

Village/Town of Mount Kisco Board of Trustees Meeting Agenda
January 14, 2019 @ 7:00 pm Regular Meeting

Swearing in of Library Trustee Amy Kelley

- 1) **Communications:**
 - a. Letter from the Mount Kisco Arts Council re: request to use Fountain Park for Free Outdoor Summer Concert Series.

- 2) **Petitions:** None.
- 3) **Board Committee and Commission Reports:** None.

- 4) **Village Manager's Reports:**
 - a. Monthly Water Report – Byram Lake and Leonard Park December 2018.
 - b. Maplewood Drive Traffic Promulgation.
 - c. Christmas Tree pick-up service.
 - d. Retirement Announcement.
 - e. Announcement- Village Hall closed for Rev. Dr. Martin Luther King Jr. Day
 - f. Announcement- Taxes Due

- 5) **Board Reports:**

- 6) **Old Business:**
 - a. Resolution to adopt the Guiding Principles for Certificates of Occupancy and Predate Letters issued in Contravention of State or Village Zoning Code.
 - b. Resolution to Adopt the Findings Statement for the Final Generic Environmental Impact Statement (FGEIS) for the Comprehensive Plan Update and Zoning Code Amendments.

- 7) **New Business:**
 - a. Resolution to adopt the Updated Employee Handbook.
 - b. Resolution of the Village Board declaring certain Village property to be surplus property.
 - c. Resolution authorizing the Village Manager to sign the North East Westchester Special Recreation Interagency agreement for 2019.
 - d. Board Resolution to Amend the budget due to insurance recovery
 - e. Board Resolution to Amend the Village Investment Policy

- 8) **Bills:** General, Senior Nutrition, Water, Sewer, Library and Capital Project Funds

- 9) **Minutes:**
Regular Meeting Minutes – December 17, 2018

- 10) **Non-Local Business:** – None.

- 11) **Public Comment:** -

Paula Maiorano

From: Lisa Ann Graziadei <lgraziadei@wlsmail.org>
Sent: Monday, December 03, 2018 12:49 PM
To: Paula Maiorano
Subject: New Trustee

Paula,
The new trustee is Amy Kelley for the oath for January swearing in. Please let me know the date so I can let her know. Thanks.
Lisa

Lisa Ann Graziadei, Business Manager
Mount Kisco Public Library
100 East Main Street
Mount Kisco, NY 10549
Phone 914-864-0043
Fax 914-666-3899
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Virus-free. www.avg.com

MOUNT KISCO ARTS COUNCIL

145 Croton Avenue
Mount Kisco, New York 10549
mk.artscouncil@gmail.com

Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

January 4, 2017



Dear Mayor Picinich and Members of the Mount Kisco Village Board of Trustees,

The Mount Kisco Arts Council requests permission to use "Fountain Park" in front of the Mount Kisco Public Library and the adjacent portico at Village Hall for our Free Outdoor Summer Concert Series during Summer 2019.

We had such positive and enthusiastic responses to last years' concert series and we would like to undertake the program again this year. The first concert would be in June and would continue on alternating Wednesdays to September, weather permitting. The proposed schedule is set forth below.

June 12, 26

July 10, 24

August 7, 21

September 4, 18

Rain Dates: September 25, October 2

Concerts would begin at 6:30pm and end approximately 7:45pm. We also ask permission to temporarily hang our arts council sign outside at Village Hall, install our string lights around Fountain Park, have limited use of the public restroom and electrical plugs at Village Hall and place lawn signs announcing concerts the *morning* of each concert, similar to last year (lawn signs will be taken down that evening or the following morning).

We are excited and committed to continue to make the arts accessible to our Village, and we believe that free outdoor public concerts downtown are a perfect vehicle.

Thank you on behalf of all of the members and supporters of the Mount Kisco Arts Council and for the hundreds of people who have come to our art and music events.

With much gratitude,

A handwritten signature in black ink, appearing to read "Lisa Abzun".

Lisa Abzun
Chairperson, Mount Kisco Arts Council



Village/Town of Mount Kisco

Monthly Report **Byram Lake Water Treatment Plant** **Leonard Park Water Treatment Plant**

Mike Burke
Area Manager

Stephen Schmidt
Project Manager

December 2018

FACILITY OVERVIEW

BYRAM LAKE WATER FILTRATION PLANT

- During the month of December the treatment plant produced a total of 35,812,000 gallons for a daily average production of 1,155,226 gallons per day (gpd). Peak production occurred on December 21st, with 1,424,000 gallons produced. The November average was 1,204,833 gpd and the October average production was 1,259,935 gpd. (Note: Due to the loss of the Controlotron flow meter, we are using the Rosemount back up which is less accurate during night flows.)

LEONARD PARK WELLS WATER TREATMENT

- During the month of December, Leonard Park was not used. On December 20th, Radon samples were taken from all 4 wells, Post Aeration and Entry Point. No water was sent to the distribution. Total monthly production from the wells was 0 gallons for a daily average production of 0 gpd. The November average was 0 gpd and the October average production was 0 gpd. Leonard Park is now shut down. Well #2 has been repaired.

TOTAL WATER PRODUCTION

- The total water production for the month of December was 35,812,000 gallons for an average of 1,155,226 gpd. The November average was 1,204,833 gpd and the October average production was 1,259,000 gpd.

BYRAM LAKE STATUS

- On December 1st Byram Lake Reservoir was at 100 % of capacity. On December 31st, the lake capacity was 100 %. The Leonard Park Wells are off.

OVERNIGHT FLOW EVALUATION

- We have attached a spreadsheet evaluating drop in the clearwell (CW) levels between the hours of 2:00 and 4:00 AM. The spreadsheet converts the tank drop to average flow rates in gallons per minute (gpm). The December average flow rate was 390.46 gpm, the maximum was 875.00 gpm, and the minimum was 291.67 gpm. During November the average flow rate was 374.31 gpm, the maximum was 729.17 gpm, and the minimum was 291.67 gpm.

COMPLIANCE OVERVIEW

- During the month all State and Federal treatment standards were met. The combined filter effluent turbidity readings were below the 0.3 NTU limits. The highest recorded combined filter effluent turbidity was .073 NTUs and the average effluent turbidity was .057 NTUs.
- December's water quality met or exceeded all State and Federal Drinking Water Standards. A copy of the routine monthly monitoring results collected can be reviewed in the Monthly DOH report that was forwarded earlier this month.

PROPOSED PROJECTS PENDING APPROVAL

In December we took these actions to begin soliciting proposals for the following repair projects. We will present the proposals with our recommendations when the information is available:

Repair of Filter #1's Clarifier. RFP sent out for repair of Filter unit #1.

Quotes for flow meters at the Treatment Plant.

Quotes for new Inline turbidimeters.

Quotes for new chemical pumps.

Quotes for repairs/upgrades to Bulk Oil Storage tanks.

PROJECTS IN PROCESS

In December the following actions were taken to move forward on approved projects

Continue adding new media to Filter #3.

Replace check valve on Raw Water Pump #1's discharge line. Awaiting contractor.

Repair/Upgrades to Bulk Oil Storage Tanks initial inspection from American Petroleum Equipment.

Painting various pumps, flanges and fittings.

Maintenance of various equipment.

COMPLETED PROJECTS

During December the following maintenance and repair projects were completed. The work was completed by our staff unless otherwise noted:

- December 1st- Dewatered Lagoon.
- December 2nd- Cleaned Polymer system.
- December 3rd- Worked on PCH 180 chemical fill port.
- December 10th- Started process for cleaning out PCH 180 bulk storage tank.
- December 7th- Monthly samples.
- December 8th- Checked generators at Filter Plant and Pump Station.
- December 10th- Started prepping for the cleaning of PCH 180 Bulk Storage Tank #1.
- December 11th- Pre Bid walk through for the repair of Filter Unit #1.
- December 11th- Problem with compressors. Cleaned air filter.
- December 11th- Filter #3 inlet valve sticking. Operating manually through SCADA.
- December 12th- Worked on Filter #3's inlet valve. Drained moisture from positioner and air lines. Appears to be ok now.
- December 12th- Cleaned raw water turbidimeter.
- December 13th- Changed Filter #3's positioner. Valve was "acting" up again. May be related to the compressor issue. Moisture is a problem for these instruments.
- December 13th- Small leak on Chlorine bulk tank chemical fill line. Found a bad gasket at the check valve. No major spill, repair was made and filling of the tank continued.
- December 15th- Ordered new spare positioner for filter units.

- December 20th- Made some adjustments to the positioner on Filter #3.
- December 20th- Calibrated online turbidimeters.
- December 20th- Sampled Leonard Park Radon. No flow to the system. All water was sent out the waste valve.
- December 23rd- Emergency Eyewashes and Showers tested.
- December 23rd- Removed garbage that was left in front of the Pump Station gate.
- December 26th- Woodard and Curran called to schedule work at Hillside. Communications not working at this time.
- December 31st- Blew out air filter on compressors.

Suez Personnel OnSite: December 2018

Village/Town of Mount Kisco

Mount Kisco, NY

December 2018



MOUNT KISCO WATER PLANT MONTHLY FLOW READINGS

Surface 000

Byram		Recycle				Combine Eff.				
Raw Flow		December-18								
Date	Reading 12pr	Flow	Reading 12pm	Flow	Flow	Reading 12	Date	Recycle	CFE+Rec	Raw-Rec
1	2198008	1.780	584649700	78900	1,097,000	1647483	1	0.0789	1,097,000	1.701
2	2199858	1.859	584728600	98400	954,000	1648580	2	0.0984	954,000	1.761
3	2201787	1.705	584827000	78900	1,337,000	1649534	3	0.0789	1,337,000	1.626
4	2203562	1.934	584905900	98400	1,035,000	1650871	4	0.0984	1,035,000	1.836
5	2205566	2.215	585004300	98400	1,274,000	1651906	5	0.0984	1,274,000	2.117
6	2207851	1.960	585102700	88650	1,229,000	1653180	6	0.0887	1,229,000	1.871
7	2209881	1.929	585191350	98400	1,298,000	1654409	7	0.0984	1,298,000	1.831
8	2211880	1.427	585289750	78900	927,000	1655707	8	0.0789	927,000	1.348
9	2213377	1.851	585368650	78900	1,356,000	1656634	9	0.0789	1,356,000	1.772
10	2215298	1.951	585447550	98400	1,153,000	1657990	10	0.0984	1,153,000	1.853
11	2217319	1.639	585545950	69150	1,218,000	1659143	11	0.0692	1,218,000	1.570
12	2219028	1.903	585615100	88650	1,306,000	1660361	12	0.0887	1,306,000	1.814
13	2221001	2.093	585703750	98400	1,047,000	1661667	13	0.0984	1,047,000	1.995
14	2223164	1.832	585802150	88650	1,313,000	1662714	14	0.0887	1,313,000	1.743
15	2225066	1.499	585890800	78900	1,107,000	1664027	15	0.0789	1,107,000	1.420
16	2226635	1.523	585969700	78900	990,000	1665134	16	0.0789	990,000	1.444
17	2228228	1.656	586048600	78900	1,402,000	1666124	17	0.0789	1,402,000	1.577
18	2229954	1.757	586127500	88650	1,323,000	1667526	18	0.0887	1,323,000	1.668
19	2231781	2.202	586216150	98400	1,239,000	1668849	19	0.0984	1,239,000	2.104
20	2234053	2.113	586314550	98400	1,016,000	1670088	20	0.0984	1,016,000	2.015
21	2236236	2.060	586412950	117900	1,424,000	1671104	21	0.1179	1,424,000	1.942
22	2238366	1.564	586530850	98400	1,159,000	1672528	22	0.0984	1,159,000	1.466
23	2240000	2.149	586629250	98400	950,000	1673687	23	0.0984	950,000	2.051
24	2242219	1.726	586727650	98400	1,240,000	1674637	24	0.0984	1,240,000	1.628
25	2244015	1.534	586826050	78900	605,000	1675877	25	0.0789	605,000	1.455
26	2245619	1.907	586904950	98400	1,424,000	1676482	26	0.0984	1,424,000	1.809
27	2247596	1.820	587003350	98400	1,013,000	1677906	27	0.0984	1,013,000	1.722
28	2249486	1.784	587101750	98400	1,335,000	1678919	28	0.0984	1,335,000	1.686
29	2251340	1.681	587200150	98400	767,000	1680254	29	0.0984	767,000	1.583
30	2253091	1.570	587298550	78900	1,306,000	1681021	30	0.0789	1,306,000	1.491
31	2254731	1.944	587377450	98400	968,000	1682327	31	0.0984	968,000	1.846
1	2256745		587475850			1683295	1			
SUM		56.567		2826150	35,812,000	35,812,003		2.83	35,812,003	53.74
AVG		1.825		91166	1,155,226	* Above #		0.091	1,155,226	1.734
SCK		56567		2826	35812	is Combined				
AVG		1825		91	1155	Eff. Flow + Rec				

Ground
↓

Date	Meter Reading	Flow	Leonard Park Main Flow	Lake Level
			December-18	*Feet
12/1	56547743	0	Off Line	6.00
12/2	56547743	0	Off Line	6.00
12/3	56547743	0	Off Line	6.00
12/4	56547743	0	Off Line	6.00
12/5	56547743	0	Off Line	6.00
12/6	56547743	0	Off Line	6.00
12/7	56547743	0	Off Line	6.00
12/8	56547743	0	Off Line	6.00
12/9	56547743	0	Off Line	6.00
12/10	56547743	0	Off Line	6.00
12/11	56547743	0	Off Line	6.00
12/12	56547743	0	Off Line	6.00
12/13	56547743	0	Off Line	6.00
12/14	56547743	0	Off Line	6.00
12/15	56547743	0	Off Line	6.00
12/16	56547743	0	Off Line	6.00
12/17	56547743	0	Off Line	6.00
12/18	56547743	0	Off Line	6.00
12/19	56547743	0	Off Line	6.00
12/20	56547743	0	Off Line	6.00
12/21	56547743	0	Off Line	6.00
12/22	56547743	0	Off Line	6.00
12/23	56547743	0	Off Line	6.00
12/24	56547743	0	Off Line	6.00
12/25	56547743	0	Off Line	6.00
12/26	56547743	0	Off Line	6.00
12/27	56547743	0	Off Line	6.00
12/28	56547743	0	Off Line	6.00
12/29	56547743	0	Off Line	6.00
12/30	56547743	0	Off Line	6.00
12/31	56547743	0	Off Line	6.00
1/1	56547743			
			0 * Note: These are visual	
			0 readings from the level	
			gauge located at the	
			spillway. Frozen	

**Mount Kisco Water Plan Monthly Flow Readings
DECEMBER 2018**

DATE	Leonard Park Well <u>GROUND</u>	Water Plant <u>SURFACE</u>	<u>TOTAL</u>
01-Dec-18	0	1,097,000	1,097,000
02-Dec-18	0	954,000	954,000
03-Dec-18	0	1,337,000	1,337,000
04-Dec-18	0	1,035,000	1,035,000
05-Dec-18	0	1,274,000	1,274,000
06-Dec-18	0	1,229,000	1,229,000
07-Dec-18	0	1,298,000	1,298,000
08-Dec-18	0	927,000	927,000
09-Dec-18	0	1,356,000	1,356,000
10-Dec-18	0	1,153,000	1,153,000
11-Dec-18	0	1,218,000	1,218,000
12-Dec-18	0	1,306,000	1,306,000
13-Dec-18	0	1,047,000	1,047,000
14-Dec-18	0	1,313,000	1,313,000
15-Dec-18	0	1,107,000	1,107,000
16-Dec-18	0	990,000	990,000
17-Dec-18	0	1,402,000	1,402,000
18-Dec-18	0	1,323,000	1,323,000
19-Dec-18	0	1,239,000	1,239,000
20-Dec-18	0	1,016,000	1,016,000
21-Dec-18	0	1,424,000	1,424,000
22-Dec-18	0	1,159,000	1,159,000
23-Dec-18	0	950,000	950,000
24-Dec-18	0	1,240,000	1,240,000
25-Dec-18	0	605,000	605,000
26-Dec-18	0	1,424,000	1,424,000
27-Dec-18	0	1,013,000	1,013,000
28-Dec-18	0	1,335,000	1,335,000
29-Dec-18	0	767,000	767,000
30-Dec-18	0	1,306,000	1,306,000
31-Dec-18	0	968,000	968,000
TOTAL	0	35,812,000	
DAILY AVERAGE		1,155,226	1,155,226

OFF LINE 12/1/18-12/31/18

DECEMBER, 2018 Sewer Plant Readings

INFLOW			OUTFLOW						
DATE	INFLOW		EAST LINE		WEST LINE		TOTAL	TWO DAY	THREE DAY
	TOTALIZER	INFLOW	TOTALIZER	OUTFLOW	TOTALIZER	OUTFLOW	OUTFLOW	AVERAGE	AVERAGE
	6,066,543,700		696,328,600		1,794,430,700				
01-Dec-18	6,068,219,700	1,676,000	697,440,200	1,111,600	1,795,089,400	658,700	1,770,300		
02-Dec-18	6,070,264,200	2,044,500	698,635,400	1,195,200	1,795,999,200	909,800	2,105,000	1,913,650	
03-Dec-18	6,071,937,000	1,672,800	699,613,400	978,000	1,796,743,500	744,300	1,722,300	1,754,850	1,871,567
04-Dec-18	6,073,651,400	1,714,400	700,683,800	1,070,400	1,797,460,500	717,000	1,787,400	1,798,050	1,772,800
05-Dec-18	6,075,346,400	1,695,000	701,826,100	1,142,300	1,798,126,900	666,400	1,808,700	1,769,300	1,775,333
06-Dec-18	6,076,967,800	1,621,400	702,904,900	1,078,800	1,798,778,000	651,100	1,729,900	1,691,650	1,730,667
07-Dec-18	6,078,515,100	1,547,300	703,869,200	964,300	1,799,467,100	689,100	1,653,400	1,610,300	1,650,167
08-Dec-18	6,079,988,900	1,473,800	704,756,700	887,500	1,800,146,800	679,700	1,567,200	1,669,150	1,663,900
09-Dec-18	6,081,616,700	1,627,800	705,850,200	1,093,500	1,800,824,400	677,600	1,771,100	1,610,200	1,595,867
10-Dec-18	6,082,948,600	1,331,900	706,745,000	894,800	1,801,378,900	554,500	1,449,300	1,502,700	1,592,167
11-Dec-18	6,084,374,400	1,425,800	707,776,600	1,031,600	1,801,903,400	524,500	1,556,100	1,540,800	1,510,300
12-Dec-18	6,085,769,700	1,395,300	708,916,300	1,139,700	1,802,289,200	385,800	1,525,500	1,520,150	1,532,133
13-Dec-18	6,087,153,400	1,383,700	710,000,800	1,084,500	1,802,719,500	430,300	1,514,800	1,486,200	1,499,300
14-Dec-18	6,088,474,900	1,321,500	711,073,400	1,072,600	1,803,104,500	385,000	1,457,600	1,446,400	1,469,200
15-Dec-18	6,089,789,200	1,314,300	711,606,300	532,900	1,804,006,800	902,300	1,435,200	1,598,250	1,551,367
16-Dec-18	6,091,436,300	1,647,100	712,375,400	769,100	1,804,999,000	992,200	1,761,300	1,601,250	1,545,900
17-Dec-18	6,092,784,000	1,347,700	713,004,800	629,400	1,805,810,800	811,800	1,441,200	1,549,700	1,620,233
18-Dec-18	6,094,361,300	1,577,300	713,677,100	672,300	1,806,796,700	985,900	1,658,200	1,648,400	1,579,333
19-Dec-18	6,095,858,300	1,497,000	714,149,600	472,500	1,807,962,800	1,166,100	1,638,600	1,598,200	1,618,200
20-Dec-18	6,097,265,800	1,407,500	714,561,700	412,100	1,809,108,500	1,145,700	1,557,800	1,666,000	1,656,867
21-Dec-18	6,099,039,400	1,773,600	715,117,300	555,600	1,810,327,100	1,218,600	1,774,200	2,226,300	2,003,467
22-Dec-18	6,102,769,500	3,730,100	716,466,000	1,348,700	1,811,656,800	1,329,700	2,678,400	2,567,100	2,302,800
23-Dec-18	6,105,230,500	2,461,000	717,602,900	1,136,900	1,812,975,700	1,318,900	2,455,800	2,232,650	2,381,233
24-Dec-18	6,107,244,200	2,013,700	718,533,200	930,300	1,814,054,900	1,079,200	2,009,500	2,006,000	2,155,933
25-Dec-18	6,109,226,700	1,982,500	719,354,300	821,100	1,815,236,300	1,181,400	2,002,500	1,897,050	1,934,533
26-Dec-18	6,110,922,500	1,695,800	720,006,900	652,600	1,816,375,300	1,139,000	1,791,600	1,816,600	1,878,567
27-Dec-18	6,112,686,900	1,764,400	720,822,600	815,700	1,817,401,200	1,025,900	1,841,600	1,803,700	1,799,667
28-Dec-18	6,114,373,200	1,686,300	721,492,600	670,000	1,818,497,000	1,095,800	1,765,800	1,878,050	1,865,900
29-Dec-18	6,116,377,800	2,004,600	722,277,300	784,700	1,819,702,600	1,205,600	1,990,300	2,016,650	1,933,033
30-Dec-18	6,118,375,400	1,997,600	723,028,700	751,400	1,820,994,200	1,291,600	2,043,000	1,857,700	1,901,900
31-Dec-18	6,120,009,800	1,634,400	723,644,200	615,500	1,822,051,100	1,056,900	1,672,400	836,200	1,238,467
	TOTAL	53,466,100		27,315,600		27,620,400	54,936,000		
	DAILY AVERAGE	1,727,723		890,003		885,450	1,775,453		



MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Jean M. Farber

DEPUTY MAYOR

Isidoro Albanese

Peter F. Grunthal

Karen B. Schleimer

VILLAGE MANAGER

Edward W. Brancati

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

INTEROFFICE MEMORANDUM

TO: MAYOR AND VILLAGE BOARD OF TRUSTEES
FROM: EDWARD W. BRANCATI, VILLAGE MANAGER
SUBJECT: MAPLEWOOD DRIVE TRAFFIC PROMULGATION
DATE: 12/28/2018

The Traffic Rules and Regulations Register is hereby amended as follows:

Maplewood Drive:

The area currently designated as "NO PARKING, STANDING, OR STOPPING" on either side, from its westerly terminus at Lexington Avenue to a point 70 feet easterly thereof is to be abolished and replaced in its entirety with the following:

NO PARKING, STANDING, OR STOPPING

on either side, from its westerly terminus at Lexington Avenue to a point 55 feet easterly thereof.

The Village will provide a special Christmas tree pick-up service beginning Thursday, January 3rd through Thursday, January 31st for local residents. Please place your tree at the curb in order to facilitate pick-up. No other items will be picked up at curbside. Christmas trees will not be collected or removed by Village sanitation crews conducting regular household refuse collections. If you have any questions, please call the Highway Department at 914-666-8193, Monday – Friday- 7:00 AM – 3:30 PM.



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

January 2, 2019

Mayor Gina Picinich
Village/Town of Mount Kisco
104 Main Street
Mount Kisco NY 10549

Dear Mayor Picinich:

I have been grateful for the opportunity to serve the residents of Mount Kisco for the past 20 years, first in the Library, then the Building Department and finally in the Assessor's Office.

Meeting the challenges in the Assessor's Office has been energizing, and positive changes to process and procedure have resulted in a more efficient office.

It's not an easy decision to retire, but I believe the time is right. My last day will be March 31, 2019.

I want to thank the people who helped me along the way, and made it a pleasure to come to work each day.

Respectfully submitted,

Sharon Sullivan

c: E Brancati, Manager
R Miller, Assessor

All Village/Town of Mount Kisco offices
will be closed on Monday January 21, 2019
in observance of Rev. Dr. Martin Luther
King Jr. Day.

School Taxes are due by Thursday, January 31st, 2019 without penalty. You may pay your taxes in person during office hours 8:30 am to 4:30 pm. If you have any questions please call the Tax Receiver, Joann Cerretani at 914-864-0034. ~For additional information concerning tax bills and payment schedule, please visit the Village's Website at www.mountkisco.ny.gov and go to the Receiver of Taxes Department and click on Tax Due Dates.

Guiding Principles for Certificates of Occupancy and Predate Letters issued in Contravention of State or Village Zoning Code:

A. Definitions

Current Owner person(s) and/or entities (LLC, Corporation, partnership or other business association or trusts) with a current fee title interest in certain property and persons or entities related to and/or having a financial interest in and/or a business affiliation with the holder of current fee title, including but not limited to those which may have had a previous fee title ownership interest in that property.

Prior Owner person(s) who and/or entities (LLC, Corporation, partnership, trusts or other business association) which previously held fee title interest in property with no current financial interest in and/or business affiliation with and/or otherwise unrelated to any Current Owner.

Compliance Period the latter of (i) 90 days from the date of the Current Owner's receipt of the Building Inspector's determination on zoning compliance or (ii) in the event of an appeal of the Building Inspector's determination to the ZBA and/or application for variance, 60 days after the Building Inspector's decision is affirmed by the ZBA and/or denial of the variance or (iii) in the event of a judicial challenge by any party, 60 days from the expiration of any stay issued by a court during the pendency of such judicial proceeding or (iv) a reasonable period for completion of substantial renovations if required which time period must be authorized on a case by case basis by the Building Inspector and which period shall in no event exceed one year from the date of Current Owner receipt of the Building Inspector's determination on zoning compliance. Such Compliance Period may be extended by the Building Inspector upon good cause shown.

Clearly Erroneous Certificate of Occupancy or Predate Letter a certificate of occupancy or predate letter issued without a rational legal and/or factual basis.

B. Village Policies Pertaining to Certificates of Occupancy and Predate Letters which Contravene the NYS Uniform Fire Protection and Building Code, NYS Energy Code or the Village Zoning Code

- 1. Certificates of Occupancy or Predate Letters issued in contravention of NYS Uniform Fire Protection and Building Code or NYS Energy Code issued to a Current Owner or Prior Owner of residential, mixed-use or commercial property:** If the Building Inspector determines (in consultation with the Village Attorney or other designated Counsel) determine that a certificate of occupancy or predate letter was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within statutorily provided time frames, the Building Inspector shall revoke such certificate.
- 2. Certificates of Occupancy or Predate Letters issued which are determined to be 'clearly erroneous' in contravention of Village Zoning Code issued to a Prior Owner of residential, mixed-use or commercial property:**

If the Building Inspector determines (with advice of Village Attorney/Special Counsel) that a clearly erroneous certificate of occupancy or predate letter has been issued to a Prior Owner of the property and that the Prior Owner expanded the use of the property in violation of the Zoning Code, the Current Owner, upon receipt of the Building Inspector's determination, shall to the maximum extent practicable, as determined by the Building Inspector, return the property to its legal use prior to the expiration of the Compliance Period.¹ Under these circumstances, a new certificate of occupancy shall be issued superseding the clearly erroneous certificate of occupancy or predate letter. Failure by the Current Owner to return the property to its legal use within the Compliance Period shall result in the revocation of the clearly

¹ Bulk, area and parking violations would be cured to the maximum extent practicable under the circumstances

erroneous certificate of occupancy or predate letter and the institution of legal proceedings, as appropriate, to terminate the illegal use.

Notwithstanding the foregoing, provided that the Current Owner (I) has not further illegally expanded the use of the property; (ii) has not made any misrepresentation or false statement in securing the erroneously issued CO or predate letter; and (iii) had no knowledge, actual or constructive, prior to acquiring title, that the use of the property violated the Building Inspector, the erroneously issued certificate of occupancy or predate letter shall not be revoked if, within 30 days of the end of the Compliance Period, the Current Owner files a Declaration against the property in the Westchester County Clerk's Office² providing for the restoration of the property to its legal use, as determined by the Building Inspector as set forth in the notice provided hereunder under Section B.1.. Triggers for restoration obligations shall include:

- Any sale or conveyance of the Property or portion thereof other than to an entity in which such Current Owner has complete ownership.
- Upon the later of the death of Current Owner(s) and prior to any conveyance by the executors, heirs, trustees, successors or assigns. Such restoration must be completed within one year of death of Current Owner regardless of whether the Property is conveyed. (Current Owner is a person or persons.)
- Prior to sale or conveyance of the Property, or any conveyance of an interest in such business entity to any third party (Current Owner is a business entity.)
- Prior to any conveyance of any interest in the Property, from a trust or estate planning entity to any third party. (Current Owner is a trust or other estate planning entity.)
- Any transfer where the beneficial ownership interest has changed. (Current owner conveys shares, membership interest or partnership interest to a third party).
- Any further alteration or expansion of the use would require a variance under Section 110-34 of the Village Code.

² Proof of recording to be filed with the Building Department

The Declaration shall be deemed satisfied and shall be released of record by a properly filed release filed in the Westchester County Clerk's Office stating that the property has been restored to its legal use.

3. Certificates of Occupancy or Predate Letters issued which are determined to be 'clearly erroneous' in contravention of the Village Zoning Code to a Current Owner of residential, mixed-use or commercial property

Where the Building Inspector determines (with advice of Village Attorney or designated Counsel) that a clearly erroneous certificate of occupancy or predate letter has been issued to the Current Owner and the Current Owner has illegally expanded the use based upon that clearly erroneous certificate of occupancy or predate letter, upon receipt of the Building Inspector's determination which shall clearly set forth what the legal uses are, the Current Owner, within the Compliance Period, shall either (a) return the property to its legal use and eliminate all zoning violations resulting in the issuance of a new certificate of occupancy superseding the clearly erroneous certificate of occupancy or predate letter; or (b) the use may be restored to the use that existed when the current owner purchased the property provided that prior to such purchase there existed a valid certificate of occupancy or predate letter for such use³. In the event the Current Owner fails to restore the property to one of the use(s) set forth in (a) or (b) above prior to the expiration of the Compliance Period, the clearly erroneous certificate of occupancy or predate letter shall be revoked and further legal proceedings initiated, as appropriate, to terminate the illegal use.

³ In such latter case, the use would be treated as a preexisting nonconforming use with any further alteration or expansion requiring a variance from the ZBA under 110-34 of the Village Code. Bulk, area and parking violations should be cured to the maximum extent practicable under the circumstances.

4. 4. Certificates of Occupancy or Predate Letters issued to a Current Owner or Prior Owner of residential, mixed-use or commercial property, which have not been determined to be clearly erroneous when issued and pursuant to which a present use has been established that contravenes the current Zoning Code

Where the Building Inspector has issued a certificate of occupancy or predate letter that has resulted in the illegal expansion of a use that was previously legal (by either a Prior Owner or the Current Owner) but said certificate of occupancy or predate letter has not been determined to have been clearly erroneous at the time it was issued, the existing use shall be permitted to remain, but any further alteration or expansion of the use shall require a variance from the ZBA under Section 110-34 of the Village Code.

5. No Certificate of Occupancy or Predate Letter issued or signed.

Where, without the benefit of a signed certificate of occupancy or a predate letter, the Current Owner or a Prior Owner has illegally expanded the uses of the property, the property shall be restored to a legal use under the existing Zoning Code within the Compliance Period and all other zoning violations eliminated. In the event the Current Owner fails to restore the property to the legal use prior to expiration of the Compliance Period, legal action shall be taken to terminate the illegal use and ensure compliance.

Village/Town of Mount Kisco

January 14, 2019

**RESOLUTION RE: TO ADOPT THE FINDINGS STATEMENT FOR
THE FINAL GENERIC ENVIRONMENTAL
IMPACT STATEMENT (FGEIS) FOR THE
COMPREHENSIVE PLAN UPDATE AND ZONING
CODE AMENDMENTS.**

WHEREAS, the Town/Village of Mount Kisco is preparing a Comprehensive Plan pursuant to Section 7-722 of New York State Village Law and concurrent Zoning Changes; and

WHEREAS, the Mount Kisco Board of Trustees declared lead agency on April 16, 2018; and

WHEREAS, the Mount Kisco Board of Trustees held a scoping session; and

WHEREAS, the Mount Kisco Board of Trustees developed a Draft Generic Environmental Impact Statement (DGEIS); and

WHEREAS, the Mount Kisco Board of Trustees held a comment period on the DGEIS from September 17, 2018 to October 26, 2018; and

WHEREAS, the FGEIS has now addressed all comments to the satisfaction of the Board; now therefore be it

WHEREAS, the Mount Kisco Board of Trustees accepted the FGEIS for distribution to the involved agencies and the public on December 17, 2018.

RESOLVED, the Mount Kisco Board of Trustees hereby adopts the Findings Statement for the FGEIS for the Comprehensive Plan Update and Zoning Code Amendments.



VILLAGE/TOWN OF MOUNT KISCO
EMPLOYEE HANDBOOK
POLICIES AND PROCEDURES MANUAL

Adopted by the Board of Trustees
September 20, 2016

Effective
September 21, 2016

Amended
January 14, 2019

Dear Mount Kisco Employee:

Welcome to Mount Kisco!

We are glad that you have decided to join our team and we welcome you aboard. By joining us you will be part of a team that provides many important services to the residents of the Village of Mount Kisco. I am proud to be working alongside each of you, doing our very best for all those who live and work in the Village of Mount Kisco.

This Employee Handbook was developed to provide some general guidance about Village rules and operating procedures, which the Board of Trustees believes will be useful to all employees. This Handbook sets out general policies, which the Village uses in hiring, management, discharge and other aspects of the employer/employee relationship. We also will try to keep the lines of communication open through periodic updates. This Handbook will hopefully answer many of the questions you may have about your employment with the Village. It covers your rights and responsibilities and provides information on where to go for assistance if you need it.

All employees should have a common goal as an employee, and that is to provide services to the residents in the most professional, caring, and efficient way possible. Let's all make Mount Kisco an even better place to work!

Sincerely,

Edward W. Brancati, Village Manager

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INTRODUCTION

THIS HANDBOOK IS NOT AN EMPLOYMENT CONTRACT.

This Handbook is a summary of the policies, benefits, and procedures of the Village/Town of Mount Kisco (“Village” or “Village/Town”) and is neither all-inclusive nor intended to anticipate and address each specific circumstance which may arise.

Nothing contained herein is intended to be a contract of employment, a promise of continued employment, or an implied or contractual duty between the Village of Mount Kisco and any of its employees.

The information in the Handbook is general, and not intended to be exhaustive and does not supersede anything that may be contained in any relevant collective bargaining agreements. This Handbook may be changed, amended, revised or discontinued as deemed appropriate by the Village Board of Trustees or the Village Manager. Changes may be made with or without advance notice to employees.

HISTORY OF THE VILLAGE/TOWN OF MOUNT KISCO

Mount Kisco was founded in 1850 shortly after the arrival of the railroad. It included two small settlements called Kirbyville and New Castle Corners. Kisco is derived from an Indian word – either *kiskamenahook* meaning “settlement near a brook” or *cisqua* meaning “a muddy place.” Mount comes from the 623-foot hill in the northwest part of town. Mount Kisco is the only place in the world with that name!

Since 1875, Mount Kisco has been an incorporated Village under the Village Law of the State of New York. One half of the Village laid in the Town of Bedford, and one half laid in the Town of New Castle. In the mid-seventies, the administrations of the two Towns agreed to support the Village’s effort to “secede” from the Towns. Mount Kisco emerged from the Town of Bedford and the Town of New Castle as a coterminous and independent Village/Town of Mount Kisco effective January 1, 1978.

There is a statue named “Chief Kisco” in Mount Kisco. There never was a real person with that name. David F. Gorham gave the statue to Mount Kisco in 1907 as a decorative top to a water fountain. On the base of the pedestal are the words “God’s Only Beverage For Man and Beast.” Chief Kisco rules over the village from his perch at the intersection of Main Street (Route 133) and North Bedford Road (Route 117).

The Village/ Town of Mount Kisco is located in Westchester County, New York and less than 40 miles from Grand Central Station in New York City. The Village comprises 3.25 square miles and has 67 full-time, 39 part-time, and 135 seasonal employees to deliver a variety of quality services to a diverse population of 10,877 (2010 Census) residents.

Mount Kisco is home to more than 300 small businesses and restaurants, was recently ranked the

9th best place in New York State to start a business, is part of the Bedford Central School District which has been recognized for its excellence in education, and is home to Northern Westchester Hospital which U.S. News and World Report listed among the Best Hospitals of 2014-2015. The Village is a diverse community with hundreds of acres of open space, miles of hiking trails, recreational programs and activities for people of all ages, a vibrant downtown, a Metro-North train station that enables residents and commuters to easily get to New York City in approximately 40 minutes, and is close to major highways, Westchester County Airport, and other major New York metropolitan airports.

The coterminous Village/Town of Mount Kisco is governed by a Mayor and four trustees (one of whom is appointed Deputy Mayor by the Mayor at the beginning of each term). They are Mount Kisco's legislative branch and are responsible for government administration, budget authority and taxes, appointing Village/Town officials and specialized board members, and act as Mount Kisco's Board of Police Commissioners.

The Village/Town of Mount Kisco is a coterminous Village and Town that is governed by a Mayor/Supervisor elected to a two (2) year term and four Trustees/Councilmembers elected to two (2) year terms who serve collectively and primarily as the legislative body of the Village and the appointing authority for certain civil service titles. In addition, to the Board of Trustees, the government also includes two (2) Town Justices who are elected to four (4) year terms. The Village utilizes a Council/Manager form of government and is served by a Village Manager appointed by the Board of Trustees. The Village Manager serves as the Chief Administrative Officer for the Village and is the appointing authority for all titles in the Village except for those titles where the Board of Trustees have preserved their role as appointing authority or any of the titles within the Parks and Recreation Department where there is an established Recreation Commission that serves as the appointing authority for those titles.

The following departments exist in the Village: Assessor, Board of Trustees, Building (Architecture Review Board, Code Enforcement, Planning, and Zoning), Court, Finance, Fire, Library, Manager, Mayor, Parks and Recreation, Police, Public Works (Central Garage, Highway, Recycling, Sanitation, Sewer, and Water), Receiver of Taxes, Senior Nutrition, Senior Recreation, and Vital Statistics.

CIVIL SERVICES LAWS AND PROCEDURES

As a civil servant it is important to remember that you are also a public servant, and as such, may be called upon during the course of your employment with the Village/Town (hereinafter referred to as “the Village”) of Mount Kisco to assist the Village in times of crisis or an emergency. To that extent, your assistance may be required to perform various functions for the benefit of the Village and its residents. Those functions may include helping residents in need or ensuring the safe and continuous operation of Village government during times of an emergency.

Village employees and Elected Officials are an integral part of ensuring the Village government operates efficiently. During times of emergency, whether local or national, it is imperative that you understand the important role that you may be called upon to play to ensure the continuous and efficient operation of Village government.

The Civil Service Laws of the State of New York can be found at the following website:

<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>:

Civil Service Rules for Westchester County can be found at the following link:

<http://www.westchestergov.com/hr/adobe/CIVILSERVICERULES.pdf>

Both the New York State laws and the Westchester County rules apply to employees of the Village of Mount Kisco.

Civil Service Categories and Jurisdictional Classes

Village employees are divided into two categories:
Unclassified Service and Classified Service

The unclassified service includes, among others, all the elected officials and the Assessor. The classified service includes all other Village employees who are subject to the rules and regulations of Civil Service as follows:

1. Competitive Class: shall comprise all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination (See, NYS Civil Service Law §44).
2. Non-competitive Class: includes all positions that are not in the exempt class or labor class and for which it is found to be not practicable to ascertain the merit and fitness of applicants by competitive examination. This position may be filled by the appointment of a person who meets the minimum qualifications established for such position (See, NYS Civil Service Law §42).
3. Labor Class: shall comprise all unskilled laborers, except those whose positions can be examined for competitively (See, NYS Civil Service Law §43).

4. Exempt Class: includes those positions for which competitive or non-competitive examinations or other qualification requirements are not practicable, such as certain policy makers, deputies, secretaries to manager, etc. (See, NYS Civil Service Law §41).

A listing of Civil Service Job titles for each Village employee as well as the class that their title is under is maintained in the Manager's Office. It is also possible that your position may be re-classified according to the rules and regulations of Civil Service.

Probationary Period

The probationary period is part of the permanent appointment process. Every permanent appointment (“competitive class”) from a Civil Service eligible list and every appointment to a position in the non-competitive, exempt, or labor class begins with a probationary term. The probationary term is set forth by the appointing authority. Permanent status shall be granted no earlier than twelve (12) weeks and no longer than fifty-two (52) weeks for all positions.

At any time after the minimum probationary period, you may be granted a permanent appointment or you may be terminated from your position. Following the successful completion of the maximum probation period you will be appointed as a permanent employee.

Reduction in Staff

It is possible that you may be laid off for reasons of economy, consolidation, or abolition of function.

Disciplinary Action

Except for those employees that have an alternative due process procedure in their collective bargaining agreement, disciplinary action shall be governed by NY State Civil Service Law § 75 and § 76 for classified civil service employees entitled to due process protections under those statutes. Currently, those sections apply to permanent competitive employees and non-competitive employees and labor class employees with more than five (5) years of service, except those non-competitive and labor class employees deemed confidential or policy influencing, as well as permanent employees who are either exempt volunteer firefighters who meet the definition of General Municipal Law § 200 or are veterans during time of war as defined by Civil Service Law § 85. The preceding statements shall not be construed so as to restrict the Village's right to discharge at-will employees. Employees who violate the policies contained within this handbook are subject to disciplinary action up to and including termination.

Collective Bargaining – Union/Associations

Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America — represents all Auto Maintenance Mechanic I, Caretakers, Heavy Motor Equipment Operators, Laborers, Mechanics, Meter Readers, Motor Equipment Operators, Park Groundsmen, Park Working Foremen, Sanitation Foremen, Sanitation Workers, Skilled Road Maintainers,

Water Maintenance Worker I and II, and excluding supervisors, clerical, and all other employees.

United Federation of Police Officers, Inc. — represents the following full-time employees excluding those designated as managerial and confidential: Intermediate Account Clerk/Typist, Intermediate Clerk, Intermediate Typist, Office Assistant – Automated Systems, Senior Office Assistant – Municipal Services, Payroll Clerk, Receptionist, Registrar of Vital Statistics, Senior Typist, and all other similar positions and/or titles.

Village Administrative Group — represents all the following full-time administrative personnel of the Village: Assessment Clerk, Assistant Building Inspector, Assistant Superintendent of Recreation, Assistant to the Village Manager, Assistant Village Manager, Code Enforcement Officer, Community Service Worker, Community Service Worker/Animal Warden, Cook, Court Clerk, Deputy Receiver of Taxes, Deputy Treasurer, Fire Inspector, Food Service Helper, Housing Inspector, Lake Attendant, Nutrition Program Director, Parking Enforcement Officer, Parking Meter Repairer, Personnel Manager, Receiver of Taxes, Recreation Assistant/Leader, Recreation Leader, Recreation Supervisor, Recreation Supervisor-Senior Citizens, Secretary to the Planning Board, Secretary to the Village Manager, Senior Recreation Leader, Sr. Office Assistant – Office Manager, Sr. Office Assistant — Police Department, Staff Assistant Administration and Finance, Watershed Inspector, Water Treatment Plant Operators (all grades).

Information on Collective Bargaining

Information regarding the current contractual agreements concerning rates of pay, holidays and leaves, medical and dental coverage, and other employee benefits may be obtained from association representatives.

Non-Discrimination

The Village does not discriminate against any employee with respect to wages, hours, or any terms or conditions of employment by reason of race, religion, color, creed, national origin, age, sex, sexual orientation, marital status, military or veteran status, disability, or any other basis prohibited by law, except as such conditions may constitute a bona fide occupational qualification. Reports of violations of this non-discrimination policy can be made using Form A within Appendix B.

SALARY AND PAYCHECKS

Paycheck Schedule

Every Village employee is paid bi-weekly. The Village pay periods run from Saturday through the following second Friday (14 days). Original signed time sheets/cards must be submitted to the Finance Department by the Friday prior to the pay date unless that day falls on a holiday in which case they are due the day before. Paychecks are dated and distributed by direct deposit to employees every other Friday before the close of business. Full-time Village employees are paid for a seven (7) hour day and/or a thirty-five (35) hour work week except for members of the Teamsters bargaining unit and certain Department Heads as may be determined by the appropriate appointing authority who are paid for an eight (8) hour day and/or a forty (40) hour work week.

The Finance Department divides your annual salary by the number of pay periods for that year and then divides the results by a seven (7) or eight (8) hour work day. Salaries for new employees, hired during the year, will be pro-rated accordingly.

Employee Data Calendar

A calendar that records absence data for each employee, and which each employee is responsible for ensuring accuracy, shall be maintained by each Department Head and by the Manager or his/her designee. Employees are responsible for completing the Employee Data Calendar and each pay period a copy must be submitted by the Friday prior to the pay date, unless that day is a holiday then it will need to be submitted the day before to Department Heads who shall verify information with the Manager or his/her designee. The following information and method of recording are required:

Vacation Days marked with a "V" on the dates used

Sick Days marked with an "S" on the dates used

Personal Days marked with a "P" on the dates used

Bereavement Days marked with a "B" on the dates used if any

Breast or Prostate Cancer Screening marked with a "CS" on the dates used if any

Blood Donations marked with a "D" on the dates used if any

Workers Compensation days marked with a "C" on the dates used if any

Monthly totals shall be recorded on the reverse side of the calendar.

Overtime Pay

Please see your bargaining unit contract for overtime pay provisions. Those employees who are not covered by a bargaining unit contract and are eligible for overtime under FLSA, will receive time and one-half of their regular pay after working more than 40 hours per week.

Longevity

Please see your bargaining unit contract for longevity pay provisions.

Payroll Deductions

The paycheck has been designed to accommodate required and elective payroll deductions. These include, but are not limited to, income tax, retirement, Social Security (FICA), Medicare (MFICA), health care contributions (as detailed in your respective contract), payroll garnishments, deferred contributions, and any mandatory deductions. Written authorization is required to commence or terminate voluntary deductions.

Paycheck Records

We suggest that you review your paycheck and stub carefully every payday. If, at any time, you have any questions about the amounts shown on your paycheck or how the amounts were calculated, you should contact the Finance Department. Deductions will be made to correct any

and all overpayments, so it is important to report any errors as soon as possible.

Income Taxes

Income taxes are withheld from your paycheck at the applicable rate and are based upon the number of exemptions you claim according to the Federal W-4 form on file. The Federal W-4 form must be filed as required by the State and Federal governments. A new form should be filed whenever your address changes, your marital status or your number of dependents changes. If you want to change your New York State withholding you must file a New York State IT-2104 form.

Retirement Membership (New York State Retirement System)

Retirement membership for public employees in New York State has been established by enactment of laws by the New York State Legislature. Membership in the New York State & Local Retirement System (NYSLRS) is mandatory when an employee is considered to have a permanent civil service appointment. It is optional only while serving in a provisional, temporary, or part-time appointment. To learn more about the retirement system go to the website for the New York State Comptroller at www.osc.state.ny.us and click on the tab titled "Retirement System."

Social Security

Social Security deductions will be taken from each employee's wages. There are two separate pieces that comprise the total Social Security liability: FICA, which is the retirement and disability part and MFICA, which is the Medicare part. These will show as separate deductions on your paycheck stub.

New York State Deferred Compensation Plan

The Village of Mount Kisco provides a 457(b) retirement savings plan for full-time employees. The plan trustee is the NYS Deferred Compensation Plan, and the plan enables employees to reduce current income taxes while providing savings for retirement income.

If a full-time employee or Elected Official elects to participate in the NYS Deferred Compensation Plan, the Village agrees to withhold the percentage of each employee's wages that the employee designated for payment into the plan, to the extent allowed by State and Federal law.

Any eligible employee wishing to participate in such plans must submit a written request to the Finance Department.

For a full copy of the plan summary description or more information, contact the Finance Department.

Salary Adjustment

Salaries may be adjusted subject to annual performance reviews by Department Heads, the Village Manager, and/or the Board of Trustees and commensurate with the Village Pay Plan as approved

by the Village Board of Trustees and/or negotiated with your respective bargaining unit that is in effect at the time.

Time Properly Absent

In computing time worked, all approved paid time, including but not limited to absences for legal holidays, sick leave, vacation, personal leave, and supplementary time off shall be included as the equivalent of time worked.

Continuous Service

If an employee is working for the Village in good standing for a period of three (3) years and requests and is approved to take an unpaid leave of absence for a period not to exceed ninety (90) days he/she may return to work with a title similar or equal to their previous title before their leave and will be credited for previous employment. Medical and dental plan coverage will continue uninterrupted during the approved leave provided that the employee assumes the cost for the coverage.

Outside Employment

The Village of Mount Kisco has an obligation to the taxpayers and residents of the Village, and as such, must be made aware of any concurrent employment you may have to determine whether or not it presents a potential conflict.

Serving on any public or government board or commission qualifies as employment for the purposes of this policy, regardless of whether such service is compensated.

Prior to beginning or continuing outside employment, employees are required to obtain the written approval of the Village Manager and which may be appealed to the Board of Trustees or their designee. Employees who are on a leave of absence, including Family Medical Leave Act (FMLA) leave or Workers' Compensation leave are prohibited from having outside employment during their leave.

LAWS, EXECUTIVE ORDERS, AND POLICIES

Equal Employment Opportunity

The Village of Mount Kisco is an equal opportunity employer and is committed to an active and progressive Equal Employment opportunity program. In accordance with Federal and New York State Human Rights Laws, and its own policies, the Village of Mount Kisco provides all employees and applicants equal employment opportunity, equal consideration, and equal treatment without regard to race, religion, color, creed, national origin, age, sex, sexual orientation, marital status, military or veteran status, disability, or any other basis prohibited by law, in all part-time, full-time or temporary employment practices including termination, promotion, compensation, and other terms, conditions, and privileges within Village employment. Further, contractors doing business with the Village are required to meet equal

employment opportunity standards.

The Village of Mount Kisco actively seeks to employ and advance qualified individuals, regardless of their membership in a protected category. The Village examines its job specifications to eliminate unnecessary barriers to advancement on merit and fitness, and seeks the development of all members of the workforce.

Moreover, the Village believes in the dignity of every individual and recognizes the rights of all people to equal opportunity and to a workplace free from all forms of harassment or discrimination. To that end, the Village prohibits all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors or others based on their membership in a protected class as defined by Federal and New York State Human Rights Law. Responsibility for overall coordination, implementation, and administration of the Village's Equal Employment Opportunity and Anti-Discrimination Policy is vested with the Village Manager and/or his/her designee.

All employees are expected to report incidents of harassment or discrimination, whether affecting them or anyone else, as soon as possible to the Village Manager and/or his/her designee after the occurrence. If you feel that you have been subjected to discrimination or other conduct which violates the Village policies or have observed such conduct, you should immediately report the conduct, and you have the right to file a complaint without fear from retaliation.

American with Disabilities Act (ADA)

The Village of Mount Kisco requires compliance with Title II of the Americans with Disabilities Act of 1990 (ADA). The law prohibits discrimination based on disability with respect to programs or activities conducted or funded by a government entity. In addition, the ADA entitles otherwise qualified employees or candidates for employment to request "reasonable accommodations," in terms of equipment, testing procedures, or job-site conditions, in order to permit them to perform effectively the essential functions of a job. Reasonable accommodation will be provided unless undue hardship to the Village would result.

Every local government must identify a "responsible employee" to coordinate ADA compliance activities and answer questions about the law. The Village of Mount Kisco has designated a "responsible employee," who may be reached through the Office of the Village Manager at (914) 864-0001.

Workplace Violence Prevention

The Village recognizes that workplace violence presents serious occupational safety hazards for the Village's employees and is committed to ensuring the safety and security of its employees. The Village strives to prevent violent incidents from occurring and has implemented a Workplace Violence Prevention Program ("the Program"). All employees are expected to comply with the Program, use work practices aimed at avoiding workplace violence, and any policies, procedures, or directives regarding workplace violence prevention.

The Village has also adopted a Workplace Violence Prevention Program attached to this document as Appendix A.

1.) Definitions:

Violence: Is defined as any verbal or physical assault, threat, harassment, intimidation, abuse or any other behavior that causes others to feel unsafe that occurs in the work place.

Workplace: The workplace may be any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to the Village Hall and the surrounding grounds, including the parking lots, Village-owned vehicles, or vehicles by an employee in the performance of his or her job, or other locations where employment-related duties are performed.

2.) Safe Work Practices – The Village has instituted a system of ensuring that all its employees, including supervisors and managers, comply with work practices that are designed to make the workplace more secure and that such employees do not engage in verbal threats or physical actions which create a security hazard for others in the workplace. This system includes:

- a.) Informing employees, supervisors and department heads of the provisions of our program for workplace security;
- b.) Disseminating to all employees this policy and the Program;
- c.) Evaluating the work place environment to identify and minimize possible security needs and assessment of factors that contribute to violence;
- d.) Providing training and/or counseling to employees on complying with work practices designed to ensure workplace security;
- e.) Disciplining workers for failure to comply with workplace security practices; and
- f.) Requiring supervisors to enforce applicable workplace violence prevention rules in a fair and uniform manner.

3.) Reporting – The Village Manager of the Village or his or her designee is responsible for ensuring that all safety and health policies and procedures involving workplace violence are clearly communicated and understood by all employees.

All Village employees are responsible for immediately notifying the Village Manager or his or her supervisor of any Village workplace violence, or threats of such violence, that they are aware has occurred. Employees must immediately report such violence to the Village Manager or his or her designee. Any incident of workplace violence resulting in injury, death, days away from work, restricted work, medical treatment, or loss of consciousness must be recorded pursuant to New York State Labor Law. Additionally, a serious violation of the Program or an imminent danger must be

reported, in writing, to the Village Manager or his or her designee for immediate investigation and risk assessment by the Village Manager or his or her designee.

An employee who applies for or obtains a protective or restraining order that lists Village property as a protected areas must provide a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted to the designated contact person. Such information shall remain confidential to the extent practicable.

- 4.) Village Investigation of Reports or Complaints – Any person who makes threats, exhibits threatening behavior, engages in violent acts, or engages in violence while on Village property will be removed from the premises as quickly as safety permits. Pending the outcome of an investigation, the Village shall take such action as appropriate in an effort to provide a safe workplace.

Upon receipt of a report/complaint of violence, the Village Manager, or his/her designee, will conduct and document an immediate and thorough investigation of the report. All reports are to be fully investigated even if the reporter/complainant does not wish to have that done. All investigations are to be completed within a reasonable period of time and kept confidential to the extent practicable.

The Village condemns any retaliatory behavior against complainants, or potential complainants, reporters, communicators or witnesses, or anyone administering the policy or regulations. Those engaging in retaliatory conduct shall be subject to discipline.

- 5.) Disciplinary Action – The Village applies the workplace violence policy consistently and fairly and does not discriminate against victims of workplace violence.

However, those Village employees who violate this policy should expect serious consequences. The Village may take disciplinary action against an employee who is determined to have committed violence in the workplace and/or engaged in retaliatory behavior, up to an including termination.

- 6.) Employee Complaint to State Agency – The Village encourages employees to report allegations of violence or imminent danger pursuant to this policy so that they can be addressed by the Village. However, any employee has the legal right to file a written request for inspection of the workplace by the Commissioner of Labor where the employer, after a reasonable opportunity to correct reported violations or imminent danger, fails to resolve the matter.

Domestic Violence in the Workplace

The Village seeks to increase awareness of domestic violence and inform employees of available assistance sources to ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

The Village shall hold accountable employees who engage in the following behavior:

1. misusing Village resources to commit an act of domestic violence;
2. committing an act of domestic violence from or at the workplace of from any other location while on official Village business or on Village time; or
3. misusing his or her job related authority and/or Village resources in order to negatively affect victims and/or to assist offenders in locating a victim and/or to commit an act of domestic violence

Policy Against Sexual Harassment

The Village's policy on sexual harassment can be found in Appendix C.

Code of Ethics

Please review Appendix D for the complete Code of Ethics that you must adhere to and abide by to the fullest extent.

Drug-Free Workplace

The Village maintains a drug-free workplace. The Village's commitment results equally from a concern for the health and well-being of our employees and recognition of our unique responsibility as public servants to maintain the highest standards when conducting public business.

Any person who is required to maintain a Commercial Driver's License (CDL) to hold his or her position shall be subject to testing for alcohol and/or controlled substances in accordance with federal regulations and the Village's Drug & Alcohol Policy and Procedure for CDL Drivers (appended hereto as Appendix "D").

Any employee who, in the normal course of his/her work, is required to drive a vehicle while on Village business, shall be subject to the same drug and alcohol policy and procedure that applies to employees with a CDL.

Any employee who, as a regular part of his/her employment, drives a vehicle for Village business must notify his/her Department Head, by the next business day, of any and all moving motor vehicle convictions, whether due to driving on or off duty.

All employees of the Village are subject to reasonable suspicion testing for alcohol and/or controlled substances. Testing shall be done in accordance with the Federal guidelines for testing CDL drivers for alcohol and/or controlled substances.

Smoke-Free Workplace Policy

Every indoor Village "workplace" is a smoke-free area, this includes, but is not limited to, buildings, barns, garages, and facilities. The smoking or carrying of lighted cigarettes, cigars, pipes, or any other tobacco-based products, or products that result in smoke or in the smoke-free

area as designated above, is prohibited.

Computer and Technology Use Policy

In order to assist you in the performance of your job the Village has provided systems, including the computers, networks, applications and software, cell phones, and all of the information and data contained within the systems. This policy sets forth a basic set of standards for use and protection of computer and information assets which includes, but is not limited to, computer workstations, laptop computers, electronic mail (“e-mail”), databases, networks and connection(s) - both wired and wireless – to the intranet, Internet, cell phones, and any other information technology services available both now and in the future. This policy covers all employees of the Village of Mount Kisco. It also covers any other individuals including consultants, interns, temporary employees, volunteers, and vendors who have access to Village technology facilities, computers, or networks. The Village promotes internet use that assists employees to perform Department missions and encourages its employees, volunteers, and contractor personnel to develop and enhance computer skills and knowledge.

Inappropriate use of equipment and services exposes the Village to risks including virus attacks, system compromise, interruption of services and legal issues. Effective security of Village technology and information systems requires the participation and support of every Village employee and authorized individual who deals with data and/or information systems. It is the responsibility of every individual who uses a Village computer, technology and information systems, cell phone, and/or information assets to know these guidelines and to conduct activities accordingly. The following rules and guidelines apply to the use of these Village assets.

1. Ownership – Information processing related systems, including, but not limited to; computer equipment, servers, laptops, mobile devices, operating systems software, application software, network accounts providing electronic mail, Web browsing, File Transfer Protocol, Village web site, Village social media site, networking and intranet hardware and software (collectively "system(s)") owned by or licensed by the Village. They are to be only used for Village business related purposes.

No computer, laptop, mobile device, or any other computer equipment collected by the Village during e-recycle, e-waste, or other collection or clean-up event shall be removed by a Village employee for his/her own personal use.

2. Local Network and Computers – The Village’s IT systems are comprised of numerous computers attached to Local Area Networks (LANs) in each building. These LANs connect to the Village’s servers, network printers, and the Internet. The Village’s servers are the depositories for all of the Village’s data. Each server has been equipped with redundant power supplies, redundant drives, and tape backup systems to minimize the possibility of data loss.

No personal information may be stored, printed, or distributed using the Village’s IT systems. This includes, but is not limited to, documents, graphic files, or e-mails.

Each system User is responsible for ensuring that the data and documents they create and manage on behalf of the Village are properly saved to one of the Village's servers, where it will be redundantly stored and backed up. Saving documents and data on computers local (C:) drive will subject the data to loss without the possibility of recovery. If any user is unsure of where particular documents or data should be saved, they should contact their department head or the Village's IT Consultant for assistance before attempting to do so.

Users are not permitted to install any software applications, mobile applications, or hardware devices on any Village owned computer system, cell-phone, and technology unless specifically directed to do so by the Village's IT Consultant or one of the Village's department specific software vendors. Requests for hardware or software additions, modification, and upgrades should be directed to the Village's IT Consultant by a department head using the contact information provided under the section of this handbook entitled "**Village Information Technology Systems Support Services.**" Depending on the nature and size of the request, if approved, typical turn-around time for installation/upgrade work is approximately thirty (30) days. Requests for installation/upgrade work allowing for less time should not be made.

Users may not export, copy or otherwise remove from the Village's IT Systems and/or facilities any software applications licensed or owned by the Village for any purpose, without specific written authorization by the Village's IT Consultant.

3. Security – Resource security must be maintained and users shall take all reasonable precautions, including: safeguarding their passwords, maintaining reasonable physical security around Village equipment, and logging off unattended workstations to prevent physical damage, damage to the Village's data, and/or theft of Village computer equipment. At the end of the day you should log off your workstation (this does not mean you should necessarily power off the system itself). A user who is logged on to a networked computer is responsible for any activity that occurs from within that account. The Village's IT Consultant is charged with maintaining the security of the Village's IT systems and includes user accounts, access to system resources and software applications, system backups, anti-virus updates, and firewall control. They are authorized to take whatever steps necessary to protect the Village's systems and data from damage or loss.

Users may not allow any unauthorized person access to their Village owned computer system, and/or technology device this specifically includes notebooks, tablets, iPads, cell-phones, or portable computers which are frequently taken and used off of Village premises. Users should immediately notify the Village's IT Consultant if they suspect another party is attempting to or has gained access to any Village owned computer or device, or if they suspect their computer may be infected with a virus or spyware. If a portable computer or device is lost or stolen, the user assigned to the unit must immediately notify the Village' IT Consultant so that remote access to the Village's IT systems from the unit can be disabled.

4. Personal Use – Personal use of the systems is authorized within reasonable limits and employees are responsible for exercising good judgment regarding the reasonableness of

personal use. Due to concerns of phishing attacks and viruses' and the damage that they can cause to Village IT systems, employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan Horse code. Incidental personal use of Village systems is permissible if the use:

- a. Does not consume a significant amount of resources that could otherwise be used for official purposes;
 - b. Does not interfere with any employee's productivity;
 - c. Does not preempt any official and operational activity of the Village;
 - d. Is not contrary to any other Village policies. It is the responsibility of each employee and Department Head to ensure that the Village's technology is used properly.
5. Prohibited Use – Improper uses of Village systems, include but are not limited to:
- a. Contributing to blogs, public forums, chat rooms or message boards except for assigned Village related activities (see "Social Media" section below for details);
 - b. Misrepresenting, obscuring, suppressing, or replacing any identity on an electronic communication;
 - c. Any use or communication in violation of other Village policies, such as the Equal Employment Opportunity policy, Harassment policies, etc.;
 - d. Any use of profanity, obscenities, or suggestive, intimidating, hostile, discriminatory, or derogatory remarks, even in jest;
 - e. Downloading of copyrighted material without specific permission of copyright owner;
 - f. Downloading of large files or data for personal use, including video, music, photographs, etc.;
 - g. The automated forwarding of messages outside of Village systems;
 - h. Engaging in any business activity outside of official Village activity and operations;
 - i. Gambling;
 - j. Any unauthorized test or attempt to compromise computer or communication system security;
 - k. Any use that violates federal, state, or local law or regulation;
 - l. Knowingly or recklessly disrupting the normal operation of computers, peripherals, or networks. "Disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service and forged routing information for malicious purposes;
 - m. Connecting unauthorized equipment to the network for any purpose;
 - n. Running or installing games or any other unauthorized software on Village computers, including personal Web servers;
 - o. Copying of any software from Village computers, for other than archiving purposes;
 - p. Using the Village network to gain unauthorized access to any computer system;
 - q. Using Village systems to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, violent, drug-related, or other offensive material (including messages, images, video, or sound);
 - r. Using Village systems in such a way as to create an intimidating or hostile work environment;
 - s. Using Village systems to solicit for personal gain or for the advancement of a

- political or religious belief;
- t. Modifying Village-issued computer software, especially anti-virus/security software.
6. Social Media – Although social media technology is constantly changing, this policy was developed to cover Village of Mount Kisco employees and Village network user participation in all forms of communicating or posting information or content via the Internet, including, but not limited to, social networking sites (i.e. Facebook, LinkedIn) blogs, Twitter accounts, video- or photo-sharing sites, websites, chat rooms, and other forms of online dialogue whereby users can add, modify, or delete its content via a web browser. All Village employees and network users must at a minimum adhere to the following rules when using social media technology on Village resources and/or in their capacities as a Village employee:
- a. Use of social media may not interfere with any employee’s productivity or detract resources from performing assigned business related duties.
 - b. Social media behavior may in no way harm or tarnish the image, reputation, and/or goodwill of the Village and/or any of its employees.
 - c. Employees are prohibited from making any discriminatory, disparaging, defamatory, or harassing comments when using social media or otherwise engaging in any conduct prohibited by the Villages policies against discrimination or harassment.
 - d. Abide by all applicable policies and work rules regarding the use of the Internet when using social media tools for official and personal use. The use of social media tools on Village IT resources will be monitored by the same method as defined in those policies and work rules.
 - e. Are responsible for all of their online activities that are: conducted with a Village e-mail address, can be traced to a Village domain, and/or use Village resources.
 - f. Must not discuss or post confidential, proprietary, or otherwise restricted information.
 - g. When speaking on behalf of the Village in an official capacity, users must be transparent when participating in any online community. They should disclose their identity and affiliation with the Village of Mount Kisco.
 - h. Communicate in a professional manner.
 - i. Abide by copyright and other applicable laws. Participation online results in a user’s comments being permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright, and data protection laws apply.
 - j. When communicating on behalf of the Village, Village employees must obtain the necessary authorizations by management, the Village Manager or other designee, as appropriate.
 - k. Must obtain permission before publishing photographs, videos, or quotes of others.
 - l. When not representing the Village of Mount Kisco, Village employees who publish personal or professional opinions must not involve their Village government title. In such cases, users must use a disclaimer such as the following where technically feasible: “The postings on this site are my own and do not

represent the position, strategy, or opinion of the Village/Town of Mount Kisco Government (or other Village entity).”

- m. Village employees may not engage in any criminal activity or activity that could constitute a crime when using social media.

- 7. Monitoring and Privacy of Communications – The Village of Mount Kisco maintains the right to access and examine Village computer systems, networks, cell phones, technology equipment, and all information that is stored or transmitted through these systems and networks, including all e-mail, text messages, social media and website visits. The Village also reserves the right to monitor all employee usage to ensure proper working order, appropriate use by employees, the security of the Village data, and to retrieve the contents of any employee communication in these systems. Users are to understand that they should have no expectation of privacy in conjunction with the use of the Village’s Information Technology (IT) Systems, or with use, transmission, or storage of any information via these systems, technology equipment, cell phones especially with regard to Internet and e-mail activities, text messages and other forms of communication. All electronic communications are considered Village records. As Village records, electronic communications are subject to disclosure to law enforcement or government officials or to other third parties through FOIL (Freedom of Information Law) requests or other process. Employees must ensure that information contained in electronic communications is accurate, appropriate, and lawful.

While the Village of Mount Kisco may not regularly review employees’ e-mail records, text messages or other electronic forms of communication or uses, employees have no right or expectation of privacy on any activity conducted on the Village’s IT Systems, including, but not limited to, activity on the Internet and e-mail, cell-phones and other technology equipment. Since the Village is responsible for the servicing and protecting of its electronic communications, networks, and administering this policy, it is occasionally necessary to intercept or disclose electronic communication. Management may access user files, including archived material of present and former employees without the user's consent for any purpose related to maintaining the integrity of the network or the rights of the Village or other users or for any other reasonable purpose. Upon an employee’s termination, the Village Manager or department head will direct his/her e-mail to be managed by another employee.

Communications on these systems are not private. Users should be aware that the data they create on the system remains property of the Village, and usually can be recovered even though deleted by the user. Despite security precautions, there is absolutely no fail-safe way to prevent an unauthorized user from accessing stored files. The confidentiality of any information stored or transmitted on the System cannot be guaranteed.

Furthermore, information that is stored on the system or sent via e-mail may be subject to disclosure pursuant to the New York State Freedom of Information Law. It is important to remember to use your assigned Village e-mail and cell phone for all Village business, not your personal e-mail address. All business e-mails not marked “confidential and privileged,” and including, the Village Attorney, are subject to the Freedom of Information

Law. It is highly suggested that you keep your personal e-mail and text messages account separate from your Village account.

8. Identification and Passwords – Each individual must be positively identified prior to being able to use any Village computer or communications system resource. Positive identification for internal Village networks involves a User-ID and password, both of which is unique to an individual. In order to obtain a User-ID and password an employee needs to be authorized by their department head or the Village Manager, and a New User Form needs to be completed and submitted to the Village's IT Consultant. Each person must log off from all User-ID accounts before leaving at the end of their workday. Users may not allow any other person to access the Village's IT Systems and/or data using their User-ID and password and should not leave their computers on and open for non-authorized users to access. Each person is responsible for all activity that occurs on his or her User-ID. User-ID's will be revoked if the employee is terminated.

A Village User-ID and password allow Village employees to sign in to the Village network to access computers, use Village e-mail, and/or access Village shared-file resources. Remember that the Village nor its IT consultant will ever ask you to divulge your User-ID or password on the phone, in an online form, or in an e-mail. The only place that you should enter your password is within the applications you use to perform Village functions. If you receive a suspicious e-mail, do not click on any hyperlinks or attachments, call the Village's IT consultant to report the e-mail, and delete the email from your account. When creating your password, it is important to create a strong password by using three of the following four categories of characters: uppercase letters, lowercase letters, numbers 0-9, and symbols (i.e. \$, !, %). In addition, when creating a password here are a few creation hints and memory tricks:

- Don't use passwords that are based on personal information that can easily be accessed or guessed
- Develop a mnemonic for remembering complex passwords
- Use both lowercase and capital letters
- Use a combination of letters, numbers, and special characters
- Use different passwords on different systems

9. Remote Access – The Village provides remote access to the Village network to facilitate effective work while away from the Village premises. Access and assigned equipment are provided only by the Village Manager or his/her designee and are intended for Village business purposes only. A Remote Access Authorization Form must also be completed and submitted to the Village's IT Consultant. Use of remote access is subject to this policy and additional restrictions and procedures. Access to the Village e-mail system is subject to the same policies covered above. Passwords used for these services must also be handled accordingly and must not be stored in your local computer. In addition, be advised when obtaining remote access to the Village's systems using non-Village equipment, that you are solely responsible for the operation and maintenance of the Internet connection and computer equipment. The Village's IT Consultant will assist in the initial setup of the connection, but will not be responsible for troubleshooting or repairing of remote equipment. Further, when using non-Village equipment such as

personal computers, kiosks, hot spots, or computers located in hotel business centers and local libraries to remotely access the Village's IT systems, the connection must be terminated before leaving the terminals.

10. Use of Outside Technology – Use of personal or outside technology assets by employees on Village systems is prohibited as these devices are not supported by the Village and pose additional security risks to the Village and its systems.

If an employee is working with an outside vendor that needs to connect to the Village's systems, the vendor is required to have anti-virus software with the latest definitions to ensure the security of the Village's infrastructure. Vendors and other organizations with a demonstrated need to access the Village's IT Systems will also need to obtain access from the Village's IT Consultant coinciding with their specific need as the Village's IT Consultant is tasked with protecting the Village's IT systems from damage and data loss. Under no circumstances will vendors be granted open and unrestricted access to Village servers as this could result in substantial loss of Village data.

Vendors of department specific software will be granted remote access to at least one (1) workstation within each department their software application is installed for purposes of supporting their applications. Vendors requiring server console remote access to troubleshoot and resolve problems should be instructed to contact the Village's IT Consultant for access.

Department specific software vendors should be made aware that upgrades to their software which are expected to require extended access to a server console and/or extensive loading of software to any of the servers will require advance notice and scheduling with the Village's IT Consultant and the work will need to be performed during slow system cycle period, which is typically at the end of the day.

11. Technology Inventory – In order to be certain that each Village Department has an accurate list of its current inventory of computer equipment, each Department is required to inventory all computer or related equipment and cross reference this inventory list with the Office of the Village Manager and/or the Village IT Consultant to ensure that each computer, printer, and other related equipment has been accounted for in the Village.

Before a computer or other IT equipment is replaced, removed, or transferred, the Village Manager's office and/or the Village IT Consultant should be contacted so that an accurate inventory of equipment and equipment locations can be maintained. Departments are not permitted to move, change, or modify Village assets on their own without prior approval.

12. Software – The installation of software is only to be conducted by the Village's IT Consultant and the Village has the right to audit Village computers/laptops and remove any unauthorized software. The Village's IT Consultant is to be contacted when loading of software is required and will need to confirm how the software was purchased to ensure that it is lawfully licensed to the Village of Mount Kisco.

13. Records Retention – All work related messages and files created or transmitted on the systems may be considered public records of the Village and appropriate records retention practices should be followed.
14. Computer Virus Protection – All Village systems are to be protected by virus-scanning software approved and installed by the Village’s IT Consultant.
15. Intellectual Property Rights – All users should be aware that any information, software or graphics on the internet may be protected by federal or state copyright law, regardless of whether a copyright notice appears on the work. Licensing agreements may control redistribution of information from the Village internet-related systems or from the internet.
16. E-mail and Communications Activities – Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan Horse code. The following e-mail and communications activities are not allowed due to associated security risks:
 - a. Sending unsolicited e-mail messages, including the sending of “junk mail” or other advertising material to individuals who did not specifically request such material (e-mail spam).
 - b. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
 - c. Unauthorized use, or forging, of email header information.
 - d. Solicitation of e-mail for any other e-mail address, other than that of the poster’s account, with the intent to harass or to collect replies.
 - e. Creating or forwarding “chain letters,” “Ponzi,” or other “pyramid” schemes of any type.
 - f. Use of unsolicited email originating from within the Village’s networks or other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the Village or connected via the Village’s network.
 - g. Posting the same or similar non-official-related messages to large numbers of newsgroups (newsgroup spam).

Please be aware the e-mail accounts that have been provided to you as an employee of the Village have been configured with storage limits. When an e-mail account is within 10% of its configured storage limit, you will receive a warning message to “clean up” your e-mail account. If an e-mail account reaches the storage limit, the sending of new e-mail messages is disabled. If you need to increase e-mail account storage capacity please speak with your department head and the Village’s IT Consultant.

17. Physical Security – Employees entrusted with Village computer assets and portable devices must exercise due diligence at all time to prevent theft, destruction, or other misuse of the assets.
18. Preventing Identity Theft – There are steps that must be taken to reduce the possibility of confidential personal information in Village hands will end up in the hands of identity

thieves, including, but not limited to:

- a. Not moving Village data to non-Village equipment without prior approval.
- b. Not copying whole databases with confidential personal information to any device.

For more information on protecting yourself from identity theft feel free to visit <http://consumer.westchestergov.com/id-theft>.

19. Vendor Licensing Agreements – All software installed on Village equipment must comply with the appropriate licensing protocols and copyrights relevant to that software. Any duplication of copyrighted software is a violation of Federal copyright law. Under Federal copyright law, Village owned software that is loaded on a hard disk may not be duplicated for use on any other computer. The Village does not allow any unauthorized copying of software.
20. Violation of Policy – Any violation or non-adherence to this Policy may lead to appropriate disciplinary action, up to and including, , termination of employment.
21. Amendment – The Village of Mount Kisco may amend this "Acceptable Computer Use Policy" from time to time as necessary. All users will receive prompt notice of any amendment.

Village Information Technology Systems Support Services

Operation, maintenance, and management of the Village's Information Technology (IT) Systems are contracted to an outside vendor. The vendor may change, and if such a change occurs, the contact information in this policy will be updated and provided to all employees.

The Village contract provides for all necessary services to support, manage, and maintain the Village IT systems and provide help desk services to all users. The contract does not include services to expand or upgrade the system, and such expansion or upgrade should be requested of your Department Head and/or the Village Manager for consideration.

Requests for support and assistance should be made Monday-Friday 8:30am – 5:00pm directly to:

Help Desk/Support Contact Information

Sullivan Data Management, Support Department

1520B Front Street, Yorktown, NY 10598

Phone: (914) 962-1573

E-mail: support@sullivandata.com

Unauthorized Firearms in the Workplace Policy

All Village employees not required to possess a firearm for the performance of their employment duties and who hold a license authorizing the carrying of a firearm, without regard to place of possession, shall not possess such a firearm while performing their duties or while present upon any real property of the Village of Mount Kisco, unless such an employee has secured the prior written consent of the Police Chief and the Village Manager.

Village Supply Use Policy

The Village is committed to upholding honesty and integrity throughout the organization by fostering an ethical workforce. The Village does not tolerate theft or misuse of Village property or property belonging to other employees, nor does it tolerate the personal use of Village property beyond the allowances set forth in the Acceptable Computer, Cell Phone, and Vehicle Use policies.

Defense and Indemnification

The Village extends to all employees the protections afforded by Section 18 of the Public Officers Law (POL). Therefore, all officers, employees of the Village, and volunteers serving on various boards and committees as well as through the Village's Senior Center and Nutrition programs, will be defended against any claim made against them in connection with their positions as officers, employees, or volunteers. POL Section 18 provides that the Village is responsible for the costs incurred with any such litigation, provided the individual was acting within the scope of his or her official duties. (Appendix E).

It is essential that Village personnel is made aware that there are also requisite procedures imposed by Paragraph 5 of POL Section 18, which requires delivery to the Village Attorney or Village Manager of a written request for defense, together with the original or copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after receipt by or service upon such Village officer, employee, or volunteer.

Breaks (Coffee/Smoke/etc.)

Please review your collective bargaining agreement for any normal or scheduled breaks during the workday to which you are entitled.

Exit Interviews

Exit interviews and/or exit memos may be required by the Department Head, immediate supervisor, or the Village Manager. If an exit interview and/or exit memo is required then it must be completed and/or submitted prior to separation from the Village.

Performance Reviews

Performance reviews will be performed by Department Heads and/or the Village Manager on an annual basis, but no later than May 31st of each year.

Resignations

If an employee chooses to resign from employment with the Village of Mount Kisco, the employee must do so in writing to their Department Head and the Village Manager and to the Village Clerk. The Village Manager and the Department Head must receive such written notice at least two (2) weeks prior to the employee's effective resignation date. Any resignation cannot take effect more than thirty (30) days from the date of notice.

Safety and Accident Rules

Please refer to the Village of Mount Kisco Employee Safety Handbook.

Fire Safety

Every employee is responsible for recognizing potential fire dangers and taking an active role in preventing fires. Employees are required to observe all safety requirements and regulations under federal law through the Occupational Safety and Health Act (OSHA). Flammable materials are to be stored in covered metal containers. Employees should not block any fire doors, fire exits, fire extinguishers, windows or doorways. Review the fire escape routes posted in each work area.

Security

The Village of Mount Kisco is committed to ensuring employees' security. Our premises are equipped with both security alarms that are active outside working hours and a fire alarm system. Certain employees authorized by the Village are assigned access to operate the Village's security systems. If you have a security concern or need more information about operating these systems, contact the Office of the Village Manager.

Inclement Weather

The Village realizes that bad weather or hazardous commuting conditions may occasionally make it impossible for employees to report to work on time. However, you are expected to make a diligent effort to report to work when conditions have improved. If you determine that you are unable to report to work because of the conditions, inform your supervisor as soon as possible. Your absence will be charged to personal or vacation time, if available, for any hours that Village offices are open. If you have no accumulated leave accruals, such absence shall be unpaid.

The Village Manager or his/her designee is in charge of the Village's notification system to inform all employees of the operational status of the Village Government in the event of inclement weather on a day when the Village Offices would otherwise be open. If it is a question of whether Village offices will be open, call the Village's snow emergency hotline number at (914) 241-SNOW and press #3 for updated information. In the event of a delayed opening, the hours designated for an employee to take their lunch break will be delayed an amount equal to the time that the opening was delayed.

Promotion

Promotions will be considered by the Board of Trustees, Village Manager, or the Parks and Recreation Commission, depending on budgetary demands, employee performance, the rules and regulations of New York State Civil Service, and the Westchester County Department of Human Resources, and recommendations of the employee's Department Head. All promotions must be authorized and approved by the Board of Trustees, Village Manager, or Parks and Recreation Commission depending on which entity serves as the appointing authority for the title under

consideration.

Unemployment

Eligibility for, and receipt of, unemployment compensation is subject to the rules and recommendations of the New York State Department of Labor.

Mileage Allowance

Prior to using a personal vehicle for a Village purpose that will require mileage reimbursement, an employee must receive Village Board or Village Manager approval. The rate shall be based on the IRS approved reimbursement rate at the time the expense is incurred.

Staff Training

Employee training that has been approved by the Village Board or Village Manager may be conducted periodically by the Department Head, the Village Manager's Office, or any Village authorized instructor.

Conference Attendance/Travel Expenses

Employee attendance at work related conferences, and reimbursement for such attendance and associated travel expenses, may only be conducted with prior Village Board or Village Manager approval.

Accident Reporting

Any employee involved in an accident, while conducting official Village business, is to report any such accident immediately to law enforcement officials, and to their Department Head, and the Village Manager., However, under certain circumstances, notification may be made not later than 24 hours after such accident,

Cell Phone Use

All full-time employees and Department Heads who are issued a Village cell phone are to have it on their person every work day during work hours. Personal cell phone usage should be limited during the workday and is prohibited in the company of the public unless it is deemed a necessity. The cell phones issued to these employees are Village property and are only to be used to conduct Village business or in emergency situations. Employees should have no expectation of privacy on Village cell phones and the Village retains the right to search the contents of such phones at any time.

Department Heads shall carry their work phones with them at all times in case of an emergency.

When a person is suspended, terminated, or no longer an employee of the Village, his or her Village issued cell phone must be turned in immediately.

Policy Relating to Use of Village Vehicles

1. As used in this Policy, "Village Vehicles" shall mean any motor vehicle or equipment capable of being driven on the street that is owned or leased by the Village.
2. A Village Vehicle may only be operated by an employee or Elected Official of the Village holding a valid driver's license which entitles him or her to operate such a vehicle. All regular drivers of Village vehicles must provide a copy of their current driver's license to the Manager's Office.
3. A Village Vehicle may only be used for official business of the Village in connection with an employee's or Elected Official's job title or description. No person shall be permitted as a passenger in a Village Vehicle unless he or she is a Village employee, member of a Village Board or committee, Village consultant or contractor, or other person engaged in or accompanying a Village employee or Elected Official in connection with official business of the Village.
4. A Village Vehicle shall not be taken overnight or used to commute to the employee's residence except upon the prior approval of the Village Board or Village Manager.
5. Each Village Vehicle shall be maintained in good operating condition and any defects or malfunctions shall be immediately reported to the Department Head. The interior and exterior of each Village Vehicle shall be maintained in a clean and neat condition. All fluid levels and lights should be checked by the driver.
6. Unless specifically authorized by the Village Board or Village Manager, each Village Vehicle shall have the Village's name or seal placed on the sides of the vehicle.
7. Any violation of this policy may result in discipline or other penalties in accordance with the applicable law.
8. In case of an accident:
 - Stop the car, make sure you and any passengers are ok, get help – call 911
 - Protect the scene – turn on emergency flashers
 - Stay calm – do not engage in arguments with other drivers or offer settlements
 - Look for witnesses – obtain name, addresses, and phone numbers
 - Note the date, time, and road conditions
 - Most importantly, if you have an accident with another motor vehicle, you must obtain that vehicles insurance information
 - All accidents need to be reported to the police, the Department Head, insurance company, and the Finance Department

Attendance

For members of a bargaining unit, your work hours are detailed in your bargaining unit's current contract or your employment agreement with the Village. Your regular and punctual attendance is essential for the Village to provide efficient and effective services to the public. As Village employee, you are expected to be at work and on time for your scheduled or regular work hours as detailed in your contract.

Each department maintains records of its employees' attendance and use of leave time. Time sheets must be submitted to the Finance Department on the Friday prior to pay date, unless there is a holiday on that day and then time sheets are to be submitted the day before, with all appropriate time used noted. If a problem arises, it should be resolved by comparing time sheets with the Finance Department and the Department Head.

Workplace Solicitation

Employees may not solicit on Village of Mount Kisco property or use Village facilities, such as e-mail, text message, voicemail, or bulletin boards during work hours for solicitation. This policy applies to, but is not limited to, collecting funds, requesting contributions, selling merchandise, gathering employee signatures, and promoting membership in clubs or organizations. Employees may conduct these activities provided it is not conducted during work hours, not conducted on Village property, and not conducted using Village resources.

Nonemployees may not make solicitations or distribute literature at any time. The Village may grant limited exemptions from these rules for charitable purposes at its discretion.

EMPLOYEE GUIDELINES

Before more details are given on the many benefits available to you as an employee of the Village there are some areas in which you are expected to assume some personal obligation.

Public Relations

Every employee of the Village is involved in public relations because the Village will very likely be judged by the manner in which its employees make contacts with the public regardless of his or her position. All Village business should be conducted in such a manner as to leave a positive and lasting impression. As an employee, you must make every effort to give each person with whom you come in contact the best possible attention and professional courtesy.

Public Information

There will be times when news media will request information, quotes or an interview relating to Village matters. Village employees should not grant such a request until it is cleared with their direct supervisor or the Village Manager. However, Department Heads may answer questions regarding the operations of their department without clearance, except questions

regarding the finances of their department which are under the purview of the Village Board.

In your contacts with the public, it is important to be careful in what you say when speaking as an employee of the Village. Any statement, particularly if it happens to be inaccurate or poorly timed, could cause embarrassment to you or to your department.

Confidential information acquired during the course of your employment must not be disclosed. There are also considerations of the confidentiality of records and information in some departments, including personnel records. Every employee, particularly a new employee, should ask his or her supervisor as well as the Village Manager for guidelines on how requests for information should be handled.

This policy regarding public information does not apply to elected officials.

Employment Communication

On-Line – The Village's website on the internet, www.mountkisco.ny.gov, is a source of information and forms. More importantly, the website contains links to other relevant sites, such as the New York State and Local Employees Retirement System.

Bulletin Boards – Bulletin Boards are prominently located in all Village buildings. The boards contain information regarding, but not limited to, announcements of Civil Service examinations, associations, safety guidelines, and social news of interest to employees. You should make it a daily habit to look at the bulletin board in your work location to determine if any material affects you.

Collective Bargaining Contracts – A copy of your collective bargaining contract is available upon request. It contains information on the current contract, and pertinent information on applicable personnel policies, salary scales, and other benefits. Contact the representative of your bargaining unit to obtain a copy.

Booklets – Information on various employment topics are updated and distributed by the Village of Mount Kisco periodically. New York State published materials on the Retirement System and other matters of general interest are available on-line.

Departmental Bulletins, Memoranda – Departments and/or the Village Manager's Office issue informational or instructional materials on matters of specific interest to their employees. Newsletters and other publications describing various department services are made available to other employees and the general public through the Internet.

Suggestions – Employees shall feel free to contribute ideas that will improve internal operations or to improve the employee morale to their Department Head or the Village Manager.

Telephone Use

The telephone is an important instrument of good public relations, as it is the only means of

contact which many have with the Village. Employees shall answer phone calls and assist visitors in a friendly, courteous, and professional manner. If you do not know the answer to a question immediately, offer to obtain the answer or refer the matter to someone who can supply the answer. Everyone who calls should know that you have done your best to help.

You should answer the telephone promptly. In the event the person called is not available, take a message and deliver it to the person so that the necessary relay can be made.

All new employees should be instructed by their supervisor as to what should be said when you answer the phone and how to use the phone system in their department. Personal phone usage should be limited on Village phones especially during working hours.

Lunch Break

Please refer to your respective collective bargaining unit contract.

Proper Work Attire

Village employees are expected to dress appropriately to work, whether outdoor attire or office attire. Clothing worn to work should not include ripped clothing, tank tops, or strapless dresses. No alcohol, tobacco, or drug related clothing, as well as clothing printed with suggestive material or foul language is permitted. Proper footwear is required at all times. Walking around with bare feet is not acceptable in the workplace.

Political Activity

In accordance with provisions of the New York State Civil Service Law, you are under no obligation to contribute to any political fund or perform any political services, nor can you be promoted or dismissed for compliance or refusal to do so. No Village employee is permitted to use his or her official influence to force the political activity of any person or group.

Federal Law, known as the Hatch Act, and New York State law prohibit individuals working for a state or local agency whose employment is in connection with an activity financed in whole or in part by federal funds (i.e. Senior Nutrition, Section 8) from influencing elections, coercing an officer or employee to contribute for political purposes or being a candidate in a partisan election. Most importantly, under the Hatch Act, any such Village employee is prohibited from running as a candidate for public elective office in a partisan primary, general or special election. The only exception would be that such an employee may be a candidate in a non-partisan election in which none of the candidates represents a political party which received votes in the last Presidential election.

HOLIDAYS, VACATIONS, AND OTHER LEAVES

All terms, conditions, and policies regarding holidays, vacations, sick leave, accumulated sick leave, and personal days are covered under the current collective bargaining unit contract of which you are a member. Please carefully review your collective bargaining unit contract for these

benefits. The terms and conditions of your bargaining unit contract supersede any provision listed below.

Absence

Please refer to your collective bargaining unit contract first as it takes precedent. In the event that there is nothing in your contract on this matter then the following policy will apply. If a member of your immediate family becomes ill, or if for any other reason you are unable to report to work, you must provide notification to your direct supervisor as soon as possible. It is important to comply with this rule. You should speak directly with your immediate supervisor in order to avoid confusion or risk that your absence will not be correctly recorded. For all absences due to illness of three days or longer, the Village Manager or the Department Head may require a doctor's statement.

Partial Sick Days

A full-time employee who is eligible to be paid an hourly rate for work beyond his/her regular scheduled day will be charged sick time for the hours that he/she leaves work early or reports to work late due to illness.

Sick Leave Procedures

On the first day of absence due to an illness, the employee, family member or other authorized person shall call the Department Head or their designee, or in his/her absence, the Village Manager's office, to advise of the anticipated duration of the absence.

The Department Head shall notify the Village Manager's office of the absence on each day of occurrence.

For all sickness absences of three days or longer, the Village Manager or the Department Head may require a physician's note.

Workers' Compensation

The Village of Mount Kisco provides coverage for job-related injuries and illnesses an employee might suffer while working on Village premises, traveling on official Village business, or attending an activity officially sponsored by the Village. It is the employee's responsibility to report an accident immediately, or as soon as thereafter as it is practical, to their Department Head. The Employee Injury and Illness form must be completed and forwarded to the Finance Department as soon as possible, but no more than 24 hours from the time of the incident.

Our third-party administrator is the Public Employers' Risk Management Association (PERMA).

Should you become ill or injured, please get medical attention at once. You must also report the details to your supervisor immediately and complete a report for every injury, no matter how small. This report should be given to the Deputy Treasurer to keep the coverage in force and to get any

benefits or other compensation to which you may be entitled.

Pregnancy Related Disability and Child Care Leave

An employee, upon filing appropriate medical evidence that she or the employee's spouse is medically disabled due to pregnancy/childbirth, will be permitted to use any annual leave, personal leave, supplemental time, holiday leave, and sick leave for the period of the disability and will be eligible for extended sick leave. In addition to the preceding leaves with pay, an employee (female or male) may be granted, upon the written request to the Village Manager, a leave of absence without pay for a maximum of seven (7) months, which may be extended upon recommendation of the Department Head, up to a maximum of two (2) years. The total leave cannot exceed two (2) years.

Leave of Absence Without Pay

Once you are on a permanent annual salary basis, you may request, in writing, a leave of absence without pay. The circumstances under which such a leave of absence might be granted include: your temporary inability to perform your duties (physical or mental), your wish to engage in a course of study intended to increase your usefulness to the Village of Mount Kisco service (provided that it does not create a significant negative impact on the day to day operations of the department), or any other reason which the Village Manager or Village Board might find satisfactory and which they might approve.

Please note that: (1) any absence of more than thirty (30) days may affect the time when you will be eligible for a salary increment, (2) annual leave credits may not be earned when you are absent for more than thirty (30) days, (3) sick leave will not be earned for absences aggregating one-half or more of the work days in a month, and (4) your medical and dental coverage may cease, unless you assume the cost for the coverage which may be continued.

If you should fail to return to your position on or before the date when your leave of absence without pay expires, such failure will be considered a resignation from the Village of Mount Kisco service, retroactive to the date that the leave of absence started.

Jury and Court Appearance Leave

If you are required to serve as a juror or to appear in court pursuant to a subpoena or court order during work hours for any reason unrelated to your official duties on behalf of the Village of Mount Kisco, you will be granted a leave with pay for such required attendance. Any fees received for such attendance, other than travel and meals, must be paid to the Village of Mount Kisco. This leave with pay does not apply when your own personal interests are the subject of the court activity.

Military Leave

Under Employees Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), any employee called to active service in the United States Armed Forces has the

right to take a leave of absence from their jobs for active military service and to return to their jobs with accrued seniority and other employment protections . For any employee called to active service in the United States Armed Forces in any calendar year or continuous period of absence exceeding the paid military leave provided under Military Law, an officer or employee of the Village of Mount Kisco called to active duty and performing ordered military service during such time, which duty is not a part of regular reservist duties, shall receive from the Village a salary equal to the difference, if any, between the employee's Village salary and the salary paid to him or her for the performance of such ordered military duty. The employee is also entitled to continued health coverage pursuant to the terms of his or her collective bargaining agreement. The employee will also be entitled to earn leave for vacation, sick, and personal leave while they are ordered to perform military duty. Payment of the salary differential, health coverage, and the accrual of vacation, sick, and personal leave shall not exceed twelve (12) months with respect to each eligible officer or employee ordered to perform military duty.

Leave for Breast and Prostate Cancer Screening

Employees are entitled to up to four (4) hours of paid leave for the purpose of obtaining cancer screening for any type of cancer annually with no charge to leave accruals. Proof of appointment/screening may be required by your Department Head or the Village Manager.

Leave for Blood Donation

All full-time employees are entitled to three (3) hours of paid leave in any twelve (12) month period for the purpose of donating blood. Proof of appointment/screening may be required by your Department Head or the Village Manager.

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

All employees who meet the applicable eligibility requirements may be granted FMLA leave consisting of appropriate accrued paid leave and unpaid leave, for the following reasons:

1. the birth of the employee's child and in order to care for the child;
2. the placement of a child with the employee for adoption or foster care;
3. to care for a spouse, child or parent who has serious health condition;
4. to care for an adult child who is incapable of self-care due to a disability (regardless of the date of the onset of disability) and has a serious health condition;
5. a serious health condition that renders the employee incapable of performing the functions of his or her job; or
6. For any qualifying exigency arising out of a covered service member's active duty status in accordance with federal law.

The entitlement to FLMA leave for the birth, or placement of a child for adoption or foster care, expires twelve (12) months from the date of the birth or placement.

Eligibility: Employees who have been employed for at least one (1) year and who have worked at least 1,250 hours during the preceding twelve (12) month period are eligible for FMLA leave.

Eligible employees are entitled to a maximum of twelve (12) weeks of FMLA leave in any twelve (12) month period as calculated from the first day of any authorized FMLA leave granted in the twelve (12) months preceding the first day of the newly requested leave.

FMLA leave will consist of appropriate accrued paid leave and unpaid leave. If FMLA leave is requested, the employee must use all of his or her accrued paid vacation leave, personal time, and sick leave he/she has available. If the need for the FMLA leave is the result of a job related injury, sick injury time will be used before accrued balances. The remainder of the FMLA leave will then consist of unpaid leave.

Procedure for Requesting Leave: In any case where leave under FMLA is foreseeable, an employee intending to take FMLA leave because of an expected birth or placement, or because of a planned medical treatment, must request the leave at least thirty (30) days before the leave is to begin, as far as practicable. If leave is to begin within thirty (30) days, an employee must give notice to his or her Department Head/Village Manager as soon as the necessity for the leave arises. In all cases, an employee must make the FMLA leave request with documentation to his or her supervisor consistent with department procedures.

Medical Certification: Notice for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be accompanied by a "Medical Certification" form completed by a health care provider and must be provided to your Department Head and/or the Village Manager. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. These forms are available from your Department Head or the Village Manager's office. If the employee is needed to care for a spouse, child, or parent, the certification must so state, along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job. Consistent with existing practice this "Medical Certificate" is not needed for birth or placement of a child for adoption or foster care. Physician and agency notes will continue to be accepted.

Benefits Coverage During Leave: During a period of FMLA leave, an employee will retain medical and dental benefits under the same conditions that applied before leave commenced, including the employee's payment of contribution for health insurance, if any. An employee is not entitled to the accrual of any seniority or employment benefits that would have occurred if not for the taking of leave during the period of unpaid leave. An employee who takes FMLA leave will not lose any employment benefits that accrued before the date the leave began.

Restoration to Employment Following Leave: An employee eligible for FMLA leave will be restored, with limited exceptions, to his or her prior position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. A determination as to whether a position is an "equivalent position" will be made by the Village Manager.

HEALTH BENEFITS

Eligibility for Health Benefits

A new employee is not automatically eligible for benefits. In order to be eligible the employee must be a full-time employee or be a paid appointed official.

Non-Eligibility for Health Benefits

New employees are not eligible for benefits in the following situations:

- If they are terminated before their effective date of coverage
- If they retire prior to the effective date of the plan and are subsequently re-employed in a temporary, seasonal, or occasional basis
- If they are moved to an hourly position

Health Insurance

All terms and conditions for health insurance benefits to be provided to eligible employees can be found in detail in the collective bargaining agreement that governs their particular civil service title. Please see the section entitled “Collective Bargaining – Union/Associations” on page 9 of this handbook.

Option to Decline Health Coverage

Upon providing documentation of comparable alternate medical insurance coverage, full-time employees, appointed officials receiving a salary, and retirees may elect to decline available medical and dental benefits, electing instead to receive an annual lump sum. Please refer to your collective bargaining agreement for more details.

Eligible Dependents

Eligible dependents are defined by the employee’s plan in which he/she is enrolled.

Loss of Eligibility by Dependents

Loss of eligibility is defined by the employee’s plan in which he/she is enrolled.

Effective Dates of Coverage

Medical and dental coverage is effective the first of the month following the date of hire unless the hire date is the first day of the month in which case coverage becomes effective that day.

For example:

<u>Hire Date</u>	<u>Effective Date</u>
February 7 th	March 1 st

February 1st

February 1st

Effective Dates/Changes in Coverage

Changes in your family status because of marriage, birth of a child, divorce or death may make it necessary for a change in your health benefit coverage. To avoid delay of coverage any of these changes must be reported to the Finance Department within thirty (30) days of the date of change in family status. You must provide appropriate documentation for the change in family status.

1. From Individual to Family Coverage

You may wish this change to cover a newly acquired or existing spouse or dependent child.

2. From Family to Individual Coverage

You may no longer have any eligible dependents, or may no longer wish to cover existing eligible dependents.

If an employee wishes any of the above changes in his or her health benefit coverage, the effective date will be the first day of the month following the request for a change.

For example:

<u>Date of Marriage</u>	<u>Request for Change</u>	<u>Effective Date</u>
April 13 th	April 27 th	May 1 st

1. If you have already had family coverage, a new dependent child is covered under the family policy. You must file the name and birth date of the child to the Finance Department within thirty (30) days of the birth of a child.
2. If you are unmarried and request a change from individual to family coverage because of the birth/adoption of a dependent child, the effective date for family coverage begins on the first day of the birth month of the child.

For example:

<u>Date of Birth/Adoption</u>	<u>Request for Change</u>	<u>Effective Date</u>
April 13 th	April 27 th	April 1 st

3. If you request a change from family to individual coverage, the change becomes effective the first day of the month following the request for a change.

Change of Options

Employees are able to make changes to their health and dental benefits for any qualifying reason at any time during the calendar year and for any reason provided that the change is supported by the proper documentation.

If an employee is on an authorized FMLA leave, the employee's health and dental plans will be

maintained for the duration of the FMLA leave for the maximum period of twelve (12) weeks as long as the employee pays the employee portion of the premium.

Maintenance of Benefits While on Non-FMLA Unpaid Leave

An employee has the opportunity to continue medical and dental benefits by paying the full cost of the coverage while on an unpaid leave. The Finance Department will send the employee a bill based upon the information submitted by the employee's Department Head. If the employee chooses not to continue coverage, the benefits will terminate on the last day of the month that the employee worked.

If an employee elects not to continue coverage while on leave without pay, the employee must re-enroll for medical and dental benefits within thirty (30) days of his or her return from such leave without pay.

Benefits in Retirement

All terms and conditions for benefits to be provided to eligible employees can be found in detail in the collective bargaining agreement that governs their particular civil service title. Please see the section entitled "Collective Bargaining – Union/Associations" on page 9 of this handbook. Retirement from the Village of Mount Kisco is defined as retirement according to the New York State and Local Employees' Retirement System.

If you wish to continue medical or dental benefit coverage into retirement (family or individual), you must contact the Finance Department to ensure that separation information on the payroll system indicates that you are retiring. The Finance Department will determine contribution requirements based on your collective bargaining agreement. If you are required to contribute for your health and dental benefits in retirement, then a bill will be sent to you requesting the payment that will be due on a monthly basis. This payment will be remitted to the Finance Department.

Retirees may continue dental coverage in retirement provided they pay one hundred percent (100%) of the cost for the dental coverage.

If you are on an authorized leave without pay pending retirement, you are eligible for a continuation of benefits. Please refer to your contract and consult with the Finance Department to determine eligibility, terms, and conditions.

Continuation of Health Benefit Payments Under COBRA

If you are terminated for any reason other than cause or otherwise leave the employment of the Village/Town of Mount Kisco, and have been continuously covered by the Village's group insurance plan before that, you and your dependents may have the right to continue or convert coverage as set forth in the rules of the plan. You should receive written notification of your right to continue coverage from the Village's health care carrier detailing your payment obligation and length of extended coverage. Should you have questions about this coverage, contact the Village's Deputy Treasurer.

Dental Insurance

All terms and conditions of dental insurance benefits to be provided to eligible employees can be found in detail in the collective bargaining agreement that governs their particular civil service title. Please see the section entitled “Collective Bargaining – Union/Associations” on page 9 of this handbook. If any employee chooses to decline medical coverage, but would like to maintain dental benefits, they may do so.

Life Insurance

You can obtain all necessary paperwork regarding the life insurance program that the Village of Mount Kisco provides to full-time employees. This coverage becomes effective upon your full-time employment with the Village and is provided at no expense to the employee. The coverage is for \$50,000 during the period of your full-time employment with the Village. If a covered employee dies, the insured amount will be paid to his or her named beneficiary. You are responsible for naming your beneficiary and may change that selection by submitting a written request.

Employee Assistance Program

The Village of Mount Kisco has an Employee Assistance Program (EAP) which is offered through Westchester County. You may seek help anonymously for such matters as alcohol or other chemical dependency, family and marital problems, financial difficulties, personal and work-related stress situations and anxiety disorders. The telephone contact number is (914) 995-6070 and is available during regular business hours. You may also send an e-mail to pkj1@westchestergov.com. Communicating by e-mail may not be confidential. If you are interested in maintaining confidentiality, it is best to contact by phone.

Grievance Procedure

A. Resolution of the Village of Mount Kisco

The Village of Mount Kisco, in compliance with Article 16 of the General Municipal Law (Chapter 554 of the Laws of 1962) regarding the establishment of grievance procedures for public employees, does hereby establish and adopt the following procedures **for the orderly settlement of grievances of public employees of the Village who are not covered by a contractual grievance procedure**. If you are covered by a contractual grievance procedure, please review your contract. The purpose of these procedures is to provide a means for orderly settlement of differences promptly and fairly, as they arise and to assure equitable and proper treatment pursuant to established rules, regulations and policies of the Village. The provisions of these procedures shall be liberally construed for the accomplishment of this purpose.

B. Definition

- Chief Administrator shall mean the Village Manager.

- Representative shall mean a co-worker designated by the aggrieved employee to act on his/her behalf.
- Grievance shall mean any claimed violation, misinterpretation or inequitable application of any existing laws, rules, regulations or policies, which relate to or involve the employee in the exercise of his/her duties.

C. Basic Principles

- It is the intent of these procedures to provide for the orderly settlement of differences in a fair and equitable manner. The resolution of a grievance at the earliest possible stage is encouraged.
- An employee shall have the right to present grievances in accordance with these procedures, free from coercion, interference, restraint, discrimination or reprisal.
- An employee shall have the right to be represented at any stage of the procedures by a co-worker of his/her own choice.
- All hearings shall be confidential.
- It shall be the responsibility of the chief administrator of the Village to take such steps as may be necessary to give force and effect to these procedures. The chief administrator shall have the responsibility to consider promptly each grievance presented to him and make a determination within the authority delegated to him within the time specified in these procedures.
- The function of these procedures is to assure equitable and proper treatment under the existing laws, rules, regulations, and policies which relate to or affect the employee in the performance of his/her assignment. They are not designed to be used for changing such rules or establishing new ones

D. Procedures

1. Informal Stage - The aggrieved employee shall orally present his grievance, clearly indicating that it is a grievance, to the chief administrator who shall orally and informally discuss the grievance with the aggrieved employee. If such grievance is not satisfactorily resolved at this stage, the aggrieved employee shall inform the chief administrator that he/she intends to proceed to the formal stage(s). The employee may make a written request to the Chief Administrator for a review and determination. The written request, i.e., grievance, must be filed within thirty (30) working days of the alleged violation, otherwise it shall be deemed untimely.
2. The Chief Administrator shall render his determination within ten (10) working days.
3. If the aggrieved employee is not satisfied with the Village Manager's written decision, the written statement of the grievance may be appealed to the Village Board of Trustees within ten (10) working days after the receipt of the Village Manager's decision.
4. The Village Board, or a sub-committee of the Board, appointed by the Mayor, shall conduct a hearing on the appeal in executive session within fifteen (15) working days following the receipt of the appeal.
5. A decision shall be rendered within five (5) working days following the conclusion

- of the hearing. A copy of the decision shall be provided to the aggrieved employee.
6. The decision will be considered final, not subject to arbitration.

Acknowledgement of Receipt

All employees must have read this handbook and appendices and sign the Acknowledgement of Receipt form before they can begin work for the Village.

ACKNOWLEDGMENT

I, _____, have received a copy of the Employee Handbook issued by the Village/Town of Mount Kisco, and understand and agree that I am to review this Handbook in detail and consult with my supervisor if I have any questions concerning its contents.

I understand and agree:

1. That this Handbook is intended as a general guide to the Village's personnel policies and that it is not intended to create any sort of contract between the Village and any one or all of its employees;
2. That the Village may modify any or all of these policies, in whole or in part, at any time, with or without prior notice; and
3. That in the event the Village modifies any of the policies contained in this Handbook, the changes will become binding on me immediately upon issuance of the new policy by the Village.

If I am a member of a collective bargaining unit, I understand that the Handbook will be read consistent with the applicable collective bargaining agreement and that the Village will not modify an existing term and condition of employment without first negotiating such change with the Union.

I understand that as an employee of the Village/Town of Mount Kisco I am required to review and follow the policies set forth in this Handbook and I agree to do so.

Employee's Signature

Date

APPENDIX A

WORKPLACE VIOLENCE PREVENTION PROGRAM

I. POLICY STATEMENT

The Village/Town of Mount Kisco (“Village”) is committed to ensuring the safety and security of its employees. The Village does not tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring by implementing a Workplace Violence Prevention Program (“WVPP”). The Village will provide adequate authority and budgetary resources to responsible parties so that our goals and responsibilities can be met.

All department heads and supervisors are responsible for implementing and maintaining our WVPP. We encourage employee participation in designing and implementing our program. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

A copy of this Policy Statement and our WVPP is readily available to all employees from each department head and supervisor.

The Village’s program ensures that all employees, including supervisors and department heads, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All employees, including department heads and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment. All incidents must be reported immediately after the incident occurred. An "Incident Report Form" will be completed for all incidents and submitted to **the Village Manager or his or her designee**.

The Village’s department heads and supervisors are responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Department heads and supervisors are expected to enforce the rules fairly and uniformly.

The Village’s Program will be reviewed and updated annually.

The Village Manager of the Village/Town of Mount Kisco is responsible for ensuring that all safety and health policies and procedures involving workplace violence are clearly communicated and understood by all employees.

The Village’s system of ensuring that all its employees, including supervisors and department heads, comply with work practices that are designed to make the workplace more secure and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace include:

- Informing employees, supervisors and department heads of the provisions of our program for workplace security;
- Evaluating the performance of all our employees in complying with our establishment’s security measures;
- Recognizing employees who perform work practices which promote security in the workplace;

- Providing training and/or counseling to employees whose performance in complying with work practices designed to ensure workplace security is deficient;
- Disciplining workers for failure to comply with workplace security practices.

DEFINITIONS:

Authorized Employee Representative: An employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees in the Village.

Employee: An individual employed by the Village/Town of Mount Kisco, including officers, appointees, elected officials, volunteers, consultants and hired professionals.

Employer: Village/Town of Mount Kisco or Village

Imminent Danger. Any conditions or practices which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by this Part.

Retaliatory Action. The discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Serious physical harm. Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Article 130 of the Penal Law.

Workplace. Any location away from an employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.

Workplace Violence. Any physical assault, shoving, pushing, hitting, or threatening, aggressive or disruptive behavior, intimidation, coercion, verbal abuse or stalking occurring where a public employee performs any work-related duty in the course of his or her employment, including but not limited to:

- (i) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- (ii) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- (iii) Intentional and wrongful physical contact with a person without his or her consent that entails some injury or offensive touching;
- (iv) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

II. TYPES OF WORK PLACE VIOLENCE

The Village WVPP addresses the hazards known to be associated with workplace violence incidents, including incidents constituting imminent danger. Workplace violence can be committed by:

- An assailant with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal act;
- A recipient of a service provided by the Village;

- A current/former employee, department head, supervisory personnel, volunteer or consultant; or
- By a person who does not work for the Village but who has a personal relationship with a Village employee, such as an employee's spouse, an employee's relative or friend neighbor or other acquaintance.

III. RESPONSIBILITY

The Village Board has appointed **the Village Manager**, as the Program Administrator for workplace security and safety who has the authority and responsibility for implementing the provisions of this program for the Village.

All Department Heads and supervisors are responsible for implementing and maintaining this program in their work areas and for answering employee questions about the program. A copy of this program is available from your department head.

IV. INCIDENT REPORTING AND INVESTIGATION

a. Reporting

All employees are expected to comply with the WVPP. Any incident of workplace violence must be immediately reported and an incident report form must be submitted to the Village Manager or his or her designee.

All Village employees that are the victim of or have witnessed workplace violence or have been told that another person has witnessed workplace violence must also immediately report the incident to the designated person above. Employees should also report behavior they regard as threatening or violent if that behavior is job-related or might be carried out on a Village-controlled site or any serious violation of a workplace violence prevention program or imminent danger exists in the workplace.

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

Copies of all incident reports shall also be forwarded to the Risk Assessment Team for their review.

The Village has confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

b. Investigation of Reports or Complaints:

Upon receipt of a report/complaint of violence, the Village Manager or his or her designee, will conduct an immediate and thorough investigation of the report. All reports are to be fully investigated even if the reporter/complainant does not wish to have that done. All investigations are to be completed within a reasonable period of time and kept as confidential to the extent practicable. If it is determined that there is an immediate threat of violence, the investigator shall immediately contact the appropriate police agency and/or emergency medical response personnel.

The Village will implement the following procedures applicable to the type of incident, including:

- Any person who makes threats, exhibits threatening behavior, or engages in violent acts or displays any violence while on Village property will be removed from the premises as quickly as safety permits and the Village shall take such action as appropriate, pending the outcome of an investigation.
- The Village will ensure an employee who is injured receives prompt medical attention.

- Report the incident to the appropriate authorities.
- Prepare the appropriate reports of the incident.
- Where necessary provide counseling services or referral for victims and/or witnesses to EAP.

The Village's response to incidents of violence may include suspension and/or termination of any business relationship, filing of criminal charges or disciplinary action against an employee

Both the complainant and the respondent are entitled to fair treatment in the handling of the complaint, as well as to privacy and discretion to the extent practicable.

An employee is also required to submit a written report that a serious violation of a workplace violence prevention program or imminent danger exists in the workplace. A copy of the report shall be provided to the appropriate individual including the Village/Town of Mount Kisco Risk Assessment Team for immediate investigation and recommendations.

c. Retaliation:

The Village condemns any retaliatory behavior against complainants, or potential complainants, reporters, communicators, or witnesses, or anyone administering this program or regulations. Those engaging in retaliatory conduct shall be subject to discipline.

d. Post-Incident

The Village Risk Assessment Team shall conduct a review of the WVPP after any occurrence of a workplace violence incident. The Team will discuss the causes of the incident and will make recommendations on how to revise the program to prevent similar incidents from occurring. All revisions of the Program will be put into writing and made available to all employees.

V.RECORD KEEPING

The Village will maintain an accurate record of all workplace violence incidents. All incident report forms will be kept in accordance with the Records Retention Schedule.

Any injury which requires more than first aid, is a lost-time injury, requires modified duty, or causes loss of consciousness, will be recorded on the New York State Department of Labor injury and illness log and the OSHA 200 log. Doctors' reports and supervisors' reports will be kept of each recorded incident, if applicable.

Incidents of abuse, verbal attack, or aggressive behavior, which may be threatening to the employee, but not resulting in injury, will be recorded. These records will be evaluated on a regular basis by the Risk Assessment Team.

Additionally, any report that a serious violation of a workplace violence prevention program or imminent danger exists in the workplace, will be recorded. These records will be evaluated on a regular basis by the Risk Assessment Team.

Minutes of the Risk Assessment Team meetings shall be kept and submitted to the Village Clerk.

Records of training program contents, and the sign-in sheets of all attendees, shall be kept for in accordance with the records retention schedule. Qualifications of the trainers shall be maintained along with the training records.

VI. TRAINING AND EDUCATION

Training for all employees, including department heads and supervisors, will be given annually or more as needed. Workplace Violence Prevention training will also be given to new employees as part of their orientation. Trainers will be qualified and knowledgeable. At the end of each training session, employees will be asked to evaluate the session and make suggestions on how to improve the training. The Village shall maintain records of all training which shall be maintained in each employee's personnel file. The Village's training program will be updated to reflect changes in the WVPP.

The employee training program shall minimally address the following areas:

- a review and definition of workplace violence and the law;
- a full explanation, description and copies of the Villages workplace violence prevention program;
- instructions on how to report all incidents including threats and verbal abuse;
- methods of recognizing and responding to workplace security hazards;
- training on how to identify potential workplace security hazards (such as no lights in parking lot while leaving late at night, unknown person loitering outside the building, etc.);
- review of the risk factors in the workplace or workplaces;
- review of measures that have been instituted by the Village to prevent workplace violence including:
 - use of security equipment and procedures;
 - how to attempt to diffuse hostile or threatening situations;
 - how to summon assistance in case of an emergency or hostage situation;
 - post-incident procedures, including medical follow-up and the availability of counseling and referral.

VII. RISK EVALUATION OF VILLAGE/TOWN OF MOUNT KISCO WORKPLACE

1. RISK ASSESSMENT TEAM

The Village Board will appoint a Risk Assessment Team ("Team") which shall include authorized representative authorized employee representative. The Team will be responsible to: a) assess the vulnerability of the workplace to violence to Village employees; b) prepare a list of the risk factors that are present in such workplace or workplaces; c) submit recommendations to the Village Board on preventive actions to be taken; and d) audit the Village's overall Workplace Violence Program.

The Risk Assessment Team will consist of:

Name: Ken Famulare Title: Assistant Village Manager Phone: (914) 864-0059

Name: Doreen Caravello Title: Senior Payroll Clerk Phone: (914) 864-0013

Name: Patti Tipa Title: Senior Office Assistant – Office Manager Phone: (914) 864-0053

Name: Liz Dieter Title: Recreation Supervisor – Senior Programs Phone: (914) 666-8766

Name: Chris Roth Title: Motor Equipment Operator Phone: (914) 666-8193

The Team will develop employee training programs in violence prevention and plan for responding to acts of violence to be approved by the Village Board. The Team will work with the Village Board to develop a program to communicate this plan internally to all employees.

The Risk Assessment Team will begin its work by reviewing previous incidents of violence at the Village workplace. They will analyze and review existing records identifying patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards. These records include but are not limited to, New York State Department of Labor injury and illness logs, OSHA 200 logs, past incident reports, medical records, insurance records, workers compensation records, police reports, accident investigations, training records, grievances, minutes of meetings, etc.

Additionally, the Team will inspect the physical workplace and evaluate the work tasks of all employees to determine the presence of hazards, conditions, operations, and other situations which might place our workers at risk of occupational assault incidents. Employees will be surveyed to identify the potential for violent incidents and to identify or confirm the need for improved security measures. These surveys shall be reviewed, updated, and distributed as needed or at least once within a two year period.

The representatives of the Team shall prepare a report of the results of their investigation and submit such report to the Village Board. Periodic inspections will be performed according to the following schedule: **annually**.

2. RISK ASSESSMENT

In preparing a risk assessment, the Risk Assessment Team shall conduct an assessment of potential hazards in the Village workplace and provide a report to the Village Board. This assessment shall include: a) records review; b) inspection of the physical workplace and security analysis; c) review of an employee survey; and d) review of the relevant Village policies. The Team shall document each component of the risk assessment on the form attached hereto and submit the report to the Village Board with its recommendations.

3. IMPLEMENTATION OF RISK ASSESSMENT TEAM RECOMMENDATIONS

The Village Board will receive the recommendations of the Assessment Team and will analyze the data and recommendations and will implement feasible control measures in accordance with the hierarchy of control measures noted below that will prevent or reduce workplace violence. However, some hazard controls will require research, budgetary, or long term planning (capital projects).

The “hierarchy of control measures,” is as follows:

1) Engineering controls eliminate or reduce the hazard through substitution or design.

Examples include:

- increased lighting,
- designing,

- secure building access,
- security hardware,
- eliminating isolated work areas,
- eliminating “cash on hand” or installing drop safes

2) Administrative or work practice controls eliminate or reduce the hazard by changing organizational policies and procedures. Examples include:

- employment of security personnel,
- developing building access control procedures,
- cross-shift communication to share information regarding agitated clients,
- elimination of long customer wait times,
- provision of personal alarms,
- provision of cell phones for field workers,
- training

3) Personal Protective Equipment ("PPE") examples include: gloves, respirators, hard hats, and bullet proof vests (For the most part, this type of intervention is not relevant to workplace violence prevention).

As a result of the workplace security inspection and recommendations made by the Risk Assessment Team, the Village Board has instituted the following control measures:

Engineering Controls:

Work Practice Controls:

Personal Protective Equipment:

IV. TRAINING AND EDUCATION

Initial training for all employees, including department heads and supervisors shall be provided. This training will be repeated annually for all employees and new employees will also receive training after they are hired. The Village will record all training.

The training program shall cover the following topics:

- a review and definition of workplace violence and the law;
- a full explanation, description and copies of the Villages workplace violence prevention program;
- instructions on how to report all incidents including threats and verbal abuse;
- methods of recognizing and responding to workplace security hazards;
- training on how to identify potential workplace security hazards (such as no lights in parking lot while leaving late at night, unknown person loitering outside the building, etc.);
- a review of the risk factors in the workplace or workplaces;
- review of measures that have been instituted by the Village to prevent workplace violence including:
 - use of security equipment and procedures;
 - how to attempt to diffuse hostile or threatening situations;
 - how to summon assistance in case of an emergency or hostage situation;
 - post-incident procedures, including medical follow-up and the availability of counseling and referral.

X. EMPLOYEE COMPLAINT REPORTING

The Village encourages employees to report allegations of violence or imminent danger or a violation of the WVPP pursuant to this policy so that they can be addressed by the Village.

Any employee or his or her authorized employee representative who believes that a serious violation of the WVPP exists, or that a workplace violence imminent danger exists, shall bring such matter to the attention of the Village Manager or his or her designee in the form of a written notice and shall afford the Village a reasonable opportunity to correct such activity, policy or practice.

If, following a referral of such matter and after a reasonable opportunity to correct such activity, policy or practice, the matter has not been resolved and the employee or the authorized employee representative still believes that a serious violation of a workplace violence prevention program remains or that an imminent danger exists, such employee may request an inspection by notifying the Commissioner of Labor of the alleged violation.

XI. EVALUATION OF PROGRAM

The Village shall conduct an evaluation of the effectiveness of the WVPP on an annual basis. The evaluation shall consider the effectiveness of control measures, record keeping, and reporting of work place violence.

XII. SEVERABILITY

The Village has made every effort to ensure that the WVPP complies with New York State Department of Labor regulations. In the event any of the provisions, portions, or applications of the WVPP are found to be invalid or illegal by a court of competent jurisdiction, then the provisions, portions, or applications specified in such decision shall have no force and effect, but the remainder of the WVPP shall continue to be in full force and effect.

APPENDIX B
Sexual Harassment Policy

Adopted by the Village Board of Trustees on December 17, 2018
Effective Date: Immediately

SEXUAL HARASSMENT POLICY

I. Introduction

The Village/Town of Mount Kisco (“Village”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village’s commitment to a discrimination-free work environment.

Sexual harassment is against the law.¹ All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Village, or with a government agency or in a court of jurisdiction under federal, state, or local antidiscrimination laws.

II. Policy

- A. The Village’s policy applies to all employees. Employees are defined to include any person holding a position by election, appointment, or employment in the service of the Village whether paid or unpaid; applicants for employment; interns, whether paid or unpaid; volunteers; contractors; and persons conducting business with the Village.
- B. A non-employee is defined as someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers, and temporary workers. Also, included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the Village.
- C. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
- D. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any employee of the Town who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. Any employee, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, Department Head, or the Village Manager. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek assistance in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity, and criminal history.

- E. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Village to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability or personally liable for damages. Employees and non-employees of every level who engage in sexual harassment, including managers, department heads, and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
- F. The Village will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
- G. All employees, and non-employees are encouraged to report any harassment or behaviors that violate this policy. The Village will provide all such individuals with a complaint form to report harassment and file complaints.
- H. Managers, department heads, and supervisors are required to report any complaint that they receive, or any harassment that they observe immediately to the Village Manager or the Village Mayor if the Village Manager is the subject of the complaint.
- I. This policy applies to all employees, and non-employees, and all such individuals must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring. All employees shall sign a written acknowledgment that they received this policy.
- J. Training on sexual harassment prevention shall be provided to all employees on an annual basis. Such training shall be consistent with New York and federal law and regulations.
- K. New employees shall receive training on sexual harassment prevention as soon as possible after their date of hire.

III. Sexual Harassment Defined:

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, sexual orientation, gender identity and the status of being transgender.

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:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment may consist of words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. A sexually harassing hostile work environment may also consist of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or

humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

The Village encourages any employee, and non-employees who feel harassed to file a complaint so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

A. Examples of Sexual Harassment

Sexual conduct that the Village considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's 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.

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, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

C. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social

media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

D. Retaliation is Unlawful

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

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

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

IV. Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Village cannot prevent or remedy sexual harassment unless it knows about it. Any employee, 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 the Village Manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, department head, or the Village manager.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available in every department office, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

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

A. Supervisory Responsibilities

All supervisors, department heads and other administrators 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 such suspected sexual harassment to the Village Manager. If the alleged harasser is the Village Manager, the report should be submitted to the Village Mayor for further action.

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

Supervisors, department heads, and the Village Manager will also be subject to discipline for engaging in any retaliation.

B. Complaint And Investigation of Sexual Harassment

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible. The Village may also hire an outside investigator to investigate a complaint.

An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. If additional time is needed to complete the investigation, the investigator will provide all parties with notice of the need for additional time. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

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

While the process may vary from case to case, investigations will be done in accordance with the following steps:

1. Upon receipt of complaint, the Village Manager or in the event that the alleged harasser is the Village Manager, the Village Mayor will conduct an immediate review of the allegations, and take any 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;
2. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them;
3. Request and review all relevant documents, including all electronic communications;
4. Interview all parties involved, including any relevant witnesses;
5. When reviewing cases involving non-employees, the investigator shall consider the extent of the Village's control and any other legal responsibility the Village may have with respect to the conduct of the accused;
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s);
7. Keep the written documentation and associated documents in the employer's records;
8. Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document; and
9. Inform the individual who complained of their right to file a complaint or charge externally as

outlined below.

V. Legal Protections and External Remedies

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

Aside from the internal process at the Village, employees may also choose to pursue legal remedies with the following governmental entities at any time.

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

The Human Rights Law ("HRL"), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

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

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR.

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.).

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination" with the EEOC. 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 in which they live to find out if such a law exists.

D. Contact the Local Police Department

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

Form A

Village/Town of Mount Kisco, NY
Complaint Form for Reporting Sexual Harassment

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to a supervisor, department head, manager, or the Village Manager. The form may be delivered in person, or sent electronically.

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

I request that the Village/Town of Mount Kisco investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Signature: _____ Date: _____

Investigator's Report Form

Date

Complaint Received By: _____
(Name/Title/Date)

Results of Investigation: _____

Name of Investigator: _____

Final Determination and Personnel Action (if any): _____

(Attach additional materials as necessary. Initial and date all entries and comments attached.)

Please note:

Confidentially will be maintained to the maximum extent possible, consistent with the Village's obligation to conduct a thorough investigation. All individuals who become involved in the investigation are required and directed to treat the matter confidentially, and a violation of this directive will, in itself, be grounds for disciplinary action.

APPENDIX C

Chapter 9. Ethics, Code of

[HISTORY: Adopted by the Board of Trustees of the Village of Mount Kisco 9-3-1968 as L.L. No. 2-1968. Amendments noted where applicable.]

§ 9-1. Declaration of policy; conflicts with other laws.

The proper operation of the village government requires that its officers and employees be independent, impartial and responsible to the people, that government decisions and policy be made in the proper channels of the governmental structure, that public office not be used for personal gain, that public officers and employees observe in their official acts the highest standards of morality and discharge faithfully the duties of their offices, regardless of personal consideration, and that the public have confidence in the integrity of its government and the officers and employees thereof. In recognition of these goals, there is hereby established a Code of Ethics for all officers and for all employees of the Village of Mount Kisco, hereinafter referred to as the "village." In the event of any conflict between the provisions of this code and provisions of Article 18 of the General Municipal Law, the latter shall control.

§ 9-2. Conflicts of interest.

No officer or employee of the village shall have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.

§ 9-3. Representation of private interests.

No officer or employee of the village shall represent private interests before any board, department, office, or agency of the village nor represent private interests in any action or proceeding against the interests of the village or in any litigation to which the village is a party. The preceding sentence shall not preclude any such officers or employees from appearing in the performance of public or civic obligations.

§ 9-4. Disclosure of interest.

Any officer or employee who has a direct or indirect financial or other private interest in any matter before any board of the village and who participates in the discussion before or makes a recommendation to or gives an opinion to such board on such matter shall publicly disclose on the official record of such board the nature and extent of such interest.

§ 9-5. Acceptance of gifts and favors.

No officer or employee of the village shall accept any valuable gift, whether in the form of a service, loan, thing or promise or any other form, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the village; nor shall any such officer or employee:

- A. Accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties; or
- B. Grant in the discharge of his duties any improper favor, service or thing of value.

§ 9-6. Disclosure of confidential information.

With respect to any confidential information about the property, affairs, or government of the village which has been gained by reason of official position or authority and which is not available to the citizens of the village, no officer or employee of the village shall:

- A. Accept employment or engage in any business or professional activity which will require him to disclose such confidential information.
- B. Neither disclose any such confidential information nor use such confidential information to further his personal interests or the personal interests of others.

§ 9-7. Interests in conflict with duties.

An officer or employee of the village shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create conflict between his public duty and his private interest and shall refrain from passing upon any questions in which he or any member of his immediate family has an interest which might reasonably be deemed to create such a conflict.

§ 9-8. Incompatible employment.

No officer or employee of the village shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

§ 9-9. Future employment.

No officer or employee of the village shall solicit, negotiate for, or promise to accept employment by any person, firm, or corporation with which he or his department, office or agency is engaged on behalf of the village in the transaction of business which is or may be affected by his official action.

§ 9-10. Special privileges; submission to influence.

- A. No officer or employee of the village shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others or grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.
- B. An officer or employee of the village should not by his conduct give reasonable basis for the impression that any person can unduly influence him or improperly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.

§ 9-11. Use of village employees and public property.

- A. No officer or employee of the village shall direct or cause any officer or employee of the village to do or perform any service or work outside of public work or employment or accept any such service or work, nor shall any officer or employee of the village offer to or perform any such service or work for such officer or employee. This section shall not preclude any officer or employee from voluntarily performing any such service or work outside of the hours during which he is assigned to perform duties for the village.
- B. No officer or employee of the village shall request or permit the use of village-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as village policy for the use of such officer or employee in the conduct of official business.

§ 9-12. Political activity restricted.

No person who holds any compensated appointive village position shall solicit or receive any contribution for any political party or any candidate for public office.

§ 9-13. Board of Ethics.

- A. A Board of Ethics is hereby established pursuant to § 808 of the General Municipal Law, to be composed of five voting members appointed by the Board of Trustees. The Village Attorney shall be a nonvoting member ex officio of such Board, and no other Village officer shall be eligible. No more than three voting members of such Board shall belong to the major political party of the Board of Trustees. The members of the Board shall serve without compensation for a term of three years, commencing on the first day of the official year of the village, except that any current member whose term is to expire at other than the end of an official year of the village shall, upon expiration of such term, hold office until the end of the official year, and his or her successor shall then be appointed to a term of three official years. The Board shall elect its Chair and shall adopt such rules and regulations as it may deem advisable. [Amended 12-16-1996 by L.L. No. 5-1996]
- B. The Board of Ethics shall render advisory opinions on specific situations to officers and employees of the village with respect to Article 18 of the General Municipal Law and this Code of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under the rules and regulations of the Board of Ethics and shall have the approval of the Village Attorney. The Board of Ethics may publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the officer or employee involved.^[1]

[1] Editor's Note: Former Section 14, which immediately followed this section and which provided that copies of this local law be distributed to every officer and employee, was deleted at time of adoption of Code; see Ch. I, General Provisions, Art. I.

§ 9-14. Penalties for offenses.

Any violation of the provisions of this Code of Ethics shall constitute cause for suspension, removal from office or employment or such other disciplinary action as the Board of Trustees may consider advisable.

APPENDIX D

DRUG AND ALCOHOL POLICY & PROCEDURE FOR CDL DRIVERS

Pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the United States Department of Transportation (DOT) Regulations.

POLICY STATEMENT

The Village/Town of Mount Kisco is dedicated to providing safe and efficient service to our residents. Moreover, we are dedicated to providing a safe workplace for our employees.

In order to meet this goal, we hereby endorse the Federal Highway Administration substance abuse regulations and in accordance with Department of Transportation regulations, the Village/Town Mount Kisco ("Village") promulgates the following policy on the misuse of alcohol and the use of controlled substances. We will also provide training, education, and other assistance to our employees. Any questions concerning either the educational materials that explain the requirements of the alcohol and drug testing regulations and/or the Village's policies and procedures with respect to meeting those requirements should be directed to the Village Manager. The Village Manager shall, at a minimum, receive the same training as provided to supervisors who are responsible to oversee the drivers subject to testing.

Drug testing, in compliance with DOT regulations, is an integral part of our program. Any violation of this policy, administrative regulations, and/or procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with the Village policy, collective bargaining agreements and applicable law.

The terms used in this policy are to be defined consistent with the meanings and definitions of such terms in the DOT Regulations.

Who Is Subject to the Alcohol Misuse and Controlled Substance Requirements

This policy applies to all employees in a safety sensitive position required to have a commercial driver's license ("CDL's"), as defined by the Department of Transportation Federal Regulations.

Definition of Safety Sensitive Functions

For purposes of this policy and the Village's drug and alcohol testing program, performing a safety sensitive function means any of the following and an individual whose work requires that he or she engage in the following activities is subject to testing:

SAFETY-SENSITIVE FUNCTIONS

1. All time spent at the Village's Department of Public Works' facility at 43 Columbus Avenue or other Village facility or shipper plant, terminal, facility, or other property, or

on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

2. All time inspecting equipment as required by 49 C.F.R. 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle.
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the driver requirements associated with an accident.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

TRAINING

The Village provides education and training for drivers about controlled substances and alcohol. Such training shall be conducted in compliance with 49 C.F.R. 382.603. The training program will cover the effects of controlled substance use on personal health, safety, and the work environment. Manifestations and behavioral changes that may indicate controlled substance use and abuse will also be addressed. Documentation of these training sessions will be maintained.

PROHIBITIONS

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles:

1. No driver shall report for duty within four (4) hours of consuming alcohol prior to performing any safety sensitive function.
2. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while the driver has an alcohol concentration of 0.04 or greater.
3. No driver shall use alcohol while on duty at any time while performing any safety sensitive function.
4. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
5. No driver shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

6. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses controlled substances, except when pursuant to the instruction of a physician who has advised the driver that such use will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
7. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

Types of Tests

Drug testing for marijuana, cocaine, opiates, amphetamines, and PCP will be performed on urine specimens. Alcohol testing will be performed by means of breath testing devices approved by the National Highway Traffic Safety Administration. The testing, collection and certification of personnel to collect the urine sample will be conducted in conformance with 49 C.F.R. A, C, D, E, and F. All testing laboratories shall be located in the United States and shall be certified by the Health and Human Services under the National Laboratory Certification Program. Testing procedures will comply with Federal Motor Carrier regulations 49 C.F.R. Part 40. Individual test reports will be maintained in each employee's confidential file. However, if the test was triggered by reasonable suspicion and the test result was negative or a split sample was tested and the result was negative, all documentation concerning the reasonable suspicion shall be removed from the employee's personnel file. This does not preclude the Village from taking disciplinary action, if appropriate, based on incompetence and/or misconduct.

Six types of drug and alcohol tests are required under federal regulations: pre-employment, random, reasonable suspicion, return to duty, follow-up and post-accident.

1. All applicants for employment will submit to drug testing.
2. Throughout the year, drivers are subject to unannounced testing on a random basis. The total number of employees randomly selected for controlled substance testing during the calendar year shall be equal to a percentage rate of 50% of all Village CDL drivers. The minimum annual percentage rate for random alcohol testing shall be 10% of covered employees. Since drivers are chosen at random throughout the year, each individual driver may not be tested or may be tested once, twice, or more in a given year. There shall be no loss or deductions made from an employee's time allowances for purposes of testing, including travel time.
3. A driver shall submit to testing, upon reasonable suspicion, when requested to do so by the Village. Conduct triggering testing under this part must be directly observed by a supervisor or Village official. The supervisor or Village official making this determination must have received training in the identification of behavior indicative of use of a controlled substance. Documentation of the driver's conduct shall be prepared and signed by the witness within twenty-four (24) hours.
4. If a driver who violates this policy is allowed to return to duty, a test will be conducted prior to the performance of a safety-sensitive function. In addition, the driver will be subject to unannounced follow-up testing. The frequency of such tests will be prescribed by a substance abuse professional and will consist of a minimum of six (6) tests in the first twelve (12) months following the driver's return to duty.

5. The employer will test for alcohol and drugs as soon as possible after an accident, if the driver receives a citation under State or local law for a moving traffic violation arising from the accident or if there is a fatality. The alcohol test should be performed within two (2) hours of the accident. If not tested within two (2) hours, the driver may be tested for alcohol up to eight (8) hours following the accident. The drug test will be performed within thirty-two (32) hours of the accident. Accident shall be defined as any occurrence involving a commercial motor vehicle operating on a public road in commerce which results in a fatality; or the driver receives a citation within thirty-two (32) hours of the occurrence under state or local law for a moving traffic violation arising from this accident if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or one or more of the motor vehicles involved in the accident is transported away by a tow truck or other motor vehicle.

Procedures for Drug Tests

Drug testing is done by means of urine collection and analysis. Trained personnel in accordance with DOT regulations will collect the specimen. The specimen is divided into two (2) separate containers (the primary sample and the split sample) and sealed in a tamper-evident container and shipped to a NIDA-certified lab for testing. Laboratory test results are reported to the medical review officer (MRO). Each specimen receives a screening test and, if that test is positive, a confirmation test. Before reporting a positive test to the employer, the MRO will attempt to contact the driver to discuss the test results. If the MRO is unable to contact the driver directly, the MRO will contact the employer's Drug Program Administrator who will contact the employee. If no legitimate explanation for the positive test is found, the MRO will report the test as positive. If there is a valid explanation for the positive test other than illegal drug use, the MRO will report the test as negative. A test showing the presence of a medication, which the employee has used in accordance with a valid prescription, will be considered a negative test, unless the employee drove in violation of the physician's order prohibiting driving. In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. The Village shall pay the costs for the split sample test. This request must be made within seventy-two (72) hours of the time the driver was informed of the results by the MRO.

Procedures for Alcohol Tests

Certified breath alcohol technicians will perform these tests using evidential breath testing devices. If the test shows a result less than 0.02, the test is considered negative. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

CONSEQUENCES OF A POSITIVE TEST

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to Village policy and collective bargaining agreements, as well as other sanctions provided for in State and/or federal law.

1. Applicants for employment who test positive for drugs will not be hired.
2. Employees who test positive are required to be evaluated by a substance abuse professional (SAP) and complete any requirements for rehabilitation as set by the Village and the SAP.
3. A driver who, after providing an adequate breath specimen, has a confirmatory test which registers between 0.02 and 0.04, at a minimum, must be suspended without pay until his/her next regularly scheduled duty period, but for no less than twenty-four (24) hours and may be subject to additional disciplinary action by the Village, up to and including discharge.
4. A driver who tests positive for drugs, or after providing an adequate breath specimen, has a confirmatory test which registers 0.04 or greater will, at a minimum be suspended without pay until his/her next regularly scheduled duty period, but for no less than twenty-four (24) hours, and may be subject to additional disciplinary action by the Village, up to and including discharge. In order to be eligible to return to duty after a positive drug test or an alcohol level of 0.04 or higher, a driver must complete the course of rehabilitation prescribed by the substance abuse professional and undergo a return-to-duty test with a negative result. After returning to work, the driver must continue in an after-care program and be subject to follow-up testing, in accordance with the recommendation of the SAP and consistent with the regulations. The employee shall be able to use all time accruals during rehabilitation (in-patient and/or out-patient) and make application to the Village for leave of absence during a period of absence that is not a disciplinary suspension without pay.

CONSEQUENCES OF REFUSING A DRUG OR ALCOHOL TEST

The consequences of refusing a test are the same as testing positive. A refusal to submit to an alcohol or controlled substance test is defined as a driver who: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

Confidentiality All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer, disciplinary action and other individual(s) designated by law. Any other release of this information is only with the employee's written consent. If an employee initiates a grievance, hearing, lawsuit, or other action as a result of a violation of these rules, the employer may release relevant information to the decision maker. If an employee is licensed, documented, or certified by a DOT agency, relevant information may be released to the decision maker in any DOT agency revocation or suspension action to the extent required by law.

APPENDIX E

Public Officers Law, Article 2 §18

§18. Defense and indemnification of officers and employees of public entities.

1. As used in this section, unless the context otherwise requires:
 - (a) The term "public entity" shall mean
 - (i) a county, city, town, village, or any other political subdivision or civil division of the state,
 - (ii) a school district, board of cooperative educational services, or any other governmental entity or combination or association of governmental entities operating a public school, college, community college or university,
 - (iii) a public improvement or special district,
 - (iv) a public authority, commission, agency or public benefit corporation, or
 - (v) any other separate corporate instrumentality or unit of government; but shall not include the State of New York or any other public entity the officers and employees of which are covered by section seventeen of this chapter or by defense and indemnification provisions of any other state statute taking effect after January first, nineteen hundred seventy-nine.
 - (b) The term "employee" shall mean any commissioner, member of a public board or commission, trustee, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program, or any other person holding a position by election, appointment or employment in the service of a public entity, whether or not compensated, but shall not include the sheriff of any county or an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.
 - (c) The term "governing body" shall mean the board or body in which the general legislative, governmental or public powers of the public entity are vested and by authority of which the business of the public entity is conducted.
2. The provisions of this section shall apply to any public entity:
 - (a) whose governing body has agreed by the adoption of local law, by-law, resolution, rule or regulation
 - (i) to confer the benefits of this section upon its employees, and
 - (ii) to be held liable for the costs incurred under these provisions; or
 - (b) where the governing body of a municipality, for whose benefit the public entity has been established, has agreed by the adoption of local law or resolution
 - (i) to confer the benefits of this section upon the employees of such public entity, and
 - (ii) to be held liable for the costs incurred under these provisions.
3. (a) Upon compliance by the employee with the provisions of subdivision five of this section, the public entity shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the public entity employing such employee.

(b) Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by private counsel of his choice in any civil action or proceeding whenever the chief legal officer of the public entity or other counsel designated by the public entity determines that a conflict of interest exists, or whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by counsel of his choice, provided, however, that the chief legal officer or other counsel designated by the public entity may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. Reasonable attorneys' fees and litigation expenses shall be paid by the public entity to such private counsel from time to time during the pendency of the civil action or proceeding with the approval of the governing body of the public entity.

(c) Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding

(d) Where the employee delivers process and a written request for a defense to the public entity under subdivision five of this section, the public entity shall take the necessary steps on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

4. (a) The public entity shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his public employment or duties; provided further that in the case of a settlement the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement by the governing body of the public entity.

(b) Except as otherwise provided by law, the duty to indemnify and save harmless prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

(c) Nothing in this subdivision shall authorize a public entity to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to section fifty-one of the general municipal law; provided, however, that the public entity shall indemnify and save harmless its employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

(d) Upon entry of a final judgment against the employee, or upon the settlement of the claim, the employee shall serve a copy of such judgment or settlement, personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the chief administrative officer of the public entity; and if not inconsistent with the provisions of this section, the amount of such judgment or settlement shall be paid by the public entity.

5. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon

(i) delivery by the employee to the chief legal officer of the public entity or to its chief administrative officer of a written request to provide for his defense together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he is served with such document, and

- (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the public entity based upon the same act or omission, and in the prosecution of any appeal.
6. The benefits of this section shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law.
 7. This section shall not in any way affect the obligation of any claimant to give notice to the public entity under section ten of the court of claims act, section fifty-e of the general municipal law, or any other provision of law.
 8. Any public entity is hereby authorized and empowered to purchase insurance from any insurance company created by or under the laws of this state, or authorized by law to transact business in this state, against any liability imposed by the provisions of this section, or to act as a self-insurer with respect thereto.
 9. All payments made under the terms of this section, whether for insurance or otherwise, shall be deemed to be for a public purpose and shall be audited and paid in the same manner as other public charges.
 10. The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.
 11. Except as otherwise specifically provided in this section, the provisions of this section shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity to liability available to or conferred upon any unit, entity, officer or employee of any public entity by, in accordance with, or by reason of, any other provision of state or federal statutory or common law.
 12. Except as otherwise provided in this section, benefits accorded to employees under this section shall be in lieu of and take the place of defense or indemnification protections accorded the same employees by another enactment; unless the governing body of the public entity shall have provided that these benefits shall supplement, and be available in addition to, defense or indemnification protection conferred by another enactment.
 13. The provisions of this section shall also be applicable to any public library supported in whole or in part by a public entity whose governing body has determined by adoption of a local law, ordinance, by-law, resolution, rule or regulation to confer the benefits of this section upon the employees of such public library and to be held liable for the costs incurred under these provisions.
 14. If any provision of this section or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this section or the application of any such provision to any other person or circumstance.



MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Jean M. Farber
DEPUTY MAYOR

Isidoro Albanese
Peter F. Grunthal
Karen B. Schleimer

VILLAGE MANAGER

Edward W. Brancati

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150
Tel (914) 241-0500 • Fax (914) 241-9018
www.mountkisco.ny.gov

A Resolution of the Village Board of Trustees Declaring Certain Village Property to be Surplus Property

Whereas, it has been determined that the Village has no further use of certain items(s): and

Whereas, the Village Board may determine that these items are surplus property; and

Whereas, the fair market value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

Whereas, at time of sale of surplus item(s), money, if any, will be allocated back to the appropriate department; and

Whereas, the Village Manager or his designee will oversee the sale of these items(s) or other method of disposal.

Now, Therefore, Be It Resolved, that the Village Board of the Village/Town of Mount Kisco, New York surpluses the following items(s):

Various computer equipment that exceeded the period of useful life:

<u>Service Tag</u>	<u>Service Code</u>
BZS1CP1	26108014213
77WK9K1	15715432801
3KFQDQ1	7766095609
3KBSDQ1	7759470457
6YO34C1	15160359601
D1NORD1	28398516229
F65X942	33024481634
HN40ZC1	38403999073
5X4Y3D1	12887604613
6FG8CG1	13994949889
HSXVS01	38755262593



North East Westchester Special Recreation Inc.
63 Bradhurst Avenue, Hawthorne, New York 10532
914-347-4409 FAX 914-347-4050

December 18, 2018

Joanne Aquilino
Village of Mount Kisco
104 Main Street
Mt. Kisco, NY 10549

Dear Joanne:

As per our North East Westchester Special Recreation Interagency Agreement, your Per Capita match for 2019 is \$4,843.93 and is due by January 31, 2019.

The following is an explanation of how the Municipal Match is done:

6 decimals are used on all figures.

Per Capita – take amount of money needed for the year \$67,852.47 and divide by the population 152,362 which equals .4453372 x population 10,877 = \$4843.93

Per Participant – The per participant cost for the year is \$171.04. This number is then multiplied by the number of participants from Mt. Kisco which is 56. Your per participant cost for 2019 is \$10,946.56 and will be due by June 30, 2019.

Sincerely,

Ellie Arnemann
Executive Director

NORTH EAST WESTCHESTER SPECIAL RECREATION, INC.

INTERAGENCY AGREEMENT

This agreement made on the (1st.) day of (January), (2019), by and between North East Westchester Special Recreation Inc., a NFPC organized pursuant to laws of State of New York and the Town of Mount Pleasant, a municipal corporation of the State of New York, the Town of New Castle, a municipal corporation of the State of New York, the Town of Bedford, a municipal corporation of the State of New York, the Town of Somers, a municipal corporation of the State of New York, the Town of Lewisboro, a municipal corporation of the State of New York, the Town of North Castle, a municipal corporation of the State of New York, the Village-Town of Mount Kisco, a municipal corporation of the State of New York, the Village of Sleepy Hollow, a municipal corporation of the State of New York, the Village of Pleasantville, a municipal Corporation of the State of New York, The Town of North Salem, a municipal corporation of the State of New York, The Town of Pound Ridge, a municipal corporation of the State of New York, The Village of Briarcliff Manor, a municipal Corporation of the State of New York; shall enable said municipalities the opportunity to provide a collective program of Therapeutic Recreation services for individuals with disabilities through participation in (North East Westchester Special Recreation Inc.)

Now, therefore, the parties hereto agree as follows:

- FIRST:** The parties shall jointly operate a therapeutic recreation program for individuals with disabilities residing or domiciled within the corporation limits of their respective municipalities irrespective of age or degree of the disabling condition.
- SECOND:** The program shall be funded through each municipality in accordance with a schedule of fees attached hereto and made part hereof establishing respective local shares which shall be in addition to any third party sources of funding. Additionally, the parties agree to help with fund raising events in support of North East Westchester Special Recreation Inc. Said local share shall be paid to North East Westchester Special Recreation in two installments; the first before the last day of February, and the second on the last day of July in any calendar year in which this agreement shall be operative.

- THIRD: The substantive program policy shall be the joint responsibility of all the parties; but shall be carried out administratively by North East Westchester Special Recreation, Inc.; in the manner as any other programs for which said municipality would otherwise individually be responsible. Administrative services include, but are not limited to, accounting, payroll, legal, personnel, insurance, and risk management. In addition, the agency on behalf of the program may apply and receive grants and other third party sources of revenue and may further enter into agreements on behalf of the program with other governmental agencies and non-profit organizations providing full or partial support of any program or activity to be provided hereunder.
- FOURTH: The Board of Directors, consisting of the Recreation Department Chief Administrator from each of the parties shall have policy making power for the program and which shall further have the power to adopt rules, regulations and procedures for the governing of the program affairs in a manner consistent herewith.
- FIFTH: North East Westchester Special Recreation shall procure and maintain liability insurance at its own cost and expense relating to all activities sponsored by and performed by the program, which insurance shall protect the interest of the parties hereto as named insured. Members of the North East Board of Directors shall be indemnified should suit be brought against them. A copy of the insurance coverage is submitted herewith naming North East Westchester Special Recreation, Inc. as the insured party to the benefit of the individual municipality.
- SIXTH: The chief fiscal officer of North East Westchester Special Recreation shall be the Treasurer.
- SEVENTH: Programs shall be held throughout the participating municipalities, utilizing existing community facilities.
- EIGHTH: North East Westchester Special Recreation shall provide services for residents of participating communities and will accommodate non-resident participants in accordance with agency guidelines currently enforced.
- NINTH: This agreement shall be effective for the calendar year and upon

further agreement of the parties, may be amended and/or extended from year to year thereafter.

TENTH: This Agreement may be executed by the separate signatures of the parties hereto on any number of counterpart copies hereof, and each of said executed copies shall become effective when so executed by North East Westchester Special Recreation, Inc. and each particular municipality, and only after all of the municipalities to this Interagency Agreement have been signed, which would then bind all parties thereto. Each counterpart signed copy shall be deemed an original, but all of which together shall constitute one instrument.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date appearing next to their signature below.

NORTH EAST WESTCHESTER
SPECIAL RECREATION INC.

1/1/2019
Date

By: _____

Ellie Arnemann

Title: Executive Director

Municipality/Town/Village of: _____

Date

By: _____

Name Printed

Title

2019
Municipal Match Contributions

	2019	2019	2019
TOTALS	Per Capita	Per Part	Total
Bedford	7,719.92	9,578.24	17,298.16
Briarcliff	3,503.47	4,276.00	7,779.47
Lewisboro	5,527.08	5,815.36	11,342.44
Mt. Kisco	4,843.93	10,946.56	15,790.49
Mt. Pleasant	11,993.38	6,841.60	18,834.98
New Castle	7,824.13	5,986.40	13,810.53
North Castle	5,273.24	1,710.40	6,983.64
Sleepy Hollow	4,395.48	2,736.64	7,132.12
North Salem	2,273.00	1,539.36	3,812.36
Pleasantville	3,125.82	4,447.04	7,572.86
Pound Ridge	2,273.00	3,762.88	6,035.88
Somers	9,100.02	9,578.24	18,678.26
Total	67,852.47	67,218.72	135,071.19

Per Capita: .4453372 (Cost divided by Municipal Population)
Per Participant \$171.04

2018
MUNICIPAL MATCH CONTRIBUTIONS
(3 – Year Average)

Per Capita .4453372

Per Participant 165.57

	2018	2018	2018
TOTALS	Per Capita	Per Participant	Total
Bedford	7,719.92	9,437.49	17,157.41
Briarcliff	3,503.47	3,973.68	7,477.15
Lewisboro	5,527.08	5,463.81	10,990.89
Mt. Kisco	4,843.93	10,762.05	15,605.98
Mt. Pleasant	11,993.38	7,285.08	19,278.46
New Castle	7,824.13	6,291.66	14,115.79
North Castle	5,273.24	1,821.27	7,094.51
Sleepy Hollow	4,395.48	2,317.98	6,713.46
North Salem	2,273.00	1,655.70	3,928.70
Pleasantville	3,125.82	4,304.82	7,430.64
Pound Ridge	2,273.00	3,808.11	6,081.11
Somers	9,100.02	10,099.77	19,199.79
Total	67,852.47	67,221.42	135,073.89

Note all figures are carried out 6 decimal places.



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Office of the
VILLAGE TREASURER

Telephone
(914) 241-0500

Memorandum

To: Edward W. Brancati, Village Manager

From: Robert A. Wheeling, Village Treasurer

Date: January 9, 2019

Budget Amendment : 1-14-19-1

Subject: Board Resolution to Amend the budget due to insurance recovery.

In connection with the adoption of the fiscal year 2018/2019 budget, please place the following resolution before the Board of Trustees to amend the budget as follows.

Resolution to Adopt/Modify Fiscal Year 2018/2019 Adopted Budget

Resolved, the fiscal year 2018/2019 adopted budget are hereby adopted and modified as follows:

Budget – Operations

Increase Revenues:

001.0000.2680 Insurance Recoveries	\$ 9,200.00
Total	\$ 9,200.00

Increase Appropriations:

001.6772.0417 Expenses – Senior Center Outside Contracts	\$ 4,600.00
001.7610.0417 Expenses – Programs for the Aging Outside Contracts	\$ 4,600.00
Total	\$ 9,200.00

Net impact \$ 0.00

VILLAGE/TOWN OF MOUNT KISCO

104 MAIN STREET
MOUNT KISCO, NY 10549

PO Number : **19033**
Date : 09/05/2018
Page: 1 of 1

Purchase Order

Vendor : 0000000736
VARAMO CONSTRUCTION INC
29 FAIRWAYS DRIVE
MT KISCO, NY 10549

Ship To:
VILLAGE/TOWN OF MT KISCO
104 MAIN STREET
MOUNT KISCO, NY 10549

Bill To:
VILLAGE/TOWN OF MT KISCO
104 MAIN STREET
MOUNT KISCO, NY 10549

Description: REPAIR MENS ROOM, FOX CTR

Qty	Unit	Description	Unit Price	Amount
		REPAIR MENS ROOM, FOX CTR		
		001.7610.0417 (GENERAL FUND.PROGRAMS FOR THE AGING.OUTSIDE CONTRACTS..)		4,600.00
		001.6772.0417 (GENERAL FUND.SENIOR NUTRITION.OUTSIDE CONTRACTS..)		4,600.00
Total:				\$9,200.00

Rec'd

Check # 966008 \$4662.00 - 10/3/18

4538.00 - 11/5/18

\$4600.00 - 1.7610.417

1..2680 → \$4600.00 - 1.6772.417

Ordered By: JA Approved By: EB

Authorized Official	Date	Authorized Official	Date
Authorized Official	Date	Authorized Official	Date



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Office of the
VILLAGE TREASURER

Telephone
(914) 241-0500

Memorandum

To: Mayor Picinich and Members of the Board of Trustees, Village Manager Brancati

From: Robert A. Wheeling, Village Treasurer

Date: 1/11/19

Subject: Request to Amend the Village Investment Policy

I am requesting an update to the investment policy to increase balances with authorized depositories. This increase is requested to allow for additional funds received from recent bond financing and potential changes with our primary bank.

Resolution to Amend the Investment Policy

Resolved, that the Village/Town of Mount Kisco Investment Policy be amended as follows:

Article VII – Designation of Depositories

Amend:

M & T Bank increase to \$ 12 million from \$ 7 million

Westchester Bank increase to \$ 7 million from \$ 4 million

Minutes of the **VILLAGE BOARD MEETING** of the Board of Trustees of the Village/Town of Mount Kisco held on Monday, December 17, 2018 at 7:00 p.m. in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York.

Present: Mayor Gina Picinich
Deputy Mayor Jean Farber
Trustee Isidoro Albanese
Trustee Karen Schleimer
Trustee Peter Grunthal

Also Present: Edward Brancati, Village Manager
Kenneth Famulare, Assistant Village Manager
Whitney Singleton, Village Attorney

Mayor Picinich opened the Village Board Meeting and asked everyone to rise for the pledge of allegiance. She asked everyone to please remain standing for a moment to say that the holidays are a joyous time for some, but for others it is a difficult time and to remember those in the community who may not have family or friends and to share the joy of the season.

1) **Communications:**

- a. Letter from the Frank H. Fox Division 16 Ancient Order of Hibernians re: St. Patrick's Day Parade request.

A motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer, to approve the St. Patrick's Day Parade on Saturday March 9, 2019 at 2pm, all in favor:

<u>Motion Adopted</u>	
Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

b. Letters re: Spring Fling Food Truck Event.

Joanne Aquilino, Superintendent of Recreation, explained to the board that this event would be a fund raising event for Leonard Park that would include music, bouncy houses for the kids, and food trucks. The funds would be used to offset the costs of a new playground being proposed. She proposed the event to be held behind Village Hall, with a small entrance fee that would allow kids to go into all activities. The event would be coordinated through the efforts of the Recreation Department and the Recreation Committee.

Trustee Schleimer had a question on whether all proceeds would go to the park, Trustee Grunthal asked if the entrance fee would cover costs for the event, and Mayor Picinich wanted to know why a fund raiser for the park could not be held in the park. Ms. Aquilino replied that not all proceeds would go to the park as the food trucks would be selling their wares, which is part of the reason the Leonard Park Committee would not approve this event in the park, but that the entrance fee would cover all Village costs. The idea would be that the food trucks would also give a portion of their proceeds back to the park. The Leonard Park Committee would feel more comfortable with the event being held outside the park to abide by the guidelines of the deed.

Mayor Picinich wanted to know if there was an alcohol component to this, who the liability fall on and who maintains the insurance on that. Mr. Brancati offered that the person or business who owns the liquor license is the one who would hold the liability and the Village can ask for a certificate of insurance with the Village as an additional insured for the time on our property. Deputy Mayor Farber asked if the Recreation Department would consider joining with the Chamber of Commerce and the Arts Council to do a joint event. Ms. Aquilino is open to the idea of a joint event with whoever wanted to partner with the understanding that the event is a fund raising event for Leonard Park.

Trustee Schleimer stated that she had no issue with the bouncy houses or the food trucks, but is concerned with the beer and wine component at an event sponsored by the Village for Leonard Park with kids participating in the activities of the day. Trustee Albanese agreed that the alcohol component might be a hard sell for the time frame. He also mentioned that other parks have held events like this and sold tickets to the event to eliminate the money transactions at the event; giving the Village the ability to keep a portion of the proceeds. The event being held off Main Street instead of the park would allow for more foot traffic.

A motion was made by Trustee Grunthal and was seconded by Trustee Albanese, all in favor:

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Nay
Trustee Peter Grunthal	Aye

2) **Petitions:** None.

3) **Board Committee and Commission Reports:** None.

4) **Village Manager's Reports:**

a. Monthly Water Report – Byram Lake and Leonard Park November 2018.

The water production for the month of November is a little more than 36 million gallons of water for a daily average of 1.2 million gallons a day. We are down 55,000 gallons a day from the October average and down more than 140,000 gallons from our September average. The Lake is at 100% capacity at this time, the wells were off the entire month, and we took water samples from Leonard Park at the end of the month.

b. Change in the Recycling Collection Schedule for the Holidays.

ALL Village Offices will be closed on Tuesday, December 25th and Tuesday, January 1st.

The collection schedule for the week will be as follows:

Monday	12/24/2018	Bottles and Cans pick up
Monday	12/31/2018	Bottles and Cans pick up

Mr. Brancati also wanted to take the time to wish everyone a safe, healthy, and happy holiday season.

Trustee Grunthal questioned the average usage of surface water, 1,161,000 gallons per day, sounded low historically and wanted to know if there was anything we know about that which would cause the consumption to go down this much. Mr. Brancati stated that there is a lower consumption in the winter months and is higher through the summer months with the pools and watering of gardens. He agrees that it is a lower than it's been, however, we've been actively working on tightening up the system with less leakage and things of that nature, as well as a year with a lot more rain.

5) **Board Reports:**

Deputy Mayor Farber started by saying the Mount Kisco Arts Council met on December 7th and was happy to announce that the Summer Concert Series will return in 2019 with the first concert slated for June 12th. They are scheduling (8) eight concerts for Wednesday evenings at Fountain Park to begin 6:30pm. There will be a new series of musical appreciation programs to beginning in April; more details to follow. They may also be partnering up for the Spring Fling and holding an art show featuring local artists at affordable prices. The holiday parties are in full effect with the Fire Department holding their rides with Santa Dec 8th, the participation was outstanding with the fire trucks filled with kids for this special ride with Santa. At the annual holiday concert December 12th at the Fox Senior Center, the Fox Centertainers. Thank you to all our senior performers; it was a great job! Finally, on Saturday December 15th, the production of Scrooge at the Mount Kisco Library was sold out and was a great site to see. She wished everyone a Merry Christmas and a very happy and healthy New Year.

Trustee Grunthal stated that the Mount Kisco Rotary Club is donating a Wall of Honor to the Village/Town of Mount Kisco to recognize our volunteer's long service and dedication. The wall will be in Leonard Park and is currently being constructed and should be up within the next couple of weeks. It is intended to honor the people who have made outstanding contributions to the community through their service.

Trustee Albanese had no report, but wanted to wish everyone a Merry Christmas and Happy New Year.

Trustee Schleimer wanted to give one piece of information; the Westchester Library System has made and is making available talking books and braille books in our libraries for anyone with a visual impairment. To take advantage of this new resource, please call 914-231-3237, and the library will provide you with a reader free of charge.

Mayor Picinich wanted to inform the community of a couple of things. As some residents may know, Mount Kisco is a coterminous Village/Town. As a result, we belong to two different originations, NYCOM (New York Conference of Mayors) which is for villages and cities and the New York State Association of Towns (NYSAOT) which is for towns. Mayor Picinich had the honor of serving on the NYSAOT's legislative committee up in Albany. The objective of this committee is to set the legislative agenda, so Supervisors from towns from all over the State of New York come together; there were twenty-three (23) resolutions that they will be advocating for municipalities that included things like preserving and strengthening home rule, funding local water, sewer and infrastructure projects, changing the publication of legal notices, along with some that didn't apply to our Big Little Village,

but I wanted to share this so that you know that your local government is working in cooperation with other local governments across the State to petition the State Legislature and Executive branch to provide greater and stronger support through those bodies for our municipality. She wanted to take the time, since this is the last meeting of the year, to reflect back on things that have happened in our village over the last year. Our Village Manager and department leaders delivered and are functioning on a budget that is below the tax cap, we have launched and are deep in the process of an efficient and engaged comprehensive development plan, we have approved solar legislation, we have planned and sent out a bid for our fire houses, we've created a new family recreation use and changed zoning to allow a new supermarket to move into our community, we've implemented no mow zones, we've hosted a new business open house, we've seen a decrease in the amount of empty store fronts welcoming lots of new businesses into our community, we've paved more than \$700,000 worth of roads and sidewalks, we've created and implemented an Adopt-an-Area program to beautify our community, we've created a brand concept under the Big Little Village, we've increased our press coverage across Westchester County in a very positive way, and we have expanded our communications in the form of Facebook, letters in our water bills, and our new e-newsletter. The Village and all its employees have been working very hard on behalf of the residents. The last thing she wanted to say was with the Christmas holiday approaching, consider shopping local; there are many opportunities in town to get great gifts and support local business.

6) **Old Business:**

a. Resolution adopting the revised Financial Goals & Policies.

Mayor Picinich stated that this resolution was tabled at the annual meeting allowing the documents to be updated from the many changes that were made throughout the years. One change was in establishing our operating budget, the contingency expense reserve of no less than 2% of the general operating budget or no less than 1% of the general operating budget if the fund balance exceeded 20% of the general operating budget; allowing flexibility to reduce the reserve if we had a fund balance of 20% or larger. The other change that was made was to accommodate NYCLASS, allowing 50% of our total balance or \$17M; whichever was less.

Trustee Grunthal wanted to point out on the operating position in the policies, it is necessary to have a contingency reserve and those reserves happen in two places. One in the budgeted contingency reserve, and second, one contingency reserve that lives in the general fund balance. What this document is saying here is that we are continuing as we have before, budgeting a contingency reserve of 2%, but because we have been so

financially successful over the last couple of years and our general fund balance has been so high, we've said that when the general fund balance is a lot higher than needed, we don't have to budget the 2% we can budget 1%.

Trustee Schleimer asked, again, that our Finance Committee give us input on changes of this magnitude. She is still uncomfortable with the approval of NYCLASS which was made based on incomplete information and believes to move ahead making major financial determinations, there is no reason why this board can't ask the committee to meet with the board to discuss or provide the board with their review to guide the board.

Mayor Picinich wanted to remind the public that these revisions were made in the beginning of the year at the recommendation of the Finance Committee.

A resolution adopting the revised Financial Goals & Policies was offered by Trustee Grunthal and was seconded by Deputy Mayor Farber, all in favor:

<u>Motion Adopted</u>	
Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Nay
Trustee Peter Grunthal	Aye

b. Continue discussion on Guiding Principles for Certificates of Occupancy and Predate Letters issued in Contravention of State or Village Zoning Code.

Mayor Picinich went over the policy that was proposed regarding fire safety regulations and zoning code that was presented to the public. People have made casual comments, but the board has not received any formal comments speaking to this policy. This is not legislative, but this policy reinforces New York State Building Code as well as our own zoning codes.

Trustee Grunthal stated that the board has been discussing this for a year and are giving some relief to people in this process. His feeling is that the board should accept it, as a guiding principle for use by our building department.

Trustee Schleimer thought that it should be tabled as it is listed on the agenda as continued discussion and not a vote in case residents want to continue to comment or have the opportunity to comment.

Trustee Albanese believes that the building department needs to move forward and they need these guidelines that have been discussed for more than a year. He believes we

are ready. Deputy Mayor Farber stated that this policy would be used as a guide not as legislation so why does it need to be voted on at all.

The board decided to table the adoption of this policy for the next meeting.

7) **New Business:**

a. Appointment to the Zoning Board of Appeals (5 year term).

A motion to appoint Arthur Weise to the Zoning Board of Appeals was made by Trustee Grunthal and was seconded by Trustee Schleimer, all in favor:

<u>Motion Adopted</u>	
Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

b. Appointment to the Landmark & Historical Preservation Commission (3 year term).

A motion to appoint Laurie Kimsal to the Landmark & Historical Preservation Commission was made by Trustee Grunthal and was seconded by Deputy Mayor Farber, all in favor:

<u>Motion Adopted</u>	
Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

c. Resolution to accept the Final Generic Environmental Impact Statement for the distribution to the involved agencies and the public - Comprehensive Plan and Zoning Code Amendments.

Mayor Picinich stated that as part of the Comprehensive Plan process, a document called the Final Generic Environmental Impact Statement (FGEIS) needs to be accepted. This document answers questions posed from the draft version of the document as well as public comment. This document was discussed with the board and consultants on the project and what this vote does is release this information to the public.

Trustee Schleimer is aware that there is a legal time constraint with the FGEIS, so she believes that the farthest date that this could go is to our next meeting which is January 14, 2019 to allow the board adequate time to deal with anything that comes in during this comment time. She is also concerned that we are getting into a very heavy schedule and a lot of the people who have concerns in this project are also interested in the Planning Board agenda items dealing with the solar project being proposed at Oakwood Cemetery. She proposed that the Planning Board change the date of that meeting to allow people to comment at both meetings.

Mayor Picinich commented that her understanding is that the Planning Board is will likely leave the public hearing open longer on the solar farm project proposed for Oakwood Cemetery. So there will be time for people to make their comments on that project.

A motion was made by Trustee Grunthal to accept the FEGIS and was seconded by Deputy Mayor Farber, all in favor.

RESOLUTION RE: TO ACCEPT THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS) FOR DISTRIBUTION TO THE INVOLVED AGENCIES AND THE PUBLIC.

WHEREAS, the Town/Village of Mount Kisco is preparing a Comprehensive Plan pursuant to Section 7-722 of New York State Village Law and concurrent Zoning Changes; and

WHEREAS, the Mount Kisco Board of Trustees declared lead agency on April 16, 2018; and

WHEREAS, the Mount Kisco Board of Trustees held a scoping session; and

WHEREAS, the Mount Kisco Board of Trustees developed a Draft Generic Environmental Impact Statement (DGEIS); and

WHEREAS, the Mount Kisco Board of Trustees held a comment period on the DGEIS from September 17, 2018 to October 26, 2018; and

WHEREAS, the FGEIS has now addressed all comments to the satisfaction of the Board; now therefore be it

RESOLVED, the Mount Kisco Board of Trustees accepts the FGEIS for distribution to the involved agencies and the public.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

d. Resolution authorizing the Village Treasurer to pay certain claims in Advance of Village Board Audit and Approval.

A motion was made by Trustee Grunthal and was seconded by Trustee Albanese, all in favor.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

8) **Bills:** General, Senior Nutrition, Water, Sewer, Library and Capital Project Funds

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer to pay the bills as presented to the Board dated December 13, 2018 for the months of November & December 2018; all in favor.

General Fund	\$4,105,693.69
Water Fund	\$ 242,539.64
Sewer Fund	\$ 71,354.84
Library Fund	\$ 91,833.28
Capital Fund	\$ 155,790.63
Trust Fund	\$ <u>4,823.94</u>
TOTAL	\$4,672,036.02

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

9) **Minutes:**

Regular Meeting Minutes – November 19, 2018

A motion was made by Trustee Schleimer and was seconded by Deputy Mayor Farber to adopt the minutes as presented, all in favor:

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

Annual Village Board Meeting Minutes - December 3, 2018

A motion was made Deputy Mayor Farber and was seconded by Trustee Grunthal to adopt the minutes as presented, all in favor:

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

Annual Town Board Meeting Minutes - December 3, 2018

A motion was made by Trustee Schleimer and was seconded by Deputy Mayor Farber to adopt the minutes as presented, all in favor:

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

Regular Meeting Minutes – December 3, 2018

A motion was made by Trustee Schleimer and was seconded by Deputy Mayor Farber to adopt the minutes as presented, all in favor:

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

10) **Non-Local Business:** – None.

11) **Public Comment:** -

Mr. Dave Coates of Crow Hill Rd. had a question about the proposed cell tower at Leonard Park. He wanted to offer that that park is sacred and doesn't believe that a tower at the park is necessary. He believes that it would ruin the beauty that the park currently offers.

Mayor Picinich stated that Homeland towers did their balloon test on December 1st and would be presenting their renderings at the next meeting on January 14, 2019. He was more than welcome to be present for that and make any additional comments. She wanted to remind residents that there is no action to vote on before the board; these are initial proposals.

There being no further business to come before the Board, Mayor Picinich closed the meeting at 8:10pm.

Edward W. Brancati
Village Manager

/lh