



**TOWN OF LEWISBORO
TOWN BOARD MEETING
AGENDA
TOWN HOUSE
MONDAY, SEPTEMBER 24, 2018
7:30 P.M.**

- 1. PUBLIC HEARING Regarding Proposed Condominium Law**
- 2. PUBLIC COMMENT**
- 3. COMMUNICATIONS**
 - a. Thank you to Highway Department from Duff Price**
 - b. Thank you to LVAC from Resident Beverly Wilson**
- 4. CONSENT AGENDA**
 - a. Approval of Minutes of September 11, 2018**
- 5. NEW BUSINESS**
 - a. Report from Westchester County Legislature – Kitley Covill**
 - b. Discussion of SALT Resolution**
 - c. Adoption of Sexual Harassment Policy**
 - d. Resolution Proclaiming October 15 to be Lewisboro Pregnancy and Infant Loss Awareness Day**
 - e. Discussion of 2019 Budgets for Shared Services and Facilities Management – Joel Smith**
 - f. Discussion of Health Insurance Provider**
- 6. POLLING OF THE BOARD**
- 7. ANNOUNCEMENTS**

**Town Board Meeting TUESDAY, October 9, 2018 at 7:30 p.m. at the Town House,
11 Main Street, South Salem**
- 8. MOTION TO GO INTO EXECUTIVE SESSION**

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Bouton Road Town Offices are accessible to persons with physical handicaps. If anyone who wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled meeting, and we will try to accommodate whenever possible.

LOCAL LAW NUMBER __-2018 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This local law shall be known as “A Local Law creating a new Article V, entitled ‘Real Property Assessment of Converted Condominiums’ and related sections in Chapter 199 of the Code of the Town of Lewisboro.”

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2018 that this law shall take effect immediately upon its passage.

SECTION 3 – TAXATION

A local law to amend Chapter 199, entitled "Taxation," creating a new Article V, entitled "Real Property Assessment of Converted Condominiums," as they pertain to real property assessment of dwelling units converted to condominiums, is hereby enacted pursuant to the New York State Constitution Article IX and New York Municipal Home Rule Law §10, and pursuant to Chapter 293 of the Laws of the State of New York 1997, which enacted §581, Subdivision 1(c), of the Real Property Tax Law and §339-y, Subdivision 1(f), of the Real Property Law for the purposes of preventing lower assessments of converted condominiums.

BE IT ENACTED by the Town Board of the Town of Lewisboro as follows:

ARTICLE V

Real Property Assessment of Converted Condominiums

§199-17. Title.

This local law shall be known as “A Local Law creating a new Article V, entitled ‘Real Property Assessment of Converted Condominiums’ and related sections in Chapter 199 of the Code of the Town of Lewisboro.”

§199-18. Legislative findings.

The Town Board of the Town of Lewisboro finds that residential condominium units incur a significant difference in property taxes compared to comparably priced single family homes under conventional forms of property ownership and, therefore, believes it is necessary to amend Chapter 199 of the Code of the Town of Lewisboro to prevent residential property owners from converting to a condominium form of ownership that would result in a lower assessment, which, if permitted, would unfairly lower the property tax burden for the converted property, while increasing the property tax burden to owners of property in a conventional form of ownership.

§199-19. Definitions.

As used in this article, the following term shall have the meaning indicated:

CONVERTED CONDOMINIUM – A dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership and which has not been previously subject to the provisions of §581, Subdivision 1(a), of the Real Property Tax Law or §339-y, Subdivision 1(b), of the Real Property Law.

§199-20. Real property assessment of converted condominiums.

In accordance with §581, Subdivision 1(c), of the Real Property Tax Law and §339-y, Subdivision 1(f), of the Real Property Law, which otherwise permits condominium units to be valued for purposes of real property assessment by using a capitalization of income approach or a cost approach, neither §581, Subdivision 1(a), of the Real Property Tax Law nor §339-y, Subdivision 1(b), of the Real Property Law shall apply to any converted condominium unit in the Town of Lewisboro.

SECTION 4 -- SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5 – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2018

**BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF LEWISBORO**

JANET DONOHUE, TOWN CLERK

SAMPLE RESOLUTION

Version 9/17/2018

WHEREAS, in response to the Federal Tax Cuts and Jobs Act (TCJA), the State of New York has enacted legislation as part of its FY2019 Budget that authorizes counties, local governments, and school districts to establish a charitable gifts reserve fund that may be used to defray some of the costs related to public education, healthcare, or other public service provided by that entity; and

WHEREAS, the State of New York has also enacted legislation which allows counties, local governments, and public school districts the option to authorize by means of resolution a real property tax credit of up to 95% of the amount of a property owner's monetary contribution(s) to an established charitable reserve fund during the "associated credit year"; and

WHEREAS, individual taxpayers may be incentivized to contribute generously to these charitable funds out of the expectation that the pairing of an increased charitable deduction at the federal level combined with a real property tax credit at the local level may mitigate the effects of the new \$10,000 cap on state and local tax deductions imposed by TCJA; and

WHEREAS, the Internal Revenue Service (IRS) issued on August 23, 2018 proposed regulations providing rules on the availability of federal charitable contribution deductions when the taxpayer receives or expects to receive a corresponding state or local tax credit; and

WHEREAS, the proposed regulations rules that a taxpayer who makes a contribution to a charitable reserve fund and subsequently receives a state or local tax credit that exceeds 15 percent of the contribution must reduce his or her charitable deduction by the amount of any tax credit he or she received at the state or local level; and

WHEREAS, state, county, and local entities have expressed confusion, doubt, and skepticism on the draft regulations and have raised questions as to whether they constitute an arbitrary and capricious interpretation of federal tax law, particularly in the context of the treatment of existing state tax credit programs that pre-date the TCJA and the stated preservation of the deductibility of contributions made by businesses; and

WHEREAS, the IRS has invited the public to submit comments on the proposed regulations no later than October 11, 2018;

NOW, THEREFORE BE IT RESOLVED, that *[governing entity]* believes the proposed regulations issued by the IRS on August 23, 2018, dramatically impair the incentives for individual taxpayers to make contributions to these charitable reserve funds as established by law in the State of New York and, in doing so, impair the mission of these funds, namely providing *[a high-quality public education to all children residing within the district/ providing necessary and high-quality public services to all residents of County/Municipality]*; and

BE IT FURTHER RESOLVED, that *[governing entity]* believes the proposed regulations issued by the IRS on August 23, 2018, provide insufficient clarity on many topics as well as arbitrary

and unfair distinctions between deductions for individuals compared to deductions for businesses, and contributions to support public education compared to contributions to support private education; and

BE IT FURTHER RESOLVED, that *[entity]* finds it necessary and appropriate to propose changes to the proposed regulations issued by the IRS to provide additional clarity for the taxpayers of *[district/county/municipality]* and to explain and remove any arbitrary distinctions that would effectively and unfairly disadvantage the taxpayers of *[district/county/municipality]*;

BE IT FURTHER RESOLVED, that *[entity]* shall submit public comments on or before October 11, 2018 that shall reflect the concerns outlined above; and

BE IT FURTHER RESOLVED, that *[entity]* shall seek to collaborate with other like-minded state, county, municipality, or school district agencies or organizations to express these concerns publicly and to advocate for fair regulations and equitable and principled interpretation of federal tax law that recognizes and rewards the value of contributions in support of *[public education/public services]*, no matter whether the contributor is an individual or a business, or whether the charitable entity is public or private.

MEMO: Background on the IRS draft regulations regarding contributions to charitable reserve funds

To: Interested Parties

From: Amy R. Paulin, Member of the New York State Assembly for the 88th District

September 17, 2018

In response to the *Federal Tax Cuts and Jobs Act of 2017* (TCJA), the State of New York enacted legislation as part of its FY2019 Budget that authorizes counties, local governments, and school districts to establish a charitable gifts reserve fund that may be used to defray some of the costs related to public education, healthcare, or other public service provided by that entity. At the same time, New York also enacted legislation which allows counties, local governments, and public school districts the option to authorize, by means of resolution, a real property tax credit of up to 95% of the amount of a property owner's monetary contribution(s) to an established charitable reserve fund during the "associated credit year" as defined under the New York Real Property Tax Law.

It was hoped that individual taxpayers would be incentivized to contribute generously to these charitable funds out of the expectation that the pairing of an increased charitable deduction at the federal level combined with a real property tax credit at the local level might offset the effects of the new \$10,000 cap on state and local tax (SALT) deductions imposed by TCJA. This would provide some measure of relief to taxpayers who would be hardest hit by the cap on SALT deductions, particularly in localities with high school taxes and/or county and municipal property taxes. This would also aid school districts and local governments in their mission to provide high-quality public education or high-quality public services to the residents of their district.

In addition to New York, the states of Connecticut and New Jersey passed similar laws allowing for the establishment of county, municipality, or school district charitable funds.

This tax credit construction whereby a cash contribution to a recognized charity, a publicly established fund, or some public-private partnership would be matched on a dollar-to-dollar basis with a tax credit that would reduce overall state or local tax liability up to a fixed percentage of the contribution, is currently in widespread use.

- There are over 70 active programs across 24 states which specifically rely on tax credits granted to individuals who make cash donations to various entities. These programs pre-date the passage of TCJA.
- These include seven where the value of the tax credit may be as high as 100% of the value of the contribution.
- These also include arrangements whereby the state created an incentive for individuals to make cash donations to scholarship granting organizations (SGOs), nonprofits that provide private school scholarships to financially needy students, by issuing tax credits up to a percentage of the contribution.
 - These tax credits to incentivize contributions that increase access to private school education are current law in Alabama, Illinois, Indiana, Iowa, Louisiana, Montana, Oklahoma, Rhode Island, South Carolina, and Virginia.

On August 23, 2018, the Internal Revenue Service (IRS) issued proposed regulations that provide rules on the availability of federal charitable contribution deductions when the taxpayer receives or expects to receive a corresponding state or local tax credit. Specifically, the proposed regulations conclude that a taxpayer who makes a contribution to a charitable reserve fund and subsequently receives a state or local tax credit that exceeds 15 percent of the contribution must reduce his or her charitable deduction by the amount of any tax credit he or she received at the state or local level.

However, this has not been the standard to which the IRS has previously held the over 70 tax credit programs that pre-dated TJCA. Within the text of the draft regulation, the IRS acknowledges a concern that has been raised by states and private school associations about whether this new standard for charitable contributions incentivized by a tax credit would also be applied to those existing tax credit programs that pre-date the TCJA, and expressly references contribution to SGOs. As a result, the advocacy organizations that promote these scholarship programs have already made public statements that they intend to challenge this portion of the regulation.

On September 5, 2018, the IRS took the additional step of issuing IR 2018-175, which purports to clarify the impact of the proposed regulations by stating that business taxpayers who make business-related payments to charities or government entities that similarly are rewarded with a tax credit on the business's state or local taxes may continue deducting those contributions as business expenses without reducing their deductions by the amount of any tax credit received at the state or local level. Neither IR 2018-175 nor the supporting FAQ articulate a principle whereby contributions made by businesses that are incentivized by state or local tax credits should have their deductibility preserved, while contributions by individuals that are incentivized by state or local tax credits should not.

Furthermore, U.S. Treasury Secretary Steven T. Mnuchin also released a statement on September 5, 2018, specifically citing "business-related donations to school choice programs" as one of the programs involving business contributions to a charity incentivized by a state or local tax credit whose deductibility at the federal level that was to be preserved. His statement went no further than that, and offered no rationale as to why business contributions to charitable private education funds ought to be treated differently than individual contributions to charitable public education funds.

Suffice it to say, there is substantial confusion, doubt, and skepticism regarding the consistency of the legal rationale and how it would be applied should the final regulations issued by the IRS on this topic closely resemble the proposed regulations. Should the proposed regulations become final, deductibility would be preserved for business contributions but not individual contributions. It would be preserved for contributions to private school education, but not charitable funds to enhance public school education. It might be preserved for existing programs to incentivize contributions to aid the construction of public roads in Arkansas, but not for new programs to aid local public works in New York.

A number of tax law experts believe that the proposed regulations provide insufficient clarity on many topics or the underlying legal rationale for many of the distinctions drawn between deductions for individuals compared to deductions for businesses, and contributions to support public education compared to contributions to support private education, among other issues. This opens the IRS up to the charge that its interpretation of federal tax law, as currently outlined in the proposed regulations, is arbitrary and capricious and therefore invalid.



Town of Lewisboro

Sexual Harassment Policy

September 2018

Introduction

The Town of Lewisboro is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Town of Lewisboro has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town of Lewisboro's commitment to a discrimination-free work environment.

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

Policy:

1. The Town of Lewisboro Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Town of Lewisboro.
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, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Lewisboro has a zero-tolerance policy for such retaliation against anyone who in good faith complains or provides information about suspected sexual harassment. Any employee of the Town of Lewisboro who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employeeⁱ working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, the Supervisor or the Confidential Secretary to the Supervisor. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation

may also seek compensation 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 subjects the Town of Lewisboro to liability for harm to victims 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 knowingly allow such behavior to continue, will be penalized for such misconduct.

5. The Town of Lewisboro will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Lewisboro 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 to the Supervisor's Office

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 posted prominently in all work locations 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, gender identity and the status of being transgender.

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature or which are directed at an individual because of that individual's sex. 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 complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

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

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. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

What is "Retaliation"?

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

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

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

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Town of Lewisboro 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 Supervisor's Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Supervisor's Office.

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 victim 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 Supervisor's Office.

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

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

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

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Supervisor's Office will conduct an immediate review of the allegations and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create 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 final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections And External Remedies

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

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

New York State Division of Human Rights (DHR)

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

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 discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Lewisboro 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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your

employer to take action to stop the harassment, or redress the damage caused, including paying 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, (718) 741-8400, www.dhr.ny.gov

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

United States Equal Employment Opportunity Commission (EEOC)

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

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

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

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

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 New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

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

¹ 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



Town of Lewisboro

Complaint Form for Reporting Sexual Harassment

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees 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 the Town Supervisor's Office. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: (please circle one) Home Phone Work Phone Email

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you (circle): Supervisor Subordinate Co-Worker Other

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

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

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at the Town of Lewisboro? If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?

Yes No

Have you instituted a legal suit or court action regarding this complaint?

Yes No

Have you hired an attorney with respect to this complaint?

Yes No

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

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, you must follow your sexual harassment prevention policy by investigating the allegations through actions such as:

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

You should create a written document of the findings of the investigation, 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.



Richard and Roberta Cohan
101 Post Office Road
Waccabuc, New York 10597

9/4/18

Dear Supervisor Parsons,

We are bereaved grandparents. Our second grandson, Oliver Cohan Hughes was stillborn on January 25, 2013 so sadly we know the long lasting impact of pregnancy and infant loss. You and the Lewisboro Town Board members have been very supportive of our annual Star Legacy Foundation 5k. This annual fundraiser raises awareness and critical funds for research and education for stillbirths.

Our grandson Oliver died at 34 weeks gestation after what was a normal and healthy pregnancy. Our daughter had no health complications and followed all the protocols suggested during pregnancy. At a doctor's appointment she heard the words that no parent ever should hear "I am sorry but there is no heartbeat". She was sent directly to the hospital to deliver a stillborn baby. We quickly learned that stillbirth occurs more often than we think: 1 in 160 pregnancies end in stillbirth. Raising awareness is a critical part of bringing the necessary attention to this issue and working towards lowering this alarming statistic. Our family has now become active in the premier stillbirth charity here in the U.S., Star Legacy Foundation and are the founding members of the New York Metro Chapter, which includes Westchester County.

We are writing to request your support to **declare October 15th as "Pregnancy and Infant Loss Awareness Day" throughout Lewisboro**. Thousands of families across the United States are devastated each year by the death of their baby through miscarriage, stillbirth or neonatal loss. On September 28, 2006 Congress passed House Resolution #222 supporting the goals of Pregnancy and Infant Loss Remembrance Day. In October 1988 President Regan proclaimed October as Pregnancy and Infant Loss Awareness Month. October 15 is also observed internationally as bereaved families around the world light a candle at 7 PM in their time zone creating a wave of light in memory of the child(ren) they have lost.

The declaration of October 15 as a day to acknowledge the unique grief of bereaved parents would demonstrate support to the many families who have suffered from such a tragic event. Promoting awareness of pregnancy and infant loss will increase the likelihood that these families will receive understanding and support as they face the challenges of their distinctive bereavement.

I have no doubt that bereaved families in Lewisboro will find great comfort in having their loss acknowledged by our town. Please feel free to call us to further discuss [REDACTED]

Sincerely,

Bobbie and Rick Cohan

WHEREAS: Each year approximately 26,000 families in the United States are told that their unborn baby has died before birth, and many of these stillbirths are preventable.

WHEREAS: Experts have referred to stillbirth as the most understudied issue in medicine today.

WHEREAS: Stillbirth rates in the United States have been flat for decades, and adequate research, education and awareness could lead to a reduction.

WHEREAS Pregnancy and Infant Loss is such a common occurrence, one that is usually not recognized, AND

WHEREAS many town of Lewisboro parents and families have suffered a miscarriage, a stillbirth or the death of an infant during delivery or shortly after birth, AND

WHEREAS such a terrible loss is often not recognized; AND

WHEREAS the Town of Lewisboro wishes to acknowledge the profound grief experienced by families who suffer the death of a small child, infant or pre-term baby; AND

WHEREAS the existence of the babies and infants deserves to be acknowledged, AND

WHEREAS the Town of Lewisboro wishes to acknowledge the existence of the babies and infants that died far too early; AND

WHEREAS when a baby dies whether in the womb or after birth, it's life deserved to be recognized, AND

WHEREAS even the shortest lives are still valuable, and the grief of those who mourn the loss of these lives should not be trivialized; AND

WHEREAS on the fifteenth day, tenth month of every year, everyone around the world will light a candle at 7pm in remembrance, and

WHEREAS the 15th day of October is recognized in parts of the United States and in many other jurisdictions around the world, as a day of remembrance and awareness of pregnancy and infant loss; AND

WHEREAS this devastating tragedy often occurs suddenly, without warning, as a result of miscarriage, stillbirth, Sudden Infant Death Syndrome (SIDS), accident, or other causes or complications; AND

WHEREAS the tragedy of pregnancy and infant loss, which exacts a terrible emotional toll, may be preventable in some instances; AND

WHEREAS increased awareness of the causes and impacts surrounding pregnancy and infant loss may lead to greater understanding, support and resources in communities across the town of Lewisboro; AND

WHEREAS a day of remembrance honours the lives of children taken far too soon and supports grieving parents, grandparents, siblings and other family members whose lives are forever altered by the heartbreak of losing a child;

WHEREAS those parents and families require support and understanding during their time of grief, and

WHEREAS promoting awareness of the challenges faced by those parents and families is a positive means of establishing support and understanding, and

WHEREAS recognizing Pregnancy and Infant Loss Awareness/Remembrance Day would enable the people of The United States to consider how, as individuals and communities, they can meet the needs of bereaved mothers, fathers, and family members, and work to prevent the causes of these deaths;