

RESOLUTION NO. 409-A FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Nicole E. Nowak to the position of Typist, Grade 6, in the DPW/Division of Latham Water at an annual salary of \$35,474.

WHEREAS, the Personnel Officer has certified Nicole E. Nowak as eligible for permanent appointment from Eligible List #TY097-23, established August 7, 2023;

BE IT RESOLVED that Nicole E. Nowak be, and hereby is, permanently appointed to the position of Typist, Grade 6, in the DPW/Division of Latham Water at an annual salary of \$35,474, effective August 25, 2023.

RESOLUTION NO. 409-B FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution provisionally appointing Lori A. Rotila to the position of Justice Court Clerk, Grade 7, in the Justice Department at an annual salary of \$36,601.

BE IT RESOLVED that Lori A. Rotila be, and hereby is, provisionally appointed to the position of Justice Court Clerk, Grade 7, in the Justice Department at an annual salary of \$36,601, effective September 6, 2023, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 409-C FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution provisionally appointing Rosemary M. Ramlochan to the position of Justice Court Clerk, Grade 7, in the Justice Department at an annual salary of \$36,601.

BE IT RESOLVED that Rosemary M. Ramlochan be, and hereby is, provisionally appointed to the position of Justice Court Clerk, Grade 7, in the Justice Department at an annual salary of \$36,601, effective September 5, 2023, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 409-D FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Assistant Planner, Grade 10, in the Planning and Economic Development Department and provisionally appointing Ethan B. Townsend to same at an annual salary of \$48,268.

BE IT RESOLVED that one (1) position of Assistant Planner, Grade 10, in the Planning and Economic Development Department be, and hereby is, established; and

BE IT RESOLVED that Ethan B. Townsend be, and hereby is, provisionally appointed to the position of Assistant Planner, Grade 10, in the Planning and Economic Development Department at an annual salary of \$48,268, effective August 28, 2023, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 409-E FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently promoting Jonathan Lambert to the position of Paramedic PT in the Emergency Medical Services Department at an hourly rate of \$29.61.

WHEREAS, the Personnel Officer has certified Jonathan Lambert as eligible for permanent promotion from Eligible List #PM4-89P, established July 24, 2023;

BE IT RESOLVED that Jonathan Lambert be, and hereby is, permanently promoted to the position of Paramedic PT in the Emergency Medical Services Department at an hourly rate of \$29.61, effective August 28, 2023.

RESOLUTION NO. 410 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey
 Councilwomen Kristen Blais
 Melissa Jeffers
 Councilmen Rick Field, Sr.
 Alvin Gamble
 Jeffrey Madden
 Mark McCumber

ABSENT: None

Councilwoman _____ 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 it hereby is, authorized as follows:

<u>PAYEE</u>	<u>AMOUNT</u>
Leguire Shorthand Reporters (Pirri)	\$345.50
Clough Harbour & Associates (Haggerty and Pirri)	\$1,390.00
Cooper Erving & Savage (Pirri, Fusco, Lynch, Falace-Mayr, Walker)	\$4,016.50
Thorn Gershon Tymann and Bonanni, LLP (City of New York, et al)	\$18,996.90
Total	\$24,748.90

RESOLUTION NO. 411 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution establishing a Standard Work Day and Reporting Resolution, pursuant to 2 NYCRR 315.4, for elected and appointed officials for membership and service credit in the New York State and Local Retirement System.

WHEREAS, Regulations of the New York State Comptroller set forth in 2 NYCRR 315.4 require the adoption of a “standard work day” by each municipality and impose additional reporting requirements for elected and appointed officials for membership and service credit in New York State and Local Retirement System;

NOW, THEREFORE, BE IT RESOLVED that the Town of Colonie hereby establishes the standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based upon the record of activities maintained and submitted by these officials to the Town Clerk of this body as set forth in Exhibit “A” attached hereto; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to post this resolution on the Town of Colonie website for a minimum of thirty (30) days and to file a certified copy of this resolution and affidavit of posting with the Office of the State Comptroller within forty-five (45) days of adoption.

Received Date

**Standard Work Day and
Reporting Resolution for
Elected and Appointed Officials**

Employer Location Code

3 0 0 8 1

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev.11/19)

BE IT RESOLVED, that the Town of Colonie / 30081 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
							☐		☐
							☐		☐
							☐		☐
Appointed Officials:									
Debora Banks-Turner		R11278658	SEAMAB/Member	01/01/2023-12/31/2023	8	.11	☐	Bi-Weekly	☐
							☐		☐
							☐		☐

I, Julie L. Gansle, secretary/clerk of the governing board of the Town of Colonie, of the State of New York,
(Name of Secretary or Clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 24 day of August, 2023 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Colonie on this ____ day of _____, 20____.
(Name of Employer)

(Signature of Secretary or Clerk)
Affidavit of Posting: I, Julie L. Gansle being duly sworn, deposes and says that the posting of the Resolution began on _____
(Name of Secretary or Clerk)
_____ and continued for at least 30 days. That the Resolution was available to the public on the:
(Date)

- ☒ Employer's website at: www.colonie.org
☒ Official sign board at: Memorial Town Hall
☒ Main entrance Secretary or Clerk's office at: Memorial Town Hall

(seal)

Page 1 of 1 (for additional rows, attach a RS 2417-R form)

EXHBIT "A"

RESOLUTION NO. 412 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Memorandum of Agreement with the Police Benevolent Association in connection with monetary stipend to be provided to PBA members to equip and use Body Worn Cameras during their shift.

WHEREAS, the Town is in the process of implementing Body Worn Cameras within the Police Department; and

WHEREAS, after negotiations the Town and Police Benevolent Association they have agreed upon a monetary stipend to be provided to PBA members to equip and use Body Worn Cameras during their shift; and

WHEREAS, the monetary stipend will only be available during three (3) time periods which are implementation through December 31, 2023, January 1, 2024 through June 30, 2024 and July 1, 2024 through December 31, 2024; and

WHEREAS, the stipend will be \$500.00 for each time period and only available to PBA members if they are actually assigned, equipped and utilize the Body Worn Cameras during the specific time period;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Memorandum of Agreement with the Police Benevolent Association in connection

with monetary stipend to be provided to PBA members to equip and use Body Worn Cameras during their shift; and

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

RESOLUTION NO. 413 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution rescinding all prior resolutions pertaining to the Town of Colonie Sexual Harassment Prevention Policy and adopting a new Town of Colonie Sexual Harassment Prevention Policy.

BE IT RESOLVED that all prior resolutions pertaining to the Town of Colonie Sexual Harassment Prevention Policy be, and hereby is, rescinded; and

BE IT RESOLVED, that the Town Board hereby approves the Town of Colonie Sexual Harassment Prevention Policy attached hereto as Exhibit "A".

TOWN OF COLONIE SEXUAL HARASSMENT PREVENTION POLICY

Adopted October 25, 2018
Revised [Date]

I. POLICY STATEMENT

The Town of Colonie is committed to maintaining a workplace free from sexual harassment. Sexual harassment, which includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, is a form of workplace discrimination. Sexual harassment is considered a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of the Town of Colonie's commitment to a discrimination-free work environment.¹

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with the Town of Colonie, and/or with a government agency or in court under federal, state or local antidiscrimination laws.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Colonie to liability for harm to targets of sexual harassment. In New York, harassment does not need to be severe or pervasive to be illegal. Harassers may also be individually subject to liability. Those covered by this Policy who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable Collective Bargaining Agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

The Town of Colonie will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever the Town of Colonie or its supervisory or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. The Town of Colonie will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All employees, interns, volunteers, and non-employees are encouraged to report any harassment or behaviors that violate this Policy. The Town of Colonie will provide a complaint form for the reporting of harassment and to file complaints. Managers and supervisors are **required** to report **any** complaint that they receive, or any harassment that they observe or become aware of in the workplace. Confronting the harasser is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a good faith complaint without first communicating with the

¹ Note that other forms of discrimination, as well as harassment based on protected classes or characteristics other than those covered under this policy are covered separately under the Town of Colonie's Discrimination and Discriminatory Harassment Policy.

- OVER -

EXHIBIT "A"

offender.

SCOPE

- A. Who is covered by this Policy?** This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with the Town of Colonie².
- B. 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 who provide services in the workplace. This Policy also protects volunteers of the Town of Colonie.
- C. Who can be a sexual harasser?** A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor, or anyone with whom the person interacts while conducting their job duties.
- D. Where can sexual harassment occur?** Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees, interns and/or volunteers are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful workplace harassment, even if occurring away from the workplace premises or not during work hours.

II. DEFINITIONS OF PROHIBITED CONDUCT

A. What is sexual harassment?

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

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is

² Non-employees, as defined by law, includes contractors, vendors and consultants or those who are employees of the contractor, vendor or consultant.

Town of Colonie Sexual Harassment Prevention Policy

to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Town of Colonie's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

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

- o 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;
- o Such conduct is made either explicitly or implicitly a term or condition of employment; *or*
- o 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 includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. 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, and/or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to offer 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.

Anyone subject to and/or covered by this Policy 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.

B. Examples of sexual harassment

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
 - o Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible); or
 - o Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges.)
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other employment benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities; or

- Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act, including:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- 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 phones and sharing such displays while in the workplace or in a work-related gathering or setting.
 - This extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities;
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

C. Retaliation

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No person covered by this Policy shall be subjected to such unlawful retaliation. 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 sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

The New York State Human Rights Law and this Policy protect any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to [Employer Name] (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;

Town of Colonie Sexual Harassment Prevention Policy

- reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Employees, interns, volunteers, and non-employees who believe 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 to investigate a complaint of sexual harassment. 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.

III. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing sexual harassment is everyone's responsibility. The Town of Colonie cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, Department Head or Compliance Officer as set forth below. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should report such behavior to a supervisor, Department Head or Compliance Officer as set forth below.

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

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 sexual harassment. Individuals should feel free to keep written records of any actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

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, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting sexual harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is on another person's behalf.

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

B. 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 sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engaged in sexually harassing conduct themselves, **all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report same to the Compliance Officer.** Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline or other appropriate remedial action for engaging in retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

C. The Town of Colonie's Responsibilities

The Town of Colonie will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers. The Town of Colonie will also ensure that annual training is conducted on sexual harassment.

D. Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

IV. INVESTIGATION AND RESPONSE PROCEDURES

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, commencing immediately and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded appropriate due process to protect their rights to a fair and impartial investigation.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual 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.

All investigations will be conducted by the Compliance Officer. The nature 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 by the Compliance Officer and/or their designee and in accordance with the following steps:

- Upon receipt of complaint, the Compliance Office 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 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.
- Submit the investigation report to the Compliance Officer.

Once the investigation report has been submitted to the Compliance Officer, he/she or his/her designee shall review and make a Final Determination as to whether the Policy has been violated.

The Compliance Officer shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge externally as outlined below.³

³ Where a complaint was filed regarding sexual harassment against an individual other than the person making the written complaint, the person against whom the harassment was directed will be treated as the complainant for purposes of this Policy.

If a complaint of sexual harassment or retaliation is determined to be founded, The Town of Colonie may take disciplinary and/or corrective action. The Compliance Officer will be responsible for implementing any corrective or remedial actions deemed necessary.

V. REIMBURSEMENT

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse the Town of Colonie for any monies it paid to a complainant for what was found to be the employee's proportionate share of said judgement. These reimbursements must be made within ninety (90) days from payment by the Town of Colonie to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee's compensation or through enforcement of a money judgement.

VI. FURTHER CONFIDENTIALITY AND DISCLOSURE

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the Town of Colonie shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the Town of Colonie may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

VII. 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.

VIII. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

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

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

A. New York State Division of Human Rights (DHR)

Town of Colonie Sexual Harassment Prevention Policy

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, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights or in New York State Supreme Court. Complaints of sexual harassment with DHR may be filed any time **within three years** 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 Colonie does not extend the time for filing a complaint with DHR or in court.

An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is 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 the employer to act to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

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.

New York State Division of Human Rights also created a **toll-free, confidential hotline at 1-800-427-2773 (1-800-HARASS-3)** to provide counsel and assistance to individuals experiencing workplace sexual harassment, which is available Monday through Friday from 9:00 A.M. to 5:00 P.M.

B. United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an individual 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.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. 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.

IX. CONCLUSION

The policy outlined above is aimed at providing employees at the Town of Colonie and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

TOWN OF COLONIE HARASSMENT COMPLAINT FORM
(Submit to supervisor, Department Head and/or Personnel Officer)

This form may be used to file a complaint of harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and the 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 _____?

Are you personally the subject of the alleged harassment? YES _____ NO _____?

If not, please state the name of the person(s) who are the subject of the alleged harassment:

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

- OVER -

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. 414 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Memorandum of Understanding with the Capital Region Transportation Council in connection with the Linkage Study Grant for the Central Avenue West Corridor Study.

WHEREAS, the Town has requested funds from the Capital Region Transportation Council in its 2023-2024 Unified Planning Work Program for the Central Avenue West Corridor Study; and

WHEREAS, the approved cost for consultant services related to the study is \$150,000.00 which will be paid for by Federal Transportation Planning Funds; and

WHEREAS, the Town will provide \$15,000.00 in support for the study;

BE IT RESOLVED that the Supervisor be, and hereby is authorized to execute a Memorandum of Understanding with the Capital Region Transportation Council in connection with the Linkage Study Grant for the Central Avenue West Corridor Study; and

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

RESOLUTION NO. 415 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning and Economic Development Director to review and consider the proposed amendment of 28 Nantucket Street in the Shelter Cove PDD.

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

WHEREAS, the applicant seeks to install a deck at 28 Nantucket Street;

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

RESOLUTION NO. 416 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Fretto Industrial Cleaning in connection with the exterior cleaning of Memorial Town Hall at a cost not to exceed \$9,980.00.

WHEREAS, one quote was received in connection with cleaning the masonry exterior of Memorial Town Hall; and

WHEREAS, the quote was received from Fretto Industrial Cleaning in the amount of 9,980.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Fretto Industrial Cleaning in connection with the exterior cleaning of Memorial Town Hall at a cost not to exceed \$9,980.00; and

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

RESOLUTION NO. 417 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution approving the settlement of \$3,250.00 with Jeff Sager for damage to his driveway at 10 Colleen Drive as a result of a water main break on July 2, 2022.

WHEREAS, on July 2, 2022 there was a water main break in front of 10 Colleen Drive which damaged a portion of the driveway at 10 Colleen Drive; and

WHEREAS, in September, 2022 the owner of 10 Colleen Drive, Jeff Sager, met with representatives from the DPW/Division of Latham Water and it was agreed that the Town would pay half of the cost to repair Mr. Sager's driveway; and

WHEREAS, Mr. Sager received two (2) quotes and the lowest quote was from L. Browe Asphalt Services, Inc. in the amount of \$6,500.00; and

WHEREAS, the DPW/Division of Latham Water has agreed to pay \$3,250.00 for half the cost of the repair to the driveway in full settlement of this claim;

BE IT RESOLVED that the settlement of \$3,250.00 with Jeff Sager for damage to his driveway at 10 Colleen Drive be, and hereby is, approved.

RESOLUTION NO. 418 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Arthur J. Gallagher Risk Management Services, Inc. in connection with renewal of the Town's unmanned aircraft liability insurance coverage with American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company.

WHEREAS, the Town of Colonie maintains certain insurance coverage, including a policy providing unmanned aircraft liability insurance coverage for the fleet of drones operated by the Colonie Police Department; and

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. ("Gallagher"), on August 15, 2023, provided a proposal detailing the options for such policies, which included a quote from American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company to provide the required coverage at an annual premium cost to the Town of \$1,475.00; and

WHEREAS, the quote provided by American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company offered a cost savings to the Town as compared to its

expiring coverage and was within the Town's financial requirements for such policy as budgeted; and

WHEREAS, American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company is the incumbent carrier for this policy, which has historically met the Town's needs for such coverage; and

WHEREAS such proposal was reviewed by the Town Attorney's Office and the Office of the Comptroller and, following such review the Town Attorney's Office and Office of the Comptroller have recommended that such coverage be bound with American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company based on the insurance product offered, the cost of same, and existing relationship with this carrier;

NOW THEREFORE BE IT RESOLVED that the proposal from Arthur J. Gallagher Risk Management Services, Inc. for auto coverage through American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company is hereby accepted; and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to take any action required to bind coverage for this policy with American Alternative Insurance Corporation American Commerce Insurance Company Central States Indemnity Company of Omaha Tokio Marine America Insurance Company; and

BE IT FURTHER RESOLVED that any agreement required in connection with this resolution is subject to the review and approval of the Town Attorney's office; and

BE IT FURTHER RESOLVED that Town employees and/or staff are authorized to complete any documentation required to effectuate the terms of this resolution.

RESOLUTION NO. 419 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Contractor Agreement with Birdsall Excavation and Construction in connection with providing sewer maintenance and/or repair during the remainder of 2023 at a cost not to exceed \$10,000.00.

WHEREAS, Birdsall Excavation and Construction will provide sewer maintenance and/or repair during the remainder of 2023 at a cost not to exceed \$10,000.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Contractor Agreement with Birdsall Excavation and Construction in connection with providing sewer maintenance and/or repair during the remainder of 2023 at a cost not to exceed \$10,000.00; and

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

RESOLUTION NO. 420 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Amendment No. 1 to the Engineering Agreement with Weston & Sampson in connection with the Division of Pure Waters Collection Operational Facility Project in an amount not to exceed \$144,488.60.

WHEREAS, Weston & Sampson has been providing engineering services in connection with the Division of Pure Waters Collection Operational Facility Project and have found that the original agreement needs to be amended in order to add additional fees; and

WHEREAS, fees for construction administration services will need to be increased \$25,500.00 due to the fact that Weston & Sampson's service was to be through 2022 and construction now is anticipated to be undertaken in 2024 and possibly beyond; and

WHEREAS, the time for construction was estimated at the time of the contract to be less than ten (10) months and it is now estimated to be fifteen (15) months; and

WHEREAS, Resident Project Representative Services shall also be increased by \$109,370.00 to account for inflation and accommodate the longer construction duration; and

WHEREAS, due to the long period of time that transpired during the design process, Weston & Sampson incurred an amount of coordination effort in the form of stormwater comments and site redesign the amount for these services will be increased by \$9,618.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute Amendment No. 1 to the Engineering Agreement with Weston & Sampson in connection with the Division of Pure Waters Collection Operational Facility Project in an amount not to exceed \$144,488.60; and

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

RESOLUTION NO. 421 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Professional Services Agreement with EDR in connection with assisting with the planning, installation and PLC/HMI programming necessary to facilitate monitoring and automated control of sodium hypochlorite chemical feed pumps located at the Mohawk View Water Pollution Control Plant at a cost of \$27,000.00.

WHEREAS, EDR will assist with the planning, installation and PLC/HMI programming necessary to facilitate monitoring and automated control of sodium hypochlorite chemical feed pumps located at the Mohawk View Water Pollution Control Plant at a cost not to exceed \$27,000.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Professional Services Agreement with EDR in connection with assisting with the planning, installation and PLC/HMI programming necessary to facilitate monitoring and automated control of sodium hypochlorite chemical feed pumps located at the Mohawk View Water Pollution Control Plant at a cost of \$27,000.00; and

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

RESOLUTION NO. 422 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to Plank, LLC, DiGesare Mechanical, Inc., Spring Electric, Inc., John W. Danforth Company and Condor Fire Sprinkler Co., LLC in connection with the DPW/Division of Pure Waters Collection Operational Facility and authorizing the Supervisor to execute agreements for same.

WHEREAS, pursuant to advertisement on April 19, 2023, bids were received in connection with the DPW/Division of Pure Waters Collection Operational Facility as shown on Exhibit "A" attached hereto; and

WHEREAS, after review of the bids by the Director of Purchasing and General Services and the Superintendent of the DPW/Division of Pure Waters;

BE IT RESOLVED that the bid will be awarded to the low bidders, Plank, LLC for Contract G-1 in the amount of \$5,341,800.00, DiGesare Mechanical Inc. for Contract P-1 in the amount of \$457,000.00, Spring Electric, Inc. for Contract E-1 in the amount of \$443,500.00, John W. Danforth Company for Contract HVAC-1 in the amount of \$465,000.00 and Condor Fire Sprinkler Co., LLC for Contract FP-1 in the amount of \$110,700.00; and

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute agreements for same; and

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

	Contract Subject Matter	Bidder	Bid Total
General Contracting			
G-1	General Contracting	Plank, LLC	\$5,341,800
G-1	General Contracting	Gallo Construction Corp.	\$5,693,450
G-1	General Contracting	Bast Hatfield Construction, LLC	\$5,888,255
G-1	General Contracting	Murnane Building Contractors, Inc.	\$6,622,900
Plumbing			
P-1	Plumbing	DiGesare Mechanical Incorporated	\$457,000
P-1	Plumbing	Eckert Mechanical, LLC	\$478,078
P-1	Plumbing	S&O Construction Services, Inc.	\$573,955
Electrical			
E-1.	Electrical	Spring Electric, Inc.	\$443,500
E-1.	Electrical	Harold R. Clune, Inc.	\$678,200
E-1.	Electrical	Flex Electric	\$691,700
E-1.	Electrical	Stilsing Electric, Inc.	\$744,066
E-1.	Electrical	Gross Electric, Inc.	\$834,563
HVAC			
HVAC-1	HVAC	John W. Danforth Company	\$465,000
HVAC-1	HVAC	Campito Plumbing & Heating, Inc.	\$475,295
HVAC-1	HVAC	DiGesare Mechanical, Inc.	\$564,000
HVAC-1	HVAC	Eckert Mechanical, LLC	\$608,804
HVAC-1	HVAC	S&O Construction Services Inc.	\$655,450
Fire Protection			
FP-1	Fire Protection	Condor Fire Sprinkler, Co., LLC	\$110,700

EXHIBIT "A"

RESOLUTION NO. 423 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Santore's World Famous Fireworks, LLC in connection with the fireworks display on August 26, 2023 in the amount of \$7,500.00 and to accept a sponsorship proposal from M&T Bank to reimburse the Town for the cost of a fireworks display being planned for a Town event at the Mohawk River Park.

WHEREAS, the Town of Colonie intends to hold a celebratory event at the Mohawk River Park on Saturday August 26, 2023 or on a rain date thereafter; and

WHEREAS, the Town intends to arrange for a fireworks display as a feature of such event; and

WHEREAS, Santore's World Famous Fireworks, LLC will provide a fireworks display for the celebration on August 26, 2023; and

WHEREAS, M&T Bank has offered to sponsor the fireworks display by making a contribution to the Town in the amount of \$7,500.00 for the cost of the fireworks display;

NOW, THEREFORE, BE IT RESOLVED the Supervisor be, and hereby is, authorized to enter into an agreement with Santore's World Famous Fireworks, LLC in the amount of \$7,500.00 for a fireworks display at the celebration at the Mohawk River Park; and

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

BE IT FURTHER RESOLVED that the Town accept the sponsorship proposal from M&T Bank to underwrite the cost of the fireworks display.

RESOLUTION NO. 424 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 24th day of August, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden
	Mark McCumber

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution Pursuant to Section 202b of the State of New York State
Approving the Proposed Design and Construction of a Single Garage
Facility for the Collection Section of the Division of Pure Waters.**

WHEREAS, the Town of Colonie owns and operates a sanitary sewer collection system managed by the Department of Public Works, Division of Pure Waters (Pure Waters), which includes over 400 miles of main and over 9,500 manholes; and

WHEREAS, the Collections Section of Pure Waters is responsible for the operations and maintenance of the sanitary sewer system and operates from 2 bays inside the Fleet Maintenance garage. The space inside the Fleet Maintenance garage is limited with 17 full time staff, 1 senior environmental engineering technician and 2 supervisors sharing space, along with the storage of necessary equipment at other locations; and

WHEREAS, the Collections Section of Pure Waters operates out of several different locations making operations inefficient and compromising the Division's ability to respond efficiently in the case of an emergency; and

WHEREAS, the Town of Colonie retained the services of CHA, engineers duly licensed by the State of New York, to identify a conceptual building footprint, location options, and costs associated with the future design and construction of a single garage facility located on the Public Operations compound. This garage facility will house all necessary personnel and equipment to provide efficient and effective operations; and

WHEREAS, based on said feasibility study, the following was recommended by CHA based on the current and future needs of the Collection Section of Pure Waters:

- Construction of a cost-effective pre-engineered office building to house a garage with three double height bays, two half height bays with a hoist way system for loading and unloading, and an equipment bay for storage.

WHEREAS, a detailed report including needs assessment, feasibility study layout, location alternatives analysis, comparison of alternatives and recommended alternative was prepared by CHA, and was filed with the Town Clerk of the Town of Colonie in accordance with the requirements of New York State Town Law and are available for public inspection; and

WHEREAS, on January 16, 2020, the Town Board issued a Notice of Public Hearing for the proposed construction. A legal notice was thereafter published in the Spotlight on January 22, 2020. The Town Board then held a public hearing on February 6, 2020. At that same meeting, the Town Board approved the project and authorized the expenditure of \$6,978,031.00; and

WHEREAS, the original study completed by CHA anticipated construction commencing in January, 2021. Since that time, there have been significant changes in the construction industry primarily due to the COVID pandemic. These changes include a significant increase in raw material and labor costs, delays associated with supply chain issues, and overall cost increases associated with periods of higher-than-normal inflation. Based on the current supply chain environment, the anticipated construction period will increase from ten months to fifteen months and updated total project budget estimate is warranted; and

WHEREAS, it is now recommended that the scope of work as outlined in CHA's January 2020 engineering report, as well as the updated Capital Cost Report, copies of which are on file with the Town Clerk, be approved for this project with an increase in the estimated project cost of \$622,873.67 for a total maximum cost of Seven Million, Six Hundred Thousand, Nine Hundred Four Dollars and 67/100 (\$7,600,904.67); and

WHEREAS, a Resolution was duly adopted by said Board on the 27th day of July, 2023, pursuant to Article 12A of the State of New York Town Law calling for a public hearing on said map, plan and estimate of cost to be held at the Town Hall, Latham, New York on the 24th day of August, 2023, at 7:00 p.m. Local Time; and

WHEREAS, notice of such public hearing was duly published and posted in the manner required by State of New York Town Law; and

WHEREAS, said public hearing was duly held at the time and place aforesaid at which time all persons interested in the subject matter thereof were duly heard;

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, by the Town Board of the Town of Colonie, Albany County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby determined that the property owners within the proposed improvement area are benefited thereby and that said benefited property and property owners are included within the limits of the proposed improvement area.

Section 2. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to construct the aforesaid improvements for a total maximum cost of Seven Million, Six Hundred Thousand, Nine Hundred Four Dollars and 67/100 (\$7,600,904.67); and

Section 3. This resolution shall take effect immediately.