

RESOLUTION NO. 152-A FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution provisionally promoting Kalynn M. Carl to the position of Water Account Billing Clerk, Grade 8, in the DPW/Division of Latham Water.

BE IT RESOLVED that Kalynn M. Carl be, and hereby is, provisionally promoted to the position of Water Account Billing Clerk, Grade 8, in the DPW/Division of Latham Water at an annual salary of \$40,657, effective March 16, 2020, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 152-B FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution permanently promoting Diane E. Hoeffner to the position of Personnel Clerk, Grade 8, in the DPW/Division of Latham Water.

WHEREAS, the Personnel Officer has certified Diane E. Hoeffner as eligible for permanent promotion from Eligible List #20-923, established February 6, 2020;

BE IT RESOLVED that Diane E. Hoeffner be, and hereby is, permanently promoted to the position of Personnel Clerk, Grade 8, in the DPW/Division of Latham Water at an annual salary of \$40,657, effective April 6, 2020.

RESOLUTION NO. 152-C FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Planner, Grade 15, in the Planning and Economic Development Department and permanently promoting Michael E. Tengeler to same.

BE IT RESOLVED that one (1) position of Planner, Grade 15, in the Planning and Economic Development Department be, and hereby is, established; and

WHEREAS, the Personnel Officer has certified Michael E. Tengeler as eligible for permanent promotion from Eligible List #19-909, established July 31, 2019;

BE IT RESOLVED that Michael E. Tengeler be, and hereby is, permanently promoted to the position of Planner, Grade 15, in the Planning and Economic Development Department at an annual salary of \$66,931, effective March 16, 2020.

RESOLUTION NO. 153 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with litigation.

BE IT RESOLVED that expenditure from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with litigation be, and hereby is, authorized as follows:

<u>PAYEE</u>	<u>AMOUNT</u>
Mary Ensslin	\$1,321.92
CHA (Fusco)	\$6,870.00
John Neeley	\$434.70
Total	\$8,626.62

RESOLUTION NO. 154 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning Board to review and consider a rezoning at 1222 Troy-Schenectady Road.

WHEREAS, the Town Board has received a request for a proposed rezoning at 1222 Troy-Schenectady Road from a Single Family Residence (SFR) zoning designation to a Commercial Office Residential (COR) zoning designation;

BE IT RESOLVED that the Planning Board shall review and consider the proposed rezoning at 1222 Troy-Schenectady Road and provide the Town Board with its findings, conclusions and recommendation thereon.

RESOLUTION NO. 155 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in connection with the Town of Colonie's Community Development Block Grant and HOME Programs.

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for May 7, 2020 at 7:00 PM in Memorial Town Hall, 534 New Loudon Road, Latham, NY in connection with the Town of Colonie's Community Development Block Grant Programs.

RESOLUTION NO. 156 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to reimburse for
overestimated water usage at various locations.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to reimburse the following for overestimated water usage:

Joseph T. Williey, Jr.	16 Warwick Avenue	\$6,910.85
David Gonzalez	10 Emerick Lane	\$3,708.30
Paul Zalucki	41 Marriner Avenue	\$3,102.75

RESOLUTION NO. 157 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning and Economic Development Director to review and consider the proposed amendment of the Canterbury Crossings PDD.

WHEREAS, the Town Board recommends that the Planning and Economic Development Director review the amendment of the Canterbury Crossings Planned Development District; and

WHEREAS, the applicant seeks to install an in-ground pool at 4 Buckingham Lane;

BE IT RESOLVED that the Planning and Economic Development Director be, and hereby is, authorized to review and consider the proposed amendment of the Canterbury Crossings PDD.

RESOLUTION NO. 158 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an agreement with Ring in connection with access to the Neighbors Portal.

WHEREAS, Ring will make the Neighbors app available to residents at no cost to the Town; and

WHEREAS, the Neighbors app will advise neighbors of crime and safety alerts from your local law enforcement;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an agreement with Ring in connection with access to the Neighbors Portal retroactive to October 1, 2019.

RESOLUTION NO. 159 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing settlement or discontinuance, subject to judicial approval of the same, pursuant to §68 of the Town Law, of various tax certiorari proceedings.

WHEREAS, it has been tentatively agreed by the parties to reduce the assessment on the properties, in the amounts set forth below, or the Petitioner(s) has agreed to discontinue the proceeding(s) without cost to either party, as indicated below:

1. *Modern Waste Service, Inc. v. Town of Colonie*, Index No. 904234-19
134 Sicker Road, Tax Map Parcel No. 18.-3-40

Assessment Roll Year	Present Assessment	Revised Assessment	Reduction
2019	\$775,000	\$730,000	\$45,000

Tentative Town Refund: \$192.82

Tentative School District Refund: \$1,194.18

THEREFORE, BE IT RESOLVED that settlement or discontinuance, pursuant to §68 of Town Law, of the above listed tax certiorari proceedings be, and it hereby is, authorized, subject to judicial approval.

RESOLUTION NO. 160 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Agreement with Wild Goose Chase for geese control at the Town of Colonie Golf Course.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an agreement with Wild Goose Chase for geese control at the Town of Colonie Golf Course at a cost not to exceed \$5,000.00; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 161 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Agreement between the Town of Colonie Emergency Medical Services Department and the Watervliet Arsenal Fire Department to act as their CPR Training Center.

WHEREAS, the Town of Colonie Emergency Medical Services Department is an authorized American Heart Association Training Center and provides AHA course training in the Town of Colonie; and

WHEREAS, the Town of Colonie will give the Watervliet Arsenal Fire Department the authorization to conduct AHA training as a satellite program under the Town of Colonie Training Center program;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an Agreement between the Town of Colonie and United States Army Watervliet Arsenal Installation Management Directorate to conduct AHA training as a satellite program under the Town of Colonie EMS Training Center program; and

BE IT FURTHER RESOLVED that such Agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 162 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution rescinding all prior resolutions pertaining to the Anti-Harassment and Non-Discrimination Policy and adopting a new Anti-Harassment and Non-Discrimination Policy and Complaint Procedure.

BE IT RESOLVED that all prior resolutions pertaining to the Town's Anti-Harassment and Non-Discrimination Policy be, and hereby is, rescinded; and

BE IT RESOLVED, that the Town Board hereby approves the Anti-Harassment and Non-Discrimination Policy and Complaint Procedure attached hereto as Exhibit "A".

ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY

PURPOSE:

To set forth the policy of the Town of Colonie with respect to harassment and discrimination in the work place and the Town's procedure for handling employee complaints relating to alleged discrimination and harassment.

SCOPE OF APPLICATION:

This policy and procedure covers all activities and locations of the Town and any work related settings outside the workplace, such as business trips, business meetings, and business related social events. The policy applies to all Town employees and volunteers, elected and appointed officials, and includes their interaction with non-employees such as vendors, consultants, and customers as well as their interaction and dealings with the public.

RESPONSIBILITY:

The interpretation and administration of this policy shall be the responsibility of the Human Resources Director. This includes development of procedures for handling and investigating complaints of discrimination and harassment, and enforcement of appropriate sanctions for such conduct. The Human Resources Department will disseminate information and training with respect to this policy and its procedures. Any and all questions regarding this policy should be directed to the Human Resources Director.

SCOPE OF POLICY:

The Town of Colonie considers discriminatory harassment and retaliation to be a form of employee misconduct and considers this type of conduct to be a serious offense, which will not be tolerated. Therefore, the Town expressly prohibits any form of employee discrimination or harassment based upon race, creed, color, religion, sex, national origin, age, disability, marital status, sexual orientation or an individual's status in any class protected by applicable federal, state, or local law. Improper interference with the ability of our employees to perform their expected duties will not be tolerated.

EXHIBIT "A"

In particular, the Town expressly prohibits sexual harassment in the workplace. This prohibition includes the following conduct:

1. Unwelcome sexual advances (either verbal or physical);
2. Requests for sexual favors;
3. All other verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is either an explicit or implicit term or condition of an individual's employment (e.g., promotion, training, timekeeping or overtime assignments, etc.); or
 - Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
 - The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

This policy also prohibits conduct of one employee toward another that may not rise to the level of discrimination or harassment, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Therefore, the Town encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be discrimination or harassment per se.

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

Every individual has the right to present a complaint of alleged discrimination, sexual harassment or any other form of harassment. The individual will be protected from retaliation as a result of the exercise of this right. This protection is extended to any individual who participates and cooperates in any phase of investigation, proceedings or hearings pursuant to this procedure. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this policy. Individuals who retaliate against others who have either filed a complaint of discrimination or harassment or have participated in an investigation of discrimination or harassment will be subject to disciplinary action.

**TOWN OF COLONIE DISCRIMINATORY HARASSMENT PREVENTION POLICY
AND COMPLAINT PROCEDURE**

I. POLICY STATEMENT

It is the policy of the Town of Colonie to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law. Harassment based on these protected characteristics (collectively referred to as "discriminatory harassment") is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

Sexual harassment is covered separately under the Town of Colonie's Sexual Harassment Prevention Policy. Refer to the Town of Colonie's Sexual Harassment Prevention Policy, available at the Human Resources Office.

The Town of Colonie will take appropriate steps to prevent and correct unlawful discriminatory harassment and discrimination as defined by federal, state and local law (if applicable.) This includes federal laws such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act, as well as the New York State Human Rights Law.

The Town of Colonie considers discrimination, discriminatory harassment and other conduct prohibited by this Policy to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discrimination and discriminatory harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.

II. SCOPE

- A. **Who is covered by this Policy?** This policy applies to all applicants, employees, interns (paid or unpaid), volunteers, contractors, and other non-employees conducting business with the Town of Colonie.
- B. **What does this Policy prohibit?** This policy prohibits discriminatory harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Town of Colonie (e.g., an outside vendor, consultant, other non-employee or citizen).

- C. **Where can discrimination or discriminatory harassment occur?** Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
- D. All information gathered during an investigation of a complaint will be handled in a confidential manner, to the extent possible.
- E. This Policy does not preclude the filing of discrimination, discriminatory harassment or retaliation complaints with the New York State Division of Human Rights (DHR), the Federal Equal Employment Opportunity Commission (EEOC), or the pursuing of any other remedies as permitted by law.

III. DEFINITIONS OF PROHIBITED CONDUCT

A. Discrimination

Discrimination on the basis of any protected characteristic is prohibited. Discrimination includes any adverse employment action (termination, failure to hire, demotion, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

B. Discriminatory Harassment

Harassment on the basis of any protected characteristic is prohibited. Under this policy, prohibited discriminatory harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of a protected class or characteristic, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

NOTE: Sexual harassment, including harassment on the basis of sex (including gender identity or transgender status) and sexual orientation is covered separately under the Town of Colonie Sexual Harassment Prevention Policy.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

C. Retaliation

Retaliation against any individual for making a discriminatory or any harassment complaint or assisting in the investigation of such a complaint is prohibited by law and under this Policy. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a claim of discrimination or discriminatory

harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee, intern, volunteer, and non-employee who believes they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized and described below. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.) Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary and permitted by an applicable collective bargaining agreement or state law.
[OPTIONAL] D. Other Unacceptable Conduct:

This policy also prohibits conduct of one employee toward another that may not rise to the level of discriminatory harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Teasing, ridicule, and other conduct intended to annoy, personally attack, belittle or embarrass another individual is inappropriate and also unacceptable in the workplace. Therefore, the Town of Colonie encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be harassment or discrimination per se. The Town of Colonie endeavors to create an environment in which employees may feel free to raise concerns and are confident that those concerns will be addressed.

IV. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing harassment is everyone's responsibility. If an employee, intern, volunteer, or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the Town of Colonie recommends that the person confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated.

If an employee, intern, volunteer or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discrimination or discriminatory harassment, he/she should file a complaint with the Compliance Officer as set forth below. Anyone who witnesses or becomes aware of potential instances of discrimination or harassment should also report such behavior to the Compliance Officer.

- **Compliance Officer: Human Resources Director**
- **In the event that the Compliance Officer is the subject of the complaint, complaints are to be made to the Town Attorney**

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of discriminatory harassment. Individuals should feel free to keep written records of any actions which may constitute harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Complaints may be made verbally or in writing. **If made verbally, the complaint must be reduced to writing by the individual to whom it was reported.** The written report must be given to the Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting discrimination or harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is submitted on another person's behalf.

B. Employee Responsibilities

All employees, interns and volunteers are responsible for refraining from discrimination, discriminatory harassment or retaliation in the workplace. Anyone who witnesses discrimination, discriminatory harassment or retaliation may notify the person responsible that their behavior is inappropriate, and in any and all events, should notify the Compliance Officer.

C. Supervisory Responsibilities

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

All managerial and supervisory personnel who receive complaints of, observe directly, or otherwise become aware of or suspect that discrimination, discriminatory harassment or retaliation is occurring, will be responsible for immediately forwarding such complaints, in writing, to the Compliance Officer.

Supervisors and managers will be subject to discipline (or other remedial or appropriate action) for failing to report suspected discriminatory harassment or otherwise knowingly allowing the harassment to continue. Supervisors and managers will also be subjected to discipline (or other remedial or appropriate action) if found to have engaged in discrimination, discriminatory harassment, or retaliation.

D. Employer Responsibilities

The Town of Colonie will conduct periodic training on the issues surrounding discrimination, discriminatory harassment, its effects and its appearances, and the role and responsibility of employees and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

The Town of Colonie will also distribute this Policy to all employees, interns and volunteers, and ensure that it is distributed to new employees as they are hired.

V. INVESTIGATION AND RESPONSE PROCEDURES

Discrimination and discriminatory harassment complaints will be investigated. The Compliance Officer [OR INVESTIGATING OFFICIAL] and/or their designee(s) will conduct a prompt and

thorough investigation commencing immediately and completed as soon as possible. The investigation will be confidential to the greatest extent possible.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected discriminatory harassment. As further set forth herein, the Town of Colonie will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

The nature and extent of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the Compliance Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint 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 (at a minimum) 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
 - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Compliance Officer [OR *person or office designated to make final determination*] or their designee will make a Final Determination as to whether the Policy has been violated.

The Compliance Officer [OR *person or office designated to make final determination*] or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge with the DHR or EEOC, or in an appropriate court.

If a complaint of discriminatory harassment, other harassment, or retaliation is determined to be founded, the Town of Colonie will take disciplinary and/or corrective action in accordance with law and/or an applicable collective bargaining agreement. The Compliance Officer will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

If disciplinary charges are filed against an employee on the grounds that the Town of Colonie has determined the employee is guilty of discrimination, discriminatory harassment or retaliation, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her collective bargaining agreement, or state law, if applicable.

VI. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, the Town of Colonie may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

**TOWN OF COLONIE DISCRIMINATORY HARASSMENT PREVENTION
COMPLAINT FORM**

(Submit to Compliance Officer or Town Attorney)

This form may be used to file a charge of discriminatory harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and Town of Colonie Policy.

Filing this complaint form with the Town of Colonie in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____
Phone Number _____
Residence _____
Mailing Address (if different from residence) _____
City _____ State _____ Zip Code _____

2. Department _____

3. Have you filed this charge with a Federal, State or local government agency?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

Have you instituted a suit or court action on this charge?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A REVIEW
OF YOUR COMPLAINT)

4. Alleged Discrimination Occurred on or about:
Month: _____ Day: _____ Year: _____ Time: _____

Is this alleged discrimination continuing: YES _____ NO _____

Describe the alleged act of harassment. Use additional sheets if necessary.

5. Indicate the name(s) of the alleged harasser(s):

6. State the name(s) of any potential witness(es):

7. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____

(Signature)

-INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED-

RESOLUTION NO. 163 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 12th day of March, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the proposed rezoning of land located at 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District) and approving the application to create an Open Development Area located at 606 & 608 Loudon Road.

WHEREAS, at its regular meeting on November 7, 2019, the Town Board of the Town of Colonie required the Planning Board to review and consider the proposed rezoning of land located at 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District); and

WHEREAS, at its regular meeting on February 25, 2020, the Planning Board of the Town of Colonie adopted findings, attached hereto as Exhibit “A”, with regard to the concept plan and recommended that the Town Board approve the rezoning of 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District) described in the proposed Local Law attached hereto as Exhibit “B”; and

WHEREAS, it is now desired to call a public hearing pursuant to the proposed rezoning of land located at 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District);

WHEREAS, at its regular meeting on November 7, 2019, the Town Board of the Town of Colonie required the Planning Board to review and consider the Open Development Area of land located at 606 & 608 Loudon Road; and

WHEREAS, at its regular meeting on February 25, 2020, the Planning Board of the Town of Colonie adopted findings with regard to the Open Development Area located at 606 & 608 Loudon Road, which findings are annexed hereto as Exhibit "C"; and

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for March 26, 2020 at 7:00 PM in Memorial Town Hall, 534 New Loudon Road, Latham, NY in connection with the proposed rezoning of 606 & 608 Loudon Road and the establishment of a Planned Development District (PDD) (known as Loudon Road Planned Development District).

**PLANNED DEVELOPMENT DISTRICT
COLONIE LAND USE LAW - WRITTEN FINDINGS
OF THE COLONIE PLANNING BOARD**

**The Galleria at Loudonville (Loudon Road PDD)
606 & 608 Loudon Road**

WHEREAS, New Loudon Road Realty Company LLC (hereinafter referred to as the applicant) made application to the Colonie Town Board for Planned Development District (PDD) approval for a project that consist of a 26,000 SF commercial building (retail/restaurant), 85 independent senior apartments and a 92 bed assisted living facility on a 8.39 acre parcel of land to be subdivided into two lots (hereinafter referred to as the application); and

WHEREAS; the Colonie Town Board (Town Board) referred the project to the Town of Colonie Planning Board (Planning Board) for review and recommendation; and

WHEREAS; pursuant to Chapter 190-13 of the Colonie Land Use Law, entitled Planned Development Districts, the Planning Board shall develop written findings that document the facts and information relied upon to reach its conclusions in rendering a decision on a PDD; and

WHEREAS the PDD is consistent with the purpose and intent of this Chapter including the Design Standards; and

WHEREAS the PDD is compatible with the surrounding neighborhood context and character and is in conformance with the Comprehensive Plan; and

WHEREAS the requirements of SEQRA will be completed by the Town Board prior to making a determination on the PDD, and the PDD has mitigated potential undue adverse environmental impacts as set forth during SEQRA review to the maximum extent practicable; and

WHEREAS the PDD will add to the long-term assets of the community and will not erode the livability or economic viability of the existing neighborhood areas; and

WHEREAS the proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principals in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of elements, both absolutely and to one another; and

WHEREAS there are adequate community facilities, services and utilities available or proposed to be made available in the construction of the development; and

WHEREAS the traffic will not have an adverse impact on the adjoining transportation system.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Board recommends approval of the Planned Development District for the subject property subject to the following minimum public benefits being proposed by the Applicant which will add to the long-term assets of the

EXHIBIT "A"

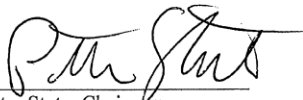
community:

1. The applicant shall contribute \$500,000 toward the completion of a traffic study of Homestead Drive and the design and installation of pedestrian improvements within the Town of Colonie.
2. The applicant shall fund the completion of a traffic study that evaluates traffic conditions along Homestead Drive and evaluates potential improvements with respect to vehicular sightlines, traffic calming, cut-through traffic, pedestrian safety and access considerations. This study is valued at approximately \$20,000.
3. Following the funding of the traffic study, the design and installation of pedestrian improvements for the remaining funds will be prioritized as follows, with the completion of each segment prioritized for installation before the next until the \$500,000 contribution is exhausted:
 - a. Design and installation of approximately 600 linear feet of sidewalk along the east side of Loudon Road from Homestead Drive heading north and terminating at the existing traffic signal for Newton Plaza, together with crosswalk accommodations. This work is valued at approximately \$200,000.
 - b. Design and installation of approximately 1,100 linear feet of sidewalk along the west side of Loudon Road from Glennon Road heading north to the Fresh Market plaza. This work is valued at approximately \$200,000.
 - c. Design and installation of approximately \$100,000 worth of sidewalk along Spring Street. Limits to be determined during final site plan review.
4. The value for the traffic study and each sidewalk segment will be verified through engineer's proposals, engineer's estimates and contractor's bids for the work. The design for any sidewalk segments funded as part of the \$500,000 contribution shall be included in the final site plans for the project and constructed simultaneously with development of the project site.
5. Restaurants within the retail building shall be limited to no more than three full service restaurants, with a combined square footage of no greater than 8,000 square feet and 340 seats (240 inside year-round and 100 outdoor seasonal, with up to 10% variation between these indoor/outdoor seating counts). No single restaurant shall have a size greater than 4,500 square feet with 200 seats.
6. Any restaurant shall be restricted from having live music outdoors between the hours of 10:00 PM to 3:00 PM. No live music shall achieve a decibel level greater than 40 decibels (typical suburban nighttime conditions) at the limit of the project site at any time.

BE IT FURTHER RESOLVED THAT, pursuant to Chapter 190-13 of the Colonie Land Use Law, entitled Planned Development Districts, the Planning Board has developed these written findings that document the facts and information relied upon to reach its conclusions in rendering a decision to recommend approval of the proposed PDD.

This resolution shall take effect immediately and shall be transmitted to the Town Supervisor and Members of the Town Board.

Date: February 25, 2020


Peter Stuto, Chairman

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Colonie
Local Law No ____ of the year 2020

A local law rezoning 8.39 +/- acres of land located at 606 and 608 Loudon Road from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD).

Be it enacted by the Town Board of the Town of Colonie of as follows:

SECTION 1. REZONING

The following described area consisting of 8.39 +/- acres of land located at 606 and 608 Loudon Road is hereby rezoned from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD):

Lot 1:

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York, reference is made to a map titled "Concept Site Plan Galleria at Loudonville, Street No.'s 606 & 608 Loudon Road", Town of Colonie, County of Albany, State of New York," dated December 10, 2018, last revised October 31, 2019, prepared by Advance Engineering & Surveying PLLC and being more particularly bounded and described as follows:

Beginning at a point in the westerly highway boundary of Loudon Road (U.S. Route 9) at its intersection with the division line between lands now or formerly of 608 Loudon Road, LLC as described in Liber 3063 of deeds at page 845 on the south and lands now or formerly of New Loudon Road Associates, LLC on the north; thence from said point of beginning along said westerly highway boundary of Loudon Road the following four (4) courses and distances:

- 1) South 27°-34'-07" East, 92.72 feet to a point; thence
- 2) South 28°-20'-03" East, 100.04 feet to a point; thence
- 3) South 11°-18'-04" East, 325.50 feet to a point; thence
- 4) South 03°-28'-48" East, 68.43 feet to a point at its intersection with the division line between the aforementioned lands of 608 Loudon Road, LLC on the north and lands now or formerly of Newton Plaza Associates, LLC as described in Liber 2890 of deeds at page 600 on the south; thence along said division line the following two (2) courses and distances:
 - 1) North 80°-45'-00" West, 209.48 feet to a point; thence

EXHIBIT "B"

2) South 07°-30'-00" West, 96.00 feet to a point in the division line between the aforementioned lands of 608 Loudon Road, LLC on the north and other lands now or formerly of Newton Plaza Associates, LLC as described in Liber 2650 of deeds at page 495 on the south; thence along said division line the following three (3) courses and distances:

- 1) North 80°-45'-00" West, 582.13 feet to a point; thence
- 2) North 00°-00'-00" West, 3.00 feet to a point; thence
- 3) South 78°-10'-00" West, 146.46 feet to a point; thence through the aforementioned lands of 608 Loudon Road, LLC the following sixteen (16) courses and distances:

- 1) North 08°-30'-51" East, 153.85 feet to a point; thence
- 2) North 75°-12'-31" East, 136.29 feet to a point; thence
- 3) Along an arc of a curve to the left having a radius of 136.00 feet, an arc length of 216.78 feet and a chord bearing South 30°-28'-30" East, 194.55 feet to a point; thence
- 4) South 80°-45'-14" East, 300.37 feet to a point; thence
- 5) Along an arc of a curve to the left having a radius of 78.00 feet, an arc length of 71.30 feet and a chord bearing North 77°-33'-00" East, 68.84 feet to a point; thence
- 6) North 24°-38'-56" West, 45.50 feet to a point; thence
- 7) North 39°-55'-42" East, 41.50 feet to a point; thence
- 8) North 13°-20'-55" West, 23.20 feet to a point; thence
- 9) North 50°-04'-18" West, 71.30 feet to a point; thence
- 10) North 30°-04'-18" West, 33.94 feet to a point; thence
- 11) North 10°-04'-18" West, 81.49 feet to a point; thence
- 12) North 09°-55'-42" East, 33.94 feet to a point; thence
- 13) North 29°-55'-42" East, 71.30 feet to a point; thence
- 14) North 06°-47'-41" West, 23.20 feet to a point; thence
- 15) North 60°-04'-12" West, 46.80 feet to a point; thence
- 16) North 29°-25'-30" West, 68.33 feet to a point in the aforementioned division line between lands of 608 Loudon Road, LLC on the south and lands of New Loudon Road Associates, LLC on the north; thence along said division line the following four (4) courses and distances:

- 1) North 60°-34'-30" East, 4.08 feet to a point; thence
- 2) North 32°-09'-26" East, 28.60 feet to a point; thence
- 3) North 62°-24'-08" East, 120.53 feet to a point; thence
- 4) North 78°-10'-00" East, 158.81 feet to a point in the aforementioned westerly highway boundary of Loudon Road, the point and place of beginning and containing 4.72 acres of land more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.

And Lot 2:

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York, reference is made to a map titled "Concept Site Plan Galleria at Loudonville, Street No.'s 606 & 608 Loudon Road", Town of Colonie, County of Albany, State of New York," dated December 10, 2018, last revised October 31, 2019, prepared by Advance Engineering & Surveying PLLC and being more particularly bounded and described as follows:

Beginning at a point in the division line between lands now or formerly of 608 Loudon Road, LLC as described in Liber 3063 of deeds at page 845 on the south, lands now or formerly of Village at Shaker Creek Homeowners Association on the north and lands now or formerly of Saleem Ahmed & Musarrat J. Khan as described in Liber 2752 of deeds at page 1045 on the west; thence from said point of beginning along the 608 Loudon Road, LLC and Village at Shaker Creek Homeowners Association division line and the division line between lands of the aforementioned 608 Loudon Road, LLC on the south and lands now or formerly of New Loudon Road Associates, LLC on the north North 60°-34'-30" East, 709.87 feet to a point therein; thence through the aforementioned lands of 608 Loudon Road, LLC the following sixteen (16) courses and distances:

- 1) South 29°-25'-30" East, 68.33 feet to a point; thence
- 2) South 60°-04'-12" East, 46.80 feet to a point; thence
- 3) South 06°-47'-41" East, 23.20 feet to a point; thence
- 4) South 29°-55'-42" West, 71.30 feet to a point; thence
- 5) South 09°-55'-42" West, 33.94 feet to a point; thence
- 6) South 10°-04'-18" East, 81.49 feet to a point; thence
- 7) South 30°-04'-18" East, 33.94 feet to a point; thence
- 8) South 50°-04'-18" East, 71.30 feet to a point; thence
- 9) South 13°-20'-55" East, 23.20 feet to a point; thence
- 10) South 39°-55'-42" West, 41.50 feet to a point; thence
- 11) South 24°-38'-56" East, 45.50 feet to a point; thence
- 12) Along an arc of a curve to the left having a radius of 78.00 feet, an arc length of 71.30 feet and a chord bearing South 77°-33'-00" West, 68.84 feet to a point; thence
- 13) North 80°-45'-14" West, 300.37 feet to a point; thence
- 14) Along an arc of a curve to the left having a radius of 136.00 feet, an arc length of 216.78 feet and a chord bearing North 30°-28'-30" West, 194.55 feet to a point; thence
- 15) South 75°-12'-31" West, 136.29 feet to a point; thence
- 16) South 08°-30'-51" West, 153.85 feet to a point in the division line between the aforementioned lands of 608 Loudon Road, LLC on the east and the aforementioned lands of Saleem Ahmed & Musarrat J. Khan on the west; thence along said division line North 53°-26'-00" West, 150.00 feet to the point and place of beginning and containing 3.67 acres of land more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.

SECTION 2. ZONING MAP

Section 190-17 (A) of the Code of the Town of Colonie is amended by modifying the Town of Colonie Zoning Map described therein to reclassify those lands described in Section 1 above from a Neighborhood Commercial Office Residential (NCOR) district to a PDD. Said map shall be modified and a copy of the revised map shall be filed with the Town Clerk of the Town of Colonie.

SECTION 3. CONDITIONS

The subject 8.39 +/- acres of parcel described in Section 1 above is rezoned to a PDD upon the conditions that the property shall be developed with a 26,000 +/- square foot commercial building (retail/restaurant), 85 independent senior apartments, and a 92 bed assisted living facility on an parcel of land to be subdivided into two lots, as more fully detailed in the narrative description, plans, and additional materials provided with the request for rezoning and filed in the office of the Town Clerk. This rezoning is also subject to any express conditions of the Planning Board and the Town Board filed with the office of the Town Clerk.

SECTION 4. SEVERABILITY

If any clause, sentence or provision of this local law or the application thereof to any person or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of the provisions of this local law or the application thereof to other persons and circumstances.

SECTION 5. SEQRA

The Town of Colonie Town Board, acting as Lead Agency, has determined that this proposal is an Unlisted action which will not have a significant impact on the environment.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon its proper filing in the Office of the Secretary of State.

**SPECIAL RULE OF THE PLANNING BOARD SETTING FORTH
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS FOR THE
ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA
PURSUANT TO NEW YORK STATE TOWN LAW § 280-a(4)**

**The Galleria at Loudonville (Loudon Road PDD)
606 & 608 Loudon Road**

WHEREAS, New Loudon Road Realty Company LLC (hereinafter referred to as the applicant) made application to the Colonie Town Board for creation of the Galleria at Loudonville Planned Development District, with said site plan containing two lots, one of which will contain a maximum of 26,000 square foot commercial retail building with frontage along Loudon Road, and the second lot containing a maximum of 85 senior apartments and 92 bed assisted living facility with no frontage along a public right-of-way; and

WHEREAS the Town of Colonie Planning and Economic Development Department and Building Department have determined that access to the subject property by means other than use of the property's public road frontage will require approval of an Open Development Area; and

WHEREAS, the applicant made a request for an Open Development Area to the Town of Colonie Town Board; and

WHEREAS, 280-a(4) of the New York State Town Law provides that the Town Board may establish an Open Development Area within the Town, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by special rule of the Planning Board; and

WHEREAS, on November 7, 2019 the Town Board referred the application for the Open Development Area to the Planning Board for review and recommendation via Town Board Resolution No. 474 for 2019; and

WHEREAS, the Open Development Area requested by the applicant is intended to allow primary access to the subject property by ingress and egress over private roads to which both lots will share equal rights of ingress and egress; and

WHEREAS, the subject property has approximately 587 feet of frontage along Loudon Road (New York State Route 9); and

WHEREAS, Loudon Road is a State-owned public road maintained by the NYSDOT.

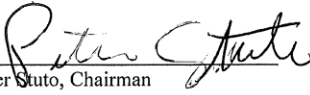
NOW THEREFORE, BE IT RESOLVED THAT, the Planning Board has determined that it is in the best interest of the public's health safety and welfare to permit access to the rear lot over an ingress/egress easement; and

EXHIBIT "c"

BE IT FURTHER RESOLVED THAT, the Planning Board recommends approval of the Open Development Area for the Galleria at Loudonville Planned Development District.

This resolution shall take effect immediately and shall be transmitted to the Colonie Town Board for consideration.

Date: February 25, 2020


Peter Stuto, Chairman