

**A Worksession of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Complex Court Room located at 6380 Suite II, at 7:00 PM on January 22, 2008. The following were**

PRESENT: Supervisor James D. Hoffman  
Councilman G. Elliott Warren  
Councilman Gary Orbaker  
Councilman Anthony Verno  
Councilman Michael Bixby

ABSENT: None

The Board reviewed bills for payment.

**The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Complex Court Room located at 6380 Suite II following the Worksession and was called to order at 7:30 PM on January 22, 2008 by Supervisor Hoffman with the Pledge of Allegiance. The following were**

PRESENT: Supervisor James D. Hoffman  
Councilman G. Elliott Warren  
Councilman Gary Orbaker  
Councilman Anthony Verno  
Councilman Michael Bixby

ABSENT: None

Tom Watson, Mary Jane Haugh; Economic Development Coordinator, Tom DeMarree, Jackie Walker, Joan Carey, Lenore Youngman, Ted Kerschner, Mark Vande, Jen Olivo and Will Stradling w/ O'Brien & Gere, Peter Evans, John Manahan; Wastewater Chief Operator, Todd Brennessel, Joe English, Mike Orr, Jay Peters, W. Gilges, Steve Dunn, Dave Feindel, Steve Haywood; Assessor & Bldg Inspector, Dorothy and Perry Howland, Wilma Young; Sun & Record, and the undersigned Town Clerk were also present.

Supervisor Hoffman announced the attendance of Arthur Williams, Town Attorney.

Jen Olivo and Will Stradling with O'Brien & Gere presented a "Wastewater Treatment Capacity Expansion Evaluation" report on an overview to The Town Board. The information given on the Wastewater Plant included background history, project overview, collection and conveyance system, wastewater treatment facility description present and future, total project cost estimate, project schedule, and regulation agency and funding assistance. Questions and comments were taken from The Board and Supervisor Hoffman thanked them for the presentation.

The Board took a five-minute recess in order for the set up of the next presentation. Recess was at 7:55 PM and the meeting went back into session at 8:00 PM.

Dave Feindel, Steve Dunn and Tom Watson, members of the Heritage Assets Committee; gave a presentation on the importance of having a regulation for interim protection of historic assets in the Town of Williamson. Question and comments were taken and discussion ensued.

Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Warren, to accept the Consent Agenda containing the following items:

- a. previous minutes: January 8, 2008
- b. annual reports from Town Clerk, Registrar of Vital Statistics, Building Dept., Wastewater Treatment Plant, Justices
- c. pay the Library bills as audited by the Library Board of Trustees:  
vouchers 1537 – 1552, total 12,118.61

The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Verno, to authorize the Town Supervisor to sign a lease agreement with the Chamber of Commerce for the use of Room 205 in the Town Complex. The rent paid by the Chamber will be \$ 1.00 per month. The motion was carried.

Supervisor Hoffman presented the following Resolution and moved its adoption. It was seconded by Councilman Warren.

WHEREAS: The record books of the Account Clerk, Town Clerk and Justices, were audited by the Town Board prior to this meeting, and

NOW, THEREFORE, BE IT RESOLVED: That the Town Board of the Town of Williamson hereby acknowledges that the Account Clerk, Town Clerk and Justices books were presented to the Town Board for auditing,

BE IT FURTHER RESOLVED: The books examined show that monies collected have been turned over to the proper officials.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman  
Councilman Orbaker  
Councilman Warren  
Councilman Verno  
Councilman Bixby

NAYES: None

The Resolution was declared adopted.

Councilman Verno made a motion, seconded by Councilman Bixby, to adopt the Town of Williamson Workplace Violence Prevention Policy. This policy will become effective immediately. The motion was carried.

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## **TOWN OF WILLIAMSON WORKPLACE VIOLENCE PREVENTION POLICY**

**This policy and set of procedures define how the Town of Williamson will respond to threats and incidents in the workplace and will help to define the responsibilities of the many individuals who are involved in responding to threats, incidents, and other safety risks in the workplace. They do not supersede the rights individuals have as private citizens to make civil or criminal complaints regarding other individuals.**

### **Background:**

On June 7, 2006, New York State enacted legislation creating a new Section 27-b of State Labor Law that requires public employers (other than schools covered under the school safety plan requirements of the education law) to perform a workplace evaluation or risk evaluation at each worksite and to develop and implement programs to prevent and minimize workplace violence caused by assaults and homicides. The Law is designed to ensure that public employers regularly evaluate the risk of workplace assaults and homicides and that workplace violence protection programs are implemented to prevent and minimize the hazard to public employees.

### **Statement of Purpose**

Nothing is more important to the Town of Williamson (which includes all town departments and the Williamson Free Public Library) than the safety and security of our employees and the general public. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the Town of Williamson property will not be tolerated.

The Town of Williamson strives to meet the needs of its clients and visitors in a professional and positive manner. Our aim is to be prepared to handle any incidents that occur and to insure that all the Town of Williamson staff, clients, and visitors are provided with a safe environment.

Workplace violence is defined as any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression or disrupts the workplace.

**Goals:**

- To provide a safe environment for staff, clients, and visitors to the Town of Williamson government and sites where we may conduct business in the community and to ensure that all staff is familiar with the security policy by conducting on-going training reinforcing the responsibility of all staff to help create and maintain a safe environment for staff, clients, and visitors.
- To provide guidance regarding direct or indirect threats to an employee, when an employee believes (s) he will encounter a potentially dangerous or violent situation, or under the circumstances at hand find a condition unsafe requiring supervisory notification and/or some type of action.
- To ensure that staff understands the roles and responsibilities of all parties in creating and maintaining a safe environment.

**Who is covered:**

All staff (including volunteers and interns), clients, and visitors of the Town of Williamson.

**Annual Training:**

- A. The Town of Williamson will make this written program available to employees and union representatives upon request.
- B. Training will be held at the time an employee is initially hired to a post and every year thereafter. The training will include the following items:
  1. The requirements of the law
  2. The risk factors in their workplace
  3. The location and availability of the written plan
  4. Measures employees can take to protect themselves from workplace risks and what the written violence prevention program specifies in that regard.

**Reporting:**

- A. An employee who believes that a serious violation of a workplace violence protection program exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy, or practice. In cases of imminent danger employees should take appropriate action to insure there is an immediate response to address the situation, which may include calling E911. The action taken should be followed up with a written notice.
- B. The employee will be asked to complete an Incident Report form. This must take place immediately whenever possible, but in no case more than 24 hours after the threat or incident. If the incident has taken place over a weekend, it may be reported on Monday morning.
- C. All Town of Williamson employees are responsible for notifying their Supervisor of any threats they have witnessed, received, or have been told that another person has witnessed or received, or circumstances that are such that are likely to pose a risk of threatening or violent behavior. . Employees should also report behavior they regard as threatening or violent if that behavior is job-related or might be carried out at a town worksite.
- D. An employee who obtains a protective or restraining order that lists town locations, as protected areas must provide a copy of the order to his/her supervisor. The town of Williamson will respect confidentiality and recognize the privacy of the reporting employee(s).
- E. The employee or his/her supervisor is responsible for notifying the Town Supervisor (and Director of the Library if the matter takes place in the Library or involves Library personnel) of threats and incidents as soon as possible, but no later than the end of each business day. All Library employees will notify the Director of the Library in addition to the Town Supervisor. The Town Supervisor must share appropriate information with unit supervisors and/or the Director of the Library when more than one unit is or is likely to be affected by the threat or incident.

F. The Town Supervisor is responsible for ensuring that the town maintains a complete file of incident reports and related documentation that may include one or more voluntary statements that may accompany an Incident Report. The Town Clerk will maintain this file. The Director of the Library will separately maintain a file for incidents involving the Library or Library employees.

G. The unit supervisor is responsible for forwarding a copy of all incident reports to the Town Supervisor the original to the Town Clerk.

H. Where an employee has reported an issue and the Town has not corrected the matter after a reasonable period of time, the employee (or employee representative) may request that the Department of Labor conduct an inspection of the workplace. The Department of Labor can be reached at 315-331-2011.

A request to the Department of Labor for an inspection must:

1. Be in writing.
2. State with reasonable particularity the grounds for the requested inspection.
3. Be signed by the employee or employee's representative.

I. The law prohibits an employer from retaliating against an employee who has:

1. Made a report under this section.
2. Requested an inspection by Department of Labor officials.
3. Accompanied Department of Labor officials during the inspection.

#### **Procedures:**

- A. If there is a threat or threatening situation that arises in the workplace, any employee that is aware of the situation must follow his/her department's procedures. This may include dialing 911.
- B. Bomb Threats  
If any employee receives a bomb threat in person, or while talking with someone on the phone, the employee shall follow the procedures on the bomb threat checklist that is available from the Personnel Office.
- C. If an individual receives a threat by mail, e-mail, or on voice mail, **DO NOT ERASE THE E-MAIL OR VOICE MAIL MESSAGE**, follow the procedures described in this section under "Reporting".
- D. If an employee meets, either in the office or in the field, with an individual known to have been violent or who the employee believes may be threatening or violent, the employee must:
  1. Notify his/her supervisor of the need to meet with such an individual and of the possible threatening situation **before** the meeting takes place.
  2. The employee or supervisor will request assistance from their supervisor if the meeting or visit will take place on agency premises.
  3. The employee or supervisor must notify the unit supervisor if they have asked for a Law Enforcement or security staff escort to a meeting or visit for safety reasons.
- E. If an employee is working on town business while off-site during non-business hours and a situation arises that poses a threat to his/her safety, the employee must call 911.

#### **The Town of Williamson's Role:**

- A. The Town of Williamson will ensure that all employees are made aware of their role in safeguarding staff, clients, and visitors. This will be done by reviewing the security policy and procedures at new employee orientation, through the distribution and availability of the policy and procedures in paper and electronic formats, through review of the policy and procedures, and through employee inquiry.
- B. The Unit Supervisor, the Town Supervisor, and the Director of the Library will review Incident Reports regularly to evaluate trends or necessary actions.
- C. If any staff person is called on by a Law Enforcement agency, to complete an affidavit regarding a work related threat or incident he/she will receive the guidance of the Town Attorney. The Town of Williamson staff shall not appear in court on a work-related issue without the knowledge and guidance of a Town Attorney.

- D. Any staff person who feels his/her safety is threatened because of work related issues could request to have a case reassigned because of such risk. Such requests must be made in writing to the employee's supervisor. The employee will meet with the supervisor and Unit Supervisor, if necessary, to discuss the reasons for the request. The Town Supervisor is expected to consult with the Unit Supervisor regarding all such requests to seek additional information as necessary to make a decision. Unless otherwise notified by the supervisor, an employee will have a response within five business days.
- E. Items of concern regarding safety and security will be brought to the Town Supervisor and the Director of the Library as appropriate. This group will review aggregate information regarding threats and incidents on a regular basis and will make recommendations regarding needed changes in policies and procedures.
- F. The Town Supervisor and the Director of the Library will coordinate training in personal safety for all employees on a periodic basis.
- G. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on the Town of Williamson property will be removed from premises as quickly as safety permits and shall remain off The town of Williamson premises pending the outcome of an investigation. The Town of Williamson's response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution as appropriate.

**RISK EVALUATION AND PREVENTION:**

- A. The town of Williamson has evaluated the risks in the workplace and has identified risks associated with:
  - 1. Working in public settings
  - 2. Working late night or early morning hours
  - 3. Working alone or in small numbers
  - 4. Uncontrolled access to the workplace
  - 5. Areas of previous security problems
  - 6. Exchanging money with the public
  - 7. Areas of previous security problems
- B. The town of Williamson will use the following methods to prevent workplace violence including:
  - 1. Making high-risk areas more visible to more people.
  - 2. Installing good external lighting.
  - 3. Using drop safes or other methods to minimize cash on hand.
  - 4. Posting signs stating that limited cash is on hand.
  - 5. Providing training in conflict resolution and nonviolent self-defense responses.
  - 6. Establishing and implementing reporting systems for incidents of aggressive behavior.
  - 7. Posting no trespassing signs where appropriate.

**CLIENT CONFIDENTIALITY:**

When criminal charges are filed against a client, the employee must provide the client's name, address, and date of birth. No other information from department records will be provided without approval of the Unit Supervisor or the Personnel Officer and the County Attorney.

**NOTIFICATION:**

- A. Employee Role: It is extremely important, and every employee's responsibility, to see that Incident Reports are submitted to his/her supervisor.
- B. Supervisor's Role: Responsible to ensure that the Incident Report is submitted to the Unit Supervisor if s/he is not already aware of the situation. The Unit Supervisor is responsible for reporting all incidents of violence and/or threatened violence to the Town Supervisor and the Director of the Library in the matter involves the Library or Library employee.

- C. Affected employees will be notified by the Unit Supervisor of the actions taken in response to the incident and what actions are possible regarding the individuals in questions, or law enforcement agencies, such as the District Attorney's office.

**DUTY TO WARN:**

In furtherance of this policy, employees have a "duty to warn" their supervisors, security personnel, or human resource representatives of any suspicious workplace activity, situation or incidents that they observe or that they are aware of, involving other employees, former employees, contractors, or visitors that appear problematic to the extent that some type of intervention is likely to be required. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks and the like. The Town of Williamson will not condone any form of retaliation against any employee for making a report under this policy.

**Definitions:**

**Affidavit:** A written declaration made under oath, before an authorized official. Affidavits are used by law enforcement agencies and prosecutors to garner the statements of parties involved in an incident or crime. Affidavits are available to the defendant and his/her attorney if an incident is prosecuted. They are often called supporting depositions or voluntary statements.

**Behaviors considered threatening or potentially threatening:** Direct threats, physical aggression, verbal abuse, reckless behavior or indifference to the safety of others.

**Town Attorney:** A lawyer employed by the town of Williamson to provide legal advice to departments and staff.

**Criminal Charges:** Actual filing of a criminal complaint that results in an arrest warrant or appearance ticket requiring the perpetrator to respond in court to the charges.

**Incident:** An action that may have further consequences, i.e. medication error, personal injury while on duty, or negative interaction with a client.

**Incident Report:** Required town form to document an incident. This form is available from your supervisor.

**Law Enforcement:** Agencies, who may be contacted in the event of an emergency, including: the State Police, the Town of Williamson, Wayne County Sheriff's Office, and on some occasions, the FBI. All of the above agencies, with the exception of the FBI, can be reached in an emergency by dialing 911.

**Order of Protection:** An Order of Protection is an order of a court that prohibits a person from specific contact with another person and can prohibit a number of defined behaviors, including prohibiting a person from appearing at a person's home or place of employment.

**Perpetrator:** The person who makes a threat or commits an act of violence.

**Threats:** Criminal behavior, personal threats, physical contact and stalking, domestic violence – including threats received at work or at home arising out of an individual's status as a the Town of Williamson employee. Threats may be conveyed orally, physically, by telephone, by mail or electronic mail, or through a third party.

**Victim:** The person who is threatened or toward whom an act(s) of violence is directed.

**Workplace Violence:** Any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression or disrupts the workplace.

Councilman Verno made a motion, seconded by Councilman Bixby, to authorize the Account Clerk to attend Basic Accounting School. The Basic class will be for 3 days from April 15 – 17, 2008. The class will be held in East Aurora, New York. The registration cost for the class is \$80.00, with all other necessary and actual expenses to be a Town charge. The motion was carried.

Councilman Bixby made a motion, seconded by Councilman Verno, to authorize the Town Clerk to advertise to receive requests for the RFP to update the Town of Williamson Comprehensive Plan. The motion was carried.

Councilman Bixby presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: Owner is the owner of premises situate in the Town of Williamson, Wayne County, New York as the same are more particularly shown on a sketch map attached hereto and marked Schedule A,

WHEREAS: The Town Board of the Town of Williamson has indicated its approval and endorsement of a trail system, as evidenced by the adoption of the Comprehensive Plan on 1/13/98, and

WHEREAS: Trail Works, Inc. has formulated plans for the creation of trails in Williamson, New York, and

WHEREAS: It is proposed that a section of the Trail shall cross owner's land as shown on said Schedule A and the location of the trail has been temporarily marked by Trail Works, Inc. and has been inspected and approved by Owner,

NOW THEREFORE BE IT RESOLVED: Permission is hereby granted to Trail Works, Inc. to make use of that portion of owner's land shown as the Trail and on said Schedule A, for the purpose of creating and maintaining a trail for the recreational benefit of the general public at its own cost and expense upon the following conditions and restrictions:

1. This permit shall not be assigned or transferred without the written permission of the Owner.
2. The only work authorized by this permit is to remove underbrush and trees necessary to create a trail, to post signs of appropriate dimensions at the trailheads, and to blaze trees with paint or by tacking metal or plastic markers thereon for the purpose of defining the trail, and such construction (barriers, footbridges, steps, etc.) as may be required for the safety of hikers, to prevent erosion and to prevent unauthorized use by motorized vehicles. Trail Works, Inc. will maintain the Trail and keep it clear of refuse.
3. It is the intention of Trail Works, Inc. and the Owner that the Trail NOT be used by motorized vehicles. Trail Works, Inc. will provide the Trail with natural and artificial barriers designed to the best of its ability, to inhibit its use by any motorized vehicles including without limitation motorcycles, all terrain vehicles or snowmobiles.
4. No structures, shelters, restrooms, picnic or cooking facilities or campsites shall be constructed without the written permission of the Owner.
5. The Owner may at any time direct Trail Works, Inc. to change the course of the trail as it crosses Owner's property. Any changes to the trail route by Trail Works, Inc. will be subject to prior approval of the Owner. Proximity of the trail to structures will be subject to the Owner's approval.
6. Trail Works, Inc. will notify the Owner 60 days in advance of any events that will involve a group for 20 participants or more using the trail crossing the Owner's land.
7. It is understood between the parties that Section 9-103 of the General Obligations Law of the State of New York provides that an owner of land owes no duty to keep the premises safe to use for activities including hiking, biking and cross-country skiing and that the granting of this license does not:
  - a. extend any assurance that the premises are safe for such purpose;
  - b. constitute any person using the trail an invitee, to whom a duty of care is owed, or
  - c. assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom permission is granted to use the trail hereunder.
8. Owner reserves the right at any time to revoke and annul this permit, whereupon it shall become the duty of Trail Works, Inc. at its own cost and expense, forthwith to remove from the trail any possessions thereof. Upon failure of Trail Works, Inc. to remove such works and structures, the Owner shall summarily enter upon and remove from said premises any and all encroachments and property of Trail Works, Inc.
9. Notice of revocation of license or realignment of the trail may be given to Trail Works, Inc. by the owner at will.



Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman  
Councilman Orbaker  
Councilman Warren  
Councilman Verno  
Councilman Bixby

NAYES: None

The Resolution was declared adopted.

Public Comment: Comments were heard from Jackie Walker, Mary Jane Haugh and Peter Evans concerning protection of historic assets for the Town of Williamson.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to pay the following bills as audited:

<u>Account:</u>	<u>Voucher No.:</u>	<u>Totals:</u>
General Fund	27 through 54	\$ 22,719.67
Youth	55 through 64	
Highway Fund	65 through 75	\$ 40,572.55
Water Fund	76 through 91	\$ 33,370.67
Sewer Fund	92 through 95	\$ 5,456.83
Bus. Dist.	97	\$ 600.00
<u>Lighting Dist.</u>	<u>96</u>	<u>\$ 3,672.26</u>
Total:		\$ 76,391.98

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to adjourn the meeting at 9:03 PM. The motion was carried.

Respectfully Submitted,

Marlene A. Gulick  
Town Clerk