

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

PRESENT: Commissioners: Scott Goetze
John Flanagan
James Hydock
Edward Jay
Terry M. Woodworth

Secretary-Treasurer Teri M. Woodworth
Fire Dept Chief Michael Heideman
Fire Dept President David Hydock
Attorney Mark C. Butler- Absent
Public: Pete Kage

PRIVILEGE OF THE FLOOR

- Nothing

APPROVAL OF THE MINUTES

ON MOTION of Commissioner Flanagan seconded by Commissioner Jay, to accept the minutes of the February 8, 2023 regular meeting.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

Report – Attorney Butler

- Commissioner Goetze asked about the new attorney’s presentation and the Board’s opinion. The Commissioners gave a raving review of Mr. Mark Butler and noted they approved hiring his firm last month.

Report – Fire Department Chief Heideman

- Chief Heideman provided the February 2023 – 23 Call for the Year 2023, 11 Calls for February (2 – EMS Village, 5 – EMS Town, 1 – Wires down Town, 1 – Mutual Aid Carlton, 1 – Automatic Fire Alarm Village, and 1 – Structure Fire Village)
- Chief Heideman noted the Fire Company’s annual PESH physicals were completed on March 7, 2023.
- Chief Heideman noted three sets of gear have been ordered.
- Chief Heideman noted two sets of portable lights have been ordered after the Church fire.
- Chief Heideman noted there are two new members scheduled to take the BEFO training.
- Chief Heideman noted he and President Hydock meet with Churchville Fire Equipment representative to obtain quotes on a new fire truck. Chief Heideman noted he had a quote for two stock trucks of \$668,000.00 and \$632,000.00 that would be available in July of 2023. President Hydock noted the new EPA emissions rules are coming out soon. Commissioner Goetze inquired if a used truck would be an option. Commissioners Jay and Commissioner Hydock noted used are cheaper however you don’t know what you’re getting and could have problems. Commissioner Goetze noted he was thinking a truck purchase would be within the first one to three years; inquired is there something that has happened to warrant a purchase sooner. Chief Heideman noted the trucks are having issues and are getting old, 20- to 30-year-old trucks. Chief Heideman note Jim Tabor from Churchville Fire Equipment will come to the March 22, 2023 workshop to present to the Commissioners.

Report – Fire Department President Hydock

- President Hydock noted the Fire Company voted Monday night to purchase a Lyndonville Joint Fire District sign to be placed on the front of the Fire Hall. President Hydock asked the Commissioners for permission to put a sign on the front of the Fire Hall.

Report – Secretary-Treasurer Woodworth

- Secretary-Treasurer Woodworth informed the Commissioners accounts have been setup at WEX, OGS, Self-Insurance, Dival, Grainger, NAPA, Evans Ace Hardware, NYCLASS, Office Depot and Amazon.
- Secretary-Treasurer Woodworth noted she’s working with Attorney Butler on policies and procedures.
- Vouchers – Abstract A2-1 – A3 - #25 - #42 to be paid for 2023

General	\$ 6,873.82
Grand Total	\$ 6,873.82

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

RESOLUTION NO 2023-24

VOUCHERS TO BE PAID FOR ABSTRACTS A3

ON MOTION of Commissioner Woodworth seconded by Commissioner Jay, to authorize Secretary-Treasurer Woodworth pay Abstracts A2-1 - A3 #25 – #42.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

Report – Commissioner Flanagan

- Commissioner Flanagan inquired if Secretary-Treasurer Woodworth paid herself yet. Secretary-Treasurer Woodworth note she will be getting payroll software probably from Intuit QuickBooks.

Report – Commissioner Woodworth

- Commissioner Woodworth is looking into fixing up back room, windows and heat/cooling. Commissioner Hydock noted he had a couple of quotes, \$10,000 from Rochester Colonial. Commissioner Jay inquired if the Amish would be able to do any of the updates. President Hydock noted Country Contracting would be interested in putting in a quote. Commissioner Woodworth and Hydock will work together on obtaining quotes.
- Commissioner Woodworth presented the Commissioners with quotes to put a key fob system in at the Fire Hall. Commissioner Woodworth noted a keyed entry would be needed to get in if power went out to access the transfer switch. Commissioner Woodworth noted the keyed locks could be changed next week at \$35.00 per lock. The Commissioners estimate 6 cores changed with 30-35 keys will cost approximately \$600.00. Commissioner Woodworth will work on obtaining more quotes for a fob system.

RESOLUTION NO 2023-25

CHANGE LOCKS AT THE FIRE HALL

ON MOTION of Commissioner Flanagan seconded by Commissioner Jay, to authorize to change the 6 exterior locks with 30-35 keys not to exceed \$600.00.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

Report – Commissioner Hydock

- Commissioner Hydock presented the Commissioners with two quotes for cleaning of the Fire Hall excluding the truck bays biweekly of \$232.00 monthly and \$250.00 monthly with a 6-month contract. Commissioner Woodworth inquired if they would come clean after an event if so would that be extra? Commissioner Hydock will inquire.

RESOLUTION NO 2023-26

CLEAN RIGHT SERVICES

ON MOTION of Commissioner Woodworth seconded by Commissioner Flanagan, to hire Clean Right Services to clean the Fire Hall biweekly for 6 months pending the proper insurance and contract provided by Attorney Butler is executed.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

Report – Commissioner Jay

- Commissioner Jay inquired if there was anything further with the Mayor Belson. Commissioner Goetze noted he will bring that up when it's his turn.

Report – Commissioner Goetze

- Commissioner Goetze noted there was a Lyndonville Joint Fire District Facebook page and inquired who created the page and who was controlling the page. Chief Heideman noted EMS Captain Anna Schuner changed the Fire Company Facebook page over to be the Lyndonville Joint Fire District as the first of the year as she thought he

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

had to. Secretary-Treasurer Woodworth will check with Attorney Butler on who should have controls of the Districts page.

- Commissioner Goetze noted he's been trying to get ahold of Tom Rivers for a story on the Orleans Hub. Secretary-Treasurer Woodworth reached out to Mr. Rivers and he will contact Commissioner Goetze in the morning.
- Commissioner Goetze noted Mayor Belson came to him about not receiving the fire calls by text message anymore and asked why. Chief Heideman noted members get call alerts through a system called I Am Responding. Chief Heideman noted there is a lot of confidential information provided in the text alerts and that information shouldn't be shared as the Fire Company can get in trouble for violating HIPAA. Chief Heideman noted the Fire Company is no longer run by the Village and the Fire Company cleaned up who had access to the text alerts. President Hydock noted he also had a conversation with Mayor Belson regarding the same concern and it was his understanding Mayor Belson understood why he was removed and it was all taken care of.
- Commissioner Goetze asked the Commissioners where they are at with their training as he's completed his and wanted to know if anyone has. Secretary-Treasurer Woodworth noted Attorney Butler noted he can provide onsite or remote training for any of the Commissioners who need it.

OLD BUSINESS:

- Shared Services Agreement – Generator – Secretary-Treasurer Woodworth noted Attorney Butler will be drafting the agreement when he returns from vacation.
- Policies: Code of Ethics

The Lyndonville Joint Fire District ("Fire District") hereby adopts the following Code of Ethics setting forth for the guidance of its officers and employees the standards of conduct reasonable expected of them.

***Part I
Definitions***

1. "Contract" means any claim, amount or demand against or agreement with the Fire District, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice or resolution or other proceeding where such publication is required or authorized by law. It shall also mean, for the purposes of this Code of Ethics, and legislation before the Fire District or any investment of any sort involving, directly or indirectly, the assets of the Fire District.
2. "Interest" means a direct or indirect pecuniary or material benefit accruing to a Fire District officer or employee as the result of a contract with the Fire District which such officer or employee serves. For the purpose of this Code of Ethics, a Fire District officer or employee shall be deemed to have an interest in the contract of (A) a spouse, minor child or dependent, except a contract of employment with the Fire District which such officer or employee serves, (B) a firm partnership or association of which such officer or employee is a member or employee, (C) a corporation of which such officer or employee is an officer, director or employee, and (D) a corporation of which any stock is owned or controlled directly or indirectly by such officer or employee.
3. "Officer or Employee" means a fire district commissioner, fire district secretary, fire district treasurer, fire district chief, fire district assistant chief and employees of the fire district. No person shall be deemed to be a fire district officer or employee solely by reason of being a volunteer firefighter, except a fire chief or assistant fire chief.

***Part II
Conflicts of Interest***

1. No officer or employee of the Fire District shall have an interest in any contract with the Fire District of which he or she is an officer or employee, when such officer or employee, individually or as a member of the Board of Fire Commissioners, has the power or duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder.
2. No officer or employee of the Fire District shall audit bills or claims under a contract in which such officer or employee has an interest.
3. No officer or employee of the Fire District who has an interest in a contract shall appoint an officer or employee who shall have the power to negotiate, prepare, authorize or approve such contract or authorize or approve payment thereunder or audit bills or claims under such contract.

***Part III
Disclosure of Interest***

1. Any Fire District officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Fire District of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Board of Fire Commissioner as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of the Fire District minutes.
2. Once a potential conflict of interest is either identified or disclosed, the affected Fire District officer will recuse himself or herself from any discussion or deliberation on the matter, excuse himself or herself from any meeting while discussion on the matter occurs, and abstain on any vote on the matter at issue.

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

3. Once disclosure has been made with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made with respect to additional contract with the same party during the remainder of the year.

***Part IV
Prohibited Actions***

1. No Fire District officer or employee shall, directly or indirectly, solicit any gift, or accept or receive any gift in the performance of his or her official duties or that was intended as a reward for any official action on his or her part.

2. Similarly, no officer or employee of the Fire District, and no member of the Fire District or its Fire Department shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family, private business, social relationships, financial, political, or any consideration other than the welfare of the Fire District

3. No Fire District officer or employee shall disclose confidential information acquired in the course off official duties or use such information to further his or her personal interest.

4. No Fire District officer or employee shall receive or agree to receive compensation from others for services to be rendered in relation to any matter pending before the Board of Fire Commissioners.

***Part V
Miscellaneous***

1. The Board of Fire Commissioners may appoint an Ethics Board composed of not more than three residents of the Fire District to advise the Board of Fire Commissioners regarding any matter it deems appropriate, under this Code of Ethics.

2. A copy of this code, as adopted by Resolution of the Fire District, shall be posted in every building occupied by the Fire District and distributed every officer and employee of the Fire District.

3. Every employee who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the Fire District Secretary who must maintain such receipts as a public record.

4. The failure to post this Code of Ethics or an amendment thereto does not affect either the applicability or enforceability of the Code or the amendment. Neither the failure of an employee to receive a copy of this Code of Ethics or an amendment thereto, nor to the failure to acknowledge receipt thereof in writing shall affect the applicability or enforceability of this Code of Ethics or any amendment.

**RESOLUTION NO 2023-27
CODE OF ETHICS**

ON MOTION of Commissioner Hydock seconded by Commissioner Flanagan, to adopt the Code of Ethics policy as presented.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

- Sexual and Other Harassment Policy

A. POLICY STATEMENT

1. Harassment and more specifically sexual harassment is a form of illegal discrimination and is a violation of state and federal civil rights laws. It is the policy of the Lyndonville Joint Fire District ("Fire District") to strongly oppose and prevent any form of sexual or other harassment. The Fire District recognizes that any employee's ability to perform his or her job may be adversely affected by harassment.

2. This Policy has been prepared to aid our members in understanding and helping to prevent all forms of harassment, including sexual harassment. The Fire District is committed to maintaining a workplace free from sexual and other harassment and providing a work environment that is free of inappropriate and disrespectful conduct and communication. Consequently, in an effort to avoid even the appearance of impropriety, the Fire District's harassment policy in some respects may exceed the requirements of applicable federal and state law.

3. This Policy is one component of the Fire District's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all members and employees have a legal right to a workplace free from all harassment, including sexual harassment, and members and employees are urged to report sexual and all forms of harassment by filing a complaint internally with the Fire District. Members and employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

4. For the purpose of this Policy and pursuant to New York law, the Fire District equates membership with employment.

¹ This policy specifically includes and addresses sexual harassment, any harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes including race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

5. This Policy applies to employees, contractors and persons conducting business, regardless of immigration status, with the Fire District. The Policy applies to all members, officers, volunteers and employees including any supervisor, co-worker, vendor, applicants for employment or membership, interns, whether paid or unpaid, and members of the public. For the purposes of this Policy, the terms “employee” and “employees” refers to this collective group or a person within such group. The terms “Officer” or “Officers” shall refer to fire officers of the Fire District or others acting in a supervisory or management title or functional equivalent.
6. Sexual harassment or harassment of any form will not be tolerated. Violations of this Policy by any employee or individual covered by this Policy will be subject to appropriate remedial or corrective action to ensure compliance with this Policy including counseling, suspension, termination or removal, or otherwise.
7. Sexual or other harassment is offensive, is a violation of our policies, is unlawful, and may subject the Fire District to liability for harm to targets of sexual or other harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual or other harassment, including officers, managers and supervisors who engage in sexual or other harassment or who allow such behavior to continue, will be penalized for such misconduct.
8. The Fire District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever the Fire District’s leadership receives a complaint about sexual or other harassment, or otherwise knows of possible sexual or other harassment occurring.
9. The Fire District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual or other harassment is found to have occurred.
10. All employees, including officers, are required to cooperate with any internal investigation of sexual or other harassment.
11. All employees are encouraged to report any harassment or behaviors that violate this Policy. The Fire District will provide all employees a complaint form for employees to report harassment and file complaints.
12. Officers are required to report any complaint that they receive, or any harassment that they observe, or become aware of, to the Fire Chief or to the Chairman of the Board of Fire Commissioners.
13. This Policy shall be provided to all employees and shall be posted prominently in all Fire District buildings to the extent possible and be provided to employees upon hiring or approval to membership.

B. SEXUAL HARASSMENT

14. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
15. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:
 - a. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
 - b. Such conduct is made either explicitly or implicitly a term or condition of employment; or
 - c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.
16. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex.
17. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.
18. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.
19. Any employee who feels harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this Policy.

C. EXAMPLES OF SEXUAL HARASSMENT

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

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

20. Physical acts of a sexual nature, such as:
 - a. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - b. Rape, sexual battery, molestation or attempts to commit these assaults.
21. Unwanted sexual advances or propositions, such as:
 - a. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - b. Subtle or obvious pressure for unwelcome sexual activities.
22. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
23. Sex stereotyping 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.
24. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
25. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - b. Sabotaging an individual's work;
 - c. Bullying, yelling, name-calling.

D. HARASSMENT

26. Harassment includes verbal or physical conduct or graphic material that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, sex, national origin, age, handicap, or disability or veteran status.
27. Incidents of harassment include the creation of an offensive, intimidating, or hostile working environment that unreasonably debilitates morale or interferes with one's work performance or otherwise adversely affects an individual's employment opportunity.
28. Harassment also includes physical assault or contact, or threats of physical harm as well as communications by telephone or other mechanical or electronic means, which are likely to cause annoyance or alarm, or with no purpose of legitimate communication.
29. It does not matter whether the victim is male or female. If comments or conduct are unwelcome by an individual, they may constitute harassment. The Fire District will not accept as an excuse to a complaint of harassment that a member, officer, or employee was "ONLY JOKING" or "Didn't think the other member, officer, or employee would object".
30. This Policy is for employees and members of the Fire District and does not apply in any criminal or civil proceeding. The Fire District's Policy shall not be construed as a higher legal standard of safety or care with respect to third party claims. Violations of this directive will only form the basis for Fire District administrative sanctions. Violations of the law may form the basis for civil and criminal sanctions in a recognized judicial setting.

E. REPORTING AND INVESTIGATION

31. The Fire District cannot prevent or remedy sexual or other harassment unless it knows about it.
32. Any employee who has been subjected to behavior that may constitute sexual or other harassment is encouraged to report such behavior to an officer, supervisor, manager, the Fire Chief or Chairman of the Board of Fire Commissioners.
33. Anyone who witnesses or becomes aware of potential instances of sexual or other harassment should report such behavior to the Fire Chief, Chairman of the Board of Fire Commissioners or other officer.
34. Reports of sexual or other harassment may be made verbally or in writing.

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

35. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual or other harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.
36. All complaints or information about sexual or other harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.
37. An investigation of any complaint, information or knowledge of suspected sexual or other harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.
38. All employees shall cooperate as needed in an investigation of suspected sexual or other harassment. The Fire District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this Policy.
39. While the process may vary from case to case, investigations should be done in accordance with the following steps:
 - a. Upon receipt of complaint, the Fire Chief or Chairman of the Board of Fire Commissioners, or their designee, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If the employee refuses, the Fire Chief or Chairman of the Board of Fire Commissioners or their designee shall prepare a Complaint Form based on the verbal reporting.
 - b. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
 - c. Request and review all relevant documents, including all electronic communications.
 - d. Interview all parties involved, including any relevant witnesses.
 - e. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - i. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - ii. A list of names of those interviewed, along with a detailed summary of their statements;
 - iii. A timeline of events;
 - iv. A summary of prior relevant incidents, reported or unreported; and
 - v. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
 - f. Keep the written documentation and associated documents in a secure and confidential location.
 - g. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
 - h. Inform the individual who reported of the right to file a complaint or charge externally as outlined in this Policy.

F. RETALIATION

40. Retaliation against the complainant, any witness or other participant in the investigation will not be tolerated.
41. No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual or other harassment, provides information, or otherwise assists in any investigation of a sexual or other harassment complaint. The Fire District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual or other harassment.
42. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:
 - a. made a complaint of sexual or other harassment, either internally or with any anti-discrimination agency;
 - b. testified or assisted in a proceeding involving sexual or other harassment under the Human Rights Law or other anti-discrimination law;
 - c. opposed sexual or other harassment by making a verbal or informal complaint to management, or by simply informing an officer, supervisor or manager of harassment;
 - d. reported that another employee has been sexually harassed; or
 - e. encouraged a fellow employee to report harassment.

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

43. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.
44. Any employee of the Fire District who retaliates against anyone involved in a sexual or other harassment investigation will be subjected to disciplinary action, up to and including termination or removal. All employees who believe they have been subject to such retaliation should inform the Fire Chief or Chairman of the Board of Fire Commissioners, officer, supervisor or manager. All employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained in the section on Legal Protections in this Policy.

G. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

45. Employees who believe they have been a target of sexual or other harassment may also seek assistance in other available forums, including the New York State Division of Human Rights (“DHR”), the United States Equal Employment Opportunity Commission (“EEOC”), potentially under local law, as well as from local law enforcement when the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which conduct may constitute a crime.
46. A complaint alleging violation of the NYS Human Rights Law (“HRL”) may be filed either with the DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.
47. Complaining internally to the Fire District does not extend the 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. A victim of sexual harassment does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.
48. DHR will investigate the 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.
49. Contact DHR at (888) 392-3644 or visit 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.
50. A complaint alleging violation of federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, can be filed 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.
51. 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.
52. 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, at www.eeoc.gov, or via email at info@eeoc.gov.
53. 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.

H. SUPERVISORY RESPONSIBILITIES

54. All officers, supervisors and managers who receive a complaint or information about suspected sexual or other harassment, observe what may be sexually or other harassing behavior, or for any reason suspect that sexual or other harassment is occurring, are required to report such suspected sexual or other harassment to the Fire Chief or Chairman of the Board of Fire Commissioners.
55. In addition to being subject to discipline if they engaged in sexually or other harassing conduct themselves, officers, supervisors and managers will be subject to discipline for failing to report suspected sexual or other harassment or otherwise knowingly allowing sexual or other harassment to continue.
56. Officers will also be subject to discipline for engaging in any retaliation.

All questions regarding this Policy shall be directed to the Fire Chief or Chairman of the Board of Fire Commissioners.

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

RESOLUTION NO 2023-28
SEXUAL AND OTHER HARASSMENT

ON MOTION of Commissioner Flanagan seconded by Commissioner Hydock, to adopt the Sexual and Other Harassment policy as presented.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

– Procurement Policy

It is the policy of the Lyndonville Joint Fire District ("Fire District") that every purchase of goods and services made by the Fire District shall comply with the following Procurement Policy:

1. It is the policy of the Fire District that the Board of Fire Commissioners shall, prior to purchase, approve all purchases of goods and services and that all purchases shall comply with the requirements of this Policy and applicable law.
2. It is the policy of the Fire District that all purchases shall be supported by documentation required by this Policy or applicable law.
3. The Board of Fire Commissioners shall not approve any purchase without proper documentation as required by this Policy or applicable law.
4. Purchases of goods by the Fire District shall be categorized into two general categories: public works and purchase contracts, as those terms are defined in the General Municipal Law. However, for the sake of simplicity and clarity, the term "*public work*" shall generally apply to capital improvements of any type to real property and buildings or any part thereof, and to fire apparatus. A "*purchase contract*" shall generally mean all other goods and services including without limitation equipment and other fungible property which is not real property, buildings or fire apparatus.
5. Pursuant to General Municipal Law ("GML") section 103, all public works contracts in the aggregate of \$35,000 or more shall be subject to the competitive public bidding requirements of GML 103, unless otherwise permitted by this Policy or applicable law.
6. Pursuant to GML 103, all purchase contracts in the aggregate of \$20,000 or more shall be subject to the competitive public bidding requirements of GML 103, unless otherwise permitted by this Policy or applicable law.
7. Every purchase shall be initially reviewed to determine whether it is a public works contract or a purchase contract. Upon that initial determination, a further determination shall be made to ascertain the aggregate value of the purchase, taking into account past purchases and the aggregate amount to be spent in a year. Such determinations shall be utilized to establish the appropriate form of competitive bidding, whether by public bid or by the processes identified in this Policy.
8. All goods and services will be secured by use of written documentation including requests for proposals, written quotations, oral quotations (documented by a written confirmation) or any other method approved by the Board of Fire Commissioners prior to purchase that ensures that goods or services will be purchased at the most favorable price and that favoritism will be avoided.
9. In any event, no purchase shall be allowed or paid by the Board of Fire Commissioners without the submission of a voucher, in the form approved by the Board of Fire Commissioners and subscribed under penalties of perjury, except as may be permitted by this Policy or applicable law.
10. When competitive public bidding is not required, the following method of purchase will be used when required by this Policy in order to achieve the highest savings:

Estimated Amount of Goods or Services

Method

Less than \$1,000	Chief/President/Commissioner authorization
\$2,000 - \$4,999	2 Verbal or Written Quotations
\$5,000 - \$19,999	3 Written Quotations

Note: where a verbal quotation is required, a written quotation may be substituted.

A substantial good faith effort shall be made to obtain the required number of proposals or quotations. If a purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempts made to obtain the proposals or quotes and present such to the Board of Fire Commissioners for consideration.

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

11. Pursuant to GML 104 b(2)(f), only those persons authorized by resolution of the Board of Fire Commissioners at a regular or special meeting of the Board of Fire Commissioners shall be responsible for purchasing.

Generally, the Chief of the Department shall have that authority, subject to approval by the Board of Fire Commissioners by resolution or otherwise. Except as otherwise authorized by this Policy or other resolution of the Board of Fire Commissioners, no Fire Chief or other person

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

shall have any independent authority to purchase goods or services on behalf of the Fire District.

12. The "Purchase Approval Form" shall be used for all purchases.
13. Only the Board of Fire Commissioners may authorize the issuance of a purchase order, if utilized by the Fire District.
14. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible quote or proposal. This documentation will include an explanation of how the award will achieve savings or how the quote or proposal was not responsible. Only the Board of Fire Commissioners shall make a determination that a quotation or proposal is not responsible.
15. Where the reasonable value of the goods or services are under \$1,000.00, the time and documentation required to purchase such goods or services would likely be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such *de minimis* contracts would be awarded based on favoritism.

In the event of a purchase under \$1,000, approval of either the Chairman of the Board of Fire Commissioners or another Commissioner designated by the Board who shall be authorized to approve such purchases, shall be obtained prior to the purchase and noted on the Fire District's Purchase Approval Form.

16. In the event where a true emergency purchase is required (which pertains only to immediate danger to member or public safety) the Fire Chief shall be authorized to expend the sum not to exceed \$2,500.00 without prior Board approval. In the event such purchase is deemed necessary, the Fire Chief shall contact either the Chairman of the Board of Fire Commissioners or another Commissioner designated by the Board, who shall be authorized to approve such emergency purchase, and obtain approval for such purchase prior to such occurring. *The purchase shall be approved by the full Board at its next regular meeting, with all other Procurement Policy requirements being complied with.*
17. Pursuant to the authority of the General Municipal Law and otherwise, certain services that do not readily lend themselves to competitive procurement procedures. In the sole discretion of the Board of Fire Commissioners, the solicitation of certain professional service or services requiring special or technical skill, training, or expertise shall not be subject to competitive bidding or lowest price. The professional shall be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth as determined in the sole discretion of the Board of Fire Commissioners considering the needs and resources of the Fire District.

Professional or technical services include but are not limited to the services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of Fire District owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software and other professional services as determined by the Board of Fire Commissioners.

18. The Board of Fire Commissioners shall make and maintain Procurement Procedures and forms to accomplish this Policy.
19. Any purchase not authorized pursuant to this Policy will result in the person making such purchase liable for the purchase and subject to discipline by the Board of Fire Commissioners. Such discipline may include suspension, removal from membership and/or termination of employment.
20. This policy shall go into effect immediately and shall apply to all Fire District purchases.

**LYNDONVILLE JOINT FIRE DISTRICT
PROCUREMENT POLICY PROCEDURES**

1. All requests for purchase will include the documentation as required by the Fire District Procurement Policy.
2. All purchase requests will be submitted to the Board of Fire Commissioners with all necessary detailed information for that purchase using the Fire District's "Purchase Approval Form."
3. All requests will include sufficient written information to permit evaluation of the purchase by the Board of Fire Commissioners.
4. Upon approval by the Board of Fire Commissioners, the goods or services may be acquired provided that all policies and other requirements of the Board of Fire Commissioners have been completed.
5. All vouchers for payment of all purchases shall be submitted to the Treasurer not less than 72 hours prior to any Board of Fire Commissioners meeting. Vouchers received after such deadline will not be considered by the Board of Fire Commissioners until its next regular meeting.
6. All vouchers shall be prepared and signed by the vendor, except as may be provided for by resolution of the Board of Fire Commissioners due to the impracticability of obtaining a signature for such items as utility services.
7. All vouchers shall contain copies of the original quotations required (whether written or written documentation of verbal quotations where permitted); a copy of the vendor's invoice or statement indicating at a minimum the quantity, type and price of the goods or services sold; a written verification of the purchaser of actual receipt of the quantity, type and price of the goods or services delivered were that same as those ordered and any other documentation required by the Board of Fire Commissioners.

Regular meeting of the Commissioners, Lyndonville Joint Fire District was held on Wednesday March 8, 2023, at the Lyndonville Village Hall. The meeting opened at 6:03 PM

8. Upon approval after audit by the Board of Fire Commissioners and ordering the Treasurer to pay such amounts as have been allowed, the Treasurer shall pay such voucher for such purchase.
9. Where the Board of Fire Commissioners has authorized the use of a credit card, each transaction on the credit card statement shall be treated as separate transaction for the purposes of the Procurement Policy and shall each contain all of the documents as required, although like and similar purchases may be set forth in a single voucher.
10. In no event shall the Fire District pay any sales taxes in any transaction and the Fire District Treasurer shall provide such forms as may be required to evidence the status of the Fire District as a municipal entity exempt from sales tax.

RESOLUTION NO 2023-29
PROCUREMENT POLICY

ON MOTION of Commissioner Flanagan seconded by Commissioner Hydock, to adopt the Procurement policy as presented.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

NEW BUSINESS:

- Commissioner Goetze asked the Commissioners for approval to install the new Lyndonville Joint Fire District sign on the Fire Hall.

RESOLUTION NO 2023-30
INSTALL NEW LYNDONVILLE JOINT FIRE DISTRICT SIGN ON THE FIRE HALL

ON MOTION of Commissioner Flanagan seconded by Commissioner Hydock, to approval the installation of the new Lyndonville Joint Fire District sign on the Fire Hall.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

- Commissioner Goetze asked the Commissioners to approve reimbursing the Lyndonville Fire Company for the formation of the Lyndonville Joint Fire District attorney costs when advised by Attorney Butler.

RESOLUTION NO 2023-31
REIMBURSE THE LYNDONVILLE FIRE COMPANY INC FOR THE FORMATION OF THE LYNDONVILLE JOINT FIRE DISTRICT

ON MOTION of Commissioner Flanagan seconded by Commissioner Hydock, to approve the reimbursement to the Lyndonville Fire Company Inc for the formation of the Lyndonville Joint Fire District of \$15,540.00.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

ON MOTION of Commissioner Jay, seconded by Commissioner Flanagan, to adjourn the regular meeting of the Lyndonville Joint Fire District at 7:51PM.

Vote: 5 Ayes (Flanagan, Goetze, Hydock, Jay, Woodworth); 0 Nays; 0 Abstain

Teri M. Woodworth
Secretary-Treasurer
Lyndonville Joint Fire District