

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

AGENDA – JANUARY 13, 2025 @ 6:30 PM

Via In-Person

1. PLEDGE OF ALLEGIANCE

2. PRIVILEGE OF THE FLOOR

3. APPROVE MINUTES OF PREVIOUS MEETING

4. APPROVE VOUCHERS FOR GENERAL, HIGHWAY, SEWER AND WATER FUNDS

5. PERSONNEL

- a. Town Clerk
- b. Highway Superintendent

6. NEW BUSINESS

- a. Discussion of Future of Former Barton Fire Substation Property
- b. Resolution 1a – Reorganizational Appointments
- c. Resolution 1b - Update Town of Barton Sexual Harassment Policy
- d. Resolution 1c – Resolution Approving the Carryover of Unspent Funds for 2024 (B4020.4)
- e. Budget Modifications
- f. Tioga County REAP
- g. Discussion on New FOIL Notification Requirements

7. OLD BUSINESS

8. ADJOURNMENT

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED

RESOLUTION NO 1a

2025 REORGANIZATIONAL APPOINTMENTS

WHEREAS, the Town Board of the Town of Barton needs to start the calendar year with a reorganizational meeting; and

WHEREAS, the Town Board of the Town of Barton needs to fill certain appointed positions; and

WHEREAS, legal notice of the time and place of this meeting has been given to the news media and posted on the Town Clerk's bulletin board; and

NOW THEREFORE upon a motion by Councilperson _____, seconded by Councilperson _____, and carried; therefore, be it

RESOLVED, that the Town Board of the Town of Barton approves the 2025 reorganizational appointments.

REORGANIZATIONAL MEETING JANUARY 13, 2025

- a. Pursuant to Town Law Section 62 - set regular monthly meeting day & time
2nd Monday @ 6:30 p.m.
Exceptions: Wednesday, October 15, 2025 @ 6:30 p.m.
- b. Pursuant to Town Law Section 64, subsection 1 - set depositories
Tioga State Bank Chemung Canal Trust Company J.P. Morgan Chase NYCLASS
- c. Town Law Section 64, subsection 2 - set newspaper
The Morning Times
- d. Town Law Section 29, subsection 15A - appoint Bookkeeper
Melanie Sinsabaugh
- e. Town Law Section 24 - appoint Court Security and Sergeant in Arms (Meeting Security)
Daniel Eiklor Paul Emerson
- f. Town Law Section 102, subsection 1 - set mileage rate
\$0.64 cents per mile
- g. Appoint Assessor & Assessor Clerk, respectively
Catherine Kozemko Jennifer Monahan
- h. Appoint Registrar of Vital Statistics & Deputy Registrar, respectively
Arrah Richards-McCarty Rebekah Peck
- j. Appoint Deputy Clerk
Rebekah Peck
- k. Appoint Historian
Ronald Keene
- l. Appoint Delegate and alternate to Association of Towns
n/a
- m. Appoint Deputy Supervisor
Kevin Everly
- n. Appoint Health Officer
Tioga County
- o. Appoint Court Stenographer
Perfect Paige
- p. Appoint Deputy Highway Superintendent
Daniel Shay

- q. Appoint Dog Control Officer
Wayne Searles
- r. Board of Review
Joseph Patituce (Term ends 09/30/2027)
Grady Updyke (Term ends 09/30/2028)
Greg Borst (Term ends 09/30/2025)
- s. Town Planning Board- 1st Tuesday \month (if applicable)
Robert Palanza (2025) Fred Schweiger (2026)
Joe Patituce (2028) Andrew Plaisted (2029)
Recording Secretary: Arrah Richards-McCarty
Grady Updyke (2027)
Alternate: Vacant
- Chairperson
Robert Palanza
- Agricultural Member
Grady Updyke
- Town Board Liaison to Planning Board
Kevin Everly & Donald Foster
- Tioga County Planning Board Representative:
Grady Updyke (3-Year Term 2023-2025)
- u. Town REAP Representative
N/A
- v. Village Sewer/Water Board
Arrah Richards-McCarty Shirley Lopreste
- w. Appoint Building & Fire Code Officer
Chris Robinson
- x. Appoint Code Officer
Chris Robinson
- y. Appoint Attorney (1-yr) 2025
Nicholas Cortese, Coughlin and Gerhart
- z. Appoint General Consulting Engineering Services
N/A
- aa. Appoint Justice Court Clerk
Nancy Perry
- bb. Set Hours for Town Clerk
January- December, Mon-Thursday 9:00 a.m. – 4:30 p.m., Friday 9- 12:00 p.m.
Special hours may be posted from time to time as needed.

- cc. Appoint Tax Collector (4-year term; 2024-2027)
Arrah Richards-McCarty
- dd. Appoint Record Management Officer (4-year term; 2024-2027)
Arrah Richards-McCarty
- ee. Appoint Cemetery Commissioner and ex-officio Member (Board Member)
Fred Schweiger David Shipman

ff. Town Law section 27, subsection 1, set salaries for 2025

Assessor _____	\$27,040/year
Assessor Clerk (P/T) _____	\$16,000/year
Attorney (Appointed) _____	Contract
Bookkeeper _____	\$20,210/year
Cleaner (P/T) _____	\$21.63/hour
Code Enforcement Officer/ Bldg. & Fire _____	\$15,000/year
Councilpersons (4) _____	\$3,680/year
Court/Town Board Security (P/T) _____	\$26.00/hour
Dog Control _____	\$14,500/year
Highway Superintendent _____	\$68,680/year
Highway Superintendent, Deputy _____	\$27.54/hour
Highway Employees _____	\$26.54/hour
Highway Plow/Wing man _____	\$21.00/hour
Justice _____	\$20,000/year
Justice Clerk (P/T) _____	\$11,440/year
Pit Person (P/T) _____	\$18.39/hour
Registrar Vital Statistics _____	\$8,660/year
Summer Laborers _____	\$21.00/hour
Summer Mower _____	\$21.00/hour
Water/Sewer Clerk _____	\$3,480/year
Water Administration _____	\$4,800/year
Planning Board Secretary _____	\$2,160/year
Supervisor _____	\$17,600/year

Supervisor Clerk _____ \$300/year
Town Clerk/Tax Collector _____ \$37,860/year
Town Clerk (Deputy)/Tax Collector (Deputy) (P/T) _____ \$18.84/hour
Town Clerk, Clerk (Temporary) _____ \$17.00/hour
gg. Highway Clothing Allowance _____ \$75.00/year

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED

RESOLUTION NO 1b

UPDATE TOWN OF BARTON SEXUAL
HARASSMENT POLICY

WHEREAS, the Town Board of the Town of Barton deems it necessary to update its Sexual Harassment policy; and

NOW THEREFORE upon a motion by Councilperson _____, seconded by Councilperson _____, and carried; therefore, be it

RESOLVED, that on this day, January 13, 2025, the Town Board of the Town of Barton updates its Sexual Harassment Policy as set forth herein:



Town of Barton Sexual Harassment Policy

Introduction

The Town of Barton is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Town of Barton has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town of Barton's commitment to a discrimination-free work environment.

Sexual Harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Town of Barton, or with a government agency or in a court under federal, state or local antidiscrimination laws.

Policy:

1. The Town of Barton policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Town of Barton.
2. Sexual Harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment complaint. The Town of Barton has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Town of Barton who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee* working in the workplace who believes they have been subject to such retaliation should inform the Town of Barton Town Supervisor. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

* A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as an independent

contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer

4. Sexual harassment is offensive, is a violation of our policies, is unlawful and subjects the Town of Barton to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. The Town of Barton will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management received a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Barton will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report and complaint that they receive, or any harassment that they observe to the Town of Barton Town Supervisor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sexual discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcomed conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- 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 complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of 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. 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.

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.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

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

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body.
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - 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 phone and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s work station, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

What is “Retaliation”?

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

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:

- Filed a complaint of sexual harassment, either internally or with an anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Complained that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Town of Barton cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a manager or the Town of Barton Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a manager or the Town of Barton Town Supervisor.

Reports of sexual harassment may be made verbally or in writing. 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 harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town of Barton Town Supervisor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about suspected sexual 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.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and shall be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witness and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Town of Barton Town Supervisor will conduct an immediate review of allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;

- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The final resolution of the complaint, together with any corrective action(s)
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Town of Barton but it is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Barton, employees may also choose to pursue legal remedies with the following entities **at any time**.

New York State Division of Human rights (DHR)

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

Complaints with DHR may be filed at 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 discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Barton 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 a probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination 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 readdress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov

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. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1967 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 Sure 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.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at 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 law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

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

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED

RESOLUTION NO 1c

RESOLUTION APPROVING THE CARRYOVER OF
UNSPENT FUNDS FOR 2024 (B4020.4)

WHEREAS, the Town of Barton has allocated funds for various projects during the fiscal year 2024; and

WHEREAS, certain projects have not yet been completed and thus have unexpended funds remaining as of the end of the fiscal year; and

WHEREAS, it is in the best interest of the Town of Barton to ensure these projects are completed using the allocated funds; and

NOW THEREFORE upon a motion by Councilperson _____, seconded by Councilperson _____, and carried; therefore, be it

RESOLVED, the Town of Barton hereby authorizes the carryover of unexpended funds from fiscal year 2024 to the fiscal year 2025; and be it

FURTHER RESOLVED, the unexpended funds shall be reallocated to the same projects for which they were initially intended; and be it

FURTHER RESOLVED, the Bookkeeper is directed to make the necessary budget adjustments and documentation to reflect this carryover as indicated below:

From: B4020.4 (FY-2024)	Registrar - Contractual	\$458.40	
To: B4020.4 (FY-2025)	Registrar - Contractual		\$458.40