

ORGANIZATION MEETING: January 10, 2023

Present:

Comm. Arthur Orneck  
Comm. Martin McGannon  
Comm. Charles Moseman  
Comm. David Klaus  
Comm. Jason Swart  
Secy/Treas. Jeanmarie Klaus

Absent:

Atty. Tara Tully  
Chief Tim Mentrasti  
Asst. Chief Paul Liberatore  
Asst. Chief Matthew Lauria

Meeting opened by Sec/Treas. Klaus at 7:00 p.m.

Motion: Comm. McGannon to appoint Comm. Orneck Chairman

Second: Comm. Swart

All voting aye.

Motion: Comm. McGannon to appoint Comm. Moseman Deputy Chairman

Second: Comm. Comm. Klaus

All voting aye.

Motion: Comm. McGannon to appoint Jeanmarie Klaus Secretary

Second: Comm. Swart

All voting aye, except Comm. Klaus who abstained

Motion: Comm. Orneck to set the Secretary's annual salary at \$27,000 per year

Second: Comm. McGannon

All voting aye, except Comm. Klaus who abstained

Motion: Comm. Swart to appoint Jeanmarie Klaus Treasurer

Second: Comm. McGannon

All voting aye, except Comm. Klaus who abstained

Motion: Comm. Swart to set the Treasurer's annual salary at \$28,000 per year

Second: Comm. McGannon

All voting aye, except Comm. Klaus who abstained

Motion: Comm. Orneck to appoint Tara Tully Attorney

Second: Comm. McGannon

All voting aye.

Motion: Comm. Orneck to set the Attorney's annual retainer at \$20,000 per year

Second: Comm. McGannon

All voting aye.

Motion: Comm. McGannon to have the JOURNAL NEWS the official newspaper. The Yorktown News will also be used, but with a once a week publication, it could be difficult to get a notice in their paper in a timely manner.

Second: Comm. Orneck

All voting aye.

Motion: Comm. Swart to have PCSB BANK as the designated depository

Second: Comm. Orneck

All voting aye.

Motion: Comm. McGannon to authorize the Treasurer to invest district funds as prescribed by state law

Second: Comm. Moseman

All voting aye, except Comm. Klaus who abstained

Motion: Comm. McGannon to hold the regular monthly meetings the second Tuesday of each month at 7:30 p.m. at Station #2 Locksley Rd Firehouse, except the month of December, which will be held 6:30 p.m. the third Tuesday of the month due to the Annual Elections, and as otherwise prescribed by law, and in the event a regular meeting date falls on a holiday, then the meeting shall be held the next succeeding evening, or on such other date as may be determined.

Second: Comm Klaus

All voting aye.

Motion: Comm. Swart to pay the office of Joseph F. Eaton, CPA the sum of \$5,200 per year for the use of office space

Second: Comm. McGannon

All voting aye, except Comm. Klaus who abstained

Motion: Comm. Moseman to publish the Freedom of Information Law Public Notice one time in the official newspaper.

Second: Comm. Klaus

All voting aye.

Motion: Comm. Orneck to join the various firematic associations for the year

Second: Comm. McGannon

All voting aye.

Motion: Comm. Orneck to allow apparatus to attend out of town parades & drills. The Chief has the discretion as to which apparatus. He will make sure mutual aid is set up if necessary.

Second: Comm. Swart

All voting aye

Motion: Comm. McGannon to have the Treasurer, within 60 days after the end of the fiscal year (December 31<sup>st</sup>), submit a copy of the annual report submitted to the Department of Audit and Control to the Board of Fire Commissioners

Second: Comm. Swart

All voting aye.

The Faithful Performance of Duty insurance coverage for the Treasurer will be sent to the Town of Yorktown upon renewal.

The Board of Fire Commissioners reviewed the Procurement Policy and Procedures, the Investment Policy, the Travel Policy, Ethics Policy, Social Media Policy and the Sexual Harassment Policy.

Motion: Comm. McGannon following discussion, all policies were ratified and adopted for the coming year with changes to be made to the Procurement Policy. The Social Media Policy may be revised in the coming months.

Second: Comm. Klaus

All voting aye

Motion: Comm. McGannon to post the various policies on the fire district website

Second: Comm. Klaus

All voting aye.

The list of Committees were discussed.

Sec/Treas. Klaus sent notification of the Organization Meeting to the Journal News & Yorktown News.

Notification was also posted on the town of Yorktown website as well as the Yorktown Heights Fire District

website.

Motion: Comm. McGannon to adjourn at 7:26 p.m.

Second: Comm. Moseman

All voting aye.

PENDING

APPROVAL

## PROCUREMENT POLICY AND PROCEDURE

### Procurement Policy and Procedure

In compliance with General Municipal Law S. 104-b, Yorktown Heights Fire District established its Procurement Policy and Procedure for the purchase of all goods, services or public works not otherwise required to be subject of public bidding, as hereinafter set forth:

#### *I. Purpose.*

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies in the best interest of the tax payers: to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud, corruption or the appearance of the same. To further these objectives, the Board of Fire Commissioners adopts this Procurement Policy and Procedure to govern procurement of all goods and services not otherwise required to be made pursuant to competitive bidding under GML S.103 or any other general or specific law.

#### *II. Procedures for determining whether a procurement is subject to bidding.*

The procedure for determining whether a procurement of goods or services is subject to competitive bidding (GML S.103) and documenting the basis for any determination that competitive bidding is not required by law, is as follows;

Procedure: The Chairperson of the Board of Fire Commissioners, at the annual organizational meeting, shall appoint a *Procurement Committee* consisting of a representative of the Board of Fire Commissioners, the Treasurer of the Fire District and, in an advisory capacity, a member of the Yorktown Heights Engine Co. No. 1 nominated by the Fire Chief approved by the Chairperson of the Board. The *Procurement Committee* shall initially review every purchase to determine whether it is a Purchase Contract or Public Works Contract; whether it is subject of mandatory public bidding; and whether it is expected that over the course of the fiscal year, the District will spend in excess of the competitive bidding thresholds for the same or similar goods, services or works. Upon a determination that public bidding is not required, then determine if comparative quotes are required by the terms of this Procurement Policy. The *Procurement Committee* shall report to the Board of Fire Commissioners at its regular monthly meeting.

Documentation: The *Procurement Committee* shall document its determination as to whether a procurement of goods, services or public works is subject to competitive bidding and the basis for any determination that competitive bidding is not required by law. Documentation shall include Board Resolutions, minutes, written quotes, telephone logs or other memoranda for verbal quotes, requests for proposals, contracts and other appropriate forms of documentation.

Documentation of actions taken in connection with each of the monetary levels, as set forth below, of Purchase Contracts or Public Works Contracts are as follows:

- (a) For verbal quotes, the documentation by *the Procurement Committee* must record the date, item or service desired, price quoted, name of vendor's representative.
- (b) For written quotations, the documentation from the prospective vendor shall be in the form of written proposals, written quotes or such other

documentation which furthers the purpose of the law and must contain at least the name and address of the vendor, the date, description of the item or details of the service to be provided, price quoted and other essential terms.

### III. Methods of Computation to be used for Non-bid Procurement.

For *Purchase Contracts* below \$20,000.00:

- (a) Under \$1,000.00: no specific procedure
- (b) \$1,000.00 to \$1,999.00: three verbal quotes.
- (c) \$2,000.00 to \$19,999.00: three written quotes.

In all instances, references to catalogues and price lists may be substituted for obtaining verbal or written quotes.

For *Public Works Contracts* below \$35,000.00:

- (a) Under \$3,000.00: three verbal quotes.
- (b) \$3,000.00 to \$34,999.00: three written quotes.

### IV. Requests for Proposals for Professional Services.

Unless otherwise accepted, all contracts for Professional Services will be awarded only after at least two professionals are contracted and requested to submit written proposals. Requests for Proposals will be used as a means of obtaining the services of architects, engineers, accountants, lawyers and other professionals. The written proposal from the professional shall include a detailed description of the services to be rendered, the price or fee schedule, curriculum vitae, staffing and overall suitability for performing the services required.

A competitive negotiation process may be used in cases where the Fire District is unable to obtain needed Professional Services by a traditional request for proposals, such as: where an insufficient number of proposals have been received in response to a request; where no acceptable proposals have been received in response to a request; where rates payable for the professional services are regulated by law; where public need will not permit the delay incident to the Request for Proposal process; and under such other extraordinary circumstances as may be determined by a majority of the Fire District Board of Commissioners.

### V. Awards to other than the lowest responsible dollar offer.

Whenever it is recommended to the Board of Fire Commissioners that the contract be given to other than the lowest responsible dollar offer, the *Procurement Committee* shall document why that is in the best interest of the Yorktown Heights Fire District.

### VI. Items exempt from Procurement Policies and Procedures.

The Board of Fire Commissioners sets forth the following circumstances when, or types of procurement for which, in the sole discretion of the Board the solicitation of comparative proposals or quotations will not be in the best interest of the Yorktown Heights Fire District:

- (a) Emergencies where time is a crucial factor; and
- (b) Procurement for which there is no possibility of competition, primarily sole source items; and
- (c) Procurement of professional services which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation for quotes; and

(d) Procurement for which solicitations of competition would not be cost effective such as Purchase Contracts below \$1,000.00.

**VII. Input from Officers.**

Comments concerning the Procurement Policy and Procedure will be solicited from the Treasurer of the Fire District, the Board, the Fire Chief of Engine Co. No. 1, and any other Officer of the Fire District involved in the procurement process prior to the enactment of this Procurement Policy and Procedure and comment shall be solicited from time to time thereafter.

**VIII. Annual Review**

The Board of Fire Commissioners of the Yorktown Heights Fire District shall annually review these Procurement Policy and Procedure. The Chairperson of the Board shall be responsible for conducting an annual review of the Procurement Policy and for an evaluation of the internal control structures established to ensure compliance with the Procurement Policy. The Procurement Policy and Procedure shall appear on the agenda of the District's annual organizational meeting.

**Unintentional Failure to Comply.**

The unintentional failure to comply with the provisions of General Municipal Law, S. 104-b shall not be grounds to void action taken or give rise to a cause of action against the Yorktown Heights Fire District or any Commissioner, Officer of employee thereof.

**X. Effective date.**

This Procurement Policy and Procedure shall effective as of the date of adoption as set forth below:

**XI. Adoption of Resolution.**

Adopted on this 13 day of January, 1998 by unanimous vote of the Board of Fire Commissioners of the Yorktown Heights Fire District, Town of Yorktown, County of Westchester, State of New York.

Revised January 7, 2011  
Revised January 11, 2022  
Revised January 10, 2023

PROCUREMENT SHEET  
YORKTOWN HEIGHTS FIRE DISTRICT

Description of Item: \_\_\_\_\_

Check if a PURCHASE CONTRACT \_\_\_\_\_ or a PUBLIC WORK CONTRACT \_\_\_\_\_

Public Bidding required? Yes \_\_\_\_\_ No \_\_\_\_\_

Reason: Above \_\_\_\_\_ Below \_\_\_\_\_ \$10,000 (Purchase) \_\_\_\_\_ \$20,000 (Public Work) \_\_\_\_\_

Comparative Quotes Required? Yes \_\_\_\_\_ No \_\_\_\_\_

If No, check reason: Purchase Contract under \$1,000 \_\_\_\_\_ Emergency need \_\_\_\_\_  
Single source item \_\_\_\_\_ Confidential professional service \_\_\_\_\_

PENDING

COMPARATIVE QUOTES SUMMARY

Purchase Contracts:

Under \$1,000 no specific procedure - \$1,000 to \$1,999 three verbal - \$2,000 to \$19,999 three written.

Public Work Contracts:

Under \$3,000 three verbal. \$3,000 up to \$34,999 three written.

	COMPANY #1	COMPANY #2	COMPANY #3
Company			
Address			
Phone & Fax			
Contact Person/ Source			
Price Quote & Date			
Other Terms			
Additional Comments			
<p>Contract given to the lowest responsible dollar offer? No _____ Yes _____ If No, state reason: _____</p>			
Procurement Committee: by _____		Date: _____	

APPROVAL

- I. This investment policy applies to all moneys and other financial resources available for investment on its own behalf.
- II. The Primary objectives of this fire district's investment activities are, in priority order:
- To conform with all applicable federal, state and other legal requirements;
  - To adequately safeguard principal;
  - To provide sufficient liquidity to meet all operating requirements; and
  - To obtain a reasonable rate of return.
- III. The Board of Fire Commissioners' responsibility for administration of the investment program is delegated to the Fire District Treasurer.
- IV. The Fire District Treasurer shall act reasonably as custodian of the public trust and shall avoid any transaction that might impair public confidence in the Yorktown Heights Fire District. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- The Fire District Treasurer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair his or her ability to make impartial investment decisions.
- V. It is the policy of the Yorktown Heights Fire District to diversify its deposits and investments by financial institution, by investment instrument and by mature scheduling.
- It is the policy of the Yorktown Heights Fire District for all funds coming into the hands of the Fire District Treasurer to be deposited or invested within 10 days of receipt.
- The bank authorized for the deposit of moneys up to the maximum amount is PCSB Bank.
- VI. All deposits of the Yorktown Heights Fire District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:
1. By a pledge of "eligible securities" as defined by General Municipal Law Section 10;
  2. By an eligible "irrevocable letter of credit" as defined by General Municipal Law Section 10;
  3. By an eligible surety bond as defined by General Municipal Law Section 10.
- VII. Eligible securities used for collateralizing deposits shall be held by the depository named by the Board of Fire Commissioners subject to security and custodial agreements, all in accord with the applicable provisions of General Municipal Law Section 10.



VIII. The Board of Fire Commissioners of the Yorktown Heights Fire District authorizes the Fire District Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

1. Special deposit accounts;
2. Certificates of Deposit;
3. Obligations of the United States of America;
4. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
5. Obligations of the State of New York; and
6. Obligations issued by a municipality, school district or fire district other than the Yorktown Heights Fire District.

All investment obligations shall be payable or redeemable at the option of the Yorktown Heights Fire District within such times as the proceed for which the moneys were provided and, in the case of obligations purchased with the proceed of bonds or notes, shall be payable or redeemable at the option of the Yorktown Heights Fire District within 2 years of the date of purchase.

IX. The Yorktown Heights Fire District shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits as to the amount of investments which can be made with each financial institution or dealer. The Fire District Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories and custodians. Such listing shall be evaluated at least annually.

## SEXUAL HARASSMENT POLICY

### YORKTOWN HEIGHTS FIRE DISTRICT

The Yorktown Heights Fire District (“YHFD”) 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 Yorktown Heights Fire District’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 harassment by filing a complaint internally with the Yorktown Heights Fire District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

#### Policy:

1. The Yorktown Heights Fire District’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Yorktown Heights Fire District. 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 Yorktown Heights Fire District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Yorktown Heights Fire District 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, member of the YHFD’s Board of Fire Commissioner’s Equal Employment Opportunity Committee, or the Secretary of the Yorktown Heights Fire District. 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 Yorktown Heights Fire District 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 Yorktown Heights Fire District 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 sexual harassment occurring. The Yorktown Heights Fire District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever 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.

<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.

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 Yorktown Heights Fire District 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 Board of Commissioners of the Yorktown Heights Fire District, by notifying the YHFD Secretary.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, 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.

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.

PENDING

APPROVAL

**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, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- 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 Yorktown Heights Fire District 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, member of the YHFD Board of Fire Commissioner’s Equal Employment Opportunity Committee, or the Secretary of the Yorktown Heights Fire District. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, member of the YHFD Board of Fire Commissioner’s Equal Employment Opportunity Committee, or the Secretary of the Yorktown Heights Fire District. In the event that the complaint is against a member of the YHFD Board of Fire Commissioners, the complaint may be filed with the General Counsel for the Yorktown Heights Fire District.

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.

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 Board of Commissioners of the Yorktown Heights Fire District, by notifying the YHFD Secretary .

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 Yorktown Heights Fire District 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 should be done in accordance with the following steps:

- Upon receipt of complaint, the YHFD Board of Fire Commissioners will appoint a person holding a supervisory position within the Fire District, General Counsel, or a special outside investigator to 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. Persons that are the subject of a complaint or witnesses to the conduct complained of will not be assigned to investigate said complaint. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, 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 a 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 Yorktown Heights Fire District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Yorktown Heights Fire District, 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.

In addition to those outlined below, employees in certain industries may have additional legal protections.

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

The Human Rights Law (HRL), 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 New York State Division of Human Rights (NYS DHR) or in New York State Supreme Court.

Complaints with NYS DHR may be filed any time **within one year** of the harassment. If an individual did not file at NYS 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 NYS DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Yorktown Heights Fire District does not extend your time to file with NYS 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 NYS DHR, and there is no cost to file with NYS DHR.

NYS 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.

NYS 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 NYS 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 NYS DHR. The website also contains contact information for NYS 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 filed 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 county, city or town in which they live to find out if such a law exists. For example, employees who work in Westchester County may file complaints of sexual harassment with the Westchester County Human Rights Commission. Contact their main office at 112 East Post Road, 3<sup>rd</sup> Floor, White Plains, New York 10601; call (914) 995-7710; or visit [www.humanrights.westchestergov.com](http://www.humanrights.westchestergov.com) or by email at [hrc-inquiries@westchestergov.com](mailto:hrc-inquiries@westchestergov.com).

### **Contact the Local Police Department**

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

The adoption of the foregoing policy in the form of a resolution was duly put to a vote at a regular meeting of the Yorktown Heights Fire District Board of Fire Commissioners on February 26, 2019, and all Commissioners present voted in favor. The resolution was thereupon duly adopted.

Dated: Yorktown Heights, NY  
February 26, 2019



**YORKTOWN HEIGHTS FIRE DISTRICT**  
**SEXUAL HARASSMENT PREVENTION NOTICE**

**Sexual harassment is against the law.**

All employees have a legal right to a workplace free from sexual harassment, and Yorktown Heights Fire District is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, Yorktown Heights Fire District has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

**PENDING**

**If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, member of the YHFD Board of Commissioner's Equal Employment Opportunity Committee or the YHFD Secretary so we can take action.**

**Our complete policy may be found at Station #1, 1916 Commerce Street, Yorktown Heights, New York 10598, and at [YorktownFire.org](http://YorktownFire.org).**

**Our Complaint Form may be found at Station #1, 1916 Commerce Street, Yorktown Heights, New York 10598, and at [YorktownFire.org](http://YorktownFire.org).**

**A copy of the policy and complaint form can also be obtained from the YHFD Secretary, at the address listed below.**

**APPROVAL**

**If you have questions or wish to make a complaint, please contact:**

Yorktown Heights Fire District  
334 Underhill Avenue, Suite 4B  
Yorktown Heights, New York 10598  
Attn: Secretary of the YHFD

For more information and additional resources, please visit:

[www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace)

**YORKTOWN HEIGHTS FIRE DISTRICT**

**SEXUAL HARASSMENT COMPLAINT FORM**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your supervisor, a member of the Yorktown Heights Fire District Board of Fire Commissioner's Equal Employment Opportunity Committee, or the Secretary of the Yorktown Heights Fire District, at 334 Underhill Avenue Suite 4B, Yorktown Heights, New York 10598. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**PENDING**

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINANT INFORMATION**

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_

Email: \_\_\_\_\_

Select Preferred Communication Method:  Email  Phone  In person

**APPROVAL**

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_

Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Work Address: \_\_\_\_\_

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**PENDING**  
\_\_\_\_\_

3. Date(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing? Yes No

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

\_\_\_\_\_  
\_\_\_\_\_  
**APPROVAL**  
*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

\_\_\_\_\_  
\_\_\_\_\_

If you have retained legal counsel and would like us to work with them, please provide their contact information.

\_\_\_\_\_

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

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

**Instructions for Employers**

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee

- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

# PENDING

# APPROVAL

## YORKTOWN HEIGHTS FIRE DISTRICT SOCIAL MEDIA POLICY

WHEREAS, the Board of Fire Commissioners of the Yorktown Heights Fire District ("YHFD"), under the authority of Town Law, §176 (11), acknowledges that use of current communication technology by emergency service organizations provides several useful benefits including firematic and rescue training for the betterment of the YHFD, the Yorktown Heights Engine Co, No. 1 ("YHEC") and its members and that such communication technology advances the dissemination of essential information to the public on issues of community safety, distribution of critical and time-sensitive direction, community education, recruitment and public relations purposes and, further,

WHEREAS, the YHFD Board of Fire Commissioners embraces the secure use of social media, understood to mean a category of internet based resources enabling the user to generate and disseminate content permitting other user or responsive participation, to achieve the above referenced purposes while fully recognizing that there are certain protections as well as certain liabilities in the exercise of the constitutional right of freedom of speech under the First Amendment and, further,

WHEREAS, the YHFD Board of Fire Commissioners has as its purpose the adoption of a Social Media Policy regarding the beneficial use of social media and to provide guidelines on its management, administration and oversight and, while of a precautionary nature, does contain restrictions and prohibitions on the use of social media by its officers, agents, and employees as well as those who transact or do business with or on behalf of the YHFD.

THEREFORE, the following is the Social Media Policy of the YHFD and is applicable to all the officers, agents, employees and members of the YHFD, YHEC and all those who transact or do business with or on behalf of the YHFD:

- 1) This policy established the YHFD social media and instant technology use procedures and the protocols which are intended to avoid or mitigate associated risks from use of this technology where possible.
- 2) This policy shall be reviewed annually by the YHFD Board of Fire Commissioners and is available for review at the offices of the YHFD Secretary.
- 3) For the purposes of this policy, the term instant technology is defined as resources including, but not limited to, instant messaging, texting, paging and social networking sites such as Facebook, Myspace, LinkedIn, Twitter, YouTube and any other information sharing services, websites and/or blogs.
- 4) All YHFD and YHEC social media pages shall be approved by the Board of Fire Commissioners or Chief, respectively, or the respective designees. All social media content shall adhere to all applicable laws, regulations and policies including the records management and retention requirements set by law and regulations.
- 5) The Internet and other information sharing devices are global entities with no control of users or content. Therefore, available resources may contain material of a controversial nature. The YHFD is not responsible for information found on these sources unless expressly adopted ore approved by the YHFD.
- 6) The YHFD understands the value of such technology, but also understands the concerns and issues raised when information is released that violates privacy concerns or portrays this organization to the public in an

illegal or negative manner, unintentionally or otherwise. Therefore, no information, videos or pictures gathered while on YHFD business inclusive of emergency calls, meetings, drills, details, trainings or any activity obtained on YHFD property, real or personal, or at YHFD functions, may be shared or posted in any format without the prior written consent of the YHFD's Public Information Officer.

7) Under this restriction, all those to whom this Policy applies are prohibited from disseminating or transmitting in any fashion photographs or images of individuals receiving emergency medical assistance.

Any such transmissions may violate New York State Laws and/or the HIPAA privacy rights of such individuals and may result in a criminal and/or civil proceeding being commenced against members and employees violating this provision of the policy.

8) This policy is not intended to limit the right to freedom of speech or expression; but the YHFD is a public entity and the Board of Fire Commissioners has put this policy in place to protect the rights of the YHFD, the YHEC, and its members as well as the public we are sworn to protect. Members and employees are advised that their speech/communication, verbally or by means of instant technology, either on or off duty, made in the course of their official YHFD duties and relating to their YHFD duties and responsibilities may not be protected speech under the First Amendment. Speech that impairs or impedes the performance of the YHFD or the YHEC or undermines discipline and harmony among co-workers or negatively affect the public perception of the YHFD or the YHEC may be sanctioned.

9) As a basic constitutional concept of law, a public employee may comment on a matter of public concern. However, airing personal workplace grievances does not raise a matter of public concern.


10) In furtherance of this Social Media Policy and to protect and advance the interests of all those to whom this Policy is applicable, members and employees must follow the following guidelines when discussing the YHFD and/or the YHEC on social media websites:

- a) Do not make any disparaging or false statements or use profane language.
- b) Do not make any statements or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, religion or protected class of individual.
- c) Make clear that you are expressing your personal opinion and not that of the YHFD/YHEC.
- d) Do not share confidential or proprietary information.
- e) Do not violate YHFD policies including the Code of Ethics.
- f) Do not display YHFD/YHEC logos, uniforms or similar identifying items without prior written permission
- g) Do not post personal photographs or provide similar means of personal recognition that may cause you to be identified as a firefighter, officer or employee of the YHFD/YHEC without prior written permission.
- h) Do not publish any materials that could reasonably be considered to represent the views or positions of the YHFD/YHEC without authorization.

11) The YHFD owns the right to all data and files in any YHFD owned computer network, cell phone or other information system. The YHFD also reserves the right to monitor electronic mail messages (including personal/ private/instant messaging systems) and their content, as well as any and all use of the Internet on or by means of YHFD computer network, cell phone or other information system equipment to create, view, or access e-mail and Internet content. Members and employees must be aware

that the electronic messages sent and received using YHFD equipment are not private and are subject to viewing, downloading, inspection, F.O.I.L. release, and archiving by YHFD Officers at all times. The YHFD has the right to inspect any and all files stored in private areas of the YHFD network or on individual computers maintained or kept at YHFD premises in order to assure compliance with policy and state and federal laws.

- 12) Inappropriate use of the Internet and instant technology while on YHFD business may result in disciplinary actions, up to and including suspension or termination as an employee of the YHFD or volunteer member of YHEC.



JEANMARIE KLAUS  
SECRETARY/TREASURER  
YORKTOWN HEIGHTS FIRE DISTRICT

Adopted by Resolution: May 15, 2013  
Effective: May 15, 2013

PENDING

APPROVAL

## TRAVEL/TRAINING AND REIMBURSEMENT POLICY

All persons authorized to travel on official business for the Yorktown Heights Fire District must be approved by the Board of Fire Commissioners at a regular business meeting. A motion must be made, and voted on, to send authorized persons, prior to travel. This policy outlines travel procedures and reimbursement for expenses on travel outside the Yorktown Heights Fire District.

1. Procedure:
  - A. All transportation and room reservations must be arranged by individuals involved.
  - B. Reservations for rooms should be made as near as possible to the point of business.
  - C. Only specified dates of event will be reimbursed by the Fire District for all approved expenses.
2. Approved Expenses:
  - A. Travel
    - a. Travel to and from location by most feasible means.
    - b. Thruway and turnpike fees.
    - c. Garage and parking fees.
    - d. Transportation costs.
    - e. Personal vehicle mileage equal to current federal allowance per mile. (Call 1-800-829-1040 for "Standard Mileage Rate")
  - B. Rooms  
Any accommodations at or near point of business at standard rates for good accommodations.
  - C. Meals
    - a. Maximum rate per day equal to current federal allowance for City/State. (Call 1-800-829-1040 for "Standard Meal Allowance for City/State")
    - b. Meal packages that are part of the hotel accommodations.
  - D. All emergency travel expenditures must be approved by an appropriate Fire Commissioner.
3. Expenses Not Allowed
  - A. Non-member expenses (spouse, other) for meals, rooms (if additional charge), registration or dues.
  - B. Unauthorized entertainment expenses.
4. Receipts are required for all expenses, except meals.
5. Reimbursement will be made upon approval from the Board of Fire Commissioners using the standard district voucher with all receipts attached.
6. Advances will be granted, if requested no later than Board of Fire Commissioners meeting, prior to date of travel.



## Code of Ethics of the Yorktown Heights Fire District

### **Section 1. Purpose.**

The Fire Commissioners, officers and employees of the YHFD, and the volunteer members of the Yorktown Heights Engine Company No. 1 (“YHEC”), hold their respective positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Board of Fire Commissioners recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

### **Section 2. Definitions.**

- PENDING
- a) “Contract” means any agreement, express or implied, with YHFD or any claim, regardless of amount, against YHFD and shall include the designation of a depository of public funds and the designation of a newspaper where publication is required or authorized by law.
- b) “Employee” means a paid employee or a volunteer of the YHFD including, but not limited to, the volunteer firefighter members of the YHEC.
- c) “Family member” means a parent, spouse, child, uncle, aunt, first cousin or household member and dependents.
- d) “Fire district” means the Yorktown Heights Fire District and, where referenced in GML §806, “fire district fire department” or “fire department” means the Yorktown Heights Engine Company No 1.
- e) “Interest” means a direct or indirect monetary, financial or other material benefit, but does not include any benefit arising from the provision or receipt of fire protection or other emergency services generally available to the residents of the fire district. A person is deemed to have an interest in the contracts of any firm, partnership or corporation of which he or she is an owner, partner director, officer, employee or stockholder.
- f) “Member of the fire district fire department” or “fire department member” means a volunteer member of the YHEC. The official powers and duties of a member of the YHEC refers to the individual’s powers and duties under law, under the resolutions or regulations adopted by the YHFD Board Fire Commissioners, or under the statutory authority of the Chief of the YHEC.
- g) “Officer” means a person serving as a paid or volunteer officer of YHFD including, but not limited to, the members of the Board of Fire Commissioners, Treasurer, Deputy Treasurer, Secretary, Purchasing Committee, and the Chief and Assistant Chiefs of the YHEC.
- APPROVAL

### **Section 3. Applicability.**

This code of ethics applies to the Commissioners, officers and employees of the YHFD and to the members of the YHEC. The provisions of this code of ethics shall apply in addition to all laws, including Article 18 of the General Municipal Law, all resolutions, regulations and all policies and procedures of the Board of Fire Commissioners and of the Chief of the YHEC.

### **Section 4. Appearance of impropriety.**

No Commissioner, officer or employee of YHFD and no member of the YHEC shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family or private business or any consideration other than the welfare of the YHFD.

## **Section 5. Use of position for personal or private gain.**

- a) No officer or employee of YHFD, and no member of the YHEC, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people:
- (1) All of the officers, employees or members of the YHEC;
  - (2) All of the eligible residents of the fire district; or
  - (3) The general public.
- b) No officer or employee of YHFD, and no member of the YHEC, may use or permit the use of fire district resources for personal or private purposes.
- c) No officer or employee of YHFD, and no member of the YHEC, shall cause the fire district to spend more than is necessary for transportation, meals or lodging in connection with official travel.
- d) This section does not prohibit a YHEC officer or member from:
- (1) Responding to a fire or other emergency;
  - (2) Voting to approve the fire district's annual budget;
  - (3) Authorizing or receiving lawful compensation for services as an officer or employee of the fire district;
  - (4) Authorizing or receiving lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty;
  - (5) Authorizing or receiving lawful benefits as a member of YHEC including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;
  - (6) Authorizing or receiving payments under a lawful fire district contract;
  - (7) Using fire district personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or
  - (8) Performing a mandatory function that does not require the exercise of discretion.

## **Section 6. Conflicts of Interest**

- a) No Commissioner, officer or employee of YHFD shall have any interest in any contract with the YHFD when such an officer or employee, individually or as a member of the Board of Fire Commissioners, has the power or duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder.
- b) No Commissioner, officer or employee of the YHFD shall audit bills or claims under a contract in which he or she has an interest.

- c) No Commissioner, officer or employee of the YHFD who has an interest in a contract shall appoint an officer or employee who shall have the power to negotiate, prepare, authorize or approve payment thereunder or audit bills or claims under such contract.
- d) Neither the YHFD Treasurer nor Deputy Treasurer shall have an interest in a bank or trust company designated as a depository, paying agent, registered agent or for investment of funds of the YHFD of which he or she is Treasurer or Deputy Treasurer.
- e) All YHFD Commissioners, officers, employees and the volunteer firefighters of the YHEC shall comply with the requirements of Article 18 of the General Municipal Law relative to conflicts of interests for local government personnel to the extent that they apply to fire district operations. To the extent that Article 18 of the General Municipal Law provides exceptions for certain types of conflicts of interest, those exceptions shall apply to this code. A copy of Article 18 of the General Municipal Law and this Code of Ethics shall be posted at the Fire District office, at all buildings owned and operated by the Fire District and shall be made available for review by all personnel.
- f) The provisions of General Municipal Law §801 shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any YHFD Commissioner, officer or employee or member of the YHEC in one or more positions of public employment, the holding of which is not prohibited by law.

**Section 7. Disclosure of interest in Fire District Issues.**

- a) The nature of any known interest the following people have, or reasonably in the future might have, in a matter coming before the Board of Fire Commissioners must be disclosed by Commissioners, officers and employees of YHFD and members of the YHEC:
  - (1) a Commissioner, officer, employee of the YHFD or a member of the YHEC;
  - (2) a family member of a Commissioner, officer or employee of the YHFD or a member of the YHEC.
- b) For purposes of this section, a “matter coming before the Board of Fire Commissioners for action” means a motion, resolution or any other issue or question requiring a vote of the Board.
- c) The disclosure require by this section must be in writing and must be made publicly to the Board of Fire Commissioners and the Board must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made. Once disclosure has been made with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need to be made with respect to additional contracts with the same party during the remainder of the year.
- d) Disclosure is not required with respect to interests in the following actions by the Board of Fire Commissioners:
  - (1) adoption of the YHFD annual budget;
  - (2) authorization of lawful compensation for services as an officer or employee of the YHFD;
  - (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, member or employee of the YHEC in the performance of his or her official duty; or

(4) authorization of lawful benefits to the members of the YHEC including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law.

**Section 8. Recusal and abstention.**

- a) Except as otherwise required by law, no officer or employee of YHFD, and no member of the YHEC, may vote on any matter, or exercise or perform any other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:
- (1) a YHFD Commissioner, officer or employee or a YHEC member;
  - (2) a spouse or child of a YHFD Commissioner, officer, employee or a YHEC member.
- b) In the event that subdivision (a) of this section prohibits a YHFD Commissioner, officer, employee or a YHEC member from exercising or performing his or her official powers or duties:
- (1) If the officer has a deputy who is not prohibited by subdivisions (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or
  - (2) In all other cases, the YHFD Commissioner, officer, employee or the YHEC member must refer the matter to his or her immediate supervisor or, if the person does not have an immediate supervisor, the YHFD Commissioner, officer, and employee or the YHEC member must refer the matter to the YHFD Board of Fire Commissioners.
- c) When a matter is referred to a person's immediate supervisor or to the Board of Fire Commissioners pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the Board of Fire Commissioners, or the immediate supervisor or Board of Fire Commissioners may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.
- d) This section does not prohibit a YHFD Commissioner, officer, employee or a YHEC member from performing a mandatory function that does not require the exercise of discretion.
- e) With regard to disciplinary matters that are not monetary in nature or to which the definition of interest herein would not apply and involve a reasonably foreseeable conflict of interest for the YHFD Commissioner, officer, employee or the YHEC member authorized to perform duties within the disciplinary process, the decision on whether or not to recuse oneself from participating in such process shall be a personal determination to be made by the YHFD Commissioner, officer, employee or the YHEC member. In such case the YHFD Commissioner, officer, employee or the YHEC member may seek counsel and advice of district counsel.

**Section 9. Holding of investments in conflict with official duties.**

- a) No Commissioner, officer or employee of YHFD, and no member of the YHEC, may hold the following investments:
- (1) Personal investments that will be directly affected by the exercise or performance of the person's official powers and duties; or
  - (2) Personal investments that would otherwise impair the person's independence of judgment in the exercise of performance of his or her official powers and duties.
- b) This section does not prohibit a YHFD Commissioner, officer, employee or a YHEC member from owning any of the following assets:

(1) Real property located within the fire district or any other area served by the fire district fire department and used as his or her personal residence;

(2) Less than five percent of the stock of a publicly traded corporation; or

(3) Bonds or notes issues by the fire district and acquired more than more year after the date on which the bonds or notes were originally issued.

#### **Section 10. Future employment.**

a) No Commissioner, officer or employee of YHFD, and no member of the YHEC, during the six months' period after serving as such Commissioner, officer, employee or YHEC member, may:

(1) Represent another person or organization before the Board of Fire Commissioners or any other body or officer of the fire district;

(2) Render services to another person or organization in connection with any matter which must come before the Board of Fire Commissioners or any other body or officer of the fire district; or

(3) Render services to another person or organization in connection with any matter which is pending before the Board of Fire Commissioners or any other body or officer of the fire district.

b) This section does not prohibit a former YHFD Commissioner, officer, employee or former YHEC member from:

(1) Representing him or herself, or his or her spouse or minor children before the Board of Fire Commissioners or any other body or officer of the fire district;

(2) Asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or

(3) Performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded through competitive bidding or some other competitive process.

#### **Section 11. Confidential Information.**

No Commissioner, officer or employee of the YHFD, and no member of the YHEC, who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties.

#### **Section 12. Gifts.**

a) No Commissioner, officer or employee of the YHFD, and no member of the YHEC, may directly or indirectly solicit any gift that was intended as a reward for any official action on his or her part.

b) No Commissioner, officer or employee of the YHFD, and no member of the YHEC, may accept or receive any gift, or multiple gifts from the same donor, having an aggregate value of seventy-five dollars or more when:

(1) the gift is intended to influence the recipient in the exercise or performance of his or her official powers or duties; or

(2) it appears that the gift could reasonably be expected to influence the intended recipient in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the intended recipient.

c) This section does not prohibit:

(1) Gifts made to the YHFD;

(2) Fund raising activities authorized by and pursuant to section 204-a of the General Municipal Law;

(3) Gifts from a person with a familial or personal relationship with a YHFD Commissioner, officer, employee or YHEC members when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer, employee or fire department member, that is the primary motivating factor for the gift;

(4) Gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement;

(5) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(6) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a YHFD Commissioner, officer, employee or YHEC member, or other service to the community; or

(7) Payments of rewards authorized by law.

### **Section 13. Posting and distributing.**

- a) The Board of Fire Commissioners must promptly cause a copy of this code of ethics, and a copy of any amendment to this code of ethics, to be posted publicly and conspicuously in each building under the fire district's control, as well as on the District website. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.
- b) The Chair of the Board of Fire Commissioners must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes a Commissioner, officer and employee of the YHFD, or a member of the YHEC.
- c) Every YHFD Commissioner, officer employee and YHEC member who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the Secretary of the fire district who must maintain such receipts as a public record.
- d) The failure to post this code of ethics or an amendment to the code does no affect either the applicability or enforceability of the code or the amendment.

### **Section 14. Enforcement.**

Any employee of the YHFD or member of the YHEC who violates this code of ethics may be

suspended or removed from employment or membership in the manner provided by law. A violation of this code is deemed “misconduct” within the meaning of section 209-1 of the General Municipal Law.

**Section 15. Effective date.**

This code of ethics takes effect on June 12, 2007.  
Amended January 7, 2011.

PENDING

APPROVAL

**COMMITTEES – 2023**

CHAIRMAN

APPARATUS - MAINTENANCE	Swart	McGannon
AUDIT	Moseman	Swart
BUILDING & GROUNDS	Moseman	Swart
COMMUNICATIONS	Klaus	McGannon
DRY HYDRANT	McGannon	Klaus
EQUIPMENT & PURCHASING	McGannon	Klaus
INSURANCE	Moseman	Klaus
LEASE	Moseman	Klaus
NEW CONSTRUCTION	Klaus	McGannon
PURCHASING APPARATUS	Klaus	McGannon
SERVICE AWARDS	Moseman	Swart
UNIFORMS	McGannon	Swart
EEOC OFFICER	Klaus, D	Klaus, J
LIAISON:		
FIRE COMPANY	Moseman	
POLICE DEPARTMENT	Swart	
TOWN HALL	McGannon	

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## RESERVE FUNDS

The following is a list of the existing Capital Reserve Funds established by the Yorktown Heights Fire District:

1. Construction Reserve Fund– Specific Reserve – created 5/14/96 (renamed/recreated 11/14/2000)
2. Communication Reserve Fund – Type Reserve – created 4/14/1998
3. Station #3 Construction Reserve Fund – Specific Reserve – created 11/14/2000
4. Ladder Reserve Fund – Specific Reserve – created 10/8/2002 (converted to type 12/19/2006)
5. Ladder Reserve Fund – Type Reserve – created 12/19/2006
6. Apparatus and Equipment Fund – Type Reserve – memorialized and confirmed 12/19/2006
7. Repair and Replacement Fund – Type Reserve – memorialized and confirmed 12/19/06

PENDING

APPROVAL

MONTHLY MEETING: January 10, 2023

Present:

Comm. Arthur Orneck  
Comm. Martin McGannon  
Comm. Charles Moseman  
Comm. David Klaus  
Comm. Jason Swart  
Secy/Treas. Jeanmarie Klaus  
Asst. Chief Matthew Lauria

Absent:

Chief Tim Mentrasti  
Asst. Chief Paul Liberatore  
Atty. Tara Tully

Meeting opened by Chm. Orneck at 7:30 p.m.

VOUCHERS:

Motion: Comm. McGannon to audit the attached submitted vouchers and authorize payment of those approved  
Second: Comm. Orneck  
All voting aye

PENDING

MINUTES:

Motion: Comm. Orneck to accept the December monthly meeting minutes as amended  
Second: Comm. McGannon  
All voting aye

BIDS:

Cleaning rebid:  
One bid received from Arco for bi-weekly cleaning  
Station #2 \$9,000 Annually  
Station #3 \$3,000 Annually  
The Board discussed the bids.  
Motion: Comm. Klaus to accept the bid from Arco  
Second: Comm. Swart  
All voting aye

APPROVAL

SECRETARY/TREASURER'S REPORT:

Bank Balances as of 12/31/2022:

Operating	\$3,521,802.18
Apparatus	689,542.90
Communication	173,852.34
Repair	192,930.54
Station #3	91,388.37
Ladder	687,641.34

CHIEFS REPORT:

1. Alarms for the month were reported
2. See attached

DIVE TEAM:

Comm. Swart updated the Board on the dive team & training.

APPARATUS:

1. See attached
2. Comm. McGannon reported a problem with the work Hendrickson did on the Rescue.

3. The light tower serviced & repaired
4. The Board discussed various options for repair companies

**JUNIOR CORPS:**

2 new members for a total of 12

**COMMUNICATIONS:**

1. Minitor 6 pagers are expected in soon
2. Dell Avenue system is continued to be worked on for County reprogramming
3. There was a discussion about necessity of the phone boxes on the fire stations

**BUILDINGS & GROUNDS:**

Roof was inspected. There were a few minor issues & MCAS will have to come back and address.

**INSURANCE:**

Received insurance money for E274

**NEW CONSTRUCTION:**

1. Comm. Klaus discussed the meeting with Atty. Tully & Brian Haberstroh concerning land lease between YHEC & YHFD.
2. Comm. Klaus would like to set up a special meeting with Helmes Agency to review drawings and discuss how to proceed. Meeting to discuss feasibility of building a structure next to Station #1.  
Motion: Comm. Klaus to schedule a Special Meeting January 23<sup>rd</sup>, 7:00 pm at Station #2, to discuss the feasibility of adding additional apparatus space at Station #1.  
Second: Comm. McGannon  
All voting aye
3. The Board discussed building at Station #1 and the needs

**RECRUITMENT:**

1. New members completed class
2. Applications opened until March 1<sup>st</sup>.
3. Discussion on Firefighter I Classes.
4. Discussion on trying to get County to allow Yorktown to run class

**UNIFORMS:**

Discussion on incentives

**PURCHASING:**

1. The Asst. Chief requested tire gauges. Comm. McGannon will purchase some.
2. If approved purchases are not ordered by year end, new motions need to be made.
3. Approval for 15 pails of green Class B foam was made at the October 2022 meeting but was never ordered. A new motion needs to be made for 2023  
Motion: Comm. McGannon to replace 15 pails of foam with new green Class B foam at a cost of \$3,375 under state contract #PC 69006  
Second: Comm. Swart  
All voting aye
4. Approval for the purchase of Trufuel was made at the December meeting, but was not ordered in 2022 due to waiting for Calamut credit application. A new motion needs to be made for 2023.  
Motion: Comm. McGannon purchase 1 drum & 5 gallon pail – 3 mix & 2 regular from Truefuel for the boats through Calamut Industries at a cost not to exceed \$800  
Second: Comm. Orneck  
All voting aye
5. Approval for 1” key forestry line 100’ 15 lengths was made in at the September meeting, but was not ordered in 2022. A new motion needs to be made for 2023  
Motion: Comm. Klaus to purchase 1” key forestry line 100’ 15 lengths, not to exceed \$3,000

**SERVICE AWARDS:**

Waiting for report from Chiefs

IT:

There was a motion last year for computer upgrades. Due to supply issues, the work has not been done. A new motion needs to be made for 2023

Motion: Comm. McGannon to replace firewall/network switch/wireless access points at Station #2 – nearing end of life & support - at a cost of \$2,862

Second: Comm. Klaus

All voting aye

ADJOURNMENT:

Motion: Comm. Klaus to adjourn at 9:17 p.m.

Second: Comm. McGannon

All voting aye.

PENDING

APPROVAL

**Yorktown Heights Fire District  
2023 Payout Record**

Month: Jan-23

Page No.: 1

Vo.#	Claimant (Name & Address)	Appropriation:		Check:	
		Acct.#	Amount	Amount	Number
1	City Wide Automotive Corp.	A3410.4	810.20	810.20	4521
2	MES-New York	A3410.4	1,506.00	1,506.00	4522
3	Hudson Valley Fire Equipment LLC	A3410.4	67.90	67.90	4523
4	Metrocom Wireless	A3410.4	270.00	270.00	4524
5	AAA Emergency Supply Co. Inc.	A3410.4	2,983.37	2,983.37	4525
6	Wex Bank	A3410.4	975.75	975.75	4526
7	NYS Assoc. of Fire Chiefs	A3410.4	405.00	405.00	4527
8	Halston Media	A3410.4	74.50	74.50	4528
9	Hi-Tech Fire & Safety Inc.	A3410.4	1,986.80	1,986.80	4529
10	Hawkins Delafield & Wood LLP	A3410.4	12,800.00	12,800.00	4530
11	Optimum	A3410.4	8.80	8.80	4531
12	AT&T Mobility	A3410.4	99.19	99.19	4532
13	McNeil & Company	A3410.4	89,657.06	89,657.06	4533
14	GenTech Ltd.	A3410.4	1,145.00	1,145.00	4534
15	Munistat Services	A3410.4	6,500.00	6,500.00	4535
16	Moody's Investors Service	A3410.4	14,000.00	14,000.00	4536
17	Verizon	A3410.4	568.88	568.88	4537
18	Motorola Solutions	A3410.4	4,879.08	4,879.08	4539
19	Capital One Bank	A3410.4	1,092.57	1,092.57	4540
20	NYS E & G	A3410.4	1,274.77	1,274.77	4541
21	Advantage Emergency Devices, Inc	A3410.4	92.00	92.00	4542
22	The Journal News	A3410.4	308.00	308.00	4543
23	Almeida Oil Co.	A3410.4	3,441.52	3,441.52	4544
24	Landcor	A3410.4	2,360.00	2,360.00	4545
25	Tully Law Office PC	A3410.4	1,666.63	1,666.63	4546
26	Metrocom Wireless	A3410.4	2,127.08	2,127.08	4547
27	AFC Urgent Care Yorktown	A3410.4	5,600.00	5,600.00	4548
28	Yorktown Plumbing & Heating Inc.	A3410.4	285.00	285.00	4549
29	Fiber1 Solutions LLC	A3410.4	626.67	626.67	4550
30	Halston Media	A3410.4	482.95	482.95	4551
31	U.S. Treasury	A601	2,373.15	2,373.15	926996
	TOTALS		160,467.87	160,467.87	

I certify these claims were audited and allowed by the Fire District Commissioners. Each claimant was paid the amount opposite his name.

Date Jan-23 Jeanmarie Klaus Fire District Sec/Treas.

**Yorktown Heights Fire District  
2023 Payout Record**

Vo.#	Claimant (Name & Address)	Appropriation: Acct.#	Amount	Check: Amount	Number
	Previous Balance		160,467.87	160,467.87	
32	NYS Employment Taxes	A601/A9030.8	660.85	660.85	100082767
33	Klaus, Jeanmarie / dd fee	A3410.1	1,904.75	1,904.75	dd
34	Con Ed	A3410.4	600.07	600.07	eft
<h1>PENDING</h1>					
<h1>APPROVAL</h1>					
	Void: 4538				
	<b>TOTALS</b>		<b>163,633.54</b>	<b>163,633.54</b>	

I certify these claims were audited and allowed by the Fire District Commissioners. Each claimant was paid the amount opposite his name.

Date Jan-23

Jeanmarie Klaus

Fire District Sec/Treas.

**January 2023 Fire District Meeting- Chiefs Report**

**Training:**

Ongoing training on all operations.  
Audit of LOSAP underway  
Audit of Mandatory Training under way

**Purchases:**

None requested

**New:**

None

**Repair/ Replacement:**

L-51 Discuss previously discussed replacement battery ventilation fans

**Dive:**

Multiple scuba drills

**Apparatus:**

None

**Calls:**

The following are the fire calls for December 2022;

Automatic alarms = 34  
Smoke Investigations = 5  
CO Alarms = 5  
Utility Assist = 12  
Motor Vehicle Accidents = 17  
Electrical Fires = 2  
HAZ – Mat = 1  
Structural = 2  
EMS ASSIST = 1  
Good Intent = 1

Mutual Aid

FAST = 2  
Tanker = 1  
Dive = 1  
Relocate = 1

Total Calls for December = 85  
Total Calls for 2022 = 651

PENDING

APPROVAL