

# Village of Muttontown Warrants July 2024

Resolution 24-	Amount	PO #	# of Lines
ACCUDATA PAYROLL#, 241, 242	\$ 289,268.08		
Atlantic Blueprint	\$ 88.00	25-00063	6
All American Van Lines	\$ 850.00	25-00043	1
Campos	\$ 3,850.00	25-00071	2
Cheyenne Rosenzweig	\$ 125.00	25-00057	1
Chica Landscaping	\$ 1,665.00	25-00068	4
Chris Gomoka	\$ 450.00	25-00060	1
David Grumer	\$ 200.00	25-00047	1
Donna Simon	\$ 250.00	25-00045	1
Enerspect	\$ 157.20	25-00053	1
Elan Financial Services (Flushing CC)	\$ 764.68	25-00037	8
Ellen Fielding	\$ 200.00	25-00044	1
Flexible Systems	\$ 1,515.16	25-00052	1
Frank Palazzolo	\$ 200.00	25-00046	1
Global Commercial Cleaning	\$ 738.50	25-00077	1
Hansy Benoit	\$ 150.00	25-00058	1
Harris Beach, PLLC (Retainer)	\$ 7,500.00	25-00059	2
Harris Beach, PLLC (Litigation)	\$ 31,808.85	25-00050	3
Home Depot	\$ 103.04	25-00074	1
Jericho Water District	\$ 13.00	25-00064	1
Lori Fensterman	\$ 2,500.00	25-00040	1
Maryanne Coppins	\$ 200.00	25-00056	1
Municipal Valuation Services	\$ 125.00	25-00065	1
Nathaniel Klein(escrow)	\$ 1,000.00	25-00039	1
NYS Local Retirement System (June contributions)	\$ 1,210.64	25-00050	2
NYS DEFERRED COMPENSATION PLAN #241 242	\$ 11,275.00	25-00051	4
NYS EMPLOYEE'S HEALTH INS. PENDING ACCT.	\$ 58,030.78	25-00048	6
NYS Magistrates Assoc	\$ 160.00	25-00075	1
Optimum 4016	\$ 15.00	25-00070	1
Optimum 2019	\$ 174.45	25-00038	1
PSEGLI 01-2	\$ 375.30	25-00066	1
PSEGLI 02-0	\$ 17.66	25-00067	1
Quench	\$ 72.00	25-00076	1
Robert McLaughlin	\$ 450.00	25-00059	1
Salerno	\$ 217,402.07	25-00072	4
TGI	\$ 68.00	25-00073	1
Travel Expenses	\$ 871.60	25-00055	1
Ultimate Pest Control	\$ 510.00	25-00042	2
UNUM	\$ 1,761.18	25-00049	4
VERIZON-VH 0149	\$ 269.00	25-00061	1
Verizon-Voice 0199	\$ 35.00	25-00062	1
Verizon Wireless- Village TT & EI 6394 Modems	\$ 638.87	25-00054	3
Westside Engineering	\$ 5,400.00	25-00078	1
WB Mason	\$ 232.62	25-00041	3
TOTAL	\$ 646,690.68		82

# INCORPORATED VILLAGE OF MUTTONTOWN

EMPLOYEE

HANDBOOK

*Adopted by the Board of Trustees Resolution 19-37 on February 13, 2019 and updated  
in Resolution 24-101 on July 10, 2024*

Subject to Approval

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Subject to Approval

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## **SECTION I. INTRODUCTION**

### **1.1. Changes to Policies and Procedures**

This Employee Handbook and Policy Manual is a summary of the policies and procedures in place at the Village of Muttontown. Employees should read and understand these policies. Employees covered by the Civil Service Law and/or a collective bargaining agreement are subject to those portions of this Employee Handbook and Policy Manual which are *not* specifically regulated by Civil Service Law or by a collective bargaining agreement.

Nothing in this Employee Handbook and Policy Manual creates a contract of employment between the Village and any employee. This Employee Handbook and Policy Manual does not create a binding agreement between the Village and any employee. The Village can change or delete and replace the procedures and policies in this handbook at any time, with or without notice to employees.

## **SECTION II. EMPLOYMENT POLICIES**

### **2.1. Hiring**

Employment with the Village of Muttontown falls under the jurisdiction of the Nassau County Civil Service Commission; therefore, the Village operates under the Commission's laws, rules and regulations. The purpose of these laws is to assist in the selection and promotion of employees based on merit and fitness.

All full-time employees are appointed or promoted by action of the Village Board. Part-time, temporary and seasonal appointments are made by the Village Mayor. Once an employee is appointed or promoted, a probationary period must be served. The length of the probationary period is defined by New York State Civil Service Law, or by the agreement between the Village and the appropriate union. Employees will be notified of the duration of the probationary period in writing by the Personnel Department. During the probationary period, supervisors will work closely with employees to provide training and direction to assist the employee in learning the job. The probationary employee's performance will be evaluated on a regular basis to communicate to the employee if (s)he is meeting the supervisor's expectations.

### **2.2. Payroll & Payroll Deductions**

All Village employees are paid through regular payroll checks on a biweekly basis. Employees may elect to have direct deposit(s) at any designated participating bank or credit union.

The Village is required by law to make certain deductions from your paycheck each pay period. Federal and State taxes, Social Security, and when applicable, *New York State Employees Retirement System* deductions are made automatically. There may be other deductions for health and other insurance, garnishments, or annuity contributions. These deductions will be made only with the permission of the employee or because of a court order.

It is the policy of the Village that exempt employees' pay will not be "docked," or subject to deductions, in violation of salary pay rules issued by the United States Department of Labor and any, corresponding state rules, as applicable. However, the Village may make deductions from employees' salaries in a way that is permitted under federal and state wage and hour rules. Employees will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law.

All deductions from your pay will be identified on your pay stub. If you have questions about any deductions from your pay or if you believe improper deductions have been made, you should report your concern to the Village Clerk immediately.

### **2.3. Timekeeping**

Accurately recording time worked is a critical responsibility of every employee. Federal and state laws require the Village to keep an accurate record of time worked in order to calculate employee pay and benefits. To ensure employees are paid properly for all time worked and that no improper deductions are made, employees must correctly record all work time and review pay checks promptly to identify and report all errors. Time worked is all the time actually spent on the job performing assigned duties.

### **2.4. Safe Harbor Policy**

It is the Village policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

*Please review your pay record(s).* We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any question, you should report your concern to the Village Clerk immediately.

### **2.5. Overtime**

The Village seeks to comply with all requirements of state and federal laws relating to overtime pay, including the Fair Labor Standards Act. Overtime hours are

permitted on an as needed basis, and must be approved in advance by the Village Clerk. Employees are expected to work necessary overtime when requested to do so, and non-exempt employees will be paid for time worked in excess of 40 hours per week. Non-exempt employees will be paid at a rate of time and one-half their regular hourly rate for hours worked in excess of 40 hours in a workweek. Only actual hours worked count towards computing weekly overtime. Paid leave, such as vacation, personal time, bereavement, and jury duty, does not count as hours worked for such purposes. Exempt employees are not entitled to overtime pay.

Management has the right to determine, schedule, and give notice of overtime as far in advance as practical. Where possible, overtime shall be distributed on a voluntary basis. However, mandatory overtime may be required. The Village does not allow non-exempt employees to receive "comp time" in lieu of overtime pay.

## **2.6. Personnel Record and Information**

It is your responsibility to notify the Village Clerk of any changes in address, telephone number, marital status, dependents, or similar information. Upon doing so, the Village Clerk will then provide you with any forms necessary to begin or modify benefit programs.

If you are on a current list of eligible candidates for any civil service jurisdiction it is your responsibility to notify the appropriate civil service office directly of any changes. The Village cannot, and will not, make this notification.

## **2.7. Employment of Minors**

The Village recognizes that there are benefits for minors younger than 18 years of age who work, such as increasing vocational skills. The Village complies with all applicable federal and state laws and regulations regarding the employment of minors.

## **2.8. Background Checks**

The Village may require applicants and employees to undergo, and satisfactorily complete, a background check. The Village will consider your job duties, among other factors, in determining what constitutes satisfactory completion of the background check. All information obtained as a result of a background check will be used solely for employment purposes.

When a background check is required, you must complete the Village's **Background Check Policy and Authorization** attached as **Appendix H**. Failure to timely complete an authorization may result in denial or termination of employment. Falsification or omission of information may result in denial of employment or discipline, up to and including termination. All background check information will be kept confidential. The Village complies with all applicable federal and New York state and local laws regarding background checks.



The Personnel Department is responsible for the administration of this policy. If you have any questions regarding this Policy or if you have any questions about background checks that are not addressed in this policy, please contact the Personnel Director.

## **2.9. Verification of Eligibility To Work in the United States**

The Immigration Reform and Control Act of 1986 requires the Village to verify that all new employees are either U.S. citizens or authorized to work in the United States. New employees are required to prove their identity and employment eligibility by completing and submitting Employment eligibility Form I-9, and presenting documentation establishing identity, to the Personnel Department within 3 working days of his/her hiring date.

## **2.10. Union Dues Deduction**

Union dues are a regular payment of money made by members of unions. All of the unions representing Village employees require their members to pay dues. Union dues may not be collected from non-union members. If you are a union member and you agree to pay union dues, the union will require the Village to deduct the dues from your paycheck in each payroll. Village payroll is bi-weekly. With employee specific authorization, union dues are deducted automatically out of an employee's bi-weekly paycheck.

The union sets the amount of the dues. The Village has no involvement with the union dues amounts or rules related to union dues authorization. Dues payments have nothing to do with the Village or your job at the Village, nor are dues or union membership in any way required by the Village. Dues are the cost of union membership; they are used to fund the various activities which the union engages in. Please see **Appendix L** for a more detailed explanation of your legal rights to not join or to join a union.

## **2.11. Union Membership, Generally**

In accordance with the Public Employees Fair Employment Act, and by Village policy, union membership is not a job requirement. Even if the position into which you are being hired is covered by a collective bargaining unit (union), you should know that membership in a union is not mandatory. It is your decision to join the union or not join the union. Regardless of union membership, it is the objective of the Village to establish a consistent and fair labor relations policy for all employees, whether union members or non-members. The Village and Departments will, at all times, maintain management's right to manage.

In New York State the Taylor Law specifically states that employees have either the right – refrain from participation in a union or participation. Accordingly, a union or an employer cannot force an employee to join a union, for example. If you refrain from joining you may not be required to pay dues or agency fees to the union. It is

unlawful for unions to require a non-member to pay any money to the union as a condition of employment. The Taylor Law still prohibits employers and unions from coercing or interfering with an employee's choice to participate in union activity. This includes the choice to engage in organizing activity, join a union, pay membership dues, or refrain from participating in any union activity. Employees cannot be discriminated against by the employer or the union for exercising their rights.

The Village cannot make deductions for employees that have not provided specific authorization for union dues to be deducted from their pay. Civil Service Law § 208 requires unions to provide proof that a deduction authorization form/card has been executed in a format permitted by article three of the state technology law. Deduction authorizations will remain in effect unless the employment relationship is terminated or the authorization is revoked by the employee in accordance with the terms of the authorization. A deduction authorization will automatically renew if an employee leaves employment without revoking the authorization and becomes employed by the Village again within one year in a position represented by the same union. As such, if you do not want to have the pay deduction continued you must revoke the authorization. .

The terms of collective bargaining agreements still apply to all employees within the bargaining unit, regardless of whether they are members of the union. **Unions are still required to fairly represent all employees in the bargaining unit when negotiating and enforcing collective bargaining agreements.**

Please review the Frequently Asked Questions about union membership and union dues attached hereto as **Appendix C**.

### **SECTION III. WORK RULES AND EMPLOYEE CONDUCT**

#### **3.1. Open Door Policy**

It is the policy of the Village of Muttontown to provide employees with an opportunity to express views concerning Village policies and practices. If an employee has a problem, question, or concern, he/she should initiate a discussion regarding the matter with his/her supervisor, or another member of Administration if the problem is with or the concern relates to the immediate supervisor.

The Village further encourages supervisors to communicate regularly with their employees regarding job performance. By maintaining open communication, supervisors can identify problem areas of performance or behavior and recommend corrective action for employees in the early stages.

#### **3.2. Reporting Suspected Illegal Activity**

The Village is committed to conducting its responsibilities in an ethical and lawful manner and in accordance with applicable laws, regulations and policy. The

Village depends on its staff to share in this responsibility through the timely reporting of suspected illegal activity. “Illegal activity” ranges from conduct commonly and clearly understood to be criminal in nature and potentially punishable by imprisonment, such as burglary and assault, to acts which may more likely result in fines or penalties under federal, state or local law, such as improper disposal of hazardous waste and improper financial transactions. While staff should report any potentially illegal activity, such activity which poses a threat to the safety of anyone is of particular concern, and should be reported immediately to the Police Department.

Employees who engage in illegal activity are subject to disciplinary action, up to and including termination of employment, in addition to possible criminal prosecution. The Village reserves the right to refer for prosecution activity of any kind for any reason.

The Village is committed to the investigation of and necessary corrective actions for all potentially illegal activity that is reported. All staff who suspect or observe potentially illegal activity (including activity reported to them by others) are responsible for reporting their concerns immediately, in this manner:

- Suspected Crimes in Progress, and Imminent or Serious Threats to the Safety of Anyone:

Staff should immediately report the matter to the Police by dialing 911.

- Other Potentially Illegal Activity:

Staff should promptly report the matter to a Department Head or supervisor (if applicable), the Village Mayor, or the Village Attorney.

At their earliest opportunity, Department Heads and supervisors who receive a report of potentially illegal activity are required to forward the report to the Office of the Village Mayor or to the Village Attorney.

All reports of potentially illegal activity made in good faith will not jeopardize employment nor result in retaliation of any kind.

### **3.3. Whistleblower Policy**

This policy is to protect the employees and volunteers of the Village, and the employees of any entity that provides goods or services for the Village (“Contractor”) when allegations are made to officials of the Village of illegal activity or misconduct.

For purposes of this Policy, illegal activity or misconduct means any action by any employee of the Village, volunteer of the Village or Contractor, in violation of any federal, state or local law, rule or regulation. “Employee” as herein defined includes any officer or elected official of the Village of Muttontown.

## **Complaint Procedure and Investigation**

Any Village employee or volunteer, or any employee of a Contractor, may, in good faith, provide information on any matter involving illegal activity or misconduct to the Village Mayor, or any member of the Village Board of Trustees.

When such a complaint is received, an investigation may be conducted if appropriate. In conducting an investigation, best efforts shall be used to keep confidential the identity of the person providing the information which initiated the investigation, unless it is determined the information was provided other than in good faith. The result of any investigation shall be reported to such other agency as is deemed appropriate.

## **No Intimidation, Coercion, or Retaliation**

No individual may, directly or indirectly, use or attempt to use his/her official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing or attempting to intimidate, threaten, coerce, command or influence any individual for the purpose of interfering with the right of such individual to disclose information relative to illegal activity or misconduct. "Use or attempt to use official authority to influence" includes promising to confer or conferring any benefit or threatening to effect any reprisal.

## **3.4. Performance Evaluations**

The Village of Muttontown uses a performance evaluation system to measure, document, and recognize work performance of all employees. An employee's performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement. The Village evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to an employee's sex, race, color, national origin, religion, age, disability, or other protected characteristic.

### **Procedures**

The Village's performance evaluation process consists of formal and informal reviews. Formal evaluations are conducted annually on or about the anniversary date of hiring. Employees in probationary periods may be subject to different and/or additional reviews.

The employee evaluation process involves: setting work plans and performance standards; monitoring performance; conducting formal evaluations; and conducting informal evaluations.

Department Heads and any managers and/or supervisors establish standards of acceptable performance of an individual's duties. Standards will be applied uniformly to all employees holding the same position. Both employees and their managers are responsible for monitoring the employee's work performance. Managers must

document any problems and provide ongoing feedback to employees, and employees are encouraged to discuss problems with and point out successes to their supervisors.

Each employee's immediate supervisor will receive an evaluation form and a set of guidelines to be used in preparing the evaluation. (A copy of the **Employee Performance Evaluation Form** is attached to this Employee Handbook as **Appendix B.** )

Upon completion of the formal performance evaluation by the completing supervisor, he/she will meet with the employee to issue the performance evaluation. The supervisor should discuss the evaluation with the employee and respond to any questions the employee may have. The supervisor should also provide relevant counseling to the employee. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified by the supervisor and discussed with the employee.

Employees will be provided an opportunity to write comments in the designated space on the evaluation (and, if necessary, to append additional comments thereto). The supervisor and the employee must then each sign and date the evaluation.

The evaluated employee will be provided with a copy of the signed evaluation and any written comments. A copy of the signed evaluation will also be sent to the Department Head and the Personnel Department. A copy of the employee's performance evaluation will be maintained in the employee's personnel file.

Employees who receive a low or unsatisfactory rating may be subject to a **Performance Improvement Plan (PIP)**. The PIP shall delineate areas that need improvement, any improvement measures, and a timeline in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and status of the PIP as appropriate. The Village's **PIP Form** is attached to this Employee Handbook as **Appendix C.**

### 3.5. **Progressive Discipline**

To maintain an orderly, safe, and efficient work environment, the Village will respond to and seek to correct inappropriate employee behavior or conduct. In most cases, the Village relies on the process of progressive discipline to do so. During the progressive discipline process, in the hopes of reforming employee behavior, employees will be given specific information on the nature of the problem, recommendations on how to correct it, and what the next step will be if the problem is not corrected. The progressive discipline process is intended to correct problematic performance or behavior and to ensure fair and consistent treatment of all employees.

Progressive disciplinary measures may include the following, each of which will be carefully documented by the issuing supervisor using the Village's **Employee Counseling and/or Discipline Form (Appendix D)**.

1. Verbal Warning
2. Written Counseling
3. Suspension
4. Notice of Possible Termination or Last Chance Agreement
5. Termination

The Village is not bound to use progressive discipline in all cases, including those involving serious infractions of work rules, practices, or criminal/civil law. Some offenses, like stealing, harassment, violence in the workplace, sleeping on the job, for example, are so serious that no prior specific disciplinary action is necessary prior to imposing suspension or termination. Also, the Village may not necessarily follow each and every step outlined above in all cases, since every circumstance and every employee situation is different. Additionally, a notification of possible termination is almost always coupled with a Suspension.

Employees covered by the Civil Service Law or a collective bargaining agreement are subject to those portions of this policy which are not specifically regulated by Civil Service Law or by a collective bargaining agreement. Please also refer to specific regulations and procedures in your Department, since many Departments have policies and procedures that are particular to the applicable area of Village government.

### **3.6. Equal Employment Opportunity Policy**

The Village of Muttontown is committed to providing equal employment opportunity to all people without regard to race, color, religion, creed, sex, sexual orientation, gender identity or expression, national origin, age, marital status, familial status, status as a victim of domestic violence, ancestry, disability, predisposing genetic characteristics, military or veteran status, or status in any other group protected by federal, state, or local law. This policy applies to all terms and conditions of employment, including but not limited to, hiring, promotion, discipline, termination, layoff, recall, transfer, leaves of absence, compensation, training, work activities, and any other terms, conditions, and privileges of employment.

The Village also complies with the law regarding reasonable accommodation for employees with disabilities, and for employees' religious beliefs, practices, and observances.

Any employee engaging in a discriminatory practice will be subject to discipline, up to and including termination.

If you have a complaint about Equal Employment Opportunity, please direct your concerns to your immediate supervisor, your Department Head, or to the Village Attorney pursuant to the Village's Non-Discrimination, Non-Harassment, and Anti-Retaliation Policy.

If you have questions regarding this policy or its requirements, you should contact the Village Clerk.

### **3.7. Non-Discrimination, Non-Harassment, and Anti-Retaliation Policy**

#### **1. General**

The Village prohibits discrimination and harassment on the basis of any protected status, including, but not limited to race, color, religion, creed, sex, sexual orientation, gender identity or expression, national origin, age, marital status, familial status, status as a victim of domestic violence, ancestry, disability, predisposing genetic characteristics, military or veteran status, or status in any other group protected by federal, state, or local law. In addition to this policy, the Village has implemented a separate Sexual Harassment Prevention policy to better help prevent workplace sexual harassment.

The Village of Muttontown believes that all employees should be provided with a work environment that is free from discriminatory and harassing behavior of any sort. Accordingly, the Village forbids and will not tolerate discrimination or harassment by or against employees, applicants, volunteers, vendors, or any other person doing business with the Village.

This policy also prohibits retaliation for complaints of discrimination or harassment, complaints of other violations of law or Village policy, or for an employee's participation in any investigation conducted by Village management/officials or governmental agencies/officers. The Village will not tolerate any form of retribution when employees report concerns/complaints. Retaliation/retribution against any employee for complaining about discrimination, harassment, or violations of law or Village Policy is strictly prohibited and will result in disciplinary action, up and including termination.

#### **2. Definitions/Descriptions**

The Village is committed to a working environment which is free from physical, psychological, or verbal harassment based on legally protected characteristic. Discrimination and harassment can assume many forms. Discrimination may involve a tangible employment action, such as firing, demotion, or denial of promotion, or more subtle changes in working conditions. The term "harassment" includes but is not limited to:

Unwelcome sexual advances, requests for sexual favors or any other verbal or physical conduct of a sexual nature which alters an employee's work environment or employment status;

- Explicit demands for sexual favors;
- Repeated sexual flirtations;

- Discussing sexual activities;
- Threatening reprisals for an employee's refusal to respond to requests for sexual favors;
- Offensive physical conduct, including touching;
- Unnecessary touching;
- Commenting on physical attributes that are usually private or sexual in nature;
- Displaying sexually suggestive objects or pictures;
- Using demeaning or inappropriate terms that relate to an individual or group's protected status (e.g., race, gender, disability status, religion, etc.);
- Using indecent gestures;
- Engaging in hostile physical contact;
- Offensive verbal conduct such as crude and offensive language with sexual or derogatory overtones on the basis of a protected category;
- Telling off-color jokes;
- Display of offensive pictures, drawings or photographs;
- Offensive written communications, such as, emails, social media posts, text messages, direct messages; and/or
- Offensive remarks, comments, jokes, or slurs pertaining to an individual's race, sex/gender, national origin, religion, age, disability, etc. in any form of communication, including postings online.

The Village specifically notes that the above-described conduct constitutes harassment, especially when such conduct has the purpose of affecting or interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is very important for all persons covered by this policy to understand that harassment will not be tolerated.

Harassment takes many forms, for example: Male to female; female to male; female to female; or male to male; joking, name-calling, or ridiculing among the same race, religion, and/or national origin or as between different races, religions, and national origin.

If you have any questions about what constitutes discriminatory or harassing behavior or what conduct is otherwise prohibited by this policy, ask your immediate supervisor, or better yet, please talk to the Personnel Director.

### **3. Individuals Covered By This Policy**

All Village of Muttontown employees and officials and any person that works/provides services for the Village in any capacity whatsoever are covered by this policy and are prohibited from engaging in any form of discriminatory, harassing, or retaliatory conduct. The Village also will not tolerate discrimination or harassment by non-employees toward Village personnel, officers, and/or visitors. Non-employees who engage in such discrimination or harassment may be denied access to the Village/Town facilities.



No member of management has the authority to suggest to any employee or applicant that employment, continued employment, or future advancement will be affected in any way by the individual entering into (or refusing to enter into) any form of a personal/dating/sexual relationship with a member of management.

The prohibitions set forth in this policy apply to all employees, supervisors, co-workers, customers, vendors, agents and any other third party directly or indirectly connected to the Village and/or who enters Village property. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. Off-duty conduct of a discriminatory and/or harassing nature that may carry over and/or have a negative effect on coworkers and/or the work environment is also prohibited.

#### **4. Reporting Complaints of Discrimination, Harassment and/or Retaliation**

Any employee who believes he or she has been discriminated against, harassed, or retaliated against on the basis of race, religion, color, sex, marital status, familial status, pregnancy, disability, sexual orientation, gender identity or expression, age, national origin, ancestry, genetic predisposition, military status, veteran status, status as a victim of domestic violence, or any other protected criteria, must immediately report the incident to his or her supervisor. Any employee who observes discrimination, harassment, or retaliation, whether by an employee or non-employee, should immediately report such discrimination, harassment, or retaliation to his or her supervisor, Department Head, the Village Mayor, or to the Village Attorney so that appropriate action may be taken. If the complaining party is uncomfortable approaching his or her supervisor, about his/her concerns, the allegations may be reported to the Department Head, Village Mayor, or to the Village Attorney. The Village also utilizes a Discrimination/Harassment Complaint Form that employees must complete when making complaints. A copy of the **Complaint Form** for reporting any form of harassment, discrimination, or retaliation is attached to this Handbook as **Appendix E**.

Complaints will be investigated pursuant to the Village's Discrimination and Harassment Complaint Procedures specified below.

If the Village does not know about harassment and discrimination, it cannot do anything to stop it. The Village needs employees to report any concerning incidents/behaviors.

Employees must report any issues immediately. It is integral for the Village to know if inappropriate/unlawful conduct is occurring so that the Village can promptly investigate and remediate inappropriate behavior.

If your supervisor is the object of the complaint, you should notify the Village Attorney or Village Mayor directly.

Supervisors must immediately report complaints of discrimination/harassment to the Village Clerk or may face discipline. Department Heads, upon first learning of an issue, must immediately inform the Village Clerk.

This policy is intended to supplement and shall not replace or trump any other anti-retaliation and/or whistleblower policy.

All reports of discrimination, harassment, and/or retaliation will be held in confidence to the extent possible, subject to all applicable laws and public disclosure requirements. Reports may be shared with legal counsel.

False or malicious complaints of harassment, discrimination, and/or retaliation, as opposed to complaints which are not substantiated but are made in good faith, may be subject to appropriate disciplinary action.

Retaliatory behavior against complainants or witnesses who have aided or assisted in the investigation of harassment allegations is strictly prohibited and may also result in disciplinary action.

A copy of the **Harassment, Discrimination, Retaliation Complaint Form** for reporting any form of harassment, discrimination, or retaliation is attached to this Handbook as **Appendix E**.

## **5. Investigation Procedure**

All complaints of discrimination, harassment, and retaliation will be promptly, thoroughly, carefully, and impartially investigated in a discreet and confidential manner to the greatest extent possible. Investigations will be conducted by the Director of Personnel and may or may not include supervisors and Department Heads. Only those persons determined by the Village to be reasonably necessary for the investigation and/or resolution of the situation will be involved in the investigatory process. All individuals who participate in the investigation are required and directed to treat the matter confidentially and with discretion. A violation of this directive is, in itself, a potential ground for disciplinary action.

If the allegations of discrimination, harassment, and/or retaliation are made against one of the Village's management staff or elected officials, the Village Supervisor, the Village Attorney, or the Director of Personnel (as applicable) may appoint a third party who is not involved with the Village's day-to-day operations to conduct the investigation.

Both the complaining party and the accused will be informed (in some manner as deemed appropriate by the Village) of the investigator's determination and resolution of the complaint, subject to rules and processes surrounding confidentiality of personnel information. If an incident is proven to constitute discrimination, harassment, or retaliation, the offending party will be subject to disciplinary action, up to and including termination of employment. Non-employees may face the limitation or termination of

their affiliation with the Village or the limitation or denial of their access to its premises/events/activities.

## **6. Corrective Action**

Employee violators of this policy will be subject to disciplinary action, which may include counseling, a letter of reprimand, suspension without pay, or termination of employment in the Village's discretion.

Non-employees who violate this policy may be denied access to Village premises and/or events/activities.

Fabricated reports of discrimination, harassment, and/or retaliation constitute an abuse of this policy and are grounds for disciplinary action, up to and including termination of employment or denial of access to Village premises and/or events/activities.

## **7. No Retaliation Allowed**

Individuals must feel free and comfortable to raise concerns and make reports without fear of reprisal or retaliation. Employees will not be subjected to discrimination, harassment, intimidation, threats, coercion, retaliation, or other adverse employment action because he/she/they have filed a good faith complaint; assisted in an investigation, compliance evaluation, hearing, or any other protected activity; opposed any unlawful act or practice; or exercised any other right protected by law, rule, regulation, or policy.

## **8. Questions About This Policy**

If you have questions regarding this policy or its requirements, you should contact the Village Clerk.

## **9. Complaint Form**

A copy of the **Discrimination/Harassment Complaint Form** for reporting any form of harassment, discrimination, or retaliation is attached to this Handbook as **Appendix E**.

## **3.8. Accommodation of Individuals With Disabilities Policy**

The Village is committed to providing equal employment opportunities to qualified individuals with disabilities. This commitment includes making reasonable accommodation to qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless to do so poses an undue hardship or a direct threat to health or safety.

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

Reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for the Village or create a direct threat to health or safety.

Employees with physical or mental health conditions that may qualify as disabilities as defined by law should make the Village Clerk aware of their need for an accommodation as soon as it arises. The Village will work with each individual to define their job-related needs and to try to reasonably accommodate those needs. Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. While an employee may recommend a specific accommodation, the ultimate decision as to whether a particular accommodation will be made rests with the Village. If more than one accommodation will enable the individual to perform his/her job, the Village reserves the right to choose which accommodation it will make. At times, the Village may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals. The Village will never seek genetic information in connection with requests for accommodation. All medical information received by the Village in connection with a request for accommodation will be treated as confidential.

The Village's commitment to this policy includes making reasonable accommodation to persons with disabilities, to enable them to perform the essential functions of their jobs, unless to do so would pose an undue hardship for the Village or a direct threat to health or safety.

If you have questions regarding this policy or its requirements, you should contact the Village Clerk.

### **3.9. Sexual Harassment Prevention**

The 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<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual

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<sup>1</sup> 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. (Refer to the Village's Non-Harassment Policy).

harassment by filing a complaint internally with the Village. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Non-Harassment Rules**

1. This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village. In the remainder of this document, the term “employees” refers to this collective group.
2. 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 (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information or otherwise assists in any investigation of a sexual harassment complaint. The Village will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Personnel Director. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible

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<sup>2</sup> A non-employee is 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 employer.

sexual harassment occurring. The Village will keep the investigation confidential to the extent possible. 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.

6. All employees are encouraged to report any harassment or behaviors that violate this Policy. The Village will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Personnel Director.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy will be provided to all employees, will be provided to employees upon hiring, and will be posted prominently in all work locations to the extent practicable.

#### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, 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 reporting 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 includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, 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. A copy of the **Complaint Form** for reporting any form of harassment, discrimination, or retaliation is attached to this Handbook as **Appendix E**.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this Policy.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s 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 target’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 or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- 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.

### **Who Can Be A Target Of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **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, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage 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 (e.g., threats of physical violence outside of work hours).

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

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;



- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## 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, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Personnel Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Personnel Director.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees 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. A copy of the **Complaint Form** for reporting any form of harassment, discrimination, or retaliation is attached to this Handbook as **Appendix E**.

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

## Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Personnel Director.

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

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## **Complaint and Investigation Of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will be done by the Village Clerk or his/her designee. The following steps will be taken by the Village Clerk or his/her designee when conducting the investigation:

- Conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, the employee will be encouraged to complete the "Complaint Form" in writing. If he or she refuses, the Personnel Director or his/her designee will prepare a Complaint Form based on the verbal reporting.
- If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and

- The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Village but is also prohibited by state and federal law. Aside from the internal process at the Village, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

#### **New York State Human Rights Law (HRL)**

The NYHRL, codified as N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all 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 the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Village does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

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

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination". The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

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

### **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 Muttontown Police Department or 911.

## **Complaint Form**

A copy of the Complaint Form for reporting any form of harassment, discrimination, or retaliation is attached to this Handbook as **Appendix E**.

### **3.10. Drug/Alcohol-Free Workplace**

The Village of Muttontown has a responsibility to its employees, its residents, and the public at large to take steps to assure safety in the workplace, and safety in the delivery of the services it provides. As part of its commitment to its employees, residents, and the public at large, the Village believes that illegal drugs and the abuse of alcohol and drugs have no place in the workplace and establishes a drug and alcohol-free environment for all of its workplaces.

#### **Prohibited Conduct**

To this end, employees are strictly prohibited from possessing, manufacturing, distributing, storing, consuming, or otherwise using or being under the influence of alcohol or illegal drugs (as defined by state or federal law and regulations) in the workplace, on Village premises, in Village vehicles, at Village activities, or while conducting Village business.

The Village is aware that employees can be taking lawful prescription medication as authorized by health care providers. All employees can voluntarily disclose any such use to the Village prior to testing and bring medical certification of such use. If such use is otherwise detected during the drug and alcohol testing process, employees must provide medical or professional authorization for such prescriptions.

Any employee who violates this policy will be subject to discipline, up to and including termination. The Village will also pursue legal recourse when appropriate.

#### **Drug and Alcohol Testing**

Employees may be tested for drugs or alcohol:

- for cause;
- as part of annual or biennial physical examinations (as applicable, depending on the employee's job title);
- on a random basis and at least annually if they occupy sensitive positions from a safety and health standpoint, including all transportation positions;
- according to government contracts with state or federal government agencies;
- following accidents, specifically when required by law;
- pursuant to conditions or procedures established in connection with Village Employee Assistance Program (EAP);
- when returning from a lengthy absence from duty; or
- when required by state or federal laws and regulations or by other contractual obligations.

### **3.11. Attendance**

To assist the Village in maximum utilization of its staff, and to reduce hardship on other staff, all Village employees are expected to report to work on time on a consistent basis, and to make reasonable and necessary use of the sick leave benefit. Your daily attendance is essential to the ongoing operation and success of the Village. You have the responsibility to maintain a good attendance record and to be present every day during your regularly scheduled hours (and any necessary, pre-authorized overtime).

Repeated tardiness, leaving early, excessive use or abuse of sick leave, or unexcused absences will result in disciplinary action. In certain situations, for example, public transportation difficulties, severe storms, floods or similar uncontrollable conditions affecting a group of employees, tardiness may be excused by the Department Head.

### **3.12. Personal Appearance and Attire**

Employees of the Village are to present a clean and professional appearance while in the workplace. This ensures that professionalism is demonstrated to the public and to fellow Village employees. You are expected to adhere to this policy whether or not your job responsibilities place you in direct contact with the public. This policy applies to all employees.

It is in the best interest of the Village, the employees, and the public that we serve for all employees to portray a professional image appropriate for their position. It is widely recognized that the more professional an employee appears to the public, the more professional the public will respond to the employee.

These guidelines will assist you in maintaining an appropriate appearance. The Village is confident that each employee will use their best judgement in following these guidelines. However, please note that these guidelines are not all-inclusive, and the Village reserves the right to determine whether an employee's clothing or appearance is appropriate. If you are unsure if something is appropriate, refrain from wearing it to work and ask your supervisor or the Personnel Department.

All attire must be clean, pressed, and well-fitting. Clothing that is excessively tight or baggy, faded, ripped, torn, stained, and/or wrinkled should not be worn. Undergarments should not be visible. Employees who wear uniforms are expected to report for duty in the assigned uniform. Employees who are not required to wear uniforms are expected to wear clothing appropriate for the position held. Formal attire must be worn when appropriate, such as for meetings outside of your work group, formal meetings, community meetings, court appearances, or if the nature of your work otherwise more formal attire.

### **Inappropriate Attire**

- Casual sandals, flip-flops, sneakers, athletic shoes, hiking boots, beach shoes
- Tank tops and camisoles (when worn without a sweater, jacket, blazer or other appropriate covering)
- Low-cut or revealing shirts
- Short skirts (more than two inches above the knee)
- Sheer/see-through clothing
- T-shirts with inappropriate or offensive images, logos, or advertising
- Shorts of any type or length
- Leggings, yoga pants, stirrups, gym pants
- Sweatpants, drawstring pants (at the waist or leg-bottom)
- Sweatshirts of any type
- Undergarments showing
- Excessively tight or form-fitting clothing
- “Sagging” pants or shorts
- Clothing with stains, tears/rips, wrinkles
- Caps or baseball hats
- Spandex or form fitting/yoga pants
- Bandanas on head
- “Strapless or backless clothing or spaghetti straps
- Cut-offs
- Tube tops, tank tops, muscle shirts, halter tops
- Bare feet

### **Appropriate Attire:**

- Pants made of suitable fabric (e.g., dress pants or khakis)
- Town-authorized uniforms or work clothing
- Dresses/skirts (length should not be more than two-inches above the knee)
- Suits, pant suits
- Neckties
- Collared button shirts (if tailored, neat, clean)
- Blouses, non-revealing shirts for women
- Non-casual footwear
- Capri pants
- Sweaters
- Casual closed toe shoes

A daily regimen of good grooming and hygiene is also expected of all Village employees. Please ensure that you maintain good personal hygiene habits. Perfume and cologne is permitted, however, please be cognizant that others may have sensitivities to these products and they should be used sparingly.

Employees in violation of this policy may be required to leave the workplace to bring their appearance into compliance. During any related absence, employees will be

required to use paid time off. Additionally, employees may be subject to disciplinary action for violations.

The Village is committed to ensuring that the personal appearance policy is not discriminatory, is applied equally to both genders, and will accommodate to the extent possible, exceptions based on disability, religious, ethnic, cultural, or health reasons.

### **3.13. Workplace Safety Rules and Procedures**

As part of the Village's commitment to maintaining a safe working environment, the Village has implemented a number of safety rules and procedures, as well as comprehensive safety programs as required by state and federal law. You are required to comply with all of the Village's safety rules and procedures.

#### **General Safety and Health Rules**

The following general safety rules apply to all employees. Employees must:

- Report any workplace injury, illness, or near miss, as well as any unsafe conditions, potential hazards, or other safety concerns, in accordance with the Village's **Workplace Injury, Illness, or Incident Form** attached as **Appendix G**.
- Keep their work area clean, organized, and free from clutter or tripping hazards.
- Ensure that all aisles and exits are kept clear. Employees must not let cords, boxes, or other items obstruct or interfere with aisles or exits.
- Where applicable:
  - Wear all required safety equipment and personal protective equipment ("PPE") applicable to their work or work area.
  - Properly care for and maintain any PPE assigned to them or which they use. Employees must report any worn, damaged, or defective PPE to their direct supervisor or Department Head immediately.
  - Use the tools and equipment designated for the work to be performed and ensure that those tools are kept in good condition.
  - Not bring or use your own personal tools.
  - Not operate any machinery, equipment, or tools they have not been trained and authorized to safely operate.
  - Not operate any machinery, equipment, or tools that are damaged, not working properly, or which have had guards or other safety devices removed or disabled. Employees must report any damaged or non-working machinery, equipment, or tools to their direct supervisor or Department Head immediately.



- Not perform any maintenance or service work on machinery, equipment, or tools unless they have been properly trained to perform this maintenance and are an authorized employee pursuant to the Village's lockout/tag out policies and procedures.
- Refrain from lifting any excessively heavy loads without assistance from another employee or a mechanical lifting device.
- Not perform work, enter the Village's premises (either on or off duty), or operate any employer-provided vehicle while under the influence of alcohol or illegal substances. For more information, see the Village's **Drug & Alcohol Policy**.
- Not engage in any act of workplace violence, including assaulting, fighting, making threatening remarks to, engaging in aggressive or hostile acts toward, bullying, intimidating, or harassing another employee or person.
- Refrain from possessing or using weapons while on Village property, or conducting Village business.

These general safety rules are not exclusive and are intended to supplement more detailed safety rules and procedures applicable to employees' specific job duties, worksite, or work area. Failure to follow all safety rules and procedures applicable to your worksite, work area, and work duties may result in discipline, up to and including termination of employment.

### **Administration of Program**

If you have any questions regarding this policy, or if you have questions about health and safety that are not addressed in this policy and/or the Village's safety programs, please contact the Personnel Department.

### **Exposure Control Plan**

The purpose of this policy is to reduce employee's occupational exposure to blood borne pathogens. All employees who may be exposed to blood or other potentially infectious materials must have an exposure control plan. The Village's **Exposure Control Plan** can be found in **Appendix K**, and the Personnel Department can answer employee's questions about this policy.

## **3.14. Village Assets**

### **Use of Village Assets**

The Village's property and assets may only be used for the Village's purposes. Any unauthorized use of the Village's property/assets will result in discipline up to and including termination. Criminal activity will be reported to the appropriate law

enforcement agency or agencies. The loss of damage to, any Village property must be reported immediately to a supervisor and the Personnel Department.

### **Locks and Key/Fob Distribution**

The Village's building keys/fobs are issued to employees and other authorized personnel. The loss of, or damage to, any key/fob must be reported immediately to the Village Clerk. All employees are expressly forbidden to have any Village key duplicated.

Employees desiring access to the Village buildings in the evenings or weekends for the purpose of their work are able to use the key/fob or submit requests for access to the Personnel Department.

### **Removal of Village Assets**

No property is to be removed from the Village property without prior approval from a Department Head or the Village Clerk. In circumstances where it is necessary for employees to use any Village property (office machines or similar equipment) (e.g. laptop computer) away from the Village to perform their work, approval should be secured from the Department Head. Property includes but is not limited to, intellectual property, personnel files, and any and all computer files, programs, or other electronic information of any kind. Any property of the Village issued to you must be returned to the Village at the time of dismissal or resignation or within a timely fashion after it is borrowed.

### **3.15. Workplace Violence Prevention Program, Policy Statement**

The Village of Muttontown is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard. The Village will not tolerate violence in the workplace.

This policy is designed to meet the requirements of New York State Labor Law and is intended to highlight the goals and objectives of the Village's **Workplace Violence Prevention Program**. The Workplace Violence Prevention Program was designed to prevent, minimize, and respond to any workplace violence.

For purposes of this program, "workplace violence" is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to: an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or 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.

Such behavior will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted, as outlined in the Program.

## **Risk Evaluation**

To achieve the goals and objectives of the Program, the Village conducts risk evaluations designed to identify the risks of workplace violence to which our employees could be exposed. As part of these evaluations, the Village assesses relevant policies, practices and procedures; evaluates the physical environment; reviews its records, including workplace violence incident reports; and develops and maintains the Workplace Violence Prevention Program.

## **Employee Involvement**

All employees are responsible for helping to maintain an environment of mutual respect for each other and for the Village's visitors, as well as for assisting in maintaining a safe and secure workplace. Any employee who observes, experiences, or otherwise becomes aware of any other employee or any visitor engaging in, or threatening, violent behavior should immediately notify the contact person designated below. All incidents of violence or threatening behavior should be reported to the Village Clerk and will be responded to immediately upon notification.

Failure to do so will result in disciplinary action up to and including termination from employment. For further information, refer to the Village's **Workplace Violence Prevention Program**, attached as Appendix F.

### **3.16. Reporting Workplace Injuries and Illnesses Policy**

The Village is committed to maintaining a safe workplace. A key element of the Village's safety program is employee involvement and employees' prompt reporting of any concerns about safety in the workplace and any work-related injuries or illnesses. Prompt reporting of these events allows injured or ill employees to receive medical care quickly and facilitates the Village's timely identification and correction of potential safety and health hazards. All safety concerns, injuries, and illnesses must be reported in accordance with the procedures outlined in this Policy. A **Workplace Injury Form** is attached as **Appendix G**.

## **Reporting Unsafe Conditions or Safety Concerns**

If you witness or otherwise become aware of any unsafe conditions or potential hazards (such as wet floors/broken equipment/defective appliances) or if you have any other workplace safety concerns, you must report them to your direct supervisor or the Department Head immediately.

## **Reporting Work-Related Injuries or Illnesses**

It is important that all work-related injuries and illnesses are reported to Village management as soon as reasonably possible after they occur. Prompt reporting allows an injured or ill employee to receive necessary medical treatment as soon as possible and facilitates the timely identification and correction of hazards. In some circumstances, an employee may not immediately realize that the employee has been injured or become ill. In these circumstances, the employee must report the injury or illness as soon as reasonably possible after becoming aware of the injury or illness.

Employees who experience, witness, or otherwise become aware of a workplace injury or illness, regardless of how severe it might be, must report the injury or illness in accordance with the following guidelines and procedures:

- If you are at work when you become aware of an injury or illness, you must report it as soon as possible, but in no event later than leaving the facility or four (4) hours after becoming aware of the injury or illness, whichever is earlier. The report must be made to your direct supervisor, or if your direct supervisor is unavailable, the Department Head. If medical attention is needed, the injury or illness should be reported to your supervisor and Department Head. In the event of a medical emergency, an employee should call 911.
- If you are not at work when you become aware of an injury or illness, you must report it as soon as reasonably possible. You must report the injury or illness by contacting your direct supervisor, or if your direct supervisor is unavailable, the Department Head.
- This policy and procedure applies to employees who suffer a work-related injury or illness, as well as employees who witness or become aware of another employee suffering a work-related injury or illness. However, employees who witness or become aware of another employee suffering a work-related injury or illness are not required to report the injury or illness if the injured or ill employee, or another employee, already reported the same injury or illness.
- If an employee reports a work-related injury or illness in compliance with this policy, the Village will not discipline the employee for failure to promptly report the injury or illness.

## **No Retaliation**

The Village prohibits any form of discipline, reprisal, intimidation, or retaliation for:

- Reporting a violation of the Village's safety rules, a hazardous condition, or other safety concern.

- Reporting an injury or illness.
- Participating or cooperating in any investigation related to a safety issue, injury, or illness.

No employee, supervisor, or member of management should attempt to interfere with or discourage the reporting of a safety concern, injury, illness, accident, or near miss under this policy. If you believe that you or a coworker has been retaliated against for reporting a safety concern, injury, or illness, please report this conduct to your direct supervisor, or if your direct supervisor is unavailable or you are uncomfortable in reporting to your direct supervisor, to the Department.

### **3.17. Use of Weapons**

Use of a firearm or any other dangerous instrument against a coworker, supervisor, resident of the Village, or the general public while on Village time or conducting Village business is grounds for immediate discharge. Threatening a coworker, supervisor, resident of the Village, or the general public with a dangerous weapon will also lead to immediate termination.

### **3.18. Smoking Policy**

Smoking is prohibited in all Village facilities and vehicles, without exception. This includes common work areas, auditoriums, building entryways, conference and meeting rooms, loading docks, garages, private offices, elevators, hallways, cafeterias, employee lounges, stairways, restrooms, vehicles and all other enclosed facilities. For purposes of this Policy, “smoking” includes use of all forms of tobacco such as cigarettes and cigars, tobacco-related products such as e-cigarettes, and any other substances (such as illegal drugs) that can be smoked.

### **3.19. Media Inquiries**

Events may occur within the Village, or that involve the Village, that will draw immediate attention from the news media. It is imperative that only one designated person speaks for the Village to deliver an appropriate message and to avoid giving misinformation in any media inquiry. To best serve these objectives, employees are directed to refer media inquiries to their Department Head or to the Village Supervisor’s Office immediately and are required to contact their Department Head or the Supervisor’s Office immediately if they are aware of an impending news item/event impacting the Village. If referred to a Department Head, the Department Head is then expected to refer the matter to the Village Mayor’s Office immediately so that the Village can respond in a timely and professional manner.

### 3.20. Personal Conduct & Insubordination

The Villages rules and standards of conduct are essential to a productive work environment. As such, employees must familiarize themselves with, and be prepared to follow, the rules and standards.

While not intended to be an all-inclusive list, the examples below represent behavior that is considered unacceptable in the workplace. Behaviors such as these, as well as other forms of misconduct, may result in disciplinary action, up to and including termination of employment:

The following rules and standards of conduct apply to all employees:

- Employees must be awake and alert on the job at all times.
- Any employee taking prescription drugs or over-the-counter medication that contains a warning that the drug or medication may cause drowsiness or decrease alertness must report that they are taking such medication to their supervisor prior to beginning their workday.
- Employees generally are expected to perform job assignments as provided by their supervisors, Department Heads, or other appropriate management representatives. Insubordination refers to employees' refusal or failure to carry out assignments or instructions or to comply with the Village's policies and procedures. Insubordination also includes such employee actions as verbally abusing supervisors, co-workers, or members of the general public; ignoring safety rules; and refusing reasonable requests to work overtime.
- As Village buildings and property are usually accessible to the general public, employees are expected to take precautions to assure that both Village and personal property is secured. Personal items, such as wallets and purses, should be kept in areas that can be monitored by staff and that are not generally used by the public. Offices should be locked at the end of the business day.
- Employee theft of property belonging to the Village or to coworkers will not be tolerated, and may result in immediate termination.
- Without supervisory authorization, you must not remove from the premises any Village-owned material, tools, or other items, including damaged goods and scrap material (including material picked-up from Village residents as part of any Village program). The Village has defined procedures that must be followed to dispose of damaged, surplus or scrapped goods. Consult with your Department Head for information on these procedures.
- Discrimination or harassment.
- Theft or inappropriate removal/possession of property.

- Falsification of timekeeping records.
- Possession, distribution, sale, transfer, manufacture or use of alcohol or illegal drugs in the workplace.
- Fighting or threatening violence in the workplace.
- Making maliciously false statements about co-workers.
- Threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors.
- Negligence or improper conduct leading to damage of company-owned or customer-owned property.
- Violation of safety or health rules.
- Excessive absenteeism.
- Unauthorized use of telephones, computers, or other company-owned equipment on working time. Working time does not include break periods, meal times, or other specified periods during the workday when employees are not engaged in performing their work tasks.
- Unauthorized disclosure of any “business secrets” or other confidential or non-public proprietary information relating to the Company’s products, services, customers or processes. Wages and other conditions of employment are not considered to be confidential information.

Other forms of misconduct not listed above may also result in disciplinary action, up to and including termination of employment. If you have questions regarding the Village’s standards of conduct, please direct them to the Personnel Department.

### **3.21. Village of Yonkton Technology Use and Acceptable Use Policy**

The Village uses various means of technology and electronic communication. This Policy describes the Village’s general rules regarding use of electronic communications and technology in the workplace.

The purpose of this Policy is to establish guidelines and standards for proper use of the Village technology resources in the operation of Village Departments or while performing assigned duties or conducting Village business.

The Village recognizes the importance of technology in the efficient execution of its business. The Village endeavors to provide appropriate and cost effective technology to its employees and technology users. The Village’s technology resources can enhance the productivity, safety, accountability and efficiency of users. These

improvements are balanced with the expense and complexity of supporting evolving technology. At the same time, technology resources provide opportunities for abuse and misuse that can negatively impact productivity and expose the Village to potential liabilities.

In order to ensure the productive use of Village technology resources, and to assist Village technology users, Village policies and procedures governing the use of Village technology resources have been incorporated and restated in this Policy below.

Your return of the Acknowledgement Form attached to this handbook constitutes your permission for the Village to monitor, access, inspect and/or intercept all materials, files, postings, data, and/or information described herein, made on or with the Village's technological resources, whether or not made or posted during your regular work hours. Note, however, even absent your signature, your use of equipment owned, supplied, or funded (in whole or in part) by the Village or your reference to the Village in any communication which violates this Policy, constitutes your permission to monitor, inspect, duplicate, etc. your electronic communications and/or technology resources.

### **Employer-Owned Equipment and Media**

The Village owns and provides electronic communication systems and certain devices to employees, including computer hard drives, monitors, keyboards, laptops, speakers, modems, scanners, printers, software, and personal wireless communication devices (for example, cell phones are provided to certain employees). (The use of mobile communication devices is governed by the Village's "**Cellular Phones/PDAs Policy and Procedures**", which follows this Acceptable Use Policy). The Village also provides employees with access to various forms of electronic media, including email and the Internet. More specifically, employees are provided with password-protected email accounts and access to the Internet on their computer workstations.

Employees should be aware of the dangers while using a cellular phone when driving a vehicle. For jobs that require regular cellular usage in a vehicle, use a phone dashboard mount and headset accessories, but whenever possible, park vehicle or pull over before using the cellular phone. All cell users must adhere to applicable State and/or local laws restricting such use in a vehicle.

### **Employee-Owned Equipment and Media**

The Village recognizes that employees can own laptops and other computing or wireless communication devices, including mobile phones, smartphones, and personal digital assistants, which permit them to access personal email and the Internet. The Village also recognizes that employees have personal email accounts, blogs, and various forms of social media that are accessed via the Internet (for example, Gmail™ or Yahoo!® email accounts or Facebook® accounts).



The Village expects employees to limit their use of personal electronic communication devices during their workday, so that such use does not interfere with productivity. This restriction does not apply to permitted break times.

### **Permitted Use of Electronic Communication Equipment and Media**

Town-provided electronic communication equipment and media are designed to foster employee productivity. The Village encourages use of the Village's electronic communication systems and devices for business-related activities.

The Village expects all employees to use reasonable care when using Village-provided electronic communication equipment, such as not eating or drinking near equipment to avoid damaging it. Employees also should lock their offices at the end of their workday to avoid theft of equipment. If any equipment requires repair, employees should contact their supervisors and Department Head.

If the Village provides electronic communication devices that employees can use away from work facilities, employees are prohibited from using these devices for personal accounts or interests. Non-exempt employees are prohibited from using the devices for work beyond their regular workday without prior approval from their supervisor.

The Village's email system should primarily be used to discuss business-related activities. Employees should use the Village's email system to create, send, receive, and store all work-related email. Employees must abide by Village policies when using the email system and should not expect any privacy when using this system.

The Village further expects that access to the Internet will be used primarily for work-related activities. Employees should not expect any privacy when accessing Internet websites. Although the Village recognizes and promotes Village-related blogs, social network pages, and various other media outlets via the internet, employees are expected to abide by Village policies when using the Internet.

### **Prohibited Use of Electronic Communication Equipment and Media**

Employees are prohibited from destroying or damaging the Village's electronic communication equipment.

Employees are prohibited from taking unauthorized pieces of Village-provided electronic communication equipment with them from Village facilities. The Village conducts periodic audits of electronic communication systems and devices to ensure that employees have all appropriate pieces of equipment. Taking unauthorized pieces of equipment from Village-facilities is considered theft.

Likewise, employees are prohibited from bringing unauthorized electronic communication equipment to work to use with Village-provided electronic communication equipment. Such prohibited equipment includes any type of external computer drives; any form of "disks," such as CD-ROM disks, to save information from

computer drives; and personal laptops and other wireless communication devices. Using such unauthorized equipment with Village-provided electronic communication equipment is considered theft of Village's intellectual property.

Employees who leave employment with the Village must return all Village-provided electronic communication equipment to their supervisor or Department Head on the last day of employment. The Village conducts an audit to ensure that all Village-provided electronic communication equipment is returned to Village. If any equipment is missing at the inventory review and cannot otherwise be accounted for, the Village considers such missing equipment as stolen property and can pursue appropriate legal action against such employees.

### **Prohibited Activities Using Employer-Provided Equipment and Media**

Electronic media provided by the Village must not be used by employees for knowingly transmitting, retrieving, or storing any communication that:

- is discriminatory, harassing, defamatory, or otherwise prohibited by federal or state law;
- otherwise violates Village policies.

Electronic media provided by the Village also must not be used by employees for any of the following activities:

- engaging in defamatory, fraudulent, or other illegal conduct;
- monitoring or intercepting files or electronic communications of employees or third parties;
- obtaining unauthorized access to any computer system;
- failure to adhere to copyright rules and laws;
- using another employee's account or identity without explicit authorization; or
- attempting to test, circumvent, or defeat security or auditing systems of the Village or any other organization without prior authorization.

### **Security and Monitoring of Electronic Communication Equipment and Media**

Employees obtain access to the Village's electronic communication systems and devices by applying for such access through their supervisors. Employees must change their passwords each month as prompted by their computer login screens and must not share passwords with other employees or third parties. Employees must log out of password-protected areas before leaving their work stations and must log out of computer systems entirely at the end of each workday.

Any files that are downloaded from outside the Village's system first must be scanned for viruses. Employees are prohibited from installing any computer programs without approval of their supervisors.

The Village reserves the right to monitor and review employees' usage of the Village's electronic communication systems and devices and employees' files and messages created, received, stored, or sent using such systems and devices to ensure that electronic equipment and media are being used in compliance with federal and state laws and regulations, this policy, and other Village rules. The Village maintains electronic archives of all electronic communications created with Village equipment.

### **Confidentiality of the Village Workplace, Files, Records and Data**

Employees shall maintain the security and confidentiality of the Village workplace and/or information, data, files, and/or records contained in or generated by a Village technology resource.

It is recognized that in the normal course of work employees may have access to confidential information, legal documents, medical records, or other information or data about Village business, members of the public, or other employees. It is the responsibility of all employees to maintain confidentiality of information obtained directly or indirectly through Village employment. Employees shall not divulge or disclose to unauthorized parties confidential information available to them through the direct or indirect course of their assigned duties.

The issue of Village resources or personal portable electronic devices (e.g., camera phones, digital audio recorders, video cameras) capable of recording audio, video or pictures within the Village may constitute not only an invasion of employees' personal privacy, but may breach confidentiality of Village business data or other protected information. Therefore, the use of camera, video, and/or audio capable recording devices within the Village is prohibited without the express prior permission of the Department Head and of the person(s) present at the time.

Employees shall not obtain, attempt to obtain or share information, recordings, files, records or data which is unauthorized or for purposes which may be considered invasion of privacy. Employees shall not use or disclose Village information for personal gain or for private use unrelated to Village business, either for themselves or for others.

Individuals granted access to Village technology resources can be held liable for improper dissemination of sensitive data, even after termination of affiliation.

Materials of a sensitive nature or which constitute confidential government information shall not be sent out via the Internet unless the information is appropriately protected to prevent interception by third parties.

### **3.22. Internet Access and Use**

The use of the Internet is limited to official Village business only. The use of the Internet for personal use is prohibited, including online gaming, streaming music and/or videos, shopping, chat rooms, blogging, banking, etc.

Internet access will be assigned only to those employees who can demonstrate a work-related need.

Internet access will be monitored and is subject to filtering and may be revoked at any time.

Authorized users may access the Internet using Village technology resources as long as the following rules are followed:

- No user shall access sites which contain pornography, hate or anti-government organizations, or anything which could have an adverse impact on personnel morale or public reputation. The only exception is when a user's job function requires access to such sites for official purposes or investigating/researching an assigned case which involves the above elements.
- No user will download, install, or access any malware (i.e., viruses, Trojan horses, spyware, malware, adware, or other malicious elements) nor will they click on pop-up windows or advertisements or download any programs not approved by IT.
- No user will download, install, or access any "free" software without prior approval from the Village Attorney.
- No user will attempt to access another computer system without permission (hacking/cracking).
- No user will perform packet sniffing or port scanning on the Village network.
- No user will create an undue drain on the capacity of the system. Streaming video and audio is expressly forbidden for any use other than work related.

### **3.23. Cellular Phones / PDAs Policy and Procedures**

It is the policy of the Village to have employees use mobile communication devices (hereinafter referred to as "cellular phones/PDAs") as an effective communication tool which enhances the personal safety / security of off-premise employees, and carries the potential to enhance employee productivity by providing another communications link with Village employees and constituents.

## **Employee-Owned (Personal) Cellular Phones and PDAs**

Personal cellular phones and PDAs should be “off and away” during the work day. If emergency circumstances require you to be accessible via your personal cellular phone / PDA, the ring should be set to silent or vibrate so as to not distract others.

## **Village-Issued Cellular Phones and PDAs**

### **Responsibilities of Department Head**

Assignment of cellular phones is the responsibility of the Department Head. Each Department Head is specifically responsible for: ordering cellular phones and accessories for his/her Department; monitoring billing statements to ensure policy compliance and to verify the accuracy of the charges; and ensuring that employees in their Department are following Village’s **“Cellular Phones/PDAs Policy and Procedures”** and procedure with respect to the use of cellular phones and PDAs. Any requests for the purchase of cellular phones must be initiated by the Department Head and submitted to the Village Clerk

Any employee with a Village-issued cellular phone or PDA that needs to be repaired should promptly notify his/her Department Head, who will work with the Village Clerk to arrange for the repair, where appropriate.

### **Employee Usage Guidelines**

Town-provided electronic communication equipment and media are designed to foster employee productivity. The Village expects employees to limit their personal, non-work-related use of Village-issued cellular phones/PDAs during their workday, so that such use does not interfere with productivity.

Employees are responsible for their Village-issued cellular phone or PDA. Therefore, employees must take the following steps to protect the device:

- Cellular phones and PDAs must be passcode protected, and must be locked at all times when not in used.
- Cellular phones and PDAs must be kept with you (and powered on) during all business and on-call hours. Village-issued cellular phones and PDAs shall not be left unattended.
- Promptly report stolen, lost or damaged cellular phones or PDAs immediately to the Village Clerk.

All employees must adhere to applicable State and local laws restricting the use of cellular phones while operating a vehicle.

### **3.24. Social Media Policy**

The Village recognizes that online social media can be highly effective tools for sharing ideas and exchanging information. The Village is committed to using social media to promote visibility and maintain communications with the general public. This Policy addresses general use of social media by employees, and details specific allowable use of social media for work purposes. The Village adheres to all relevant federal and state laws and regulations regarding electronic communications, including the National Labor Relations Act.

The Village defines social media broadly to include online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content. Social media include personal websites and all types of online communities (for example, Facebook®, LinkedIn®, YouTube™, Twitter™, Instagram, blogs, message boards, and chat rooms).

Employees should be mindful of their responsibilities to the Village. Once content is posted online, it is no longer private and can remain on the internet indefinitely. The Village respects employees' right to express personal opinions when using personal social media and will not retaliate or discriminate against employees who use social media for political organizing or other lawful purposes, such as activities protected by the National Labor Relations Act. Employees who link to the Village's websites on personal social media websites should identify their relationship with the Village. Employees who identify themselves as a Village employee on social media should state that the views they express are their own.

Violations of the Village's harassment policies that occur via social media will result in discipline. The Village expects employees to refrain from illegal activities when using social media. Employees who engage in illegal activity via social media over the Village's electronic communication systems, whether at work or elsewhere, will be subject to discipline.

Town-sponsored social media are for Village use only, and the Village owns the accounts for Village-sponsored social media, including all content, communications, and connections created, sent, received, or stored on such accounts. Only employees who are designated and authorized by the Village can prepare content for or delete, edit, or otherwise modify content on Village-sponsored social media.

## **SECTION IV. SCHEDULES AND LEAVE**

The employment terms set out in this Manual and Handbook work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the Village of Muttontown. Employees should consult the terms of their collective bargaining agreement with respect to benefits discussed herein.


Wherever employment terms in this Manual and Handbook differ from the terms expressed in the applicable collective bargaining agreement with the Village of Muttontown, employees should refer to the specific terms of the collective bargaining agreement, which will control.

#### **4.1. Holidays**

The Village observes 12 designated holidays. All full-time and part-time employees are eligible for holiday pay. In order to qualify for holiday pay, an employee must work the scheduled day before and the scheduled day after the holiday. If a pre-approved vacation or personal day is used immediately before or after the holiday, the work day immediately preceding and following the paid day off must be worked in order for the individual to receive holiday pay. Holidays will be compensated with eight (8) hours at the employee's straight time.

#### **4.2. Sick Leave**

All full-time employees will be credited with ten (10) days of paid sick leave annually on January 1 each year. An employee may use credited sick leave in the event of personal illness or the illness of an immediate family member. For purposes of this policy, an immediate family member is a spouse, a parent, a child, stepchild, grandparent, significant other, or person for whom the employee is legally responsible.

Any employee who has had a sick leave absence of three (3) consecutive days or more may be asked to supply a doctor's report upon returning to work. Any employee who has been on extended leave due to a serious personal illness, hospitalization, surgery, or has been on disability, must supply a doctor's authorization, confirming the employee's ability to resume the essential job duties prior to returning to work. Employees may not utilize sick leave on days immediately prior to or immediately after scheduled vacation and/or holidays without a written doctor's statement documenting the need for such absence.

Sick leave may not be accumulated and banked by employees. All unused sick days in each year will be compensated at the end of each year at ½ the rate at which it was earned.

An employee may be granted an extended medical leave at the discretion of the Village Board. The leave may be taken for an employee's own serious illness, injury or condition. After an employee has exhausted his/her accrued, unused sick leave, the leave will become unpaid unless the employee elects to use other credited forms of paid leave (not required). An application for short-term disability should be submitted in connection with such leave. Forms can be obtained through administration. If an employee knows of an upcoming period of medical incapacitation through surgery or other type of medical intervention, he/she is required to notify the Village Board as soon as possible to facilitate planning

#### **4.3. Vacation and Personal Time**

All active full-time and part-time employees are entitled to receive paid vacation time. Active, part-time employees will be eligible for prorated vacation time according to their normally scheduled work week. Seasonal employees are not eligible for paid vacation time. Newly hired employees will have their vacation entitlement for the current calendar year of their hire prorated based on their date of hire.

Active employees' vacation entitlements will be determined by their length of service with the Company. For employees hired on or after January 1 but before August 1, the current year will be considered the employee's first year of service for vacation purposes. For employees hired on or after August 1 but before December 31, the next calendar year will be considered the employee's first year of service for vacation purposes.

For active employees, vacation time will be accrued as follows:

Years of Service	Days of Vacation
1 year	10 days
2 – 5 years	12 days
6 – 10 years	15 days
11+ years	20 days

Each employee is awarded vacation time at the beginning of each new calendar year. Vacation days may be accumulated and banked by employees up to a maximum of fifty (50) vacation days. All accumulated vacation days will be compensated at retirement, resignation or termination at ½ the rate at which it was earned.

In addition to vacation time, all active full-time employees are eligible to accrue paid personal time. Active, part-time employees will be eligible for prorated paid personal time according to their normally scheduled work week. Seasonal employees are not eligible for paid personal time. Employees shall accrue four (4) personal days per year. Accrued personal time may be used at any time during the calendar year, and may not be banked and carried over.



Vacation and personal days may be taken in half (1/2) day increments.

#### **4.4. Jury Duty and Court Appearance**

The Village supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence. Employees will be paid for up to three (3) days of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Employees may use any accrued time off if required to serve more than three (3) days on a jury. Otherwise, the time off serving will be unpaid. If an employee is released from jury duty after four (4) hours or less of service, he or she must report to work for the remainder of that work day.

Court appearance leave may be requested by an employee to appear as a witness in a court proceeding. If you are the victim or witness of a crime, you may request time off to attend court proceedings related to that crime. Court appearance leave may be requested to attend the criminal proceeding as a witness, to consult with the district attorney, or to otherwise exercise your rights as a victim. The employee requesting court appearance leave must give advance notice whenever possible of the need for leave to the Village Clerk, and provide documentation verifying the need for the leave. While this leave is an unpaid leave, you may use accrued unused time off benefits during the leave period. The Village will make every attempt to maintain the confidentiality of any information provided as certification of the need for court appearance leave.

#### **4.5. Bereavement**

Employees are entitled to up to three (3) days with pay in the event of the death of an immediate family member. For purposes of this policy, an immediate family member is a spouse, a parent, a child, stepchild, grandparent, significant other, mother or father in-law, sibling, a spouse's sibling, or person for whom the employee is legally responsible. Approval for such dates shall be granted by the Village Clerk. Employees will not be paid for any unused bereavement days at the time of separation from employment with the Village.

#### **4.6. Time Accounting**

All employees are required to keep accurate records of their working hours by keeping an accurate timecard and submitting an accurate, completed timecard to your supervisor bi-weekly.

#### **4.7. Nursing Mothers' Rights**

The Village will provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk

for her nursing child for up to three years following child birth. The Village will make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy.

The Village will not discriminate against an employee who chooses to express breast milk in the workplace. An employee wishing to avail herself of this benefit must give the Village Board advance notice. Such notice shall preferably be provided to the Village prior to the employee's return to work following the birth of the child in order to allow the Village an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

#### **4.8. Workers' Compensation**

The Village abides by all applicable workers' compensation laws and regulations, and is covered under PERMA coverage for all employees. Employees who sustain work-related injury or illness must immediately notify their supervisor.

#### **4.9. Emergency Closing of Village Offices**

When the Village closes the Village Office Building or other Village Departments because of inclement weather conditions or other conditions, employees who are designated by the Department Heads as not critical at the time of the closing will be permitted to leave work and will be paid for the remainder of the work shift. Employees who are designated by Department Heads as critical must remain at work. Employees who are told not to report to work will be paid for one shift if they are scheduled to work on the day that the weather or other emergency begins.

When employees are permitted to leave work, Department Heads will be notified by a combination of email, phone call (office or cell), or text messaging. When such notification is made, any questions should be directed to the Personnel Department.

Public Notices regarding the closing of any Village office will be made only through the Village Mayor's Office. Public announcements regarding the closing of Village offices will be made on the website and possibly through other media.

### **SECTION V. COMPENSATION/BENEFITS**

For Village employees represented by a union, rates of compensation and benefits received by those employees are established through negotiation between the Village and the appropriate bargaining unit representing that group of employees. The agreements between the Village of Muttontown and the bargaining units representing its employees also define other terms and conditions of employment. If you are part of a represented bargaining unit, you should become familiar with the items contained in your collective bargaining agreement.

The following are a list of fringe benefits available to all non-union, full-time Village employees. Any description of employee benefits in this Employee Handbook is only intended to summarize the provisions of a formal benefit. Employee benefits will be provided in accordance with and subject to the current terms and conditions of the applicable plan documents or Village policies. Any issues with respect to entitlement to or payment of benefits will be governed by the terms and conditions of such plan documents and/or Village policies establishing the benefit in issue. If you wish to review any plan documents, please contact the Village Clerk.

### **5.1. Wage and Salary Increases**

Each non-union employee's hourly wage or annual salary will be reviewed annually at the end of each fiscal year.

### **5.2. Health and Dental Insurance**

The Village makes health insurance coverage available to all full-time employees and elected and appointed Village officials. The type and number of health insurance plans available may vary from year to year and all decisions regarding the plan or plans made available shall be in the sole discretion of the Village Board. All eligible employees electing to enroll in health insurance coverage through the Village shall be responsible for paying 20% of the premium for such coverage, whether individual or family coverage. The Village reserves the right to determine the applicable employee contribution toward the cost of plan premiums on an annual basis. All elected and appointed Village officials are eligible for health insurance through the Village, however, shall be responsible for paying 100% of the premium for such coverage, whether individual or family coverage. Employees of the Village eligible for health insurance coverage, who waive such coverage, shall be eligible for an annual opt-out payment as follows: single coverage - \$3,000; family coverage - \$5,000. The Village reserves the right to discontinue or alter the opt-out payment in its sole discretion. Any employee electing to opt-out of health insurance coverage offered by the Village must complete the **Health Insurance Opt-Out Form** attached as **Exhibit K**.

The Village shall make dental insurance coverage available to all full-time employees. The type and number of dental insurance plans available may vary from year to year, and all decisions regarding the plan or plans made available shall be in the sole discretion of the Village Board. All eligible employees electing to enroll in dental insurance coverage through the Village shall be responsible for paying 20% of the premium for such coverage, whether individual or family coverage. Each year the Village shall determine the applicable employee contribution toward the cost of plan premiums.

### **5.3. Medicare as Secondary Payer Language**

When an active employee and/or their spouse are enrolled in the Village health insurance plan and reach the age of 65, the Village reserves the right to cause the Village health insurance plan to become a secondary payer to Medicare for such individual as long such an action would comply with all applicable Medicare as Secondary Payer rules, regulations, and conditions.

### **5.4. Non-Union Retiree Health Insurance Coverage Language**

A Village employee that is not a member of a union that retires from the Village directly into the New York State and Local Retirement System after completing at least 10 (ten) years of continuous service with the Village shall (and his/her spouse and eligible dependents) be eligible to receive retiree health insurance through the Village from the date of their retirement through the date on which they become eligible for Medicare. The retiree shall be responsible for paying the premium cost, at the contribution percentage of current non-union employees, associated with the health insurance plan (either single or family) elected by the retiree.

In order for a Village employee to be eligible for retiree health insurance plan set forth above, the employee (and his/her spouse and eligible dependents, if applicable) must have been continuously enrolled in the Village's health insurance plan for at least two years prior to their retirement from the Village.

Retirees that elect to participate in retiree health insurance coverage must make all required annual premium contributions to the Village on a semi-annual basis. The Village will provide the first semi-annual statement to the retiree on or before the first day of December and the first semi-annual contribution payment shall be paid by the retiree to the Village on or before January 1<sup>st</sup> for the period covering January through June. The Village will provide the second semi-annual statement to the retiree on or before the first day of June and the second semi-annual contribution payment shall be paid by the retiree to the Village on or before July 1<sup>st</sup> for the period covering July through December. Failure to make a timely payment shall result in the termination of your retiree health insurance and such termination shall make the retiree and/or their spouse and dependents ineligible for retiree health insurance moving forward.

If a retired employee shall reach the age of Medicare eligibility, but the retired employee's spouse and/ or eligible dependent family members shall not also be eligible for Medicare coverage, the Village shall continue to provide for enrollment of the retired employee's spouse and eligible dependents in the Villages health plan for a period of up to three (3) years from the date the retired employee became eligible for Medicare coverage, provided that the retired employee affirmatively opts into coverage for the non-Medicare eligible spouse and dependents and continues to pay all applicable annual premium contributions to the Village.

**Retiree coverage under this section is contingent upon the enrollment and eligibility rules of the Village's health insurance plan. The Village shall be under no obligation to offer alternative coverage to a retiree and/or their spouse and**

**dependents for any reason whatsoever. The Village reserves the right to alter, amend, and modify the terms of these provisions upon 6 months' notice.**

### **5.5. Meal & Break Periods**

In accordance with state and local laws, employees will be provided with meal and break periods.

### **5.6. Deferred Compensation**

The Village participates in the New York State Deferred Compensation Plan.

### **5.7. Health Insurance Continuation (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that requires most employers sponsoring group health plans to offer a temporary continuation of group health coverage when coverage would otherwise be lost due to certain specific events.

Through COBRA, employees and their qualified beneficiaries have the right to continue group health insurance coverage after a "qualifying event." The following are qualifying events:

- Resignation or termination of the employee
- Death of the covered employee
- A reduction in the employee's hours
- For spouses and eligible dependents, the employee's entitlement to Medicare
- Divorce or legal separation of the covered employee and his or her spouse
- A dependent child no longer meeting eligibility requirements under the group health plan

Under COBRA, the employee or beneficiary pays the full cost of health insurance coverage at the Village's group rates plus an administration fee.

#### **Notification Requirements:**

The employee, or family member, has the responsibility to inform the Manager of a divorce, legal separation, or a child losing dependent status. The employee, or a family member, has 60 days after the qualifying event to provide such notice, unless a longer period is permitted under rules of the plan. The Village has the responsibility to notify the Plan Administrator of the employee's death, termination of employment, or reduction in hours.

Once the notification has been made to the Plan Administrator, the Plan Administrator will inform the employee that he or she has the right to choose continuation of coverage. If employees choose to continue coverage, the Village is

required to provide coverage that is identical to the coverage provided under the plan to similarly situated employees or family members.

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# **EMPLOYEE HANDBOOK**

## **APPENDIX A**

**Subject to Approval**

## **Village of Muttontown**

### **Code of Ethics**

The Village of Muttontown Code of Ethics may be updated more frequently than this Employee Handbook. For the most current version of the Code of Ethics please read the policy thoroughly on the Village's website at: [www.villageofmuttontown.com](http://www.villageofmuttontown.com).

**Subject to Approval**



# **EMPLOYEE HANDBOOK**

## **APPENDIX A**

### **ADDENDUM A-1**

**Subject to Approval**

## **Village of Muttontown**

### **Disclosure Statement**

Certain Village Officers and elected officials are required to provide the Board of Ethics of the Village of Muttontown a statement of their financial holdings, assets, liabilities and net worth annually on or before February 28.

This statement shall be in the form established by the Board of Ethics which is on file in the Village Clerk's Office.

**Subject to Approval**

# **EMPLOYEE HANDBOOK**

## **APPENDIX B**

**Subject to Approval**

## VILLAGE OF MUTTONTOWN EMPLOYEE PERFORMANCE EVALUATION

<b>Employee Name:</b>	<b>Date of Hire/Anniversary Date:</b>
<b>Job Title or Titles (list all that apply)</b>	<b>Supervisor:</b>
<b>Date of Evaluation:</b>	<b>Evaluation Period:</b> From _____ to _____
<b>Department or Departments (list all that apply):</b>	<b>FT/PT:</b>
<b>Evaluation Period: [Check the one that applies]</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> 3 Month  <input type="checkbox"/> 4 Month (only PT)  <input type="checkbox"/> 6 Month         </div> <div> <input type="checkbox"/> 9 Month (only PT)  <input type="checkbox"/> Annual  <input type="checkbox"/> Other         </div> </div>	
<b>Check whether this evaluation determines a pay increase:</b>	
<input type="checkbox"/> Yes a salary adjustment accompanies this review.	
<input type="checkbox"/> No salary adjustment accompanies this review.	
<b>Comments Regarding Pay Increase:</b>	

## **PURPOSE:**

An employee evaluation recognizes strengths and weaknesses, identifies training needs and encourages growth in job performance. All employees benefit from evaluation because feedback is necessary for employee engagement and productivity. Periodic performance reviews are also important for employee development and growth, whether or not they are associated with a salary increase.

The most critical aspect of a performance evaluation is the discussion of the formal assessment between the supervisor and the employee. The review session provides an opportunity for a candid discussion of performance, for feedback on specific skills and abilities, and for the development of plans, and for employee growth and improvement.

Setting goals for the next review period (whether that be the period between a three and four month evaluation, between a 6 to 12 month period, or a 12 month period) will provide the employee with clear direction regarding duties, responsibilities, goals, and productivity requirements with identifiable performance standards.

## **INSTRUCTIONS:**

Listed are a number of factors, which are important in order to achieve success on the job. Place a check (✓) next to the phrase under each factor that best describes the employee being rated. If the factor is especially important for your work unit, or for the employee's assignment, marking "Double-Rate" should indicate this. This will assist the employee in concentrating on these factors.

The comment section should be used for each job factor to explain the appraisal designation. Specific examples of performance should be cited whenever possible.

If the employee has been judged to have successfully completed this probationary period, (s)he will be given permanent Civil Service status in his/her current title. (Any future discipline will be subject to a Civil Service hearing and/or arbitration.)

If, following earlier reviews and counseling sessions, you have concerns about the individual's ability to perform at the required standards, please contact me so that we can discuss this determination.

**If a decision is made to terminate the employee, written notice must be given to the employee at least two (2) weeks prior to the end of their probationary period.**

After each rating area, there is a question regarding an overall employee rating. This rating should be completed by the employee's immediate supervisor. Using the rating key below, describe the employee's performance in each of the listed performance categories, referring to the examples listed in each category that are relevant to the employee's position. **For each category, include specific, detailed examples illustrating your rating.**

- **Greatly exceeds expectations (5):** The employee regularly goes beyond what is normally expected of employees in this job. The employee has mastered the skills needed for the job and is highly motivated to achieve desired objections.

- **Exceeds expectations (4):** The employee's performance meets the defined job expectations and in many instances, exceeds job expectations. Errors are infrequent and typically detected and corrected by the employee before they create a problem. The supervisor is aware that there are areas for improvement, but the employee is performing significantly above the satisfactory level.
- **Meets expectations (3):** The employee meets performance standards expected for employees in this job. The employee is a solid performer who rarely exceeds or falls below performance standards.
- **Partially satisfies expectations (2):** The employee meets some of the job expectations but doesn't fully meet the remainder. The employee is doing the job at a minimal level or is performing less than a good job. The employee's rating must improve at the next review to avoid corrective action or discipline.
- **Fails to meet expectations (1):** The employee consistently fails to meet minimum standards, frequently makes errors, and requires close supervision. The employee must move to the "meets expectations" level at the next review or else face discipline.
- **No basis (N/A):** Insufficient opportunity to observe or not relevant to the job.

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<b>Accuracy/Quality of Work:</b>	<b>Skill and correctness in performing duties.</b>
_____	Makes frequent errors and omissions
_____	Careless; needs to utilize past experience in learning to perform tasks
_____	Usually accurate; learns from previous errors and assignments
_____	Exact and precise most of the time; takes care in performing new duties; is alert to details; concerned with quality of work
_____	Very careful and particular in performance of duties; develops systems for insuring that details are checked and quality of work is high
Double Rated:	
Comments:	
Overall Rating: Does the employee complete all assignments; perform work according to current policies, guidelines and directives; pay attention to detail; produce work that matches expectations; produce work that is organized, presented professionally, thorough, complete, accurate and free of errors. <b>Rate 1-5:</b> _____	

<b>Job Knowledge:</b>	<b>Information concerning work duties, which an employee should know for a satisfactory job performance</b>
_____	Has acquired minimum knowledge of work duties which an employee should know for a satisfactory job performance
_____	Lacks knowledge of some phases of job; does not always seize opportunities to develop or expand knowledge
_____	Moderately informed regarding duties and office activities; asks questions and shows interest in broadening knowledge.
_____	Understands most phases of work presented during the review period and applies knowledge correctly in most situations
_____	Has unusual mastery of many phases of job and department activities; independently continues to search for new topics and learn from previous experience
Double Rated:	
Comments:	
Overall Rating: Does the employee understand Village policies and procedures; have appropriate analytical skills and problem-solving skills; proficient in area(s) of expertise. <b>Rate 1-5:</b> _____	

<b><u>Motivation/Job Attitude:</u></b>		<b>Amount of initiative and interest shown in work; acceptance of responsibility and authority.</b>
_____	Poor attitude; lacks initiative in accomplishing tasks	
_____	Limited interest in setting and achieving goals; disregards instructions and work rules on occasion	
_____	Accepts direction and follows instructions; shows favorable job interest	
_____	Enthusiastic about job; seeks added responsibility and accepts direction	
_____	Responsible, independent worker; extraordinary degree of interest; accepts responsibility and supports authority within department	
Double Rated:		
Comments:		
<p>Overall Rating:</p> <p>Does the employee willingly accept a variety of responsibilities; adapt to new situations in a positive manner; display openness to learning and applying new skills; is resourceful; generally seeks work process improvements. <b>Rate 1-5:</b> _____</p> <p>Does the employee plan work and accomplish tasks effectively and of own accord; act independently while keeping supervisor informed; make constructive suggestions; continually look for ways to improve and promote quality; look for opportunities to take on more responsibility; actively seek performance feedback. <b>Rate 1-5:</b> _____</p>		

<b><u>Stability/Flexibility:</u></b>		<b>Ability to withstand pressure and changes in working conditions, and to remain calm in difficult situations. Ability to adapt to changes in deadlines and assignments.</b>
_____	Very sensitive to office pressure; overreacts to new assignments and deadline changes; spreads personal anxiety to others in office	
_____	Occasionally shows anxiety, especially regarding new duties or changes in working conditions and deadlines	
_____	Has moderate tolerance for crises; usually remains calm in difficult working conditions	
_____	Tolerates most pressure situations; can handle crises and accept changes in deadlines; adapts to new assignments and projects	
_____	Works well under pressure; enjoys solving problems and working through new projects; easily adapts to changes in deadlines and new assignments	
Double Rated:		
Comments:		
<p>Overall Rating: Consistently works well under pressure and can be flexible with changes. <b>Rate 1-5:</b> _____</p>		



<b><u>Dependability:</u></b>	<b>Completion of required jobs with minimum supervision.</b>
_____	Unreliable; needs close supervision and follow-up
_____	Requires some prompting on deadlines, details, and less interesting duties
_____	Usually completes tasks with reasonable promptness; alerts supervisor to problems with work load and time limits
_____	Reliable; requires little supervision or follow-up; alerts supervisor to variations in work load and potential problems
_____	Requires minimum of supervision; alert to overall office operations and works with supervisor to prevent problems and crisis situations
Double Rated:	
Comments:	
Overall Rating: Consistently meets deadlines; is punctual and can be relied on for planning purposes; displays effective planning and organizational skills. <b>Rate 1-5:</b> _____	

<b><u>Quantity of Work/ Organizational Ability:</u></b>	<b>Amount of work accomplished; ability to set task priorities, meet established deadlines, and develop orderly work habits.</b>
_____	Volume unacceptable; frequently behind in work; many tasks left incomplete
_____	Below acceptable standards; completes simple, low priority tasks first; lacks skill in organizing duties
_____	Volume of work satisfactory; can adequately set priorities for assigned tasks
_____	Accomplishes more than minimum; completes assigned tasks on time; has developed good organizational habits
_____	Uses time effectively to allow for changes in priorities and volume of work; strong organizational skills contribute to the accomplishment of an exceptional amount of work
Double Rated:	
Comments:	
Overall Rating: Does the employee manage work volume and meets priority deadlines. <b>Rate 1-5:</b> _____	

<b><u>Relations With Others:</u></b>	<b>Ability to establish and maintain effective working relations; sensitivity to feelings of co-workers and public.</b>
_____	Inconsiderate of others; occasionally antagonistic
_____	Sometimes tactless; some difficulty in working as a team with co-workers
_____	Generally adapts to a variety of work situations; pleasant; works in satisfactory manner with others on team projects
_____	Contributes to good morale; gets along well with others; very cooperative in working with others on joint projects
_____	Promotes good morale; exhibits leadership qualities with other workers
Double Rated:	
Comments:	
Overall Rating: Does the employee have appropriate verbal and written communication skills, including, for example, listening skills and appropriate in communications with co-workers and the public. <b>Rate 1-5:</b> _____	
Overall Rating: Works well with others to achieve Department goals; accepts constructive criticism; reacts positively to instructions and procedures; effectively resolves conflict. <b>Rate 1-5:</b> _____	

<b><u>Leadership/Supervisory Skills:</u></b>	<b>(If appropriate) Ability to plan, direct, and review the work of other employees; contribution to smooth operation of department.</b>
_____	Fails to accept responsibility for problems within unit; shows little interest in planning and directing work activities
_____	Attempts to plan and direct work flow, but falls short of satisfactory performance; permits problems to recur without corrective action
_____	Assists in planning work activities, and satisfactorily reviews assignments of employees
_____	Initiates new procedures to improve operations of units; utilizes assigned personnel effectively
_____	Shows unusual interest in developing an efficient and effective work unit; continually works to improve employee skills and increase output of unit
Double Rated:	
Comments:	
Overall Rating: Provides clear direction and purpose; models ethical workplace behavior; sets clear goals; empowers co-workers to achieve objectives; displays effective decision-making skills. <b>Rate 1-5:</b> _____	

<b><u>Appearance:</u></b>	<b>Are the employee's appearance and grooming appropriate for position and work location?</b>
Overall Rating: Does the employee have a professional demeanor; maintain professional appearance appropriate to the job; exhibits sound judgment; maintains a high level of character and professional attitude; has positive relationships with managers. <b>Rate 1-5:</b> _____	

<b><u>Attendance:</u></b>	<b>Is the employee's overall attendance acceptable? Does employee maintain the established working hours for the unit? Does employee give sufficient notice when requesting sick time for appointments, or when requesting vacation?</b>

**Overall Evaluation:**

- \_\_\_\_\_ Unsatisfactory
- \_\_\_\_\_ Substandard, but making progress
- \_\_\_\_\_ Satisfactory, but with areas requiring attention
- \_\_\_\_\_ Performs above satisfactory
- \_\_\_\_\_ Outstanding

<b>Comments:</b>

<b><u>Comments/Recommendations:</u></b>
Are employee's skills and abilities best suited to the present job classification?
Has employee demonstrated growth and a readiness for greater responsibility?
Supervisor, what are your recommendations for (1) training, and (2) specific goals and projects for the coming year?
Is a Performance Improvement Plan (PIP) needed? If so, when?

The following section should be completed by the supervisor with the employee's input during the performance review meeting.

<b><u>Goals</u></b>

<b><u>Training and Development Needs</u></b>

<b><u>Employee Comments:</u></b>	<b><u>To be completed by Employee</u></b>
What are your overall comments on this appraisal? What suggestions do you have for further developing your work skills and employee growth and improvement? (Relate to supervisor's comments, if appropriate.)	

By signing this form, you confirm that you have discussed this review in detail with your supervisor. Signing this form does not necessarily indicate that you agree with this evaluation.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

Approved By: \_\_\_\_\_

\_\_\_\_\_  
Date

# **EMPLOYEE HANDBOOK**

## **APPENDIX C**

**Subject to Approval**

# VILLAGE OF MUTTONTOWN PERFORMANCE IMPROVEMENT PLAN

**Employee:**

**Title:**

**Date:**

The Village of Muttontown desires to have a well-trained, skilled workforce. This Performance Improvement Plan has been developed to identify performance concerns that are in need of attention. Failure to meet minimum performance/behavior expectations will result in a follow-up review at a time determined by the Department Head and so noted on this form. If no improvement, or insufficient improvement is made during a review period, or if other performance/behavior deficiencies develop, the Village of Muttontown reserves the right to follow appropriate measures for disciplinary action, including possible termination.

**Performance and/or behavior are below expectations and require improvement in the specific areas listed here.**

**THE EMPLOYEE IS NOW UNDER REVIEW (circle one)**

**YES**

**NO**

For a minimum period of days (not less than 90 days): \_\_\_\_\_

**The employee is responsible for taking the following Performance Improvement actions/goals:**

**The Department Head is responsible for the following actions to support the employee's efforts:**

**Method to measure Employee's progress in meeting goals:**

DEPARTMENT HEAD SIGNATURE: _____
Employee's Comments:
I have read and been given a copy of this Performance Improvement Plan.
EMPLOYEE'S SIGNATURE: _____
UNION REPRESENTATIVE SIGNATURE: _____
HUMAN RESOURCE PERSONNEL SIGNATURE: _____

Subject to Approval



# **EMPLOYEE HANDBOOK**

## **APPENDIX D**

**Subject to Approval**



Names of supervisor(s) and/or manager(s) with knowledge of the workplace performance issue and name of any witnesses to the incident (Please take written statements from each and every witness and attach to this document):		
Names of those in attendance at the current counseling or disciplinary meeting where this form is being issued (including Union representative, where applicable):		
Counseling Measure or Discipline Imposed:		
<input type="checkbox"/> Verbal Counseling	<input type="checkbox"/> Verbal Warning	<input type="checkbox"/> Written Counseling
<input type="checkbox"/> Written Warning		<input type="checkbox"/> Suspension
<input type="checkbox"/> Notice of Possible Termination	<input type="checkbox"/> Termination or Unpaid Administrative Leave Pending Termination	<input type="checkbox"/> Other (describe below)
If Suspension, period begins _____ and ends _____		
If Unpaid Administrative Leave Pending Termination, period begins _____		
Possible consequences for failure to improve performance or correct behavior:		
Relevant prior discussions with this employee or prior discipline, whether oral or written (include date):		



# **EMPLOYEE HANDBOOK**

## **APPENDIX E**

**Subject to Approval**

# VILLAGE OF MUTTONTOWN COMPLAINT FORM FOR REPORTING HARASSMENT, DISCRIMINATION, AND/OR RETALIATION

## COMPLAINANT INFORMATION:

Name:	
Home Address:	Work Address:
Home Phone:	Work Phone:
Cell Phone:	Email:
Preferred Communication Method:	

## SUPERVISORY INFORMATION:

Immediate Supervisor's Name:	
Title:	
Work Phone:	Work Address:

## COMPLAINT INFORMATION:

Your complaint of harassment is made against:	
Name: _____	Title: _____
Work Phone:	Work Address:
Relationship to you:   Supervisor   Subordinate   Co-Worker   Other   (please circle one)	
If other, please describe:	

Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is discrimination, harassment, and/or retaliation. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

Date(s) discrimination, harassment, and/or retaliation occurred:
Is the discrimination, harassment, and/or retaliation continuing? Yes No (please circle one)
Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:
Have you previously complained or provided information (verbal or written) about discrimination, harassment, and/or retaliation at the Village? If yes, when and to whom did you complain or provide information?
<i>I request that the Village investigate this complaint in a timely and confidential manner as outlined above, and advise me of the results of the investigation.</i>
<div> <div>Signature: _____</div> <div>Date: _____</div> </div>

# **EMPLOYEE HANDBOOK**

## **APPENDIX F**

**Subject to Approval**



## **Village of Muttontown Workplace Violence Prevention Policy Statement**

The Village of Muttontown is committed to providing a safe and secure workplace that is free of violence. Violence is a substantial contributor to occupational injury and death on the job. The Village has zero tolerance of any type of workplace violence committed either by an employee or against an employee. Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. Employees engaging in violent conduct of any nature will be subject to immediate disciplinary action, up to and including termination of employment.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment. Workplace violence may include but is not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or 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. Workplace violence can affect or involve employees, constituents, visitors, contractors and other non-Town employees.

This policy is designed to meet the requirement of NYS Labor Law Article 2 §27b. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which Village employees could be exposed. Authorized Employee Representatives will, at a minimum, be involved in:

- Evaluating the physical environment,
- Developing the Workplace Violence Prevention Program; and
- Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees bear the responsibility to promptly report any violent incidents and/or threatening behaviors, including threats they have witnessed, received or have been told that another person has witnessed or received. Incidents should be reported to any supervisor, the Personnel Department, or the Village Mayor. Retaliation against employees reporting incidents of violence or participating in the investigation of incidents of violence will not be tolerated.

Please contact the Village Clerk with any questions you may have regarding this policy.

# **WORKPLACE VIOLENCE PREVENTION PROGRAM COMMON RISK FACTORS AND PREVENTION STRATEGIES**

## **Risk Factors**

A number of factors may increase an employee's risk for workplace violence, such as:

- Contact with the Public - physical separation of employees from the public through the use of barriers and counters is an important consideration in protecting employees; use of electronic monitoring; frequent change of Keypad Codes; proper storage of personal items — i.e.: handbags, briefcases, laptop computers.
- Exchange of money - compliance with money handling/storage procedures as set forth by the Village Finance Department.
- Delivery of services - use of protective equipment; cell phones/two-way radios; ability to diffuse a volatile situation, or know when to walk away or call for assistance.
- Use of a mobile workplace (i.e.: Village vehicle) — keep doors locked at all times, never leave vehicle running while unattended; know where you are going — map or outline of route. Vary your routine if you have a daily schedule.
- Working with unstable or volatile persons in criminal justice settings — protective barriers, panic alarms, and security personnel.
- Working alone or in small numbers - notification to supervisory personnel when you are working alone; properly secured doors and windows; walking to and from the building with a “buddy”; use of a departmental “In/Out” board.
- Working late at night or during early morning hours - proper visibility and the use of lighting will decrease the risk of workplace assault; notification to supervisory personnel.
- Working in high crime areas - know your environment, location of nearest “safe haven” (police station, fire station, etc.);
- Guarding property or possessions - make sure location and property is properly secured; proper protective equipment.

## **Identified High Risk Areas**

The following areas have been deemed as “high risk”:

## **Employee Training**

In an effort to increase awareness of the signs and effects of workplace violence and the importance of reporting workplace violence, the Village of Muttontown will provide training to all employees.

At the initial time of hire and annually thereafter, department heads will conduct training that will include: the requirements of the workplace violence regulations and the risk factors that were identified in the risk evaluation; measures that employees can take to protect themselves from the identified risks; and the location of the written program and how to obtain a copy. It is the responsibility of the department head to ensure that all department employees have received training.

After each training, the department head will create a record indicating the date the training occurred and the names of all employees participating in the training. The training record will then be forwarded to the Personnel Department.

### **Reporting Serious Violations**

In the event an employee believes there is a serious violation of the Village's workplace violence policy or an imminent danger otherwise exists the matter should be reported to the employee's supervisor by completing a Workplace Violence Incident Report (see attached). All reported incidents will be investigated promptly and thoroughly.

### **Program Review**

The Village's Workplace Violence Prevention Program will be reviewed annually. Authorized employee representatives will work with Village officials to identify trends and evaluate mitigation efforts in response to reported incidents. The annual review will also assess any changes to the physical environment that may eliminate or add an identified high risk area.

Subject to Approval

# **EMPLOYEE HANDBOOK**

## **APPENDIX F**

### **ADDENDUM F-1**

**Subject to Approval**

## Village of Muttontown Workplace Violence Incident Report

Date of Incident:	
Time of day/shift when incident occurred:	
Workplace location where incident occurred:	
Detailed description of the incident:	
Name of harmed employee:	
Name of employee reporting the incident:	
Names and job titles of involved employees:	
Name or other identifier of involved non-employees:	
Nature and extent of injuries arising from the incident:	
Names of witnesses:	
Events leading up to the incident and how the incident ended:	

### Report Submission

Print name of person receiving report:
Signature of person receiving report:
Date report received:

*Please use reverse side if more space is needed.*

Note: If the case is a privacy concern case, remove the name of the harmed employee and enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name. Privacy concern cases include cases involving: injury or illness to an intimate body part or the reproductive system; injury or illness resulting from a sexual assault; mental illness; HIV infection; needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

#### **ACKNOWLEDGEMENT OF RECEIPT**

##### **Village of Muttontown Workplace Violence Prevention Policy**

I have received a copy of the Village of Muttontown Workplace Violence Prevention Policy.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Subject to Approval

# **EMPLOYEE HANDBOOK**

## **APPENDIX G**

**Subject to Approval**

## VILLAGE OF MUTTONTOWN WORKPLACE INJURY, ILLNESS, OR INCIDENT FORM

Immediately after you receive information that a work related injury, illness, or incident has occurred, this form is one of the first forms you must fill out. This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Employee Name:	
Date of this report:	
Date of injury/illness/incident:	
Time of occurrence:	
Site/weather conditions:	
Equipment #:	
Personal protection, equipment used:	
Location where injury/illness/incident occurred:	
Did the incident involve a Village vehicle:	
Employer Supervisor:	
Were there witnesses to injury/illness/incident:	
Names of witnesses:	
What was the employee doing when the incident occurred:	
Detailed description of the incident (attach picture or sketch of accident site if possible):	
Description of accident site (terrain, condition, etc.):	
Specific body part(s) and nature of injury/illness/incident:	



Was an object or substance involved in the injury/illness/incident:
Lost time anticipated:
Did employee receive medical treatment:
If yes: Onsite _____ OR Other (where)
Employee comments:

Subject to Approval

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_

Date \_\_\_\_\_

# **EMPLOYEE HANDBOOK**

## **APPENDIX H**

**Subject to Approval**

# **VILLAGE OF MUTTONTOWN BACKGROUND CHECK POLICY AND AUTHORIZATION FORM**

## ***Pre-Employment Background Investigation Policy***

### **PURPOSE**

This document outlines the Village of Muttontown's policy and procedure for background investigations of job applicants and/or current employees.

### **COVERED EMPLOYEES**

The Village may conduct background checks on job applicants and/or current employees. These checks include: Consumer Credit Report checks; Criminal Conviction History checks; Employment Reference checks; and Drivers' License checks.

Each particular kind of background check is discussed below.

### **Consumer Credit Report Checks**

The Village may obtain consumer credit reports for job applicants applying for sensitive positions. These include positions involving interactions with children, security, and financial responsibilities. These background checks may be conducted by a third-party Credit Reporting Agency ("CRA") or by the Village. The type of information that can be collected by such an agency or the Village includes, but is not limited to, information pertaining to an individual's past employment; education; character; finances; credit; reputation; and other similar items. Information obtained from a CRA shall be collected in accord with the state and federal Fair Credit Reporting Acts ("FCRA").

### **POSITIONS SUBJECT TO CONSUMER CREDIT REPORTS:**

The Village may obtain consumer credit reports for applicants who apply for any positions in the following departments but may extend to all positions and departments:

- Finance Department
- Town Clerk's Department
- Parks and Recreation; full-time employees and contract instructors
- Elected Officials
- Information Technology Department
- Assessor's Department
- Department Head Positions
- Town Hall positions
- Court positions
- Any other position as determined by the Village Mayor and or the Personnel Director.

### **PROCEDURES FOR OBTAINING CONSUMER CREDIT REPORTS:**

The Village will:

- Obtain a candidate's written authorization before obtaining a consumer credit report and will also:
- Inform the individual of his or her right to request additional information on the nature of the report and the means through which such information may be obtained;

- Inform the applicant that the report will include information about the individuals' character, general reputation, personal characteristics, etc.;
- Provide the individual with a summary of his or her rights under the FCRA;
- If the results of the credit check indicate issues detrimental to the applicant's employment with the Village, the Village will inform the applicant that it will decline to hire (i.e., take "adverse action" against) the individual based on the information provided in the report. The Village will provide the applicant with a copy of the report, along with a copy of "Summary of Your Rights Under the FCRA" before taking any adverse action, and advise the applicant of their rights to dispute inaccurate information. Applicants will be granted reasonable time to contest the information.

### **Criminal Conviction History Checks**

All persons applying for employment with the Village must truthfully disclose the existence of any conviction for any violation of law other than a minor traffic violation. Applicants must disclose such convictions on the "Employment/Civil Service Exam Application" and may provide the Village with a written description using the "Explanation and Consent Form."

The information derived from these criminal conviction checks shall be weighed in accord with state and federal law, including New York State Correction Law Article 23-a.

The existence of a conviction and/or removal from employment does not represent an automatic bar to employment, however: false, misleading or incomplete statements on the application or accompanying papers may bar employment with the Village. Similarly, if a conviction was not disclosed and it is discovered later, it may result in termination from employment at any time.

Applicants who receive a conditional offer of employment with the Village shall undergo a pre-employment criminal conviction check. Former Village employees who seek re-employment with the Village and obtain a conditional offer of employment are also subject to a pre-employment criminal conviction check.

No individual in a position deemed to be sensitive by the Village Board who receives a conditional offer of employment may begin work for the Village until the pre-employment criminal conviction check is completed, as the investigation may disclose information that may disqualify the candidate from further consideration.

Special circumstances may, on occasion, require an applicant to start work before all pre-employment criminal conviction checks are completed. Such exceptions may only occur with prior written approval from the Village Supervisor.

Prior convictions may be a significant factor in the hiring decision if the conviction has a direct relationship to the specific employment sought or if the employment would involve an unreasonable risk to property or to the safety or welfare of the general public or specific individuals. The Village will follow New York State Correction Law, Article 23-a, to determine if a candidate with a conviction is unsuitable for employment.

### **PROCEDURES FOR CRIMINAL CONVICTION HISTORY CHECKS:**

Upon initial application for employment, all applicants will receive an authorization form related to the applicant's criminal conviction history. Applicants' signature on these forms shall authorize the Village to conduct a pre-employment criminal conviction check to determine suitability for employment.

Applicants will be informed that false statements on their employment application may disqualify them from employment, or, if a false statement is discovered after employment, that it may result in termination of employment.

If an applicant discloses a conviction, they will be given the opportunity to provide the Village with a written explanation of the circumstances which led to the conviction, including the nature of the incident, the penalty imposed, the length of time elapsed since conviction, age at time of offense and any rehabilitative efforts undertaken.

Applicants who receive a conditional offer of employment will be informed of the requirement of a criminal conviction check. **The issuance of a conditional offer of employment does not constitute a finding that a candidate is suitable for employment.**

The results of the criminal conviction check will be received by the Personnel Director.

- If the investigation indicates there are no convictions, the Personnel Director will inform the Village Supervisor that the candidate is suitable for employment.
- If the investigation reveals convictions, the Personnel Director will forward the job application, job description, conviction/removal discharge documents to the Village Supervisor for review. Access to the results of the background investigation, associated paperwork, etc., shall be limited to the Personnel Director, attorneys, and the Village Supervisor and/or his designee(s). The Village Supervisor, and/or the Supervisor's designee, will review the job application, job description, other pertinent information, to determine the applicant's suitability for employment. Such review will consider whether there is a direct relationship between the conviction and the specific employment sought, and, whether the employment sought would constitute an unreasonable risk to property or the safety or welfare of the general public. The final approval or rescission of a conditional offer of employment on the basis of past criminal convictions shall be decided by the Village Board.

If the candidate is suitable for employment, the Village Supervisor and/or Personnel Director will inform the department where the applicant will be employed to proceed with the hiring process. The results of the background investigation will not be shared with the department hiring the applicant.

If the candidate is NOT suitable for employment, the Village Supervisor and/or Personnel Director will inform the relevant department that a letter is being sent to the candidate rescinding the conditional offer of employment due to the results of the background investigation.

At the written request of a candidate who is denied an offer of employment, the Village shall provide a written statement to the candidate within 30 days regarding the reasons for the denial of employment.

Information obtained from any background check, including criminal conviction checks, will only be used as part of the employment process and will be kept strictly confidential.

### **Employment Reference Checks**

Employment Reference Checks help the Village obtain additional applicant-related information to determine the applicant's suitability for employment with the Village. As part of this process,

each applicant must submit at least three professional references to be considered for employment at the Village. Applicants will be asked to provide each reference's name, telephone number, and address.

Employment Reference checks are conducted for every job applicant, regardless of the position for which they are applying. This process is conducted to verify the accuracy of the information provided by the applicant. Examples include: checks of past employment, education, and job-related accomplishments.

The Village will ensure that all reference checks are conducted in compliance with all federal and state statutes, such as the Fair Credit Reporting Act and Americans With Disabilities Act.

Once a decision has been made to hire an applicant, the applicant will receive a conditional offer of employment letter. The letter will note that the applicant's employment is conditional upon passing an Employment Reference Check, along with other background checks.

Information attained from the reference check process will only be used as part of the employment process and will be kept strictly confidential.

### **Driver's License Checks**

Driver's License Checks will be performed on all applicants after a conditional offer of employment has been made and annually thereafter for all employees who have been approved to operate Village vehicles.

The Village will check the motor vehicle records of any job applicant where driving is an essential job function and/or where a rental car may need to be obtained for business travel purposes. Like other background checks described in this policy, an applicant's conditional job offer is contingent upon passing this check. The driving record check will include review of any appropriate state records based on the employee's application and résumé. If the applicant does not have a valid driver's license, and driving is an essential job function for the position applied for, the applicant will not be hired. Further, if an applicant has a driving record that falls under the criteria listed under the Unacceptable Status (defined below), the applicant will not be hired.

Applicants and employees will be subject to the status classification system listed below.

- Satisfactory - Eligible to Drive. Driving record reflects less than or equal to: one (1) moving violation in 12 months.
- Probationary - Eligible to Drive, with the stipulation that the individual's motor vehicle record will be checked periodically over the period of probation and their driving record reflects greater than the criteria for Satisfactory status or equal to two (2) moving violations in past 24 months.
- Unacceptable – If driving may constitute a job requirement of an applicant's desired employment, the applicants may not be hired if their driving record reflects any of the following:
  - suspended or revoked license;
  - three (3) or more moving violations in the past 36 months;
  - one (1) or more DUI/DWI within the past 24 months;
  - at-fault in a fatal accident within the past 5 year;
  - leaving the scene of an accident within the past 36 months;

- reckless driving conviction within the past 12 months.

The Village will also check the motor vehicle records for all current employees who have been approved to operate Village vehicles on an annual basis. Any employee without a valid driver's license will not be allowed to operate a Village vehicle or drive on Village business. If driving is an essential job function, and the employee cannot obtain a driver's license, the Village will evaluate the employee's continued employment status, but termination from employment should be expected. If an existing employee has a valid driver's license, and the employee's driving record meets or exceeds Probationary Status criteria, the employee will be placed on Probationary Status and will be subjected to the requirements of that status until the end of the probation. If during a subsequent periodic motor vehicle record check, the employees' record indicates further violations, the Village will review the specific circumstances surrounding the individual and determine appropriate action.

Subject to Approval

## **VILLAGE OF MUTTONTOWN FAIR CREDIT REPORTING ACT DISCLOSURE**

In connection with your application for employment with the Village of Muttontown ("Town"), please be aware that the Village may request "consumer reports" and/or "investigative consumer reports" (collectively "Background Check Reports") on you pursuant to the federal Fair Credit Reporting Act and the New York State Fair Credit Reporting Act. These Background Check Reports may be obtained at any time after Glazer Properties receives authorization from you, including any time during the period of your employment if you are hired by the Village.

Background Check Reports may be obtained by the Village from a consumer reporting agency. Any such Background Check Reports may contain information bearing on your character, general reputation, personal characteristics, mode of living and credit standing.

The types of information that may be obtained include but are not limited to: credit reports, social security number verification, criminal records checks, public court records checks, driving records checks, educational records checks, verification of employment positions held, workers compensation records, personal and professional references checks, licensing and certification checks, etc.

The information contained in these Background Reports may be obtained from private and/or public record sources, including sources identified by you in your employment application or through interviews or correspondence with your past or present coworkers, neighbors, friends, associates, current or former employers, educational institutions or other acquaintances. The nature and scope of any investigative consumer reports that may be requested is explained above.

You have the right to request information from the Village about the nature and scope of any investigative consumer report that is requested by the Village. Such request must be made in writing and within a reasonable period of time after you receive this disclosure.

A summary of your rights under the federal Fair Credit Reporting Act and a copy of New York State Correction Law Article 23-A is provided to you with this disclosure.



**VILLAGE OF MUTTONTOWN  
FAIR CREDIT REPORTING ACT AUTHORIZATION**

I acknowledge that the Village of Muttontown ("Town") has provided me with 1) a summary of my rights under the Fair Credit Reporting Act in a form issued by the Federal Trade Commission and entitled "Summary of Your Rights Under the Fair Credit Reporting Act"; and 2) a copy of New York State Correction Law Article 23-A. I have also reviewed the additional state law disclosure information for New York as follows: **You have the right, upon written request, to be informed of whether or not a consumer report was requested. If a consumer report is requested, you will be provided with the name and address of the consumer reporting agency furnishing the report pursuant to New York General Business Law § 380-c.**

By my signature below, I expressly authorize the Village to perform or contract to perform a Background Check Report(s) on me in conjunction with my employment application. I understand that if the Village hires me, my consent will apply throughout my employment to the extent permitted by law, unless I revoke or cancel my consent by sending a signed letter or statement to the Village.

I understand that, to the extent allowed by law, information contained in my employment application or otherwise disclosed by me before, during or after my employment, if any, may be utilized for the purpose of obtaining Background Check Reports.

By my signature below, I also authorize the disclosure to the Village of information concerning my employment history, earning history, education, credit history, credit capacity and credit standing, motor vehicle history and standing, criminal history, and all other information the Village deems pertinent by any individual, corporation or other private or public entity, including without limitation the following: prior or current employers; learning institutions; including colleges and universities; law enforcement agencies; federal, state and local courts; the military; credit bureaus; motor vehicle records agencies; and other applicable sources.

I further acknowledge that a telephone facsimile (FAX) or photographic copy of this authorization will be as valid as the original.

**I understand that any false statements or deliberate omissions on this document or my employment application may be grounds for disqualification from consideration for employment or, if discovered after I any employment begins, could result in discipline up to and including my termination of employment.**

☐ I have read the Background Disclosure and Authorization form and understand my rights.

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

TYPE OF BUSINESS:	CONTACT:
1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates  b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552  b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:  a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks  b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.  c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations  d. Federal Credit Unions	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050  b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480  c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106  d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W.

	Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 1 00 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357

Subject to Approval

# NEW YORK CORRECTION LAW

## ARTICLE 23-A LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

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§750. **Definitions.** For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. **Applicability.** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not

been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

**§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.**

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

**§753. Factors to be considered concerning a previous criminal conviction; presumption.**

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

**§754. Written statement upon denial of license or employment.**

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§755. Enforcement.**

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.
2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

Subject to Approval



# **EMPLOYEE HANDBOOK**

## **APPENDIX I**

**Subject to Approval**

# **VILLAGE OF MUTTONTOWN BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN**

The Village of Muttontown is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens.

## **PROGRAM ADMINISTRATION**

Working with Department Heads, the Personnel Department is responsible for implementation of the ECP. The Personnel Department will maintain, review, and update the ECP whenever necessary.

Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.

Department Heads will provide and maintain all necessary personal protective equipment (PPE) and other controls that they determine to be necessary. Department Heads will also be responsible for ensuring that all medical actions required are performed.

## **METHODS OF IMPLEMENTATION AND CONTROL**

### **Universal Precautions:**

- All employees will utilize universal precautions.

### **Personal Protective Equipment (PPE):**

- PPE is provided to our employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by Department Heads as deemed necessary. The types of PPE available to employees may be: gloves, eye protection, etc.

### **All employees using PPE must observe the following precautions:**

- Wash hands immediately or as soon as feasible after removing gloves or other PPE.
- Remove PPE after it becomes contaminated and before leaving the work area.
- Used PPE may be disposed of in appropriate containers.
- Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- Never wash or decontaminate disposable gloves for reuse.
- Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.

## **Housekeeping**

- Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled and closed prior to removal to prevent spillage or protrusion of contents during handling.
- Bins and pails used for this purpose are cleaned and decontaminated as soon as feasible after visible contamination.
- Broken glassware that may be contaminated is only picked up using mechanical means, such as a brush and dustpan.

## **POST-EXPOSURE EVALUATION AND FOLLOW-UP**

- Should an exposure incident occur, contact your Department Head or the Personnel Department immediately. An immediately available medical evaluation and follow-up may be conducted by your provider or a provider selected by the Village, but typically employees will be sent to an Emergency Room. Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:
- Document the routes of exposure and how the exposure occurred using the **Employee Injury Report Form**.
- Identify and document the source individual (unless the employer can establish that identification is infeasible or prohibited by state or local law).
- Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV, and HBV infectivity; document that the source individual's test results were conveyed to the employee's health care provider.
- If the source individual is already known to be HIV, HCV and/or HBV positive, new testing need not be performed.
- Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).
- After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV and HIV serological status.
- If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.

## **PROCEDURES FOR EVALUATING THE CIRCUMSTANCES SURROUNDING AN EXPOSURE INCIDENT**

The Personnel Department will review the circumstances of all exposure incidents to determine:

- controls in use at the time
- work practices followed
- a description of the device being used (including type and brand)
- protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
- location of the incident
- work being performed when the incident occurred
- employee's training

## EMPLOYEE TRAINING

All employees who have occupational exposure to bloodborne pathogens will receive training conducted by the Department Head. This will include training on the epidemiology, symptoms, and transmission of bloodborne pathogen diseases.

In addition, the training program covers, at a minimum, the following elements:

- an explanation of our ECP and how to obtain a cop;
- an explanation of methods to recognize tasks and other activities that may involve exposure to blood; and OPIM, including what constitutes an exposure incident an explanation of the use and limitations of controls, work practices and PPE;
- an explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE;
- an explanation of the basis for PPE selection;
- information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
- an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.

Subject to Approval

# **EMPLOYEE HANDBOOK**

## **APPENDIX J**

**Subject to Approval**

## **FAQ: Public Employee Rights After Janus**

**Applicability of this FAQ:** This FAQ applies to the employees of the Village of Muttontown who are in bargaining units represented by labor unions.

**Purpose of the FAQ:** The purpose of this FAQ is to answer any questions employees may have relating to the impact of the United States Supreme Court's ruling in *Janus v. American Federation of State, Village, and Municipal Employees, Council 31* (referred to as the "Janus" decision or "Janus"). In addition, New York recently amended the Civil Service Law to address some of the anticipated effects of the Janus decision. This notice is intended to address questions regarding the effects of the Janus decision and amendments to the Civil Service Law. It should be noted that the materials below provide an overview of the known practical effects at this point, but not all issues have been resolved.

### **1. What is the Janus decision about?**

In the Janus decision, the United States Supreme Court concluded that *it is unlawful for a public sector union to take money from a public sector employee if the employee has not voluntarily and affirmatively agreed to pay the union dues*. Prior to the Janus decision, public sector unions could not legally charge non-union members for full union dues, but non-members could be required as a condition of employment to pay an "agency fee" to cover the costs to negotiate and administer the collective bargaining agreement (which was typically nearly as much as the cost of membership in the union).

### **2. What are union dues?**

Union dues are a regular payment of money made by members of unions. The dues are deducted automatically out of an employee's bi-weekly paycheck. The union sets the amount of the dues. Dues payments have nothing to do with the Village or your job at the Village, nor are dues or union membership in any way required by the Village. Dues are the cost of membership; they are used to fund the various activities which the union engages in. All of the unions representing Village employees require their members to pay dues. If you agree to pay union dues, the union requires the Village to deduct the dues from your paycheck in each payroll. Village payroll is bi-weekly.

### **3. What is an agency fee?**

An agency fee is a sum of money that an employee who chooses not to be a dues-paying member of a union pays to a union for activities related to the union's obligations as collective bargaining representative, such as negotiating contracts and representing employees in grievances and arbitrations.

### **4. What does the Janus decision mean for public employees?**

The Supreme Court has now ruled that government employees who are affiliated with a union and who do not wish to belong to that union cannot be required to pay an agency fee unless the employee affirmatively consents to pay the union. The decision took effect June 27, 2018.

Previously, unions could not legally charge non-union members the full union dues, because the full dues amount includes the costs for union political activity, such as campaign support and political lobbying; any such charge would have violated the employee's First Amendment rights. However, non-members could be required to pay agency fees. In Janus, the Court concluded that the unions violate the First Amendment when they take any money from nonconsenting employees.

The Janus decision makes it unlawful for public sector employers or unions to require that an employee who is not a voluntary dues paying union member to pay an agency fee to a union as a condition of obtaining employment or continued employment. This means that neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to such a payment.

**5. What must an employee do to have voluntarily and affirmatively agreed to pay the union dues?**

New York law requires that such an agreement to collect dues be set forth on a dues deduction authorization card that the union must have an employee sign if the union wants union representation and then the union must provide this card to the employer. A public employer like the Village may only deduct union dues from an employee's paycheck when the Village has a copy of a signed union dues authorization card on file for the employee.

**6. What is the difference between a bargaining unit employee and a union member?**

A bargaining unit is a grouping or classification of employees that a union represents as the exclusive bargaining representative. A collective bargaining agreement defines which positions or classifications are part of the bargaining unit. Union members are members of the bargaining unit who choose to join and/or support the union that is the exclusive bargaining representative.

**7. Do New York employees still have the right to participate or refrain from participating in union activities?**

Yes. The Janus decision does not affect the right to participate or refrain from participating in union activity. The law specifically states that employees have either right—refrain from participation or participation. Accordingly, a union or an employer cannot force an employee to join a union, for example. If you refrain from joining you may not be required to pay dues or agency fees to the union. However, unions may still require members to pay dues, but non-members may no longer be required to pay any money to the union as a condition of employment. The Taylor Law still prohibits employers and unions from coercing or interfering with an employee's choice to participate in union activity. This includes the choice to engage in organizing activity, join a union, pay membership dues, or refrain from participating in any union activity. Employees cannot be discriminated against by the employer or the union for exercising their rights.

**8. When can the Village deduct membership dues from an employee's wages?**

Under the Janus decision, agency shop arrangements contained in collective bargaining agreements are invalidated. The Village cannot make deductions for employees that have not provided authorization. Civil Service Law § 208 requires unions to provide proof that a

deduction authorization has been executed in a format permitted by article three of the state technology law. For existing employees, if the union has already provided proof of deduction authorizations prior to the Janus decision, there is no need to provide additional information.

Under the amended Taylor Law, deduction authorizations will remain in effect unless the employment relationship is terminated or the authorization is revoked by the employee in accordance with the terms of the authorization. However, according to newly amended State law, a deduction authorization will automatically renew if an employee leaves without revoking the authorization, and becomes employed by the Village again with one year in a position represented by the same union. As such, if you do not want to have the pay deduction continued you must revoke the authorization in accordance with the union's rules.

**9. If I want to stop paying dues, how can I find out what the union's rules are for withdrawing union dues deduction authorization?**

The Village is not privy to the union rules or procedures. The union is a completely separate and independent business operation. Employees may want to find out what the union's revocation rules are before signing an authorization card. In any event, you should inquire with the union offering you the authorization card for the union's dues deduction revocation rules.

**10. Do unions still have an obligation to represent non-members within the bargaining unit?**

Yes. The terms of collective bargaining agreements still apply to all employees within the bargaining unit, regardless of whether they are members of the union. **Unions are still required to fairly represent all employees in the bargaining unit when negotiating and enforcing collective bargaining agreements.** However, under the laws recently amended by the State, unions are allowed to limit representation services in certain circumstances. Specifically, as long as the non-member employee is allowed to proceed without union representation or retain private representation, the union is not required to provide representation (1) during questioning by the employer, (2) during a statutory or administrative proceeding or to enforce statutory or regulatory rights, or (3) in any stage of a grievance, arbitration, or contractual process concerning evaluation or discipline of the employee.



# **EMPLOYEE HANDBOOK**

## **APPENDIX K**

**Subject to Approval**

## 2019 Health Insurance Declination/Waiver/Opt-Out of Group Coverage

The Village of Muttontown (the "Village") offers financial support for eligible employees who participate in the health insurance plans offered. For 2019, the Village will continue to offer a financial payment for those employees who choose not to participate in the health insurance plans offered during this plan year. This payment will constitute taxable wages since it is an increase in your annual compensation. This opt-out money does not constitute a health plan or a health arrangement of any kind.

### Details of this benefit:

The opt-out payment is available to all regular employees to whom health insurance is offered. It is not available to temporary, contract, per diem or part-time employees budgeted at fewer than 20 hours per week (unless those employees become eligible pursuant to the Affordable Care Act offer requirements). The benefit will be pro-rated for new hires and part-time employees (who are benefit eligible) based on FTE as of November 1, 2019 according to the number of months eligible for health insurance. Payments will be made annually after November 1, 2019. If an employee who opts-out needs to add coverage prior to November 1, 2019 because of a qualifying event, the opt-out credit will not be paid. Employees separating before November 1, 2019 will not receive the benefit.

EMPLOYEES MAY NOT PARTICIPATE IN THE OPT-OUT PROGRAM WITHOUT OBTAINING QUALIFYING COVERAGE ELSEWHERE. HOWEVER, EMPLOYEES RECEIVING EXCHANGE (such as the New York State of Health/New York Health Insurance Exchange, the federal exchange, or any other state's exchange) OR INDIVIDUAL MARKET COVERAGE SHALL BE INELIGIBLE FOR THE OPT-OUT PAYMENT.

By signing this form, you certify and attest that you and all of your dependents for tax purposes will have qualifying alternative health coverage which is not through a health insurance exchange or individual market source during 2019.

### Please check one:

- ☐ I waive my employer's group health insurance coverage for myself and my dependents (if any).
- ☐ I am enrolling in my employer's group health insurance coverage, but I am waiving coverage for my dependents.

**Reason for Waiving Coverage - please check one to certify that you have one or more of the following alternative forms of coverage in place for the plan year covered by this form:**

- ☐ Covered through spouse's employer; or ☐ Covered through a parent's employer; or ☐ COBRA

Employer Name: \_\_\_\_\_ Insurance Company / Policy Number: \_\_\_\_\_

- ☐ Non-COBRA coverage through a former employer \_\_\_\_\_

☐ Exchange Coverage - such as the New York State of Health/New York Health Insurance Exchange, the federal exchange, or any other state's exchange. (If you check this box you are not eligible for the opt-out payment.)

☐ Individual Market Coverage (If you check this box you are not eligible for the opt-out payment.)

☐ Other reason (explain): \_\_\_\_\_

By my signature below, I hereby certify, attest, and swear to the following:

1. Before receiving the opt-out payment, my employer has required me to provide proof that each member of my family and/or all dependents (for tax purposes) have minimum essential coverage for every calendar month of the health plan year or the calendar year, if different than the health plan year.

2. I understand that my employer will not provide me with an opt-out payment if it knows or has reason to know that either myself or my dependent(s) will not be enrolled in minimum essential coverage.

BY SIGNING THIS FORM, I ACKNOWLEDGE THAT I HAVE BEEN PROVIDED AN OPPORTUNITY TO REVIEW AND PARTICIPATE IN MY EMPLOYER'S HEALTH BENEFIT PLANS AND THAT I HAVE WAIVED MY PARTICIPATION.

Employee Name (Print): \_\_\_\_\_

Employee Signature and Attestation: \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT NOTICES:**

• If you are declining enrollment for yourself or your dependents (including your spouse) because of other health insurance or group health plan coverage, you may be able to enroll yourself and your dependents in this plan if you or your dependents lose eligibility for that other coverage. However, you must request enrollment within 30 days after you or your dependents' other coverage ends (or after the employer stops contributing toward the other coverage).

• In addition, if you have a new dependent as a result of a marriage, birth, adoption or placement for adoption, you may be able to enroll yourself and your dependents. However, you must request enrollment within 30 days after the marriage, birth, adoption or placement for adoption.

• Please note that the health insurance that has been offered to you constitutes a minimum essential benefit plan and satisfies both the affordability test and the minimum value test under the standards set forth in the Affordable Care Act.

• Additionally, please remember that if you fail to obtain health insurance coverage you may be subject to a penalty under the ACA's "individual mandate."

• Your signature on this form and affirmative declination affirms that the Village offered you appropriate coverage and that you are aware that declination could have personal tax implications if you are not enrolled in group coverage elsewhere.

• To request special enrollment or obtain more information, contact the Village Clerk.

If you have any questions, you may refer to the notice "NOTICE TO EMPLOYEES ON PPACA AND HEALTH INSURANCE EXCHANGES" available in Human Resources, or please contact Human Resources directly with your question(s).

**Administration Use Only:** FTE: \_\_\_\_\_ Date of Hire: \_\_\_\_\_

# **EMPLOYEE HANDBOOK**

## **APPENDIX L**

**Subject to Approval**

## RECEIPT OF EMPLOYEE HANDBOOK

This is to acknowledge that I have received a copy of the Village of Muttontown Employee Handbook, and I understand that it contains information about the employment policies and practices of the Village. I agree to read and comply with this Employee Handbook. I understand that the policies outlined in this Employee Handbook are management guidelines only, which will require changes from time to time. I understand that the Village retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Village. I understand that this Employee Handbook supersedes and replaces any and all prior Employee Handbooks and employee handbooks and any inconsistent verbal or written policy statements.

I understand that the Village reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook will be in writing and will be signed by the Personnel Director. I understand that no oral statements or representations can change the provisions of this Employee Handbook.

I understand that this Employee Handbook is not intended to create contractual obligations with respect to any matters it covers and that the Employee Handbook does not create a contract guaranteeing that I will be employed for any specific time period.

I understand that this Employee Handbook refers to current benefit plans maintained by the Village and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

I also understand that if a written contract is inconsistent with the Employee Handbook, the written contract is controlling.

If I have questions regarding the content or interpretation of this Employee Handbook, I will ask the Personnel Director.

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

# **VILLAGE OF MUTTONTOWN**

## **STORMWATER MANAGEMENT PLAN**

Village of Muttontown  
One Raz Tsfuro Way  
Muttontown, NY 11791

Subject to Approval

Prepared By  
West Side Engineering, PC  
Massapequa, NY 11758  
516-541-8530

June 2024

## **Introduction**

The Village of Muttontown has prepared this Stormwater Management Plan (SWMP) in accordance with the requirements of the New York State Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-24-001 for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s). This document outlines the Village of Muttontown's program to develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the respective requirements of the federal and state regulations. The SWMP addresses the six minimum control measures as required by the regulations. A Notice of Intent (NOI) to discharge stormwater has been filed with the New York State Department of Environmental Conservation in accordance with the terms and conditions of the General Permit. A copy of the NOI and the NYSDEC acknowledgement of acceptance is included in the Appendix.

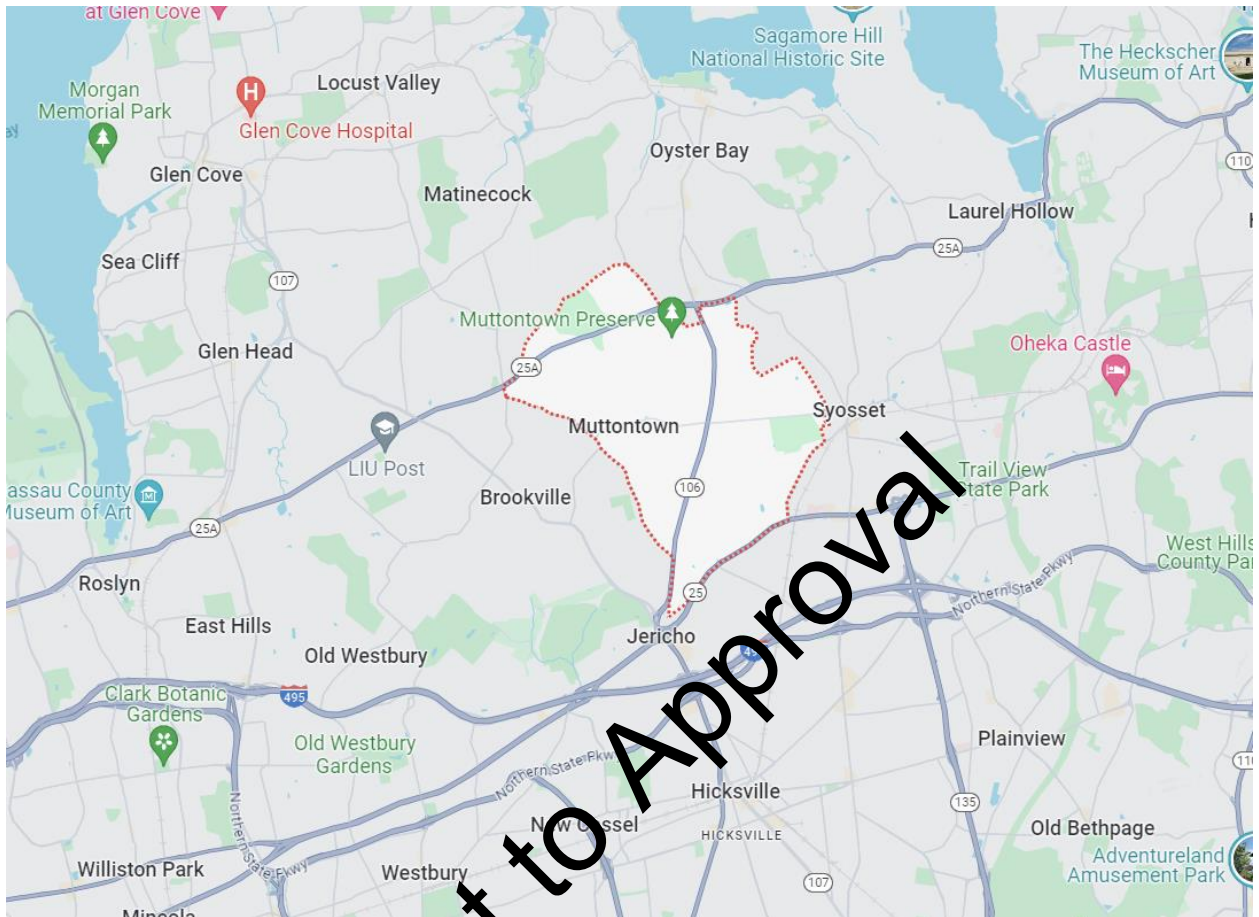
The Village is located within the tributary area to Oyster Bay Harbor and Mill Pond watersheds, which are NOT impaired water bodies listed in the inventory of such by the NYSDEC. It should be noted that the watersheds are not watersheds for which total maximum daily loads (TMDLs) have been established. As such, the NYSDEC General Permit requires that the Village SWMP address the items contained in Parts IV, V, and VI of the General Permit. This SWMP is made available to the NYSDEC as well as the USEPA upon request.

## **Municipal Setting**

The Village of Muttontown is a municipality located along the north shore of Long Island in Nassau County, NY. The Village was incorporated in 1931. It is bordered on the north by the Village of Upper Brookville and unincorporated areas of the Town of Oyster Bay, on the west by the Village of Brookville, the south and east by Syosset, which is a hamlet in the unincorporated areas of the Town of Oyster Bay. The topography of the Village ranges from over 300 feet above sea level in the southern portion of the Village to below 200 feet in the northern portion of the Village.

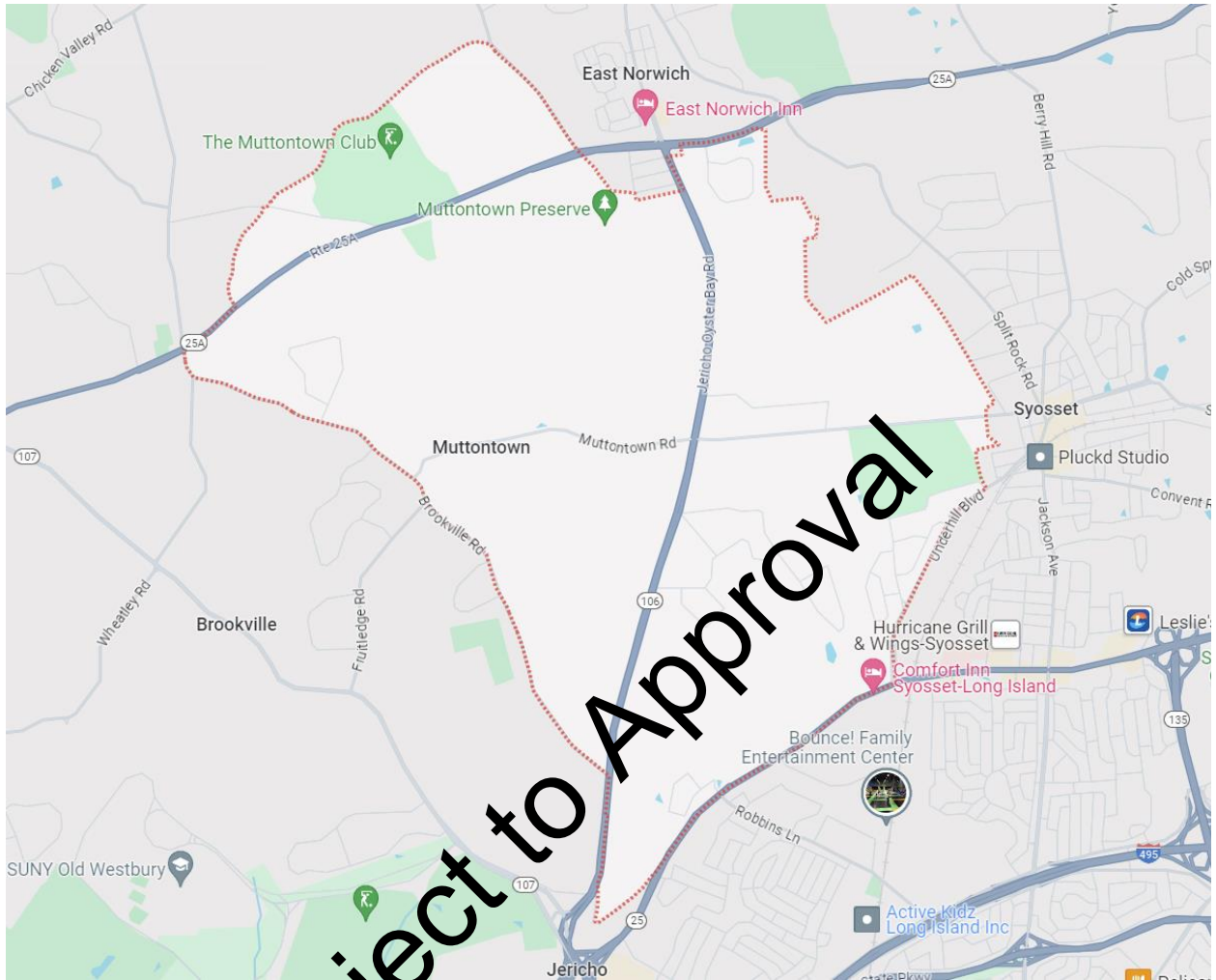
The Village encompasses approximately 6.1 square miles. The Village has a population of approximately 3,500 people, residing in approximately 1,000 single-family dwellings. The population density is approximately 570 people per square mile. The Village is zoned single family residential. The minimum required lot size sizes per local zoning range from ½-acre to 5 acres. The only land uses in the Village that are not residential are the Village Hall, the Village road maintenance facility, The Muttontown preserve, and two golf courses. The Village has 24.3 center line miles of roads. Besides Village roads, NYS Route 106 is a north-south road in the Village and NYS Route 25A passes through the northern portion of the Village. NYS Route 25 is located along the southern border of the Village. Nassau County roads within the Village include Eastwoods Road, which passes through the central portion of the Village, Underhill Road (along part of the southern border of the Village) and Wheatley Road located at the western border of a portion of the Village. The following pages include pertinent Village Maps.

## Village Location Map

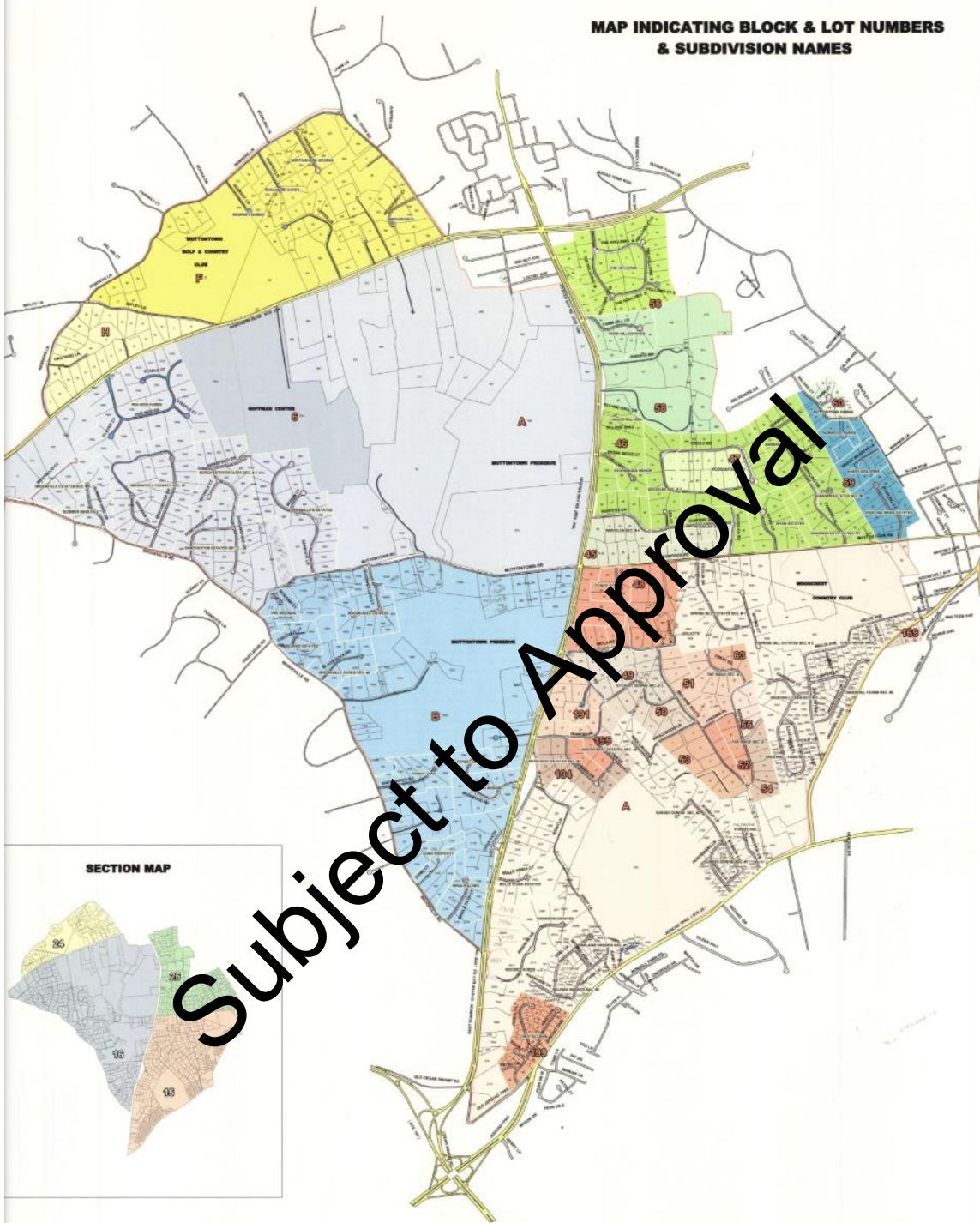




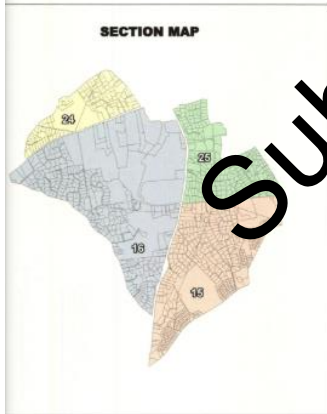
## Village Map



**MAP INDICATING BLOCK & LOT NUMBERS  
& SUBDIVISION NAMES**



**SECTION MAP**



**Legend**

COUNTY ROAD	SEC. BLOCK	15, 194
OTHER	25, 60	15, 50
PRIVATE ROAD	25, 45	15, 195
STATE ROAD	25, 56	15, A
VILLAGE ROAD	25, 46	15, 51
VILLAGE LINE	25, 47	15, 52
	25, 58	15, 53
	25, 59	15, 54
	24, F	15, 199
	24, H	15, 55
	16, A	15, 109
	16, B	15, 48
	16, G	15, 49
	15, 191	



**Keymap**

**MAP INDICATING  
SECTION, BLOCK & LOT NUMBERS  
& SUBDIVISION NAMES  
IN THE VILLAGE  
OF MUTTONTOWN**



1 inch equals 600 feet

**INCORPORATED VILLAGE OF  
MUTTONTOWN**



GEOGRAPHIC INFORMATION SYSTEM

COPYRIGHT 1981-1987  
COUNTY OF NASSAU  
MUTTONTOWN  
COPYRIGHT 2001  
VILLAGE OF MUTTONTOWN  
NEW YORK

DATE: 10/20/01

**BOWEN**  
BOWEN MANAGEMENT SYSTEM  
200 S. AVENUE 100, SUITE 100, NEW YORK, NY 10001

### **Village Stormwater System**

The Village stormwater system consists of 75 catch basins, dry wells, Nassau County recharge basins, and an outfall to a small ephemeral pond. There are no known interconnections to other municipal storm systems in the Village.

### **Village Stormwater Program Implementation**

To implement the SWMP, the Village has developed the following staffing plan/organization chart. The Village has a small staff of road/street maintenance workers. The Village has a Village Clerk/Treasurer, a Deputy Clerk, and a Building Inspector who is a contract employee. The Village office is open on weekdays.

<b><u>Name</u></b>	<b><u>Title</u></b>	<b><u>Responsibility</u></b>
James Liguori	Mayor	Ranking official, provides information to residents, decides on infrastructure projects with the Village Board of Trustees
Joseph Russo	Village Clerk-Treasurer	SWMP Coordinator, Village contact with NYSDEC, coordinates documents among the Village Building Department, Board of Trustees and Village consultants, preparation of information to residents, maintenance of Village website
	Building Department Clerk	Receiver of building permit applications and related plans, and coordinates with Village Building Inspector and Village consultants
Anthony Toscano	Building Inspector/Code Enforcer	Review of building permit materials, conducts field inspections for building codes and permit compliance, issues violation notices, summonses and work stop orders
Anthony Toscano	Superintendent of Highways	Responsible for maintenance of Village infrastructure
Stefani Gambino	Village Court Clerk	Implementation of Village court matters
Nicholas Massimo	Village Justice	Adjudicator of Village court matters
	Village Engineer (Consultant)	Advises the Building Department for site engineering matters, provides professional services to the Village for public works projects including drainage improvements

## **Illicit Discharge and Construction Site Local Laws**

In 2006, the Village adopted local laws which were part of the first General Permit issued by the NYSDEC, GP-02-02. The laws pertain to the detection and elimination of illicit stormwater discharges to the Village storm system, and the requirement for the preparation of a Stormwater Pollution Prevention Plan (SWPPP) for construction projects that disturb an acre or more of land. The local laws are cited as follows and are found in the Village Code.

Chapter 78: Illicit Discharges, Activities, Connections, and

Chapter 57: Stormwater Management and Erosion and Sediment Control.

The Village's illicit discharge local law prohibits illicit discharges, spills and other releases of pollutants, as stipulated in §78-5A. Illicit connections to the Village storm sewer system are prohibited as stipulated in §78-5B. The local law at §78-8 requires the installation and maintenance of post construction best management practices (BMPs).

Mechanisms for the Village to receive and collect information related to the introduction of pollutants to the storm system, as well as site access for monitoring, are included in §78-11. The Village office may be called (516-364-3476), where a recorded message may be left during off-hours. Nassau County also includes an illicit discharge hotline at 516-571-7535. Additionally, all petroleum spills that occur within New York State (NYS) must be reported to the NYS Spill Hotline (1-800-457-7362) within 2 hours of discovery, except spills which meet **all of the following criteria:**

The quantity is known to be less than 5 gallons; and

The spill is contained and under the control of the spiller; and

The spill has not and will not reach the State's water or any land; and

The spill is cleaned up within 2 hours of discovery.

A spill is considered to have not impacted land if it occurs on a paved surface such as asphalt or concrete. A spill in a dirt or gravel parking lot is considered to have impacted land and is reportable.

Enforcement actions for illicit discharges are addressed in §78-13 of the Village Code.

The Village Code in Chapter 57-6 requires the preparation of a SWPPP for land disturbances greater than one acre. This section of the Code also requires the inspection, maintenance and repair of erosion control and stormwater management measures as they pertain to the SWPPP sites. The latest version of the NYS Stormwater Management Design Manual is specified for design criteria and maintenance for stormwater structures in the Village Code at §57-9.

An Enforcement Response Plan is included in the Appendix.

### **Record Keeping**

The Village intends to keep records pertaining to its stormwater system and construction activities as required by the NYSDEC General Permit for a period of 5 years. If requested by the NYSDEC, the Village intends on sharing information and records, as applicable, and the Village intends on cooperating with the NYSDEC.

### **SWMP Evaluation**

The SWMP will be evaluated at least every 5 years and updated as applicable.

Subject to Approval

## **NYSDEC General Permit Requirements**

As part of an amendment to the federal Clean Water Act, the Village has been required to file an annual stormwater report with the New York State Department of Environmental Conservation (NYSDEC) each year since 2003, under the NYSDEC's General Permit for Municipal Separate Storm Sewer Systems (MS4s). An MS4 is defined as a publicly owned stormwater conveyance system which discharges to state waters. The Clean Water Act amendments regulate stormwater discharges to surface waters and is applicable to certain municipalities. The Village is required to comply with 6 minimum control measures. As part of the Village's stormwater program, the Village is a coalition member with Nassau County, and the Village is an active member of the Manhasset Bay Protection Committee. The Village shares in the efforts made by the County and Manhasset Bay Protection Committee.

### **Minimum Control Measure 1: Public Education and Outreach**

The Village provides education materials through its coalition membership with Nassau County, as well as stormwater related posts on the Village website, including recycling/trash/yard waste information, water usage, irrigation, water quality and water supply information to the residents.

The Village is not within an impaired watershed designated by the NYSDEC. There is a listed impairment for Oyster Bay Harbor, located downstream of the Village, but not including the Village. The listed impairment is pathogens. Pathogens are organisms which may cause disease. Pathogens include viruses, bacteria, parasites, and fungi. The Village efforts in education and outreach should target sources of pathogens. Typical sources of pathogens are pet and animal waste, leaking sewer pipes, discharges from septic systems, and other illicit connections to the storm system.

The target audience for information pertaining to pathogens in stormwater would be the Villages residents, who are best reached on the Village website and by way of a Mayor's Letter. Further topics and information may be developed as information is collected and observations are made. The NYSDEC requires that the Village evaluate its education and outreach strategy annually and updates the SWMP as applicable.

### **Minimum Control Measure 2: Public Involvement/Participation**

The Village provides opportunities for public participation through its coalition membership with Nassau County by supporting and promoting the County's efforts and events. The Village invites the public to various Board meetings where land development issues are discussed. The Village also holds annual meetings to solicit public participation in the development and implementation of its stormwater program, including the SWMP, and its annual report to the NYSDEC. The Village posts its draft annual report on the Village website for public comment.

The Village will receive information from the public regarding the SWMP through the Village Clerk, who is available by phone at 516-364-3476, or email at [jrusso@muttontownny.gov](mailto:jrusso@muttontownny.gov).

### **Minimum Control Measure 3: Illicit Discharge Detection and Elimination**

As a tool to detect illicit discharges, the Village will monitor outfalls and/or key stormwater structures annually during dry weather as a screening tool. The Village uses the dry weather flow monitoring to detect potential illicit discharges to its storm system. If dry weather flow is found, the Village will investigate further to find its source. The following information pertains to the would be collected from a site with a suspected illicit discharge and recorded on the Monitoring Location Inspection and Sampling Field Sheet forms (2 pages) found in the Appendix.

Background data, date, location, date, setting

Description of material, dimensions

Flow quantity, temperature, pH, color, odor, appearance

Evaluate whether laboratory analysis is needed

Records of dry weather flow monitoring would be documented, and records would be kept, regardless of dry weather flow results. All illicit (non-stormwater) discharges to the Village storm system and documentation thereof will be included in each update of the SWMP and kept in a designated section of the SWMP.

Illicit discharges to the Village storm system may be reported to the Village office (516-364-3476), where a recorded message may be left during off-hours. Nassau County also includes an illicit discharge hotline at 516-571-7535. Additionally, all petroleum spills that occur within New York State (NYS) must be reported to the NYS Spill Hotline (1-800-457-7362).

The outfall along Muttontown Road would be monitored, as would the Village in general to make observations for dry weather flow.

The monitoring locations will be prioritized and documented in the SWMP once information is gathered and analyzed. Annually, after the initial monitoring location prioritization, the prioritization will be updated and included in the SMWP based on information gathered as part of the monitoring process. The Village would prioritize new monitoring locations as they are found or constructed within the Village storm system.

The NYSDEC General Permit includes criteria for the prioritization of stormwater system monitoring points. High priority municipal facilities include municipal facilities that have one or more of the following on site and exposed to stormwater:

Storage of chemicals, salt, petroleum, pesticides, fertilizers, antifreeze, lead-acid batteries, tires, waste/debris;

- i) Storage of chemicals, salt, petroleum, pesticides, fertilizers, antifreeze, lead-acid batteries, tires, waste/debris
- ii) Fueling stations; and/or
- iii) Vehicle or equipment maintenance/repair.

None of the above occur in the Village.

Another high priority for monitoring would be a suspected illicit discharge that occurs in impaired water body watershed. Since there are no outfalls in the Village system, this would not apply. However, the Village will continue to monitor their storm system on an annual basis.

An additional criterion for a high priority monitoring location is where there are 3 or more confirmed citizen complaints of an illicit discharge within a 12-month period.

If dry weather flow is found and the source of a discharge has the potential of being an illicit discharge, the Village would sample the flow. Samples may be screened for water quality using field test kits or field instruments which may detect pH, color, chlorine, ammonia, phosphorus, nitrates, and temperature. Each of these test parameters help to identify the potential source of the discharge. The field test is the initial step in the tracking of an illicit discharge.

Once an illicit discharge is found, additional inspection and possible sampling on a more frequent time frame, at least within 30 days, would be done, with the goal of eliminating the illicit discharge.

The NYSDEC General Permit for stormwater discharges includes a requirement for illicit discharge detection (IDDE) and elimination training for municipal personnel. The Village has no public works, highway/roads or maintenance personnel. The Village uses a consultant to conduct IDDE activities.

The Village reviews and updates the monitoring locations and sampling procedures annually. Based on the monitoring and inspection results, trends, and patterns, as well as common problems would be documented in the SWMP.

Tracking down illicit discharges will be done as information is found and evaluated. The Village will use escalating enforcement and tracking procedures to eliminate illicit discharges. The Village will document findings for each inspection, and confirmation of corrective actions and the elimination of an illicit discharge.

The tracking of illicit discharges in the Village will consider the fact that the Village relies on individual on-lot sewage disposal systems.

Time frames for the Village to track illicit discharges are as follows:

- within 24 hours of discovery for flowing monitoring locations with obvious illicit stormwater discharges;
- within 2 hours of discovery, for illicit discharges of sanitary wastewater that would affect bathing areas during the bathing season, shellfish areas, public water supply intakes and a report will be made to the following:

NYSDEC, Region 1, SUNY Stony Brook  
50 Circle Road  
Stony Brook, NY 11790-3409  
ATTN: Regional Water Engineer  
516-444-0405

And



Nassau County Department of Health  
200 County Seat Drive  
Mineola, NY 11501  
ATTN: Division of Environmental Health  
516-227-9697

- within 5 days for suspect illicit discharges.

Once an illicit discharge is found, there are several methods to track the discharge to its source. The location and type of discharge at the point of initial discovery of an illicit discharge offers many clues to the source of the discharge, so the location and other characteristics of the discharge would be documented on the inspection and monitoring forms found in the Appendix. Tracking may be done by additional monitoring/sampling/testing, visual inspection either with or without the use of a video camera, dye testing, smoke testing, property owner surveys and investigations, surface inspections, and/or the study of infrared photography. The tracking of the storm system or discharge stream, as applicable, is typically done by working from downstream to upstream. Additional details for the tracking of illicit stormwater system discharges are found in the Illicit Discharge Detection and Elimination guidance manual prepared by the Center for Watershed Protection.

Time frames for the elimination of illicit discharges are as follows:

within 24 hours of the identification of the illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment; or  
within 5 days of the identification of an illicit discharge that does not have a reasonable likelihood of adversely affecting human health or the environment.

If it is not possible to eliminate the illicit discharge within the above specified time frames the NYSDEC Regional Water Engineer will be notified.

#### **Minimum Control Measure 4: Erosion Control for Construction Activities**

The Village requires erosion control measures for all land development projects. The NYSDEC requires additional erosion control and pollution control measures for land disturbance projects of an acre or more, as they require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) which the Village must review, approve, and oversee. All building permit applications which proposed to disturb an acre or more are reviewed by the Village engineering consultant. The Village requires that all SWPPP sites are monitored and inspected by a professional engineer trained in stormwater management and erosion control.

The Village office phone number at 516-364-3476 is equipped with a recording device whereby residents and concerned citizens may report construction-related complaints which will be followed up by the Village Building Department. The Village will document the information on the Construction Site Complaint Form, as provided with the SWMP. All complaints contain the date, location, nature of the complaint and information pertaining to follow-up and inspection outcomes.

The Village construction oversight program applies to the control of stormwater runoff and erosion and sedimentation is applicable to construction sites that disturb an acre or more of land surface area. As such, the Village requires that a Stormwater Pollution Prevention Plan (SWPPP) be submitted to the Village Building Department in conformance with Chapter 57 of the Village Code. The Village Code at §57-8 specifies the required contents of a SWPPP as well as the procedures for the submission of a SWPPP. The Village has procedures in place applicable for the review of a SWPPP submission, found at §57-8 of the Village Code. All SWPPPs will be reviewed by the Village Engineer.

Each SWPPP review will ensure on behalf of the Village that erosion and sediment control measures conform to the NYS Erosion & Sedimentation Control manual of 2016 (or later version), or equivalent. Each SWPPP would be reviewed to ensure conformance with the NYS Stormwater Management Design Manual of 2015 (or later version), or equivalent. All post construction Stormwater Management Practices (SMPs) must meet the sizing criteria given in the NYS General Permit for Stormwater Discharges from Construction Activity. Any deviations from the NYS manuals must demonstrate equivalence. Additionally, every SWPPP must include an operation and maintenance plan (O&M) that includes maintenance schedules and actions to ensure continuous and effective operation of each erosion and sedimentation control measure, as well as every post construction stormwater management practice.

The SWMP will include documentation of each SWPPP review, and particular reference to the requirements contained in the NYS General Permit for Stormwater Discharges from Construction Activity. The SWMP will also include the priority category for each new construction activity.

Upon completion of the review of the SWPPP, the Village will notify the construction site owner/operator that the SWPPP has been accepted by the MS4, by issuing the appropriate SWPPP Acceptance Form, as included in the Appendix of the SWMP.

Prior to groundbreaking for any SWPPP site, the Village requires a preconstruction meeting to ensure that the NYSDEC (and Village) requirements of the SWPPP are met. The meeting shall be

documented and included in the Village SWMP. The documentation of the preconstruction meeting must include the following:

Date of the meeting

Attendees, including the owner/operator (Village representative), the contractors responsible for the implementation of the SWPPP, and the qualified inspector as specified by Part VI.D.8 of the NYSDEC General Permit.

Confirmation that the approved project has received or will receive coverage under the General Permit

Verification of qualified individuals for inspection and implementation of the SWPPP

Review of the Village's oversight program.

The Village oversight program will consist of periodic site inspections, using the SWPPP Site Inspection Form, and the frequency of the Village inspections would be determined by the sensitivity of the activity and/or construction site location and the project length or duration, and linked to project milestones during construction.

The Village would prioritize construction sites as high or low priority. A construction site would be a high priority if any of the following were true.

If there is a direct conveyance to a surface water that is:

listed by the NYSDEC as an impaired water body with silt/sediment., phosphorus or nitrogen as the pollutant of concern;

classified as AA-S, AA or A waters (none in the Village); or

classified as a trout stream or trout spawning stream (none in the Village)

If the area of land disturbance is greater than 5 acres at one time;

If the area of land disturbance is within 100 feet of a lake or pond listed as a priority water body by the NYSDEC (none in the Village)

If the area of land disturbance is within 50 feet of a river or stream listed as a priority water body by the NYSDEC (none in the Village).

Other construction sites are considered low priority.

The Village will conduct a final construction site inspection once all land disturbance has been stabilized. The Village will document the inspection in the SWMP. If the site conditions are acceptable, the Village would sign and issue the Notice of Termination form, which is included in the appendix.

The following is intended to help the Village and contractors to comply with the intent of the SWMP. The Village requires an as-built survey of the drainage system for all SWPPP sites. Additional information for contractors is included in the appendix.

## **Contractor's Responsibilities**

### **For SWPPP Sites**

For all construction activities that result in a land disturbance of an acre or more, the Contractor shall be familiar with and implement stormwater control measures in accordance with the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit of Stormwater Discharges from Construction Activities, Permit No. GP-0-10-001. The Contractor shall also comply with the provisions of the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project.

The contractor shall sign the SWPPP Certifications for conformance to the NYSDEC SPDES (State Pollutant Discharge Elimination System) that certifies that said contractor will implement the erosion control measures and stormwater quality and quantity measures, as applicable, in conformance with the approved Notice of Intent and SWPPP. Contractors and subcontractors (if any) must comply with the terms and conditions of the General Permit and shall not take any action or fail to take action that may result in the owner or municipality being held in violation of the General Permit.

Work performed by the Contractors shall not result in the discharge of anything other than uncontaminated runoff to any nearby catch basin or any part of the municipal storm system, or a conveyance to a surface water. Runoff from the construction site shall be free of floatables, sediment and other materials. Work performed by the Contractor shall not cause an illicit discharge to the storm system or surface water, as defined by the NYSDEC. Additionally, work performed by said Contractor shall not result in an unauthorized direct or indirect connection, pipe, hose or other conveyance to a catch basin drain, trench, etc., which would allow a non-stormwater discharge to enter any nearby catch basin or any part of the municipal storm system, or a conveyance to a surface water.

The Contractor shall be responsible for the required inspections of their work site pursuant to the SWPPP. They shall be responsible for ensuring that the site is in conformance with the conditions of the General Permit and the appropriate inspection form.

### **Minimum Control Measure 5: Post Construction Stormwater Management**

The Village requires post development stormwater management for land development projects for land disturbances of an acre or more. The intent is that the Village promotes the long-term performance of post construction stormwater management practices to remove pollutants from stormwater runoff.

Post construction stormwater management practices include catch basins, surface inlets, trench drains, storm collection pipes, and stormwater storage structures (drywells) which function as a below grade stormwater infiltration system. Catch basins are box-like structures and trench drains are rectangular structures designed to capture runoff as an inlet to the stormwater system. A surface inlet includes the open grate top of a dry well, as well as a yard drain. A stormwater storage structure is a subsurface storage structure that receives and temporarily stores stormwater runoff. The discharge from a stormwater storage structure occurs through infiltration into subsurface soil. A stormwater storage structure reduces the total runoff volume from a water quality design storm.

Catch basins, trench drains, surface inlets and stormwater storage structures shall be protected during construction so that debris, silt and sediment does not get into the structures and cause clogging that would compromise the functioning of the stormwater system. Once the construction site achieves final stabilization, the catch basins and stormwater storage structures shall be inspected by the contractor to ensure they are functioning as designed.

The Village will keep an inventory of stormwater management practices that have been installed since March 10, 2003. The inventory will be updated in the SWMP annually. The inventory will include the following information.

Street address/tax parcel number

Type of stormwater management practice

Receiving water body name and status per NYSDEC

Date of installation of the stormwater management practice

Ownership of the stormwater management practice

Responsible party for maintenance with contact information

Location of the stormwater management practice

Frequency of inspection

Reason for installation

Date of each inspection

Results of inspections/ corrective actions as applicable

The Village will ensure that individuals conducting inspections of stormwater management practices would be appropriately trained. The individuals trained will be included in the SWMP. It should be noted that the Village would have the Building Inspector or a consultant conduct inspections, depending on the situation.

Maintenance items for catch basins include:

Initial inspection and removal of sediment from construction activities

Monitoring drainage inlets

Keeping the surface clear of debris

Removing debris from the surface of the inlet and its surrounding area

Clearing debris from catch basin boxes, trench drain and storm pipes

Clearing overflow passageways

Repairing surface erosion and making sure that seeded and landscaped areas are maintained to ensure coverage

Stormwater storage structures maintenance items include:

Initial inspection and removal of sediment from construction activities

Performance shall be monitored after rainfall events to ensure that they drain properly

Inspection of the bottom of the stormwater storage structure to make sure it is not clogged with debris

Ensure that the stormwater storage structure capacity is not compromised with excess sediment

Leaves, trash, sediment, silt and debris that clog inlets, pipe components and stormwater storage structures shall be removed and disposed of at a suitable location, in compliance with local, state and federal regulations.

The Village would initiate follow-up actions within 30 days of an inspection if the results of the inspection are not satisfactory. The Village would initiate enforcement within 60 days of the inspection if follow-up actions are not complete.

#### **Minimum Control Measure 6: Good Housekeeping for Municipal Activities**

The Village has a small maintenance facility where salt is stored in a covered building, and no maintenance staff. All road and infrastructure maintenance is provided by outside contractors.

The Village has standards for good housekeeping and pollution prevention for municipal activities, included in the appendix.

## Appendix

Village Notice of Intent  
Stormwater Outfall Monitoring Location Inspection and Sampling Field Sheet Form  
Records of Outfall Monitoring  
SWPPP Acceptance Form  
SWPPP Notice of Termination Form  
SWPPP Construction Site Inspection Form  
SWPPP Site Inventory  
Erosion and Sediment Control Principles  
Construction Site Procedures  
Good Housekeeping for Construction Sites  
Construction Site Operations and Areas of Concern  
Potential Pollutants from Construction  
Construction Site Complaint Form  
Spill Prevention Plan  
Installation and Maintenance Schedule for Erosion and Sedimentation Control Measures  
Enforcement Response Plan  
Best Management Practices for Municipal Facilities and Operations  
Municipal Good Housekeeping and Pollution Prevention Policy and Procedures  
Cach Basin Inspection/Maintenance Form  
EPAs Stormwater Management Preferred Practices  
Best Management Practices (BMPs) for Impaired Watersheds

Subject to Approval

# MS4 Notice of Intent

version 1.0

(Submission #: HQ1-8R4K-MFQ49, version 1)

## Details

**Submitted** 2/19/2024 (0 days ago) by James Antonelli

**Alternate Identifier** NYR20A448

**Submission ID** HQ1-8R4K-MFQ49

**Status** Submitted

## Form Input

### MS4 Operator Information

Is this NOI for an MS4 Operator continuing coverage?

Yes

Permit ID #:

NYR20A448

MS4 Operator Type

Traditional land use control

Traditional Land Use Control

Traditional land use control MS4 Operator requirements are found in Part VI of the MS4 General Permit.

Municipality Name or Legal Entity Name

Village of Muttontown

Legal Municipal/Entity Mailing address

One Raz Tafuro Way  
Muttontown, NY 11791  
Nassau

Subject to Approval

### Ranking Official

Official Title	First and Last Name	Phone	Email
Mayor	James Liguori	516-364-3476	jrusso@muttontownny.org

### NOI Preparer

NOI Preparer Title	First and Last Name	Phone	Email
Contract Engineer	Jim Antonelli	516-541-8530	jimantonelli@westsideengineering.net

### NAICS Codes

Federal, State or Local Government - 924110  
Military Bases - 928110  
Highway, road or other thoroughfare system - 237310  
Large Hospitals - 622110  
Public Colleges and Universities - 611310  
Correctional Institutions - 922140

[NAICS Code Lookup](#)



NAICS Code

924110

*Is the MS4 Operator working with other MS4 Operators to implement the Stormwater Management Program?*

No

*Does the MS4 Operator have any facilities that need to obtain MSGP coverage under MSGP permit?*

No

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## MS4 Location Information

*MS4 Facility Name*

Village of Muttontown

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**On the map below, place the pin at the center of the MS4 Operator. This can be either the geographic center or the population center.**

*Central point of the MS4 Operator*

40.83171544253997,-73.52673912362661

---

## Waterbody Information (1 of 2)

**If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.**

**To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.**

[Stormwater Interactive Map](#)

*Waterbody name and segment receiving MS4 Operator discharges*

Mill Pond - 1702-0155

*Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?*

No

*Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?*

No

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## Waterbody Information (2 of 2)

**If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.**

**To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.**

[Stormwater Interactive Map](#)

*Waterbody name and segment receiving MS4 Operator discharges*

Tribs (fresh) to Oyster Bay/Mill Neck Cr - 1702-0153

*Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?*

No

*Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?*

No

# CERTIFICATION

The MS4 Operator has read and understands the SPDES MS4 General Permit, GP-0-24-001, as it pertains to permit requirements as well as the timeframes for compliance set forth in the permit.

Yes

I am the ranking elected official or Principal Executive Officer for the MS4 Operator and will be signing the form electronically.

No

Attach completed certification form.

NOI Signed Cert eForm Feb 14 2024.pdf - 02/19/2024 09:11 AM

Comment

NONE PROVIDED

## Attachments

Date	Attachment Name	Context	User
2/19/2024 9:11 AM	NOI Signed Cert eForm Feb 14 2024.pdf	Attachmen t	James Antonelli

## Status History

	User	Processing Status
2/8/2024 11:15:23 AM	James Antonelli	Draft
2/19/2024 9:12:53 AM	James Antonelli	Submitting
2/19/2024 9:13:01 AM	James Antonelli	Submitted

## Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted	James Antonelli	2/19/2024 9:13:01 AM

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water  
625 Broadway, Albany, New York 12233-3500  
P: (518) 402-8233 | F: (518) 402-9029  
www.dec.ny.gov

## MS4 Operator Certification Form for eReports

SPDES General Permit for  
Stormwater Discharges From  
Municipal Separate Storm Sewer Systems (GP-0-24-001)

### Instructions

Please review Part X.J. of GP-0-24-001 before signing this form. A signature by an unauthorized person will delay permit coverage.

This form must be signed by one of the following:

1. For a corporation: by a responsible corporate officer
2. For a partnership: by a general partner
3. For a sole proprietorship: by the proprietor
4. For a municipality, state, federal or other public agency: by a principal executive officer or ranking elected official

MS4 Operator Name: Village of Muttontown

eReport Submission Number: HQ1-8R4K-MFQ49

### MS4 Operator Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

James Liguori

Name (please print or type)

Mayor

Title

Village of Muttontown

Organization

Signature

Date



Department of  
Environmental  
Conservation

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Permits  
625 Broadway, Albany, New York 12233-3505  
P: (518) 402-8111 | F: (518) 402-9029  
[www.dec.ny.gov](http://www.dec.ny.gov)

3/1/2024

### Re: Acknowledgement of Notice of Intent for Coverage under SPDES General Permit for Municipal Separate Storm Sewer Systems (GP-0-24-001)

Dear Village of Muttontown,

This is to acknowledge that the New York State Department of Environmental Conservation (DEC) received a complete electronic Notice of Intent (eNOI) for the MS4 Operator:

Village of Muttontown

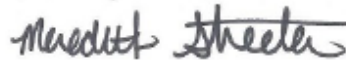
Pursuant to 6 NYCRR 750-1.21(d) and Part II of the SPDES MS4 GP, GP-0-24-001, Village of Muttontown is authorized to discharge stormwater under the terms and conditions of the SPDES MS4 GP, GP-0-24-001, starting on the effective date of **01/03/2024**. Village of Muttontown must comply with all requirements contained in the MS4 GP, GP-0-24-001.

The following SPDES ID No. should be included in all correspondences with the DEC:

SPDES ID No: NYR20A448

Should you have any questions regarding any aspect of the requirements in the MS4 GP, GP-0-24-001, please contact [MS4GP@dec.ny.gov](mailto:MS4GP@dec.ny.gov) or (518) 402-8111.

Sincerely,



Meredith Streeter, P.E.  
Chief, Central Section  
Bureau of Water Permit



Department of  
Environmental  
Conservation

## Monitoring Locations Inspection and Sampling Field Sheet

### Section 1: Background Data

Subwatershed:		Monitoring Location ID:	
Today's date:		Time (Military):	
Investigators:		Form completed by:	
Temperature (°F):	Rainfall (in.):	Last 24 hours:	Last 48 hours:
Latitude:	Longitude:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	
Land Use in Drainage Area (Check all that apply):			
<input type="checkbox"/> Industrial <input type="checkbox"/> Ultra-Urban Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial		<input type="checkbox"/> Open Space <input type="checkbox"/> Institutional Other: _____ Known Industries: _____	
Notes (e.g., origin, if known):			

### Section 2: Monitoring Location Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
<input type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input type="checkbox"/> CMP	<input type="checkbox"/> Circular <input type="checkbox"/> Single	Diameter/Dimensions: _____	In Water: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully  With Sediment: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully
	<input type="checkbox"/> PVC <input type="checkbox"/> HDPE	<input type="checkbox"/> Elliptical <input type="checkbox"/> Double		
	<input type="checkbox"/> Steel	<input type="checkbox"/> Box <input type="checkbox"/> Triangular		
	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____		
<input type="checkbox"/> Open drainage	<input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Rip-Rap <input type="checkbox"/> Other: _____	<input type="checkbox"/> Trapezoidal <input type="checkbox"/> Parabolic <input type="checkbox"/> Other: _____	Depth: _____ Top Width: _____ Bottom Width: _____	
<input type="checkbox"/> In-Stream	(applicable when collecting samples)			
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, Skip to Section 5</i>			
Flow Description (If present)	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial			

### Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER	RESULT	UNIT	EQUIPMENT	
<input type="checkbox"/> Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
<input type="checkbox"/> Flow #2	Flow depth		In	Tape measure
	Flow width	_____'	Ft, In	Tape measure
	Measured length	_____'	Ft, In	Tape measure
	Time of travel		S	Stopwatch
Temperature			°F	Thermometer
pH			pH Units	Test strip/Probe
Ammonia			mg/L	Test strip



### Monitoring Locations Inspection and Sampling Field Sheet

#### Section 4: Physical Indicators for Flowing Monitoring Locations Only

Are Any Physical Indicators Present in the flow? ☐ Yes ☐ No (If No, Skip to Section 5)

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Faint	<input type="checkbox"/> 2 - Easily detected	<input type="checkbox"/> 3 - Noticeable from a distance
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Faint color in sample bottle	<input type="checkbox"/> 2 - Clearly visible in sample bottle	<input type="checkbox"/> 3 - Clearly visible in flow
Turbidity	<input type="checkbox"/>	See severity	<input type="checkbox"/> 1 - Slight cloudiness	<input type="checkbox"/> 2 - Cloudy	<input type="checkbox"/> 3 - Opaque
Floatables -Does Not Include Trash!!	<input type="checkbox"/>	<input type="checkbox"/> Sewage (Toilet Paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Few/slight; origin not obvious	<input type="checkbox"/> 2 - Some; indications of origin (e.g., possible suds or oil sheen)	<input type="checkbox"/> 3 - Some; origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

#### Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations

Are physical indicators that are not related to flow present? ☐ Yes ☐ No (If No, Skip to Section 6)

INDICATOR	CHECK if Present	DESCRIPTION	COMMENTS
Monitoring Location Damage	<input type="checkbox"/>	<input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion	
Deposits/Stains	<input type="checkbox"/>	<input type="checkbox"/> Oily <input type="checkbox"/> Flow line <input type="checkbox"/> Paint <input type="checkbox"/> Other:	
Abnormal Vegetation	<input type="checkbox"/>	<input type="checkbox"/> Excessive <input type="checkbox"/> Inhabited	
Poor pool quality	<input type="checkbox"/>	<input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other:	
Pipe benthic growth	<input type="checkbox"/>	<input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:	

#### Section 6: Overall Monitoring Location Characterization

☐ Unlikely   
 ☐ Potential (presence of two or more indicators)   
 ☐ Suspect (one or more indicators with a severity of 3)   
 ☐ Obvious

#### Section 7: Data Collection

1. Sample for the lab?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If yes, collected from:	<input type="checkbox"/> Flow <input type="checkbox"/> Pool
3. Intermittent flow trap set?	<input type="checkbox"/> Yes <input type="checkbox"/> No                          If Yes, type: <input type="checkbox"/> OBM <input type="checkbox"/> Caulk dam

#### Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?



Department of  
Environmental  
Conservation

NYS Department of Environmental Conservation  
Division of Water  
625 Broadway, 4th Floor  
Albany, New York 12233-3505

**MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance  
Form**  
for

**Construction Activities Seeking Authorization Under SPDES General Permit**

\*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

**I. Project Owner/Operator Information**

1. Owner/Operator Name:

2. Contact Person:

3. Street Address:

4. City/State/Zip:

**II. Project Site Information**

5. Project/Site Name:

6. Street Address:

7. City/State/Zip:

**III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information**

8. SWPPP Reviewed by:

9. Title/Position:

10. Date Final SWPPP Reviewed and Accepted:

**IV. Regulated MS4 Information**

11. Name of MS4:

12. MS4 SPDES Permit Identification Number: NYR20A

13. Contact Person:

14. Street Address:

15. City/State/Zip:

16. Telephone Number:

## MS4 SWPPP Acceptance Form - continued

### V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).  
Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

### VI. Additional Information

Subject to Approval



**New York State Department of Environmental Conservation**

**Division of Water**

**625 Broadway, 4th Floor**

**Albany, New York 12233-3505**

**\*(NOTE: Submit completed form to address above)\***

**NOTICE OF TERMINATION for Storm Water Discharges Authorized  
under the SPDES General Permit for Construction Activity**

**Please indicate your permit identification number:** NYR \_\_\_\_\_

**I. Owner or Operator Information**

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

4b. Contact Person E-Mail:

**II. Project Site Information**

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

**III. Reason for Termination**

9a. ☐ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. \*Date final stabilization completed (month/year): \_\_\_\_\_

9b. ☐ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR \_\_\_\_\_

(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. ☐ Other (Explain on Page 2)

**IV. Final Site Information:**

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? ☐ yes ☐ no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? ☐ yes ☐ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

\_\_\_\_\_

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the  
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit?    ☐ yes    ☐ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- ☐ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- ☐ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- ☐ For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.
- ☐ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? \_\_\_\_\_  
(acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4?    ☐ yes  
☐ no

(If Yes, complete section VI - "MS4 Acceptance" statement)

**V. Additional Information/Explanation:**

(Use this section to answer questions 9c. and 10b., if applicable)

**VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative** (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the  
SPDES General Permit for Construction Activity - continued**

**VII. Qualified Inspector Certification - Final Stabilization:**

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

**VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):**

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

**IX. Owner or Operator Certification**

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

## SWPPP Construction Site Inspection Checklist

Project Name and Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Weather: \_\_\_\_\_

Yes No N/A

### Authority

Is there a copy of the NOI kept at the construction site? \_\_\_\_\_

Is there a copy of the approved SWPPP on site? \_\_\_\_\_

Is there a copy of the MS4 SWPPP Acceptance Form kept on site? \_\_\_\_\_

Is there a copy of the NYSDEC NOI Acknowledgement Letter kept on site? \_\_\_\_\_

### Record Keeping

Are inspections being performed as required? \_\_\_\_\_

Is there at least one trained contractor on site each day during soil disturbance? \_\_\_\_\_

Are the site inspections being performed by a qualified professional? \_\_\_\_\_

Are the inspection reports signed by the qualified professional? \_\_\_\_\_

### Observations

The limits of disturbance are marked and not being trespassed? \_\_\_\_\_

Have all ESC measures shown on the SWPPP been installed and constructed? \_\_\_\_\_

All ESC measures are being maintained properly? \_\_\_\_\_

Are there more the 5 acres of disturbed soil without written approval? \_\_\_\_\_

Have stabilization measures been initiated in inactive areas? \_\_\_\_\_

Are materials and equipment properly stored to prevent spills & leaks? \_\_\_\_\_

Are trash and construction refuse properly stored in appropriate containers? \_\_\_\_\_

Are portable toilet facilities on site and properly maintained? \_\_\_\_\_

Have permanent SW control measures (drywells, DRAs) been installed & protected? \_\_\_\_\_

Is there evidence of an off-site discharge? \_\_\_\_\_

Is there evidence of turbidity, sediment, or oil reaching the receiving water? \_\_\_\_\_

Provide digital photographs of items that require corrective actions? \_\_\_\_\_

Description of condition or runoff at all points of discharge \_\_\_\_\_

Identification of ESC practices requiring maintenance, repair, replacement or installation \_\_\_\_\_

Description of disturbance or stabilization since last inspection \_\_\_\_\_

Current phase of construction of all post-construction SW practices \_\_\_\_\_

Identification of construction not in conformance with SWPPP and technical standards \_\_\_\_\_

Corrective actions that must be taken to install, repair, replace or maintain ESC and SW practices \_\_\_\_\_

\_\_\_\_\_

Name and Title of Inspector (print)

Signature

**Village of Muttontown**  
**Stormwater Pollution Prevention Plan Inventory**

<u>Owner</u>	<u>Location</u>	<u>Date of SWPPP approval</u>	<u>Date of Inspections</u>	<u>Date of NOT</u>
Chadha	1059/1061 Route 106	8-4-2023		
Giessel Residence	825 Orchard Lane	7-5-2019		2-8-2022
Hunters Moon Farm	6080 Northern Boulevard	3-14-2014		5-15-2018
Ali Residence	214 Brookville Road	3-9-2012		7-30-2013
Stone Hill at Muttontown Subdivision	Kirby Lane	4-22-2005		12-10-2009
Katz Barn and Riding Rink	1780 Route 106	3-7-2008		9-15-2009

Subject to Approval

## **Erosion and Sediment Control Principles**

### **1. Minimize the area of disturbance and protect natural features and soil**

- The potential for erosion and stormwater pollution is greatly reduced by reducing the amount of area of soil disturbed; limit the disturbed areas to those necessary for the construction of the project.
- Protect and preserve topsoil as a management practice
- Soil layers below the topsoil are much more susceptible to erosion and have less infiltration capacity; keeping natural soil in place aids infiltration of stormwater

### **2. Phase construction activities**

- Minimize soil disturbance by scheduling or sequencing construction activities
- Limit the disturbances to areas where construction is active
- Stabilize areas as soon as possible as a management practice

### **3. Establish stabilized construction entrances and exits**

- Install crushed rock at the construction entrance to help knock off mud, soil, silt and sediment from vehicle tires to prevent tracking onto nearby roads
- The nature of the Development may warrant the construction of multiple construction entrances throughout the site and/or the potential to relocate these entrances during the course of construction

### **4. Control stormwater flowing onto the construction site**

- Analyze topographic and other features for the potential for stormwater runoff to flow onto the construction area
- Take measures to control the volume and velocity of runoff flowing onto or through the site

### **5. Stabilize soils promptly**

- Stabilize soils where construction activities have ceased to minimize erosion. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. It should be noted that “temporary” is defined as 14 calendar days, according to the General Permit (GP-0-15-002).
- Provide temporary or permanent vegetative or structural cover to protect exposed soils. Temporary cover includes seeding, mulch, blankets, mats and binders.
- Permanent cover includes seeding, sodding, planting, channel stabilization, vegetative buffers and impervious cover such as paving, concrete, bricks, stone and decking

### **6. Protect slopes**

- Protect all slopes with erosion control measures

- Steep slopes, long slopes and erodible soils require more complex measures to control erosion, which include blankets, turf mats and fiber matrices

#### **7. Soil Stockpiles**

- Stockpile locations should be relatively level, dry and stable
- Maximum stockpile slopes shall be 2 on 1, and maximum height shall be limited to 20 feet
- Stockpiles shall be protected with silt fence around the perimeter to prevent soil transport
- Inactive stockpiles shall be seeded with a temporary cover

#### **8. Protect storm drain inlets**

- Prior to soil disturbance protect inlets that could receive stormwater from the project (on-site and off-site) until final stabilization. Inlet protection is to be removed after the completion of construction and stabilization

#### **9. Establish perimeter controls**

- Maintain natural areas using silt fence or fiber rolls around the perimeter of the area to be disturbed (especially the downslope perimeter)

#### **10. Retain sediment on-site and control dewatering practices**

- Use a temporary sediment trap with a volume of 2600 cubic feet per acre of the contributing watershed

Subject to Approval

## Construction Site Procedures

During the construction of the project the contractor will adhere to the following general conditions:

- Land grading will be scheduled so as to minimize the areas of ground disturbance and the length of time that the areas are unstable;
- Sediment will be trapped on the site using such temporary structural erosion control measures such as silt fencing, straw bale dikes, etc.;
- Sweeping of site areas and adjacent roadways will be done periodically to remove sediment from the pavement surfaces; and
- On-site protection of construction materials and debris will be provided by best management practices (BMPs), as appropriate. Litter receptacles provided by the contractor will be provided for disposal of garbage and other such normal litter. These receptacles will be checked daily and emptied at least once per week.

The proposed construction sequence is as follows.

### Prior to any construction/demolition:

1. Install perimeter silt fences
2. Protect existing catch basin inlets within site areas and along roadways adjacent to site where applicable.
3. Construct stabilized construction entrances
4. Install temporary sanitary facilities and trash receptacles

### During Construction:

1. Create construction staging area
2. Begin clearing and demolition operations
3. Strip and store topsoil in stockpiles, provide stabilization and erosion control measures for any/all stockpiles
4. Prepare rough grading
5. Install proposed drainage facilities; install inlet protection as necessary for installed drainage
6. Prepare proposed grades
7. Install proposed curb, sidewalks, etc.
8. Install below grade utilities including:
  - a. Water service lines, hydrants, valves etc.
  - b. Electrical utilities, site lighting, etc.
  - c. Telecommunication utility services
  - d. Sanitary sewer facilities
9. Construct building pads
10. Install base paving course
11. Construct buildings
12. Install final paving sections
13. Install proposed landscaping



#### 14. Remove erosion control measures as site achieves required stabilization

##### Completion of Site Work:

1. Monitor stabilized areas
2. File Notice of Termination once criteria of the permit are met.

Litter, construction chemicals and construction debris would be prevented from becoming a pollutant source by the implementation of good housekeeping and proper management practices, as follows.

- Keeping stormwater catch basins clean and free of material that may clog the inlet is a priority.
- Provide a perimeter fence of suitable material (such as chain link or orange construction fence) to contain litter on the site.
- Providing sturdy, watertight containers for litter and other trash within the construction area, convenient to workers where they may congregate for breaks.
- The trash containers shall be maintained and emptied appropriately as required, and must not be cleaned, or hosed out on site.
- Receptacles for trash and litter shall not be allowed to overflow and they should remain covered.
- Litter shall not be allowed to be discarded on site, in or buried in the utility trenches or in the roadway or in other excavations.
- Construction debris larger than containers that is too heavy or too large to be carried or deposited by the elements shall be retrieved and removed by the contractor.
- Trucks and containers for debris shall not be overloaded.
- Tarps should be used to cover truck beds that are full of debris to prevent spillage.
- The contractor shall make every effort to prevent dumping, throwing, disposal, depositing, dropping or otherwise discarding waste litter and debris onto private or public property.
- Chemicals such as insecticides, rodenticides, herbicides and fertilizers must be used according to applicable laws and by qualified personnel. Appropriate application rates shall be adhered to, and the contractor must take precautions to protect the areas of application from people and the environment.
- Construction chemical releases shall be cleaned up as soon as possible so that they do not become a pollutant in the stormwater system.
- Recycling should be encouraged.

Demolition and construction wastes include brick, mortar, concrete, broken asphalt pavement, wood, lumber, sawdust, scrap metal, pipe, packaging materials, wooden pallets, plastic, glass, sanitary wastes, equipment and vehicle maintenance materials, soil, tree stumps, brush and rubble. The following practices shall be used to minimize the exposure of materials to stormwater.

- All waste materials shall be collected by the contractor and disposed of properly, and in accordance with applicable federal, state and local regulations and guidelines.
- Any material of a potentially hazardous nature, such as oil filters, petroleum products (including gasoline, kerosene, diesel fuel, lubricating oil and grease), equipment fluids, cleaning solvents and acids, curing compounds and paint shall be sealed in an appropriate container and clearly labeled, and segregated from other waste materials.
- Secondary containment shall be provided for hazardous liquid storage and transport.

- Providing sturdy, watertight containers for waste materials and other trash within the construction area, convenient to workers depending on the work activity.
- The trash containers shall be maintained and emptied appropriately as required, and must not be cleaned with a hose on site.
- Demolition and construction equipment and maintenance materials would be stored at staging areas, and would be kept away from the stormwater system by using covers (either under a roof or within containers) as applicable.
- Vehicle maintenance shall take place offsite, away from the construction zone, and in an area protected from potential exposure to surface waters.
- Any chemical spill will be cleaned up immediately upon discovery. Absorbent materials will be placed in a container for proper disposal. Spill kits will be kept and maintained on site. A materials inventory, and material safety data sheets for materials contained in the inventory, will be kept at staging areas, as well as emergency contact information.
- Temporary sanitary facilities (portable toilets) will be provided at the construction site.

Temporary measures for erosion control include the use of diversion devices to keep runoff from entering the work trench and soil storage areas. Portable booms or other suitable containment devices will be used to prevent excavated soil from being transported by runoff. If soil were stockpiled for a period of more than 5 days, it will be seeded with a fast-growing vegetative cover. Catch basin inlets will be protected in accordance with the details shown on the plans. Trenches will be promptly backfilled to grade to minimize exposure time to the elements.

The contractor is responsible for the implementation of the SWPPP, including the installation and maintenance of management practices, waste and chemical handling, housekeeping and means and methods of construction. A regular maintenance schedule will be implemented for the maintenance of the erosion control measures.

According to Part IV of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002), the owner or operator must ensure that all erosion and sedimentation control practices and post construction stormwater management practices identified in the Stormwater Pollution Prevention Plan are always maintained and effective. This includes the following:

- Daily checking to ensure that all measures are intact and functioning, by trained personnel
- Inspections by a qualified inspector on (at least) a weekly basis (and after a 0.5-inch rainfall), to ensure that sediment barriers, erosion control measures, site stabilization measures, etc., are effective and functioning.
- Inspections by a qualified inspector on (at least) a weekly basis (and after a 0.5-inch rainfall), of sediment accumulation in stormwater structures and devices, including catch basins, stormwater storage facilities, drains and construction entrances, and to ensure removal of sediment as necessary.
- Inspections by a qualified inspector on (at least) a weekly basis (and after a 0.5-inch rainfall), of unstable disturbed areas, staging areas, to take corrective actions if areas are susceptible to erosion.
- Inspections by a qualified inspector on (at least) a weekly basis (and after a 0.5-inch rainfall), to ensure that materials storage areas are sufficiently protected and not contributing pollutants to surrounding areas.

## **Good Housekeeping at Construction Sites**

### **1. Provide for waste management**

- Prevent or reduce the potential for the discharge of pollutants to stormwater from solid or liquid wastes by disposing of trash, proper material handling, recycling and cleanup
- Designate trash and bulk waste disposal areas on-site
- Recycle materials whenever possible
- Segregate, label and provide proper disposal for hazardous materials and wastes
- Collect litter from the site daily
- Provide well maintained, stable and properly located toilet facilities (away from storm drains), and use according to Health Department regulations
- Provide secondary containment for spills from collection and sanitary facilities
- Educate employees regarding waste handling on site

### **2. Establish proper materials handling staging areas**

- Paints, solvents, pesticides, fuels, oils and other hazardous materials should be stored indoors or under cover, not exposed to elements
- Designate staging areas for fueling, mixing paint, plaster, mortar, and other materials, as applicable
- Train employees pertaining to the proper handling of materials used at the site

### **3. Designate paint and concrete washout areas**

- Concrete contractors should be encouraged to use washout facilities at their plant
- Washout areas on-site should be designated, and located away from streams, ponds, storm drains, streets or gutters
- Provide adequate containment for wash water
- Inspect washout facilities daily to look for leaks, tears, and breaches in the system, as applicable

### **4. Establish proper equipment/vehicle fueling and maintenance practices**

- Encourage fueling and vehicle/equipment maintenance off-site
- Designate vehicle/equipment fueling and maintenance areas, and locate them away from wash areas, runoff, streams, ponds, storm drains, streets or gutters. Use drip pans, drip cloths and/or absorbent pads for fluid replacement, and keep a spill kit nearby. Provide secondary containment.
- Inspect the fueling and maintenance area daily to look for leaks, and breaches in the system, as applicable
- Collect spent fluids, store in labeled containers away from the elements and dispose of or recycle appropriately
- Train employees pertaining to the proper use of the fueling and maintenance area

### **5. Control equipment washing and allowable stormwater discharges**

- Designate vehicle/equipment washing areas, and locate them away from runoff, streams, ponds, storm drains, streets or gutters. Provide secondary containment.
- Use high pressure water spray without detergents
- Train employees pertaining to the proper washing procedures

**6. Develop a spill prevention and response plan**

Follow the plan included in the SWPPP

Subject to Approval

### Construction Site Operations and Areas of Concern

<u>Activity</u>	<u>Potential pollutant</u>	<u>Controls</u>
Demolition	sediment, trash, debris	Maintain erosion control measures, wind screening
Clearing, grading & excavating	sediment, trash, debris	Maintain erosion control measures, wind screening
Concrete work & washout	metals, pH, trash, debris	Specify a controlled washout area with contained/filtered runoff
Paving	sediment, trash, debris	Maintain erosion control measures
Materials delivery & storage	sediment, trash, debris	Maintain erosion control measures, wind screening and specify locations for handling
Dewatering	sediment, nutrients	Maintain erosion control measures
Landscaping operations	sediment, nutrients, trash, debris	Maintain erosion control measures, use chemicals according to labels, laws and by qualified applicators
Solid waste	trash, debris, other chemicals	Use receptacles, wind screening and litter patrol
Sanitary system	nutrients, pH, bacteria, other chemicals	Use on-site portable facility
Vehicle fueling & maintenance	oil, grease, other chemicals	Do not perform on-site

### Potential Pollutants from Construction Sites

<u>Material</u>	<u>Pollutant</u>	<u>Controls to Minimize Stormwater Impacts</u>
Silt/sediment	Suspended solids, pathogens	<ul style="list-style-type: none"> <li>Adhere to erosion control plan</li> </ul>
Gasoline	BTEX, MTBE	<ul style="list-style-type: none"> <li>Proper labeling of all containers</li> <li>Proper covered storage of materials</li> <li>Keep containers above the ground</li> <li>Keep lids tightly fastened</li> <li>Provide means of secondary containment</li> <li>Establish staging areas away from stream corridors</li> <li>Limit handling in staging areas</li> <li>Do not overfill equipment</li> <li>Dispose of wastes appropriately</li> <li>Use caution to avoid spills</li> </ul>
Diesel fuel	Petroleum hydrocarbons	
Oil	Petroleum hydrocarbons	
Kerosene	Petroleum hydrocarbons	
Hydraulic fluids	Petroleum hydrocarbons	
Lubricating oil	Petroleum hydrocarbons	
Grease	Petroleum hydrocarbons	
Antifreeze	Ethylene glycol, metals	
Cleaning solvents	VOCs, naphtha	
Adhesives	VOCs, polymers, epoxies, ammonia, acids	<ul style="list-style-type: none"> <li>Proper labeling of all containers</li> <li>Proper storage of materials</li> <li>Keep lids tightly fastened</li> <li>Keep materials covered from weather</li> <li>Limit use where needed</li> <li>Dispose of wastes appropriately</li> <li>Use caution to avoid spills</li> </ul>
Paint	VOCs, metals, epoxies	
Wood preservatives	Petroleum hydrocarbons, VOCs, resins, metals	
Curing compounds	VOCs, isocyanates, phenols, naphthalene	
Joint compounds	Asbestos	
Plaster/spackle	Asbestos, calcium oxides	
Asphalt	Petroleum hydrocarbons	<ul style="list-style-type: none"> <li>Specify controlled concrete truck washout area</li> <li>Isolate construction materials storage areas</li> <li>Use good housekeeping procedures on site</li> <li>Dispose of waste materials properly</li> </ul>
Asphaltic cement	Petroleum hydrocarbons	
Concrete/mortar	Acids, ketones	
Construction debris	Solid waste	<ul style="list-style-type: none"> <li>Isolate construction materials storage areas</li> <li>Use good housekeeping procedures on site</li> <li>Provide covered trash receptacles on site</li> <li>Do not overfill receptacles</li> <li>Pick up litter daily</li> </ul>
Litter/paper	Solid waste	
Food waste	Solid waste	
Cardboard/packaging	Solid waste	
Demolition debris	Solid waste	

Trees/shrubs	Solid waste	
<b><u>Material</u></b>	<b><u>Pollutant</u></b>	<b><u>Controls to Minimize Stormwater Impacts</u></b>
Insecticides	Pesticides	<ul style="list-style-type: none"> <li>• Store in areas protected from the elements</li> <li>• Proper labeling of all containers</li> <li>• Proper storage of materials</li> <li>• Keep lids tightly fastened</li> <li>• Use sparingly and according to instructions</li> <li>• For use by qualified individuals</li> </ul>
Rodenticides	Pesticides	
Herbicides	Pesticides	
Lawn chemicals	Pesticides	
Fertilizer	Nitrogen, phosphorus	
Sanitary wastes	Bacteria, pathogens	<ul style="list-style-type: none"> <li>• Provide on site sanitary facilities</li> </ul>

Subject to Approval

**Construction Site Complaint Form**

**Date:** \_\_\_\_\_

**Person Filing Complaint Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Location of Construction Site:** \_\_\_\_\_

\_\_\_\_\_

**Nature of Complaint:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Follow-up Action:** \_\_\_\_\_

\_\_\_\_\_

**Inspection Outcome:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subject to Approval



## Spill Prevention/Response Plan

The personnel at the site must be aware of the locations of chemical storage areas, including the types and quantities of hazardous materials stored at the site. All materials should be stored in appropriate containers and must be labeled. Additionally, anything that is susceptible to spillage or leakage must be handled with care to minimize the potential of a chemical or materials release.

All materials shall be stored in their original containers, and labels must be prominently displayed. The contractor is responsible for maintaining the Material Safety Data Sheets (MSDS) for each chemical used or stored on the site, in a convenient location. The MSDS contains valuable information pertaining to the chemical and physical properties of the materials, and indicates handling advice, recommendations for chemical neutralization and precautions for chemical incompatibilities. Individuals who undertake a supervisory role in site operations should be familiar with the chemicals stored and used on the site, and their properties as provided in the MSDS.

The personnel who handle potentially polluting materials should recognize the potential flow path of a spill. The flow path may be determined by knowing how the area storm system functions, knowing the flow direction of a spill and/or analyzing the area topography. The personnel must be aware of the location of existing storm drains, tributary drainage areas (watershed areas), and surface waters, as applicable. Based on this information, secondary containment and barriers to inhibit or stop flow should be used.

Spill prevention procedures shall be posted at the construction site and persons trained in spill handling shall be on site or on call at all times. Spill kits approved by OSHA and materials for cleaning spills shall be kept on site and shall be easily accessible for emergencies and shall be kept near the chemical storage areas. Personnel must be trained to use the spill kit properly and effectively.

The chemical storage area must be inspected periodically and after heavy rains to ensure that the storage area remains dry. Any spills or accumulated rainwater within the storage area shall be collected and placed into storage drums, to be disposed of properly, and not on site. Any liquid collected from the chemical storage area must be handled as hazardous waste.

Spills shall be cleaned as soon as possible upon discovery and all contaminated materials must be disposed of properly. Spills shall not be washed with water, hosed down or buried. If a spill is exposed to rainfall, it shall be covered using tarps or similar methods.

The following are general guidelines for spill response:

- Immediately alert a supervisor and personnel in the area of the spill
- In the case of a fire, explosivity or if medical attention is needed, call 911
- If the spill involves a chemical release with possible contamination, contaminated clothing must be removed and the skin must be flushed with water (if compatible)
- If the spill involves a volatile or flammable material, warn site personnel, clear the area, control ignition sources and ventilate the area, as applicable
- Employ the use of appropriate personal protection equipment, per MSDS information

The basic procedures for the prevention of spilled chemicals from reaching surface waters include the following:

- Stop the source of the spill
- Contain any liquid release, protect floor drains, the storm system, drainage ways or other means of conveyance or transport of the spill, using booms, dikes, covers or similar methods

- Cover the spill with absorbent material
- Collect the absorbed material and place it in a suitable container and label it accordingly
- Dispose of the absorbent properly

The following notifications shall be made in the event of a chemical, petroleum product or hazardous spill:

- NYS Department of Environmental Conservation, chemical or oil spill release

Hotline: 1-800-457-7362

NYSDEC, Region 1 Hotline, Stony Brook, (631) 444-0322

- Nassau County Department of Health Services, (516) 227-9697 or 516-742-6154
- Fire: 911
- Police: 911

Suspected spills must be reported to the department's Spill Hotline (800-457-7362) within 2 hours after discovery for any of the following conditions:

- the discovery of hazardous substance outside of a container at the facility or in the surrounding area (e.g., the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water);
- unusual operating conditions observed (e.g., the erratic behavior of hazardous substance dispensing equipment, the sudden loss of hazardous substance from the container, an unexplained presence of water in the container, or water in the interstitial space of secondarily contained components), unless the container component is found to be defective but not leaking, and is immediately repaired or replaced;
- any other conditions or indications of a suspected spill. Where a spill of any hazardous substance has occurred or is suspected, the department may order the owner to inspect any container, location, and/or associated equipment which might be the source of the actual or suspected spill and to test for tightness and structural soundness.

Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

After a spill occurs, municipal personnel must evaluate the adequacy of the best management practices which are in place. If the management practices are inadequate, new best management practices must be implemented and the applicable plan (e.g., SWPPP, SWMP) must be updated. The intent of the new practices is the prevention of the reoccurrence of a spill and to improve emergency response to a release.

The cleaning up of a spill or leak must comply with must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6 NYCRR Parts 596 through 599, 613, and 370 through 373.

**Installation and Maintenance Schedule**  
**Erosion Control and Stormwater Management Facilities**  
**(as applicable for each erosion control measure)**

**Straw Bales:**

Straw bales may be used alone, or they may be placed flush against the upstream (upslope) side of silt fence. The straw bales shall be installed prior to groundbreaking within areas of site work, and along the perimeter of soil storage stockpiles immediately upon establishment, as applicable and according to the plans. The straw bales shall be inspected at least once each week and after heavy rains. Straw bales that are not installed properly (embedded a minimum of 4 inches into the soil), or that are no longer intact shall be replaced. There should be no gaps in the straw bale barrier. Sediment that accumulates more to a depth of half of the straw bale height must be removed and disposed of so that it would not erode. Straw bales should be replaced annually, or when they are no longer functional, as the life expectancy is several months.

**Silt Fence:**

Silt fence may be used alone, or they may be placed flush against the downstream (down slope) side of straw bales. The silt fence shall be installed prior to groundbreaking within areas of site work and after establishment of soil storage stockpiles immediately upon establishment, as applicable and according to the plans. The silt fence shall be inspected at least once each week and after heavy rains. Silt fence that is not installed properly, securely fastened or not properly set into the ground (6 inches), should be reinstalled. Silt fence that is torn, stressed, stretched, weathered or weak shall be replaced. Accumulated sediment shall be removed and disposed of so that it would not erode. Silt fence should be replaced every six months, or when it is no longer functional.

**Storm Drain Inlet Protection:**

Storm drain inlet protection shall be used as specified on the plans and detail sheets, and in areas where construction activities may cause soil or sediment to enter the storm system. Inlet protection shall be installed prior to groundbreaking, and it shall remain in place until disturbed soils have been stabilized. Inlet protection shall be inspected daily and it shall be reinstalled or replaced if not installed properly or is no longer functional. Accumulated soil, sediment, debris and other potential impediments to the functioning of the stormwater system shall be removed and disposed of properly.

**Portable Sediment Tank, or Sump Pit:**

The portable sediment tank or the sump pit (option) shall be used to trap sediment from dewatering operations. The sediment tank or sump pit shall be inspected daily for clogging and other problems that may cause the system to malfunction. Accumulated soil, sediment, debris and other potential impediments to the functioning of the stormwater system shall be removed and disposed of properly.

**Stabilized Construction Entrance:**

A stabilized construction entrance is a pad of aggregate on a geotextile located where there is construction traffic to (or from) an access point. The entrance shall be maintained to prevent tracking of sediment from construction sites. Maintenance includes top dressing of additional aggregate material (e.g., stone). Sediment that has reached a point beyond the stabilized entrance shall be immediately removed. The stone pad may be washed or rinsed, but only if the sediment washed from the stone is contained on site.

#### Check Dams:

Check dams are small barriers made of stone, bagged sand or gravel, or other durable material, placed across a drainage way. Check dams should be inspected after each rainfall event. Accumulated sediment should be removed and stone (or other material) should be replenished to maintain the original design shape.

#### Stabilization with Mulch:

Mulching is used to stabilize areas of new plantings or on soils subject to erosion. Mulching also lowers runoff amounts from surfaces. Mulch should be inspected regularly to ensure adequate coverage. Additional mulch should be added if mulch has washed away, biodegraded or become buried or worked into the soil underneath.

#### Stabilization with Sod:

Installation of sod is applicable to areas where the goal is to establish lawn areas for a long term. Sod should be carefully watered daily and inspected to ensure adequate coverage, without gaps, and to ensure that it is green and healthy, and that moisture is reaching through the root zone (to 4 inches). Pieces of sod that are not thriving shall be replaced. Sod should not be mowed until the roots are firmly established.

#### Sediment Basin:

A sediment basin is a temporary barrier or dam constructed in a low area or in a drainage way to intercept sediment laden runoff and trap soil particles (silt and sediment). Sediment basins should be inspected daily, and erosion and other damage should be immediately repaired. Sediment shall be removed prior to reaching 50% of the basin capacity.

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## **Enforcement Response Plan**

The following outlines the Village's procedure for enforcement as it relates to the protection of the Village's stormwater system.

The Village is required to develop and implement adequate enforcement authority for construction activities with land disturbance of an acre or more, as well as illicit discharges to the Village's storm sewer system. The purpose of this Enforcement Response Plan is to communicate how the enforcement tools available to the Village will be used to achieve compliance. The Enforcement Response Plan also specifies criteria by which the Village can determine the enforcement action most appropriate to instances of non-compliance.

The procedures are developed with the following objectives in mind:

- Prevent pollutants from entering the MS4 and causing environmental harm.
- Ensure that violators return to compliance in a timely manner.
- Communicate definitions for non-compliance.
- Penalize those responsible for non-compliant discharges or construction site operators for violations.
- Provide equitable and consistent enforcement actions to the extent possible.
- Deter non-compliance through education and compliance assistance and/or possible penalties.
- Recover costs incurred by the Village due to non-compliance.

The Village enforcement responses and actions would consider the type of issue, the magnitude of the issue, the duration of the situation, the potential impact on public health and welfare, the impact on the storm system, impact on a water body, the compliance history of the operator and good faith efforts regarding compliance, as well as any other pertinent circumstances contributing to the situation. The Village tracks enforcement by conducting follow-up investigations at a frequency depending on the above listed criteria and further evaluation.

Referral to other agencies is based on other jurisdictions, which may be County, State or federal.

Each site inspection should include a recommendation of a follow up inspection. Time frames for compliance and/or reinspection should consider the type and magnitude of the issue or violation, giving a reasonable time frame for compliance. Typical time frames would be between 24 hours and 2 weeks.

Fines for violations would be determined according to applicable sections of the Village Code.

### Site Construction and Illicit Discharge Enforcement Procedure

<u>Issue</u>	<u>Enforcement Action</u>	<u>Responsibility</u>
Reported illicit discharges or construction site violations which are determined to comply with applicable standards	No Action	Village Building Department/ Village Engineering Consultant
Failure to prepare or maintain a Stormwater Pollution Prevention Plan (SWPPP)	Written Warning	Village Building Department
Failure to perform required inspections or record keeping documentation	Written Warning	Village Building Department
Erosion control measures not adequately installed or maintained or ineffective	Verbal Warning	Village Building Department
Failure to use Best Management Practices (BMPs)	Verbal Warning	Village Building Department/ Village Engineering Consultant
Illicit discharge to storm system	Written Violation Notice and notice to remedy	Village Building Department
Construction site erosion confined to the site	Verbal Warning	Village Building Department/ Village Engineering Consultant
Sediment/stormwater discharge from construction site beyond erosion control measures but not beyond property line	Written Violation Notice and notice to remedy	Village Building Department
Illicit discharge to surface water of the State	Summons/Appearence Ticket and notice to remedy/ Referral to other agencies	Village Building Department/ Other agencies
Sediment/stormwater discharge from construction site beyond erosion control measures beyond property line	Summons/Appearence Ticket and notice to remedy/ Referral to other agencies	Village Building Department/ Village Police Department/ Other agencies
Repeated violations on construction sites	Stop Work Order until remedy completed	Village Building Department/ Village Police Department

## ENFORCEMENT RESPONSE DOCUMENTATION FORM

Personnel Involved		Date
Description of Violation		
Location of Violation (address)		
( ) -		
Responsible Party	Telephone	
Street	City	Zip
<u>Description of Violation:</u>		
Level of Response		
Selected Remedy		Date for Follow-Up
<u>Additional Notes:</u>		

Subject to Approval

## **Best Management Practices for Municipal Facilities and Operations**

The following best management practices (BMPs) shall be taken by the Village to control potential pollutants from entering the municipal storm system.

1. Minimize exposure of potentially polluting materials to rain, snow, snowmelt and runoff, including the protection of areas of loading, unloading, storage, disposal, cleaning, maintenance, and fueling operations, as applicable. The following are considered best management practices.
  - Locate materials and activities inside, or protect them with storm resistant cover
  - Use grading, berming, or curbing as containment features to prevent runoff of contaminated flows and create a diversion away from stormwater inlets and locate materials, equipment and activities (including cleaning of vehicles and equipment) so that leaks and spills would be within the containment area
  - Clean up spills and leaks promptly using dry methods such as absorbents to prevent the discharge of pollutants
  - Store leaky vehicles and equipment indoors, and use drip pans and absorbents
  - Use spill/overflow protection, such as a secondary containment system
  - Inspect unused equipment monthly for leaks
  - Minimize the use of chemicals and replace them with less toxic alternatives and non-hazardous cleaners and other items, as applicable
2. Follow a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases, including
  - Performing inspections and preventive maintenance of storm drainage systems, source control systems or devices, treatment systems, and plant equipment
  - Maintain spill response supplies, containment measures, and coverings (including buildings), and maintain personnel training, as applicable
  - Wash vehicles and equipment such that washwater would not be discharged to surface waters
  - Routinely maintain best management practices, to ensure that the measures are effective and ready for the next storm event
  - Use temporary measures to minimize discharges of pollutants during times of repair or replacement of permanent measures, including the cleaning up of contaminated surfaces to eliminate a potential discharge
3. Spill prevention and response procedures shall follow what is included in the appendix.
4. Implementation of erosion and sediment control measures to include stabilization of exposed area to control runoff using structural and/or non-structural control found in the NYSDEC Erosion & Sedimentation Control manual.



5. Management of vegetated areas and open space on municipal property
6. Proper storage of salt storage, which does not apply to the Village, as the Village has no maintenance facility.
7. The Village keeps all dumpsters closed when not in use. Exposed areas will be free of waste, garbage and debris.

The Village storm system consists of a series of catch basins which are piped to either dry wells or groundwater recharge basins. The catch basins collect runoff from the roads, and they function as inlets to the storm system. Each catch basin has a recessed sump which serves as a storage area for debris, so it does not enter the piping system. It is important to keep the sumps clean because if they are full, the debris may enter the piping system and it would clog the Village drainage system. The Village maintains its catch basins by periodically having an outside contractor clean them. There is a catch basin inspection and maintenance form in the appendix. The inspection form includes the following information.

- Date of inspection
- Depth of structure
- Depth of sump
- Approximate level of trash, sediment, debris relative to the depth of the sump in the structure.
- Date of cleaning, as applicable

Based on the results of the inspection of the catch basins, the Village cleans its catch basins according to the following schedule

- Within 6 months of the inspection where the debris level had exceeded 50% of the depth of the sump
- Within 1 year of the inspection where the debris level was less than 50% of the depth of the sump

The Village or its contractor must use care when cleaning catch basins and other storm system components so that:

- Water or material removed from the catch basin are prevented from entering the storm system or waters of the State; and
- materials removed from the catch basin are disposed of in accordance with applicable environmental laws and regulations.

The Village has a contractor clean or sweep the Village roads at least every other year either during the spring after winter sanding operations have been completed or in the fall when leaves are on the road surface.

The following are best management practices (BMPs) for road maintenance.

- Perform paving, patching and sealing during dry weather
- Stage the paving and patching activities to reduce the potential discharge of pollutants to the Village storm system or to waters of the State
- Restrict the use of herbicides/pesticides on roadsides
- Contain pollutants associated with road maintenance activities

- Routinely calibrate equipment for the appropriate application of sand/salt
- Ensure that snow removal and disposal activities comply with NYS guidance on snow disposal, including
  - the upland disposal/storage in areas least likely to cause runoff to waters of the State,
  - trap solids or remove solids from stockpiles snow as it melts to prevent them from entering the storm system or waters of the State,
  - establishment and maintenance of a buffer (minimum recommended distances range from 50 to 100 feet) between disposal site and surface water,
  - avoidance of wellhead protection areas of a public water supply or within 300 feet of a private well
  - avoidance of areas serving as onsite sewage system leachfields; and
  - as applicable, the use of proper controls such as inlet protection for catch basins.

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## **Municipal Good Housekeeping and Pollution Prevention Policy and Procedures**

It is the policy of the Village to conduct its municipal operations and maintenance in a safe and environmentally sound manner and in compliance with applicable safety and environmental rules and regulations. To that end, the Village has prepared this policy and procedures document to safeguard human health and the environment.

### Street Maintenance:

Note that the Village does not have any bridges or sidewalks.

- To inspect all streets and parking areas on a weekly basis
- To sweep all streets at least annually and as needed
- To provide training to all maintenance employees annually, as applicable to personnel
- To ensure that all third party contracts for street and bridge maintenance require the vendor to comply with Village policy and environmental regulations by including a certification in the contract.

### Winter Road Maintenance:

- To plow and apply salt/sand adequate to safeguard the traveling public
- To use no more salt/sand than is needed to safeguard the traveling public

If a contractor is used for winter road maintenance, the above certification is required.

### Drainage System Maintenance:

- To inspect 25% of the catch basins per year and record the depth of the accumulate sediment
- To inspect 25% for the Village owned diffusion (dry) wells per year and record the depth of sediment
- To inspect all structural BMP treatment devices each year and develop a history of material accumulation.
- To inspect Village owned ditches, open channels, and waterways (as applicable) for sedimentation and erosion monthly and stabilize the banks as required.
- To inspect a minimum of 20% of the Village outfalls (as applicable) once per year during dry weather and record whether there is any non-groundwater flow
- To clean, replace expendable components and otherwise maintain structural BMP treatment devices so they function as designed
- To trace dry weather non-groundwater discharges from Village outfalls to determine if an illicit discharge is occurring in coordination with the Village Stormwater Management Officer (SMO).
- To provide training to all drain maintenance employees annually

### Vehicle and Fleet Maintenance (as applicable):

Note that the Village does not have a vehicle maintenance facility

- To ensure that facility floor drains and vehicle wash water are treated by an oil & grit separator and then discharged to an on-site diffusion well and not a surface water
- To inspect oil & grit separators monthly and clean them as required

- To have a designated environmental and safety coordinator at each facility who is responsible to see that these policies & procedures are followed.
- To have a spill plan at all facilities where hazardous materials are used, stored, or transferred.
- To have spill kits at all facilities where hazardous materials are used, stored, or transferred.
- To have Material Safety Data Sheets (MSDS) for all chemicals at each facility.
- To properly store flammable liquids in a cabinet manufactured and approved for that purpose.
- To properly store lubricating oils, antifreeze and other such liquids indoors and with secondary containment.
- To properly store hazardous wastes in and appropriate building or under cover in labeled containers with secondary containment
- To recycle used oil, antifreeze, batteries and tires.
- To store used oil and antifreeze in appropriate labeled containers with secondary containment.
- To ensure that the gasoline and diesel fueling areas are properly maintained.
- To ensure that gasoline and diesel tanks are in compliance with environmental regulations
- To explore and use alternative products that are “environmentally friendly”
- To provide training to all vehicle maintenance employees annually

#### Parks and Open Space Maintenance

- To follow an integrated pest management program (IPM) approach to control pests on Village properties.
- To require that pesticides only be applied by a NYS Certified Applicator
- To use slow release fertilizers in cases where a decision has been made to use fertilizers.
- To strive to reduce the use of fertilizers on Village properties.
- To store pool chemicals in secure enclosures
- If the pool is drained, to assure that the chlorine has dissipated before discharging.
- To promote no waste clean up on Village properties and public streets
- Discourage flocking birds such as geese and pigeons from permanently residing on Village properties and facilities.
- To provide training to all ground maintenance employees annually
- To ensure that all third party contracts for landscaping and grounds maintenance require the vendor to comply with Village policy and environmental regulations by including a certification in the contract.

#### Municipal Building Maintenance:

- To ensure that underground heating oil tanks are in compliance with environmental regulations.
- To inspect on-site septic systems annually and take have the systems cleaned as required
- To explore and use alternative cleaning products (“green products”) for building maintenance

- To recycle paper, glass, plastics, and metal containers
- To use diffusion wells or infiltration devices to recharge roof water and site runoff
- To properly store pesticides, cleaning solutions and other chemicals in a closed area.
- To ensure that all third party contracts for building maintenance require the vendor to comply with Village policy and environmental regulations by including a certification in the contract.

Solid Waste Management:

The Village does not pick up or remove solid waste

- To ensure that all third party contracts for building maintenance require the vendor to comply with Village policy and environmental regulations by including a certification in the contract.

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## Catch Basin Inspection and Maintenance Form

[illegible]

# Environmental Protection Agency (EPA) Stormwater Management Preferred Practices

## Bioretention Cells



A bioretention cell or rain garden is a depressed area with porous backfill (material used to refill an excavation) under a vegetated surface. These areas often have an underdrain to encourage filtration and infiltration, especially in clayey soils. Bioretention cells provide groundwater recharge, pollutant removal, and runoff detention. Bioretention cells are an effective solution in parking lots or urban areas where green space is limited.

## Curb and Gutter Elimination

Curbs and gutters transport flow as quickly as possible to a stormwater drain without allowing for infiltration or pollutant removal. Eliminating curbs and gutters can increase sheet flow and reduce runoff volumes. Sheet flow, the form runoff takes when it is uniformly dispersed across a surface, can be established and maintained in an area that does not naturally concentrate flow, such as parking lots. Maintaining sheet flow by eliminating curbs and gutters and directing runoff into vegetated swales or bioretention basins helps to prevent erosion and more closely replicate predevelopment hydraulic conditions. A level spreader, which is an outlet designed to convert concentrated runoff to sheet flow and disperse it uniformly across a slope, may also be incorporated to prevent erosion.

## Grassed Swales



Grassed swales are shallow grass-covered hydraulic conveyance channels that help to slow runoff and facilitate infiltration. The suitability of grassed swales depends on land use, soil type, slope, imperviousness of the contributing watershed, and dimensions and slope of the grassed swale system. In general, grassed swales can be used to manage runoff from drainage areas that are less than 4 hectares (10 acres) in size, with slopes no greater than 5 percent. Use of natural, low-lying areas is encouraged, and natural drainage courses should be preserved and utilized.

## Green Parking Design



Green parking refers to several techniques that, applied together, reduce the contribution of parking lots to total impervious cover. Green parking lot techniques include: setting maximums for the number of parking lots created; minimizing the dimensions of parking lot spaces; utilizing alternative pavers in overflow parking areas; using bioretention areas to treat stormwater; encouraging shared parking; and providing economic incentives for structured parking.

## Infiltration Trenches



Infiltration trenches are rock-filled ditches with no outlets. These trenches collect runoff during a storm event and release it into the soil by infiltration (the process through which stormwater runoff penetrates into soil from the ground surface). Infiltration trenches may be used in conjunction with another stormwater management device, such as a grassed swale, to provide both water quality control and peak flow attenuation. Runoff that contains high levels of sediments or hydrocarbons (for example, oil and grease) that may clog the trench are often pretreated with other techniques such as water quality inlets (series of chambers that promote sedimentation of coarse materials and separation of free oil from storm water), inlet protection devices, grassed swales, and vegetated filter strips.



## Inlet Protection Devices



Inlet protection devices, also known as hydrodynamic separators, are flow-through structures with a settling or separation unit to remove sediments, oil and grease, trash, and other stormwater pollutants. This technology may be used as pre-treatment for other stormwater management devices. Inlet protection devices are commonly used in potential stormwater “hot spots”—areas where higher concentrations of pollutants are more likely to occur, such as gas stations.

## Permeable Pavement



Permeable pavement is an alternative to asphalt or concrete surfaces that allows stormwater to drain through the porous surface to a stone reservoir underneath. The reservoir temporarily stores surface runoff before infiltrating it into the subsoil. The appearance of the alternative surface is often similar to asphalt or concrete, but it is manufactured without fine materials and instead incorporates void spaces that allow for storage and infiltration. Underdrains may also be used below the stone reservoir if soil conditions are not conducive to complete infiltration of runoff.

## Permeable Pavers



Permeable pavers promote groundwater recharge. Permeable interlocking concrete pavements (PICP) are concrete block pavers that create voids on the corners of the pavers (pictured to the right). Concrete grid paver (CGP) systems are composed of concrete blocks made porous by eliminating finer particles in the concrete which creates voids inside the blocks; additionally, the blocks are arranged to create voids between blocks. Plastic turf reinforcing grids (PTRG) are plastic grids that add structural support to the topsoil and reduce compaction to maintain permeability. Grass is encouraged to grow in PTRG, so the roots will help improve permeability due to their root channels.

## Rain Barrels and Cisterns



Rain barrels and cisterns harvest rainwater for reuse. Rain barrels are placed outside a building at roof downspouts to store rooftop runoff for later reuse in lawn and garden watering. Cisterns store rainwater in significantly larger volumes in manufactured tanks or underground storage areas. Rainwater collected in cisterns may also be used in non-potable water applications such as toilet flushing. Both cisterns and rain barrels can be implemented without the use of pumping devices by relying on gravity flow instead. Rain barrels and cisterns are low-cost water conservation devices that reduce runoff volume and, for very small storm events, delay and reduce the peak runoff flow rates. Both rain barrels and cisterns can provide a source of chemically untreated “soft water” for gardens and compost, free of most sediment and dissolved salts.

## Riparian Buffers



A riparian, or forested, buffer is an area along a shoreline, wetland, or stream where development is restricted or prohibited. The primary function of aquatic buffers is to

physically protect and separate a stream, lake, or wetland from future disturbance or encroachment. If properly designed, a buffer can provide stormwater management and can act as a right-of-way during floods, sustaining the integrity of stream ecosystems and habitats.

## Sand and Organic Filters

Sand and organic filters direct stormwater runoff through a sand bed to remove floatables, particulate metals, and pollutants. Sand and organic filters provide water quality treatment, reducing sediment, biochemical oxygen demand (BOD), and fecal coliform bacteria, although dissolved metal and nutrient removal through sand filters is often low. Sand and organic filters are typically used as a component of a treatment train to remove pollution from stormwater before discharge to receiving waters, to groundwater, or for collection and reuse. Variations on the traditional surface sand filter (such as the underground sand filter, perimeter sand filter, organic media filter, and multi-chamber treatment train) can be made to fit sand filters into more challenging design sites or to improve pollutant removal.

## Stormwater Planters



Stormwater planters are small landscaped stormwater treatment devices that can be placed above or below ground and can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality, similar to rain gardens and green roofs but smaller in size—stormwater planters are typically a few square feet of surface area compared to hundreds or thousands of square feet for rain gardens and green roofs. Types of stormwater planters include contained planters, infiltration planters, and flow-through planters.

## Vegetated Roofs



Green roofs consist of an impermeable roof membrane overlaid with a lightweight planting mix with a high infiltration rate and vegetated with plants tolerant of heat, drought, and periodic inundations. In addition to reducing runoff volume and frequency and improving runoff water quality, a green roof can reduce the effects of atmospheric pollution, reduce energy costs, and create an attractive environment. They have reduced replacement and maintenance costs and longer life cycles compared to traditional roofs.

## Tree Box Filters



Tree box filters are in-ground containers used to control runoff water quality and provide some detention capacity. Often premanufactured, tree box filters contain street trees, vegetation, and soil that help filter runoff before it enters a catch basin or is released from the site. Tree box filters can help meet a variety of stormwater management goals, satisfy regulatory requirements for new development, protect and restore streams, control combined sewer overflows (CSOs), retrofit existing urban areas, and protect reservoir watersheds. The compact size of tree box filters allows volume and water quality control to be tailored to specific site characteristics. Tree box filters provide the added value of aesthetics while making efficient use of available land for stormwater management. Typical landscape plants (for example, shrubs, ornamental grasses, trees and flowers) are an integral part of the bioretention system. Ideally, plants should be selected that can withstand alternating inundation and drought conditions and that do not have invasive root systems, which may reduce the soil's filtering capacity.

## Vegetated Filter Strips



Filter strips are bands of dense vegetation planted downstream of a runoff source. The use of natural or engineered filter strips is limited to gently sloping areas where vegetative cover can be established and channelized flow is not likely to develop. Filter strips are well suited for treating runoff from roads and highways, roof downspouts, very small parking lots, and impervious surfaces. They are also ideal components for the fringe of a stream buffer, or as pretreatment for a structural practice.

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## Best Management Practices (BMPs) for Impaired Watersheds

### Impairment: Pathogens/Fecal Coliform/Bacteria

BMP reductions of bacteria loadings to surface waters may be achieved through either direct BMP reduction in concentration levels between influent and effluent or through volume reduction. There are, for example, BMPs that have little bacteria removal but may have significant volume reduction which in effect will reduce the bacteria loadings. The following will address BMPs that reduce bacteria concentration and volumes.

Bacteria Concentration Reductions for Selected BMPs are given below.

Buffer Strips 43% – 57%  
 Constructed Wetlands 78% – 90%  
 Sand Filters 36%-83%  
 Wet Ponds 44% – 99%

The following are methods of reducing the volume of runoff.

Subsurface disposal through dry wells  
 Bioretention  
 Green Roofs  
 Porous Pavement  
 Vegetated Swales  
 Surface Sand Filter  
 Retention Pond  
 Gravel Wetland

Summary of BMPs Considered by Capture and Land Use

Land Use	Existing Development			New Development	
	Low Capture	Medium Capture	High Capture	Medium Capture	High Capture
<b>Low Density Residential</b>	Rain Barrels Rain Planter	Porous Paving Infiltration Basin	NA	NA	Porous Paving Infiltration Basin
<b>Medium Density Residential</b>	Rain Barrels Rain Planter	Porous Paving Infiltration Basin	Green Roof Rooftop Detention	Green Roof Rooftop Detention	Green Roof
<b>High Density Residential</b>	Rain Barrels Rain Planter	Porous Paving Infiltration Basin	Green Roof Rooftop Detention	Green Roof Rooftop Detention	Green Roof
<b>Industrial and Public Facilities</b>	Rain Gardens/Swales Porous Paving	Rain Gardens/Swales Porous Paving	Green Roof Rooftop Detention	Green Roof Rooftop Detention	Green Roof + Rain Gardens/Trees

## **Impairment: Nitrogen**

Nitrogen runoff can have many sources, including agriculture, stormwater, and wastewater. Agricultural sources include excess fertilizer and animal manure are rich in nitrogen and phosphorus and can pollute water when it rains or when fields are fallow in the winter. Farmers can reduce the amount of fertilizer that reaches water bodies by applying it at the right time and method, and in the proper amount. Keeping livestock and their waste out of streams can also help.

Stormwater runoff from urban areas may also cause pollution due to nitrogen sources. When rain falls on hard surfaces like roads, sidewalks, and rooftops, it can carry pollutants like nitrogen into waterways. Other sources of nitrogen in stormwater runoff include pet and animal waste, water from irrigation, reclaimed water, wastewater leaks, failing septic systems, and atmospheric deposition.

The following recommendations are taken from the Long Island Nitrogen Action Plan, Recommendations for Fertilizer Nitrogen Applications on Residential and Commercial Turfgrass.

- The single application rate should be a maximum of 0.6 pounds of total nitrogen per 1,000 square feet.
- The annual application rate should be a maximum of 1.8 pounds of total nitrogen per 1,000 square feet.
- At least 50 percent of the nitrogen in any turfgrass fertilizer product should be “slowly available nitrogen”
- Application of fertilizer to lawns and non-agricultural turf should not occur between November 1 and April 1, annually.
- Fertilizer products should not be applied on any impervious surface including parking lots, roadways, storm drains, frozen ground, and sidewalks, or where there is standing water on turf. If such application occurs, the fertilizer should be immediately contained and either applied to lawn or non-agricultural turf or placed in an appropriate container.
- Fertilizer products should not be applied to any lawn or non-agricultural turf on any real property within twenty feet of any surface water, except that this restriction should not apply where a continuous natural vegetative buffer, at least ten feet wide, separates an area of lawn or non-agricultural turf and surface water, and except that, where a spreader guard, deflector shield or drop spreader is used to apply fertilizer, such application should not occur within three feet of any surface water. This should not apply to an application of fertilizer for newly established lawn or non-agricultural turf during the first growing season.
- Grass clippings from the mowing of lawns and all non-agricultural turf should be left on the lawn.

Golf Courses Recommendations include the following.

- Fertilizer should only be applied between April 2 and October 31
- Application must comply with the requirements listed in the “Application Restrictions” section. This is in adherence with the Nutrient Runoff Law (Title 21 of Article 17 of Environmental Conservation Law).
- A seasonal limit should be implemented on the amount of nitrogen applied per calendar year not to exceed 2.7 pounds of total nitrogen per 1,000 square feet.
- Applicants should only apply fertilizer that has at least forty percent slowly available nitrogen, and following the below guidelines: a single granular fertilizer application rate of no more than 0.7 pounds per thousand square feet of total nitrogen, and no more than 0.5 pounds per thousand square feet per application of one hundred percent liquid, water soluble fertilizer.
- Golf courses may exceed the application rate of fertilizer when the turf grass has suffered a loss of greater than 10 percent turf loss per thousand square feet.
- Owners of golf courses should maintain records of application dates and rates.

Irrigation Recommendations include the following.

- Irrigation systems should be operational and ready for use prior to any fertilizer application. Systems should be able to provide an application of ¼ inch of water to fertilized areas within 24 hours of application, if no rainfall has occurred.
- Systems should be equipped with either a rain sensor, moisture sensor or an EPA Water Sense approved smart controller or any combination of these devices.
- Systems should be in proper working condition, such as having no broken or malfunctioning equipment, and work to the capabilities as designed.
- As consistent with Nassau County Regulations, systems should not run between the hours of 10:00 am and 4:00 pm daily; except where new sod/seed lawns are being grown and/or where an application of pesticides requires immediate watering as directed on the label.
- Systems should not provide more than 1½-inch of supplemental water per week.
- Irrigation systems should not run while it is raining.



### **Impairment: Silt/Sediment**

Silt and sediment may get into surface waters by being carried by stormwater runoff or by wind. Sources include agricultural activities as well as construction sites.

The following are tips for the reduction of sediment in surface waters from the USEPA.

- Sweep sidewalks and driveways instead of hosing them off. Washing these areas results in sediment and other pollutants running off into streams, rivers and lakes.
- Use weed-free mulch when reseeding bare spots on your lawn, and use a straw erosion control blanket if restarting or tilling a lawn.
- Notify local government officials when you see sediment entering streets or streams near a construction site.
- Put compost or weed-free mulch on your garden to help keep soil from washing away.
- Avoid mowing within 10 to 25 feet from the edge of a stream or creek. This will create a safe buffer zone that will help minimize erosion and naturally filter stormwater runoff that may contain sediment.
- Either wash your car at a commercial car wash or on a surface that absorbs water, such as grass or gravel.

The practices for construction sites include the following:

- Use of silt barriers such as silt fence or straw bales or coir logs, in sequence per NYSDEC standards.
- Use of stormwater inlet protection.
- Keeping stockpiled soil covered or temporarily vegetated.
- Use of rock check dams.
- Use of temporary sediment basins.
- Stabilizing unvegetated land disturbances as soon as practicable.

Additional Best Management Practices (BMPs) for the control of silt and sediment are included in the NYSDEC Standards and Specifications for Erosion and Sediment Control (aka, the Blue Book).

The control of erosion on agricultural land includes the following.

- Contour farming by plowing rows along the contour, perpendicular to the flow line to help slow runoff velocity.
- Terracing land on steep slopes to help contain runoff.
- Minimizing areas left unvegetated by using cover crops off season.
- Planting high-residue crops like corn, hay and small grains.

## **Impairment: Phosphorus**

There are many sources of phosphorus in aquatic systems. These sources can be natural, such as waterfowl waste, atmospheric deposition, weathering of geologic phosphate material, and plant decomposition; or they can be human-induced, such as fertilizer, pet waste, agricultural and urban runoff, industrial and domestic sewage, or faulty or overloaded septic systems. Generally, excess phosphorus enters a waterbody through nonpoint source pollution. Rain or snowmelt will pick up pollutants as it flows over the land and eventually discharges into a body of water. Stream channel modification, shoreline erosion, and loss of vegetative buffers around water sources exacerbate these stormwater discharges and increase phosphorus inputs.

The importance of managing phosphorus in the watershed is essential to protecting and maintaining a healthy surface water. Identifying phosphorus sources in a surface water's watershed is the first step in developing a watershed management plan. Watershed management plans should utilize best management practices and low-impact development techniques to minimize the movement of phosphorus from the watershed to surface waters, including the following:

- Plant native shrubs or other vegetation to reduce shoreline erosion and provide a vegetated buffer that helps to absorb nutrients before entering surface waters.
- Infiltrate stormwater rather than divert it. For example, creating a rain garden or building infiltration steps can prevent raw stormwater from entering a surface water unfiltered.
- Maintain a properly working septic system and have it pumped regularly to decrease the amount of phosphorus leaching into groundwater.
- Use phosphate free fertilizers or low phosphate, slow release nitrogen fertilizer.
- Use phosphate free soaps and/or detergents in your home.
- Do not dump leaves or grass clippings in surface waters or burn brush near surface waters or near the shore.
- Do not allow pets or livestock to urinate or defecate near surface waters.
- Clean up pet waste.

## Inter Municipal Agreement

DATED: May 20, 2024

PARTIES: The Incorporated Village of Muttontown, a municipal corporation of the State of New York, having its principal place of business at One Raz Tafuro Way Muttontown, NY, hereinafter referred to as "MUTT" or "Village"; and

The Incorporated Village of Upper Brookville, a municipal corporation having its principal place of business at 24 Waver Hollow Road, Glen Head, NY 11545, hereinafter referred to as "UB" or "Village", and

MUTT and UB are Collectively referred to as the "PARTIES."

WITNESSETH

WHEREAS, UB is desirous of entering into an Inter-Municipal Agreement with MUTT to be co-applicants for applying for a New York State Safe Streets For All (SS4A) Grant ("SS4A Grant"); and

WHEREAS, The SS4A Grant supports the development of a comprehensive safety action plan ( "Safety Action Plan") that identifies the most significant roadway safety concerns in a community and provides for the implementation of projects and strategies to address those roadway safety issues; and

WHEREAS, MUTT and UB have municipal roadways within their communities that would significantly benefit from a Safety Action Plan to assist in making their roadways safer; and

WHEREAS, MUTT and UB in the spirit of inter-municipal cooperation, have agreed to be co-applicants in applying for the SS4A Grant and equally sharing the costs and expenses in applying

for and administering said grant; and

WHEREAS, MUTT and UB have further agreed that if the SS4A Grant is awarded, they will cooperate and fund in developing a separate Safety Action Plan for each Village, that incorporates, to the extent possible, projects and strategies that address roadway safety issues equally in both Villages.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

FIRST: UB and MUTT agree to be co-applicant for the Safe Streets For All (SS4A) Grant. UB and MUTT further agree to retain the engineering firm of LiRo-Hill, with offices at 235 East Jericho Turnpike, Mineola, New York 11501 and their Lead Municipal Engineer Daniel Loscalzo, to file for the SS4A Grant and if awarded to then coordinate its administration. UB and MUTT jointly designate LiRO-Hill as their representative for all aspect of filing for and administrating the SS4A Grant. LiRO-Hill expenses shall be shared equally between both Villages. Any further administrative expenses including legal fees, incurred by either Village for all aspect of filing for and administrating the SS4A Grant will be shared on 50% basis.

SECOND: If the SS4A Grant is awarded, the Parties agree and acknowledge that Grant funding will be used to fund and develop separate complying Safety Action Plans for each Village. The Parties further agree, that each Village will be allocated 50% of the grant funding to develop an individual Safety Action Plan that incorporates projects and strategies that address roadway safety in that Village. Each Village shall be responsible for all matching funding required under the Grant for its Safety Action Plan.

THIRD: MUTT and UB agree to comply with all terms and conditions of the Safe

Streets For All (SS4A) Grant, including reporting requirements and all other, federal, state, and local laws in connection with their compliance and performance under the Grant and this Agreement.

FOURTH: This Agreement shall be effective as of May 20, 2024, and will continue until all requirements of the Safe Streets For All (SS4A) Grant are fully complied with and all expenses and matching funding are fully paid for by each Village.

FIFTH: The above terms constitute the entire Agreement between the Parties. This Agreement may not be amended, modified, or deemed modified, except by a subsequent written agreement executed by both Villages.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed by the proper officials thereof pursuant to resolutions duly adopted by the respective Boards of said Villages.

INCORPORATED VILLAGE OF UPPER BROOKVILLE

BY:

Mayor

INCORPORATED VILLAGE OF MUTTONTOWN

BY:

Mayor

Subject to Approval

# INCORPORATED VILLAGE OF MUTTONTOWN

## SCHEDULE OF FEES AND DEPOSITS

### § 67-2. Copies of official records, laws and maps

- A. Any person who requests a copy of any public official record of the Village shall pay to the Clerk or designee \$0.25 per page for originals not exceeding 8 1/2 inches by 14 inches and the actual cost of reproduction for larger size originals or those originals that are not reproducible on Village equipment.
- B. The following booklets and maps, when in print, are available for the noted charge:
  - (1) Zoning Pamphlet: \$15
  - (2) Village Code: \$150
  - (3) Subdivision Pamphlet: \$15
  - (4) Village Map: \$20
- C. The Board of Trustees may, by resolution, increase the above charges for these publications

### § 67-3. Building Department

- A. Building permit fee:
  - (1) Due on the filing of an application of a building permit, application fees shall be estimated as indicated below or at a rate of 15% of the estimated cost of construction or a fee of \$250.00, whichever is greater
  - (2) Costs of construction:
    - a) The estimated standard construction costs for the following construction shall be:
      - (1) New Single-family dwelling: \$3.75 per square foot (p/sf.) for each story above grade. (fee includes driveways, sanitary, storm drainage and all exterior finishes)
      - (2) Addition to a single-family dwelling or accessory structure: \$3.00 p/sf. (includes all exterior finishes)
      - (3) Roof eaves & porticoes (not included in initial dwelling fee): \$3.00 p/sf.
      - (4) Interior Alterations (including basements): \$1.00 p/sf of the total floor area.
      - (5) Accessory building: \$3.00 p/sf of the total floor area. (fee includes sanitary, storm drainage and all exterior finishes)
      - (6) Decks: \$.75 p/sf, \$250.00 min, whichever is greater.
      - (7) Masonry patio/steps/walkways/uncovered terraces & porches: \$.50 p/sf, \$250 min., whichever is greater.
      - (8) Stone or brick stone veneer: \$1.00 p/sf, \$250.00 min., whichever is greater.
      - (9) Vinyl siding: under 2,500 SF \$450.00, 2,500 SF and above \$650.00
      - (10) Wood, Engineered wood and/or Cementitious siding product: \$.50 p/sf, \$250.00 min., whichever is greater
      - (11) Cement stucco or EIFS (Exterior Insulation & Finish System): \$.60 p/sf, \$250.00 min., whichever is greater

- (12) Retaining Walls and Piers (Other than entry piers): \$1.50 p/face sf., \$250 min., whichever is greater
- (13) Commercial construction (new buildings & additions): \$4.50 p/sf., \$500 min., whichever is greater
- (14) Commercial interior renovation construction: \$2.00 p/sf., \$500 min., whichever is greater
- (15) Gazebo/Open Pavilion/Trellis: \$1.50 p/sf, \$250.00 min, whichever is greater
- (16) Waterfalls: 1.5% of the estimated cost of construction or a fee of \$250.00, whichever is greater
- (17) Ponds: 1.5% of the estimated cost of construction or a fee of 350.00, whichever is greater
- (18) Underground Structures: \$2.00 p/sf, \$250.00 min., whichever is greater
- (19) Vehicle battery charging station: \$250.00
- (20) Geothermal: \$750.00
- (21) Temporary tent: \$100.00 => 400 SF
- (22) Roof framing for existing structures: \$1.00 p/sf, \$250.00 min., whichever is greater
- (23) Remove and replace asphalt shingles: \$3.00 p/sf, \$250.00 min., whichever is greater
- (24) Re-roof over existing shingles: \$2.10 p/sf, \$250.00 min., whichever is greater
- (25) Metal/wood shingle roof: \$2.50 p/sf, \$250.00 min., whichever is greater
- (26) Slate/Solar shingle roof: \$3.60 p/sf, \$250.00 min., whichever is greater
- b) All other costs of construction shall be determined by the Building Inspector.
- (3) Due on the filing of an application for a building permit for the following construction, the permit fee shall be:
- |   |              |
|---|--------------|
| (a) Swimming pool with or without attached spa<br>(includes drainage, fencing & pool heater)  | \$1,500.00   |
| (b) Spa, hot tub (independent of pool)  | \$500.00     |
| (c) Tennis court, putting green, or sports court of any kind:   | \$1,500.00   |
| (d) Storage shed (Greater than 100 square feet)   | \$250.00     |
| Sheds greater than 200 sf shall be considered an accessory structure and will require a foundation (that must be made of wood, concrete, precast concrete or masonry) (as per the Residential Code of New York State) |              |
| (e) BBQ Kiosk (not including gas line)  | \$500.00     |
| (f) Elevator:   |              |
| a. Elevator with new dwelling   | \$250.00     |
| b. Elevator in existing dwelling  | \$500.00     |
| (g) Indoor Fireplace (Gas & Masonry)  | \$250.00 ea. |
| (h) Septic System   | \$500.00     |
| (i) Demolition of principal dwelling  | \$2,000.00   |
| (j) Demolition of accessory structure over 500 SF   | \$1,000.00   |



(k) Demolition of accessory structure under 500 SF	\$250.00
(l) Generator Installation (includes gas line)	\$575.00
(m) All Fencing (including fencing around existing pools)	\$275.00
(n) New Driveway:	
a. Driveway under 2,500 SF	\$450.00
b. Driveway greater than or equal to 2,500 SF	\$850.00
c. Piers	
a. Piers with wing walls	\$500.00 (Pair)
b. Piers alone	\$100.00
c. Pier Right of Way Agreement Letter	\$100.00
d. Gates (any size)	\$250.00 Each
(o) Existing Driveway: (sealing no permit required)	
a. Removing asphalt layers/exposing sub-base for driveway under 2,500 SF	\$550.00
b. Removing asphalt layers/exposing sub-base for driveway greater than or equal to 2,500 SF	\$750.00
(p) Drywells	\$250.00
a. Each additional drywell	\$75.00
(q) Plumbing:	
1. New Dwelling	\$500.00
2. Additions & Alterations	\$275.00
3. Oil to Gas Conversion	\$550.00
4. Radiant Heating	\$50.00 per rm.
5. Underground Propane Tank	\$275.00
a. Each additional Tank	\$100.00
6. Above Ground Propane Tank	\$275.00
a. Each additional Tank	\$50.00
7. Above Ground Oil Tank	\$175.00
a. Each additional Tank	\$50.00
8. Underground Oil Tank	\$275.00
a. Each additional Tank	\$50.00
9. Abandon Oil Tank	\$275.00
a. Each additional Tank	\$50.00
10. Pool Heater (if not part of pool permit)	\$275.00
11. New gas or propane line to any fixture	\$250.00
12. Additional appliance/gas line	\$25.00 Each
13. Replacing mechanical units indoors or outdoors	\$250.00
(r) HVAC:	
1. New Dwelling	\$500.00
2. Additions & Alterations	\$275.00
3. Replacement in existing dwelling	\$250.00
4. Installation in existing dwelling	\$500.00
(s) Basement Egress:	
1. Bilko entry door	\$250.00

2. Entry stair (not included in dwelling fee)	\$350.00
3. Window egress wells (not included in dwelling fee)	\$100.00 Each
(t) Solar panels	\$750.00
(u) Excavation and grading permit (may require SWPPP and Village Engineer):	
1. Less than 5,000 cubic yards:	\$750.00
2. 5,000 cubic yards to 7,500 cubic yards:	\$1,500.00
3. Over 7,500 cubic yards	\$2,000.00
(v) Sign Permit:	
1. Permanent	\$500.00
2. Temporary	\$100.00 (per month)
(w) Battery Energy Storage	
1. Base Unit	\$250.00
2. Additional units up to 4 total	\$75.00 each

B. Additional fees:

In addition to the above permit fees, the following fees are due on the filing of an application for a building permit:

(1) Road Maintenance fee (where applicable):

(a) Swimming Pools, Sport Courts of any kind	\$1,500.00
(b) Cost of Construction less than or equal to \$20,000	NO FEE
(c) Cost of Construction over \$20,000 but less than \$50,000	\$300.00
(d) Cost of Construction \$50,000 or greater	\$1,500.00
(e) New Single-Family Dwelling	\$5,000.00

NSFD are new homes and additions  $\geq 50\%$  of total floor area. Road impact fees for multiple applications submitted with a new dwelling may be reduced as determined by the building inspector, depending on scope of work

- (f) Upon renewal of building permits requiring a road maintenance fee, renewals shall include  $\frac{1}{2}$  the initial paid road impact fee

(2) The following Road Maintenance Fees shall apply to active Home Owners Associations (HOA) that maintain/pave their own roadways within the Village Limits of Muttontown:

(a) Swimming Pools, Sport Courts of any kind	\$750.00
(b) Cost of Construction less than or equal to \$10,000	NO FEE
(c) Cost of Construction over \$10,000 but less than \$50,000	\$250.00
(d) Cost of Construction \$50,000 or greater	\$1,000.00
(e) New Single-Family Dwelling	\$2,500.00

\*\*(NSFD are new homes and additions  $\geq 50\%$  of space)

(3) Certificate of Occupancy

(a) Duplicate certified copy of CO/CC	\$50.00
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(4) Site and Architectural Review Board filing fee:

(a) New Single Family Dwelling	\$500.00
(i) Fee for subsequent applications filed together	\$50.00 Each
(b) Accessory Structures	\$200.00
(i) Fee for subsequent applications filed together	\$50.00 Each

- (c) Additional appearance or missed appearance \$200.00
- (d) All applications to the Site and Architectural Review Board shall require a non-refundable fee equal to 50% of the total fees due and owing for the application. The remaining 50% of the application fees shall be paid in full upon permit issuance. No permit shall be issued until all fees are duly paid

Site plan review:

- (e) New Single-family dwelling \$1,250.00
- (f) All other construction subject to site plan review \$750.00  
(as determined by the Building Inspector and Building Commissioner)
- (g) All application to the Site Plan review shall require a non-refundable fee equal to 50% of the total fees due and owing for the application. The remaining 50% of the application fees shall be paid in full upon permit issuance. No permit shall be issued until all fees are duly paid.

(5) Tree removal permit:

- (a) Application fee \$100.00
- (b) Per tree \$25.00

NOTE: Trees deemed deceased by the Village Arborist require no per tree fee.

- (c) Appearance before Board of Trustees fee \$125.00

Miscellaneous:

- (1) Any fee that is based upon an estimated cost of construction, may be recalculated, at the option of the Village, upon submission of a permit application, drawings, plans and any and all materials relied upon for the issuance of a permit. In the event that the revised estimate exceeds the original estimate, the applicant shall pay the additional funds required prior to the issuance of the building permit, certificate of completion, or certificate of occupancy. In determining the actual cost of construction, the Building Inspector may base such determination upon his or her own experience, judgment, and available data, and shall not be bound to the cost of construction stated by the applicant.
- (2) Building permits for a single-family dwelling, expire 18 months from the date of issuance. All other construction, permits expire after 12 months from the date of issuance. Building permits may be extended as follows:
  - (a) 1st year extension – 25%
  - (b) 2nd year extension – 50%
  - (c) 3rd year extension – 100%
  - (d) After the 3rd year extension - No further renewals of a building permit will be granted, unless authorized by the Board of Trustees or Building Commissioner.
- (3) Fees for duplication of Building Department records including surveys shall be the actual cost of reproduction, with a minimum charge of \$25.

- (4) A re-inspection fee of \$100 is required for duplicate inspections of work incomplete or insufficient for a particular scheduled inspection.
- (5) All fees set forth in shall be “doubled” in the event that the construction, installation, demolition or other activity, or item or work [hereinafter, within this Subsection A & B, all together referred to as "work"], requiring a permit has been commenced, but not substantially completed, prior to the filing of a completed application for a permit.
- (6) All fees set forth in shall be “tripled” in the event that the construction, installation, demolition, or other activity, or item or work [hereinafter, within this Subsection A & B, all together referred to as "work"], requiring a permit has been substantially completed prior to the filing of a completed application for a permit.
- (7) Whenever an applicant proposes construction that requires review by the Village Engineer, as determined by the building inspector, the applicant shall submit a separate check for the minimum amount of \$3,000 dollars for escrow. Escrow monies will be utilized to pay such consultant during application review, and construction, until such permit has been properly closed, and a final certificate of occupancy has been issued. Once a certificate of occupancy has been issued, the Village will refund the applicant any remaining monies in escrow.

#### § 67-4. Zoning Board of Appeals

- A. Every appellant to the Village's Zoning Board of Appeals shall pay to the Village the following:
  - (1) Filing fee.
    - (a) Appeal and all other matters: \$2,500
    - (b) General appearance fee for discussion with Board: \$750
  - (2) Deposit. In addition to the above filing fee, a hearing charge deposit of \$2,500 shall be submitted.
- B. The appropriate filing fee and hearing deposit must be paid to the Village before a hearing will be noticed.
- C. Hearing charge.
  - (1) Appeals. In addition to the above filing fee, on every appeal, for which a public hearing or meeting is held there shall be paid to the Village the actual and necessary charges which have been incurred by the Village in connection with the proceeding up to the maximum amounts indicated below:
    - (a) Consultants: \$25,000

(b) Environmental review:

[i] Consultants: \$25,000

[ii] Legal: \$25,000

- (2) All hearing charges shall be paid to the Village before the Zoning Board of Appeals shall file its decision.
- (3) All hearing charges due shall be deducted from the hearing deposit. If the hearing charges for which the appellant is responsible exceed the deposit, the balance due shall be paid to the Village before the Zoning Board of Appeals shall file its decision.
- (4) All applicants to the Zoning Board of Appeals shall require a non-refundable fee equal to 50% of the total fees due and owing for the application. The remaining 50% of the fees shall be paid in full upon permit issuance. No permit shall be issued until all fees are duly paid.

**§ 67-5. Planning Board**

Each applicant to the Village's Planning Board for approval of a partitioning or subdivision as defined in Chapter 158, Subdivision of Land, shall pay to the Village the below filing fees, hearing deposits and charges based upon each lot shown on the plat as follows:

A. Filing fees.

- (1) Preliminary approval: \$1,000 per lot
- (2) Final approval: \$1,000 per lot
- (3) General discussion before Planning Board: \$750 per meeting
- (4) Public hearing: \$5,000

B. Hearing deposit.

Preliminary hearing: \$20,000 to be fully replenished at such times as the amount on deposit is reduced to \$10,000 or less.

Site and land hearings: \$5,000 to be fully replenished at such times as the amount on deposit is reduced to \$1,000 or less.

- C. Payment of hearing costs. Each applicant to the Village's Planning Board shall be responsible for all expenses incurred by the village for engineering, inspection, consulting, and legal expenses. These expenses shall be deducted from the hearing deposit and, to the extent that the charges for the above services incurred by the Village exceed the hearing deposit, the applicant shall be responsible for payment of all additional sums incurred by the Village.

- D. Recreation site and improvement fund. If dedication of parkland is not required by the Planning Board, the applicant shall pay to the Village's Site and Recreation Fund an amount per lot, excluding recharge basins and one newly created lot if it has an existing principal dwelling, pursuant to the following schedule:

<b>Zoning District</b>	<b>Amount (per lot)</b>
A-3	\$9,500
A-2	\$10,500
A-1	\$13,500
E-3	\$15,500
E-5	\$21,500

- E. The applicant shall be responsible for prompt payment of all filing fees and hearing costs. An application shall not be processed or the proceeding continued unless and until payment for outstanding fees and costs is received by the Village within 30 days of request.
- F. Discharge of bond. No bond filed for the completion of the public improvements on a proposed subdivision shall be discharged until all fees and charges, as herein required, have been paid.
- G. Land outside village. Filing fees for partitioning and subdivision of land outside the Village for which Village Planning Board approval is required by law shall be an amount equal to 1/2 of the required filing fees enumerated in Subsection A(1).

#### § 67-6. Site and Architectural Review Board

Every applicant to the Village's Site and Architectural Review Board shall pay to the Village a filing fee of \$200. All applicants to the Site and Architectural Review Board shall require a non-refundable fee equal to 50% of the total fees due and owing for the application. The remaining 50% of the fees shall be paid in full upon permit issuance. No permit shall be issued until all fees are duly paid.

#### § 67-7. Licenses and permits for certain activities and special uses

Applicants for permits or licenses to conduct the following activities in the Village shall pay to the Village a fee determined by the following schedule:

- A. Tow car permit: \$400 per calendar year.
- B. Street Opening Fees:
  - 1. Improved surface \$1,200.00 for 25 SF and \$25.00 p/sf for additional => 25 SF
  - 2. Unimproved surface \$400.00 for 25 SF and \$10.00 p/sf for additional => 25 SF
  - 3. Boring in improved surface \$3.00 p/linear foot up to 18" wide
  - 4. Boring in unimproved surface \$2.00 p/linear foot up to 18" wide
  - 5. Trenching in improved surface \$5.00 p/linear foot up to 18" wide
  - 6. Trenching in unimproved surface \$3.00 p/linear foot up to 18" wide

- |  |             |
|--|-------------|
| Cash Escrow for street opening (minimum) | \$2,000.00  |
| or                                       |             |
| Bond Escrow for street opening (minimum) | \$50,000.00 |
- C. Auction permit fee: \$500 plus a refundable security deposit of \$1000 to accompany each auction permit.
  - D. Tag Sale permit fee: \$25 per day, plus Police Personnel fee of \$130.00/hr.
  - E. Parade permit fee: \$50
  - F. Licensing fees for solid waste carters. The Village Clerk, under § 150-14 of Chapter 150, Solid Waste, shall charge and collect the following fees:  
Annual license or renewal thereof: \$300
  - G. Burglar alarm systems.
    - 1. Business license: \$100 for a two-year period
  - H. Reserved for future use
  - I. Storage of impounded vehicles: \$2 for each day or fraction thereof said vehicle is stored by the Police Department.
  - J. Curbcuts: \$300.00
  - K. Real estate sign fee: \$100
  - L. Every applicant to the Village's Board of Trustees shall pay to the Village the following:
    - (1) Filing fee.
      - (a) Application for special use permit and amendments thereto: \$5,000
      - (b) General appearance fee for discussion with Board: \$750
    - (2) Deposit. In addition to the above filing fee for an application for a special use permit and amendments thereto, a hearing charge deposit of \$2,000 shall be submitted.
- The appropriate filing fee and hearing deposit must be paid to the Village before a hearing will be noticed.
- Hearing charge.
- (1) In addition to the above filing fee, on every application or amendment to a special use permit for which a public hearing or meeting is held there shall be paid to the Village the actual and necessary charges which have been incurred by the Village in connection with the proceeding up to the maximum amounts indicated below:

(a) Special use permit and amendments.

[1] Consultants: \$100,000

[2] Legal fees: \$75,000

[3] Environmental review:

[a] Consultants: \$75,000

[b] Legal: \$75,000

(2) All hearing charges shall be paid to the Village before the Board of Trustees shall file its decision.

(3) All hearing charges due shall be deducted from the hearing deposit. If the hearing charges for which the applicant is responsible exceed the deposit, the balance due shall be paid to the Village before the Board of Trustees shall file its decision.

#### § 67-8. Refunds; waivers; assessment of unpaid fees

Refund of fees. No filing fees, deposits or charges required by §§ 67-3, 67-4, 67-5, 67-6 and 67-7 shall be returned or refunded, except as follows:

- (1) If the construction of a building is discontinued or abandoned, the Commissioner of the Department of Buildings or Village Clerk may authorize a refund of up to 50% of the total building construction fees and the site & drainage fee, 100% of the certificate of occupancy fee, road impact fee, and SARB fee, to the extent that the Village's actual charges of review and inspection have not been incurred as certified to the Board of Trustees.
- (2) No refund of fees will be issued for applications submitted/permits issued older than 3 years.