

**EXHIBIT**

16-B-14, 10/24/14

NOTICE OF POSTING: NOTICE OF PUBLIC HEARING: MIXED-USED EXPANSION SPECIAL PERMIT

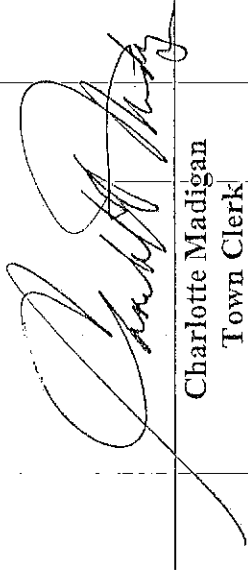
STATE OF NEW YORK }  
COUNTY OF ROCKLAND } SS.  
TOWN OF ORANGETOWN }

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *TOWN OF ORANGETOWN*, in the County of Rockland, State of New York.

That, on the 26th day of September 2014, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the *TOWN OF ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Charlotte Madigan  
Town Clerk

Subscribed and sworn to before me

This 26th day of September, 2014

*Donna A. Morrison*

DONNA A. MORRISON  
Notary Public, State of New York  
No. 01MO5081099  
Qualified in Rockland County  
Commission Expires June 30, 2015

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that, pursuant to resolution of the Town Board of the Town of Orangetown, duly adopted on September 23, 2014, a public hearing will be held before the Town Board at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, on the 21st day of October, 2014 at 8:05 P.M., to consider amending the Town Code of the Town of Orangetown, Chapter 43, Zoning, by adding a new § 4.32(P), [and] amendments to § 4.32(O), and amendments to Section 3.11 "Table of General Use Regulations" for the LI District relating to properties located in the "LI" Zoning District, in the vicinity of the intersection of State Route 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown authorizing a "Mixed-Use expansion" special permit by allowing development of a small lot adjoining a "Mixed-Use" development as part of the larger unified project and amending applicable signage regulations.

A copy of the Petition and supporting materials may be examined by any interested party at the Office of the Town Clerk.

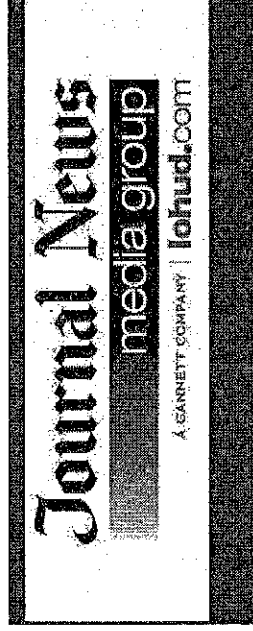
All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: September 23, 2014  
Orangeburg, New York

CHARLOTTE MADIGAN  
Town Clerk

**AFFIDAVIT OF PUBLICATION**  
**FROM**



CECILIA HERNANDEZ being duly sworn says that he/she is the principal clerk of **THE JOURNAL**

— **NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

**Zone:**  
Rockland

**Run Dates:**  
10/07/14

Cecilia Hernandez  
Signature

Sworn to before me, this 8 day of October 2014

Lola M. Hall  
Notary Signature

LOLA M. HALL  
Notary Public, State of New York  
No. 01HA6112693  
Qualified in Westchester County  
Commission Expires July 6, 2016

Legend:

**WESTCHESTER:**  
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohagan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

**ROCKLAND:**  
Blauvelt, Congers, Gammerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Spotsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

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A copy of the Petition and supporting materials may be examined by any interested party at the Office of the Town Clerk.

All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: September 23, 2014

Orangetown, New York

CHARLOTTE MADIGAN

Town Clerk

JOHN S. EDWARDS, ESQ.

Town Attorney

Town of Orangetown

121418



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax: (845) 364-3435

EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

August 12, 2014

ARLENE R. MILLER  
Deputy Commissioner

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:**

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:**

**Date Review Received:** 7/21/2014

**Item: TOWN OF ORANGETOWN - ZONING CODE AMENDMENT - MIXED USE (O-2110B)**

Zoning code amendment to add a new section to the special permit uses entitled "Mixed-Use Expansion." This special permit use would allow complementary development adjacent to mixed-use developments by permitting small commercial sites to be functionally integrated with the larger development as a single project. Specific criteria would have to be met in order to allow the mixed-use expansion.

Vicinity of NYS Route 304 and the Palisades Interstate Parkway

**Reason for Referral:**

NYS Route 304, Palisades Interstate Parkway, Western Highway, Sparkill Creek

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**\*Recommend the following modifications**

1. As is required for the Mixed-Use Special Permit, Section 4.32(P)ii, Purpose and Intent should be expanded to include the following: Given proximity to the Palisades Interstate Parkway, a designated scenic by-way, aesthetic considerations must be addressed in terms of site planning, landscaping, signage and building design, including screening of portions of any building along public rights-of-way.
2. The Town should consider whether they want to increase the Mixed-Use Expansion site acreage under Section 4.32(P)iii (b). Since the existing Mixed-Use must be on sites 10 acres or larger, and this amendment is proposing sites only from .5 acres to 2 acres, there is a gap for other sites that might be larger than the 2 acres. Mixed-Use Expansion sites greater than .5 acre but less than 10 acres that meet the criteria should be considered in the zoning code amendment.

TOWN CLERKS OFFICE

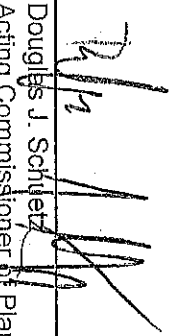
2014 AUG 15 PM 3 01

TOWN OF ORANGETOWN

DISTR: TB, TA, Building, Highway, DEME

TOWN OF ORANGETOWN - ZONING CODE AMENDMENT - MIXED USE (O-2110B)

- 3 Section 4.32(P)<sup>vi</sup> allows accessory parking within the side and rear yards on the site. However, if a site were to be directly adjacent to the Palisades Interstate Parkway, then an undisturbed, vegetated 20-foot buffer area must be maintained along the property line. The intent of this buffer is to not only protect the visual integrity of the Parkway, but to preserve the existing vegetation and root systems from damage due to adjacent construction/site activities. In addition, landscaping or a berm must be provided to help buffer the commercial use from the Palisades Interstate Parkway. The requirement for side and rear yards must be the same for this special permit use as it is for the Mixed-Use as described in Section 4.32(O)<sup>vii</sup>. The zoning code amendment must add these requirements to the section on "Location of Parking."
- 4 Section 4.32(P)<sup>x</sup> requires that following issuance of a special permit, a site plan is subject to review by the Orangetown Planning Board. However, we believe that in order to ensure that the Mixed-Use Expansion site complies with all of the requirements, a Conceptual Site Plan must be provided, similar to what is required in Section 4.32(O)<sup>x(a)</sup> for the Mixed-Use special permit: "Conceptual site plan showing proposed buildings, parking, loading, stormwater basins and a landscaping plan. The landscaping plan shall provide adequate buffering and landscape treatment within all yard areas, particularly the frontages along Route 303 and the Palisades Parkway." All existing vegetative buffers shall be clearly depicted on the conceptual plan, including on-site and abutting off-site areas. Section 4.32(P)<sup>x</sup> should be expanded to include similar language.
- 5 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 6 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.

  
\_\_\_\_\_  
Douglas J. Schletz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
Rockland County Drainage Agency

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 3

21 South Park Corners Road, New Paltz, New York 12561-1620  
Phone: (845) 256-3054 • FAX: (845) 255-4659  
Website: www.dec.ny.gov



TOWN OF ORANGETOWN  
Joe Mattons  
Commissioner  
JUL 26 PM 12 48  
TOWN CLERKS OFFICE

July 25, 2014

John S. Edwards, Town Attorney  
Town of Orangetown  
26 Orangeburg Road  
Orangeburg, NY 10962

RE: Zoning Law Amendment for Parcel SBL 74.15-1-22  
Town of Orangetown, Rockland County

Dear Mr. Edwards;

DEC staff have reviewed the Town's intention to establish Lead Agency pursuant to the State Environmental Quality Review (SEQR), dated July 21, 2014. DEC has no objection to the Town assuming Lead Agency status for this review. Although DEC has no jurisdiction over the zoning amendment, the following comments are offered regarding the proposed development of the site:

**PROTECTION OF WATERS**

- There are no waterbodies that appear on our regulatory maps at the location/project site you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, (NYS Waters Index # H-13-6a, a tributary to Sparkill Creek), Class "C", and a Protection of Waters permit is not required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required.

If a permit is not required, please note, however, the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

**FRESHWATER WETLANDS**

- The project/site is not within a New York State protected Freshwater Wetland. However, the applicant should contact the United States Army Corps of Engineers in New York City, telephone (917) 790-8511 (Westchester/Rockland Counties), for any permitting they might require.

**STATE-LISTED SPECIES**

- No records of sensitive resources were identified by this review.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Re: Zoning Law Amendment for Parcel SBL 74.15-1-22 Date: July 25, 2014

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/simc/>.

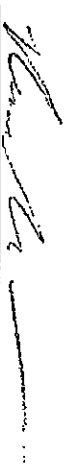
OTHER

The adjacent Orangeburg Commons was remediated under the DEC Brownfields Program, Site No: C344073. It does not appear that the use of the adjacent parcel will have any impact on the reclaimed site. All site management and notification requirements associated with the DEC's remediation easement for the Orangeburg Commons site remain in place.

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at [www.dec.ny.gov](http://www.dec.ny.gov) under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Rebecca Crist  
Division of Environmental Permits  
Region 3, Telephone No. 845/256-3014

Re: James Candloro, NYS Division of Environmental Remediation  
FB Orangetown LLC & FB Greenbush LLC, c/o RD Management LLC

**NOTE: Regarding erosion/sedimentation control requirements:**

Stormwater discharges require a SPDES Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

This project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>. If this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department.



TOWN OF ORANGETOWN - ZONING CODE AMENDMENT - MIXED USE (O-2110B)

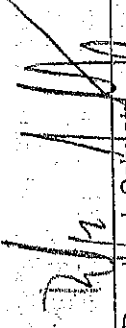
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5 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

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cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
Rockland County Drainage Agency

  
Douglas J. Schletz  
Acting Commissioner of Planning

\*NYS General Municipal Law Section 239 requires a vote of a 'majority, plus one' of your agency to act contrary to the above findings.

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*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

200 P 11101

#1

RECEIVED OCT 08 2014

PLANNING BOARD  
TOWN OF ORANGETOWN

TO: Town of Orangetown Town Board

FROM: Town of Orangetown Planning Board *W*

DATE: September 22, 2014

RE: Referral from the Town Board  
Proposed Change to Text Amendment/ Zoning Ordinance

Signage for Mixed-use Developments in the LI Zoning District  
Tax Map Designation: Section 74.15, Block 1, Lot 21

**RECOMMENDATION:** At the September 22, 2014 Planning Board Meeting, the Planning Board had no issues with the proposed signage amendments, however recommended the following:

- Mixed-use developments should only be allowed to receive one Special Permit expansion for each project site.

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

**Part 1 - Project and Sponsor Information**

Name of Applicant or Sponsor:		Telephone: 212-265-6600 x 305	
FB Orangetown LLC & FB Greenbush LLC		E-Mail: arossi@rdmanagement.com	
Address: 810 Seventh Ave, 10th Floor			
City/PO: New York	State: New York	Zip Code: 10019	NO YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town Board Zoning text change; Town Board Special Permit; Planning Board Site Plan approval, ACABOR & Health Dept. approvals; Highway Department Road Opening permit.			NO YES <input type="checkbox"/> <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.98 acres			
b. Total acreage to be physically disturbed? _____ 0.98 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 15.77 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			


5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	YES
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	YES
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	YES
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	YES
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban	NO	YES	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	NO	YES	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: Surface runoff will be conveyed via a piped drainage system (both proposed & existing) to the existing detention pond on the Orangebung Commons site.	NO	YES	YES
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

TOWN OF ORANGETOWN  
2019 JUN 13 11:17 AM  
NO. 17 ST. 171

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: See attached narrative	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: Neither the project site or the adjoining property is known to be associated with hazardous wastes.	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: FB Greenbush LLC & FB Orangetown LLC Date: June 3, 2014

Signature: 

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: <ul style="list-style-type: none"> <li>a. public / private water supplies?</li> <li>b. public / private wastewater treatment utilities?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

**19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?**

The adjoining property was used as a landfill for off specification orangeburg pipe that was manufactured by The Flintkote Company at the adjoining property. Orangeburg pipe is a bituminized fiber pipe made from layers of wood pulp and pitch that are pressed together; the name orangeburg pipe is derived from the very location where it was manufactured. The landfill was characterized and lawfully closed and capped pursuant to a Brownfield Redevelopment Agreement under the jurisdiction and oversight of the New York State Department of Environmental Conservation, the New York State Department of Health and the New York State Department of Labor. The agencies having jurisdiction of the Brownfield Redevelopment Agreement have issued a Certificate of Completion signifying the successful completion of the closure and capping activities.





**EXHIBIT**

~~HT/10/14 10/21/14~~  
10-D-14 10/21/14

# *Town* *Of* *Orangetown*

## *Workplace Violence Prevention Plan*



# I. Overview

## *Introduction*

Workplace violence presents a serious occupational safety hazard for workers. On June 7, 2006, New York State enacted legislation that requires public employers (other than schools covered under the school safety plan requirements of the education law) to address this serious potential workplace hazard.

The law and its requirements are described in more detail in Section II and Appendix A of this plan. The final effective enforcement date of this law was August 28, 2009.

## *Purpose*

The purpose of this *Workplace Violence Prevention Plan* is to provide information to managers, supervisors and employees about preventing and responding to incidents of workplace violence or threats of violence and the "New York State Public Employer Workplace Violence Prevention Law" (the "WVP Law").

The goals of the Program and this Plan are:

1. to reduce the probability of threats or acts of violence in the workplace, and
2. to ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately.

This Plan outlines the major components of the effort to meet these goals:

1. effective procedures;
2. workplace security risk evaluation;
3. prevention;
4. training; and
5. other support services.

## *Access to this Plan*

The *Workplace Violence Prevention Plan* is available for review in the Town Office of Human Resources, located at Town Hall.

## **II. Town of Orangetown Workplace Violence Prevention Policy**

### **Town of Orangetown Workplace Violence Prevention Policy**

The Town of Orangetown, NY is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

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 of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients 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 Art. 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;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence 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.

**Designated Contact Person: Donna A. Morrison**  
**Title: Human Resources Coordinator**  
**Department: Human Resources**  
**Phone: 845.359.6500**  
**Email: [dmorrisor@orangetown.com](mailto:dmorrisor@orangetown.com)**

### **III. New York State Workplace Violence Prevention Law (Overview)**

#### *Introduction*

The “New York State Public Employer Workplace Violence Prevention Law” was enacted on June 7, 2006 to ensure that public employers evaluate their workplaces, develop effective response procedures and implement strategies to prevent or minimize workplace violence. The final effective enforcement date was August 28, 2009.

#### *Requirements of the law*

Employers must evaluate their workplace or workplaces for factors or situations that may increase the risk of occupational violence. Examples of such factors include working in public settings, working alone or in small numbers, and working late night or early morning hours. Appendix B identifies the general observations from the Town of Orangetown’s individual worksite risk assessments.

In addition, employers with at least 20 full time permanent employees must develop and implement written workplace violence prevention plans. The written plan must identify the risk factors identified in the workplace risk evaluation and the methods the employer will use to prevent incidents of violence in the workplace.

Finally, employers must inform employees of the requirements of the WVP Law, the risk factors in their workplace, and the location of the written workplace violence prevention plan. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention plan. Employee workplace violence training must be provided at the time of job assignment and annually thereafter. All Department Heads shall ensure that this required training is provided in accordance with the law.

#### *Further information*

For the full text of the “NYS Public Employer Workplace Violence Prevention Law”, NYS Labor Law Section 27 - b, see Appendix A.

## IV. What is Workplace Violence?

For the purposes of this Plan, the term “violence” means, among other things, physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, threatening or talk of engaging in these activities. Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs in the workplace. Workplace violence can affect or involve employees, visitors, contractors, vendors, and others.

Workplace violence incidents are generally categorized as:

- Level I – Disruptive behavior such as verbal abuse
- Level II – Aggressive or threatening behavior
- Level III - Physical assault

For the purposes of this Plan, the workplace is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, Town-owned, leased or rented facilities, parking lots, remote work locations, and traveling to and from work assignments.

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work related situations, such as domestic violence or road rage. Workplace violence can be inflicted by an abusive employee/co-worker, a supervisor, a member of the public, family member or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence will not be accepted or tolerated by the Town of Orangetown.

### What is a Workplace Violence Incident?

A workplace violence incident is defined as one or more of the following according to the New York State Department of Labor:

- An attempt or threat, whether verbal or physical, to inflict injury upon another person.
- Any intentional display of force which would give a person 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 offensive touching.
- Harassment of a nature that would give a person 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.
- Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment.

An incident may be committed without one person actually touching or striking or doing bodily harm to another person.

Harassment, sexual or otherwise (as defined by New York State Executive Order #19, the New York State Human Rights Law, and the Town of Orangetown Council Resolution # ????) is prohibited by the Town of Orangetown and is specifically excluded from the definition of a workplace violence incident. An employee should refer to the Sexual Harassment and Discrimination Policy in the Town's Personal Policies and Procedures Manual / Employee Handbook for more information about this topic.

The Town of Orangetown will not tolerate violence in the workplace. All incidents, complaints, and/or reports of violence, threats of violence, harassment, intimidation, and other disruptive behavior will be taken seriously. The Town of Orangetown is committed to providing its employees with a reasonably safe and secure work environment.

#### **Employee Responsibility**

Employee and authorized employee representative's involvement in the Town of Orangetown's *Workplace Violence Prevention Plan* is essential to the Plan's success. Employees are expected to read, understand, and comply with the Town's Plan and to attend ongoing training and education on workplace violence. Any questions should be directed to the employee's department head or supervisor.

Employees must promptly report any violations of the Town's *Workplace Violence Prevention Plan* or any workplace violence imminent danger in accordance with the reporting procedures explained in this Plan.

#### **Protective and Restraining Orders**

Individuals who obtain a protective or restraining order which lists specific workplace locations as being protected areas MUST provide their department head and the Workplace Violence Prevention Team, in care of the Town Human Resources Coordinator, a copy of any temporary or permanent protective or restraining order that was granted. The Town will follow confidentiality procedures that recognize and respect the privacy of the reporting employee.

#### **Department Head / Supervisor Responsibility**

The Town Human Resources Coordinator is responsible for communicating the *Workplace Violence Prevention Plan* to employees and answering any of their questions. Department heads and supervisors are expected to enforce the Plan in a fair and consistent manner and ensure all aspects of the Plan under their area of responsibility are properly met.

If an employee notifies his/her department head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report Form (Appendix C), the department head is responsible for following the reporting procedures outlined in the Reporting section of the Town's *Workplace Violence Prevention Plan*.



### **Purpose of Plan**

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this Plan is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

### **Statement of Plan**

Violence, threats of violence, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated by the Town of Orangetown. Examples of disruptive behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of harm. Such behavior will be taken seriously and will be dealt with appropriately, up to and including dismissal.

### **Scope of Plan**

All Town of Orangetown employees are required to comply with this Plan. In addition, since visitors of Town of Orangetown-owned and operated property and facilities are required to conduct themselves in a non-violent manner in conformity with existing law, employees who observe or experience visitors of Town owned and operated property engaging in violent and or threatening behavior should follow the procedures in this Plan for the reporting such behavior .

### **Application of Plan**

Violence and other disruptive behavior by or against any employee of the Town of Orangetown or member of the public in a Town-designated workplace are unacceptable. A Town-designated workplace includes offices, work sites, vehicles, field locations, and any other location where Town business is conducted. Individuals who commit such acts may be removed from the premises and may be subject to appropriate disciplinary action, including, where legally appropriate, termination of employment and/or criminal penalties.

### **Training**

All department heads shall ensure that employees of their particular department are informed of the requirements of the law, the risk factors in their workplace, and the location of the written *Workplace Violence Prevention Plan*. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written *Workplace Violence Prevention Plan*.

All employees will receive training and education on the risks of workplace violence. Training will be provided at the time of hire and at least annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the Town makes significant changes in its *Workplace Violence Prevention Plan*.

At a minimum, the Town's employee training and education will address the following:

- Overview of the NYS Workplace Violence Prevention Act and NYS Labor Law Section 27-b.
- Overview of the Town's Workplace Violence Prevention Program.
- Workplace location of the Town's *Workplace Violence Prevention Plan* and procedures for obtaining a copy.
- Definition of workplace violence and the three levels of workplace violence.
- Methods of recognizing and responding to the three levels of violence.
- Standard response action plan for violence situations.
- Procedures for reporting a workplace violence incident or imminent danger.
- How and when incidents will be investigated by the Town.
- The risk factors identified in the Workplace Violence Prevention Team's ("WVPT") risk evaluation and determination.
- Measures employees can take to protect themselves from identified risks.
- Procedures, policies, safety devices and or work environment accommodations that have been implemented to protect employees based on the results of the risk evaluation.
- Post-incident procedures, including medical follow-up and the availability of counseling for affected individuals.

Specialized training and education may be provided to department heads and supervisors as well as those employees who are at higher risk of workplace violence based on their job duties and or work site location.

In addition to the training required by law, the Office of Human Resources shall provide additional training on a per request basis to Town departments and offices to address the potential for violence in the workplace.

## V. Reporting of Violence

At the core of this *Workplace Violence Prevention Plan* is the Town's commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

### Levels of Workplace Violence:

#### Level I – Minimal, including but not limited to:

Intimidation; bullying; verbal abuse; minimal harassment; obscene gestures; false statements.

#### Level II – Heightened, including but not limited to:

Psychological trauma; threat of assault; advanced harassment; obscene calls, or messages; being followed or stalked.

#### Level III – Severe, including but not limited to:

Shooting; stabbing; struck with an object; sexual assault; pushing; grabbing; punching; slapping; throwing objects; homicide.

**All incidents of workplace violence must be reported.** An employee is responsible for reporting all incidents of LEVEL I in writing within 48 hours of the occurrence. The supervisor/department head will complete the Workplace Violence Incident Report Form including obtaining the employee's statement.

All LEVEL II and LEVEL III incidents must be reported using the Workplace Violence Incident Report Form once the incident has abated.

The Workplace Violence Incident Report Form can be found in Appendix C.

### Reporting Procedures

The following procedures are to be followed whenever an employee reports a complaint alleging a violation of the Town of Orangetown *Workplace Violence Prevention Plan* has occurred or when a violent incident occurs.

### Non-Emergency Reporting Procedure

*A non-emergency situation is defined as a situation where:*

One person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is **no immediate danger** of such harm being inflicted.

**Step 1**  
Employee notifies immediate supervisor, or if that would be inappropriate, that person's supervisor or the department head within 48 hours of the alleged incident. The employee may also directly contact the Human Resources Office.

**Step 2**  
Supervisor or Human Resources Office conducts preliminary inquiry and makes prompt report to department head/ commissioner.

**Step 3**  
If there is no immediate threat of violence or any serious misconduct or criminal behavior, the department head/commissioner will complete the Workplace Violence Incident Report Form and submit the form within two (2) business days to Human Resources.

**OR**

If there has been, serious misconduct, or criminal behavior, the department head/commissioner will notify Human Resources immediately. Human Resources will contact the Police Department or other appropriate departments/agencies as necessary.

The department head/commissioner will complete the Workplace Violence Incident Report Form and submit within two (2) business days to Human Resources.

**Emergency Reporting Procedure**

*An emergency situation is defined as a situation where an injury has occurred or there is an immediate threat of physical harm.*

***You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure:***

**Step 1**  
First person on the scene quickly assesses the situation and risk.

**Step 2**  
Based on risk assessment, first person on the scene calls for law enforcement/security/medical assistance and ensures the needs of injured are met. Employee must also immediately notify supervisor of the situation.

**Step 3**  
Supervisor immediately assesses/confirms whether there is an emergency situation and makes prompt report to department head/commissioner.

**Step 4**

The department head/commissioner ensures that local police, Town Supervisor / Manager, medical personnel and the Human Resources Office have been notified and are responding.

**Recordkeeping**

The Town of Orangetown will maintain accurate records regarding all workplace violence incidents. The Town will adhere to all of the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a workplace violence incident as defined in the Town of Orangetown's *Workplace Violence Prevention Plan* or any workplace violence injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness will be documented on a Workplace Violence Incident Report Form. Any recordable injury will also be documented on the SH-900 Log (New York State Department of Labor log of work-related injuries and illnesses.)

Retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee who, in bad faith, makes a false report is also subject to disciplinary action.

## **VI. Workplace Risk Evaluation**

### ***Introduction***

Certain factors or situations may place employees at a greater risk of workplace violence. This workplace risk evaluation is based upon individual site risk assessments, results of employee Focus Groups, reviews of occupational injury and illness logs and incident reports for violence-related injuries.

As required by Section 27-b of the New York State Labor Law, in July 2014, the Town conducted an evaluation of the workplace in general, and each worksite specifically, to identify existing or potential hazards that might place employees at risk of workplace violence.

The worksite specific risk evaluation process included:

- An examination of the workplace to determine existing or potential hazards that may place employees at risk for incidents of workplace violence;
- An examination of past workplace violence incidents to identify any patterns as to the type and cause of injuries, particular work areas, or specific operations or individuals involved;
- A review of occupational injury and illness records (i.e. SH-900 and SH-900.2 logs, C-2 forms), accident reports, and any available insurance, police, or other incident reports in order to identify injuries that may have been the result of workplace violence;
- Conducting two (2) employee focus groups (FINDINGS OF FOCUS GROUPS FOUND IN APPENDIX D) to gather information regarding violence incidents they may have experienced or witnessed but not reported, as well as to identify conditions that could be contributing to potential incidents;
- Based on the risk factors identified, the development of administrative policies and procedures for all departments as well as specific worksite recommendations that should be implemented to prevent or reduce the potential for workplace violence incidents.

### ***Risk Evaluation***

Workplace violence can occur in any workplace setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for Town of Orangetown employees include, but are not limited to:

- working in public settings;
- working late night or early morning hours;
- exchanging money with the public;
- working alone or in small numbers;
- working in a setting with uncontrolled public access to the workplace;
- working in a setting where previous security problems have occurred;
- having a mobile workplace assignment;

- working with a population which might expose one to potentially violent persons (e.g. in health care, social service, or criminal justice settings); and
- having duties that include the delivery of passengers, goods, or services.

#### **Workplace Violence Prevention Oversight Committee (WVPOC)**

The Town of Orangetown has established a Workplace Violence Prevention Oversight Committee to serve in an advisory capacity and to assist with the administration of the *Workplace Violence Prevention Plan*. The Committee's responsibilities include, but are not limited to:

- Ensure the Town continues to perform ongoing evaluations of the entire workplace to identify any risk factors or situations that may place employees at risk of violence.
- Conducting employee surveys, employee focus groups and or interviews to obtain feedback as needed on risk factors employees believe are present in the workplace, previous workplace violence incidents, etc.
- Developing risk reduction strategies and plans for responding to or preventing acts of violence.
- Coordinating employee training and education relating to workplace violence.
- Investigating workplace violence incidents and recommending necessary measures to reduce or eliminate the likelihood of similar incidents occurring.
- Reviewing the *Workplace Violence Prevention Plan* at least annually, to include analyzing workplace violence incident reports to identify trends in the types of incidents that occurred during the year and to determine the effectiveness of the mitigating actions taken.
- Updating the *Workplace Violence Prevention Plan* as needed, subject to the approval of the Town Board.
- Accurately record and maintain information and records associated with Committee meetings, recommend plan changes, and reported incidents.

The Workplace Violence Prevention Team will consist of the following or their respective designees:

- Member of the Town Board
- Superintendent of Parks, Recreation, & Buildings
- Human Resource Coordinator
- Superintendent of Highways
- Chief of Police
- Town Attorney
- Employee Representation CSEA Unit
- Employee Representation PBA Unit
- Employee Representative

- Employee Representative

The Human Resource Coordinator, as needed, will call upon additional internal and external resources, including but not limited to the Town Manager, Chief of Police, Town Attorney, and Town Council.

Representatives from each department should be made available by their department head for WVPOC participation.

## **VI. Prevention**

### ***Introduction***

Prevention is the responsibility of every employee. This section focuses on some measures to reduce the risk of violent behavior. Supervisors and managers, as well as employees, should be familiar with, and knowledgeable of, the issues below before violence occurs.

### ***Definitions and Prevalence of Violence***

The Town of Orangetown *Workplace Violence Prevention Plan* defines workplace violence to include violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Two million American workers are victims of workplace violence annually. Workplace violence is the fourth leading cause of fatality in the workplace for all workers; it was the cause of 564 deaths in 2005. Finally, a survey in 2005 found approximately 54% of local government employers with more than 1,000 employees reported an incident of workplace violence within the past 12 months.

In reviewing this data, it appears clear that workplace violence is a potential problem in the modern workplace, and one that requires a multifaceted approach by the employer, employees, and employee assistance or other agencies providing support to mitigate the occurrences and effects of violence in the workplace.

### ***Early Warning Signs of Potential Violence***

Past behavior has generally been the best predictor of future behavior. There is, however, no specific "profile" of a potentially dangerous individual. Acts of violence may also occur in the workplace due to issues of domestic violence. Sometimes victims and witnesses recount acts of violence that occurred without warning. However, certain patterns of behavior and events frequently precede episodes of violence. A list of indicators of increased risk of violent behavior may include:



- Direct or veiled threats of harm.
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others.
- Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors, or others.
- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns or fascination with weapons.
- Fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems.
- Signs of abuse of drugs/alcohol on or off the job.
- Extreme or uncharacteristic changes in behavior or displays of emotion.
- Employees with on-going domestic difficulties.
- Employees with a temporary order of protection against any respondent.

These behaviors should be reported to an employee's supervisor, manager, departmental personnel staff or commissioner/department head. The Human Resources Coordinator is available to assist supervisors and managers in dealing with such behavior. Some behaviors may require immediate law enforcement intervention, others may require disciplinary action, and others may indicate an immediate need for an Employee Assistance Program (EAP) referral.

Sometimes small behavior problems, which can precede the above behaviors, are dismissed or ignored, allowing problems to fester. In the employee's mind, the situation can become more intense. Early involvement by the EAP may be the appropriate intervention. It is important to remember the employee must be treated with dignity, mutual respect and fairness in this process. Some of these types of behavior are listed below:

- Withdrawal from friends, coworkers, and/or one's social circle.
- Reduced productivity.
- Unexplained absence from work area or marked increase in tardiness and / or absenteeism.
- Noticeable deterioration of personal hygiene and appearance.

### ***Common Issues That May Trigger Workplace Violence***

Listed below are two categories of common issues that may trigger workplace violence:

1. Employee issues:
  - Negative performance review
  - Unwelcome change in role due to performance or reorganization issue
  - Criticism of performance

- Conflict with coworker or supervisor
- Personal stress outside the workplace
- Increased workload or pressure, e.g. deadlines, projects, etc.

2. Workplace issues (any of the following may be an employee's perception of issues):

- No clearly defined rules of conduct
- Lack of training
- Inadequate hiring practices/screening of potential employees
- Insufficient supervision
- Lack of discipline or inconsistent discipline in workplace
- Lack of or inadequate employee support systems
- Failure to address incidents as they occur
- Overly authoritarian management style

Taking this into account, there are three key elements that may help to prevent a violent situation from occurring:

1. Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence).
2. Recognizing issues or events that may trigger violence.
3. Early intervention to prevent a violent incident from occurring.

Please note, it is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

### ***Violence Prevention Policies, Procedures and Programs***

The Town of Orangetown has a number of policies, procedures and programs in place, as referenced in the Town of Orangetown Personal Policy and Procedure Manual, promulgated by various Town Council Resolutions and or Local Laws. Among these are:

#### **Policies and Procedures**

**Workplace Violence Prevention.** *The Town of Orangetown Workplace Violence Prevention Plan* prohibits violence, threats of violence, harassment, intimidation, and other disruptive behavior in the workplace.

**Anti - Harassment and Discrimination Policy.** This policy prohibits harassment and discrimination of employees based upon race, color, religion, age, national origin, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual orientation, disability, military membership, predisposing genetic characteristics, or any other basis prohibited by law.

**Criminal History Record Check Policy.** Certain positions, by Town resolution, are subject to a pre-employment screening process.

**Drug - Free Workplace Policy.** This policy prohibits the manufacture, distribution, dispensation, possession, or use of a controlled substance or illegal drug in the workplace. EAP provides confidential assistance to employees with substance abuse problems.

**Firearm / Weapon Prohibition Policy.** States, "all employees of and visitors to the Town of Orangetown not required to possess a firearm for the performance of their official duties... shall not possess a firearm / weapon while performing their duties or while present upon any real property of the Town of Orangetown unless such an employee has secured the prior written consent of the Town of Orangetown Chief of Police."

#### Other Programs

**Employee Assistance Program (EAP).** EAP is a free, confidential service offered by Town of Orangetown to all Town employees and their immediate families. It provides assessment and referral to professional providers for behavioral/medical problems which may affect the individual's job, health, family life, or other relationships.

**Training.** The Department of Human Resources Department refer and/or offer training in a variety of areas such as stress management, conflict in the workplace, dealing with difficult customers/clients, grief and loss, and collaboration in the workplace. In order to facilitate employee referrals to EAP, new managers and supervisors are trained to identify signs and symptoms of poor performance, know when and how to refer employees to EAP, and maintain confidentiality.

**Workplace Security Enhancements.** The Office of Human Resources and Department of Parks, Recreation & Buildings has or will recommend and implement minimum security standards for Town facilities based upon risk/security assessments of Town facilities and input from Department heads. For example, as appropriate, security personnel may be stationed at specific workites, video surveillance equipment may be used and external lighting may be installed, upgraded, and or maintained.

**Investigations.** The Office of Human Resources, in consultation with the Town Attorney, investigates instances of serious employee misconduct or criminal conduct.

## **VIII. Response Procedures**

### ***Post Incident Response***

When a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report Form, the Human Resource Coordinator will determine if further investigation is warranted and if necessary, conduct a thorough investigation of the situation and involve the WVPPOC as necessary. The Town of Orangetown will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the Town cannot guarantee complete confidentiality.

If Level I or II, Human Resources, will investigate, resolve/mediate matter and make referrals for appropriate action, including disciplinary proceedings and/or referrals to EAP or other available resources. If Level III, Human Resources will deploy the resources of the WPVOC as required.

Based on the specific situation and the results of the investigation, appropriate measures will be taken, if needed, to eliminate or reduce the likelihood of similar workplace violence incidents occurring in the future. If the workplace violence incident was related to a threat, all employees who might have been affected if the threat-maker were to carry out such threat will be given proper notification. Throughout the investigation, the Town will maintain open lines of communication with employees, visitors and the public to answer questions and alleviate anxiety.

The Town of Orangetown will provide information to potential or actual victims about the options available to them, such as obtaining a restraining order against the threat-maker, obtaining follow-up medical care, if applicable, and/or the availability of any counseling services through an EAP.

### ***Workplace Violence Prevention Oversight Committee***

The WVPPOC will meet at least quarterly or more often as necessary. The WVPPOC will also perform annual reviews of the Town's workplace violence incidents and procedures to determine the need for revisions and updates to the Town's plan and procedures.

## **IX. Summary Statement**

The Town of Orangetown is committed to provide as safe a working environment as possible and will continue to assess substantiated risks of workplace violence that are reported. The Town of Orangetown has in the past implemented policies and procedures that are designed to lower or eliminate workplace violence and generally promote workplace safety. This commitment is further supported by this Plan.

It must, however, be recognized that there are no certain means by which workplace violence can be completely prevented, that no one process or policy can wholly identify any and all conditions and risk factors that may exist in the Town of Orangetown's workplace, and that the Town's ability to mitigate those conditions and risks may be limited by a variety of factors.

## X. APPENDIX

## Appendix A:

### New York State Public Employer Workplace Violence Prevention Law

#### Labor Law Article 2

\* § 27-b. Duty of public employers to develop and implement s to prevent workplace violence.

1. Purpose. The purpose of this section is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection s to prevent and minimize the hazard of workplace violence to public employees.

2. Definitions. For the purposes of this section:

- a. Employer means: (1) the state; (2) a political subdivision of the state, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law; and (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof.
- b. Employee means a public employee working for an employer.
- c. Workplace means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.
- d. Supervisor means any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.
- e. Retaliatory action means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

3. Risk evaluation and determination. Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

- a. working in public settings (e.g., social services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, health care workers, and service workers);
- b. working late night or early morning hours;
- c. exchanging money with the public;
- d. working alone or in small numbers;
- e. uncontrolled access to the workplace; and
- f. areas of previous security problems.

4. Written workplace violence prevention Plan. Every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention Plan for its workplace or workplaces that includes the following:
  - a. a list of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces;
  - b. the methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:
    - (1) making high risk areas more visible to more people;
    - (2) installing good external lighting;
    - (3) using drop safes or other methods to minimize cash on hand;
    - (4) posting signs stating that limited cash is on hand;
    - (5) providing training in conflict resolution and nonviolent self-defense responses; and
    - (6) establishing and implementing reporting systems for incidents of aggressive behavior.

5. Employee information and training.

- a. Every employer with at least twenty permanent full time employees shall make the written workplace violence prevention Plan available, upon request, to its employees, their designated representatives and the department.
- b. Every employer shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:
  - (1) employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention required by this section; and
  - (2) employee training shall include at least: (a) the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices, and (b) the details of the written workplace violence prevention developed by the employer.

6. Application.

- a. Any employee or representative of employees who believes that a serious violation of a workplace violence protection exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.



- b. If, following a referral of such matter to the employee's supervisors attention and after a reasonable opportunity to correct such activity, policy or practice, the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention Plan remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such persons name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.
- c. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.
- d. The authority of the commissioner to inspect premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.
- e. No employer shall take retaliatory action against any employee because the employee does any of the following:
- (1) makes an application pursuant to paragraph a of this subdivision;
  - (2) requests an inspection as authorized in paragraph b of this subdivision;
  - (3) accompanies the commissioner as authorized in paragraph c of this subdivision;
- f. The commissioner may, upon his or her own initiative, conduct an inspection of any (remove space) premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within one hundred twenty days of the effective date of this paragraph the commissioner shall adopt rules and regulations implementing the provisions of this section.
- g. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.
- h. When a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

**Town of Orangetown**  
**Workplace Violence Prevention Program**  
**Individual Site Risk Assessments**

August 18, 2014

**APPENDIX B:**

Individual Site Risk Assessments were conducted on August 18<sup>th</sup> 2014 at the following locations:

1. Highways Department
2. OBZPAE
3. Wastewater Treatment Plant
4. Parks Maintenance Shop
5. Headquarters
6. Golf Course

The Individual Site Risk Assessment for the Fire Prevention Bureau facility was held on August 19th

**RISK ASSESSMENT**

**General Observations:**

This consultant, as required by the New York State Work Place Violence Prevention regulation visited all locations at which the Town of Orangetown has employees on a regular basis. The purpose of the Individual Site Risk Assessments was to determine, to the extent possible, the current level of protection from Work Place Violence offered to employees and patrons and to offer suggestions on ways the Town could consider improving protection from Work Place Violence.

The following are this consultant's observations and recommendations:

1. During the visits to the locations at which the Town has employees, this consultant noted the lack of Town issued Photo Identification badges being visibly displayed by employees. Without visible photo identification displayed, it is impossible to determine who in fact is an employee and entitled to be in the areas of the facility not accessible to the public.  
**RECOMMENDATION:**  
Issue Photo Identification to all employees and implement a policy where by the ID must be visibly displayed at all time during hours of employment.

2. The Town Hall is a very open and welcoming place for community members to visit and participate in a wide range of programs, activities, and services. Town Hall operations share a common building with the Police Department.

**RECOMMENDATION:**

For all hours the facility is open to the public, the Town should give consideration to establishing a central control point for visitors to stop at and sign in. Such a control point will be viewed as a Customer Service function not as a security check point. Having a primary entrance served by a service desk will greatly control access and movement through the location. Given that there are actually two (2) main entrances to the facility, the Town may want to establish two control points. Additionally, temporary Visitor Badges are

- another consideration for the Town to consider. The most common type is the “peel and stick” type of badges printed with the word **VISITOR** in bold letters.
3. The Town owned or operated facilities lack security guard services.  
**RECOMMENDATION:**  
The Town should investigate and evaluate to what extent security guard services are required at each location. In some instances, services may be required whenever the facility is open for business. Other buildings may be adequately served through the use of roving / random security service patrols.
  4. Certain departments have employees who work alone and away from their “regular” office location. While the majority of these employees have cell phones there is no formal use of itineraries. It is often impossible for department to know where, at any given time, an employee is.  
**RECOMMENDATION:**  
The Town should consider implementation of a policy whereby all off-site employees provide a detailed written daily itinerary. Additionally, off site employees should be required to call into the office throughout the course of the day with that call being recorded / documented by a fellow staff member.
  5. The Town on a regular basis handles sums of cash and checks on a daily basis. Among the numerous departments / locations that handle cash, there are varying procedures with which bank deposits are made.  
**RECOMMENDATION:**  
All trips to banks or Town Clerk’s office for the purpose of depositing the cash and or checks collected should be made either in pairs or with an escort from an official law enforcement agency. The actual act of making the trip to a bank or Town Clerk’s office for the purpose of depositing cash and or checks should be varied from day to day so that a pattern is not easily observable. In this consultant’s opinion, the Town should gather every department handling money and work to establish a formal, uniform & coordinated strategy for handling money including transporting it to the Town hall or a bank.
  6. The Town Hall in this consultant’s opinion lacks security and adequate door control. The main entry point when Town Center is open is via the stairs leading from the first level. The other entrance point is through the main Town Hall entrance and is used primarily when Town Center is closed. Neither entrance point is secure; a visitor to the Town Hall can simply enter and move about the facility unchecked. While the buildings the Town conducts business from are public buildings, security and control of movement into and throughout needs to have greater control implemented.  
**RECOMMENDATION:**  
If a building or an area within a building has been previously determined to be off limits to the public in general; all but one door should be locked and accessible only with an employee ID Swipe badge, Key Pad or a physical key / fob. The number of physical keys distributed to employees should be closely monitored as keys can be stolen, duplicated or lost. Whenever possible, the use of ID Badges as swipe cards or key fobs should be considered as the preferred method as the card or fob can be deleted from the system immediately thus eliminating the possibility of a lost or stolen ID card / fob or a card / fob from a former employee being used to access a building or a portion of a building. Emergency Exit doors should be alarmed to alert employees immediately if the door is activated without authorization. The alarm should not have a delay in alarm activation. Such delays only serve to allow an unauthorized visitor to enter the facility undetected if they can get inside before the alarm sounds.
  7. The vast majority of buildings are tied into the Towns internal phone system. This consultant tested dialing 911 from the system. The call does go through but there is a noticeable delay, a delay long enough that some may feel the call failed.  
**RECOMMENDATION:**

Employees should be trained to understand that a brief delay will occur and to remain on the line until call is in fact answered.

8. Throughout the Town, when asked, employees are not sure as to how to report a Work Place Violence incident. Some employees when questioned stated they would probably tell their supervisor.  
**RECOMMENDATION:**  
A formal annual training as well as new employee training should be designed to educate all employees on the exact procedures to follow regarding reporting Work Place Violence incidents.

9. Throughout the Town individual employee desks / work surfaces are covered with items that could be used as a weapon against them.  
**RECOMMENDATION:**  
Desks and work surfaces, especially of those individuals interacting with the public should be clear of any items which could be used as a weapon against them by an angry / disgruntled visitor / employee.

10. At the locations visited by this consultant, visitors are not always required to sign in and out of the facility.  
**RECOMMENDATION:**  
The use of a visitor sign in / out sheet should be implemented at all Town owned and operated locations. The Town should also consider issuing temporary Visitor ID badges.

11. Visitors are not always escorted to the location they seek.  
**RECOMMENDATION:**  
The Town should implement a program whereby all visitors are escorted to the individual / location they seek. Such a policy prevents individuals from having free reign of the facility and or an individual department within a facility. Certain departments operate counter service and there is no need for those operations to escort individuals as the access to the environment is already controlled via the counter.

12. It was noted during the Focus Group exercises that employees lack training in de-escalation and or conflict resolution techniques.  
**RECOMMENDATION:**  
For those departments having a documented history of hostile or potentially hostile interactions with the public, training on de-escalation and or conflict resolution techniques should be considered.

13. There have not been regular emergency evacuation drills at Town Hall. It is not clear to this consultant if all buildings are conducting these drills or if the emergency evacuation plans are current and up to date.  
**RECOMMENDATION:**  
Every facility should have its emergency evacuation plans reviewed annually. Emergency evacuation plans should be posted throughout the facilities. Emergency evacuation drills should be conducted annually and accurate records maintained on said drills.

## Highway Department

The Highway Department facility site risk assessment was conducted on August 18, 2014. The findings are as follows:

1. The facility lacks a formal written security plan.
2. The facility lacks a formal written emergency evacuation plan. Annual emergency evacuation exercises are not held.
3. Door labeled "Employees Only" locked from entry. Main entrance door allows entry only into lobby. From there one has to be allowed to pass through into the rest of the building via a remote lock release (Buzzer). Other doors throughout the facility could be used to gain access to one bent on entering the building.
4. There are no panic buttons or other means for an employee especially those in the reception / front office to notify others or law enforcement of an emergency situation. Police Department can listen in on the Highway Departments radio system if it is activated from the Highway side.
5. The facility has no security system, intrusion panel, camera surveillance or monitors.
6. The facility lacks security services but the Town Police force visits on a fairly regular basis on their way to re-fuel their vehicles at the Wasted Water Treatment plan location. .
7. There are multiple entrances to the facility
8. Employees not mandated to wear Town issued Photo ID badges.
9. Emergency phone numbers not consistently posted by each phone
10. Phone is part of the Town 4 digit dial system for internal department access.
11. Internal Incident response system follows Town Policy and all verbal and or email threats are reported to police department.
12. Exits are unobstructed and well marked. There were, however, dead bolts installed on an exit door which should be removed.
13. There is not a separate reception area however, renovations are under consideration.
14. Visitors are not required to sign in and out.
15. Visitors are escorted in and out of the facility.
16. Desks are not clear of objects that could be used as weapons.
17. Off-site workers are tacked via daily work assignment sheets.
18. Off site workers have cell phones and radios.
19. Entire perimeter is fenced and the gate is locked every evening.
20. This location does not handle any cash. Checks and credit cards are accepted for some services like street opening permits.
21. According to Mike Yannazzone the facility grounds are adequately illuminated.

#### **OBZPAE Facility**

This building is a former school. It currently houses Zoning, Planning, Code Enforcement, Historic Board of Review, Architecture & Community Appearance, and Historic Board of Review. The OBZPA risk assessment was conducted on August 18<sup>th</sup>, 2014.

1. Facility lacks a formal written security plan.
2. According to one long-term employee, one incident which contained workplace violence potential took place ten or so years ago. The response to said incident was to saw interior doors in half forming Dutch Doors. This is not an adequate solution as these doors are not secure nor are they actually locked.
3. The facility lacks a formal written emergency evacuation plan. Annual emergency evacuation exercises are not held.
4. Entrance doors are open to the public as are the doors entering into the Auditorium. There is no visitor control whatsoever. Once inside the facility one simply walks into which ever department they seek.

Consideration should be given toward re-designing the entry so visitors must stop and state their purpose. Visitors should be escorted into and out of the building. The doors leading into and out of the Auditorium should remain locked unless there is a meeting going on in said room.

5. The facility lacks video camera surveillance.
6. This facility doesn't have a security system as it is a 24 hour operation no does it have panic buttons or alarms to contact other employees or law enforcement in the event of an emergency.
7. Lighting in parking lot and in area surrounding the facility is adequate.
8. A member of the Codes and Building Inspections Department stated they could benefit from having more up-to-date information on the locations they are being deployed to. He stated the Sheriff's Department has a data base on homes, and buildings in the Town wherein past problems have occurred. If this is accurate, the Town should work in concert with the Sheriff's Office to gain access to said information.
9. Employees have photo ID badges but are not mandated to wear them.
10. Facility is on the Town wide 4 digit dial system.
11. Emergency numbers are not posted by all phones.
12. Visitors are not signed in and out of the facility.
13. Visitors are not escorted in and out of the facility.
14. Cash is handled by the departments operating out of this location.
15. There is no formal security service. Town police will drive through on occasion.
16. Door to basement was unlocked. This door should remain locked.

#### **DEME Waste Water Treatment Plant**

The waste water plant risk assessment was conducted on August 18, 2014. The findings are as follows:

1. The facility has an emergency response plan and a spill plan. It is not clear to this consultant if those plans can truly be considered a Security Control Plan.
2. This facility is fenced all along its perimeter. Gate, however, is not locked during the day or at night when employees leave the facility. It used to be controlled by a key / fob control box. That system broke and was not repaired or replaced.
3. Security cameras are non-functioning. The system failed and it was not repaired or replaced.
4. Access to the facility is partially secure. Some of the doors were found to be locked but not all. One could drive into the facility and gain access via an open door.
5. During a focus group meeting it was stated that the keys are left in most if not all vehicles overnight.
6. Facility lacks panic alarms / buttons for employees to alert other employees and or law enforcement in the event of an emergency.
7. This facility lacks video surveillance and a security system. There are no formal security services at this location; the Town Police department will on occasion visit the location and they fuel their vehicles at a fuel depot located very close to the main gate.
8. Lighting in parking lot is fair.
9. Employees have been issued Town Photo ID badges but they are not worn on or off site. Off Site employees also are mandated to wear uniforms.
10. Emergency phone numbers are posted by each phone.
11. The phones are part of the Town wide 4 digit dial system.
12. Visitors are required not required to sign in and out.
13. Visitors are not escorted in and out of the facility.
14. Offsite workers have daily work assignment sheets, in addition to cell phones and radios.
15. Cash is not handled at this location.
16. Floor plans showing exits are posted throughout the facility.

17. There is no formal written emergency evacuation plan.
18. There are no annual emergency evacuation drills.
19. Also noted during the risk assessment:
  - a. Parks employee trimming trees damaged during recent storm was observed operating chainsaw from bucket truck without harness, hearing protection, protective eyewear or hardhat.

#### **Parks Maintenance Building(s)**

The Risk Assessment of this facility was conducted on August 18, 2014. Findings are as follows:

1. This location consists of the Parks Maintenance shop and a metal building. The public doesn't visit this location as per Aric Gorton who accompanied this consultant on this visit. The metal building is used for equipment storage only; no actual work is conducted out of this facility. The shop is used for small engine repair and other minor tasks. The Shop also contains one office a few lockers and one bathroom.
2. This facility has no formal written security plan.
3. This facility has no formal evacuation plan
4. This facility performs no annual evacuation drills.
5. Employees have Town issued ID badges but do not where them.
6. This facility has no security system, cameras, or patrols.
7. This facility is connected to the Towns 4 digit phone system.
8. This facility has one (1) door serving the office and bathroom area.
9. This facility handles no cash or checks.
10. It is unknown if the area has adequate exterior lighting.

#### **Parks Headquarters**

The Risk Assessment of this location was conducted on August 18, 2014. The findings are as follows:

1. This facility lacks a formal security control plan.
2. This facility has no security system, cameras, or alarms.
3. This facility is not protected by a security service. Two part time Parks Rangers do, however, work out of this location as needed.
4. Door controls for this facility are deadbolts only.
5. This facility has no lighting in the parking lot.
6. Employees have Town issued ID badges but do not wear them with the exception of those employees working with children during summer youth programs. Employees working offsite do wear Town provided uniforms.
7. This facility is connected to the Towns 4 digit phone system.
8. This facility has a lot of visitors coming to pay for various parks programs. The door used by visitors is located partially behind the service counter. Consideration should be given to re-designing the counter to better control the flow of visitors.
9. This facility handles at times large amounts of cash. The department strives to always have two persons in the office at all times. Like other departments the Parks has its own system for handling cash & checks and bank runs to make deposits. A more coordinated effort town wide should be considered in terms of cash management / transportation.
10. Visitors are not required to sign in and out nor are they actually escorted in and out of the facility.

11. Off-site workers are tracked via work orders. Off-site workers have cell phones and radios in Town vehicles.

#### **Blue Hill Golf Course**

The risk assessment of this location was conducted on August 18, 2014. The findings are as follows:

1. The golf course is managed by a private company. The only town employees are part time starters and course rangers. Conflicting information relating to the actual number of and type of employees at this location. Stu advised this consultant that he has eight workers at this location who mow and maintain equipment. These would be in addition to part time starters and course rangers.
2. This facility lacks a formal security control plan.
3. It is unknown if this location has any security / safety features such as security cameras, security / intrusion detection system, panic alarms, security patrols and so on.
4. Adequacy of external lighting is unknown.
5. This location doesn't conduct annual evacuation drills nor is there a formal evacuation plan in place.
6. No town employees handle money at the golf course.
7. Door control is lacking at this location. This consultant was able to walk in and through the facility without any problems.
8. Town employees at this location have Town issued ID badges but do not wear them.

#### **Town Hall**

The Risk Assessment of Town Hall was conducted on August 18, 2014. The findings are as follows:

1. This location contains the following offices:
  - a. Finance
  - b. Supervisor
  - c. Receiver of Taxes
  - d. Assessor
  - e. Justice
  - f. Town Attorney
  - g. Personnel
  - h. Police
  - i. Town Clerk
2. Facility lacks a formal written Security Control Plan.
3. Facility lacks adequate door control. Doors are unlocked at 8 am and locked at 6pm. One employee during a Focus Group meeting stated he found a member of the public in the building on a Saturday morning when he came in to perform some work. The Town Hall is a relatively large complex providing a wide range of public services. While there is a "main" entrance. There are doors available for someone to access the building if that was their intention. There is no single point of access to control who actually enters Town Hall. Visitors are not asked to sign in or out nor are they escorted into and out of the building. Some departments have separate interview areas most do not. Some interactions are actually held in the lobby at a table located there.
4. The Supervisors office has a service counter where the employee stationed there will assist those who ask for assistance. People don't have to stop at this desk and many do not.
5. The Finance Department within the Supervisor office handles very little cash, less than \$100 per week. They make bank deposits twice a week. There is a rear exit from the Supervisors office area.



6. The Receiver of Taxes office has a well-built service counter separating the public from the office area. This office has a camera trained on the counter and a panic alarm button. The staff, however, is not trained on how the button is used. The belief is a key has to be inserted into the alarm to activate it. The key is typically used to disarm the alarm. Training on this security measure should be conducted. Access to the Receiver's actual offices is secured by a locked door.
7. The Assessor's office handles no cash. This area has no panic alarm. The Appraisers portion of this office states they wear their Town issued ID badges.
8. The Justice Department portion of this facility has a well-established service counter but the employee entrance door was wide open and could be accessed by anyone wishing to enter. This office handles cash and the money is deposited within 72 hours. There are security cameras in the court rooms and a panic alarm is located behind the bench the Justices sit at. The court has armed courtroom security guards on duty when court is in session. However, there are never more than two (2) Court Security Guards on Duty. This consultant spent a considerable amount of time observing their operation during court sessions and recommends that the minimum staffing level be three (3) guards. It is almost impossible to two guards to properly secure the courtroom environment and its associated lobby environment. Metal detectors are used while the Court is in session.
9. The Personnel Department is located at the end of a fairly long hallway. There is only one way in and one way out of this area. There is no service counter separating those wishing to access the department from the actual offices themselves. The Personnel office has no panic alarm or security cameras.
10. The Police department as one would expect is well secured and served by a well-designed service counter. Access is well controlled.
11. The Town Clerks office has a well-established service counter separating visitors from the offices. This location used to have a panic alarm button located under the service counter. It was removed at some point and never replaced. The Clerk's office handles at times large sums of money. Bank deposits are made 2 – 3 times per week by an office member.
  - a. This facility has several security cameras on the outside of the building and a few internally. The police department manages those cameras via a private company called Goosetown. It is unknown to this consultant if the images captured are retained for any period of time or are erased at the end of each day. Nor is it known to this consultant if the camera locations are re-evaluated to ensure they are in fact in the best possible locations.
12. There is no apparent security system within the facility for after hours intrusion.
13. Parking lot appears to be well illuminated.
14. Employees are issued but not mandated to wear Town issued Photo ID badges.
15. Emergency numbers are not posted by each phone.
16. There is no single reception area at which visitors to Town Hall would gain access to the employees / departments in Town Hall.
17. Visitors are not required to sign in and out.
18. Visitors are not escorted in and out of the facility.
19. All departments are part of the town-wide 4 digit dial phone system.
20. Exits are unobstructed and well marked.
21. Desks contain items that could be used against an employee.
22. Town Hall operations and offices lack a dedicated security patrol / service.
23. Not all workers who work off site leave detailed schedules / itineraries with office staff.
24. It is unclear if all off site workers have cell phones and or radios.
25. The facility lacks a formal written emergency evacuation plan.
26. Annual Emergency evacuation drills are not conducted.

#### Fire Bureau

The risk assessment of this facility was conducted on August 19, 2014. The findings are as follows:

1. The facility lacks a formal written Security control plan. The department has numerous Standard Operating Guidelines but none adequately manages workplace violence situations.
2. Door controls are less than perfect. According to Chief Batman there are five (5) hard keys issued. Anyone can enter the building through the primary door that leads into the Training Room. Once inside the building the actual offices are immediately accessible.
3. There are no panic buttons / alarms to alert employees and or law enforcement of an emergency.
4. The facility lacks video camera surveillance.
5. Facility lacks a security system.
6. Parking lot is not well illuminated.
7. Employees are not mandated to wear Town issued photo ID badges; they instead wear Fire Bureau issued uniforms.
8. Facility is part of the town wide 4 digit dial system
9. Emergency exits are unobstructed and well marked.
10. Visitors are not required to sign in and out of the facility.
11. Visitors are not escorted in and out of the facility.
12. Desks contain items that may be used against the employee.
13. This facility has no security / patrol services.
14. All offsite employees have radios assigned to them.
15. Facility neither manages nor collects cash or checks.
16. Emergency evacuation routes are posted by the doors. No formal evacuation plans exists.
17. Emergency evacuation drills are not conducted.

APPENDIX C

# Town of Orangetown

## Workplace Violence Incident Report

Today's Date: \_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_

Department & Workplace Location: \_\_\_\_\_

Employee Complainant / Victim Name, Job Title and Phone Number

\_\_\_\_\_

Witness Name, Job Title and Phone Number

\_\_\_\_\_

Witness Name, Job Title and Phone Number

\_\_\_\_\_

Witness Name, Job Title and Phone Number

\_\_\_\_\_

Did Police respond to this Incident: YES or NO

Was a Police report Filed: YES or NO

If YES what is the Police report Number \_\_\_\_\_

Were you Injured: Yes or No

If Yes, describe Injuries:

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

Have you received medical treatment and or counseling since this incident: YES or NO.

Did you have any prior reason to believe this incident might occur? YES or NO.

If YES, describe reason:

Detailed Incident Description:

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additional pages if necessary) (Use

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What was the Employee / Complainant doing just prior to the incident?

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Employee Name:

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Employee Signature:

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**TO BE COMPLETED BY EMPLOYER / INVESTIGATOR**

Case Number \_\_\_\_\_

Employee / Complainant Name \_\_\_\_\_

Department and Job Title: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_

Assailant / Perpetrator	X	Name	Address	City	State	Phone
Member of Public						
Employee's Spouse						
Employee's Significant Other						
Employee's Supervisor						
Employee's Co-Worker						
Former Employee						
Other (Specify)						

**Persons Interviewed:**

Name and Contact Information (Attach Separate Statement): \_\_\_\_\_

Name and Contact Information (Attach Separate Statement): \_\_\_\_\_

Name and Contact Information (Attach Separate Statement): \_\_\_\_\_

**Incident Classification:**

Indicate (circle) the type of violence the employee experienced (Level I, II, or III):

Level I

Intimidation, Bullying, Verbal abuse, Minimal harassment, including Shouting, Swearing, Obscene gestures, generally.

Level II

Threat of assault, Elevated harassment, including shouting, swearing or making obscene gestures at directly complainant; Obscene calls, or messages; Following or stalking complainant.

Level III

A. Physical Contact, including, Pushing, Grabbing, Punching, Slapping, Throwing objects, etc.

B. Physical Assault, including Shooting, Stabbing, Striking with an object, Sexual Assault, Homicide,

Provide information on recommended preventative actions that the Town may take as a result of the incident to prevent against further like occurrences:

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Employer / Investigator Name: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_

**FINAL ACTION TAKEN**

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Department Head and/or Town Board: \_\_\_\_\_  
Name / Title

**THIS REPORT MUST BE FILED IMMEDIATELY WITH THE Human Resources Coordinator & the Town Attorney with a copy to the Workplace Violence Prevention Oversight Committee.**

## Town of Orangetown Workplace Violence Prevention Program Employee Focus Groups

March 1, 2011

On August 19, 2014 two (2) Employee Focus Groups were conducted. The first group was held at 9:00am. In attendance were:

1. Aric Gorton
2. Ken Skibinski
3. John Giardiello
4. John Edwards
5. Barbara Dardinski
6. Karen Serafin
7. William Ebers
8. Mike Fallon
9. Bob Yezarsky
10. Charlotte Madigan
11. Rosemarie Maiorano

The second group met at 1:00pm. In attendance were:

1. Keith Bonner
2. Mike Yannazzone
3. Jim Dean
4. Richard Ballard
5. Natalie Schaffer
6. Donna Morrison
7. Bob Simon
8. James Willison
9. Judith Smith
10. Michael McPadden
11. Stephen Munno
12. Karen Jahnes

Each group was asked eight (8) specific questions.

The questions asked were:

1. Do you feel safe at work?
2. What steps has your department / division / unit taken to prevent workplace violence?
3. In your opinion, what are the three leading causes or potential causes of workplace violence in your department and / or in your facility?
4. Have there been incidents of Workplace Violence within your specific work location?
5. If you were the director or department head what practical steps would you take to reduce violence and provide safety to the staff?
6. In your opinion, what are the greatest barriers to implementing these practical steps?
7. Are you satisfied with the current workplace violence prevention programs?
8. Are there any other issues related to Workplace Violence Prevention that you would like to discuss?

This consultant's observation from both meetings was that all in attendance were willing and eager to participate in the process. There exists an overall level lack of understanding and or knowledge of the New York State Workplace Violence Prevention regulation.

Below are this consultants understanding of the responses to each of the eight (8) questions posed to group #1:

1. Do you feel safe at work?  
The majority of participants either expressed they felt safe at work or that they did not feel unsafe. There was mention that the parking lot at the Zoning Department facility used to be an issue.
2. What steps has your department / division / unit taken to prevent workplace violence?  
Responses ranged from "nothing" to other more specific steps taken. Observations included:
  - a. The lobby at the Highway Department was changed to prevent visitors from gaining access to the facility beyond the lobby without permission or escort. Access to inner doors is controlled by a buzzer located behind the counter. Counter was also changed and currently is wide thereby preventing someone from reaching over.
  - b. Prisoner transport vehicle bringing prisoners to court was provided with a designated parking spot.
  - c. Parking lot at the Zoning Department facility was provided with improved lighting.
  - d. Cameras, redesigned counter, and panic alarm button were installed in the Receiver's office.
3. In your opinion, what are the three leading causes or potential causes of workplace violence in your department and / or in your facility?  
The following were provided in response:
  - a. Unhappy customers / taxpayers
  - b. Discrimination by co-workers
  - c. The entrance gate at the Waste Water Treatment plant is "rarely locked". It used to be card access controlled but that system broke and it was never replaced or repaired.
  - d. Lack of communication from management on Workplace Violence Prevention measures.
  - e. The fact that we handle cash
  - f. Lack of security and or barriers to limit public access
  - g. No real plan to deal with potentially violent persons
  - h. The fact that employees are not mandated to wear and visibly display their Employee ID Badges.
  - i. Lack of proper training
  - j. All visitors should be escorted in and out of all buildings.
  - k. Lack of advance notice or warning of persons who have been barred access to a specific Town facility. That information should be shared with every facility so employees are aware of the situation.
  - l. Nature of fire and police business
  - m. Lack of panic buttons and security cameras
4. Have there been incidents of Workplace Violence within your specific work location?  
While no one in the group voiced details of a specific workplace violence incident, the following was noted:
  - a. There were a couple of incidents between employees in the Waste Water facility.
  - b. Incidents of road rage and unhappy motorists driving through road construction projects.
  - c. In the Zoning department people unhappy with decisions made have loudly voiced their concern. In the same department, a member of the community called and stated he was "coming down there with a shotgun". The police were called and responded immediately. They went to the individual's home and instructed him to stop making such statements.



- d. In the Highway Department there was a physical exchange between two employees. Charges were filed and discipline enacted.
  - e. There have in the past been unhappy members of the public both at the counter and the recycling drop off center.
  - f. The Receiver stated he had in the past received a threatening letter. The Receiver also stated that persons in the past have become loud and vocally upset with the actions of the staff.
5. If you were the director or department head what practical steps would you take to reduce violence and provide safety to the staff?
- a. The OBZPAE facility would have a complete security overhaul and a visitor access control plan implemented.
  - b. Conduct a comprehensive security analysis for all Town facilities.
  - c. Mandate that all employees/ volunteers visibly display / wear their ID Badges while at work.
  - d. Monthly meets between management and rank and file to maintain quality communications.
  - e. Town Board should approve sufficient funding to make the changes necessary to better secure the work environment and prevent incidents of Workplace Violence.
  - f. Improve the training for employees so they are fully aware of their roles and responsibilities relative to personal conduct while on the job.
  - g. Improve the exterior lighting at some of the buildings.
  - h. Increase panic buttons, security cameras.
  - i. Increase building security
  - j. Install new or improved barriers separating public from employees
  - k. Increase training on de-escalation and conflict resolution.
  - l. Increase communication and awareness on Workplace Violence Prevention plan.
  - m. Install swipe card or fob access only to all employees and limit public entrance to one door at each building.
  - n. Create and implement a system whereby all employees could be immediately notified if an incident is taking place within one of our facilities. The example was given of colleges and universities providing a text message to all staff and students whenever an incident is underway and providing instructions as to the immediate steps one needs to take to protect themselves.
6. In your opinion, what are the greatest barriers to implementing these practical steps?  
Greatest concern amongst the group was the Town's inability to properly fund needed improvements. Another barrier noted was simply the age and design of certain buildings.  
Other barriers noted included:
- a. Time
  - b. Human nature which is often resistant to change.
  - c. Need to maintain public access
  - d. Managements lack of complete understanding of the situation and or overall lack of concern
  - e. Money
  - f. Lack of communication / interaction between the departments
7. Are you satisfied with the current workplace violence prevention programs?  
The majority responded they were neither satisfied nor dissatisfied rather, for the most part, were unaware of a formal program until today's focus group meetings. A few observations from participants were made as follows:
- a. Lack of communications up and down the chain of command.
  - b. Did not know we had a plan
  - c. Employee conduct unacceptable but not at this time violent.

8. Are there any other issues related to Workplace Violence Prevention that you would like to discuss?  
Responses included the following:  
No other comments, questions or concerns expressed for this question.

## **II. Town of Orangetown Workplace Violence Prevention Policy**

### **Town of Orangetown Workplace Violence Prevention Policy**

The Town of Orangetown, NY is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

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 of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients 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 Art. 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;
- 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.

**Designated Contact Person: Donna A. Morrison**

**Title: Human Resources Coordinator**

**Department: Human Resources**

**Phone: 845.359.6500**

**Email: [dmorrisor@orangetown.com](mailto:dmorrisor@orangetown.com)**

TOWN OF ORANGETOWN HAZARD COMMUNICATION WRITTEN PROGRAM

29 CFR 1910.1200, Hazard Communication Standard, Appendix C

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I. GENERAL

The purpose of this instruction is to ensure that THE TOWN OF ORANGETOWN is in compliance with the OSHA Hazard Communication Standard (HCS) 29 CFR 1910.1200.

The Director of each of the relevant departments, or his written designee, is the overall coordinator of the facility program acting as the representative of THE TOWN OF ORANGETOWN, who has overall responsibility.

In general, each employee in the facility will be appraised of the substance of the HCS, the hazardous properties of chemicals they work with, and measures to take to protect themselves from these chemicals.

II. LIST OF HAZARDOUS CHEMICALS

The Director will maintain a list of all hazardous chemicals used in the facility, and update the list as necessary. The hazardous chemical list will be updated upon receipt of hazardous chemicals at the facility. The list of hazardous chemicals is located at the Department of Parks, Recreation and Buildings, and, in addition, in each building where hazardous chemicals are stored.

Attached hereto are lists of hazardous chemicals stored at the various work sites.

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III. MATERIAL SAFETY DATA SHEETS (MSDS's)

The Director will maintain a Material Safety Data Sheet library on every substance on the list of hazardous chemicals at the various Town work sites. The MSDS will consist of a fully completed OSHA Form 174 or equivalent. MSDS's will be readily available to all employees.

The Director, or his designee, is responsible for acquiring and updating MSDS's, and, in consultation with those persons in charge, or responsible for, each building, shall review same for accuracy and completeness, and to determine if additional research is necessary. All new procurements for the facility must be cleared by the Director. Whenever possible, the least hazardous substance will be procured.

MSDS's that meet the requirements of the HCS must be fully completed and received at the facility either prior to, or at the time of receipt of the first shipment of any potentially hazardous chemical purchased from a vendor. It may be necessary to discontinue procurement from vendors failing to provide approved MSDS's in a timely manner.

## TOWN OF ORANGETOWN HAZARD COMMUNICATION WRITTEN PROGRAM

29 CFR 1910.1200, Hazard Communication Standard, Appendix C

### IV. LABELS AND OTHER FORMS OF WARNING

The Director is designated to ensure that all hazardous chemicals in the facility are properly labeled. Labels should list at least the chemical identity, appropriate hazard warnings, and the name and address of the manufacturer, importer or other responsible party. The Director will refer to the corresponding MSDS to verify label information. Immediate use containers, small containers into which materials are drained for use on that shift by the employee drawing the material, do not require labeling. To meet the labeling requirements of HCS for other in-house containers, refer to the label supplied by the manufacturer. All labels for in-house containers will be approved by the Director prior to their use.

The Director will check on a monthly basis to ensure that all containers in the facility are labeled and that the labels are up-to-date.

### V. TRAINING

Each employee who works with or is potentially exposed to hazardous chemicals will receive initial training on the HCS and the safe use of those hazardous chemicals. Additional training will be provided for employees whenever a new hazard is introduced into their work areas. Hazardous chemical training is conducted by the Gallagher Basset. (Attached is a copy of course outline, training schedules, and a description of course material).

The training will emphasize these elements:

- A summary of the standard and this written program;
- Hazardous chemical properties including visual appearance and odor and methods that can be used to detect the presence or release of hazardous chemicals;
- Physical and health hazards associated with potential exposure to workplace chemicals;
- Procedures to protect against hazards, e.g., personal protective equipment, work practices, and emergency procedures;
- Hazardous chemical spill and leak procedures; and;
- Where MSDS's are located, how to understand their content, and how employees may obtain and use appropriate hazard information.

The Director shall monitor and maintain records of employee training and provide for required training.

### VI. CONTRACTOR EMPLOYERS

The Director will advise outside contractors of any chemical hazards which may be encountered in the normal course of their work on the premises.

### VII. NON-ROUTINE TASKS

HAZARD COMMUNICATION SAMPLE WRITTEN PROGRAM

29 CFR 1910.1200, Hazard Communication Standard, Appendix C

Town employees, before undertaking a non-routine task, e.g., boiler repair, will consult with the Director who will ensure that employees are informed of chemical hazards associated with the performance of these tasks and appropriate protective measures. This will be accomplished by a meeting of supervisors and the OS&H manager with affected employees before such work has begun.

VIII. ADDITIONAL INFORMATION

Further information on this written program, the hazard communication standard, and applicable Material Safety Data Sheets is available at the Department of Parks, Recreation and Buildings.

THE FOLLOWING ITEMS LISTED ARE USED WITHIN TOWN OF ORANGETOWN BUILDINGS:

MSDS SHEETS FOR THESE ITEMS ARE CONTAINED HEREIN

SPARQUAT	ORANGE POWER
CONSUME ECOLYZER	BLOC AID
GERMICIDAL BOWL CLEANER	MILD
GLASS CLEANER	SPARTAN CR 2 (INSECTS)
TNT	BOUNCE BACK
BLEACH	WD-40
AMMONIA	AIR LIFT
BAYWEST LOTION SOAP	ALAX
BORAX	WASP & HORNET SPRAY
SQUARE ONE	COUNTRY BOUQUET
SPARTAN CITRO SHIELD	