**

### **TOWN OF COPAKE PROCUREMENT POLICIES AND PROCEDURES**

*Last Updated: November 10, 2022*

#### **Section 1. Purpose**

Goods and services which are not required by law to be procured pursuant to competitive bidding under N.Y. General Municipal Law § 103 must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Town Board of the Town of Copake has adopted these internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103 or of any other general, special or local law.

#### **Section 2. Evaluation of Purchases and Contracts**

Every prospective purchase of goods or services shall first be evaluated to determine the applicability of N.Y. General Municipal Law § 103. Every town officer, board, department head, or other personnel with the requisite purchasing authority (hereinafter referred to as the “purchaser”) shall estimate the cumulative amount of the items of supply or service needed in any given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity or service to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchasing activity.

#### **Section 3. Purchases and Contracts Governed by N.Y. General Municipal Law § 103 (Competitive Bidding)**

All contracts for public work and all purchase contracts governed by N.Y. General Municipal Law § 103 shall comply therewith.

As of the latest revision to these Procurement Policies and Procedures, N.Y. General Municipal Law § 103 generally requires (with some exceptions) that the following contracts be subject to competitive bidding:

- Contracts for public work exceeding \$35,000

- Purchase contracts exceeding \$20,000

The foregoing thresholds for competitive bidding, along with any applicable exemptions that may, from time to time, apply, are subject to potential amendment by the New York State Legislature. Accordingly, notwithstanding the foregoing, all purchasers are required to determine the competitive bidding thresholds and applicable exemptions in effect at the time of the proposed purchase or contract to determine whether and to what extent the competitive bidding requirements of N.Y. General Municipal Law § 103 apply.

#### **Section 4. Purchases and Contracts Not Governed by N.Y. General Municipal Law § 103**

Purchases and contracts that are not governed by General Municipal Law § 103 shall comply with the following, as applicable:

- A. **Purchase Contracts.** Purchase contracts not governed by N.Y. General Municipal Law § 103 shall be secured as follows:
  1. **Greater than \$5,000.** Purchase contracts not governed by General Municipal Law § 103 involving expenditures greater than \$5,000 shall require a written request for proposal and written, faxed, or emailed quotes from at least 3 vendors.
  2. **Greater than \$1,000, but not exceeding \$5,000.** Purchase contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less, but greater than \$1,000, shall require an oral request for proposals and oral, written, faxed, or emailed quotes from at least 2 vendors.
  3. **\$1,000 or less.** Purchase contracts not governed by General Municipal Law § 103 involving expenditures of \$1,000 or less are left to the discretion of the purchaser.
- B. **Public Works Contracts.** Public works contracts not governed by N.Y. General Municipal Law § 103 shall be secured as follows:
  1. **Greater than \$10,000.** Public works contracts not governed by General Municipal Law § 103 involving expenditures greater than \$10,000 shall require a written request for proposals and written, faxed, or emailed quotes from at least 3 contractors.

2. **Greater than \$5,000, but not exceeding \$10,000.** Public works contracts not governed by General Municipal Law § 103 involving expenditures of \$10,000 or less, but greater than \$5,000, shall require a written request for proposals and written, faxed, or emailed quotes from at least 2 contractors.
  3. **Greater than \$1,000, but not exceeding \$5,000.** Public works contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less, but greater than \$1,000, shall require an oral request for quotes/proposals and oral, written, faxed, or emailed quotes from at least 2 contractors.
  4. **\$1,000 or less.** Public works contracts not governed by General Municipal Law § 103 involving expenditures of \$1,000 or less are left to the discretion of the purchaser.
- C. **Record.** Any written request for proposals shall describe, as applicable, the desired goods and/or services to be provided, the quantity thereof, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom oral/written/faxed/email quotes have been requested and the quotes offered. All information gathered in complying with the procedures of this section shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

#### **Section 5. Awarding Contracts Not Governed by General Municipal Law § 103**

A purchase contract or public works contract not governed by General Municipal Law § 103 shall be awarded to the lowest responsible proposal or quote, unless the purchaser prepares a written justification providing reasons why it is in the best interests of the town and its taxpayers to make an award to other than the lowest responsible proposal or quote. If an offeror is deemed to be not responsible, facts supporting that judgment shall be documented and filed with the record supporting the procurement.

#### **Section 6. Obtaining the Required Number of Proposals**

A good faith effort shall be made to obtain the required number of proposals or quotes required by these Procurement Policies and Procedures. If the purchaser is unable to obtain the required number of proposals or quotes, the purchaser shall document the attempt made at obtaining the proposals or quotes. In no event shall the inability to obtain the minimum number of proposals or quotes be a bar to the procurement.

#### **Section 7. Exceptions**

- A. Except as otherwise directed by the Town Board, no solicitation of proposals or quotes under Section 4 of these Procurement Policies and Procedures shall be required under the following circumstances:
1. Acquisition of professional services, provided that the purchaser chooses the individual or company to provide such professional services based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and/or moral worth. For purposes of this exception, whether or not a service constitutes a “professional service” shall be determined in accordance with Paragraph B of this Section.
  2. Contracts for the repair or maintenance of highway department equipment that are not otherwise governed by General Municipal Law § 103 and where obtaining written proposals or quotes is impracticable or is not cost effective due to the need to transport the subject equipment to various locations in order to obtain such proposals or quotes.
  3. Emergencies.
  4. Sole source situations.
  5. Acquisition of goods or services from a preferred source pursuant to N.Y. State Finance Law § 162, as in effect at the time of the acquisition.
  6. Purchases from another governmental agency.
  7. Purchases that, notwithstanding applicable monetary thresholds for competitive bidding under General Municipal Law § 103, are specifically exempted therefrom.
  8. Goods purchased at auction.
  9. Goods purchased for \$1,000 or less.
  10. Public works contracts for \$3,000 or less.
- B. In determining whether a service is a “professional service”, the purchaser shall consider the following guidelines:

1. Whether the service to be acquired falls into one of the following categories (in which case the service shall be presumed to be a professional service under these Procurement Policies and Procedures):
  - a. Legal services;
  - b. Medical services;
  - c. Design professional services, such as engineering or architecture;
  - d. Insurance brokerage services;
  - e. Accounting services;
  - f. Investment management services;
  - g. Computer software or programming services;
  - h. Printing services that involves extensive writing, editing or artwork services;
  - i. Comprehensive property management services for municipally owned property; and
  - j. Municipal comprehensive planning services.
2. Whether the service is subject to state professional licensure or testing requirements;
3. Whether substantial formal education and training is a necessary prerequisite to the performance of the service; and
4. Whether the service requires a uniquely confidential relationship between the service provider and municipal officials.

## **Section 8. Annual Review**

These Procurement Policies and Procedures shall be reviewed annually by the Town Board.

## **N. Town of Copake Investment Policy**

### **TOWN OF COPAKE INVESTMENT POLICY**

*Last Updated: April 13, 2023*

#### **Section 1. Scope.**

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town of Copake on its own behalf or on behalf of any other entity or individual.

#### **Section 2. Objectives.**

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

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

#### **Section 3. Delegation of Authority.**

The Town Board's responsibility for administration of the investment program is delegated to the Town Supervisor, who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.



**Section 4. Prudence.**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Copake to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

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

#### **Section 5.                   Diversification.**

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

The Town Board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

#### **Section 6.                   Internal Controls.**

It is the policy of the Town of Copake for all moneys to be collected by any officer or employee to transfer those funds to the Town Supervisor within 10 days of deposit, or within the time period specified by law, whichever is shorter.

The Town Supervisor is responsible for establishing and maintaining internal control procedures 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, properly recorded, and managed in compliance with applicable laws and regulations.

#### **Section 7.                   Designation of Depositaries.**

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, shall be established by resolution of the Town Board.

#### **Section 8.                   Securing Deposits and Investments.**

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Town of Copake that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit

Placement Program in accordance with law, shall be secured by one or more of the following:

- A. A pledge of “eligible securities” with an aggregate “market value” (as provided by General Municipal Law § 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of “eligible securities.”
- B. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all officers within the State at the bank or trust company.
- C. An “eligible surety bond” payable to the Town of Copake for an amount at least equal to 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
- D. An “eligible letter of credit”, payable to the Town of Copake as security for the payment of 140 percent of the aggregate amount of deposits and the agreed-upon interest, if any. An “eligible letter of credit” shall be an irrevocable letter of credit issued in favor of the Town of Copake, for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited). A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company’s commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization, or one that is in compliance with applicable federal minimum risk-based capital requirements.
- E. An “irrevocable letter of credit” issued in favor of the Town of Copake by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and agreed-upon interest, if any.

## **Section 9. Collateralization and Safekeeping.**

Eligible securities used for collateralizing deposits made by officers of the Town of Copake shall be held by the depositary or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together

with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the Town of Copake to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the Town of Copake, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Copake or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the Town of Copake in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the custodial bank or trust company as agent of, and custodian for, the Town of Copake, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the Town of Copake with a perfected security interest in the eligible securities and to otherwise secure the Town of Copake's interest in the collateral, and may contain other provisions that the Town Board deems necessary.

#### **Section 10. Permitted Investments.**

As provided by General Municipal Law § 11, the Town Board authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed the Town's projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York;
- Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions", as defined in Banking Law § 9-r;
- Obligations of the United States of America;

- 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;
- Obligations of the State of New York;
- With the approval of the State Comptroller, obligations issued pursuant to Local Finance Law §§ 24.00 or 25.00 (i.e., Tax Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or district corporation in the State of New York other than the Town of Copake; and
- Obligations of the Town of Copake, but only with moneys in a reserve fund established pursuant to General Municipal Law §§ 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n (as applicable).

All investment obligations shall be payable or redeemable at the option of the Town of Copake 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 in any event at the option of the Town of Copake within two (2) years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections 8 and 9 herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Town of Copake authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the Town of Copake within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law § 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

#### **Section 11. Authorized Financial Institutions and Dealers.**

All financial institutions and dealers with which the Town of Copake transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and

qualified to transact business with the Town of Copake. The Town Supervisor shall evaluate the financial position and maintain a listing of proposed depositaries, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are 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 Town of Copake shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

## **Section 12. Purchase of Investments.**

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner; and/or
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the Town of Copake, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Copake 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(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town of Copake, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town of Copake with a perfected security interest in the securities.

The Town Supervisor, where authorized, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may

deposit or authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law § 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

**Section 13. Annual Review and Amendments.**

The Town of Copake Town Board shall review this Investment Policy annually, and it shall have the power to amend this Investment Policy at any time.

**Section 14. Definitions.**

The terms “public funds”, “public deposits”, “bank”, “trust company”, “eligible securities”, “eligible surety bond”, and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law § 10.

# SCHEDULE A

## Schedule of Eligible Securities for Collateralizing Deposits and Investments in Excess of FDIC Coverage

(Reference: Investment Policy, Section 8)

**\*\*\*Note: This is not a list of Permitted Investments.\*\*\***

**Please see Investment Policy, Section 10, for Permitted Investments.**

### “Eligible Securities” for Collateral

Valued at the following percentages for  
determining aggregate “market value”

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof, or a United States government-sponsored corporation.	100%
(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.	100%
(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.	100%
(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.	100%
(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category 90% for second highest category 80% for third highest category
(vi) Obligations of the Commonwealth of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category 90% for second highest category 80% for third highest category
(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category 90% for second highest category 80% for third highest category



(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

80%

### “Eligible Securities” for Collateral

Valued at the following percentages  
for  
determining aggregate “market  
value”

(ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended which may be purchased by banks under the limitations established by federal bank regulatory agencies.

70%

(x) Commercial paper and bankers’ acceptances issued by a bank (other than a bank which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

80%

(xi) Zero-coupon obligations of the United States government marked as “Treasury STRIPS”.

80%

## O. Harassment Complaint Form

### Instructions:

If you have a complaint, please complete this form and hand deliver to the Town Supervisor.

**To protect your rights, it is important that you file your complaint as soon as possible after the alleged discriminatory act took place.**

### A. General Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: (Work) \_\_\_\_\_

(Home) \_\_\_\_\_

Department Employed In: \_\_\_\_\_

Department Head: \_\_\_\_\_

### **NATURE OF HARASSMENT**

### B. Alleged Harassment Incident:

1. Please describe the incident (If necessary, attach additional sheets to this form.):

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

2. Specifically:

a. Name(s) of the party responsible for the alleged incident:

\_\_\_\_\_

b. Date & Time: \_\_\_\_\_

Place: \_\_\_\_\_

c. First Incident: Yes \_\_\_\_\_ No \_\_\_\_\_

If not first incident, please list date, time and place of previous incident(s):

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

d. Describe your reaction(s) the alleged incident(s):

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e. List any witness(es) to the alleged incident(s):

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I, \_\_\_\_\_, affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Acknowledgment Form

I acknowledge that I have received a copy of the Town of Copake's Policy and Complaint Procedure Regarding Discrimination and Harassment. I agree that I have read the policy thoroughly and agree to abide by such policy. Further, I agree that if there is any provision that I do not understand, I will seek clarification from the Town Supervisor.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_