

Town of Canton
May 13, 2021
6:00pm
Board Meeting Minutes
Via Zoom

Present

Supervisor Mary Ann Ashley, Council Members Bob Washo, James Smith, and Martha Foley Smith

Also in Attendance

Town Clerk/Tax Collector Karin Blackburn, Assessor Cindy Brand, Code Enforcement Officer Miranda Corbine, Economic Development Director Leigh Rodriguez, Historian Linda Casserly, Attorney Eric Gustafson, John Gray

Absent: Calvin Rose, Highway Superintendent

Members of the Public: Kevin Acres, Adam Atkinson, Paul Mitchell, Dan Fay, Ellis Giacomelli, Jim Gibson, Toby Irven, Kathryn Liscum, Dave Nelson, Carol Smith Pynchon, Jeni Reed, Heidi Smith, Lyne Soulia, John Taillon

A. Call to Order

- Mary Ann Ashley opened the meeting at 6:00 pm.
- Agenda modifications (added below)
 - Under Old Business: #4 – Appointment of a Town Board Member
 - Under New Business: #9 – Approve a Revolving Loan Application

B. Public Comment

- No public comment.

C. County Legislature Representative(s) Updates

- **Kevin Acres**
 - He is late because he was at a Snowmobile Association meeting. There's some dissidence amongst the clubs. Complaints being made and legislatively they have been looking into it. The point people are Tony Arquiett, Larry Denesha, and Rick Perkins. A lot of it is personalities and unfairness of funding.
 - Consolidation Committee has been dealing with the City of Ogdensburg. Looking at the Hazard thing. Maybe coming to Canton.
 - Talked about Dispatch and helping them out with some issues. He's not on that

Committee.

- Satellite Barns. The bids are out there. Russell and Lisbon are a go. Running into a bit of a problem with the Town of Potsdam. It will be location in the Village on 345. Some requests have been made by the Town of Potsdam that are a bit expensive. Russell and Lisbon (actually Ogdensburg Transfer Station) are a go. Still negotiating with Potsdam.
- Got over a million dollars from CHIPs.
- \$21 million from the American Rescue Plan. Putting a Committee together to see how the funds will be allocated. His preference will be highway, roads, and bridges.
- Sales taxes went up a bit more.
- Mary Ann asked if the County Departments will be opening soon. Kevin confirmed that the employment is back 100%. The DMV is back open. He felt, the County's one of two drive throughs could've been utilized all along. It's too early to tell what the County departments will require for masking.
- Jim Smith commented on the roads in the Town of Canton being pounded by Michels Power and Northern Clearing trucks. The roads are getting lots of traffic. 32 miles of road. The Town is going to get left paying the bill on that. Jim was wondering if the County is seeing the same thing on their roads. 600-million-dollar project. He sees overweight and over width trucks. He's wondering if the Towns that are being impacted are able to approach NYPA and ask if there's anyway to be compensated for the wear and tear on their highways. Kevin said the point person on this, that he knows of, is John Finnegan. He is the Community Representative. In the Town of Madrid, the Town Highway will shut down some roads when they are soft. Kevin will bring it up at the next meeting and have the discussion. Kevin suggested to Jim to reach out to John Finnegan. Bob mentioned the weight limit on the bridges on Eddy Pyrites and Miner Street and there's lots of traffic coming out of Hermon right now. The County slated to change those bridges at some point. The weight limit is being exceeded multiple times a day. Kevin will send a message to Don Chambers tonight.

D. Approval of Minutes

- Regular Board Meeting 4/8/21

Motion to approve minutes made by Jim Smith, 2nd by Bob Washo. All in favor.
Motion carried.

E. Supervisor Report

- John Gray read over the April 2021 monthly report which was sent to the Town Council prior to the monthly meeting.
- Jim Smith asked if the reimbursement for last year's CHIPs was received. Mary Ann confirmed \$47,000 was received (CHIPs, balance for Pave NY, and DWR). This will show up in next month's report. This will go into DB.

F. Correspondence

- St. Lawrence County Self-Insurance Plan – Two Letters from Jodi Wenzel, Worker's Compensation
 - One addressed the Canton Rescue Corporation and Worker's Compensation. The Plan is requesting a roster of volunteer members from each volunteer fire department.
 - The second addressed his walk through of the Municipal Building and the Highway Barn on 5/10/21 that spoke to employee safety.
 - Just to note: the Town has done well with employee safety. 44,000 work hours with no accidents last year.

G. Audit Committee

Approval of Expenditures

- A Fund: \$42,868.41
- B Fund: \$1,991.39
- DA Fund: \$9,561.63
- DB Fund: \$11,591.73
- SF Fund: \$3,750.00
- SL Fund: \$300.27
- TA Fund: \$17,712.01

Motion to approve the expenditures made by Bob Washo, 2nd by Martha Foley Smith. All in favor. Motion carried.

H. Acceptance of Department Reports

Linda Casserly, Historian:

- The seniors are out and about.
- She enjoyed Betsy Robinson's call and walk to see the plaque, which has been up since 1991 between the high rises. Betsy has talked with Grasse River Heritage to see if the garbage cans and parking can be eliminated in front of the plaque.
- Linda talked about Tom Coakley's stories.
- People continue to come in and email her.

Cindy Brand, Assessor:

- Losing Debbie Gilson from the BAR. She is moving to Potsdam. She has been a great addition to the BAR with her real estate background.

- Meeting next Wednesday to go over everything with the Tentative Roll.
- She will be sitting with the Roll from 9am – 1pm on Saturday. The roll is on the internet for viewing.
- A couple of changes, stipulations, and mistakes that have been corrected.
- Grievance Day is May 25th from 4pm – 8pm in the Municipal Building. Masks and social distancing will be required. Individuals can send in the Grievance Form or walk in.
- Mary Ann confirmed that the BAR opening is on the agenda and gratitude is extended to Debbie. Her service is appreciated.

Calvin Rose, Highway Superintendent (unable to attend):

Bob Washo spoke to the Highway report:

- Bob wanted to speak to the work on outer Judson Street. As long as he has been on the Highway Committee for the last 6 years, they've been trying to get that work done. The rock cut and drainage has been posing continuous problems. Calvin recently asked the Board for their support to tackle the project. The Town and Russell Highway Departments have completed the project. Everything fell right into place. Everything went so well that two more projects on the Brewer Road and the Rice Road will be completed next. Judson and Brewer see significant traffic as they are set up as bypasses at times.

Miranda Corbine, Code Enforcement Officer:

- Very busy month, building season well underway. Fortunate to still have the guidance of Russell Lawrence.
- What she's been hearing from contractors is the inventory is low and the expense is high. However, this hasn't been stopping construction. Since Friday, she has permitted 13 new work projects.
- Mary Ann asked how many of those projects are new homes being built in the Town. Miranda confirmed 5.

Leigh Rodriguez, Economic Development:

- Projects are moving along.
- Received another grant for trees in the Village Park.
- Waterfront Revitalization Grants are wrapping up.
- McDonalds is well underway.
- Lots of funding opportunities available. Consolidated Funding Opportunity available. Applications due July 30th.

Karin Blackburn, Town Clerk:

- Attended a Virtual three-day NYS Town Clerks Association Conference. Applying information learned at the virtual conference to the development of the Records Management Plan.
- Participated in the Town of Canton Hazard Mitigation Call.
- Will be contracting with MuniPay for credit card payments. This company will be integrating with the tax collection payment system, WinTax.
- Working to distribute training information to staff, board, and committee members.
- Advertised for a part-time, temporary Deputy Clerk.
- Collected 91% of the tax warrant.
- Lots of traffic for hunting and fishing licenses.

Motion to accept Department Reports made by Martha Foley Smith, 2nd by Bob Washo. All in favor. Motion carried.

I. Committee Reports

Recreation Committee, Martha Foley Smith:

- The Committee didn't meet, but things have been happening.
- The Recreation position was approved, posted, and advertised. Two people are on the list, both have been canvased.
- Contract in place with a Beach Director, Anita Francis, and a Swim Instructor, Elizabeth Burke.
- Governor said beaches can open at 50% on Memorial Day and hoping for 100% by July 4th.
- The next big task will be to pull together the Advisory Committee.
- A lot of talk about how to use Priest Field. Beth Larrabee seems to be the point person on that.

Economic Development Committee, Martha Foley Smith:

- The Committee met this week. There's a lot going on. The preferences for the Cares Act money need to be discussed before the meeting on May 26th. Trying to match priorities from the Comprehensive Plan. Broadband also comes up every time. DANC says the report will be ready the first week of June. There also seems to be a need for middle income and professional housing.
- The Committee is looking for a way to help businesses and colleges to emerge from COVID.

Economic Development Consortium, Mary Ann Ashley:

- A meeting is scheduled for May 20th.

Policy Committee, Mary Ann Ashley:

- She and Martha phone conferenced a few times. They are plugging away. The Draft Non-Contract Policy is on the agenda for tonight.

Old Business

- Review of COVID Safety Plan

It is on the agenda to say the Town does have a Safety Plan. The Plan needs to be submitted to the State. Does the Plan need to be revised? She asked the Board for feedback in general. Should the Plan be brought back to the Building Committee. Jim agreed that the Plan should go to the Building Committee, which reports to the Town and Village. He said there needs to be a consensus in the building. Mary Ann will bring the Plan back to the Building Committee for discussion.

- Final 2014 Grant Synopsis LWRP Grasse River Corridor Project - Pyrites Boat Launch
Leigh shared this was a 2014 grant, originally a 2- or 3-year grant, which was extended out five years. Her predecessor completed the Pyrites Boat Launch piece in 2016. There are two other pieces included: Grasse River Blueway Trail and Canton Master Trail Plan. The grant was for \$85,000 and was a 50/50 match with the State. Much of that was to be used for administrative services (\$35,000). When she took it over, there wasn't a lot of documentation about staff hours or volunteer hours. There was a fourth component which was signage for the Grasse River Blueway Trail, but that wasn't pursued. Abandoned the \$8,000 piece for signs. It didn't make sense to only have signage in Canton and not along the entire trail. No reimbursement requests had been submitted when she started in her position. She worked extensively to get paperwork completed with Terry Billings and Mary Ann's office. Came up significantly short but they did the best they could. They ended up not utilizing \$43,384, largely due to poor documentation. April 30, 2019 is when the grant closed, and the last reimbursement was just received.

Bob: what was the total money that was expended that wasn't reimbursed? In an ideal situation and had all the documentation been there, how would that improve the bottom line?

Leigh responded: \$21,500.

- Discuss Town Priorities

Mary Ann wanted to go on record and have a discussion with Board members about what the Town priorities are. There is a joint meeting with the Village to discuss this on 5/26.

- Bob: Highway Committee and Highway Department are moving forward with setting the table to be prepared for a CFA application for a supplemental sand/salt storage building on Stiles Ave adjacent to the current highway barn. Michels Power, who is currently leasing it, will be in it a couple more years presumably. The Committee and the Highway Department would like to start to make those plans. Already applied to RVRDA for some funding to get some engineering and architectural work done. Not sure when they will hear about that \$10,000 request. He would like to see the Committee, Calvin, Marty, and the Canton School District to come together for a discussion about collaboratively looking at the building and addressing the biggest possible needs with as many players possible. He's hoping that in this round of CFA funding there will be a request for a sand/salt building.

Leigh confirmed that they will be making decisions about CFA funding in June.

Bob said the Committee will likely come to the Board and share their interest in doing the engineering work whether or not the \$8,000 or \$10,000 comes through. The contingency plan for not getting that funding is to get the work done so that it can be included in the grant application. As soon as the State sees some money is being put in and research is being done, the likelihood of being funded will be higher.

- Martha: ED joint committee was talking on Monday about a new future for the pavilion to make it more usable. A needs assessment was brought up. Maybe a deeper or broader look on how it can be used as a resource, for instance during COVID it was the largest resource available.

Broadband was brought up as well – maybe doing hotspots before the larger broadband question gets addressed.

Childcare continues to come up. Kathy Mullaney will bring more ideas forward.

- Bob: question for Kevin: was it Brooks Washburn that did the designs for all of the satellite sites for the County. Kevin responded by saying he believed it was.
- Mary Ann: the need for a new Municipal building. Two years ago, there was a study done and \$20,000 was spent. The current building was built in 1964 and it's old, tired, and it doesn't meet the needs. A healthier space needs to be provided for departments.
- Jim: for him it's usually about roads and infrastructure. When he was Supervisor, the benchmark was doing 5 miles of road a year. In the last few years, that benchmark has been falling short. When you have to balance budgets, you pull from highway. Funding from the State, cutting back on

the CHIPs. There's a lot of deficiencies at the County level and he knows there's deficiencies in the Town of Canton. Good roads are good for business and housing. There are a lot of roads that are a long way from a nice, smooth ride. The Town needs to get back to the 5- or 6-mile mark.

- Appoint a Town Board Member

This is a result of Tim Danehy resigning from the Board.

Bob would like to make a motion. Anyone working at the Town and Village levels, elected or on staff, knows how busy things are. Too many committees are not going fulfilled at the moment. Right now, there are three Board members and a new Board member and an empty seat, and that's a handicap. He's ready to make a nomination to appoint David Nelson to fill out the balance of the unexpired term left by Tim Danehy, pending a time he can get sworn in with Karin in the Clerk's office. 2nd by Martha. All in favor. Motion carried.

Mary Ann welcomed Dave. Dave looks forward to getting started and being helpful.

J. New Business

- Consider Reed Virtual Solutions Agreement for Planning/ZBA Minutes

Due to the workload, Jeni has been working with the Planning and ZBA Boards.

Jeni put in a proposal as a paid contract. \$20/hour, preparing for meetings, taking the minutes, distributing the minutes, and assisting the Code Enforcement office as well. Bob made a motion, with gratitude, for the Supervisor to enter into an agreement with Reed Virtual Solutions at \$20/hours, 2nd by Jim Smith. All in favor. Motions carried. (See attached)

- Additional Town Clerk Duties Resolution

Clerk Blackburn shared the resolution on the screen and read it for meeting participants.

Motion to pass this resolution made by Mary Ann Ashley, 2nd by Jim Smith. All in favor. Motion carried. (See attached)

- Discuss revised Draft Non-Contract Policy

This policy has been in place for years and needed to be updated. She and Martha reviewed it and have made changes. The policy is now on the agenda as the first reading and discussion. She and Martha had a serious discussion about benefits for professionals. Provisions were made a little more generous for full time and part time staff. Mary reviewed the positions covered and other aspects outlined in this policy. Mary Ann and Martha will be meeting with the Court Justices to discuss this further. (See attached)

Also as a side note, the labor contract discussions will be taking place this year.

- Zoning Board of Appeals Appointments

As you know, Elisha Hurlbut was appointed last month. A Chair and an Alternate

needed to be appointed. Matt Scafidi-McGuire has agreed to be the Chair and Jon Pinkney has agreed to stay on as the Alternate.

Motion to appoint Matt Scafidi-McGuire as Chair of the Zoning Board of Appeals and Jon Pinkney made by Bob Washo, 2nd by Jim Smith. All in favor. Motion carried.

- Board of Assessment Review Appointment

Once Debbie Gilson's appointment is up, her position will need to be filled.

Bob asked Cindy if there are particular skill sets for a replacement that would help her and the BAR in general.

Cindy said a realtor, or an appraiser is recommended – not required, but helpful.

Mary Ann added that members receive \$50 per meeting.

- Complete Streets Task Force Appointment

Recommendation for the appointment of David Murphy.

Motion to appoint Dr. David Murphy to the Complete Streets Task Force made by Jim Smith, 2nd by Mary Ann. All in favor. Motion carried.

- Standard Workday and Reporting Resolution

Anytime anyone is elected or appointed, they are eligible for retirement benefits.

Three months of time accrual is required and then the Standard Workday and Reporting Resolution needs to be passed.

Motion to pass this resolution made by Bob Washo, 2nd by Martha Foley Smith.

Mary Ann shared that once this is passed, it needs to be posted for 30 days and then it needs to be submitted to the New York State Retirement System.

All in favor. Motion carried.

- Discuss Community/Utility Scale Solar project fees

Bob: the Town is sitting vulnerable in his opinion. There is nothing in the schedule of fees for utility or community scale solar projects. Based on research and wide options, for the sake of this conversation and to get some feedback, he suggests setting a fee of \$2,000 per megawatt hour for the utility and community scale projects. The tricky part is that there's nothing to compare it to. Every municipality is doing it different. Should a permit come into the office, given the footprint, the Town needs to do better than that. \$2,000 is at the lower end that has been seen. It really needs to be adopted into the fee schedule. Jim agrees. The Town is going to know how well of a job was done once the first project happens.

Jim: It's a good jumping off point for now, there may need to be adjustments later. He doesn't have a problem with that fee.

Bob: this may be challenged or lead into negotiations later. For community solar, he believes it is a fair number. Projects will be handled exclusively by the Planning Board and the Code Enforcement Officer.

Jim Smith and Bob Washo discussed the issue further.

Eric Gustafson agrees with Jim. The local law has been really helpful in providing safeguards to the Town, in his perspective. There's money there to cover the cost of the project. Bob's idea addresses the fact that it doesn't provide for the work of the Town.

Bob makes a motion to add to the current building schedule fees to align for the utility and commercial scale solar energy projects that are charged \$2,000 per megawatt before the permit is issued. 2nd by Jim Smith. Also update the website. All in favor. Motion carried.

- Approve a new revolving loan fund application.

Leigh's office has been working with Tyler Clark. He is interested in opening a new business, Clark Chiropractic and Wellness. He has requested \$25,000 from the loan fund. Total of a \$50,000 project. He received a \$20,000 private loan from a bank and is putting \$5,000 of his own cash into the project. Her office gathered all of the required documentation and they submitted those documents to DANC, who they've contracted with for underwriting. DANC provided an underwriting report and financial assessment of the project. That was given to the review committee. The committee reviewed the documents and provided a recommendation. This will be a 10-year term at a 2.25% interest. 10 years because there wasn't a lot of business collateral.

Mary Ann confirmed that Leigh and Eric have spoken about this to make sure everything was reviewed appropriately. There is close to \$80,000 in the revolving loan fund.

Motion to approve this loan at \$25,000 for 10 years at 2.25% made by Bob Washo, 2nd by Martha Foley Smith. Bob asked how the applicant found out about the program. Leigh wasn't sure if it was the Small Business Development Center. She will find out.

All in favor. Motion carried.

Mary Ann thanked Leigh and Eric for all their work on this project.

K. Public Comment

- Toby Irven would like to clarify the discussion that happened earlier in the meeting and the broader discussion about applying for the CDBG funding. Various ideas floating around which are all good and meritorious. He asked how the Town would come to a decision on what will be applied for and in the case of his pet peeve, high speed internet, how will information be gathered.

Mary Ann stated that there is a joint Town and Village meeting on 5/26 to discuss this. She agreed that it's tough with so many priorities.

Bob thinks that continuous work with Leigh to match funding opportunities with priorities is a good plan.

Leigh discussed funding opportunities and application parameters. She agrees that the priorities need to be established first, and then match those to the funding

opportunities.

Toby Irven reminded everyone that the broadband issue has been discussed for the last five years.

Jim and Bob agree that broadband needs to be considered as a necessity.

Kevin Acres shared that the survey is being done by DANC and it wouldn't surprise him if they put together some sort of a regional effort, combining Federal and State funds to make it happen. He thinks the survey is almost done; Jason Pfotenhauer at Planning will know better. The people participating in the survey were a little soft, he thought during COVID more people would express interest in replying to the survey.

Kevin Acres thanked David Nelson for his public service and said he should prepare for lots back pats for the great job he is doing. And, on the sad part for Karin, he was distressed to read about why she was withdrawing her name. It's not appropriate and people can be inconsiderate. He said it's unfortunate that she felt the need to withdraw her name.

L. Executive Session

Upon majority vote upon a motion that identifies the subject to be considered, the Council will conduct an executive session to discuss any of the issues identified as proper by Public Officers Law 105 (1) (H) the proposed acquisition of property.

1. Motion to go into Executive Session at 7:49 pm made by Bob Washo, 2nd by Jim Smith. All in favor. Motion carried.
2. Motion to come out of Executive Session at 8:55 pm made by Mary Ann Ashley, 2nd by Bob Washo. All in favor. Motion carried.
3. Motion to adjourn at 8:56 pm made by Martha Foley Smith, 2nd by Jim Smith. All in favor. Motion carried.

Respectfully Submitted,



Karin Blackburn
Town Clerk



Reed Virtual Solutions

36 Spring Street
Madrid, NY 12345
(315)528-7849
jeni@reedvirtualsolutions.com

Town of Canton

Proposal: Meeting Minutes - Town Planning Board & Zoning Board of Appeals

April 29, 2021

Dear Mary Ann,

Thank you so much for this opportunity to provide you and the Town Board with a proposal for meeting minute taking for the Town of Canton Planning Board and Zoning Board of Appeals.

Please find below a full proposal with cost estimates based on the scope of the services required.

If you have any questions about pricing, or need to increase or decrease the scope of work, please just let me know.

I appreciate the opportunity to send you this proposal and I look forward to working with you!

Sincerely,

A handwritten signature in black ink that reads 'Jeni Reed'. The signature is fluid and cursive, with the first letter 'J' being particularly large and stylized.

Jeni Reed



Reed Virtual Solutions

36 Spring Street
Madrid, NY 12345
(315) 528-7849
jeni@reedvirtualsolutions.com

Town of Canton

Proposal: Meeting Minutes - Town Planning Board & Zoning Board of Appeals

April 29, 2021

ESTIMATE

Title/Description		Cost	Unit
1.	Meeting Setup <i>Includes assisting with scheduling, developing agendas and public hearing announcements, posting meeting notices, and sending reminders.</i>	\$20	/hr.
2.	Meeting Attendance <i>Includes physical or virtual attendance at scheduled meetings, moderating assistance as needed, and note taking.</i>	\$20	/hr.
3.	Meeting Minutes <i>Includes completion of the draft meeting minutes, sharing with appropriate parties for review, collecting and making corrections, and posting of draft and official minutes.</i>	\$20	/hr.

TIMEFRAME

I propose that the contract (if accepted) be entered into for the period of one year; to be renewed at the annual Town Organizational Meeting held in January, upon agreement of both parties. Based on the current date this would mean the first year's contract would run less than one year.

Amount of time spent monthly on the above tasks will vary based on the needs of the Town Planning Board and Zoning Board of Appeals. Meeting minutes will be made available within one week of the scheduled meetings.

TERMS

Payment

Invoices will be sent to the Town on a monthly basis (even if no work was performed that month, to allow for consistent record keeping). Invoices will be submitted on the 1st of the month, and will be due within 30 days.

Cancellation

Either party will be able to terminate the final contract upon 30 days written notice to the other party. Provided, however, that each party may terminate the agreement immediately without prior notice in the event of a breach of agreement by the other party.

Validity

This proposal is valid for 60 days from the date on which it was sent.

**TOWN OF CANTON
RESOLUTION
MAY 13, 2021**

TOWN BOARD ASSIGNMENT OF ADDITIONAL DUTIES OF THE TOWN CLERK

WHEREAS, the Office of Town Clerk involves a great variety of different duties and responsibilities that are contained mainly in Section 30 of the Town Law; and

WHEREAS, the Town Clerk shall also have such powers and perform such additional duties imposed upon them as the town board may determine so long as the duties are not inconsistent with law; and

WHEREAS, the Town Board declares the need for an updated 2021 Records Management Implementation Plan and desires to assign this task to the Town Clerk; and

WHEREAS, the Town Board declares the need for a Training Compliance Coordinator to work closely with the Town Supervisor to create, manage and implement an annual mandated training schedule and desires to assign this responsibility to the Town Clerk;

NOW THEREFORE BE IT RESOLVED, the Canton Town Board hereby directs the Town Clerk to create and implement a 2021 Records Management Implementation Plan; and be it further

RESOLVED, that the Canton Town Clerk act as the Training Compliance Coordinator and work closely with the Town Supervisor to create, manage and implement annual mandated training.

Date

Canton Town Clerk

***Proposed DRAFT
As of 3/5/2021***

TOWN OF CANTON

***Non-Contract Employees
Benefit Policy***

Table of Contents
(will be updated at the end)

ARTICLE PAGE

1. RECOGNITION/TITLES COVERED.....	2
2. GENERAL PROVISIONS.....	3
3. TIME ACCRUAL CREDIT/LEAVE.....	3/4
4. COMPENSATORY TIME.....	4/5
5. VACATION TIME.....	5
6. DEFINITION OF IMMEDIATE FAMILY.....	6
7. SICK LEAVE/PERSONAL LEAVE.....	6
8. FAMILY MEDICAL LEAVE ACT (FMLA).....	7
9. BEREAVEMENT LEAVE.....	8
10. HOLIDAYS.....	9
11. HEALTH INSURANCE.....	10
12. RETIREE MEDICAL.....	10
13. PROFESSIONAL CONDUCT/DISCIPLINARY PROCEDURE.....	11/12
14. RIGHT TO REVIEW PERSONNEL RECORDS.....	12
15. RETURN OF PROPERTY.....	12

By Board Resolution, on _____, the Canton Town Board (Five members) adopted and amended its 8/10/04, revised 12/2009 and 2/2011 Benefit Policy for Non-Contract Employees. This policy outlines benefits and work rules for full time, as well as part-time, professional, salaried employees for the Town of Canton. Permanent employees covered by this policy are considered Non-Contractual Employees.

Part time professional employees do not receive certain benefits but are expected to follow certain articles of this policy.

The probationary period of employment of new full time employees shall be three (3) months with no time accrual benefits. (sick, personal or bereavement time)

This policy will be reviewed at the same time as the highway contract timeframe/schedule and may be revised by the Town Board. This policy does not constitute a guarantee of employment.

FULL TIME PROFESSIONAL SALARIED TITLES

Assessor (if full time)
Code Enforcement Officer
Court Clerk
Deputy Town Clerk

PART TIME PROFESSIONAL SALARIED TITLES

Assessor (if part time)
Historian

PART TIME HOURLY PROFESSIONAL TITLES

PT Confidential Secretary/Bookkeeper
PT Court Clerk
PT Court Town Constable
PT Historian Assistant

ARTICLE 1 GENERAL PROVISIONS

Article 1A. PROFESSIONAL CONDUCT

All employees are mandated to follow all town board policies.

As representatives of the Town of Canton, employees are to conduct themselves at all times, in a proper and respectable manner. As necessary, all employees shall identify themselves whenever communicating with members of the public. Employees are expected to dress in appropriate business attire.

Threatening, intimidating, coercing, harassing or interfering with fellow employees or making false, vicious or malicious statements concerning other employees may subject the employee to immediate discipline.

Article 1B. WORK/OFFICE HOURS

- Primary work space is 60 Main Street, Canton, NY-Municipal Building.
- Full time work week is Monday-Friday, 7 hours/day for 35 hours. Employees working consecutively for 6 hours must take a 30 minute unpaid break.
- Part time work week is Monday-Friday, no more than 19 hours/week. Work hours will be determined by the department head. Approved signed timesheets are required.
- Town Clerk's Office hours are determined by an elected Town Clerk and will be posted on or near the office door and town website.
- Court Office office hours are determined by elected Town Justices and will be posted on or near the office door and town website.
- Assessor, Code Enforcement and Historian office hours will be determined by the Assessor and CEO with approval from the Town Board. Hours will be posted on or near office doors and town website.
- Hours accrued and taken by the Court Clerk and Deputy Town Clerk will be approved by the immediate elected official. All hours accrued and taken will be reflected on time sheets for time taken that is authorized by Justice(s) and Town Clerk.
- Hours accrued and taken by the Assessor, Code Enforcement Officer and Historian will be approved by the Town Supervisor. All hours accrued and taken will be reflected on time sheets for time taken and authorized by the Town Supervisor.

- Employees are required to submit written time, accrued and taken, in the established town time accrual system by the Town Supervisor. The Town Supervisor's office may withhold payroll until time sheets have been submitted.

Article 1B.1 OFFICE CLOSURES

- If at any time, any town offices are closed, the Town Supervisor with a copy to the Town Clerk, will be notified by email two days prior if plans are in advance. If for some reason, offices must be closed, employees will notify the Town Clerk and Supervisor by phone/text and it will be posted on the website.
- If at any time there is inclement weather, the Town Supervisor, in consultation with the Village Mayor, will decide if the municipal building is closed. Employees who are not comfortable with driving to work due to inclement weather, must use comp time or personal time for not reporting to work.

ARTICLE 1B.2 USE OF TOWN EQUIPMENT: Employees are mandated to use all town equipment with utmost respect.

ARTICLE 2 TIME ACCRUAL CREDIT/LEAVE

Article 2A. TIME ACCRUAL PROCESS

- Time accrual/absences include compensatory, vacation, personal, sick leave, and bereavement time.
- Hours accrued and taken by the Court Clerk, Deputy Town Clerk and will be approved by the immediate department head/department supervisor.
- Hours accrued and taken by the Assessor, Code Enforcement Officer and Historian will be approved by the Town Supervisor.
- Employees are required to submit written completed timesheets including time accrued and taken in the established time structure/system to the Town Supervisor. An additional form indicating time off will be submitted with bi-weekly time sheets. All time sheets will be properly completed and verified by immediate department head signature.
- The Town Supervisor's office may withhold payroll until time sheets have been submitted.
- The Town Supervisor will be advised of the absence of the department head/immediate supervisor.
- In a rare occurrence, in the absence of the immediate supervisor, absences may be approved by the Town Supervisor.

- The Town Supervisor's Office is legally responsible by the New York State Comptroller's Office for development and maintenance of personnel and leave records.

Article 2B. COMPENSATORY TIME

- Salaried employees are considered professionals responsible for their own time management under the supervision of their immediate department head/supervisor.
- Salaried employees are expected to perform all duties necessary to effectively implement the fulfilling of their responsibilities.
- Salaried employees occasionally are required to work more than the established hours of a regularly scheduled work week. I.e. attendance of board meetings; committee meetings.
- Compensatory time, referred to as comp time, is accrued for hours above and beyond the work day. Employees will be given time off instead of pay. Comp time cannot be rolled over to the following year. If an employee elects to use comp time, said time must be used by December 31 of said year.
- Court Clerk and Deputy Town Clerk are directly supervised by the Justices and Town Clerk respectively. Compensatory Time approved and used are the direct responsibility of the Town Justices and Town Clerk respectively.
- Assessor, Code Enforcement Officer and Historian are directly supervised by the Town Supervisor. Comp time approved and used will be approved by the Supervisor.
- Comp time approved in advance will be documented and credited on an hour for hour basis on the timesheet. Time shall be used by the employee with prior approval of the department head/supervisor.

Article 2C. VACATION TIME

Vacation time shall be earned according to the following schedule for
Full Time Salaried Employees:

YEARS OF CONSECUTIVE SERVICE COMPLETED Full Time Employees	VACATION EARNED PER YEAR
1st year served	35 hours
2nd year served	70 hours

5-10 years served	120 hours/year
11 or more served	144 hours/year

Vacation time shall be earned according to the following schedule for
Part Time Salaried Employees:

YEARS OF CONSECUTIVE SERVICE COMPLETED Part Time Salaried Employees	VACATION EARNED PER YEAR
1st year served	17.5 hours
2nd year served	35 hours
5-10 years served	60 hours/year
11 or more served	72 hours/year

- Employees will be granted an additional day of vacation on the anniversary date of 15 years and 20 years of Town service.
- An employee may only carry over from one calendar year to another up to 56 hours (7 days) maximum vacation time.
- Annual sell back: employees will be allowed to sell back up to forty hours of unused vacation time to the Town each year. Written requests must be received no later than November 1 and the Town shall pay, in so far as possible, in the 2nd paycheck of December.
- The Supervisor may limit the number of employees on vacation at any one time.
- Vacation time requests shall be submitted to the immediate Department Head/Supervisor for approval not less than five working days advance notice. Vacation time can be taken in units of a minimum of a ½ day only.
- All vacation time will be documented on time sheets and time leave form.
- Resigning employees having served the Town for less than two years, will not be entitled to vacation time payout.
- A retiree is defined as having served 25 years, will be paid a cash payment of the monetary daily rate value of accumulated vacation time, as of Board accepted retirement date, not to exceed 30 days.

Article 2D. TERM: IMMEDIATE FAMILY

Immediate family is defined to include an employee's legal spouse, legal domestic partner and/or as defined by IRS regulations, children, step-children, parents, step-parents, in-laws, grandparents, step-grandparents, aunt and uncle.

Article 2E. SICK LEAVE FULL TIME SALARIED EMPLOYEES

Full time employees shall earn sick leave credits at the rate of one day (1) per full month of full time employment or twelve (12) days per full year. Such earned and unused sick leave shall be accumulated to a maximum of one hundred and sixty five (165) days (1155 hours).

Sick time is intended to be used for personal illness or bodily injury. Employees may take 6 days per year to be used for the sickness of a family member. The Supervisor may require a doctor's certificate if absent for more than five days.

Accumulation of sick leave up to a maximum of 245 hours (7 days) may be taken immediately preceding retirement.

In addition should an employee have additional sick time past 245 hours (7 days) in the preceding paragraph, upon retirement, may sell back to the Town up to a maximum total of 245 additional hours at employees one-half time rate.

An employee who resigns, is laid off, or leaves employment due to disciplinary action will not receive a settlement for unused sick leave.

Article 2E. SICK LEAVE PART TIME SALARIED EMPLOYEES

Part time salaried employees shall earn sick leave credits at the rate of one half day (.5) per full month of part time employment or six (6) days per full year and also such earned and unused sick leave shall be accumulated to a maximum of eighty two and one half (82.5) days. (577.5 hours).

Sick time is intended to be used for personal illness or bodily injury. Employees may take 6 days per year to be used for the sickness of a family member. The Supervisor may require a doctor's certificate if absent for more than five days.

Accumulation of sick leave up to a maximum of 24.5 hours (3.5 days) may be taken immediately preceding retirement.

In addition should an employee have additional sick time past 24.5 hours (3.5 days) in the preceding paragraph, upon retirement, may sell back to the Town up to a maximum total of 24.5 additional hours at employees one-half time rate.

An employee who resigns, is laid off, or leaves employment due to disciplinary action will not receive a settlement for unused sick leave.

Article 2F. PERSONAL LEAVE FULL TIME SALARIED EMPLOYEES

Full time employees, who have been in the service of the Town for three months as of January 1, annually, shall be entitled to three (3) days personal leave.

Employees may carry over into the new year up to twenty-four (24) hours of personal leave not taken in the previous year. Carryover days must be used within that year or will be lost at the end of the year.

Personal leave is to be used for personal business which cannot be arranged on days off. Should an occasion arise, personal time may also be used in concert with sick time or bereavement time with approval. Personal leave is not to be used as extended vacation time.

Personal leave may be granted for any of the following reasons:

1. Serious illness to a member of the immediate family requiring the attendance of the employee.
2. Medical/dental appointments which cannot be arranged on days off.
3. Special circumstances approved by the employee's immediate supervisor.

The Town will reimburse any unused personal leave to the employee at the rate of \$50/day unused at the end of the year. Employees must put in a written request to get this payout at least by the second payroll in December.

An employee who resigns, is laid off, or leaves employment due to disciplinary action will not receive a settlement for unused personal leave.

Article 2G. PERSONAL LEAVE PART TIME SALARIED EMPLOYEES

Part time salaried employees, who have been in the service of the Town for three months as of January 1, annually, shall be entitled to one and a half (1.5) days personal leave.

Employees may carry over into the new year up to twelve (12) hours of personal leave not taken in the previous year. Carryover days must be used within that year or will be lost at the end of the year.

Personal leave is to be used for personal business which cannot be arranged on days off. Should an occasion arise, personal time may also be used in concert with sick time or bereavement time with approval. Personal leave is not to be used as extended vacation time.

Personal leave may be granted for any of the following reasons:

4. Serious illness to a member of the immediate family requiring the attendance of the employee.
5. Medical/dental appointments which cannot be arranged on days off.
6. Special circumstances approved by the employee's immediate supervisor.

The Town will reimburse any unused personal leave to the employee at the rate of \$50/day unused at the end of the year. Employees must put in a written request to get this payout at least by the second payroll in December.

An employee who resigns, is laid off, or leaves employment due to disciplinary action will not receive a settlement for unused personal leave.

Article 2H. BEREAVEMENT LEAVE

Permanent full time employees who have been in the service of the Town for three (3) months as of January 1, annually, shall be entitled to three (3) days of bereavement time. Said leave is to be with pay and is non-accruable year to year.

Bereavement time allows paid time for the death of an immediate family member, spouse, partner, children, parents, step parents, step siblings, grandparents, step grandparents. Should an occasion arise, bereavement time may also be used in

concert with sick time or personal time upon approval of the Department Head/Supervisor.

Article 2 - I. FAMILY MEDICAL LEAVE ACT (FMLA)

Pursuant to the Family Medical Leave Act of 1993, eligible employees who request unpaid, job protected family or medical leave of absence must have the option to exhaust all accrued vacation, sick and personal time prior to receiving FMLA. (FMLA information is available upon request). Employees in need of FMLA, must submit a written request to the Town Supervisor and Town Board to determine eligibility and approval.

Article 2 - J. FEDERAL AND/OR STATE EMERGENCIES

Pursuant to the Federal and/or state mandates, employees will follow the determined federal and/or state laws and specific directives from the Town Board. I.e. COVID-19 FFCRA-Family First Coronavirus Response Act.

ARTICLE 3 HOLIDAYS

We need to look at other religious holidays----

Article 3A

All employees shall be entitled to the following holidays off with pay:

January

New Year's Day

Martin Luther King Day

February

President's Day

April

3 hours-Good Friday

May

Memorial Day

July

Independence Day

October

Columbus Day

September

Labor Day

October

Columbus Day

November

Election Day

Veteran's Day

Thanksgiving

December

Christmas Day

(1) Floating Holiday

Article 3B

In the event that one of the above holidays falls on a Saturday, it shall be celebrated on the Friday immediately preceding. Should the holiday fall on a Sunday, it shall be celebrated on the Monday thereafter.

Article 3C

Holidays will be taken off on the observed day, notwithstanding Section 3A. A request to work a holiday would be considered comp time and require approval of the Town Supervisor.

ARTICLE 4 HEALTH INSURANCE

Article 4A Health Insurance Full Time Salaried Employees

The Town shall pay the premium, less the percentage required employee contribution, for Health Insurance with Major Medical coverage for all eligible members and their dependents.

Health insurance coverage to begin for new employees on Day 1 of employment.

Effective January 2021, employees will contribute 25% of the health insurance premium per Board Resolution on December 11, 2020. **Need to check this date..**

The Town Board reserves the right to annually modify and/or revise its policies concerning health insurance, including the right to require higher employee contributions and/or to terminate such insurance if premiums become unaffordable or unavailable at a reasonable prevailing rate.

Article 4B Health Insurance Buyout Full Time Employees

A “buyout” will be provided, whereby an employee can opt out of Town medical insurance coverage and prescription drug benefits (only when alternative health insurance is available and proof of membership in an alternative plan is furnished.

An employee who declines and waives health insurance coverage shall be compensated, through payroll to pay FICA taxes, at \$1200 per year, payable at \$600 in June and \$600 in December.

Effective January 2022, an employee who declines and waives health insurance coverage shall be compensated, through payroll to pay FICA taxes, at \$2400 per year, payable at \$1200 in June and \$1200 in December.

For those wishing to change from a buyout to a policy, there is a 90 day grace period for health insurance coverage.

Article 4C Retiree Health Insurance Coverage *Need to review board resolution.*

4C.1 Eligibility: To be eligible for coverage, the retiree must meet all four (4) requirements: 1) have at least 25 years of service as a full-time employee with the Town; 2) be at least 55 years of age; 3) retire directly from the Town; and, 4) have been granted a retirement benefit from the NYS Employees' Retirement System.

An employee who is released from employment due to disciplinary action is not eligible for medical insurance or prescription drug coverage.

Retirees will contribute 50% of the health insurance coverage premium.

4C.2 Coverage: Coverage is also available for the retiree's eligible spouse if the spouse was eligible for coverage under the Town's medical insurance plan on the retiree's last date of employment with the Town. The spouse is not eligible to receive comparable medical insurance coverage under another plan. In the event the retiree predeceases the retiree's eligible spouse, the spouse may continue medical insurance and prescription drug coverage provided that the spouse pays for the full cost of the premiums. In the event of legal separation or divorce, the retiree's spouse shall not be eligible for coverage except as provided under state and federal laws. I.e. COBRA.

4C.3 Insurance Plan: The Town will make available the same medical insurance plan and prescription drug plan it provides to then current members. When the retiree or the eligible spouse meets the eligibility criteria for Medicare coverage, primary coverage for that individual will be provided by Medicare. At that time, that individual will be required to enroll in a Medicare supplemental policy made available through the Town. The Town will NOT reimburse that individual for the cost of the Medicare Part B premiums.
We need to discuss and clear this up.

The Town Board reserves the right to annually modify and/or revise its policies concerning health insurance, including the right to require higher retiree contributions and/or to terminate such insurance if premiums become unaffordable or unavailable at a reasonable prevailing rate.

ARTICLE 5 PROFESSIONAL CONDUCT/DISCIPLINE PROCEDURE

Article 5A

5A.1-Professional Conduct: Professional conduct is defined as an individual's workplace behavior that is ethical and respectful that leads to workplace success.

5A.2 Declaration of Policy: The purpose of the disciplinary procedure and process is to provide an orderly process of any discipline that may arise in the course of their own employment, free from coercion, restraint, interference, discrimination, or reprisal.

5A.3 Civil Service Rights for Code Enforcement Office Position Only: The disciplinary procedure set forth shall serve as the only method of resolving challenges to the town action set forth in Section 75 and Section 76 of the NYS Civil Service Law.

5A.4 Town Assessor position only as determined by the NYS Department of Taxation and Finance: The disciplinary procedure is set forth in Real Property Tax Law, section 1522(7). Under this section, a determination to remove an assessor or take other disciplinary action as a result of a removal proceeding is subject to review by the State Board upon application. Removal and disciplinary proceedings may also be commenced pursuant to Public Officers Law, section 36 and Civil Service Law, sections 75 and 76. Determination is subject to an administrative review by the State Board of Equalization and Assessment.

5A.5 Court Clerk: ***(needs to be reviewed by justices)***

From justice court manual-online.

Justice Court clerks may be employed and discharged by a town governing board or village mayor only upon the advice and consent of the justice(s).⁷³ While the town board ultimately makes the appointments (or termination), this power cannot be exercised over the justice's objection: a town may not hire or fire a court clerk over the objection of the justices. Likewise,

because the locality and not the Justice Court formally appoints or terminates a court clerk, Justice Courts may not hire or fire a clerk over the objection of the town board.

5A.6 Deputy Town Clerk and Historian:

Step 1: Employee is immediately given a verbal directive by Department Head/Supervisor to correct inappropriate behavior.

Step 2: If behavior does not change, the employee will meet with the Department Head/Supervisor and get a written counseling memorandum placed in the employee's personnel file.

Step 3: If behavior does not change, the employee will be suspended for five days without pay.

Step 4: If behavior does not change upon return of a five day suspension, the employee will be terminated.

ARTICLE 6 RIGHT TO REVIEW PERSONNEL RECORDS

Article 6A.1 All employees covered by this policy shall have the right to review their personnel file. Advance notice, in writing, will be required, to the Town Supervisor unless there is another human resources position/person assigned to this duty.

Employees will be notified of all derogatory material placed in their personnel folder. Employees shall have the right to submit a rebuttal of reasonable length on any derogatory material placed in their file. Employees may request derogatory material other than performance evaluation and disciplinary decisions be removed from the file after a period of five years, provided there is no recurrence of an incident of similar nature.

ARTICLE 7 RETURN OF PROPERTY

Article 7A

All employees upon leaving service with the Town of Canton, shall return any town property that has been issued to them as an employee.

