TOWN BOARD LEGISLATIVE AGENDA

Wednesday, April 19, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Approval of Minutes –March 22, 2017
III. Communications and Announcements
IV. Public Participation
V. Additions and Deletions to Agenda
VI. Petitions
VII. Resolutions by Function

Law and Finance
17T-100 Employee Handbook Revisions
17T-101 Authorizing a Pedestrian Access and Maintenance Easement to the Barclay Park Subdivision Homeowners' Association on Town Owned Property at 1217 Fairport Nine Mile Point Road

Public Works
17T -102 Authorization to Auction Surplus Equipment on May 13, 2017 at the Town of Palmyra

Public Safety
None

Community Services
17T-103 Authorization for Supervisor to Sign Recreation Contracts

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: May 3, 2017
XIII. Adjournment

This meeting will be video recorded and broadcast live via the town’s website www.penfield.org and the Town’s Government Access Cable channel 12, digital 5.12. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, April 19, 2017 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor
Linda Kohl    Councilwoman
Paula Metzler   Councilwoman
Andrew Moore   Councilman

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney

Absent: Robert Quinn   Councilman

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Ed Lindskoog.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of March 22, 2017. Councilwoman Metzler seconded and all voted “Aye.”

Communications and Announcements

1. As Town Clerk, Amy M. Steklof, RMC/CMC, one of my responsibilities is to preserve permanent Town Records. Without proper care, irreplaceable records can deteriorate and be lost forever. As my staff and I have been managing Town records, over the years we have identified many that were so fragile they were at risk of serious damage and loss if handled. To address this problem, I began researching document preservation options and determined the need for professional preservation services. In November 2016, we went out for bid for a document preservation specialist and we awarded the project in December 2016. To protect the documents each sheet was surface cleaned, de-acidified and mended. All adhesives and non-archival materials were removed. Sheets were encapsulated in archival polyester and housed in custom binders. It’s a great feeling knowing that these historical books will be here for future generations to appreciate. I welcome anyone to come visit me at my office if you would like to view these books for yourself. See photo at end of minutes.

2. With Spring officially here many residents are probably thinking about starting their outdoor projects. As a safety reminder it is important to Call 811 before you dig in your yard. 811 will coordinate with local utility companies to locate the underground lines on your property. Utility lines are damaged once every six minutes nationwide because someone decided to dig in their yard without knowing what was underground. Calling 811 can reduce the risk of damage to gas, electric, communications, water and sewer line, which can lead to service disruptions, serious injuries and costly repairs. Residents and business owners, should call two full working days, excluding the day of a call, before digging. To schedule an appointment Call 811 or go to digsafelynewyork.com/homeowners.

3. Penfield community in helping out your neighbors, in the annual Terry Rothfuss Memorial Good Neighbor Day. Good Neighbor Day has volunteers reach out to seniors, veterans, or those who are disabled, in helping to do light yard work and spring cleaning. This event will begin at the Rothfuss Farm, 1865 Salt Road, for volunteers to receive their assignments. To register for this event or if you are someone who could use an extra hand this spring, call Sabrina Renner at 340-8651 or email srenner@penfield.org.
4. Commonly, this time of year, the towns of Penfield and Webster partner with Monroe County to host a Household Hazardous Waste Drop-Off at a DPW facility. This year the County has rescheduled the event for the Fall. On Saturday, September 16, residents will be able to schedule an appointment to dispose of old paints, cleaning supplies, fertilizers and more. The County would like to remind everyone that the Eco Park facility is available year-round to dispose of household materials. Eco Park is located at 10 Avion Drive off Paul Road behind the Rochester Airport. To learn more about Eco Park and the Household Hazardous Waste Drop-Off visit www.monroecounty.gov. The Town of Penfield will have updates regarding this event, at www.penfield.org in September.

5. Penfield Community Victory Garden beds are now available to rent for the 2017 Growing season. The Community Victory Garden is located on Five Mile Line Road, just south of Tall Tree Drive. Visit www.penfieldrec.org or call 340-8651, for registration and more information.

6. The Town’s 5th Annual Electric Car Show will be held on April 22, 2017 from 1:00 PM to 4:30 PM in the south parking lot at the Penfield Public Library, 1985 Baird Road. For more information contact Bob Kanauer at 377-2783 or kanauer@frontiernet.net.

7. The Town of Penfield’s Spring Drop-off will run Friday, May 19, 2017 from 7:30 AM to 5:00 PM and Saturday, May 20, 2017 from 9:00 AM to 3:00 PM at the Public Works Complex, 1607 Jackson Road. For more information, please visit the Town’s website at www.penfield.org.

8. The Public Hearing regarding the renewal of its Cable Television Franchise continues to be held open for public comment until April 28, 2017. Email comments to PCTV@penfield.org. Comments may also be received by mail or in person at the Penfield Town Hall, Penfield Cable TV, 3100 Atlantic Avenue. For more information please call Dave Renner at 340-8661.

9. Baseball season is here, and Penfield Little League is ready for Opening Day, on Saturday, April 29, 2017 beginning at 9:00 AM. All of this year’s teams will participate in an annual parade through Veteran’s Memorial Park leading to Zabkar Field. Little League President Greg Kamp will emcee a ceremony of recognitions and the traditional first pitch. Parking will be available in the main part of the Little League complex and/or behind and next to the Town Hall. The Little League complex is located at 3100 Atlantic Avenue, just east of Jackson Road. For more information, visit www.penfieldbaseball.com.

10. Town Councilman Andy Moore will be hosting Operation Safe Child with the Monroe County Sheriff’s Office on Thursday, April 20, 2017 from 9:00 AM to 1:00 PM at the Town Hall. Operation Safe Child is an opportunity for Penfield residents to get an up-to-date Safe Child Identification Card with biographical information on it. The Safe Child ID Card can be quickly used by law enforcement agencies in the unfortunate event that a child is missing or abducted. Possessing up-to-date photographs and detailed information about a child are important proactive measures that greatly assist law enforcement to quickly respond to a child’s disappearance. Participants at the event will be helped on a first come, first served basis. For additional information, please email Andy Moore at moore@penfield.org.

11. Councilwoman Kohl’s next Community Chat will be held on Tuesday, May 16, 2017 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.
12. On Sunday, April 23, 2017 at 2:30 PM, Local History Room Volunteer Diane Dayton Riley, and Town Historian Kathy Kanauer, will share insights into the western most part of our Town. Come learn how this side of town, containing Irondequoit Creek and Bay, played an important role in the early development of Penfield. This presentation is a collaboration of the Public Library and the Local History Room and will be held at the Community Center, 1985 Baird Road. Visit www.penfieldlibrary.org or call 340-8720 for details.

13. The Penfield Players’ Spring Mainstage Theatre performance of “The Red Velvet Cake Way” will open on Friday, April 28, 2017 at 8:00 PM. This production will be held at the Community Center on Baird Road. Tickets can be purchased through www.penfieldrec.org or on the night of performance. For additional show times and information regarding the players go online to www.penfieldplayers.org.

Public Participation

Ed Lingskoog, 40 Willow Pond Way inquired on the status of fixing Penfield’s street lights that are out on NYS RTE 441 and how are they paid for.

Supervisor LaFountain stated that the Town of Penfield owns many of the street lights within the Town and they are paid for by a portion of the Town’s taxes. There are about 600 or 700 units and the Town is assessed for every unit it owns. Supervisor LaFountain said that he has spoken with Jim Kreckman, Foreman Building, Maintenance, Cleaner and Security and they will be meeting with the State of New York representatives next week. One of the agenda items will be to find out exactly who is responsible for maintaining the lights on that stretch of NYS RTE 441. He stated that Mr. Kreckman has assured him that lights belonging to the Town that have been reported as being out, have been either fixed or are being worked on.

Mr. Lindskoog asked how does the Town address unlit intersections that run into main roads?

Supervisor LaFountain stated he will share the information with Mr. Kreckman and have him look at the intersections in question.

Mr. Lindskoog also asked the Town Board to update the light fixtures on Willow Pond Way to make the lighting brighter.

Supervisor LaFountain stated he will follow up with Mr. Kreckman about those lights.

Mr. Lindskoog spoke about cleaning up the Town Parks and Trails. He particularly noticed an abundance of litter behind Panorama Plaza and the ice cream parlor in that area.

Supervisor LaFountain stated that he will check with Sabrina Renner, Special Events Assistant to see what is planned for “Clean-up” Day and whether there is anyone looking for a project that would like to help with clean-up within the community.

Mr. Lindskoog stated that he has a Cub Scout Pack that will be cleaning up the trails along the creek.

Supervisor LaFountain suggested that the Cub Scouts may want to expand their efforts beyond the trail.

Additions and Deletions to Agenda

Councilman Moore moved to add Resolution #17T-104 to the agenda, Councilwoman Kohl seconded.
Petitions - None

Resolutions by Function

Law and Finance

#17T-100  Employee Handbook Revisions by Moore

WHEREAS, the Penfield Town Board adopted an Employee Handbook on January 3, 1989 and the Board is committed to keeping this information up-to-date,

NOW, THEREFORE, BE IT RESOLVED, that the following revisions, additions and deletions, on file with the Town Clerk, are approved for inclusion in the Employee Handbook effective April 19, 2017,

Section I-9, Q
Workplace Violence Prevention Policy Statement
Workplace Violence Incident Report
Workplace Violence Prevention Program

Moved: Moore
Seconded: Kohl

Vote:  Kohl  Aye   LaFountain  Aye
       Metzler  Aye   Moore    Aye
       Quinn   Absent

Adopted

See Attachments at End of Minutes

#17T-101  Authorizing a Pedestrian Access and Maintenance Easement to the Barclay Park Subdivision Homeowners’ Association on Town Owned Property at 1217 Fairport Nine Mile Point Road by Moore

WHEREAS, the Town Board and the Barclay Park Subdivision Homeowners’ Association desire to provide a safe pedestrian connection between the Barclay Park subdivision and the Abbington Place subdivision without installing a sidewalk along a portion of Fairport Nine Mile Point Road right-of-way to connect the two (2) subdivision where no other sidewalks exist on Fairport Nine Mile Point Road; and

WHEREAS, the Barclay Park Subdivision Homeowners’ Association had previously deeded .23 acres of land to the Town of Penfield to provide an area to develop a pedestrian path between the two (2) subdivisions remote of the Fairport Nine Mile Point right-of-way; and

WHEREAS, the Town Board concurs that the pedestrian path should be located on the property dedicated to the Town for said purpose and as a condition of the grant of this easement, the Barclay Park Subdivision Homeowners’ Association has accepted the maintenance responsibility of the path and area within the easement in perpetuity; and

WHEREAS, the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and

BE IT RESOLVED, that the subject action is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has determined that the granting of an pedestrian access and maintenance easement on Town owned land, which was dedicated to the Town for the purpose of providing access between the two (2) subdivisions will not create an adverse impact to the environment;

(Resolution #17T-101 - Continued)

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Pedestrian Access and Maintenance Easement with the Barclay Park Subdivision Homeowners’ Association to allow it to construct and
permanently maintain a pedestrian path between the Barclay Park subdivision and the Abbington Place subdivision; and

BE IT FURTHER RESOLVED, that this resolution is adopted subject to a Permissive Referendum and the Town Clerk be, and she is hereby directed to post and publish a Notice in the Manner prescribed by Law.

Moved: Moore
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye Metzler Aye Moore Aye Quinn Absent

Adopted

Public Works

#17T-102 Authorization to Auction Surplus Equipment on May 13, 2017 at the Town of Palmyra by Metzler

WHEREAS, the Director of Public Works has identified the attached list of equipment as surplus and available for public auction, and

WHEREAS, the Town Supervisor and Director of Public Works be granted the authority to amend the attached list prior to final designation as surplus equipment, and

NOW, THEREFORE BE IT RESOLVED, that the following list of equipment be declared surplus and that the Director of Public Works be authorized to enter into agreement with Roy Teitsworth Inc., 6502 Barber Hill Road, Geneseo, New York 14454 to auction said equipment,

- 2006 Chevy ½ ton, 4x4 Pick-up Vin #1GCEK19Z36Z238016
- 2000 Case 580 L Backhoe Vin #JJG0305372
- 2001 Chevy Pick-up - Shop Truck Vin #3GKBK34G51M114278
- 2002 Freightliner, 10wh Dump Truck Vin #1FVHAEEA832LJ62535 w/plow & wing
- 1970 Cummins 100 kw Portable Generator
- 1998 Ford Passenger Van Vin #1FBSS31L8WHB14713
- 2004 Chevy Passenger Van Vin #1GAHG39U941246463
- 2008 Ford 1 ton Pick-up Dump Vin #1FDWF37Y08EE43040 w/salter & plow
- 2003 Kubota Tractor w/blower Vin #30162.00 w/plow & wing
- 2003 Ferris 52" Mower Vin #5307/4764
- 2011 Exmark 72" Mower Vin #868462

BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and the sale of this equipment be credited to the appropriate fund.

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye Metzler Aye Moore Aye Quinn Absent

Adopted

Public Safety - None

Community Services

#17T-103 Authorization for Supervisor to Sign Recreation Contracts by Kohl
BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Penfield Sport & Fitness, 667 Panorama Trail W., Rochester, NY  14625, Swim Lessons - 6 months - Age 3, Aqua Pre-Natal Yoga, Water Yoga, Boot Camp, and Personal Training Package, 6/12 - 9/11/17, for a fee of 70% of the total program revenue. Vouchers to be submitted 7/5, 8/2, and 8/16/17.

Ready to Respond Training Services, Domenic Danesi, 1440 Long Pond Road, Rochester, NY  14626, Babysitting - 6/24/17 and Safety First for Children - 6/24/17, for a fee of 70% of the total program revenue. Voucher to be submitted 6/21/17.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY  14526, Gymnastics Camp, 8/7 - 8/18/17 for a fee of 75% of the total program revenue. Voucher to be submitted 8/16/17.

Way Farm, 2009 Harris Road, Penfield, NY  14526, Horse Camp, 7/10 - 8/18/17, for a fee of 70% of the total program revenue. Vouchers to be submitted 7/19 and 8/16/17.

Eagle Vale Golf Club, 4344 Nine Mile Point Road, Fairport, NY  14450, High School Golf Academy, Junior Golf, Beginner Golf - Intro, and 50+ Golf Camp, 6/5 - 8/16/17 for a fee of 70% of the total program revenue. Voucher to be submitted 7/5, 8/2 and 8/16/17.

Martha Sweeney, 74 Redwood Drive, Penfield, NY  14526, Painting and Drawing, 6/19 - 8/14/17, for a fee of 70% of the total program revenue. Vouchers to be submitted 7/5 and 8/16/17.

Therese Bason, 114 Oakbriar Ct., Apt. 19, Penfield, NY  14526, Pilates Mat Class and Yoga for Beginners, 6/20 - 8/24/17 for a fee of 75% of the total program revenue per class for 10 or less registrants or a fee of 70% of the total program revenue per class for over 10 registrants. Vouchers to be submitted 7/5, 7/19 and 8/16/17.

Moved: Kohl  
Seconded: Metzler  

Vote: Kohl Aye  LaFountain Aye  
Metzler Aye  Moore Aye  
Quinn Absent

Adopted

Old Business - None

New Business

#17T-104 Setting a Public Hearing to Consider the Approval of a New Solar Photovoltaic System, Subdivision of Town Land by Moore

WHEREAS, the Town Board of the Town of Penfield desires to develop and install a Solar Photovoltaic (PV) system to serve town facilities and requires professional engineering services to develop and implement said system; and

WHEREAS, the Town Board, adopted resolution 15T-091 authorizing the Supervisor to enter into a professional service agreement with Larsen Engineers to provide the necessary planning, financial projections, competitive bid, evaluation of bid responses and final recommendations to develop and implement a Solar PV System on town-owned property; and

(Resolution #17T-104 - Continued)

WHEREAS, the Town Board, adopted a new business resolution on March 23rd, 2016 authorizing the Supervisor to enter into a contract with
Penfield Town Board, April 19, 2017

Solar City to design and implement a Solar PV System on town-owned property; and

WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as a Type 1 action;

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 17th day of May, 2017 at 7:00 PM on said date, to consider said approval of a Solar PV System, Subdivision of Town Land, and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board as may be required by Law, and

BE IT FURTHER RESOLVED; that a copy of this resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date of the aforesaid Public Hearing, and that a copy of this resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

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<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Quinn</td>
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Adopted

Public Participation

Next Meeting - May 3, 2017

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:36 PM.

Amy Steklof, RMC/CMC
Town Clerk
(Attachment for Communications and Announcements #1)
Workplace Violence Prevention Policy Statement

The Town of Penfield is committed to the safety and security of our employees and to maintaining a work environment free from violence, threats of violence, intimidation and aggressive behavior. The Town has ZERO TOLERANCE for any type of workplace violence committed by an employee or against an employee.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any Town employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as residents and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Article 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

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

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Employees engaging in conduct that violates the Town’s Workplace Violence Policy and Program will be subject to immediate disciplinary action, up to and including termination of employment. Retaliation against employees reporting incidents of violence will not be tolerated.

Designated Contact Person: Tracey A. Easterly
Title: Director of Human Resources
Department: Human Resources
Phone: 585.340.8671
E-mail: easterly@penfield.org
rev 4/19/17
WORKPLACE VIOLENCE INCIDENT REPORT

Instructions: This form is used to document ALL incidents of workplace violence. After completion, the reporting employee shall submit the incident report to his/her department head. If the incident involves the department head, the report shall be submitted directly to the Director of Human Resources or the Town Supervisor.

The department head shall then forward the completed report to the Director of Human Resources. Reports may be delivered via email, fax or interoffice mail. Original reports must follow all reports submitted electronically.

Description of Incident:

Date of incident:

Time of day when the incident occurred:

Workplace location where the incident occurred:

Name of harmed employee:

Name of employee reporting the incident:

Names and job titles of involved employees:

Name or other identifier of involved non-employees:

Names of witnesses: (include contact information if obtained)

Type of incident*: (circle one) Verbal  Physical  Stalking  Sexual Assault  Other (please specify)

Specific events leading up to incident:

Specific nature and extent of injuries arising from the incident:

Was a weapon used?

If yes, how was weapon obtained?

How the incident ended:

Did law enforcement respond to incident? Yes  No

If yes, what was result?

*If the incident is a privacy concern case, remove the name of the harmed employee and enter “Privacy Concern Case” in the space provided. Privacy concern cases include cases involving injury or illness to an intimate body part or the reproductive system; illness or injury from a sexual assault; mental illness; HIV infection; needle stick injuries and cuts from sharp objects that are or may be contaminated with another person’s blood or other potentially infectious material; and other injuries and illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

PLEASE USE REVERSE SIDE IF EXTRA SPACE IS NEEDED.
I attest that the information I have provided is a true and accurate description of my complaint and that I have not willfully or deliberately made false statements. I understand that the Town of Penfield prohibits any individual from retaliating against me for filing a complaint and that I am to notify my Department Head, the Director of Human Resources or the Town Supervisor if I believe that I am the victim of retaliation.

____________________________________________________________________________________
Signature of person submitting report  Date
Human Resources Only:

<table>
<thead>
<tr>
<th>Were counseling services necessary?</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>If yes, for harmed employee or assailant?</td>
<td>Harmed Employee</td>
<td>Assailant</td>
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</tbody>
</table>

Incident Disposition: (circle all that apply)

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<tr>
<th>No Action Taken</th>
<th>Arrest</th>
<th>Warning</th>
<th>Suspension</th>
<th>Reprimand</th>
<th>Termination</th>
<th>Other</th>
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Notes:

rev 4/19/17

Workplace Violence Prevention Program

Introduction:
On June 7, 2006 New York State enacted Article 2 Section 27-b of the New York State Labor Law entitled “The Workplace Violence Prevention Act for Public Employees.” This law requires public employers to develop and implement a Workplace Violence Prevention Plan. Employers with twenty (20) or more full time employees must develop their plan in writing.

The law required that the New York State Department of Labor (NYSDOL) promulgate regulations detailing implementation of the provisions of the law. NYSDOL has drafted 12 NYCRR Part 800.6 “Public Employer Workplace Violence Prevention Programs” (WVPP) to fulfill that obligation. The Department received comments from a number of public employers and public employee unions prior to preparing the regulation for publication in the State Register. The final rule was published on April 28, 2009 and compliance with all the requirements of the Regulation was due on August 27, 2009. The regulations are based on the requirements in Section 27-b and incorporate many of the related principles found in successful Safety and Health Management Programs.
The Town of Penfield’s program is designed to educate employees on potential risks found in the workplace, to inform employees on how to recognize and report violations, and to develop mitigating controls to reduce risks to the maximum extent possible.

**Definition of Workplace Violence:**
According to NYSDOL, workplace violence is any physical assault or act of aggressive behavior occurring where the public employee performs any work-related duty in the course of his or her employment. Examples of workplace violence include but are not limited to:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- Intentional and wrongful physical contact with an employee without his or her consent that entails some injury or offensive touching;
- Stalking an employee with the intent of causing fear when such stalking has arisen through or in the course of employment;
- Harassment of a nature that would give an employee reason to fear escalation or make it difficult to pursue a normal work life or private life when the harassment arises out of or in the course of employment.

**Types of Workplace Violence:**
**Type 1: Criminal Intent** – violent acts by criminals who have no other connection with the workplace, but enter to commit robbery or another crime.

**Type 2: Customer/Client/Patient** – violence directed at employees by customers, clients, patients, students, inmates or any others for whom an organization provides services.

**Type 3: Coworkers** - violence against coworkers, supervisors or managers by a present or former employee.

**Type 4: Personal** - violence committed in the workplace by someone who doesn’t work there but has a personal relationship with an employee (i.e. domestic violence).

**Common Risk Factors and Prevention Strategies:**

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<thead>
<tr>
<th>Risk Factor</th>
<th>Prevention Strategies</th>
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<tbody>
<tr>
<td>Contact with the public</td>
<td>Physical separation through the use of barriers and counters; use of electronic monitoring; use of locks and security keypads; proper storage of personal items</td>
</tr>
<tr>
<td>Exchange of money</td>
<td>Use of proper money handling and money storage procedures</td>
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<tr>
<td>Delivery of services</td>
<td>Use of protective equipment; use of cell phones/radios; ability to diffuse a volatile situation; know when to walk away or call for assistance</td>
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<tr>
<td>Use of mobile workplace</td>
<td>Keep car doors locked at all times; do not leave vehicle running unattended; use of cell phones/radios; vary regularly traveled routes</td>
</tr>
<tr>
<td>Working with unstable or volatile persons in criminal justice settings</td>
<td>Use of protective barriers, panic alarms and security personnel; use of locks and keypads</td>
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<tr>
<td>Working alone or in small numbers</td>
<td>Notify coworkers/supervisors when you work alone; secure doors and windows; use “buddy system” when possible; keep aware of environment</td>
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<td>Working late at night or during early morning hours</td>
<td>Maintain visibility with use of proper lighting; notify coworkers/supervisors of work schedule</td>
</tr>
<tr>
<td>Working in high crime areas</td>
<td>Know your environment; locate nearest safe haven (police and/or fire station, etc.); use of cell phones/radios</td>
</tr>
<tr>
<td>Guarding property or possessions</td>
<td>Use of proper protective equipment; secure property in safe location</td>
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**Risk Evaluation:**
The Town of Penfield has evaluated the workplace environment to determine the presence of factors or situations that might place an employee at risk. The following have been identified as potential high-risk areas of concern:

- All parking lots
- All departments’ front desk/reception areas
- All areas not in direct sight of other employees
- All public bathrooms
- Auditorium
- Elevators and stairways
- DPW yard and off-premises worksites
- Justice Court’s holding room and courtroom
- Town parks and lodges

**Employee Training:**
In an effort to increase awareness of the signs and effects of workplace violence and the importance of reporting incidents of workplace violence, the Town of Penfield will provide annual training to all employees.

At the time of hire, staff from the Department of Human Resources will conduct the initial program training. Annually thereafter, department heads will ensure all employees receive training that will include: the requirements of the workplace violence regulations and the risk factors that were identified in the risk evaluation; measures that employees can take to protect themselves from the identified risks; and the location of the written program and how to obtain a copy.

It is the responsibility of the department head to ensure that all department employees have received annual training. After each annual training, the department head will create a record indicating the date the training occurred and the names of all employees participating in the training. The training record will then be forwarded to the Department of Human Resources.

**Reporting Violations:**
In the event an employee believes there is a serious violation of the Town’s workplace violence policy, the matter should be immediately reported to the employee’s supervisor. If an employee believes the violation poses imminent danger to the safety of another, the employee should ensure that 911 is called to report the incident and then inform a supervisor as soon as possible. The reporting employee will be asked to fill out a Workplace Violence Incident Report.

The Town will investigate all reported incidents promptly and thoroughly. Involved parties are expected to participate openly and honestly in all investigations. Confidentiality will be maintained to the highest level possible.

No retaliatory action shall be taken against any employee because the employee reported either an incident or concern of workplace violence to their supervisor, department head, Director of Human Resources or the Town Supervisor.

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

Any changes made to the program will be promptly communicated to all Town employees.

*rev 4/19/17*