

Minutes of the Special Meeting of the Board of Trustees of the Village of Lake George, NY, held at the Village Administration Building on Thursday, April 5, 2012, at 4:00 p.m.

MEMBERS PRESENT: John Earl, Deputy Mayor
Ray Perry, Trustee
John Root, Trustee
Joseph Mastrodomenico, Jr., Trustee

MEMBERS ABSENT: Robert M. Blais, Mayor

Also Present: Darlene Gunther (Clerk-Treasurer), Deb McKinney (Deputy Clerk-Treasurer), David Harrington (Superintendent of Public Works), and Fire Chief Alan Moon stopped in.

At 4:00 p.m. Deputy Mayor John Earl opened the special meeting

The Fire Department sent the list of newly elected Fire Department Officers to the Village Board for their approval.

Trustee Mastrodomenico, seconded by Trustee Root, offered the following resolution:

RESOLUTION NO. 19, 2012

BE IT RESOLVED, that the Board of Trustees of the Village of Lake George approves the following list of newly elected firematic officers for 2012-2013,

Chief Alan Moon
1st Assistant Chief Steve Drino
2nd Assistant Chief James Barber
Captain Joseph Sullivan
1st Lieutenant Richard Laustup
2nd Lieutenant Jason Berry

VOTING **Ayes: 4** **Earl, Perry, Root, Mastrodomenico**
 Nays: 0
 Absent: 1 **Blais**

RESOLUTION NO. 19, 2012 ADOPTED **April 5, 2012**

A motion by Trustee Mastrodomenico, seconded by Trustee Root carried unanimously to accept the following list of Lake George Fire Department Fire Police/Peace Officers: James Barber, George Bristol, John Earl, Don Fangboner, Bud Gerber, John Kearney, Bill Manion, Robert McKinney, Mike Shaughnessy, and George Stannard.

VOTING **Ayes: 4** **Earl, Perry, Root, Mastrodomenico**
 Nays: 0
 Absent: 1 **Blais**

MOTION PASSED.

Superintendent Harrington reported that there are several local youths that need to do community service. Deputy Mayor Earl asked Chief Moon if he would have any work for them. They discussed different options for jobs for the violators to perform.

The following list of additional summer seasonal employees was considered:

A motion by Trustee Perry, seconded by Trustee Mastrodomenico carried unanimously to approve the following summer seasonal employees:

Name	2011 Rate	2012 Rate	FT/PT
Beautification Crew:			
Judy Gearwar	\$14.25	\$14.75	FT
Emily Manion	\$10.25	\$10.50	PT
Hayley Dewey	\$9.25	\$9.50	PT
Patricia Evans	\$9.00	\$9.25	PT
Russell Hilliard	\$9.00	\$9.25	PT
Chris Dittus	\$9.00	\$9.25	PT
Tom Dittus	NEW	\$9.00	PT
PEACE OFFICERS:			
James Huntington	NEW	\$13.50	PT
SANITATION DEPT.:			
Nelson Akrilima	NEW	\$9.00	FT
RESTROOMS/PARK:			
Elena Temovska	NEW	\$9.00	FT

VOTING Ayes: 4 Earl, Perry, Root, Mastrodomenico
Nays: 0
Absent: 1 Blais
MOTION PASSED.

Deputy Mayor Earl asked for approval of minutes of the Regular Meeting held on March 19, 2012. A motion by Trustee Root, seconded by Trustee Perry carried unanimously to approve the minutes of March 19, 2012.

VOTING Ayes: 4 Earl, Perry, Root, Mastrodomenico
Nays: 0
Absent: 1 Blais
MOTION PASSED.

Deputy Mayor Earl asked for approval of minutes of the Special Meeting held on March 26, 2012. A motion by Trustee Root, seconded by Trustee Perry carried unanimously to approve the minutes of March 26, 2012.

VOTING Ayes: 3 Perry, Root, Mastrodomenico
Nays: 0
Abstentions: 1 Earl

Absent: 1 Blais
MOTION PASSED.

Deputy Mayor Earl asked the Board to review and consider Work Place Violence policy.

Trustee Perry, seconded by Trustee Root, offered the following resolution:

RESOLUTION NO. 20, 2012

Village of Lake George
Workplace Violence Policy
Adopted
September 20, 2010

1. Purpose
2. Policy
3. Definitions
4. Weapons
5. Prohibited Activities
6. Notification and Reporting
7. Restraining and Protective Orders
8. Confidentiality
9. Village Response to threats and Violence
10. Retaliation
11. Coverage
12. Designated Contact Person

VILLAGE OF LAKE GEORGE WORKPLACE VIOLENCE POLICY

1. Purpose

To define the policy of the Village of Lake George that all employees have the right to work in an environment free from physical violence, threats and intimidation, and to promote the safety and well-being of all people in our workplace.

2. Policy

The safety and security of all our employees is of paramount importance to the Village of Lake George (“the Village”). The Village will not tolerate workplace violence of any type, from any source. This includes, but is not limited to, threats, threatening and abusive behavior, or acts of violence against (a) employees, visitors, users of Village facilities or other individuals, or (b) Village buildings, equipment, or property. In addition, weapons of any kind are prohibited in the workplace, unless specifically authorized herein.

3. Definitions

- 3.1 **Violence or threats:** Prohibited acts of workplace violence include, but are not limited to, threats, intimidation, physical attack or property damage.

Threat: the expression of intent to cause physical or mental harm or damage. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional, or future basis. In determining whether the conduct constitutes a threat, including whether the action causes a reasonable apprehension of harm, the Village will consider the totality of the circumstances.

Physical attack: without limitation, unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects or fighting.

Intimidation: includes but is not limited to acts of aggression, stalking or engaging in actions, whether verbal or physical, which frighten or coerce.

Property damage: intentional or reckless damage to, or destruction of, property owned by the Village, Village personnel, contract and temporary employees, volunteers, customers and anyone else on Village property.

Other examples of violence include, but are not limited to:

Stalking another employee, with the intent or result of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Distributing “hate” literature or engaging in other communications that advocate violence.

Any behavior that would qualify under the Village’s Anti-Harassment Policy including but not limited to threatening phone calls, e-mails, letters, stalking, and/or suggestions or intimidation of violence.

Being in possession of weapons on Village property, including weapons in private vehicles in Village parking lots, or in Village vehicles, unless specifically authorized.

- 3.2 **Weapon:** includes a device, instrument, material or substance which is used for, or can cause, death or bodily injury, or damage to property. Weapons include, but are not limited to: explosives or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun or pistol, a firearm silencer, a switchblade knife or any other type of knife, or brass knuckles, or any other implement for infliction of bodily injury, damage to property, or death, which has no common lawful purpose for the person possessing it. Pocket knives or knives used solely for eating, food preparation or distribution, are not considered “weapons” for purposes of this policy unless used to inflict bodily injury or property damage, threaten or intimidate, or are possessed for illegal purposes or intentions.
- 3.3 **Worksite/ Workplace:** any location away from the employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer, and includes all real property owned or occupied by the Village, Village vehicles and personal vehicles when performing Village business off Village property.
- 3.4 **Reasonable suspicion:** the degree of knowledge sufficient to induce an ordinarily prudent and cautious person to believe that the circumstances being presented are more likely to be true than not.
Reasonable suspicion must be based on an articulatory, specific and objective basis and may include direct observation, or information received from a source believed to be reliable.
- 3.5 **Employee:** for purposes of this policy, persons receiving a payroll check, contractors and volunteers.
- 3.6 **Possession:** includes, but is not limited to, the presence of a weapon on the employee’s person, in his/her motor vehicle while working or performing Village business, in his/her desk, lunch box, toolkit, bag, purse, cabinets, office, etc.

4. Weapons

Despite laws which provide for permits allowing individuals to carry concealed handguns (New York State Penal Law Article 400), it is the Village’s policy to prohibit the possession of all weapons, including handguns, on property owned, operated or under the control of the Village. Weapons of any kind are

prohibited in the workplace. The only exceptions to this prohibition are as follows:

Firearms used for instructional or Village-sanctioned ceremonial purposes.

Persons employed in the Army, Air Force, Navy, Coast Guard, or Marine Service of the United States or any member of the New York National Guard when in the discharge of their official duties and acting under orders requiring them to carry arms or weapons.

Civil officers of the United States in the discharge of their official duties.

Officers and soldiers of the militia and the National Guard when called into actual service.

Officers of the State, or any County, City or Town, charged with the enforcement of the laws of the State, when in the discharge of their official duties.

Any registered security officer/guard who meets licensing requirements, who is discharging such officer's duties.

Any law enforcement officer, police officer, or bonded and sworn deputy sheriff may carry handguns always pursuant to a written directive by the executive supervisor of the organization to which the person is attached or employed, despite the person's regular duty hours or assignments.

5. Prohibited Activities

The Village specifically prohibits the following and may discipline an employee up to and including dismissal for any of the following:

- 5.1 Use, possession, or sale of any weapon on the work site.
- 5.2 Storing any weapon in a motor vehicle, desk, lunch box, locker, toolkit, bag, purse, cabinets, office or other repository on the work site.
- 5.3 Refusing to submit to an inspection for the presence of a weapon based on reasonable suspicion.
- 5.4 Refusing to allow inspection of storage areas specified in 5.2 above based on a reasonable suspicion that a weapon or weapons will be found in such an area.

- 5.5 Conviction under any criminal statute for the illegal use or possession of a weapon or for committing a violent act against the person or property of another.
- 5.6 Engaging in violence or threats of violence, or causing damage.

6. Notification and Reporting

All Village personnel are responsible for notifying the contact person designated below of any threats or violence that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior might be or has been carried out on a Village-controlled site or is connected to Village employment or Village business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened. All incidents should be reported on the Village's Workplace Violence Report Form, a sample of which is attached hereto.

7. Restraining and Protective Orders

An employee who applies for or obtains a protective or restraining order that lists Village properties as protected areas must provide to the designated contact person listed below a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted.

8. Confidentiality

The Village understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee. Note that the Village cannot promise absolute confidentiality because it may be bound to report the incident or situation to a law enforcement agency, other governmental agency, etc. However, the Village will maintain the anonymity of the reporting employee when at all possible.

9. Village Response to Threats and Violence

In the event a complaint or concern arises with regard to compliance with this policy, the Village will promptly conduct an investigation to determine the validity of the complaint and what, if any, corrective action should be taken to resolve the matter and promote a violence-free workplace.

Depending on the seriousness of the allegation(s) and other factors that the Village deems relevant, such as security concerns, potential disruptions, etc., any person who makes threats, exhibits threatening behavior, or engages in violent acts on Village property shall be removed from the premises as

quickly as safety permits and shall remain off Village premises pending the outcome of an investigation.

Following an investigation which indicates this policy was violated, the Village will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension with or without pay, or termination of employment, and/or criminal prosecution of the person or persons involved. Other corrective actions might include: coaching, mediation, other disciplinary action, transfer or demotion, reaffirmation of the policy, individualized or group training, counseling, etc.

10. Retaliation

The Village of Lake George respects the right of employees to raise concerns regarding violent activities and cooperate with necessary investigations. Retaliation against employees who report violence or participate in investigation is strictly prohibited. "Retaliation" is broadly construed. It includes not only overt retribution, but also acts such as refusal to communicate or cooperate regarding work related matters, withholding information or assistance needed to perform one's job, more closely scrutinizing any employee's work performance, etc.

An employee who feels (s)he has been retaliated against for reporting violence or participating in an investigation should promptly report the retaliation to his/her immediate supervisor. If the employee, for any reason, feels uncomfortable reporting the alleged retaliation to his/her immediate supervisor, the employee may report to the Department Head, the Human Resources Director, or other appropriate official.

11 Coverage

The Village at its discretion may from time to time modify this policy. In the event the policy is revised, a copy of the revised policy will be provided to each employee.

12. Designated Contact Person

Name: Village of Lake George Personnel Committee
c/o Mayor's Office

Title: John Root, Trustee, Chair

Location:

Village of Lake George
Village Hall
26 Old Post Road
Lake George, NY 12845

I, _____, certify that I have received and read a copy of the Village of Lake George's Workplace Violence Prevention Policy

Signature _____

Date _____

**VILLAGE OF LAKE GEORGE
WORKPLACE VIOLENCE INCIDENT REPORT**

Affected Party(s): _____

Supervisor: _____ Department/Phone: _____

Incident Information:

Date of Incident: _____ Time of Incident: _____

Location of Incident (be specific): _____

Description of Incident: (Narrative, if you need additional space, add an additional page): _____

Has this or a similar incident ever happened to you before? If so, please explain.

If you incurred any injury whatsoever, (physical-emotional), please describe the injury, in detail, and the location of any treatment received.

List all witnesses of the incident:

Name: _____ Department: _____

Contact Numbers

Home phone: _____ Cell No.: _____

Was a weapon involved: If so, specify type and to what extent:

Relationship to aggressor: (if stranger, indicate relationship, if any)

Had anything occurred in the past to make you feel that this would happen? If so, please explain:

VOTING **Ayes: 4** **Earl, Perry, Root, Mastrodomenico**
 Nays: 0
 Absent: 1 **Blais**

RESOLUTION NO. 24, 2012 ADOPTED.

April 5, 2012

- Lake George Festival of Bands in Shepard Park on July 13-14, 2012. Trustee Perry suggested charging for the meters, but waiving the bandstand fees.

Trustee Perry, seconded by Trustee Mastrodomenico, offered the following resolution:

RESOLUTION NO. 25, 2012

BE IT RESOLVED, that the Village Board hereby approves a Special Event permit for the Lake George Community Band to hold the Lake George Festival of Bands in Shepard Park on July 13 and 14, 2012, and waives the fee for use of Shepard Park, but requires them to pay for the reserved parking on Canada Street.

VOTING **Ayes: 4** **Earl, Perry, Root, Mastrodomenico**
 Nays: 0
 Absent: 1 **Blais**

RESOLUTION NO. 25, 2012 ADOPTED.

April 5, 2012

Superintendent Harrington got two new survey quotes for the property on Beach Road. The work includes production of a map and clarification of parcels D and E. C.T. Male submitted a quote in the amount of \$3,650.; DLP submitted the lowest price in the amount of \$2,750.

Trustee Perry, seconded by Trustee Mastrodomenico, offered the following resolution:

RESOLUTION NO. 26, 2012

BE IT RESOLVED, that the Board of Trustees hereby approves hiring DLP to perform survey work on Beach Road to find out what property actually belongs to the Village of Lake George for a cost of \$2,750.

VOTING **Ayes: 4** **Earl, Perry, Root, Mastrodomenico**
 Nays: 0
 Absent: 1 **Blais**

RESOLUTION NO. 26, 2012 ADOPTED.

April 5, 2012

Superintendent Harrington relayed a request for funding from the volunteers at the REC Center baseball fields. He explained that the volunteer group along with Village staff has been working on replacing the grass infields with slate. They got a portion of the project done and found that they did not reserve enough money for it. They

raised \$7,000. in their fund raising efforts, and they had \$5,000. from the Town of Queensbury. The group requested \$2,000. from the Town of Lake George, and were denied any additional funds. They would like to request \$2,000. from the Village. Dave explained that Ron Goodspeed has worked up there five full days with a bit of overtime spreading the material, and the project is finally done. The Village used a loader, a tractor, a roller, and a truck. One truck and driver were supplied by the Town for one day. After some discussion the Board requested a financial accounting of what the Village has supplied to date. They decided to table the request; Trustees Perry and Mastrodomenico will follow up with Councilman Crocitto.

Deputy Mayor Earl asked for any other business.

- Trustee Perry reported that he is interested in getting more information about wireless internet throughout the Village. He has contacted two vendors and will ask about requirements and cost. He will follow up with a report to the Board. Purchasing Agent commented that a few years ago a vendor made a presentation about WiFi coverage to the Board. She agreed to give the info to Trustee Perry so he could follow up with this vendor, too.

There was a motion by Trustee Perry to adjourn at 4:50 p.m.

Respectfully submitted,

Debra J. McKinney, CPPB
Purchasing Agent
Deputy Clerk-Treasurer