

*Athens Town Court*  
PO Box 132, 2 First St., 2<sup>nd</sup> Fl.  
Athens, New York 12015  
(518)945-3360 x1 / (518)945-1372

*Hon. Constance Pazin*  
Town Justice

*Hon. E. Timothy Mercer*  
Town Justice

September 21, 2020

Athens Town Board  
Supervisor Robert Butler

Re: 2020 JCAP Grant

Dear Mr. Supervisor & All Board Members:

This letter is regarding the 2020 JCAP Grant that the Athens Town Court is applying for.

We will be applying for 2 Air Conditioners, new Window Blinds, a new Shredder, a Desk Chair and Reimbursement from COVID Expenses.

The Town Court is requesting that the Athens Town Board adopt a Resolution to authorize the Athens Town Court to apply for this Grant.

Thank you for your attention to this matter. If you should have any questions, please feel free to contact our office and speak with our Judges.

Sincerely,  
Marcia Puorro  
Senior Court Clerk

Cc: Hon. Constance Pazin  
Hon. E. Timothy Mercer



Robert F. Butler, Jr.  
*Supervisor*  
Linda M. Stacey, CMC  
*Town Clerk*  
John J. Farrell  
*Highway Superintendent*

TOWN OF ATHENS  
21 First Street  
Athens, New York 12015  
Phone: (518) 945-1052  
Fax: (518) 945-2176

COUNCIL MEMBERS  
Mary H. Brandow  
Anthony Paluch  
Michael Ragaini  
Shannon Spinner

*Dana L. Pione  
Bookkeeper*

N. Y. S. Unified Court System  
Office of Court Administration

October 6, 2020

RE: 2020 JCAP Grant

Dears Sirs:

The Athens Town Board Held their regular meeting October 5, 2020, with the following members in attendance: Deputy Supervisor Michael Ragaini; Councilwoman Mary H. Brandow; Councilman Anthony Paluch and Councilwoman Shannon Spinner. (Supervisor Robert F. Butler, Jr. was absent.) This represents the entire Town Board.

On the motion of Councilman Anthony Paluch seconded by Councilwoman Mary H. Brandow the following RESOLUTION #2020-34 authoring the Town Court to apply for a 2020 JCAP Grant from the Office of Court Administration, to purchase 2 new Air Conditioners; new Window Blinds; a new Shredder, a Desk Chair and Reimbursement from COVID expenses, was adopted.

Those voting Aye: 4 Councilwoman Brandow	Noes-0
Councilman Ragaini	Absent-1 Supervisor Butler
Councilman Paluch	
Councilwoman Spinner	

The above Resolution was adopted on October 5, 2020

*Linda M. Stacey*  
Linda M. Stacey, CMC  
Town Clerk, Tax Collector



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If you need to save for later and return to the application you will need your ID number and password

RecordID

Password

## Welcome

### A. APPLICATION INFORMATION - TO BE COMPLETED ONLINE

Court Name and Contact Information

### B. CASELOAD - TO BE COMPLETED ONLINE

New Case Filings for 3 Years

### C. GRANT ITEMS - TO BE COMPLETED ONLINE

(Please note: certain items are not allowed and should not be applied for, such as salaries, telephone bills, internet access or annual renewal fees for software.)

Please choose the item needed, enter the quantity of that item, the cost and the priority level. Priority level is either "1" (High - needed immediately); "2" (Medium - needed in the near future); or "3" (Low). You may request numerous items with the same priority. (While "priority level" is given consideration, the Chief Administrative Judge is not bound by your priority assignments when deciding awards.)

### D. SIGNATURE PAGE & SUPPORTING DOCUMENTATION

Applications are not complete until the Signature Page, a certified Board Resolution from the Town or Village, court budget, one estimate per item, and any other required documentation (construction estimates, drawings, price estimates, photographs and invoices, etc.) is received by the Office of Justice Court Support.

After submitting the application online, please print the Signature Page and mail, fax or scan/email it, along with the required documentation to:

Office of Justice Court Support  
Justice Court Assistance Program  
187 Wolf Road, Suite 103  
Albany, NY 12205  
Fax: 518-471-4807  
Email: jcap@nycourts.gov

**Please note: Only one mailed, faxed or scanned/emailed copy of paperwork is needed.**

#### REQUIRED DOCUMENTS:

**SIGNATURE PAGE** - At least one Justice, other than an Associate Village Justice, and the Town Supervisor or Village Mayor must sign the Signature Page.

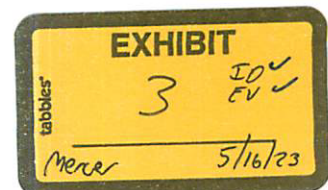
**BOARD RESOLUTION** - Attach a certified copy of the Town or Village Board Resolution stating the Town/Village Board authorizes the Athens Town Court to apply for a JCAP grant in the 2020-21 cycle up to \$30,000.00.

**ANNUAL BUDGET** - Attach a copy of the Court's itemized budget for the most recent municipal fiscal year.

**ESTIMATES** - Only one estimate per item is required.

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**GRANT ELIGIBLE ITEMS:**

**Computer Hardware**

Misc. Servers, backup systems, etc.

**Computer Software**

MS Office, etc.

**\*Computer Support**

Records Management, etc.

\*Please note\* OCA's Division of Technology (DOT) provides The Courtrooms Program, computer equipment such as desktops, laptops, network and personal printers, fax machines and scanners. If you have a question whether certain equipment is available through (DOT), please call 800-622-2922.

**Construction** [Click here and read](#)

Exterior Renovations/Repairs  
Interior Renovations/Repairs  
Audience Seating  
Bench  
Jury Box  
Other construction

**Office Equipment**

Cash Box  
Court Seal  
Label Printer  
Standalone Copy Machine  
Safe  
Stredder  
Telephone  
equipment/installation  
TV/Video

**Security** [Click here and read](#)

Handheld metal detector  
Duress Alarms  
Reception/Pay window  
Video Surveillance  
Walkthrough metal detector  
Other

**Furniture**

Bookcases  
Chairs  
Desks  
File cabinets  
Lectern  
Storage cabinets  
Tables  
Other furniture

**Other**

Air conditioning  
Battery backup/Emergency lights  
Generator  
Audio/PA Systems

**Courtroom Enhancements**

Gavel  
Judicial Robe  
Flags  
Signs  
Wall Seal  
Other

**Please Note:**

The maximum grant award is **\$30,000** per court, **\$60,000** jointly. The maximum grant award for any court that received JCAP funding as a reimbursement to pay for costs responding to the COVID-19 pandemic shall be the difference between \$30,000 and the amount of such reimbursement. JCAP funds are to be spent within 180 days of receipt and the JCAP Reconciliation Report, reflecting all funds have been spent, along with paid receipts, must be returned to OJCS within 180 days. Please call OJCS at 800-232-0630 for further direction if all funds have not been spent.

Applications are due **October 8, 2020**.

**QUESTIONS:** If you have questions about JCAP or need assistance completing the application, please call the Office of Justice Court Support at 1-800-232-0630 or email: [jcap@nycourts.gov](mailto:jcap@nycourts.gov).

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2020-21 Justice Court Assistance Program Grant Application  
Athens Town Court, Greene County

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**INSTRUCTIONS:**

**Online application:** Only justice court personnel shall be designated to submit the application.

**Joint Application:** If applying jointly, click "yes" and set the court which is applying with you.

**Contact Person:** Name of justice court personnel we may contact if additional information is needed.

**E-mail:** Enter your nycourts.gov email address. (Ex. A.Jones@nycourts.gov)

**Address:** Enter court's mailing and physical address.

**Caseload:** List new case filings for the last 3 years.

**Grants:** List JCAP awards for the last 2 fiscal years.

**Items requested (see "construction" and "security" below for additional specific instructions)**

Please submit one estimate per item. These may be pages from catalogs showing the item and price. When ordering from vendors, be sure to request the "State Contract Price".

1. Select level of priority. (1-high, 2-medium, 3-low)
2. Select "item category"
3. Click on "save category" box
4. Choose "item" (click on the box to see options)
5. Enter "quantity" of item ("1" for items that quantity does not apply (construction, etc.))
6. Enter "price" per item
7. Click on "Add New Item" box to total
8. Continue same procedure for each item requested
9. **MUST** add narrative stating the need for each item requested under Grant items, page 5 of 6

**Construction Projects** (These projects require extra documentation and explanation)

Applications seeking a construction grant must submit the following:

- A detailed estimate showing itemized costs of both labor, materials, and scope of work
- A sketch with dimensions of the existing floor plan of the building and room(s) along with proposed floor plans of the building and room(s). Indicate on the floor plan the various points of entry and room names or use
- Photos of the exterior of the building and any interior rooms to be affected

**Security items**

Requests for walkthrough and/or handheld metal detectors cannot be approved unless the court states in the Court Comments section of their online application it has or will have, security personnel to staff the equipment. (Please note: JCAP funds may not be used for judicial or non-judicial staff salaries.)

**Printing Your Application**

You must print your application PRIOR TO clicking "Submit Completed Application". Go to the "file" menu at the top left of the page and choose "print." Print each page separately. Once submitted, you will no longer be able to modify your application.

**Submitting your Application**

Click "Submit Completed Application" to submit the on-line portion of the application. You must print the Signature Page and either mail, fax or scan/email the following documents to complete the process:

- Signature page (signed by the Justice(s) and Mayor or Supervisor)
- Certified Board Resolution
- Court's budget
- One estimate per item
- Additional documents for construction or security requests

**QUESTIONS:** If you have any questions, please call 1-800-232-0630 or email: jcap@nycourts.gov.

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**2020-21 Justice Court Assistance Program Grant Application  
Athens Town Court, Greene County**

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**Part A. APPLICANT INFORMATION** \* indicates required fields

Name of Court: Athens Town Court, Greene County

Type of Application:  Individual  Joint

If Joint, please select the name of Joint Applicant: ▼

**Contact Person:**

Salutation:*	First Name:*	Last Name:*	Court Phone:*
Mrs. ▼	Marcia	Puorro	518-945-3360 x 1

Title:*	Email:*
Court Clerk ▼	Use nycourts.gov email address. Ex. judge@nycourts.gov [REDACTED]@nycourts.gov

Address Information:	Address:*	City:*	State:*	ZIP:*
Court Mailing Address:	P O Box 132	Athens	NY	12015
Court's Physical Address:	2 First Street, 2nd Floor	Athens		12015
<input type="checkbox"/> Same as Court Address				

**Part B. CASELOAD: NEW CASE FILINGS FOR 3 YEARS**

	Criminal:*	Civil:*	VTL:*	Jury Trials*
Year 2019:	151-200 ▼	0-30 ▼	3,001-5,000 ▼	0-30 ▼
Year 2018:	151-200 ▼	0-30 ▼	3,001-5,000 ▼	0-30 ▼
Year 2017:	151-200 ▼	0-30 ▼	3,001-5,000 ▼	0-30 ▼

Has your court had a security assesment performed by the OCA's Dept. Of Pi Safety?  No  Yes

Did you receive a grant in 2019-2020  No  Yes Amount of Award \$802.45

Did you receive a grant in 2018-2019  No  Yes Amount of Award \$645.33

**QUESTIONS** If you have any questions about JCAP or if you need assistance completing the application, call the Office of Justice Court Support at 1-800-232-0630 or email: jcap@nycourts.gov.

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Athens Town Court, Greene County

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C. GRANT ITEMS

Select Priority Level & Item Category. Then select Item, Quantity and Price Per Item. To add an additional item, click the Add New Item button.

Priority	Item Category	Item	Qty	Price Per Item	Total Price	Add New Item
1	Other	Air conditioning	2	\$589.00	\$1,178.00	Delete
<p>*Please note* OCA's Division of Technology provides computer equipment such as desktops, laptops, network and personal printers and fax machines. If you have a question about equipment and whether or not it can be requested through JCAP, please call the Division of Technology at 800-622-2522.</p> <p>Air Conditioners are for the Courtroom and Court Office. Ours are both very old and sometimes don't work.</p>						
2	Courtroom Enhancements	Other	5	\$95.00	\$475.00	Delete
<p>*Please note* OCA's Division of Technology provides computer equipment such as desktops, laptops, network and personal printers and fax machines. If you have a question about equipment and whether or not it can be requested through JCAP, please call the Division of Technology at 800-622-2522.</p> <p>Blinds for the windows</p>						
3	Office Equipment	Shredder	1	\$210.99	\$210.99	Delete
<p>*Please note* OCA's Division of Technology provides computer equipment such as desktops, laptops, network and personal printers and fax machines. If you have a question about equipment and whether or not it can be requested through JCAP, please call the Division of Technology at 800-622-2522.</p> <p>In need of a shredder, the one we have broke</p>						
2	Furniture	Chairs	1	\$148.99	\$148.99	Delete
<p>*Please note* OCA's Division of Technology provides computer equipment such as desktops, laptops, network and personal printers and fax machines. If you have a question about equipment and whether or not it can be requested through JCAP, please call the Division of Technology at 800-622-2522.</p> <p>Judge Pazin is need of a new desk chair.</p>						
1	Other	Other supplies/equipment	1	\$1,004.17	\$1,004.17	Delete
<p>*Please note* OCA's Division of Technology provides computer equipment such as desktops, laptops, network and personal printers and fax machines. If you have a question about equipment and whether or not it can be requested through JCAP, please call the Division of Technology at 800-622-2522.</p> <p>Reimbursement for COVID Supplies bought for our Court Office, Courtroom, Employees and Defendants. Plexiglasa Shields, Protective Barriers, Masks, Gloves, Tape, Cleaning Supplies and Sanitizers.</p>						
2	Security	Video Surveillance, alarm systems, etc.	1	\$3,329.99	\$3,329.99	Delete
<p>*Please note* OCA's Division of Technology provides computer equipment such as desktops, laptops, network and personal printers and fax machines. If you have a question about equipment and whether or not it can be requested through JCAP, please call the Division of Technology at 800-622-2522.</p> <p>Security Camera System for the hallway as well as Court room and Office. Due to COVID especially, clients have to wait in the hallway as well as the courtroom and there is no Security.</p>						

If you need to save for later and return to the application you will need your ID number and password

RecordID  
[Redacted]  
Password  
[Redacted]

If you are applying for a **CONSTRUCTION ITEM**, click the button below.

Click Here

# Justice Court Assistance Program Grant Application

Athens Town Court, Greene County

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## Completing the process

After clicking "Submit Completed Application" below, the signature page will open. To print the Signature Page - select "File" on the toolbar at the top of the screen and then click "Print". If you are having issues printing, or cannot print the entire page, please contact DoT at 800-622-2522.

Please mail, fax, or email your Signature Page and required documentation by October 8, 2020 to:

Office of Justice Court Support  
Attn: JCAP  
187 Wolf Road, Suite 103  
Albany, NY 12205  
Fax: 518-471-4807  
Email: jcap@nycourts.gov

**Applications are not reviewed or considered until the required documentation and Signature page are received.**

### Signature Acknowledgment

I understand that this application will not be reviewed until the signed Signature page is received by the Office of Court Administration, along with any required documents.

Yes

\* indicates required fields

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[Submit Completed Application](#)

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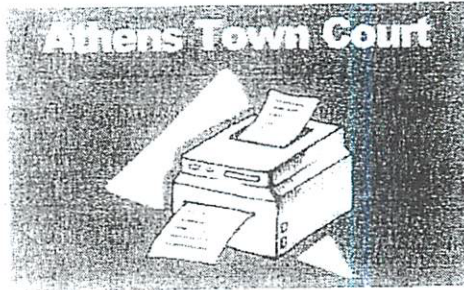
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PO Box 132  
2 First St., 2<sup>nd</sup> Fl.  
Athens, NY 12015  
(518) 945-3360 ext. 1  
(518) 945-1372  
email: athenstowncourt@nycourts.gov



# Fax

<b>To:</b> Office of Justice Court Support	<b>From:</b> Marcia Puorro
<b>Fax:</b> [REDACTED]	<b>Pages:</b>
<b>Phone:</b> 20	<b>Date:</b> 10/07/20
<b>Re:</b> JCAP Grant Signature Page	
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

Following please find the JCAP Grant Signature Page and Estimates for the Athens Town Court.



9/21/2020

JCAP\_Signature\_Page.html

**2020-21 Athens Town Court, Greene County ID: 5718**

**ANNUAL BUDGET:** Court's itemized budget for the most recent municipal fiscal year.

**AUTHORIZATION:** Certified copy of the Local Resolution(s) of the Town or Village Board(s) authorizing this application. The Resolution may simply state the Town or Village authorizes the court to request up to the maximum amount available.

**SUPPORTING DOCUMENTS:** Estimates, Photographs, Floor Plans, etc.

**JUSTICE SIGNATURE:** Original signature(s) required from at least one justice (not an Associate Justice).

Name: Constantine PAZIU Signature: [Signature] Date: 9-21-20

Name: E. Timothy MERLER Signature: [Signature] Date: 9-21-2020

**CERTIFICATION:** Original signature(s) required by Town Supervisor or Village Mayor.

The following signature provides certification that: (1) any funds (and any goods or services) awarded pursuant to this application shall be used only in accordance with the provisions of Chapter 280 of the Laws of 1999 and with all rules and regulations governing the Justice Court Assistance Program; (2) any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures; (3) no funds awarded pursuant to this application shall be used to compensate justices or non-judicial staff or to reduce or otherwise supplant funding provided by a town or village to its justice court.

Signature: [Signature] Name: ROBERT F BUTLER JR.  
 Town Supervisor  Village Mayor (please print)

Date: 10-7-20

**REMEMBER: YOUR JCAP APPLICATION IS SUBMITTED ONLINE ONLY. YOU MUST MAIL, FAX OR SCAN/EMAIL SIGNATURE PAGE & DOCUMENTS REQUIRED ABOVE.**

**Robert F. Butler, Jr.**  
*Supervisor*  
**Linda M. Stacey, CMC**  
*Town Clerk*  
**John J. Farrell**  
*Highway Superintendent*

**TOWN OF ATHENS**  
2 First Street  
Athens, New York 12015  
Phone: (518) 945-1052  
Fax: (518) 945-2176

**COUNCIL MEMBERS**  
**Mary H. Brandow**  
**Anthony Paluch**  
**Michael Ragaini**  
**Shannon Spinner**

*Donald A. Pierro*  
*Bookkeeper*

N. Y. S. Unified Court System  
Office of Court Administration

October 6, 2020

RE: 2020 JCAP Grant

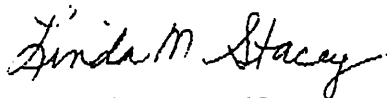
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Those voting Aye-4 Councilwoman Brandow  
Councilman Ragaini  
Councilman Paluch  
Councilwoman Spinner  
Noes-0  
Absent-1 Supervisor Butler

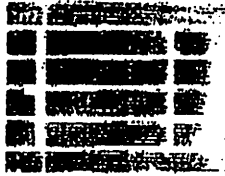
The above Resolution was adopted on October 5, 2020.



Linda M. Stacey, CMC  
Town Clerk, Tax Collector

Town of Athens - General A Fund						
2020 Adopted Budget						
November 18, 2019						
Account #	Departmental	2018 Actual \$	2019 Adopted \$	2019 Estimated Actual	2019 % of Budget	2020 Adopted Budget
1110.1	Justice Personnel	34,662.00	34,978	34,978	100.00%	33,478
1110.11	Justice Clerk Personnel	94,967.85	95,595	98,800	103.35%	98,595
1110.4	Justice Contractual Exp:					
	Consultants/Stenographers	0.00	500	0	0.00%	500
	Dues & Subscriptions	290.00	330	300	90.91%	350
	Office Supplies - General	4,162.15	2,500	2,500	100.00%	2,500
	Postage	1,689.62	3,000	2,700	90.00%	3,000
	Court Security	4,198.40	5,000	4,200	84.00%	4,800
	Seminars/Workshops	270.89	500	300	60.00%	500
	Service Contracts	0.00	0	0	0.00%	250
	JCAP Grant Supplies	1,298.25	0	0	0.00%	0
	Sub -Total Justice Contractual	11,909.31	11,830	10,000	84.53%	11,900
	<b>Total Town Justice</b>	<b>141,539.16</b>	<b>143,403</b>	<b>143,778</b>	<b>100.97%</b>	<b>143,973</b>
1220.1	Town Supervisor - Personnel	43,193.40	43,498	46,000	105.75%	56,383
1220.4	Supervisor Contractual Exp:					
	Office Supplies - General	167.99	500	112	22.40%	400
	Seminars/Workshops	1,818.39	2,000	498	24.90%	500
	Dues & Subscriptions	0.00	0	0	0.00%	50
	Sub Total Supervisor Contractual	1,986.38	2,500	610	24.40%	950
	<b>Total Town Supervisor</b>	<b>45,179.78</b>	<b>45,998</b>	<b>46,610</b>	<b>101.33%</b>	<b>57,333</b>
1330.1	Tax Collector Personnel	2,500.00	2,500	2,500	100.00%	2,500
1330.4	Tax Collector Contractual:					
	Dues & Subscriptions	0.00	30	35	116.67%	50
	Office Supplies	315.28	400	350	87.50%	750
	Computer Software - Annual updates	0.00	0	0	0.00%	2,900
	Postage	2,406.45	2,500	2,500	100.00%	2,750
	Sub Total Tax Collector	2,721.73	2,930	2,885	98.46%	6,450
	<b>Total Tax Collector</b>	<b>5,221.73</b>	<b>5,430</b>	<b>5,385</b>	<b>99.17%</b>	<b>8,950</b>
1355.1	Town Assessor Personnel	44,055.42	43,785	43,785	100.00%	44,385
1355.4	Assessor Contractual Exp:					
	Code Books	386.45	350	730	208.57%	400
	Dues & Subscriptions	135.00	100	100	100.00%	125
	Office Supplies	874.32	250	275	110.00%	350
	Postage	53.31	200	185	92.50%	350
	Re-Val Consultant	2,500.00	2,500	2,500	100.00%	4,000
	Re-Val Data Collectors	0.00	0	0	0.00%	9,900
	Re-Val Travel/Mileage/Postage Reimb	5.77	0	250	0.00%	3,050
	Seminars & Workshops	215.77	1,000	300	30.00%	1,000
	Travel/Mileage - Reimbursement	263.02	600	225	37.50%	350
	Sub Total Assessor Contractual	4,433.64	5,000	4,565	91.30%	19,525
1355.41	Assessment Board of Review Exp	516.42	800	800	100.00%	800
	<b>Total Town Assessor</b>	<b>49,004.48</b>	<b>48,803</b>	<b>49,190</b>	<b>99.12%</b>	<b>64,710</b>

Heating & Cooling : Air Conditioners & Fans : Room Air Conditioners : Window Air Conditioners



**EXCLUSIVE**

**\$589.00**

214

View Q&A

GE 1000-sq ft Window Air Conditioner (230-Volt; 18000-BTU)  
ENERGY STAR

See all the details. Model: FAHC1004

**THIS ITEM IS OUT OF STOCK**

We'll notify you once this item is back in stock.

Enter Email Address



Delivers 18,000 BTUs to cool small rooms up to 1000 sq ft

Connected functionality to fully control your air conditioner from the convenience of a smart device

Connected peace of mind - monitor, schedule and control your air conditioner while home or away with the GE Appliances...

Cooling BTU Rating (BTU)  
18000

**LOWE'S PLANS & SERVICES**  
Add Available Plans and Pro Services in Cart

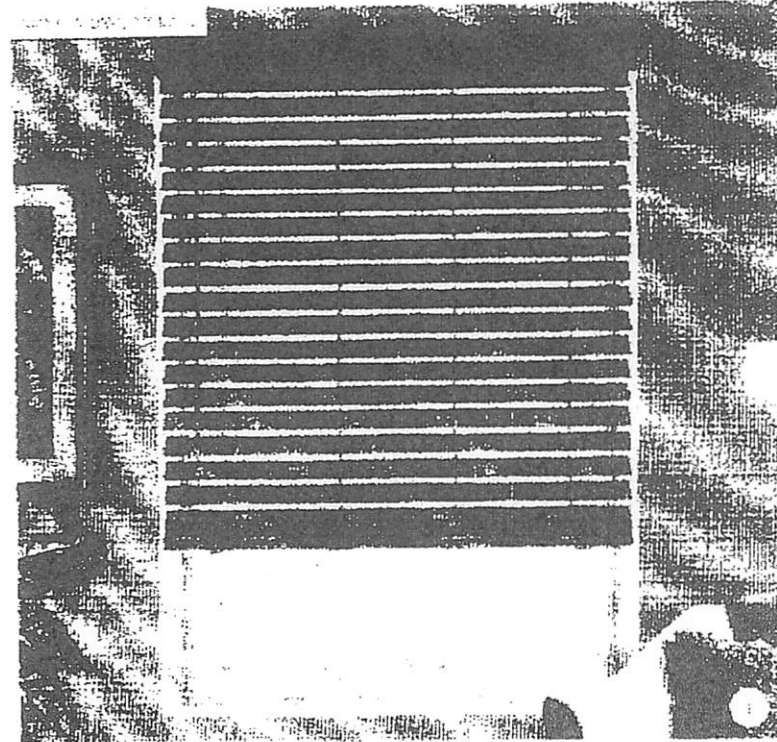
**Store Pickup**  
Use, schedule, or Pickup at Selected Lowe's  
Check Other Stores

**Delivery**  
Currently Unavailable

Overview

65 x 5 = 325 \$

Blinds > Faux Wood Blinds > 2" Premium Faux Wood Blinds



Color Shown: Natural Textured  
Image May Include Upgraded Options

## 2" Premium Faux Wood Blinds

Save 30% + Take Up To Extra 20% Off Details

Made to resist moisture, heat and fading, these customer-favorite faux-woods work great on windows where the sun shines strongest, and will hold their value for years. [More](#)

Today's Sale Price!

**\$63.96**

Starting at \$181.52

4.8 (3,327 Reviews)

In Stock

Your custom made blinds will ship in 5 - 7 business days

Pick Your Color / Get FREE Samples

For a true color comparison, please order a free sample

Bright White Smooth

Bright White Embossed

White Smooth

White Embossed

Antique White Smooth

Antique White Embossed

Alabaster Smooth

Alabaster Embossed

Birch Embossed

Natural Textured

Natural Embossed

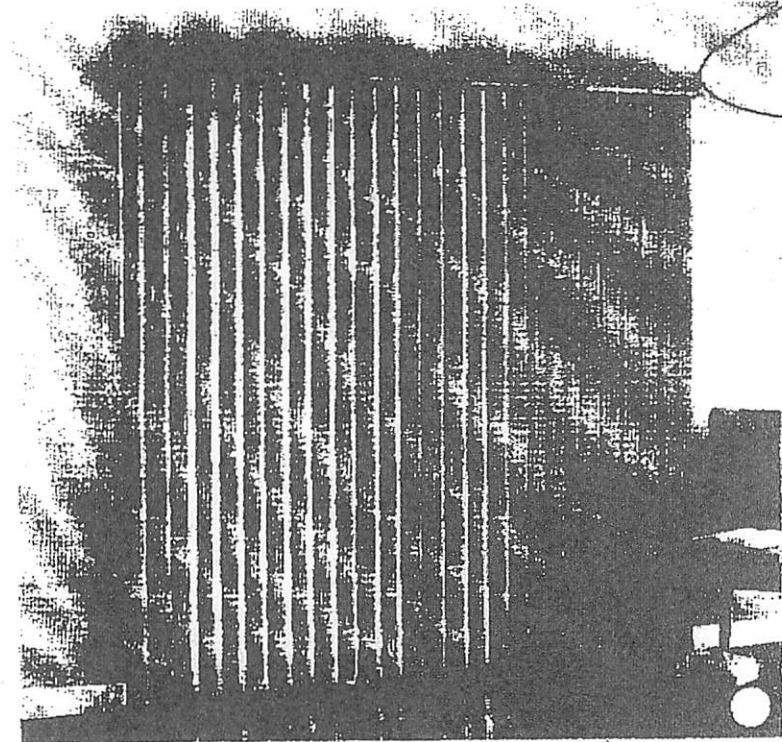
Maple Embossed

[Home](#) > [Blinds](#) > [Vertical Blinds](#) > [Classic Smooth Vertical Blinds](#) > [Classic Smooth Vertical Blinds](#)

[Click here for info](#) [Click here for details](#) [Click here for reviews](#)

\$  
 70x5=400

[Blinds](#) > [Vertical Blinds](#) > [Classic Smooth Vertical Blinds](#)



## Classic Smooth Vertical Blinds

Save 30% + Take Up To Extra 20% Off Details

Today's Sale Price!

**\$79.15**

Starting at ~~\$125.64~~

Cover large windows and sliding glass doors with these budget friendly beauts. The wide  
 vanes and multiple stacking options make it easy to block the sun and protect privacy.  
[More](#)

4.7 (858 Reviews)

In Stock

Your custom made blinds will ship in 18 ~ 20 business days.

Pick Your Color / Get FREE Samples

For a true color comparison, please order a free sample

Ice White

White

Ivory

Off White

Light Beige

Sandstone

Smoke

Light Blue

Color Shown: Sandstone  
 Image May Include Upgraded Options



BRING CLASSROOM LEARNING HOME



[Home](#) > [Shredders](#)

# TRU RED™ 100-Sheet Micro-Cut Autofeed Commercial Shredder (TR-NMC100AFA)

Item #: 24311722 | Model #: TR-NMC100AFA

4.5 [520 Reviews](#) [3 Questions](#) [Share](#)

## \$210.99

1 each



**Delivered FREE Mon, Sep 21**

Next Business-Day delivery Order within 8 hrs 34 mins

1-Hour pick up

Quantity

1

Add to cart

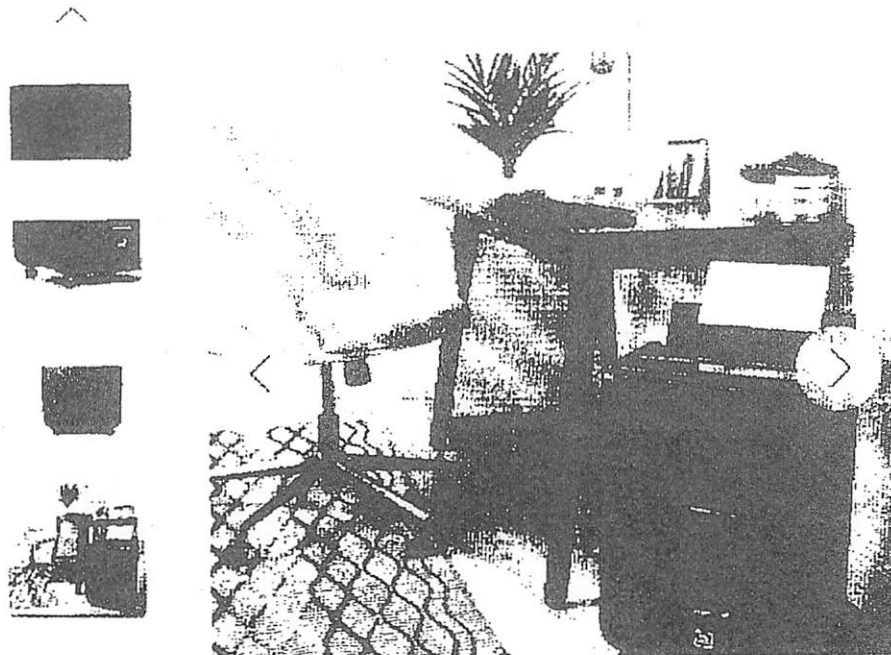
Add to list



### Protect your purchase

2-Year Accident Protection Plan \$59.99  
[Learn more](#)

3-Year Accident Protection \$99.99



[Details](#)

[Specifications](#)

[Reviews/Q&A](#)





Home > Office Chairs

# Staples Mcallum Bonded Leather Manager Chair, Black (51473)

Item #: 2710763 | Model #: 51473

4.5 [1,617 Reviews](#) [6 Questions](#) Share

## \$169.99

1 each

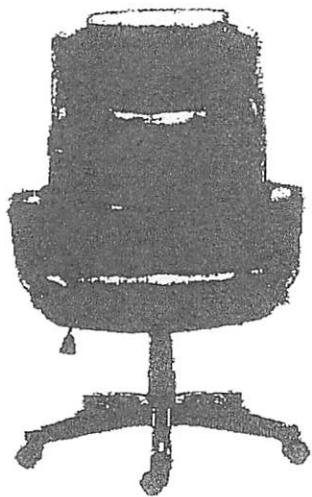
- Delivered FREE tomorrow**  
*Next-Day delivery* Order within 2 hrs 40 mins
- Store pick up

Quantity

1

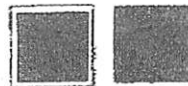
**Add to cart**

Add to list



### Product options

Color: Black



**Assembly** [Learn more](#)

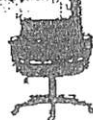
**Details**

Specifications

Reviews/Q&A

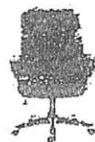
### Customers also purchased

Your product



Staples Mcallum Bonded Leather Manager Chair...  
**\$169.99**

Add to cart



Staples Mcallum Bonded Leather Manager Chair, ...  
**\$169.99**

Add to cart



Staples Osgood High-Back Bonded Leather...  
**\$119.99** ~~\$169.99~~

Add to cart



Staples Kelburne Luxura Faux Leather Comput...  
**\$143.99**

Add to cart



Staples Turcotte Luxura Faux Leather Comput...  
**\$84.99** ~~\$169.99~~

Add to cart

#### Reviews

★★★★☆ 1615

★★★★☆ 1615

★★★★☆ 5022

★★★★☆ 2061

★★★★☆ 4839

#### Delivery Information

Free Next-Day Delivery by tomorrow

Free Next-Day Delivery by tomorrow

Free Next-Day Delivery by tomorrow

Free Next-Day Delivery by tomorrow

Free Next-Day Delivery by tomorrow

Details

Specifications

Reviews/Q&A



RECEIVED



**Justice Court Assistance Program** Oct 7, 2020  
**Request for Reimbursement for**  
**Personal Protective Equipment (PPE)** 187 Wolf Road, Suite 103  
 Albany, NY 12205

Each court may request up to \$1,000.00 from the Justice Court Assistance Program (JCAP) to be reimbursed for personal protective equipment (PPE) purchased on behalf of its justice court. Requests must be supported by receipts for items already purchased. The items below will be considered for JCAP reimbursement, and any amount awarded will offset any further JCAP award during the 2020-21 grant period. Any requests for reimbursement for items not included in the table below must be approved by the supervising judge.

Judicial District: THIRD County: GREENE  
 Court name: ATHENS TOWN COURT  Town Court  Village Court  
 Court address: PO BOX 132, 2 FIRST ST., ATHENS, NY 12015  
 Name of Requestor: MARCUS PUORRO  
 Phone number: (518) 945-3360 x1 Fax number: (518) 945-1372  
 Email address: [REDACTED] @nycourts.gov

Please indicate whether you are requesting reimbursement for each item by checking the box corresponding to that item and supplying the quantity requested, the cost per item, and the total amount requested per item.

Description	Quantity	Cost per item	Amount Requested per item
<input checked="" type="checkbox"/> Disinfecting spray		@ \$	= \$ 36.50
<input checked="" type="checkbox"/> Disinfecting wipes		@ \$	= \$
<input type="checkbox"/> Disposable gloves		@ \$	= \$
<input type="checkbox"/> Face masks		@ \$	= \$
<input type="checkbox"/> Face shields		@ \$	= \$
<input type="checkbox"/> Hand sanitizer		@ \$	= \$
<input type="checkbox"/> Infrared non-contact thermometers		@ \$	= \$
<input checked="" type="checkbox"/> Protective barriers for clerks' and judges' workstations	3	@ \$ 225.-	= \$ 607.50
<input type="checkbox"/> Signage		@ \$	= \$
<input checked="" type="checkbox"/> Temporary plexiglass	1	@ \$ 119.99	= \$ 119.99

Total Amount Requested: 10/6/20 11/13/20 \$ 129.99 \$ 129.99 TOTAL \$ 894.04  
 Date Signed: \_\_\_\_\_ Judge's Signature: \_\_\_\_\_

Notes: \_\_\_\_\_

The Space Below is Reserved for Use by the Reviewing Supervising Judge  
 Approved in full  Approved in part (Amount approved: \$ \_\_\_\_\_)  Denied  
 Date: \_\_\_\_\_ Supervising Judge's Signature: \_\_\_\_\_

Notes: \_\_\_\_\_



7/6/2020

Hi, your account is unconfirmed.

Confirm [redacted]@nycourts.gov for access to all things Etsy.

Resend email [Change your email](#)

- Everyday Finds
- Jewelry & Accessories
- Clothing & Shoes
- Home & Living
- Wedding & Party
- Toys & Entertainment
- Art & Collectibles
- Craft Supplies
- Gifts



Order #1688637262

Purchased from  
[ckvalentidesigns](#) on Jul 1, 2020



**Three-sided Sneeze Guard for Desk or Counter - FREE SHIPPING**

Size: 48"W x 24"H x 15"D

Transaction #1963535723  
Quantity: 3

Price \$225.00

**Payment Method**

Visa ending in 9648  
Paid on Jul 1, 2020  
Your credit card information was not shared with this shop.

**Applied Discounts**

JULY10: 10% off

Item Total	\$675.00
Discount	-\$67.50
<b>Subtotal</b>	<b>\$607.50</b>
Shipping	\$0.00
Sales Tax	\$48.60
<b>Order Total</b>	<b>\$656.10</b>

This item was part of a \$926.08 purchase from multiple shops on Jul 1, 2020

**Order Notes**

ckvalenti **Note from Kate and Chris Valenti**  
Thank you for your purchase. Please stay safe out there.

**Your note to Kate and Chris Valenti**  
You did not add a note

**Shop policies**

**Shop policies**

Last updated on May 6, 2020

Due to the pandemic, our fabrication shop has started making personal protection gear for office workers and medical personnel. You will see new items for sale here including protection barriers and intubation boxes. If you need custom shapes or sizes or large quantities please call our office at 480.736.0074.

**Returns and exchanges**

I don't accept returns, exchanges, or cancellations

7/6/2020

Hi, your account is unconfirmed.

Confirm [redacted]@nycourts.gov for access to all things Etsy.

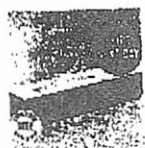
Resend email [Change your email](#)

- Everyday Finds
- Jewelry & Accessories
- Clothing & Shoes
- Home & Living
- Wedding & Party
- Toys & Entertainment
- Art & Collectibles
- Craft Supplies
- Gifts

# Etsy

Order #1698886931

collected Purchased from **BRKprojects** on Jul 1, 2020



**Sneeze Guard, Cough Shields, Counter Window, Protective Guard, Safety Shields, Acrylic Desk Divider, Nail Salon Viral Protection**

Price \$119.99

Size: 30x30"H Window/Cutout: 10"x4"H

Transaction #1963535731  
Quantity: 1



**Sneeze Guard, Cough Shields, Counter Window, Protective Guard, Safety Shields, Acrylic Desk Divider, Nail Salon Viral Protection**

Price \$129.99

Size: 36x30"H Window/Cutout: 10"x4"H

Transaction #1955208388  
Quantity: 1

**Payment Method**

Visa ending in 9848  
Paid on Jul 1, 2020  
Your credit card information was not shared with this shop.

Item Total	\$249.98
Shipping (USPS Priority Mail)	<del>\$26.54</del>
Sales Tax	\$20.00
<b>Order Total</b>	<b>\$269.98</b>

These items were part of a \$926.08 purchase from multiple shops on Jul 1, 2020

### Order Notes

collected **Note from Volkan**  
There's no note from Volkan

**Your note to Volkan**  
You did not add a note

### Shop policies

DOLLAR GENERAL STORE #16748  
9718 ROUTE 9W  
ATHENS, NY 12015  
(518) 945-8906

SCOTT TOWELS 6BR	6.50 S
054000468438-130	
AWESOME CLEANER	1.00 S
722429200167-120	
SCOTT TOWELS 6BR	6.50 S
054000468438-130	
COMET CLEANSE POWDER	1.00 S
810003440235-120	
COMET CLEANSE POWDER	1.00 S
810003440235-120	
DGH CLEANING VINEGAR	1.85 S
035140700503-120	
CLOROX REG BLEACH 43	2.75 S
044600322605-120	
PALMOLIVE ULTRA OXY	2.00 S
036000472403-120	
SOFT SCRUB	3.00 S
023400016020-120	
DGH CLNR BATH LEMON	2.00 S
059647510489-120	
WINDEX VINEGAR TRIG	3.25 S
019800002060-120	
PUMP SPRAYER 1 LITER	5.00 S
430001225308-420	

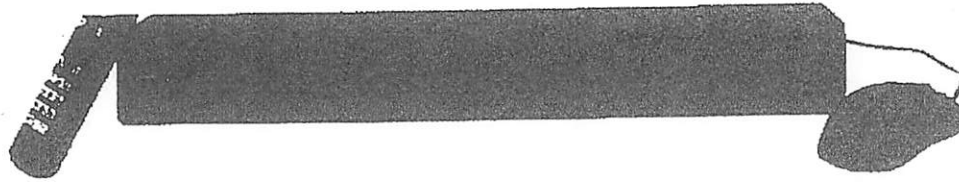
SUBTOTAL	\$33.85
Tax1	\$2.71
<b>TOTAL SALE</b>	<b>\$36.56</b>
MASTERCARD	\$36.56
*****3957	
EXPIRY: **/** CHIP	
AUTH# 116932	
REFERENCE# 80002030708	
AID# A0000000041010	

ITEMS 12  
2020-06-01 10:07:34 16748 02 0075

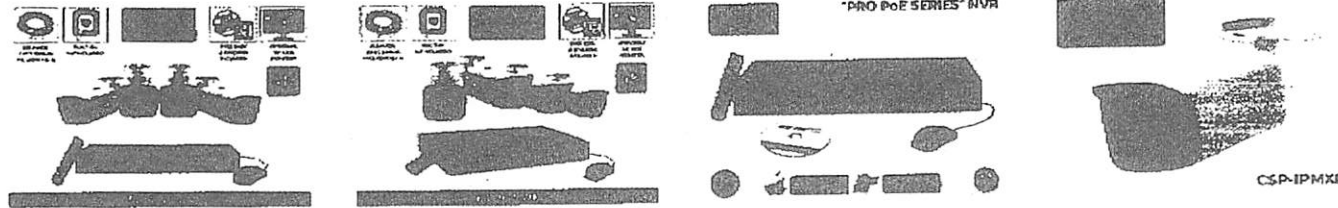


-----CUT HERE-----

888.653.2288



— BLUE LINE —



# 2,329.99

4,000.-  
4/12/2021

**NVR FEATURES**

**\*FREE UPGRADE TO 8CH RECORDER!**

- 4K Ultra High Definition
- 8 PoE Camera Inputs
- Remote Viewing – No Monthly Fees
- H.265 High Video Compression
- 200 Mbps Incoming Bandwidth
- HDMI and VGA Display Output
- 2 Hard Drive Bays

CSP - 4POEMX8-5"

**CAMERA FEATURES**

- 8 Megapixel IP Camera (3840x2160)
- 2.7-13.5mm Motorized Adjustable Lens
- Up to 200ft Infrared Night Vision

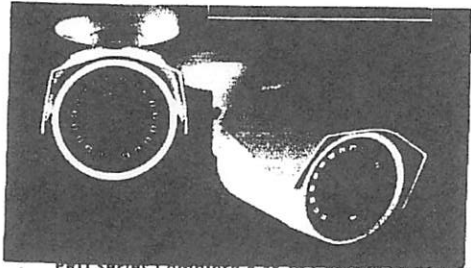
SHIPPING 100% ON-TIME DURING COVID-19! LEARN MORE

Go gle

0 ITEMS



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PRO Series Complete 4K IP Camera System with Free Upgrade to 8 Channel NVR / 4POEMX8-S

MODEL: CSP-4POEMX8-S



PRE-MADE CAT5 CABLES INCLUDED (x 4)



BUILT-IN PoE INCLUDED



HD over CAT5e/6

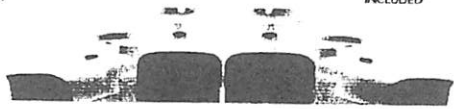


FREE SIGN & STICKERS INCLUDED



OPTIONAL 22" LCD MONITOR

4K



888.653.2288

2 YEAR WARRANTY

TECHNICAL SUPPORT

30 DAY MONEY BACK GUARANTEE

FREE SHIPPING ON ALL ORDERS OVER \$100

New Starlight Cameras with NIGHT STARE™



This Complete IP Security Camera System includes:

- (1) 4 Channel "PRO SERIES" 4K Ultra High Definition Network Video Recorder with Built-in PoE (Power over Ethernet)
- (1) 1 Terabyte Surveillance Grade Hard Drive (installed)

SHIPPING 100% ON-TIME DURING COVID-19: LEARN MORE

Go gle

0 ITEMS

888.653.2288

- DVD Instruction Manual and Quick Start Guide
- Free Remote Viewing Software and Apps
- Video Surveillance Warning Stickers and Aluminum Sign

### Not all cameras are created equal.

Our PRO Series NVR offers the perfect combination of simplicity and performance. This top-of-the-line professional network video recorder is capable of producing superior images up to 4K Ultra High Definition. The unit is designed to include all of the latest and greatest features for viewing live and recorded video including 24/7 recording, motion recording, object masking, mobile alerts, audio and much more. You can easily view your cameras remotely on any smartphone, tablet or computer using our free software and mobile apps. Built-in PoE (power over ethernet) makes this unit ideal for simple plug and play setup. The PRO Series NVR includes 2 internal hard drive bays for extra video storage when needed. You will not find a better or more reliable unit for your business or home.

This 4K Ultra High Definition security camera system package includes our professional-grade 8MP IP infrared bullet cameras with motorized adjustable lens and powerful night vision of up to 200ft. This camera leverages the latest Starlight technology to display colorful images in low light conditions. Other advanced features of this camera include WDR used to combat any glare from intense lighting as well as the latest H.265 high video compression technology for longer video storage time. The motorized adjustable lens offers you the flexibility to focus on objects

SHIPPING 100% ON-TIME DURING COVID-19! LEARN MORE



0 ITEMS

**Marcia Puorro**

---

**From:** Marcia Puorro  
**Sent:** Tuesday, December 1, 2020 10:09 AM  
**To:** Kathleen M. Roberts  
**Subject:** RE: Athens Town Court's 2020-21 JCAP Application  
**Attachments:** img12012020\_0001.pdf

Good morning Kathleen. Attached please find the Estimate for installation of the Security System we asked for with our JCAP Grant Application. If you need anything else, please let me know.

Thank you for your help with this, I appreciate it.

Have a good day –  
Marcia

**From:** Kathleen M. Roberts <[REDACTED]@nycourts.gov>  
**Sent:** Wednesday, November 25, 2020 3:03 PM  
**To:** Marcia Puorro <[REDACTED]@nycourts.gov>  
**Cc:** Constance Pazin <[REDACTED]@nycourts.gov>; Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>; Jeremy Zeliger <[REDACTED]@nycourts.gov>; Monique Crawford <[REDACTED]@nycourts.gov>  
**Subject:** Athens Town Court's 2020-21 JCAP Application

Good afternoon Marcia.

Thank you for taking my call today regarding Athens Town Court's 2020-21 JCAP Application.

As discussed, the Department of Public Safety (DPS) is in the process of reviewing the Court's JCAP application and is requesting a new estimate that includes a breakdown of labor and itemized cost of materials as well as the exact location of where each camera will be placed. Please be sure the estimate is on the Companies letterhead.

Kindly provide us with this new estimate by December 1, 2020.

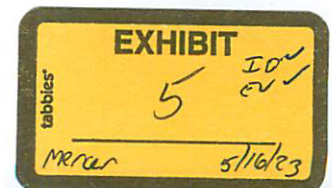
Thank you.

Kathy



Kathleen M. Roberts  
Assistant Court Analyst  
Office of Justice Court Support  
187 Wolf Road, Suite 103  
Albany, NY 12205  
518-238-4339 / Fax: 518-438-3518

Please be CAREFUL when clicking links or opening attachments.



**Mercer Associates**

Athens, NY 12015

# Estimate

Date	Estimate #
9/2/2020	1702208

**Name/Address**

Town of Athens  
 2 First Street  
 Athens, New York 12015

Description	Due Date	Rep	Project
	Qty	Cost	Total
CSP -4POEMX8-S 4 Camera Remote viewing with two hard drive bays (1) 4 Channel "PRO SERIES" 4K Ultra High Definition Network Video Recorder with Built-in POE (Power over Ethernet) (1) 1 Terabyte Surveillance Grade Hard Drive (installed) (4) IP 8MP Indoor/Outdoor Infrared Bullet Security Cameras with Motorized Zoom Lens and up to 200ft Night Vision (4) 100 Foot Premade CAT5 Cables or 1000 Foot Spool (Optional) High Definition LCD Monitor is OPTIONAL DVD Instruction Manual and Quick Start Guide Free Remote Viewing Software and Apps Video Surveillance Warning Stickers and Aluminum Sign Installation of 4 camera, Clerks transaction window, Courtroom east and west wall corners and 2 nd floor hallway waiting area main Data bank installed in Clerks Office area on West wall Sales Tax exempt	1	2,329.99	2,329.99
	1	1,000.00	1,000.00
		0.00%	0.00
		<b>Total</b>	<b>USD 3,329.99</b>

Phone #	Fax #
[REDACTED]	518-945-2944

E-mail
[REDACTED]@msn.com

Signature Cassid A. Mercer

**Marcia Puorro**

---

**From:** [REDACTED]@msn.com  
**Sent:** Tuesday, December 1, 2020 8:13 AM  
**To:** Marcia Puorro  
**Subject:** Estimate 1702208 from Mercer Associates  
**Attachments:** Est\_1702208\_from\_Mercer\_Associates\_2520.pdf

Dear Marcia :

Please review the attached estimate you requested for Court Security.  
Feel free to contact us if you have any questions.

We look forward to working with you.

Sincerely,

Carrol A. Mercer  
Estimator

Mercer Associates  
518-859-1356

Microsoft Word document with attachments from external sender.



Mercer Associates

Athens, NY 12015

# Estimate

Date	Estimate #
9/2/2020	1702208

### Name/Address

Town of Athens  
 2 First Street  
 Athens, New York 12015

Description	Due Date	Rep	Project
	Qty	Cost	Total
CSP -4POEMX8-S 4 Camera Remote viewing with two hard drive bays (1) 4 Channel "PRO SERIES" 4K Ultra High Definition Network Video Recorder with Built-in POE (Power over Ethernet) (1) 1 Terabyte Surveillance Grade Hard Drive (installed) (4) IP 8MP Indoor/Outdoor Infrared Bullet Security Cameras with Motorized Zoom Lens and up to 200ft Night Vision (4) 100 Foot Premade CAT5 Cables or 1000 Foot Spool (Optional) High Definition LCD Monitor is OPTIONAL DVD Instruction Manual and Quick Start Guide Free Remote Viewing Software and Apps Video Surveillance Warning Stickers and Aluminum Sign	1	2,329.99	2,329.99
Installation of 4 camera, Clerks transaction window, Courtroom east and west wall corners and 2 nd floor hallway waiting area main Data bank installed in Clerks Office area on West wall Sales Tax exempt	1	1,000.00	1,000.00
		0.00%	0.00
<b>Total</b>			<b>USD 3,329.99</b>

Phone #	Fax #
[REDACTED]	518-945-2944

E-mail
[REDACTED]@msn.com

Signature Carol d. Mercer

STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
2500 Pond View  
Suite 210  
Castleton-On-Hudson, NY 12033  
(518) 285-8300

**Lawrence K. Marks**  
Chief Administrative Judge

**Gerald W. Connolly**  
Third District Administrative Judge

**Vito C. Caruso**  
Deputy Chief Administrative Judge  
Courts Outside New York City

January 22, 2021

Mrs. Marcia Puorro  
Athens Town Court  
P O Box 132  
Athens, NY 12015

Dear Mrs. Puorro:

We are pleased to advise you the Athens Town Court has been awarded a grant under the 2020-21 cycle of the Justice Court Assistance Program (JCAP).

JCAP was established by the New York State Legislature in 1999, at the request of the Unified Court System, to help provide our State's town and village courts with the resources and equipment necessary to fulfill their critical role in our justice system. In 2020, JCAP funding reimbursed over 400 courts for expenses incurred responding to the coronavirus pandemic, including, among other things, purchasing personal protective equipment (PPE) and building protective barriers.

The Athens Town Court is one of 187 courts receiving JCAP funding this year. Details regarding your award are set forth on the enclosed 2020-21 Justice Court Assistance Program Award Reconciliation Report. Funds will be sent on or before April 1, 2021 to your municipality via direct deposit or check and must be spent within 180 days. If the amount you spend purchasing the items(s) approved on the enclosed JCAP Reconciliation Report is less than the amount awarded, leftover funds are not to be used to offset the cost of another grant item awarded at a set monetary amount. Please contact the Office of Justice Court Support at 800-232-0630 for further direction. The Reconciliation Report, along with paid receipts that certify total amount spent, are required to be returned to the Office of Justice Court Support via fax: (518) 471-4807 or e-mail: [jcap@nycourts.gov](mailto:jcap@nycourts.gov).

Gerald W. Connolly  
Third District Administrative Judge

cc: Elizabeth A. Garry, Presiding Justice Appellate Division  
Hon. Vito C. Caruso, Deputy Chief Administrative Judge  
Courts Outside New York City



# 2020-21 Justice Court Assistance Program Award Reconciliation Report

Please fax this Report along with paid receipts to the dedicated JCAP Fax Number 518-471-4807, email jcap@nycourts.gov or mail to: Office of Justice Court Support, 187 Wolf Road, Suite 103, Albany, N.Y.12205

**In the space provided below, please sign and indicate the exact amount spent**

**\*Funds to be spent within 180 days of receipt**

Athens Town Court, Greene County

District: 3

Item Category	Item Name	Approved Quantity	Item Approved Total
Other	Air conditioning	0	\$0.00
Courtroom Enhancements	Other	0	\$0.00
Office Equipment	Shredder	0	\$0.00
Furniture	Chairs	0	\$0.00
Other	Other supplies/equipment	0	\$0.00
Security	Video Surveillance, alarm systems, etc.		\$3089.99
<b>Total Amount of Grant</b>			<b>\$3,089.99</b>

**SPECIAL NOTE REGARDING AWARD DISBURSEMENTS:**

Your Town Supervisor or Village Mayor should receive a check for the amount of the grant or the grant amount will be sent via direct deposit to your municipality. All grant recipients are reminded that, as required by law, funds received hereunder may not be used for purposes other than the purchase of the item(s) set forth on the enclosed award form or used to offset the cost of another grant item awarded at a set monetary amount. Also, as stipulated in the municipal certification accompanying the application for your grant, "any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures."

\*Please submit paid receipts indicating funds were spent on approved items along with this Reconciliation Report within 180 days from receipt. Remember to save your receipts for at least three years for audit and review purposes. **If the amount you spend purchasing the item(s) approved on this Report is less than the amount awarded, leftover funds are not to be used to offset the cost of another grant item. Please contact OJCS at 800-232-0630 for further direction.**

**Total Amount Spent:** \_\_\_\_\_

**By signing this form, I affirm that all the above approved items were purchased.**

**Date:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**FOR OJCS USE ONLY**

Application #	5030	Attachments	_____
Vendor ID#	1000002072	Approval Date	_____
Voucher#	_____	Grant Amt	_____
Submit Date	_____	Final Approval	_____
	AO Date		_____
	DN/SP		_____
	Business Unit		_____



# State of New York

A

REMITTANCE ADVICE for CHECK NO. 08073440

NOTICE: To access remittance information on any one of your NYS payments, visit <https://esupplier.sfs.ny.gov/>

Agency Code and Description	Tele Inquiry No	Voucher No	Payee Reference/Invoice No	Ref/Inv Date	Payment Amount
UCS02 Admin and General Support	212/428-2850	00110982	20-21 JCAP Grant App # 5030	01/13/21	3,089.99

GOV'T ENTITIES, VENDORS, NOT-FOR-PROFITS:

Non-Negotiable

Check Total

\$3,089.99

Go to <http://www.osc.state.ny.us/state-vendors> for Electronic Payments Information

DETACH HERE BEFORE CASHING ↓

PLEASE CASH WITHIN 180 DAYS

02598638

\$3,089.99

## State of New York

DEPARTMENT OF TAXATION AND FINANCE  
DIVISION OF THE TREASURY

FEBRUARY 19, 2021

UCS02

Check No. 08073440

29-55  
213

A

KNOW YOUR ENDORSER

\$3,089.99

Pay to the Order of ATHENS TOWN OF

*Thomas P. DiNapoli*  
Thomas P. DiNapoli  
State Comptroller

KeyBank N.A.

*Michael R. Schmidt*  
Michael R. Schmidt  
Commissioner, Dept. of Taxation and Finance



EXHIBIT  
tabbles  
SD ✓  
EV ✓  
Mencar  
5/10/23

# Thank you Edward!

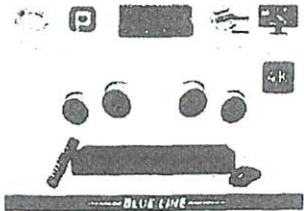
Your order number is 142037

Your order was sent to us but is currently awaiting payment. Once we receive the payment for your order, it will be completed. If you've already provided payment details then we will process your order manually and send you an email when it's completed.

Your password has been saved.

## Order Summary

1 Item



1 x IP Security Camera System with 4 IP Microphone Cameras and 8 Channel NVR / 4POEMIC8

\$1,569.99

1. Network Video Recorder Free Upgrade to 8 Channel NVR Model CSP-PROPOE8 (Free During Promo)

2. Hard Drive 1 TB (included)

3. Cameras 4 x IP Security Cameras

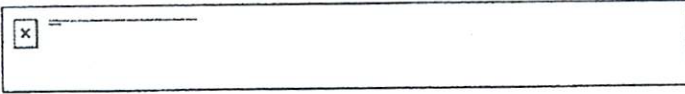
4. Cable Length 4 x 100ft Premade CAT5 Cable Model CSP-C100



No rating available

██████████@msn.com

**From:** CCTV Security Pros <sales@cctvsecuritypros.com>  
**Sent:** Thursday, June 3, 2021 2:30 PM  
**To:** ██████████@msn.com  
**Subject:** Your CCTV Security Pros Order Confirmation (#142037)



## Thank You for Your Business

This email is to confirm the receipt of your recent order. Your order will be shipped promptly. Packages are sent signature required. Please inspect all products within 30 days of receipt.

### Need Tech Support?

We encourage you to visit our Tech & Setup page for quick answers to most questions or to schedule a prompt callback from a live representative. Please be sure to reference your order number which can be found in the subject line of this email. Click on the below link for access now:

<http://www.cctvsecuritypros.com/support.html>



Your order ID is #142037. A summary of your order is shown below. To view the status of your order [click here](#).

### Shipping Address

Edward Mercer  
mercerc associates  
██████████  
Athens, New York 12015  
United States  
██████████

### Billing Address

Edward Mercer  
mercerc associates  
██████████  
Athens, New York 12015  
United States  
██████████

### Your Order Contains...

Cart Items	SKU	Qty	Item Price	Item Total
IP Security Camera System with 4 IP Microphone Cameras and 8 Channel NVR / 4POEMIC8 (1. Network Video Recorder: Free Upgrade to 8 Channel NVR Model CSP- PROPOE8 (Free During Promo), 2. Hard Drive: 1 TB (included), 3. Cameras: 4 x IP Security Cameras, 4. Cable Length: 4 x 100ft Premade CAT5 Cable Model CSP-C100, 5. Crimping	CSP-4POEMIC8	1	\$1,569.99 USD	\$1,569.99 USD



Packing Slip

**CCTV Security Pros**

2050 Springdale Rd  
STE 600  
Cherry Hill, NJ 08003

Ship To: Edward Mercer  
MERCER ASSOCIATES  
[REDACTED]  
ATHENS, NY 12015-6305 US

Order # 142037  
Date 6/3/2021  
User 19421  
Ship Date

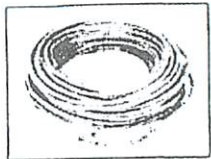
Item	Description	Price	Qty	Ext. Price
CSP-4POEMIC8	IP Security Camera System with 4 IP Microphone Cameras and 8 Channel NVR / 4POEMIC8 1. Network Video Recorder: Free Upgrade to 8 Channel NVR Model CSP-PROPOE8 (Free During Promo), 2. Hard Drive: 1 TB (included), 3. Cameras: 4 x IP Security Cameras, 4. Cable Length: 4 x 100ft Premade CAT5 Cable Model CSP-C100, 5. Crimping Tool for Use with CAT5 Spool: Not Needed, 6. Monitor: Not Needed	\$1,569.99	1	\$1,569.99



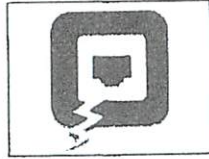
# IP Security Camera System with 4 IP Microphone Cameras and 8 Channel NVR / 4POEMIC8

~~\$2,599.99~~ **\$1,569.99**

MODEL: CSP-4POEMIC8



PRE-MADE  
CAT5 CABLES  
INCLUDED (x 4)

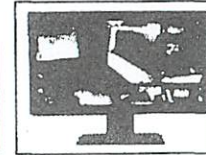


BUILT-IN  
PoE INCLUDED

**IP MEGAPIXEL**  
HD over CAT5e/6

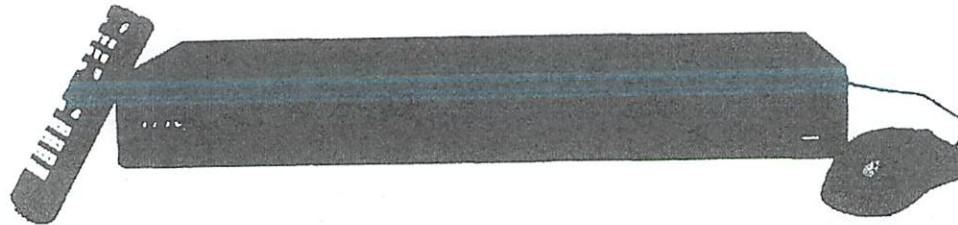


FREE SIGN  
& STICKERS  
INCLUDED



OPTIONAL  
22" LCD  
MONITOR

**4K**



Go **gle**

Verified Customer Reviews



## NVR FEATURES

### \*FREE UPGRADE TO 8CH RECORDER!

- 4K Ultra High Definition
- 8 PoE Camera Inputs
- Remote Viewing – No Monthly Fees
- H.265 High Video Compression
- 200 Mbps Incoming Bandwidth
- HDMI and VGA Display Output
- 2 Hard Drive Bays

## CAMERA FEATURES

- 8 Megapixel IP Camera (3840×2160)
- Built-in Microphone
- 2.8mm Lens (110° Wide Angle View)
- Up to 100ft Infrared Night Vision
- Starlight - low light performance
- H.265 Video Compression
- Weatherproof - Indoor/Outdoor (IP67)
- Wide Dynamic Range (120dB)
- Power Over Ethernet - PoE
- Measurement: 3.97" H x 4.33" D

### Approximate Distances:

Identify (Up to 25ft)

Recognize (Up to 49ft)

Detect (Up to 245ft)

### **SELECT YOUR OPTIONS:**

1. Network Video Recorder:

Free Upgrade to 8 Channel NVR Model CSP-PROPOE8 (Free During Promo)

Go gle

Verified Customer Reviews

- 2. Hard Drive: 1 TB (included)
- 3. Cameras: 4 x IP Security Cameras
- 4. Cable Length: 4 x 100ft Premade CAT5 Cable Model CSP-C100
- 5. Crimping Tool For Use With CAT5 Spool: Not Needed
- 6. Monitor: Not Needed

QTY:  1

**ADD TO CART**

As low as \$149/month with

**EXTRA SAVINGS**  
AT CHECKOUT NOW WITH COUPON CODE

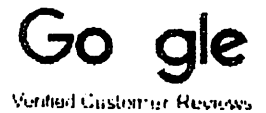
**SUPERIOR PRODUCTS  
3 YEAR WARRANTY**

**LIVE USA  
TECHNICAL SUPPORT**

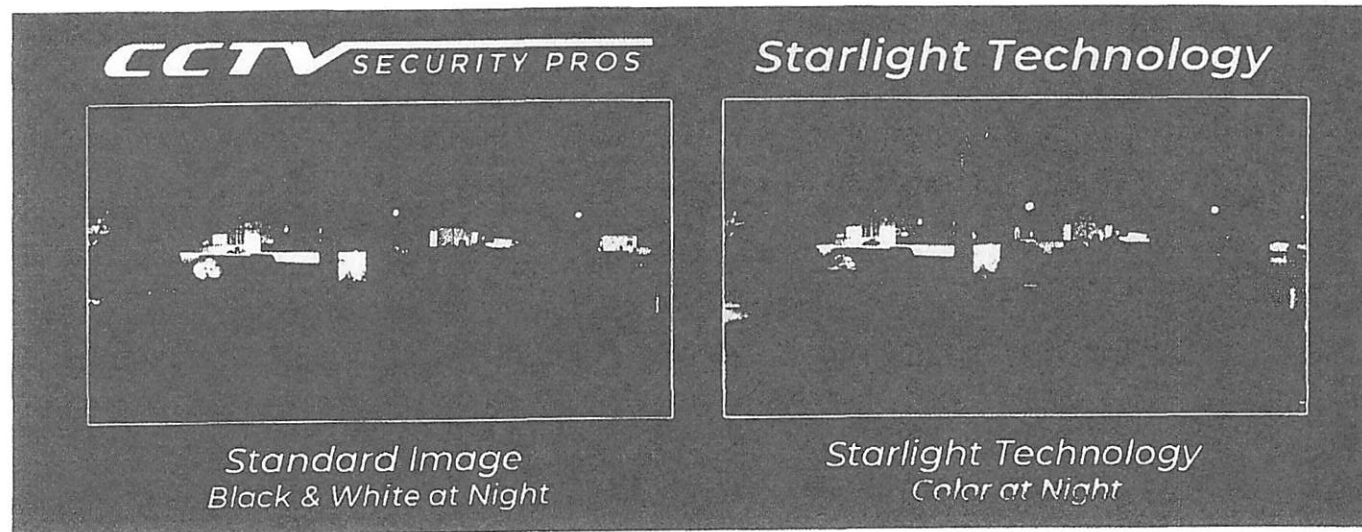
**30 DAY MONEY BACK  
GUARANTEE**

**FREE SHIPPING  
ON ALL ORDERS OVER \$100**

Need both video and audio surveillance? Our "MIC8" IP cameras combine 4k ultra high definition video with a built-



in microphone for audio recording. This complete solution also provides starlight night vision of up to 100 foot in complete darkness. The dome cameras can be used both indoor and outdoor and are vandal proof. This system is perfect for high end business or commercial use. The 4K network video recorder provides you with the latest and greatest in functionality with motion detection, automatic motion alerts, object counting, and remote internet viewing from anywhere in the world. There are no additional monthly fees and the live viewing cell phone app is free. Our systems are easy to install, come with a three year warranty, and money back satisfaction guarantee. Enjoy exceptional video and audio surveillance with this complete all in one system.



**This Complete IP Security Camera System includes:**

- (1) 8 Channel "PRO SERIES" High Definition Network Video Recorder with Built-in POE (Power over Ethernet)
- (1) 1 Terabyte Surveillance Grade Hard Drive (installed)
- (4) IP 8MP Indoor/Outdoor Vandal Resistant Infrared Dome Security Cameras with 2.8mm Lens and up to 100ft Night Vision



- (4) 100 Foot Premade CAT5 Cables or 1000 Foot Spool (Optional)
  - High Definition LCD Monitor is OPTIONAL
  - DVD Instruction Manual and Quick Start Guide
  - Free Remote Viewing Software and Apps
  - Video Surveillance Warning Stickers and Aluminum Sign
- 

## See and hear what's going on.

Our PRO Series NVR offers the perfect combination of simplicity and performance. This top-of-the-line professional network video recorder is capable of producing superior images up to 4K Ultra High Definition. The unit is designed to include all of the latest and greatest features for viewing live and recorded video including 24/7 recording, motion recording, object masking, mobile alerts, audio and much more. You can easily view your cameras remotely on any smartphone, tablet or computer using our free software and mobile apps. Built-in PoE (power over ethernet) makes this unit ideal for simple plug and play setup. The PRO Series NVR includes 2 internal hard drive bays for extra video storage when needed. You will not find a better or more reliable unit for your business or home.

This complete HD security camera system package includes our professional-grade 8MP infrared eyeball dome style camera has a fixed 110 degree extra wide-angle lens and powerful night vision of up to 100ft. This well designed camera also has a built-in microphone for audio recording. This camera leverages the latest Starlight technology to display colorful image in low light conditions. Other advanced features of this camera include WDR used to combat any glare from intense lighting as well as the latest H.265 high video compression technology for increased video storage capacity. Built-in PoE (power over ethernet) makes this camera ideal for simple plug and play setup. This

camera is the perfect choice for super high definition with audio.

This Complete High Definition IP Security Camera System comes with everything needed for complete installation. It includes a 3 Year Warranty, Free USA Technical and Support and 100% Money Back Guarantee.

Installation of our IP camera systems is simple and easy. A simple step-by-step guide is included with every system.

We also include live USA based Technical Support available Monday through Friday. We are happy to answer any questions and assist you at (888) 653-2288.



GET A FREE  
**ONLINE QUOTE**  
TODAY!

[CLICK HERE](#)

CCTV

## RELATED PRODUCTS

**Professional 4K IP Security Camera System with 2 IP Cameras and 4 Channel NVR / 2POEB8-S**

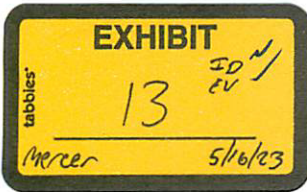
**Model: CSP-2POEB8-S**

**Dome 4K IP Security Camera with**

**Model: CSP-IPMIC8**



Verified Customer Reviews



VOUCHER

TOWN OF ATHENS
Athens Town Clerk
2 First Street
Athens, NY 12015-1393

DEPARTMENT Justice 1110.4 JCAP

CLAIMANT'S NAME AND ADDRESS Mercer Associates
Athens, NY 12015

WRITE IN DATE VOUCHER ENTERED

This is to be paid from our JCAP Grant money

App was sent in for \$3,329.99 they gave us a check for \$3,089.99 which leaves a difference of \$240.00

Please take that amount out of our Security Budget Line to equal the \$3,329.99

Thank you - Marcia

DETAILED INVOICES MAY BE ATTACHED, AND TOTAL ENTERED ON THIS VOUCHER. CERTIFICATION BELOW MUST BE SIGNED.

Table with columns: DATE, VENDOR'S INVOICE NO., QUANTITY, DESCRIPTION OF MATERIALS OR SERVICE, TOTAL. Row 1: 7-6-21, 11283, 4, Court Office & Hall Security Cameras (See Attached) Installation of Security Cameras, 3,329.99

CLAIMANT'S CERTIFICATION

Marcia R. Puerto certify that the above account in the amount of \$ 3,329.99 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7-6-21 DATE Marcia R. Puerto SIGNATURE Senior Court Clerk TITLE

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

7-6-2021 DATE [Signature] AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

[Signature] [Signature]

Mercer Associates

[Redacted]  
Athens, NY 12015

# Invoice

Date	Invoice #
7/6/2021	11283

**Bill To**

Town of Athens  
2 First Street  
Athens, New York 12015

P.O. No.	Terms	Due Date	Account #	Project
JCAP Grant	Upon Completion	7/6/2021		
Description	Qty	Rate	Amount	
CSP -4POEMICX8-S 4 Camera Remote viewing with two hard drive bays (1) 4 Channel "PRO SERIES" 4K Ultra High Definition Network Video Recorder with Built-in POE (Power over Ethernet) (1) 1 Terabyte Surveillance Grade Hard Drive (installed) (4) IP 8MP Indoor/Outdoor Infrared Bullet Security Cameras with Motorized Zoom Lens and up to 200ft Night Vision (4) 100 Foot Premade CAT5 Cables or 1000 Foot Spool (Optional) High Definition LCD Monitor is OPTIONAL DVD Instruction Manual and Quick Start Guide Free Remote Viewing Software and Apps Video Surveillance Warning Stickers and Aluminum Sign	1	2,329.99	2,329.99	
Installation of 4 camera, Clerks transaction window, Courtroom east and west wall corners and 2 nd floor hallway waiting area main Data bank installed in Clerks Office area on West wall Sales Tax exempt	1	1,000.00	1,000.00	
		0.00%	0.00	
<b>Total</b>			<b>USD 3,329.99</b>	
<b>Payments/Credits</b>			<b>USD 0.00</b>	
<b>Balance Due</b>			<b>USD 3,329.99</b>	



**VOUCHER**

**TOWN OF ATHENS**  
Athens Town Clerk  
2 First Street  
Athens, NY 12015-1393

WRITE IN THIS AREA NUMBER 288

DATE VOUCHER RECEIVED \_\_\_\_\_

FUND - APPROPRIATION	AMOUNT
A 1110.4 JCAP	3089.99
1110.4 Ct. Security	240.00
TOTAL	3329.99
ENTERED ON ABSTRACT NO. _____	

DEPARTMENT Justice 1110.4 JCAP

CLAIMANT'S NAME AND ADDRESS  
Mercer Associates  
[Redacted]  
Athens, NY 12015

DETAILED INVOICES MAY BE ATTACHED, AND TOTAL ENTERED ON THIS VOUCHER. CERTIFICATION BELOW MUST BE SIGNED.

TERMS \_\_\_\_\_ PURCHASE ORDER NO. \_\_\_\_\_

DATE	VENDOR'S INVOICE NO.	QUANTITY	DESCRIPTION OF MATERIALS OR SERVICES	UNIT PRICE	AMOUNT
7-6-21	11283	4	Court Office & Hallway Security Cameras (See Attached)		2,329.99
			Installation of Security Cameras		1,000.00
TOTAL					3,329.99

(SEE INSTRUCTIONS ON REVERSE SIDE)

**CLAIMANT'S CERTIFICATION**

I, Marcia R. Puorro, certify that the above account in the amount of \$ 3,329.99 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7-6-21 DATE      Marcia R. Puorro SIGNATURE      Senior Court Clerk TITLE  
(SPACE BELOW FOR MUNICIPAL USE)

**DEPARTMENT APPROVAL**

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

7-6-2021 DATE      [Signature] AUTHORIZED OFFICIAL

**APPROVAL FOR PAYMENT**

This claim is approved and ordered paid from the appropriations indicated above.

[Signature]      [Signature]  
DATE      AUDITING BOARD

**mercer131@msn.com**

---

**From:** Robert Butler [REDACTED]@acolarusso.com>  
**Sent:** Thursday, July 15, 2021 1:59 PM  
**To:** Hon E. Timothy Mercer; Robert Butler  
**Cc:** Don Pierro; Constance Pazin; Marcia Puorro; [REDACTED]@mercerplg.com  
**Subject:** RE: Athens Town Court JCAP Award 2021

Tim,

As of right now we will be holding any payment made to Mercer Associates. We are currently reviewing everything to see if there has been a violation committed by using your own firm or any firm that you would benefit from financially. The line here is very blurred as to what's allowed and what is not. We just want to make sure everything is correct to prevent any issues in the future.

**From:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
**Sent:** Thursday, July 15, 2021 1:51 PM  
**To:** Robert Butler <[REDACTED]@townofathensny.com>; Robert Butler <[REDACTED]@acolarusso.com>  
**Cc:** Don Pierro <[REDACTED]@townofathensny.com>; Constance Pazin <[REDACTED]@nycourts.gov>; Marcia Puorro <[REDACTED]@nycourts.gov>; [REDACTED]@mercerplg.com  
**Subject:** Athens Town Court JCAP Award 2021

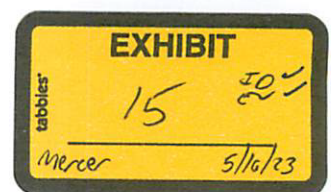
Rob attached you will find the paperwork requested this morning. I believe the paperwork is in order. let me know if you need anything else.

- A. 10/07/2020 JCAP Grant Signature Page showing all items on the Application signed by Judges on 9/21/2020 and submitted by Marcia Puorro, senior Court Clerk.
- B. Estimate to the Town of Athens Court ( JCAP ) grant from Mercer Associates
- C. Item Description of system used and "Cost" . and labor Itemized per OCS sent in BY Marcia 11/25/2020 email.
- D. Award notice to Athens Town Court stating the Award check will be sent out on Feb 19, 2021
- E. A copy of the check dated 02/19/2021 for \$3,089.99 to be spent within 180 days to the Town of Athens Budget Officer. JCAP only awarded the Security Camera System, rejecting the other 5 items on the application.

As you can see OCS approved the Grant for the Athens Town Court. The entire time my sincere belief was that I was billing through the Grant application! Being funded by OCS through the Town of Athens. I didn't feel it was being performed for the Town of Athens.

Don has mentioned to our Senior Court Clerk and provided Town Ethics noted in the Town handbook. I strongly believe I didn't break them as it wasn't a contracted Job/Project "with the Town of Athens .

I would ask you review the documents and get back to me. The Town has been issued the check in Feb and the project has been completed. The resolution has been passed by the Town Board for payment/transfer of funds the Office of OCS provided to the Town for the awarded JCAP Grant.



Regards,  
E. Timothy Mercer

***Hon. E. Timothy Mercer***  
**Town Justice**

**2 First Street**  
**P.O. Box 132**  
**Athens, NY. 12015**

**PH. 518-945-3360 Ext. 1**  
**Fax 518-945-1372**

Judge Mercer, Athens Town ethically issue

Tim MERCER <[REDACTED]@msn.com>

Wed 7/21/2021 3:35 PM

To: David Dellehunt <[REDACTED]@nycourts.gov>

Cc: Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>; paulmsalvino@[REDACTED] <paulmsalvino@[REDACTED]>

Judge Dellehunt, it has come to my attention that my town, Town of Athens is looking into an ethical issue with me. I performed billable labor that was in our approved JCAP application for Mercer Associates, my Company. It was materials and labor to install security cameras.

I would like to possibly discuss this with you to get in front of the problem, well the problem is there, I feel you should know in advance the details.

It was given to our town Attorney under the direction of the town bookkeeper and Town Supervisor. I don't know if or how they are proceeding with this. I don't know if they contacted the State.

I don't feel I broke any "Town" ethics, but do know just the look of impropriety is enough with OCS. I have had numerous issues with the Town over the past year as to how they handle the "Athens Town Court" and we can review them as needed.

From what I hear it's in the Town Attorneys hands. I have not spoken to him prior to this email to state my position.

Could you please contact me to discuss going forward.

Regards

Hon. E. Timothy Mercer

Tim Mercer

[REDACTED]@msn.com

[REDACTED]

Please be CAREFUL when clicking links or opening attachments from external senders.





**From:** [redacted]@msn.com [mailto:[redacted]@msn.com]  
**Sent:** Wednesday, August 18, 2021 8:29 AM  
**To:** Don Pierro  
**Cc:** [redacted]@mercerplg.com  
**Subject:** Past Due :Statement from Mercer Associates

Dear Don Pierro :  
Bookkeeper  
Town of Athens

Your past due statement is attached. Please remit payment at your earliest convenience.

Thank you for your business - we appreciate it very much!

Sincerely,

Mercer Associates

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



**Mercer Associates**

Athens, NY 12015

Date
8/18/2021

To:
Town of Athens 2 First Street Athens, New York 12015

Amount Due	Amount Enc.
USD 3,396.58	

Date	Transaction	Amount	Balance
06/30/2021	Balance forward		0.00
07/06/2021	INV #11283. Due 07/06/2021. exempt --- 16 Electrical & Lighting, 1 @ USD 2,329.99 = 2,329.99 --- (1) 4 Channel "PRO SERIES" 4K Ultra High Definition Network Video Recorder with Built-in POE (Power over Ethernet) (1) 1 Terabyte Surveillance Grade Hard Drive (installed) (4) IP 8MP Indoor/Outdoor Infrared Bullet Security Cameras with Motorized Zoom Lens and up to 200ft Night Vision (4) 100 Foot Premade CAT5 Cables or 1000 Foot Spool (Optional) High Definition LCD Monitor is OPTIONAL DVD Instruction Manual and Quick Start Guide Free Remote Viewing Software and Apps Video Surveillance Warning Stickers and Aluminum Sign --- 22 Specialty, 1 @ USD 1,000.00 = 1,000.00 --- main Data bank installed in Clerks Office area on West wall --- Tax: Capital Improvement @ 0.0% = 0.00	3,329.99	3,329.99
08/18/2021	INV #FC 27. Due 08/18/2021. Finance Charge --- Fin Chg USD 66.59 --- Invoice #11283 for 3,329.99 on 07/06/2021	66.59	3,396.58

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
66.59	0.00	3,329.99	0.00	0.00	USD 3,396.58

Mercer Associates



Athens, NY 12015

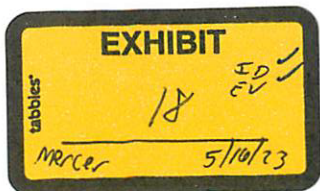
# Finance Charge

Date	Invoice #
8/18/2021	FC 27

Bill To
Town of Athens 2 First Street Athens, New York 12015

COPY

		Terms
Description	Amount	
Finance Charges on Overdue Balance Invoice #11283 for 3,329.99 on 07/06/2021	66.59	
	<b>Total</b>	USD 66.59
	<b>Payments/Credits</b>	USD 0.00
	<b>Balance Due</b>	USD 66.59



**From:** [Hon E. Timothy Mercer](#)  
**To:** [David Dellehunt](#)  
**Subject:** Re: Judge Mercer Athens Town Court  
**Date:** Friday, November 19, 2021 9:10:01 AM

---

Thanks Dave, I have consulted my lawyer when this first started in July and will be watching for emails and or calls from the Commission.

I still feel today this is a retaliation from our Town bookkeeper over my questioning many practices he used in dealing with Our Court! From payroll, State Pension, harassments in the Town building with employees and numerous other situations I presented to the Town Board about his behavior. All for less than \$400 profit by my company supplying and installing the cameras, hardware, setting up the software, programing and donating a \$620 LG monitor for the clerks office.

Feeling very frustrated,

Tim

**Hon. E. Timothy Mercer**  
Town Justice

2 First Street  
P.O. Box 132  
Athens, NY. 12015

PH. 518-945-3360 Ext. 1  
Fax 518-945-1372

---

**From:** David Dellehunt <[REDACTED]@nycourts.gov>  
**Sent:** Thursday, November 18, 2021 3:55 PM  
**To:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
**Cc:** Tim MERCER <[REDACTED]@msn.com>  
**Subject:** RE: Judge Mercer Athens Town Court

This is the first I am hearing about the matter since our last conversation. I am not sure who questioned Marcia but perhaps it was an investigator from the Commission. Typically the Judge is not informed until they file a formal complaint. You may wish to preliminarily speak with counsel to protect your interests.

Dave

**From:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>



**Sent:** Thursday, November 18, 2021 2:44 PM  
**To:** David Dellehunt <[REDACTED]@nycourts.gov>  
**Cc:** Tim MERCER <[REDACTED]@msn.com>  
**Subject:** Judge Mercer Athens Town Court

Judge Dellehunt, I just returned from a two week vacation in California. While I was out Marcia, our clerk informed me that the Ethics Committee called her regarding the J-Cap Grant. Asked many questions and concluded the Conversation.

I am asking if you can update me on the matter as we have discussed in July on the phone. As of today, the Town of Athens has not said anything to me or the Town Attorney! Actually, there has been no communication with me at all.

Please advise if I will be needing any representation on my behalf as no one has asked me, or contacted my company. The Bookkeeper refused to pay the billing invoice to Mercer associates since early July. I have removed the hardware and software with my donated 36" monitor for the Camera's. I have four cameras still to remove and fill the holes. So we will be removing all supplied equipment with no payment from the Town. To this date, I do not think the Town has returned the J-Cap funding to the Town.

Thanks again for your help.

Hon. E. Timothy Mercer

Athens Town Court  
2 First Street  
Athens, New York. 12015  
Phone 518-945-3360  
Fax 518-945-1372  
Mobile [REDACTED]

Please be CAREFUL when clicking links or opening attachments.

Mercer Associates

# Invoice

Athens, NY 12015

Date	Invoice #
12/30/2021	11283

**PAID**

Bill To

Town of Athens  
2 First Street  
Athens, New York 12015

P.O. No.	Terms	Due Date	Account #	Project
JCAP Grant	Upon Completion	12/30/2021		
Description		Qty	Rate	Amount
CSP -4POEMICX8-S 4 Camera Remote viewing with two hard drive bays (1) 4 Channel "PRO SERIES" 4K Ultra High Definition Network Video Recorder with Built-in POE (Power over Ethernet) (1) 1 Terabyte Surveillance Grade Hard Drive (installed) (4) IP 8MP Indoor/Outdoor Infrared Bullet Security Cameras with Motorized Zoom Lens and up to 200ft Night Vision (4) 100 Foot Premade CAT5 Cables or 1000 Foot Spool (Optional) High Definition LCD Monitor is OPTIONAL DVD Instruction Manual and Quick Start Guide Free Remote Viewing Software and Apps Video Surveillance Warning Stickers and Aluminum Sign		1	2,329.99	2,329.99
Installation of 4 camera, Clerks transaction window, Courtroom east and west wall corners and 2 nd floor hallway waiting area main Data bank installed in Clerks Office area on West wall		1	1,000.00	1,000.00
REMOVAL OF CSP -4POEMICX8-S 4 Camera Remote viewing with two hard drive bays (09/24/2021 )		-1	2,329.99	-2,329.99
REMOVAL OF 4 camera, Clerks transaction window, Courtroom east and west wall corners and 2 nd floor hallway waiting area		-1	1,000.00	-1,000.00

Please makepayment through ChasePay

Total
Payments/Credits
Balance Due



Mercer Associates

Athens, NY 12015

# Invoice

Date	Invoice #
12/30/2021	11283

**PAID**

Bill To

Town of Athens  
2 First Street  
Athens, New York 12015

**COPI**

P.O. No.	Terms	Due Date	Account #	Project
JCAP Grant	Upon Completion	12/30/2021		
Description		Qty	Rate	Amount
main Data bank installed in Clerks Office area on West wall (10/22/2021) REMOVAL OF LG 42" Monitor supplied/Donated by Mercer (10/22/2021)		1	0.00	0.00T
JCAP Terminated. Town to Return all Funds to NY State				
Sales Tax exempt			0.00%	0.00
Please makepayment through ChasePay			<b>Total</b>	USD 0.00
			<b>Payments/Credits</b>	USD 0.00
			<b>Balance Due</b>	USD 0.00

January 17, 2022

Hon. E. Timothy Mercer  
Athens Town Justice  
Athens Town Court  
2 First St., 2<sup>nd</sup> Floor  
Athens, New York 12015

Re: File No.2021/A-0198

Peter Pedrotty  
Senior Attorney  
Commission on Judicial Conduct

I, Hon. E. Timothy Mercer being duly sworn, deposes and says:

I am Edward Timothy Mercer, duly elected Town Justice of the Town of Athens Justice Court. I am the owner and sole proprietor of Mercer Associates. In anticipation of a JCAP application, on September 2, 2020, Mercer Associates submitted an estimate to the Town of Athens Town Board for the purchase and installation of a security camera system for the Town of Athens Justice Court.

On October 5, 2020, the Town of Athens Town Board approved the application submittal by the Town of Athens Justice Court.

On October 7, 2020, The Town of Athens Court submitted the JCAP application electronically which included the September 2 estimate from Mercer Associates.

On November 25, 2020, Kathleen Roberts, JCAP representative, requested more detailed information about the estimate. On that date a response was sent with a drafted floor plan and camera location detail and all other information requested.

January 22, 2021, The Town of Athens Court was notified of the JCAP grant award.

Towards the end February, 2021, the JCAP grant award check was received at the Town of Athens Town Court and forwarded to the Town of Athens Bookkeeper.

Mercer Associates proceeded to secure equipment as detailed in the September 2, 2020 estimate to prepare for installation. Due to the COVID-19 outbreak, supply of the equipment was delayed and not received until June 9, 2021.

Upon receipt of the equipment, Mercer Associates began installation of the equipment per the specifications as detailed to JCAP on November 25, 2020. Installation was completed on July 6, 2021.





On July 6, 2021, a voucher for payment (#288) was submitted for payment by Mercer Associates.

On or about August 9, 2021, the Town Bookkeeper advised that he was not going to pay the voucher.

On or about August 10, 2021, E. Timothy Mercer spoke with Town Supervisor, Robert Butler regarding the Mercer Associates invoice who advised that the Town Board was going to the State through the Town of Athens attorney to determine whether or not to pay the invoice.

While in the Town Building, I spoke with the Town Bookkeeper and advised him that since over 30 days had elapsed since submitting the voucher for payment, interest would be added to the invoice amount. The Bookkeeper advised me that he would not be paying the voucher.

At that time, it occurred to me that there could be an appearance of impropriety where my company was billing the Town of Athens for work in the Town of Athens Court.

The equipment was subsequently removed by Mercer Associates and the Mercer Associates invoice withdrawn.

No payment was received by Mercer Associates for the purchase, installation and removal of the equipment.

ALLEGATION 1: Mercer Associates purchased and installed security cameras in violation of Town of Athens procurement policies.

RESPONSE: I deny the allegation that the security cameras were purchased and installed in violation of the Town of Athens procurement policies. Mercer Associates purchased and installed security cameras and invoiced the Town of Athens \$3,329.99.

ALLEGATION 2: E. Timothy Mercer awarded Mercer Associates the Purchase Package for Security Cameras.

RESPONSE: I admit the truth of allegation 2.

ALLEGATION 3: E. Timothy Mercer installed the security cameras.

RESPONSE: I admit the truth of allegation 3.

ALLEGATION 4: E. Timothy Mercer directed Senior Court Clerk, Marcia Puorro to submit the voucher to the Town of Athens in the amount of \$3,329.99 that included all services provided by Mercer Associates for the purchase and installation of the security system.

RESPONSE: I admit the truth of allegation 4. On July 6, 2021 I directed that the voucher, signed by me, be submitted for payment.

ALLEGATION 5: The Town Board refused to pay the voucher.

RESPONSE: I deny knowledge or information sufficient to form a belief as to the truth of this allegation. I believe that the Town Board approved and four members of the Board had signed the voucher on July 6, 2010.

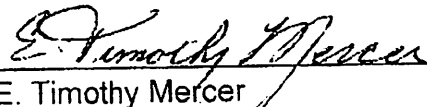
ALLEGATION 6: E. Timothy Mercer rudely demanded payment from the Town of Athens Bookkeeper.

RESPONSE: I admit that I requested payment from the Town Bookkeeper and deny the allegation that I acted rudely when doing so.

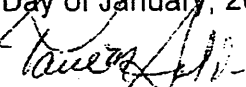
ALLEGATION 7: E. Timothy Mercer threatened and subsequently submitted an invoice from Mercer Associates adding an interest charge.

RESPONSE: I admit that I advised Town of Athens bookkeeper that because payment had not been made and approximately 45 days had passed since the voucher was submitted that interest would be added. I further admit that I submitted an invoice from Mercer Associates adding an interest charge for late payment.

I have read the forgoing answers and know the contents thereof. The same are true to my knowledge, except as to those matters therein stated to be alleged on information and belief and as to those matters I believe them to be true. To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous, as defined in Section c of section 130-1.1 of the rules of the Chief Administrator.

  
\_\_\_\_\_  
E. Timothy Mercer  
Town Justice  
Town of Athens Court

Sworn to before me this 16<sup>th</sup>  
Day of January, 2022

  
\_\_\_\_\_  
Notary Public

Town of Athens				
Official Document Distribution - Town Handbook (11/4/21), Procurement Policy & Ethics Code				
to Elected Officials and Staff				
as of 11/9/21				
Item #	First Name	Last Name	Town Title	Signature
1	Mary	Brandow	Council	Mary Brandow
2	Lynn	Brunner	Historian	Lynn Brunner
3	Dawn	DeRose	Assessor	Dawn DeRose
4	John	Farrell	Supt. Of Highways	John Farrell
5	Albert	Gasparini	Code Enforcement	Albert Gasparini
6	Edward T.	Mercer	Justice	Edward T. Mercer
7	Anthony	Paluch	Council	Anthony Paluch
8	Constance	Pazin	Justice	Constance Pazin
9	Donald	Pierro	Fin/Budget Specialist	Donald A. Pierro
10	Margaret	Pieruzzi	Clerk	Margaret A. Pieruzzi
11	Michael	Pirrone	Supervisor	Michael Pirrone
12	Marcia	Puorro	Justice Clerk	Marcia Puorro
13	Michael	Ragalni	Council	Michael Ragalni
14	Shannon	Spinner	Council	Shannon Spinner
15	Kathy	Sprague	Assessment Clerk	Kathy A. Sprague
16	Linda	Stacey	Town Clerk	Linda M. Stacey
17	Gail	Stacey	Deputy Clerk	Gail Stacey
18	Sherry	Vieta	Dog Control Officer	Sherry Vieta
19	Ruth	Wittlinger	Justice Clerk	Ruth Wittlinger

EXHIBIT  
 22  
 ID# EV  
 Mercer 5/16/23

# 2020-21 JUSTICE COURT ASSISTANCE PROGRAM AWARD RECONCILIATION REPORT

Please fax this Report along with paid receipts to the dedicated JCAP Fax Number 518-471-4807, email jcap@nycourts.gov or mail to: Office of Justice Court Support, 187 Wolf Road, Suite 103, Albany, N.Y.12205

In the space provided below, please sign and indicate the exact amount spent

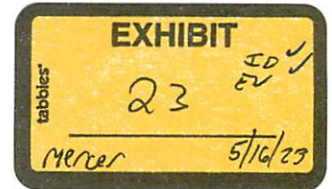
\*Funds to be spent within 180 days of receipt

Athens Town Court, Greene County

District: 3

Item Category	Item Name	Approved Quantity	Item Approved Total
Other	Air conditioning	0	\$0.00
Courtroom Enhancements	Other	0	\$0.00
Office Equipment	Shredder	0	\$0.00
Furniture	Chairs	0	\$0.00
Other	Other supplies/equipment	0	\$0.00
Security	Video Surveillance, alarm systems, etc.		\$3089.99
<b>Total Amount of Grant</b>			<b>\$3,089.99</b>

*Funds Returned*



**SPECIAL NOTE REGARDING AWARD DISBURSEMENTS:**

Your Town Supervisor or Village Mayor should receive a check for the amount of the grant or the grant amount will be sent via direct deposit to your municipality. All grant recipients are reminded that, as required by law, funds received hereunder may not be used for purposes other than the purchase of the item(s) set forth on the enclosed award form or used to offset the cost of another grant item awarded at a set monetary amount. Also, as stipulated in the municipal certification accompanying the application for your grant, "any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures."

\*Please submit paid receipts indicating funds were spent on approved items along with this Reconciliation Report within 180 days from receipt. Remember to save your receipts for at least three years for audit and review purposes. If the amount you spend purchasing the item(s) approved on this Report is less than the amount awarded, leftover funds are not to be used to offset the cost of another grant item. Please contact OJCS at 800-232-0630 for further direction.

Total Amount Spent: \_\_\_\_\_

By signing this form, I affirm that all the above approved items were purchased.

Date: 5/23/22 Print Name: Constance PAZIN Signature: [Handwritten Signature]

**FOR OJCS USE ONLY**

Application #	<u>5030</u>	Attachments	_____
Vendor ID#	<u>1000002072</u>	Approval Date	_____
Voucher#	_____	Grant Amt	_____
Submit Date	_____	Business Unit	_____
		Final Approval	_____



## NY CLS Jud, Art. 21-B

Current through 2021 released Chapters 1-630

*New York Consolidated Laws Service > Judiciary Law (Arts. 1 — 23) > Article 21-B Justice Court Assistance Program (§§ 849-h — 849-k)*

## Article 21-B Justice Court Assistance Program

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### History

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Add, L 1999, ch 280, § 1, eff July 20, 1999.

Annotations

### Notes

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#### 1999 Legislative Program of the New York State Judiciary:

Since colonial times, the Justice Courts have served the people of New York State with great distinction. Situated in some fourteen hundred towns and villages, and served by part-time Justices who reside in those municipalities and are employed or do business there as lawyers, shopkeepers, farmers and the like, these Courts provide town and village residents with local justice in the finest sense of that term. Their justices know and live among the litigants coming before them. They adjudicate their small claims' disputes and their landlord/tenant grievances. They preside over prosecutions for their traffic violations and minor criminal offenses. In the fines and fees their operations generate, they provide significant revenue for the public treasury. Finally, and most importantly, they do all this on small budgets with small staffs and, often, in less than palatial physical quarters.

In short, the Justice Courts are a great bargain. For these courts to remain viable, however, particularly in the midst of our increasingly sophisticated technical age, they need some help. The towns and villages that support them often have limited budgetary resources; and there is much competition among the many important institutions of local government for scarce tax dollars. The result is that Justice Courts may become unable to provide their communities with the full range of services they need, and their disabilities may have significant cost and practical implications for critical State agencies. For example, without computers and skilled operators, a Justice Court's ability to exchange information with other governmental agencies is restricted or rendered considerably more cumbersome. It is constrained to mail paper reports of criminal dispositions or orders suspending or revoking motor

## NY CLS Jud, Art. 21-B

vehicle licenses or registrations. This means that the DCJS and DMV computers in which such information is stored cannot be as up to date, nor can the accuracy of their records be as certain; it also means that DCJS and DMV, and other government agencies that must receive reports from the Justice Courts concerning their dispositions, must expend resources to have their own personnel do the necessary data entry work. Of no less importance, a want of automation in a Justice Court means that that Court may lack ready access to information it needs in the disposition of its cases information such as a defendant's rap sheet or record of motor vehicle infractions.

The Justice Courts' want of resources is not limited to the realm of computers, however. It affects the level of professional training made available to judicial and nonjudicial personnel, the extent of legal resources (e.g., lawbooks, etc.) accessible to individual courts, the ability of courts to produce an accurate and complete record of their proceedings to facilitate appeals, and even the quality and character of the physical surroundings in which court is held.

For the foregoing reasons, we are proposing legislative adoption of a special program by which the Judiciary can provide limited State assistance to the Justice Courts so as to enable them to enhance their respective operations in ways they now cannot. Under this program, the Legislature would annually include an appropriation for the program in the Judiciary Budget. Towns and Villages having Justice Courts (or the Justices of these Courts, themselves) then could apply to the Chief Administrative Judge for a share of this funding. Each applicant would be required to articulate a use to which moneys received would be put that has, "as its end enhancement of the [J]justice [C]ourts' ability to provide suitable and sufficient services to their respective communities." The Chief Administrative Judge would approve applications based upon the amount of the legislative appropriation available and a variety of other statutory and regulatory criteria. Funding shares would be limited to \$20,000, unless several municipalities (or judges of several courts) joined together in a single application.

The aim of this measure is not to take over the Justice Court system or to change the local nature of its operation in any way. It is simply to provide a modest State subsidy to insure that the Justice Court, an institution with roots in the 17th and 18th centuries, continues as a viable and valuable institution into the 21st century.

This measure would take effect immediately. The Chief Administrative Judge is seeking an appropriation of \$500,000 in the Judiciary Budget to fund the program in Fiscal Year 1999-2000. As suggested above, one long-term budgetary plus promised by this measure should be the reduction in administrative resources State agencies must devote to processing information received from the Justice Courts .

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## NY CLS Jud § 849-h

Current through 2021 released Chapters 1-630

*New York Consolidated Laws Service > Judiciary Law (Arts. 1 — 23) > Article 21-B Justice Court Assistance Program (§§ 849-h — 849-k)*

### **§ 849-h. Establishment and administration of program**

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1. There is hereby established a justice court assistance program (hereinafter referred to in this article as the "program"), to be administered and supervised under the direction of the chief administrator of the courts, to provide funds pursuant to this article to assist the operation of town and village justice courts. The chief administrator shall promulgate rules and regulations to effectuate the purposes of this article, including provisions for periodic monitoring and evaluation of the program. Each town or village receiving funds pursuant to this article shall comply with all such rules and regulations and with all provisions of this article.
2. Funds available pursuant to this article may be used for any purpose having as its end enhancement of the justice courts' ability to provide suitable and sufficient services to their respective communities. These purposes may include, but shall not be limited to, automation of court operations; improvement or expansion of court facilities; provision of appropriate means for the recording of court proceedings; provision of lawbooks, treatises and related materials; and provision of appropriate training for justices and for nonjudicial court staff. Except as may otherwise be provided by rule of the chief administrator, funds available pursuant to this article shall not be used to compensate justices and nonjudicial court staff, nor shall they be used as a means of reducing funding provided by a town or village to its justice court.

### **History**

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Add, L 1999, ch 280, § 1, eff July 20, 1999.

Annotations

### **Research References & Practice Aids**

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**Hierarchy Notes:**

NY CLS Jud, Art. 21-B

NY CLS Jud § 849-h

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## NY CLS Jud § 849-i

Current through 2021 released Chapters 1-630

*New York Consolidated Laws Service > Judiciary Law (Arts. 1 — 23) > Article 21-B Justice Court Assistance Program (§§ 849-h — 849-k)*

### **§ 849-i. Application procedures**

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1. Each town and village having a justice court may make an individual application for funds available pursuant to this article, or two or more such towns or villages, or towns and villages, may make a joint application for such funds. All applications shall be submitted to the chief administrator of the courts for his or her approval
2. The chief administrator shall require that applications submitted for funding provide such information as he or she deems necessary, including at least the following:
  - (a) The amount of funding sought.
  - (b) A detailed description of the purpose or purposes to which the funding will be applied.
  - (c) A detailed description of the court or courts making the application, including information as to staffing, caseload, budget and facilities as well as general information about the community or communities served, where such general information would be pertinent to the purpose to which the funding will be applied.
3. In determining whether to approve an application, the chief administrator shall consider:
  - (a) Whether the applicant has complied with all rules and regulations governing the program and all pertinent provisions of this article;
  - (b) The likely impact of approving such application upon the court or courts to be affected thereby, upon the communities served, and upon the judiciary generally;
  - (c) The availability of other sources of funding to pay some or all of the costs for which the application seeks funding under the program;
  - (d) The number and content of all other applications for funding then available under the program;
  - (e) The extent of funding already received under the program by the applicant (or joint applicants) pursuant to past applications; and
  - (f) The magnitude of the funding appropriated for the purposes of this article.

NY CLS Jud § 849-i

4. Notwithstanding any other provision of law, the chief administrator shall not approve any application for funding in excess of thirty thousand dollars unless such application is a joint application and the aggregate funding sought thereunder does not exceed an amount equaling the product of the number of joint applicants making such application and thirty thousand dollars.

## History

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Add, *L 1999, ch 280, § 1*, eff July 20, 1999; amd, *L 2007, ch 127, § 1*, eff July 3, 2007.

Annotations

## Notes

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### Amendment Notes:

2007. Chapter 127, § 1 amended:

Sub 4, by deleting "twenty".

## Research References & Practice Aids

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### Hierarchy Notes:

*NY CLS Jud, Art. 21-B*

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## NY CLS Jud § 849-j

Current through 2021 released Chapters 1-630

*New York Consolidated Laws Service > Judiciary Law (Arts. 1 — 23) > Article 21-B Justice Court Assistance Program (§§ 849-h — 849-k)*

### **§ 849-j. Payment procedures; audits**

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1. Upon approval of an application, the chief administrator, within available appropriations, may authorize disbursement of funds in any amount up to the amount sought by the application. Such disbursement may be by advance payment to the applicant (or joint applicants, as appropriate) before it incurs the cost for which its application sought funding, by reimbursement to the applicant after it incurs and pays such costs in the first instance, or by some combination thereof, as the chief administrator determines is appropriate under the circumstances.
2. The state comptroller, the chief administrator and their authorized representatives shall have the power to inspect, examine and audit the fiscal affairs of the applicant (or applicants) to an approved application granted pursuant to this article to the extent necessary to determine whether funding received under the program has been used in accordance with the purpose or purposes for which it was sought in the application, and whether there has been compliance with all rules and regulations governing the program and the provisions of this article.

### **History**

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Add, L 1999, ch 280, § 1, eff July 20, 1999.

Annotations

### **Research References & Practice Aids**

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Hierarchy Notes:

NY CLS Jud, Art. 21-B

NY CLS Jud § 849-j

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## NY CLS Jud § 849-k

Current through 2021 released Chapters 1-630

*New York Consolidated Laws Service > Judiciary Law (Arts. 1 — 23) > Article 21-B Justice Court Assistance Program (§§ 849-h — 849-k)*

### **§ 849-k. Reports**

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The chief administrator of the courts shall report annually to the governor and the legislature regarding the operation and success of the program established by this article.

### **History**

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Add, L 1999, ch 280, § 1, eff July 20, 1999.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

NY CLS Jud, Art. 21-B

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## Rules of the Chief Administrative Judge

Rules
100 - Judicial Conduct
101 - Advisory Committee On Judicial Ethics
102 - Reimbursement Of Traveling Expenses In Connection With Performance Of Judicial Duties
103 - Administrative Rules And Orders Effective April 1, 1978
104 - Retention And Disposition Of Court Records
105 - Expedited Criminal Appeal Of An Order Reducing An Indictment ...
106 - Electronic Court Appearances
107 - Salary Schedule For Certain Nonjudicial Officers & Employees Of UCS
108 - Format Of Court Transcripts And Rates Of Payment Therefor
109 - Attendance Of Persons At Hearings To Determine The Mental Condition Of A Person
110 - Procedure Under CPL 330.20
111 - Procedure Under CPL Article 730
112 - Rules Of The Chief Administrator Pursuant To CPLR Rules 5529 & 9703
113 - Procedure To Evaluate Fitness Of Judges Or Justices Who Become Ill
115 - Caseload Activity Reporting
116 - Community Dispute Resolution Centers Program

*PART 138. Justice Court Assistance Program*

- 138.1 [General](#)
- 138.2 [Purposes for which Justice Court Assistance Program funds](#)
- 138.3 [Application procedures](#)
- 138.4 [Approval](#)
- 138.5 [Payment](#)
- 138.6 [Program evaluation](#)

**Section 138.1 General.**

This Part prescribes rules and regulations governing administration of the Justice Court Assistance Program. This program was established by the Legislature to provide a means by which towns and villages may obtain limited State funding to improve operation of their Justice Courts.

## Historical Note

Sec. filed Oct. 13, 1999 eff. Oct. 7, 1999.

**Section 138.2 Purposes for which Justice Court Assistance Program funds may be used.**

Funding available pursuant to this Part may be used for any purpose having as its end enhancement of the Justice Courts' ability to provide suitable and sufficient services to their respective communities. These purposes may include, but shall not be limited to, automation of court operations; provision of appropriate means for the recording of court proceedings; provision of lawbooks, treatises and related materials; provision of appropriate training for justices and for nonjudicial court staff; and the improvement or expansion of court facilities. Funding shall not be used to compensate justices and nonjudicial court staff, nor shall it be used as a means of reducing funding provided by a town or village to its Justice Court.

## Historical Note

Sec. filed Oct. 13, 1999 eff. Oct. 7, 1999.

**Section 138.3 Application procedures.**

No Justice Court Assistance Program funds may be disbursed unless the Chief Administrator first approves an application therefor as provided hereunder.

- (a) Who may apply. Each town and village having a Justice Court may make an individual application for funding, or two or more such towns or villages, or towns and villages, may make a joint application for funding.
- (b) When and Where to Apply. For a town or village to be eligible for a disbursement from funds made available by appropriation to the Unified Court System for any State fiscal year, such town or village must file its application with the Chief Administrator on or before the first day of February in such fiscal year.
- (c) Contents of application. Each application filed with the Chief Administrator pursuant to this Part must be signed by at least one justice of the court(s) affected thereby other than an acting justice, and by the supervisor of any town, and the mayor of any village, that is party to the application. Each such application shall be in such form as the Chief Administrator shall prescribe and shall include a certified copy of a resolution of the

**117 - Court Appointed Special Advocates Programs****118 - Registration of Attorneys, In-House Counsel, and Foreign Legal Consultants****121 - Temporary Assignment Of Judges To The Supreme Court****122 - Judicial Hearing Officers****123 - Requirements Relative To Material Submitted To Supreme Court Law Libraries****124 - Public Access To Records****125 - Uniform Rules For The Engagement Of Counsel****126 - Compensation & Expenses Of Judges & Justices Temporarily Assigned ...****127 - Assignment & Compensation Of Counsel, Psychiatrists, ...****128 - Uniform Rules For The Jury System****129 - Fair Treatment Standards For Crime Victims****130 - Costs And Sanctions****131 - Audio-Visual Coverage Of Judicial Proceedings****132 - Unified Court System Employee Suggestion Incentive Program****133 - Unified Court System Merit Performance Award Program****134 - Reporting Of Family Offenses By Courts Exercising Criminal Jurisdiction****135 - Sick Leave Bank Program****136 - Fee Arbitration in Domestic Relations Matters****137 - Fee Dispute Resolution Program****138 - Justice Court Assistance Program**

legislative body of each municipality that is a party to the application evidencing its authorization thereof; the information specified in paragraphs (a) through (c) of section 849-i(1) of the Judiciary Law, except to the extent that it already has been made available to the Chief Administrator; and such other information as the Chief Administrator shall require.

The Chief Administrator may, at any time following the filing of an application for funding, request that an applicant or applicants furnish additional information or documentation to support such application.

(d) Special application by a magistrates' association. Notwithstanding any other provision of this section, one or more duly-organized county or multi-county magistrates' associations may make an individual or joint application for funding solely for the purpose of enabling the provision of appropriate training for justices and/or for nonjudicial court staff of the courts represented by such association(s). In such event, the other provisions of this section shall not apply except that:

(1) the magistrates' association applicant(s) shall be subject to the same requirements applicable to town and village applicants pursuant to subdivision (b) of this section; and

(2) the application shall be in such form as the Chief Administrator shall prescribe and shall be signed by a duly-authorized officer of the applicant (or by a duly-authorized officer of each of the applicants if it is a joint application).

**Historical Note**

Sec. filed Oct. 13, 1999 eff. Oct. 7, 1999.

Amended (b) and added (e) on [March 22, 2005](#).

Amended 138.3 on [Oct. 16, 2007](#)

**Section 138.4 Approval.**

The Chief Administrator shall approve applicants for funding pursuant to this Part. Such approval shall be made as soon as practicable. In determining whether to approve an applicant, the Chief Administrator shall consider:

(a) whether the applicant has complied with these rules and regulations and all pertinent provisions of article 21-B of the Judiciary Law;

(b) the likely impact of approving its application upon the court or courts to be affected thereby, upon the communities served, and upon the judiciary generally;

(c) the availability of other sources of funding to pay some or all of the costs for which the application seeks funding under the program;

(d) the number and content of all other applications for funding then available under the program, and the amount of such funding; and

(e) the extent of funding already received under the program by the applicant (or joint applicants) pursuant to past applications.

**Historical Note**

Sec. filed Oct. 13, 1999 eff. Oct. 7, 1999.

**Section 138.5 Payment.**

(a) General. Once the Chief Administrator approves an application for funding pursuant to this Part, he or she shall authorize a disbursement of funds in any amount up to the amount sought in the application and shall specify the purpose or purposes to which such funds may be applied; provided, however, he or she shall not approve a disbursement of funds exceeding \$30,000, unless the application is a joint application in which event he or she shall not approve a disbursement of funds exceeding the product of the number of joint applicants and \$30,000. Any disbursement of funds hereunder shall at all times be subject to the availability of appropriations.

(b) How made. A disbursement of funds pursuant to subdivision (a) of this section may be by advance payment to the applicant (or joint applicants, as appropriate) before it incurs a cost or costs for which funding has been authorized, by reimbursement to the

**140 - Civil Actions Or Proceedings Brought By Inmates**

**141 - Integrated Domestic Violence Parts and Domestic Violence Parts**

**142 - Criminal Division of Supreme Court in Bronx County**

**143 - Superior Courts for Drug Treatment**

**144 - New York State Parent Education and Awareness Program**

**145 - Integrated Youth Court in Westchester County**

**146 - Guidelines For Qualifications & Training Of ADR Neutrals Serving On Court Rosters**

**147 - Superior Court Sex Offense Parts**

**148 - Relief From Federal Firearms Disabilities Program**

**149 - Superior Court Adolescent Diversion Parts**

**150 - Independent Judicial Election Qualification Commissions**

**151 - Rules Governing the Assignment of Cases Involving Contributions ...**

**152 - Mental Health Parts**

**154 - Requests for Exemption From Public Disclosure of Client Information ...**

applicant after it incurs and pays such cost or costs in the first instance, or by some combination thereof, as the Chief Administrator may determine to be appropriate. Unless the Chief Administrator shall otherwise provide, funds disbursed hereunder shall be spent within 180 days of the applicant's receipt thereof.

**Historical Note**

Sec. filed Oct. 13, 1999 eff. Oct. 7, 1999.

Amended 138.5(a) on Oct. 16, 2007

**Section 138.6 Program evaluation.**

(a) The Chief Administrator may require each town and village for which an application for funding pursuant to this Part has been approved to file such reports as may be necessary to enable him or her to monitor the operation and success of the Justice Court Assistance Program.

(b) The State Comptroller, the Chief Administrator and their authorized representatives shall have the power to inspect, examine and audit the fiscal affairs of each town and village for which an application for funding pursuant to this Part has been approved to the extent necessary to determine whether the funding received has been used for the purpose or purposes specified by the Chief Administrator in approving the application, and whether there has been compliance with these rules and regulations and the provisions of article 21-B of the Judiciary Law.

(c) The Chief Administrator may halt the disbursement of funds pursuant to this Part or confiscate any property purchased with funds disbursed hereunder at any time he or she determines that the recipient(s) of such funds or the holders of such property are not using them in an authorized manner, or that any of these rules and regulations or the provisions of article 21-B are being violated.

**Historical Note**

Sec. filed Oct. 13, 1999 eff. Oct. 7, 1999.



AS ADOPTED 8/10/1998 EFFECTIVE 9/1/1998;

**Amended 1/4/1999** # 701; **Amended 1/25/1999** #603 (Res #79-14); **Amended 12/17/2001** # 708; **Amended 6/16/2003** # 703; **Amended 12/01/2003** # 201 & 204; #503 & #504; #702; #703; #704; #705 eff. 1/1/2000; - **Amended 6/18/2007** #102; #705; #706; #708; **Amended 12/29/2011** - 10% Buyout; #706 – Resolution 2011-16; 38; 39; 40; 41; **Amended 3/5/2012** #705 & #706 – Resolution 2011-16; Local Law #1 Amending Article IV of Chapter 43 of the Town Code of the Town of ATHENS Entitled “Health Insurance Buyout Law for the Town of Athens, 3/5/12; **Amended 7/10/2013** - #706; #707 & #708; **Amended 11/28/2016** #202; **Amended 11/28/2016** #303 & #305; **Amended 12/12/2016** #103; Resolution 2016-36 eff 1/1/2017 ; **Amended 1/3/2017** #404; **Amended 1/3/2017** #407; **Amended 1/3/2017** #409; **Amended 1/3/2017** #502; **Amended 1/3/2017** #504; **Amended 1/3/2017** #601; **Amended 1/3/2017** #710; **Amended 1/3/2017** #806 & #807; **Amended 1/3/2017** #902; **Amended 4/17/2017** # 706; Amended 7/19/2021 # 306; # 310; # 403; # 501; # 502; # 503; # 504; # 601; # 602; #603; # 701; # 702; # 703; # 704; # 705; # 706; # 708; # 1004.

# TOWN OF ATHENS



# EMPLOYEE HANDBOOK

VERSION 11.04.2021



# Town of Athens

## Employee Handbook

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## 100 INTRODUCTION

### 101 *Welcome Message from the Town Supervisor*

Welcome and congratulations on your appointment to a position with the Town of Athens. I hope you will find employment with the Town a very satisfying experience. Our goal is to provide to the taxpayers we serve, the necessary services they need, at a reasonable cost they can afford.

This manual was created to compile in a single document all the employment policies of the Town. I ask that you take the time to read it over. It contains information about all employee benefits, as well as what is expected of our employees. If you have questions, please ask your Department Head or the Town Supervisor.

I look forward to working with you, and all the employees of the Town in meeting the needs of our taxpayers.

---

Robert F. Butler, Jr.

## 102 Definitions

**Town of Athens** - For purposes of this Employee Handbook, the Town of Athens may be referred to as the "Town".

**Town Board** - For purposes of this Employee Handbook, "Town Board" will mean and refer to the Town Board of the Town of Athens.

**Elected Official** - For the purposes of this Employee Handbook, "Elected Official" will mean and refer to any of the following elected officials of the Town of Athens: Town Supervisor, Town Board Members, Town Clerk, Superintendent of Highways, and Town Justices.

**Town Supervisor** - For purposes of this Employee Handbook, "Town Supervisor" will mean and refer to the Town Supervisor of the Town of Athens.

**Department Head** - For purposes of this Employee Handbook, "Department Head" will mean and refer to the person in charge of any department, agency, bureau, unit, or other subdivision of the Town of Athens (e.g. Superintendent of Highways, Town Clerk, Town Justices, and, for most other employees, Town Supervisor).

**Employee** - For the purposes of this Employee Handbook, "Employee" will mean a person employed by the Town, including, but not limited to, an appointed official, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an Elected Official or an independent contractor.

**Continuous Service** - For the purpose of this Employee Handbook, continuous service will be defined as being employed or elected by the Town of Athens without any break in service. **(Amended 6/18/2007)**

## 103 Purpose of Employee Handbook

**Purpose** - This Employee Handbook is not a contract of employment and should not be construed as such. The purpose of this Employee Handbook is to communicate the Town's personnel policies and practices to all employees and Elected Officials. Each employee should understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits.

**Statutes, Laws and Ordinances** - In the event a federal or state statute or a Town law or ordinance should conflict with a provision of this Employee Handbook, then such statute, law or ordinance will prevail. Further, the Civil Service Rules for Greene County (CSRGC) are hereby incorporated by reference into this Employee Handbook and are available in the Town of Athens Clerk's Office for review. **(Resolution 2016-36 effective 1/1/2017)(Amended 12/12/16)**

**Questions** - Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

## 104 Changes or Modifications

**Rights of the Town Board** - The Town Board reserves the right to interpret, change, modify, eliminate or repeal any provision contained in this Employee Handbook.

**Governmental Actions** - This Employee Handbook is presented for informational purposes only and is subject to alteration by resolutions of the Town Board, changes in Town and/or departmental rules, or changes in federal, state, or local statutes, rules or regulations. (This is not meant to be a comprehensive list).

## 200 EMPLOYEE CLASSIFICATIONS

### 201 Full-Time Employees

**Full-time 30-hour a week employees** - For purposes of this Employee Handbook, the term "full-time employee" will mean and refer to an employee employed in a department who is *regularly* scheduled to work a minimum of thirty hours per week. **(Amended 12/01/2003 effective 01/01/2000)**

**202 Part-Time Employees - As taken from CSRCG, Rule I, Definitions paragraph 6, page 2.**

"Part-Time Employment" – means any employment or combination of one or more employments in a civil division in which an individual works less than thirty (30) hours a week. *(As amended 11/28/16)*

**203 Temporary Employees**

For purposes of this Employee Handbook, the term "temporary employee" will mean and refer to an employee who is employed to fill-in for an employee who is on a leave of absence.

**205 FLSA Exempt Employees**

For purposes of this Employee Handbook, "FLSA exempt employee" will mean and refer to an employee not covered under the Fair Labor Standards Act (FLSA) or a covered employee who qualifies for an exemption from the overtime requirements of the FLSA.

**206 FLSA Non-Exempt Employees**

For purposes of this Employee Handbook, the term "FLSA non-exempt employee" will mean and refer to an employee covered under the Fair Labor Standards Act who qualifies for the overtime requirements of the FLSA.

**300 EMPLOYMENT MATTERS**

**301 Oath of Office**

**Requirement** - Each Town officer, as defined by Public Officers Law and Section 25 of Town Law, and each newly hired employee hereinafter, excluding an employee who is temporary, must take the Oath of Office which must be administered prior to commencing work and attested to by the Town Clerk within thirty calendar days of commencement of office or commencing employment, as the case may be. Each Town officer who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

**Filing of Oath** - The Oath of Office must be filed in either the Office of the County Clerk or the Town Clerk, as the case may be, within thirty calendar days of commencement of office.

**302 Procedure for Filling Vacancies**

**Policy Statement** - The Town of Athens complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, the Public Officers Law, Civil Service Law, Equal Employment Opportunity, and The Americans with Disabilities Act.

**Notification of Vacancies** - **In the event there is a vacancy in a new or existing position that the Town intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed.**

**Appointment to Vacancies** - Unless otherwise specified in state or local law, the Town Board will have the authority to appoint individuals to fill vacancies, except as follows: **the Supervisor will have the authority to hire individuals to fill vacancies in the Finance and Code Enforcement offices;** the Superintendent of Highways will have the authority to hire individuals to fill vacancies in the Highway Department; the Town Clerk will have the authority to hire individuals to fill vacancies in the Town Clerk's office; and, appointment of the Justice Clerk will be subject to the advice and consent of the Town Justices.

**303 Residency Requirement - As per CSRCG Rule VII, Recruitment of Personnel, paragraph 1, page 4.**

Residence requirement for municipal positions. An applicant must be at the time of competitive examination and for at least six months prior thereto be a resident of the municipality in which appointment is to be made or any reasonable combination of municipalities both in and outside of New York State contiguous to the municipality in which appointment is to be made or contiguous to the municipality in



which such municipality is located as determined by the commission. Residence requirements may be suspended or reduced by the commission in cases where recruitment difficulty makes such requirements disadvantageous to the public interest. *(As amended 11/28/16)*

**Preference** - *In the event there is a vacancy in a new or existing position that the Town intends to maintain, the Town will give preference to qualified applicants who are residents of the Town.*

### 304 **Driver's License**

**Requirement to Possess a Driver's License** - An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town, must possess a valid New York State driver's license at the time of appointment and must maintain a valid license throughout employment.

**Loss or Suspension of Driver's License** - An employee who is required to possess a driver's license in order to perform certain job duties and responsibilities must immediately notify the employee's Department Head in the event the license is suspended, revoked, or if the employee is otherwise disqualified from driving. The loss or suspension of the driver's license may affect the employee's employment with the Town.

**Requirement to Possess a Commercial Driver's License** - An employee who operates a vehicle which requires a Commercial Driver's License (CDL) must maintain such license throughout employment.

**Loss or Suspension of Commercial Driver's License** - An employee who is required to possess a Commercial Driver's License in order to perform certain job duties and responsibilities must immediately notify the employee's Department Head in the event the employee's driver's license is suspended, revoked, or if the employee is otherwise disqualified from driving. The loss or suspension of the employee's driver's license may affect the employee's employment with the Town. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, an employee who is required to possess a Commercial Driver's License must notify the employee's Department Head within thirty calendar days of a conviction of any traffic violation (except parking) no matter where or what type of vehicle the employee was driving.

**DOT Physical** - An employee who is required to possess a Commercial Driver's License will be required to take a physical once every two years by a physician designated by the Town. The Town will pay the full cost of the physical.

### 305 **Probationary Period** See provisions of CSRCG RULE XIV, entitled, "PROBATIONARY TERM," pages 9-11.

1. Probationary Term
2. Interdepartmental promotions and transfers
3. Restoration to permanent position
4. Absence during probationary term
5. Report on probationer's service
6. Restoration to eligible list
7. Temporary or provisional service in higher level position
8. Removal during probationary term
9. Only has to do with police officer
10. An employee who is reinstated to a position after a separation of more than one year, either in his former jurisdiction or in another jurisdiction shall serve a new probationary period in the same manner and be subject to the same requirements as apply upon the original appointment to such position. CSC 9/0/81) *(As amended 11/28/16)*

### 306 **Performance Appraisal**

**Purpose** - The purpose of performance appraisal is to evaluate an employee's performance. The performance appraisal will take into consideration the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, communication skills and such other criteria that properly reflect the employee's performance. The ratings assigned to an employee's performance appraisals may be considered in determining pay increases and as a factor in promotions and disciplinary actions.

**Frequency** –The Town Board reserves the right to conduct a Performance Appraisal of an employee at its sole and exclusive discretion. . Informal evaluations may occur on an as needed basis.

**Post-evaluation Conference** - After an evaluation, the Department Head will meet with the employee to review the employee’s performance appraisal report.

**Deficiencies** - Should deficiencies be recorded in the performance of the employee, the employee will receive specific, reasonable, written recommendations for improvement.

**Employee Reply** - An employee’s written reply, if any, will be attached to the performance appraisal report.

### **307 Rules of Conduct**

**Policy Statement** - It is the policy of the Town of Athens that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Town, and the delivery of services to residents of the Town. Any conduct that interferes with operations, that discredits the Town or that is offensive to residents or other employees will not be tolerated. An employee must conduct oneself in a positive manner so as to promote the best interests of the Town.

**Prohibited Conduct** - Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or is found to have engaged in any of the following job related actions will be subject to appropriate disciplinary action. (This is not meant to be a comprehensive list).

**Per Se Violations** – The following actions will generally be regarded as warranting immediate termination of employment:

- Deliberate or willful destruction, defacement, abuse or misuse of Town property or the property of a resident, supplier, visitor, or another employee.
- Theft of Town property or the property of a resident, supplier, visitor, or another employee.
- Falsification or alteration of any Town records or reports pertaining to employment application, medical reports, time records, etc.
- Preparation or manipulation of another employee’s time record.
- Intimidation, coercion, threatening, or assault of, or fighting or interfering with, another employee, supervisor, resident, supplier, visitor, or any other person whether on or off Town premises.
- Engagement in sexual harassment or the creation of a sexually hostile environment as against another employee, supervisor, resident, supplier, visitor, or any other person whether on or off Town premises.
- Unsecured possession of firearms on Town property or possession of firearms or explosives in Town vehicles, unless possession is required in the performance of duties and has been authorized by the Town Board.
- Use of or being under the influence of alcohol or controlled substances on Town premises. An employee will be considered to be under the influence of alcohol if the employee has a BAC of .02 or greater or has consumed any alcohol within two hours of reporting to work.
- Possession or sale of alcohol or controlled substances on Town premises.
- Gross insubordination or willful refusal to comply with a supervisor’s lawful order or instruction while on duty.
- Gross disregard of safety rules and/or safety practices in such a way that jeopardizes the safety of the employee, another employee, supervisor, resident, supplier, visitor, or any other person.
- Gross disregard of safety rules and/or safety practices in such a way that jeopardizes the safety of the employee, another employee, supervisor, resident, supplier, visitor, or any other person.
- Sleeping on the job.

**Attendance Policy Violations** - The following actions will be cause for disciplinary action:

- Excessive absenteeism.
- Excessive tardiness.
- Unauthorized absences and/or failure to give proper notice.

#### **Misconduct**

- Any actions listed under Per Se Violations, above.

- Insubordination or willful refusal to comply with a supervisor's lawful order or instruction.
- Willful work slowdown, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Personal activity during paid work time without the expressed permission of the employee's supervisor.
- Disruptive, loud and boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace directed at another person.
- Personal use of telephones except in an emergency or to check briefly on family matters.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.
- Gambling on Town premises.

#### **Incompetence**

- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Performance of work which, for any reason, results in a product of less than acceptable quality or excessive rework.

#### **Safety and Health Violations**

- Disregard of safety rules and/or safety practices.
- Failure to wear assigned safety clothing or equipment.
- Careless or negligent use and/or operation of equipment, machinery, and/or vehicles.
- Creating or contributing to unsafe, insecure or unsanitary work or rest areas.
- Smoking in non-smoking areas.

#### **Time and Attendance Violations**

- Failure to be at one's workstation at the start of one's shift or after lunch.
- Extended breaks or lunch periods.
- Stopping work in advance of the specified quitting time.
- Excessive time away from one's work station for personal non-health reasons, including but not limited to smoking, using the telephone, etc.

### **308 Code of Ethics**

**Policy Statement** - Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for Elected Officials and employees that must be observed so as to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

**Definitions** - For the purpose of the Town of Athens's Code of Ethics, the following terms shall have the following meanings:

- **Officer or Employee** - will mean and refer to an officer or employee of the Town of Athens, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person will be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer.
- **Interest** - will mean and refer to a direct or indirect pecuniary or material benefit accruing to an officer or employee as the result of a contract or agreement with the Town of Athens. For the purposes of this policy, an officer or employee will be deemed to have an interest in the contract of: 1) the employee's spouse, or minor dependents, except a contract of employment with the Town of Athens; 2) a firm partnership or association of which the officer or employee is a member or employee; 3) a corporation of which the officer or employee is an officer, director or employee; and, 4) a corporation to which any stock is owned or controlled directly or indirectly by the officer or employee.

**Standards of Conduct** - An officer or employee is subject to, and must abide by, the following standards of conduct:

- **Gifts** - An officer or employee may not directly or indirectly solicit any gift or accept or receive any gift having a value of twenty-five dollars or more, whether in the form of money, services, loan, travel,

entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that such gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee, in the performance of official duties or was intended as a reward for any official action on the officer's or employee's part;

- **Business before the Town or one's own department** - An officer or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the Town or one's own department over which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee;
- **Representation before the Town for a contingent fee** - An officer or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision will not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered;
- **Disclosure of interest in legislation** - To the extent that an officer or employee knows thereof, the officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board must publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the officer or employee has in such legislation;
- **Investments which conflict with official duties** - An officer or employee may not invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with official duties;
- **Private employment** - An officer or employee may not engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of official duties;
- **Confidential information** - An officer or employee may not disclose confidential information acquired in the course of official duties or use such information to further personal interest;
- **Future employment** - No officer or employee, within two years from the termination of services or employment with the Town, may accept employment which will involve contacts with the Town in which such employment takes advantage by virtue of ones' prior contact and relationship with the Town; or,
- **Future representation before the Town** - An officer or employee may not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.
- **Penalties for Offenses** - In addition to any penalty contained in any other provision of law, an officer or employee who knowingly violates any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

### **309 Unauthorized Work and Outside Employment**

**Performing Unauthorized Work** - An employee may not perform work for any entity other than the Town or for one's own personal financial gain while the employee is "on the job" for the Town. An Elected Official may not use Town property or equipment to perform work for oneself or another entity.

**Other Employment** - Any other employment may not interfere with an employee's hours of work with the Town, including overtime hours. An employee will not receive authorization to report to work late or to leave work early in order to accommodate another job. The employee's Department Head must be advised of any outside employment in order to prevent a possible conflict of interest.

**Disciplinary Action** - An employee who, after investigation, is found to have performed unauthorized work, claimed that Town work was done when such is not the case, or performed any act of fraud or deceit will be subject to appropriate disciplinary action.

### 310 **Disciplinary Action**

**Rights to Section 75 Hearing** - An employee who is covered under Section 75 of New York State Civil Service Law will not be subjected to any disciplinary penalty except for incompetence or misconduct shown after a hearing upon stated charges.

**Employees Not Covered by Section 75** - An employee not covered by Section 75 may be disciplined, including termination, without a Section 75 hearing. The following employees are not covered under Section 75:

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions);
- A newly hired employee serving a required probationary period, even if the employee has veteran or exempt volunteer firefighter status;
- An employee holding a position in the **Non-Competitive Class** who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran or volunteer firefighter who has successfully completed the required probationary period;
- An employee holding a position in the **Non-Competitive Class** designated as **management/confidential**;
- An employee holding a position in the **Exempt Class**, unless the employee is an eligible veteran or volunteer firefighter who has successfully completed the required probationary period;
- An employee holding a position in the **Labor Class**, unless the employee is an eligible veteran or volunteer firefighter who has successfully completed the required probationary period;
- An employee holding a position by provisional appointment; and,
- A temporary employee.

**Covered Employees** - In accordance with New York State Civil Service Law, the following employees are covered under Section 75:

- An employee holding a position by permanent appointment in the **Competitive Class**;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service, except when such an employee holds a position designated as management/confidential. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service.
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified **veteran** or qualified **volunteer firefighter**, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department.
- A qualified veteran is defined as one who was honorably discharged or released under honorable circumstances from the armed forces of the United States having served in time of war as defined in Section 85 of the New York State Civil Service Law. A volunteer firefighter is defined in the General Municipal Law.

**Notice of Discipline** - In the event an employee is to be subjected to disciplinary action, the employee's Department Head will provide the employee with a written Notice of Discipline (NOD) which will contain all charges and specifications.

**Employee Answer** - The employee will have eight calendar days to respond to the charges in the Notice of Discipline. The response must be in writing.

**Disciplinary Hearing** - Unless there is a stipulation of settlement between the Town and the employee, the Town Board will designate a hearing officer, in writing, in accordance with Section 75. The hearing officer will set the time and place for the hearing. After the hearing, the hearing officer will make a written record of the hearing which will be submitted to the Town Board. The hearing officer will make written recommendations which will be submitted to the Town Board for the Town Board's review and decision.

**Right to Representation** - The employee may have representation by counsel at the hearing and may summon witnesses on the employee's behalf.

**Suspension Without Pay Pending Determination of Charges** - Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

**Penalties** - In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Written reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from Town employment.

**Finding of Not-Guilty** - In the event the employee is found to be not guilty, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

**Limitations** - Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct. Such limitation will not apply where the incompetence or misconduct would, if proved in a court of appropriate jurisdiction, constitute a crime.

**Filing Requirements** - In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Greene County Civil Service.

### **311 Personnel File**

**Content** - Personnel records will be maintained for current and past employees in order to document employment-related decisions and comply with government record keeping and reporting requirements. The Town will maintain only that personnel information necessary for the conduct of the Town's business or required by federal, state, or local law, including, but not limited to, Employment Applications, Report of Personnel Change Forms (MSD-426), copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Immigration Form I-9 Forms, Retirement Enrollment/Waiver Forms, Medical Insurance Enrollment/Waiver Forms, disciplinary and grievance notices, letters of acclamation, and probationary reports.

**Location of Files** - All personnel records for current employees will be kept in the Town's Finance Office and maintained and controlled by the Town Bookkeeper.

**Employee Medical Records** - All employee medical records will be kept in a separate locked file apart from the employee's personnel file in the Town's Finance Office and maintained and controlled by the Town Bookkeeper.

**Substance Testing Records (Highway Department)** - All employee substance testing records will be kept in a separate locked file apart from the employee's personnel file in the Town Clerk's office and will be maintained and controlled by the Town Supervisor's Office.

**Change in Status** - An employee must immediately notify the Town Supervisor of a change of name, address, telephone number, personal status, number and age of dependents, beneficiary designations, and who to notify in case of emergency.

**Employee Access** - An employee may review and copy the contents of the employee's own personnel file. The employee must make an appointment with the Bookkeeper. The Bookkeeper must be present when the employee inspects the file. The employee may not place any material in the file without the approval of the Town Supervisor. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

### **312 Resignation**

**Notice of Resignation (Employees)** - An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective.

**Notice of Resignation (Town Officers)** - A Town officer, as defined by Public Officers Law and Section 25 of Town Law, must resign by delivering a written notice to the Town Clerk. In the event no date is specified, the office will become vacant immediately upon delivery of the notice to the Town Clerk. In the event such Town officer intends to resign at some future date, the Town officer may specify a resignation date. However, if the resignation date is more than thirty calendar days after delivery of the notice to the Town Clerk (ninety calendar days for Town Justices), the resignation will become effective thirty calendar days after such delivery.

**Notice of Resignation (Town Clerk)** - A Town Clerk who intends to resign must submit a written resignation to the Secretary of State at least thirty calendar days before the date of resignation is to be effective.

## 400 OPERATIONAL POLICIES

### 401 *Departmental Hours*

**Normal Hours of Operation** - Unless otherwise specified in state law, the Town Board will establish the beginning and ending times of normal operation; however, the Town Clerk will have the authority to establish the hours for the Town Clerk's office. An employee's Department Head will establish the employee's scheduled hours of work, which may differ from the normal hours of operation to meet the particular needs and requirements of the department.

**Workweek** - Unless otherwise specified in state law, the Town Board will establish the days the Town will conduct business and/or perform services. An employee's Department Head will establish the employee's scheduled days of work, which may differ from the normal days of operation to meet the particular needs and requirements of the department.

**Overtime** - A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head and Town Supervisor or in his absence, the Deputy Town Supervisor before working additional hours.

**Refusal to Work Additional Hours** - An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.

### 402 *Emergency Situations*

**During Work** - During periods of extraordinary weather conditions or other emergencies, the Town Supervisor may direct that certain employees who perform non-essential services may leave work. An employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will be considered "administrative leave" and will not be included as time worked for the purposes of computing overtime.

**Prior to Reporting to Work** - In the event extraordinary weather conditions develop before the employee is to report to work and appropriate public announcement has been made to close the roads, an employee must attempt to receive prior approval not to travel into work from the employee's Department Head. If the absence is approved, the employee will be paid for all hours of absence at the employee's regular rate of pay. Such time will be considered "administrative leave" and will not be included as time worked for the purposes of computing overtime.

### 403 *Meal and Rest Periods*

**Meal Period** ) - An employee who is employed in a department other than the Highway Department who works more than six hours in a given day will receive an unpaid, duty-free meal period not to exceed sixty minutes.

**Approval of Meal Periods** - Meal periods must be approved by the Department Head in accordance with the needs and requirements of the department. Meal periods must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may normally leave the work-site during the meal period.

#### 404 **Time Records**

**Procedures** - An employee must comply with the following procedures regarding the completion of time records:

- All time worked, including the beginning and ending time, must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- All time must be logged on an approved time sheet;
- The time record must be verified and signed by the Department Head;
- The original (**Amended 1/3/2017**) time record must be submitted to the appropriate Department Head each Friday before 4:00 p.m. In the event that Friday is a designated holiday the time record must be submitted the preceding Thursday before 4:00 p.m.

In extenuating circumstances where an employee is not able to complete the employee's own time record, the Department Head may complete the time record for the employee. The Department Head must notify the employee of the information submitted and provide the employee with a copy.

**Correction of Errors** - An employee must immediately bring errors in time records to the attention of the employee's Department Head who will investigate the matter and make and initial the correction once the error has been verified.

**Falsification of Time Records** - An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee will be subject to appropriate disciplinary action.

#### 405 **Expense Reimbursement Policy**

**Eligible Expenses** - Upon proper authorization and approval of the Town Board, an employee or Elected Official will be reimbursed for ordinary and necessary expenses associated with carrying out Town business, including, but not limited to, meals, lodging, parking, and highway tolls. With prior approval of the Town Board, an employee or Elected Official attending a luncheon or dinner as an official representative of the Town will be reimbursed for expenses incurred, upon presentation of an itemized claim. All required documentation and corresponding receipts must be submitted to the Town Clerk for reimbursement.

**Mileage** - An employee who is directed by the employee's Department Head to use the employee's own vehicle to conduct Town business will be reimbursed at the mileage rate established by the Town Board. All required documentation must be submitted to the Town Clerk for reimbursement on the standard form developed by the Town.

**Required Training** - Upon proper authorization and approval of the Town Board, an employee will be reimbursed for required training. All required documentation and corresponding receipts must be submitted to the Town Clerk for reimbursement.

**Required Membership Fees** - Upon proper authorization and approval of the Town Board, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees. All required documentation and corresponding receipts must be submitted to the Town Clerk for reimbursement.

#### 406 **Vehicle Usage Policy**

**Purpose** - All vehicles and related equipment of the Town of Athens are owned and maintained for the purpose of conducting official business of the Town. Said vehicles and equipment may not be used for the personal, private gain of any official or employee, or for any other purpose which is not in the general public interest.

**General Standards** - The following standards must be met at all times.

- A Town vehicle assigned to an employee must be for specific purposes and tasks and may not be used for any unauthorized purpose.
- A Town vehicle may not be used to transport persons who are not officials or employees of the Town of Athens, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head.



- A Town vehicle must be operated in a safe and responsible manner and in compliance with all applicable traffic laws in effect. In the event of an accident, regardless of severity, the employee must report the accident to the appropriate Department Head who must report it to the Town Supervisor within twenty-four hours.
- Each Town vehicle must be maintained in a safe and secure condition when not in use, including locked and/or under direct observation.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time.

**Discipline** - Violations of this policy must be reported within twenty-four hours to the Town Supervisor. Any employee who, after investigation, is found to have violated this vehicle usage policy will be subject to appropriate disciplinary action.

#### **407 *Supplies, Tools and Equipment, and Fuel Usage Policies***

**Supplies** - All Town-owned supplies must be used efficiently and not be wasted. An employee may not use office supplies for personal use, including, but not limited to, paper, envelopes, and postage.

**Office Tools and Equipment** - An employee may use computers, fax machines and copiers for personal use but not for furtherance of any business or personal financial gain. If the fax transmission is long distance, the employee must reimburse the Town for the cost of the call. The employee is responsible for the proper care of all equipment while it is being used for personal use and must repair or replace any equipment damaged by the employee as a result of negligence or intentional misuse. **(Amended 1/3/2017)**

**Discipline** - An employee who, after investigation, is found to have violated these policies will be subject to appropriate disciplinary action.

#### **408 *Telephone Usage Policy***

**Personal Calls** - An employee may not make a personal call except in an emergency or to check briefly on family matters. If the call is long distance or on a cellular telephone, the employee must use the employee's calling card or reverse the charges.

**General Guidelines** - An employee must abide by the following guidelines pertaining to the use of telephones.

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and the employee's own name. If the call is not for the employee who answered the call, the employee must transfer the caller to the correct person.
- In the event the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the office to answer telephones. If the office has a limited staff, arrangements must be made with another office for telephone coverage or an answering device must be in operation.

#### **409 *Personal Appearance Policy***

**Dress Code** - An employee must maintain a personal appearance in a manner that reflects a good image to the public. The Town Supervisor and/or Department Head will have the authority to determine what is appropriate and what is not. **(Amended 1/3/17)**

**Disciplinary Action** - Any employee who, after investigation, is found to have violated this policy may be sent home, without pay, to change into proper attire and will be subject to appropriate disciplinary action.

#### **410 *Maintenance of Work Area***

**Employee Responsibility** - An employee is responsible for maintaining one's work area in a neat and orderly manner at all times.

#### **411 Personal Property**

**Personal Liability** - The Town will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk, unless authorized by the employee's Department Head.

#### **412 Solicitations/Distributions Policy**

**During Working Hours** - An employee may not distribute literature or solicit other employees at any time during working hours.

**During Meal Periods and Rest Breaks** - An employee may distribute literature and solicit other employees during meal periods and rest breaks on behalf of not-for-profit organizations and provided it does not interfere with the normal operations of the department or annoy fellow employees.

**Political Literature** - An employee may not distribute political campaign materials at any time on property owned, leased or operated by the Town.

### **500 ABSENCE POLICIES**

#### **501 Tardiness (Amended 1/3/2017)**

**Notification of Tardiness** - An employee employed in a department other than the Highway Department must be ready and able to work at the time the employee is scheduled to begin work. In the event such employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head as soon as possible before the employee's scheduled starting time.

**Disciplinary Action** - Tardiness may be cause for appropriate disciplinary action.

#### **502 Notification of Absence (Amended 1/3/2017)**

**Notification of Sick Leave** - In the event an employee employed in a department other than the Highway Department must take sick leave, the employee must notify the employee's Department Head as soon as possible before the employee's scheduled reporting time.

**Daily Notification** - In the event an employee is unable to report to work, the employee must notify the employee's Department Head *each day* of the absence and state the reason for the absence. In the event the absence is due to an extended illness or injury, this requirement will be waived.

**Early Departure** - In the event an employee must leave work during the workday, the employee must notify and receive approval from the employee's Department Head prior to leaving.

#### **503 Jury Duty Leave**

**Leave of Absence** - In the event an employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive a paid leave of absence. Such leave will not be subtracted from any of the employee's leave credits.

**Notification of Jury Duty** - When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's Department Head.

**Return to Duty - Full-time 30-hour a Week Employees** - In the event a full-time 30-hour a Week - employee (**Amended 12/01/2003 effective 01/01/2000**) is released from jury duty on a given day and there are four or more hours remaining in the employee's scheduled workday, the employee must report to work.

#### **504 Bereavement Leave**

**Immediate Family** - In the event of a death of a full-time employee's immediate family member, the employee may take a leave of absence from the employee's regularly scheduled work for up to five consecutive calendar days dating from the death of the family member. If the employee was scheduled to work the employee will be paid for the day at the employee's regular daily rate of pay and such leave will not be subtracted from any of the employee's leave credits.

**Definition of Immediate Family** - For purposes of bereavement leave, "immediate family member" will mean spouse, child, parent, employee sibling, (**Amended 1/3/17**) or spouse's parent.

**Part-Time, or Temporary Employees** - A part-time or temporary employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Extended Bereavement Leave** - An employee may use accumulated vacation leave credits and/or personal leave credits to extend a bereavement leave. The request must be submitted, in writing, to the employee's Department Head. The Department Head will have total discretion in the approval of an employee's extended bereavement leave. (**Amended 12/01/2003 effective 01/01/2000**)

## **505 Military Leave and Military Leave of Absence**

**Military Leave (New York State Law)** - This section refers only to a paid leave of absence for military service under New York State Law and does not affect an employee's entitlement to a leave of absence for military service under federal statute.

In the event an employee is required to participate in the annual encampment of training duty of the Military Reserve or National Guard, the employee will receive a paid leave of absence for a period of up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such leave will not be subtracted from any of the employee's leave credits. The employee will receive an unpaid leave of absence for any time beyond the twenty-two workdays or thirty calendar days in a calendar year; however, the employee may use accumulated vacation leave credits and/or personal leave credits to extend such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year. In accordance with applicable New York State law, the employee may keep all pay received for military service.

**Military Leave of Absence (Federal Law)** - An employee will receive an unpaid leave of absence for a period of up to the federal statutory limits to serve in any of the uniformed services of the United States. The employee may use accumulated vacation leave credits and/or personal leave credits at any time during such leave of absence.

## **506 Family and Medical Leave Policy**

**Policy Statement** - The Town of Athens complies with the provisions of the Family and Medical Leave Act (FMLA).

**Summary** - FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, *unpaid* leave of absence in any twelve month period for certain family and medical reasons. The twelve month period is a rolling period measured from the date the employee takes a leave of absence under the FMLA. At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave of absence began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave of absence.

**Eligibility** - An employee must meet the following requirements to be eligible for a leave of absence under FMLA:

- The employee must be employed at a work-site where fifty or more employees are employed within a seventy-five mile radius of each work location, for each working day during each of twenty or more calendar workweeks per year;
- The employee must be an employee of the Town of Athens for at least twelve months before the leave request (these need not be twelve consecutive months); and,
- The employee must have worked at least 1,250 hours during the previous fifty-two weeks prior to the date the leave of absence commences.

Given that the Town of Athens does not currently employ fifty or more employees who work twenty or more calendar workweeks per year, employees are not presently eligible for leave under FMLA. The FMLA will take precedent if and when the Town of Athens employs fifty or more employees for twenty or more calendar workweeks in a current or preceding year. However, until such time, an employee who would otherwise be eligible for a leave of absence under FMLA may receive an unpaid leave of absence for a period of up to twelve weeks under the following special circumstances:

- Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition;
- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child; or
- To care for the employee's spouse, child, or parent who has a serious health condition.

**Definitions** - For purposes of this policy, the following definitions will apply:

- **Serious Health Condition** will mean and refer to an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such treatment; or continuing treatment by a health care provider, including, but not limited to:
  - \* A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by a health care provider;
  - \* A period of incapacity due to pregnancy or prenatal care;
  - \* A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - \* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - \* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
  - \* **Spouse** - husband or wife as defined or recognized under State law for purpose of marriage;
  - \* **Parent** - biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined in directly below. This term does not include an employee's parents "in law"; and,
  - \* **Child** - biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Notification Requirements** - Unless there are unusual circumstances, such as a sudden serious illness, the employee must give written notice to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave of absence. The employee and the Department Head must complete the *Family and Medical Leave Request Form* and forward the completed form to the Town Supervisor for review. If all requirements are met, the approval will be automatic.

**Status Reports** - The employee must continuously update the Department Head as to the employee's status as it relates to the employee's eligibility.

**Medical Certification** – The employee must produce a medical certification issued by a health care provider which supports the need for a leave of absence under this policy. When required, the employee must provide a copy before the leave of absence begins, or if the leave of absence was unforeseeable, fifteen calendar days from the date the leave of absence was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,

- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

**NOTE:** *The Town of Athens reserves the right to request a second opinion by another health care provider. The Town of Athens will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Town of Athens may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town of Athens and the employee. This third opinion will be final and binding.*

**Certification for Adoption or Foster Care** – An employee must produce proper certification from the appropriate agency for an unpaid leave of absence for the adoption or foster care of a child.

**Spouses Who Both Work for the Town** - Spouses who both work for the Town of Athens will be allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

**Mandatory Use of Accrued Sick Leave Credits** - For a leave of absence due to the employee's own serious health condition, excluding Workers' Compensation or NYS Disability, the employee must first use all sick leave credits. Such paid sick leave will be counted as part of the maximum twelve weeks of leave.

**Mandatory Use of Accrued Vacation or Personal Leave Credits** - For a leave of absence due to any qualifying event, excluding Workers' Compensation or NYS Disability, an employee must first use all vacation and personal leave credits. Such paid leave will be counted as part of the maximum twelve weeks of leave.

**Workers' Compensation and Disability** - All leaves taken under Workers' Compensation and Disability will invoke FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Town designates such leave as FMLA leave and properly notifies the employee of such designation.

**Benefits During an Unpaid Leave of Absence** - For purposes of this policy, the following will apply:

- **Medical Insurance Eligibility** - During a leave of absence under this policy, an employee's eligibility status for medical insurance coverage will not change.
- **Medical Insurance Premium Payments** - During a leave of absence under this policy, an employee's contribution toward the cost of the medical insurance premium, if any, will be at the same level as if the employee was working. The employee's contribution toward the cost of the medical insurance premium, if any, must be paid on a timely basis in order to maintain the continuous coverage of benefits. Coverage will cease if payments are not made within thirty calendar days from the due date. In the event the employee fails to return to work after the leave of absence period has expired, the Town may recover the cost of the medical insurance premium it paid for maintaining the coverage during any period of the unpaid leave of absence except for the following circumstances:
  - \* The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
  - \* Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than seventy-five miles from the employee's work-site; a relative or individual other than an immediate family member has a serious health condition and the employee is needed to provide care; or, the employee is laid off while on leave.
- **Accrual of Paid Leave Credits While On Unpaid Leave** - An employee will not accumulate vacation leave, personal leave, or sick leave while on an unpaid leave of absence. An employee will not receive holiday pay for any holidays that may occur while on an unpaid leave of absence.

**Employment Restrictions During Leave of Absence** - While on an unpaid leave of absence, the employee may not be employed by another employer or be self-employed during the same hours that the employee was normally scheduled to work for the Town of Athens.

**Extension of Unpaid Leave of Absence** - An employee who wants an extension of the leave previously requested must notify the employee's Department Head at least two business days from the date the change occurred which necessitates the change in leave time.

**Return to Work** - At the conclusion of a leave of absence under this Family and Medical Leave Policy, the employee will be restored to the position the employee held when the leave of absence began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave of absence. The following conditions for returning to work will apply:

- **Medical Statement** - Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Early Return** - An employee who intends to return to work earlier than anticipated must notify the Town Supervisor's Office at least five business days prior to the date the employee is able to return.

### 507 **Unpaid Leave of Absence**

**Eligibility** - An employee may receive an unpaid leave of absence for events not covered by the Town's Family and Medical Leave Policy. The employee must submit such request and the reasons for the leave, in writing, to the Town Supervisor at least thirty calendar days prior to planned commencement of the requested leave. The Town Board has sole discretion in approving such leave.

**Conditions of Leave** - The Town Board will specify the duration of an unpaid leave of absence and to impose such other terms, conditions and restrictions on the leave as the Town Board, in its discretion, deems appropriate.

## 600 **COMPENSATION**

### 601 **Wage and Salary**

**Rate of Pay** – The Town Board will establish an employee's rate of pay except for unionized workers, which shall be governed by the appropriate Collective Bargaining Agreement. (**Amended 1/3/17**).

**Pay Increases** – An employee may receive a pay increase based upon the employee's past performance. Such pay increase will be granted at the discretion of the Town Board.

### 602 **Overtime Pay**

**Authorization** - A FLSA non-exempt employee must receive prior approval from the employee's Department Head before working beyond the employee's normal workday or workweek.

**FLSA Exempt Employees** - In accordance with the Fair Labor Standards Act, a FLSA exempt employee will not be paid for overtime nor receive "compensatory time" for any hours worked in excess of the employee's normal workday or workweek.

**FLSA Non-Exempt Employees** - A FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over eight hours in a given workday or forty hours in a given workweek. During a "compressed workweek", such employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over ten hours in a given workday or forty hours in a given workweek. Such employee will not receive "compensatory time" for any time worked in excess of the employee's normal workday or workweek.

**Credit for Paid Leave** - Holidays, vacation leave, personal leave, and sick leave will be included as time worked in the computation of overtime. Jury duty leave, bereavement leave, and all military leave will not be included as time worked in the computation of overtime.

### 603 **Pay Period and Check Distribution**

**Payroll Period** – The payroll period will begin Saturday at 12:01 a.m. and ends fourteen calendar days later on Friday at 12:00 a.m. midnight. (**Amended 01/25/1999**) (**Resolution #99-14**)

**Pay Date** - All hours worked in the payroll period will be paid on the Wednesday following the end of the payroll period. In the event the pay date is a designated holiday, paychecks will be distributed on the previous workday. Certain employees may be paid semi-annually or quarterly as established by the Town Board.

**Authorized Check Release** - The Town will not release a paycheck to anyone other than the employee unless the employee has filed a signed, written authorization with the Bookkeeper.

## 700 EMPLOYEE BENEFITS

### 701 Holidays

**Designated Holidays** - The Town of Athens will observe the following holidays:

- |  |                      |
|--|----------------------|
| 1. New Year's Day <i>(1/4/99 by Resolution)</i>  | 4. Memorial Day      |
| 2. M.L. King Day <i>(May be used as Floater - Not Snow Day) (11/08/2001 by Resolution)</i> | 6. July 4th          |
| 3. President's Day   | 8. Columbus Day      |
| 5. Juneteenth (6/19/22)  | 10. Thanksgiving Day |
| 7. Labor Day   | 12. Christmas Day    |
| 9. Veterans Day  |                      |
| 11. Christmas Eve (1/2 day)  |                      |
| 13. New Years Eve (1/2 day)  |                      |

**Holiday Occurs on a Weekend** - In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

**Holiday Pay** - A full-time employee or a part-time employee who does not work on a designated holiday but is scheduled to do so, will be paid for the day at the employee's regular daily rate of pay. A temporary employee is not eligible for "holiday pay".

**Assigned to Work on a Holiday** - A full-time FLSA non-exempt employee or part-time FLSA non-exempt employee assigned to work on a designated holiday will be paid two times the employee's regular rate of pay, plus holiday pay. A temporary employee who works on a designated holiday will be paid at the employee's regular rate of pay.

**Holiday During Other Paid Leave** - In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation leave or paid sick leave, the employee will receive holiday pay for the day and the employee's leave credits will not be charged for that day.

### 702 Vacation Leave

**Allowance Full-time 30-hour a week** - A full-time 30-hour a week -employee will be credited with paid vacation leave each pay period in accordance with the following schedule. A part-time employee ~~*(Amended 12/01/2003 effective 01/01/2004)*~~ will be credited with paid vacation leave credits each pay period prorated by the number of hours the employee normally works in a workweek, with thirty hours equal to 100%.

LENGTH OF SERVICE	CREDITS PER PAY PERIOD
Upon date of hire	1.15 hours
Upon completion of 1 year of continuous service	2.31 hours
Upon completion of 3 years of continuous service	2.87 hours (3)
	3.47 hours (5)
Upon completion of 5 years of continuous service	3.84 hours (7)
Upon completion of 7 years of continuous service	4.50 hours (10)
Upon completion of 10 years of continuous service	<i>(Amended 12/01/2003 to be effective 01/01/2004)</i>
<i>(Amended 12/01/2003 to be effective 01/01/2004)</i>	<del>6</del>

**New Employees** - A new employee shall not be entitled to use any vacation credits during the first six months of employment although the employee shall accrue vacation credits during that period.

**Temporary Employees** - A temporary employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the employee's Department Head. *(Amended 12/01/2003 effective 01/01/2004 except for those specifically stated effective 01/01/2004)*

**Accrual During Leaves of Absence:** An employee will be credited with vacation leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

**Accumulation - Full-time 30-hour a Week Employees:** A Full-time 30-hour a week employee may accumulate vacation leave credits to a maximum of one hundred and sixty hours. Any vacation leave credits in excess of the maximum accumulation will be cancelled. However, in the event ~~the~~ *(Amended 12/01/2003 effective 01/01/2004)* employee is unable to take vacation leave due to no fault of the employee, the employee may "carry" the excess for three hundred sixty five (365) calendar days. *(Resolution 99-13) (1/25/1999)*

**Scheduling** - An employee may take vacation leave only after it has been credited. Vacation leave credits may be used in one-half day increments. An employee must receive prior approval from the employee's Department Head to take vacation leave. The request must be submitted, in writing, to the employee's Department Head as far in advance as possible. The Department Head will have total discretion in the approval of vacation leave.

**Termination of Employment** - An employee who resigns, retires, or is laid off will receive payment for unused vacation leave credits at the employee's then current rate of pay. In the event an employee leaves employment due to disciplinary action, the employee will not receive payment for unused vacation leave credits. In the event of an employee's death, the employee's beneficiaries shall receive the payment for unused vacation leave credits.

### 703 Sick Leave Policy

**Allowance Full-time 30-hour a Week Employees** - A full-time 30 Hour a Week employee *(Amended 12/01/03 effective 01/01/2004)* will be credited with three hours of paid sick leave each pay period.

**Part-time or Temporary Employees** - A part-time or temporary employee is not eligible for paid sick leave but may be allowed to take time-off without pay provided the employee has prior approval from the employee's Department Head.

**Accrual During Leaves of Absence:** An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

**Accumulation:** An employee may accumulate sick leave credits to a maximum of one hundred sixty-five (165) days (based on the employee's regular workday of either eight or six hours, as the case may be). Any sick leave credits in excess of the maximum accumulation will be cancelled.

**Use of Sick Leave** - An employee may take paid sick leave only after it has been credited. Sick leave credits may be used in one-hour increments. Sick leave is provided to protect an employee against financial hardship during an illness or injury. Sick leave is an insurance benefit against financial loss not a leave benefit to which the employee is automatically entitled. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work or for medical and dental appointments that cannot be scheduled during non-work hours.

**Family Sick Leave** - An employee may use sick leave credits for family illness or injury only if the employee must provide direct care to an immediate family member. For purposes of family sick leave, "immediate family member" will mean the employee's parent, spouse, or child provided such person lives in the same household as the employee.

**Notification of Sick Leave** - In the event an employee *(Amended 12/01/2003)* must take sick leave, the employee must notify the employee's Department Head as soon as possible before the employee's scheduled reporting time.

**Medical Verification** - The Town may require medical verification of an employee's absence if the Town perceives the employee has an excessive amount of absences or has demonstrated a pattern of abuse (e.g. being absent on the scheduled workday before and/or after a weekend, holiday, vacation, personal day). The medical verification must state that there was a medical inability to perform the employee's



regular work duties and that the employee is able to resume the employee's normal duties. An employee who fails to produce such documentation or falsifies or alters such documentation will be subject to appropriate disciplinary action.

**Return to Work** - After an extended leave due to an injury or illness, the Town may require medical verification of an employee's ability to perform the employee's normal job duties. Upon such request, the employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. In the event there are restrictions, the Town Supervisor will determine whether the employee will be allowed to return to work.

**Termination of Employment (hired before June 1, 1998)** - An employee who resigns **with less than 20 years of employment**, is laid off, or leaves employment due to disciplinary action will not receive payment for unused sick leave credits. **(Amended 6/16/2003)**

**Termination of Employment** - An employee who resigns, retires, is laid off or is terminated from employment due to disciplinary action will not receive payment for unused sick leave credits. Such employee may use up to one-hundred and sixty-five (165) days of accumulated sick leave credits to increase service credit toward retirement in accordance with Section 41(j) of the New York State Retirement System.

#### 704 **Personal Leave Policy**

**Allowance - Full-time 30-hour a Week Employees** - A full-time 30-hour a Week employee **(Amended 12/01/03 effective 01/01/2000)** will be credited with twenty-four (24) hours of paid personal leave on the first day of January of each year for the subsequent year. **518 18**

**New Employees** - An employee who is hired after the first day of January in any given year will be credited with paid personal leave prorated by the number of months to be worked in the first calendar year of employment. Thereafter, the employee will be credited on the first day of January for the personal leave credits for the subsequent year.

**Part-Time or Temporary Employees** - A part-time or temporary employee is not eligible for paid personal leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Accumulation** - An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be canceled.

**Scheduling** - An employee may take personal leave only after it has been credited. Personal leave credits may be used in one-hour increments. An employee must receive prior approval from the employee's Department Head to take personal leave. The request must be submitted, in writing, to the employee's Department Head as far in advance as possible. The Department Head will have total discretion in the approval of personal leave.

**Termination of Employment** - An employee who resigns, retires, is laid off, or leaves employment due to disciplinary action will not receive payment for unused personal leave credits.

#### 705 **Medical Plan**

**Insurance Plan** - The Town will make available a medical insurance plan to each eligible employee and elected official **(Amended 3/5/2012)** and to eligible family members. The Town may change insurance carriers and/or offer alternative plans in place of current plans. In no event shall the Town be required or obligated to pay or reimburse an employee or elected official or any party covered under the plan **(Amended 3/5/2012)** for any portion of any medical bill or expense that is not covered or reimbursed by the medical insurance plan. **(Amended 3/5/2012)**

**Part-time or, Temporary Employee)** - A part-time or temporary, employee is not eligible for medical insurance except by resolution of the town board. **(Amended 3/5/2012)**

**Medical Insurance Coverage** - Coverage will begin on the first day of the month following one month of continuous employment, or the Elected Official takes office, provided the employee or elected official **(Amended 3/5/2012)** meets all eligibility requirements of the insurance plan and has completed the insurance application.

**Premium Payment – For New Hires & Elected Officials after 11/10/2003** – The Town will pay 80% of INDIVIDUAL or FAMILY MEDICAL insurance coverage, with the employee paying the remaining 20%. **(Amended 6/18/2007)**

The Town, effective as of August 2, 2021, will make the following contributions towards the premiums:

**Current Retirees:** at 100% (remain at 100%), Other Retirees at 90% remain at 90%.

Retirees (hired on or after August 2, 2021): 80% Individual Coverage Only.

Retirees (hired prior to August 2, 2021): 100% for United Healthcare and AARP coverage or its equal for Retiree and Spouse. 80% for any other coverage (i.e.: Blue Shield NANY, etc.) for Retiree and Spouse.

**Full-time Employees:** 80% that the Towns' Health Insurance Premium on full time employees is 80% with the employee picking up the 20% difference. (This begins August 2, 2021)

**Full time Elected Official - (Resolution #2011-39)** – That the Full time Elected Official: Highway Superintendent and Town Clerk will be 80% and the Elected Official pays the 20% difference. (This will begin August 2, 2021)

**Elected Town Board Members and Judges: (Resolution #2011-40)** That the Towns' Health Insurance Premium on Elected Town Board Members and Judges for Individual coverage only shall be set at 80% with the employee picking up the 20% difference -. (This will begin August 2, 2021.

**Any Athens employee who is currently receiving the Medical Buy-Out will continue to receive it until retirement or termination of employment. As of August 2, 2021, only current employees already receiving the Medical Buy-out shall be eligible for the Medical Buy-out.**

#### 707 Continuation of Benefits (COBRA)

**Summary** - The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers employees and "qualified beneficiaries" the right to continue existing medical insurance coverage, completely at their own expense, under certain qualifying conditions. All required premiums and administrative fees must be paid by the employee in a timely manner in order for coverage to continue.

**Eligibility** - An individual is a "qualified beneficiary" if the individual is covered under a group health plan on the day before a qualifying event as either a covered employee, the spouse of a covered employee, or a dependent child of a covered employee. A child who is either born to or who is placed for adoption with the covered employee during a period of COBRA coverage is also a "qualified beneficiary".

**Qualifying Events** - The option to elect COBRA coverage must be taken at the time of separation, reduction in hours, or change of dependent status, as the case may be, and will be in effect for a period of eighteen (18), twenty-nine (29), or thirty-six (36) months, depending upon any of the following qualifying events:

- An **eighteen-month** (18) continuation will be available to a qualified beneficiary in the event of the covered employee's termination of employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.
- A **twenty-nine month** (29) continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty (60) days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty (60) days of the determination of the disability by Social Security and before the end of the original eighteen-month (18) COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty (30) calendar days of such determination.
- A **thirty-six month** (36) continuation will be available to a qualified beneficiary in the event of any one of the following:
  - \* A covered employee's death;
  - \* Divorce or legal separation from a covered employee;
  - \* A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five (65); or
  - \* A covered dependent ceases to be a "dependent child" under the medical insurance plan.

**Limitations** - In the event an employee becomes covered by Medicare, but no loss of coverage results for the employee or the covered dependents, and a subsequent qualifying event occurs, the duration of coverage for all qualified beneficiaries will be thirty-six (36) months from the date of the termination or reduction in hours. A qualified beneficiary may be covered under multiple qualifying events, but in no case will coverage be continued for more than thirty-six (36) months.

**Change in Beneficiary Status** - An employee must notify the Town within sixty (60) calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The Town will not be responsible for any loss of coverage resulting from the employee's failure to give notification of such an event.

**Enrollment Information** - The Town Supervisor will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the Town Supervisor within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

## **708 Medical Insurance for Retired Employees**

**Medical Insurance Coverage** - The Town will make available major medical, hospital, surgical and prescription drug insurance to an eligible full-time employee or Elected Official who retires from the Town. Coverage will also be made available for such employee's eligible family. In the event the retiree predeceases the eligible family member, the family member may continue medical insurance coverage at the family member's cost.

Effective August 2, 2021 all future retirees hired on or after August 2, 2021 will be eligible for single coverage only upon retirement, with a 20% contribution required (effective August 2, 2021).

**Eligibility (employees) (hired prior to 12/17/2001)** – To be eligible for retiree health insurance coverage, the employee must be age fifty-five (55) or older, *and have* ten (10) years of service with the Town, *and* must be eligible to receive retirement benefits through the New York State Retirement System, must have been actively employed by the Town on the date of retirement, and must have been enrolled under the Town's medical insurance plan for at least 1 year **immediately** prior to the date of retirement. ***[Amended 6/18/2007, 8/2/2021]***.

**Eligibility (Elected Officials) (in office prior to 12/17/2001)** – To be eligible for retiree health insurance, the Elected Official must be age sixty-five or older, and must have at least ten years of service with the Town, (*and*) must have been enrolled under the Town's medical insurance plan for at least one (1) year (**immediately**) prior to the date of retirement. ***[Amended 6/18/2007]***.

**Eligibility (employees) (Hired on or AFTER 12/17/2001)** – To be eligible for retiree health insurance, the employee must be age fifty-five (55) and have twenty-five (25) years of continuous service (***See Section 102 for definition***) or be sixty-five (65) with ten (10) years of continuous service (***See Section 102 for definition***) with the Town. The employee must be eligible to receive retirement benefits through the New York State Retirement System and must have been actively employed by the Town of the date of retirement, and must have been enrolled under the Town's medical insurance plan for at least one (1) year **immediately** prior to the date of retirement. ***[Amended 6/8/2007]***.

**Eligibility (Elected Officials) (In Office AFTER 12/17/2001)** – To be eligible for retiree health insurance coverage, the Elected Official must be age fifty-five (55) or older, and must have twenty-five (25) years of continuous service (***See Section 102 for definition***) or sixty-five (65) with ten (10) years of continuous service (***See Section 102 for definition***) with the Town, and must have been enrolled under the Town's medical insurance plan for at least one (1) year **immediately** prior to the date of retirement. ***[Amended 6/18/2007]***

**Insurance Plan** – The Town will make available the same medical insurance plans offered to then current employees. In no event shall the Town be required or obligated to pay or reimburse a retiree or the retiree's eligible family member for any portion of any medical bill or expense that is not covered or reimbursed by the

medical insurance plan. The Town Board may change the insurance carriers and/or offer alternative plans in place of the current plans. The Town Board reserves the right to amend, modify, reduce or discontinue any or all of the medical insurance benefits and the percentage of contribution required by retirees. **Medicare Reimbursement - Effective August 2, 2021, all future retirees will no longer qualify or receive Medicare Reimbursement.**

#### 709 Workers' Compensation Insurance

**Summary** - The Town will make available a Workers' Compensation plan for job related injury or illness, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee. An employee generally receives two-thirds (2/3) of the employee's gross pay up to the regulated maximum for total disability for the time specified. The employee must serve a waiting period of seven (7) calendar days before cash benefits begin. Generally, if the disability lasts longer than fourteen (14) calendar days, cash benefits for the first seven (7) calendar days will be paid retroactively. There is no waiting period for medical care received. Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

**Plan** - The Town may, at its discretion, change carriers and/or offer an alternative Workers' Compensation plan. A description of the plan may be obtained from the Town Supervisor.

**Reporting of Injury** - The employee should submit a written report of the injury to the employee's Department Head within twenty-four (24) hours of the occurrence in order to ensure prompt coverage of the claim. In the event the employee is unable to complete the forms due to the injury or illness, the Department Head will complete and submit the required forms on behalf of the employee.

**Use of Sick Leave Credits** - A full-time employee may draw from the employee's accumulated sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay. When the insurance company makes payment, the employee shall reimburse the Town for that portion of sick leave covered by insurance.

#### 710 Short-Term Disability Insurance

**Summary** - The Town will make available a short-term disability insurance plan as a temporary benefit to each eligible employee who becomes disabled due to a non-job related injury or illness. The insurance carrier will make the determination of whether an employee is eligible for disability benefits. An eligible employee is covered for the period of disability specified by the employee's physician up to a maximum of twenty-six weeks. If all qualifying conditions are met, insurance benefits will begin on the eighth (8<sup>th</sup>) day of the disability. The payment received will be fifty (50) percent of the previous average weekly wage to a specified maximum. Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements: any employee working over 20 hours a week). **(Amended 1/3/2017)**

**Plan** - The Town may, at its discretion, change carriers and/or offer an alternative disability plans. A description of the plan may be obtained from the Town Supervisor.

**Premium Payment** - The Town will pay the full premium for disability insurance for each eligible employee.

**Reporting of Injury** - The employee should submit a written report of the injury, on the proper form, to the employee's Department Head within twenty-four hours of the occurrence.

**Use of Sick Leave Credits** - A full-time employee may draw from the employee's accumulated sick leave credits in conjunction with short-term disability payments to equal, but not exceed, the employee's regular daily rate of pay. When the insurance company makes payment, the employee shall reimburse the Town for that portion of sick leave covered by insurance.

#### 711 Unemployment Insurance

**Coverage** - The Town will make available an unemployment insurance plan to each employee ruled eligible for benefits by the State Department of Labor.

#### 712 Social Security

**Summary** - Social Security Benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. The Town matches employee contributions to Social Security (FICA).

## 713 ***The New York State Employees' Retirement System***

**Summary** - The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee. An employee has a vested right to retirement benefits after ten (10) years of eligible public sector service. In the event an employee leaves after ten (10) years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

**Mandatory Membership (hired before July 27, 1976)** - A full-time employee who began employment with the State of New York or with a participating employer prior to July 27, 1976 must join the New York State Employees' Retirement System. The date of membership is the date of permanent appointment if the employee holds a position with a competitive classification. The date of membership is the date of hire if the employee holds a position with a non-competitive classification.

**Mandatory Membership (hired after July 27, 1976)** - A full-time employee who began employment with the State of New York or with a participating employer after July 27, 1976 must join the New York State Employees' Retirement System. The date of membership is the date of full-time permanent appointment.

**Optional Membership (hired before July 27, 1976)** - An employee who is not mandated to join the New York State Employees' Retirement System may join the retirement system. An employee who began employment with the State of New York or with a participating employer prior to July 27, 1976 may join the New York State Employees' Retirement System if the employee holds a position with an exempt or labor classification or with a competitive classification where the employee is appointed temporarily or provisionally. The date of optional membership is the date the application is received by the Retirement System.

**Optional Membership (hired after July 27, 1976)** - An employee who is not mandated to join the New York State Employees' Retirement System may join the retirement system. An employee who began employment with the State of New York or with a participating employer after July 27, 1976 may join the New York State Employees' Retirement System if the employee meets one of the following conditions:

- the position is either provisional or temporary under New York State Civil Service Law;
- the employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for the given position;
- the duration of employment is for less than one (1) year or employment is on less than a twelve-month (12) per year basis; or,
- the annual compensation is less than the State's minimum wage multiplied by 2,000 hours.

The date of optional membership is the date the application is received by the Retirement System.

## 800 **COMPLIANCE POLICIES**

### 801 ***The Americans with Disabilities Act Policy***

**Policy Statement** - The Town of Athens does not discriminate against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It is the policy of the Town to hire, promote, and maintain terms, conditions, and privileges of employment in a manner which does not discriminate on the basis of a qualified individual's disability.

### 802 ***Equal Employment Opportunity Policy***

**Policy Statement** - The Town of Athens is an Equal Employment Opportunity employer. The Town does not discriminate on the basis of race, color, sex, religion, age, national origin, marital status, disability or veteran status. Discrimination based on any of the above groups is strictly prohibited. This policy applies to all aspects of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

**Notification of Policy Violations** - An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported to the Town Supervisor or other member of the

Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint. **Disciplinary Action** - An employee who, after investigation, is found to have violated this policy will be subject to appropriate disciplinary action.

### 803 **Fair Treatment Policy**

**Policy Statement** - It is the policy of the Town to treat all employees with fairness, respect, and dignity. The Town will not tolerate harassment or discrimination of any kind in the workplace.

**Notification of Policy Violations** - An employee should immediately report any kind of harassment or discrimination in the workplace to the employee's Department Head.

In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported to the Town Supervisor or other member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.

**Disciplinary Action** - An employee who, after investigation, is found to have violated this Fair Treatment Policy will be subject to appropriate disciplinary action.

### 804 **Sexual Harassment Policy**

**Policy Statement** - While all forms of harassment are prohibited, the Town of Athens explicitly prohibits the sexual harassment of employees.

**Definition of Sexual Harassment** - For purposes of this policy, sexual harassment will mean unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when any or all of the following conditions exist:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- When submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of interfering unreasonably with an individual's work performance or is creating an intimidating, hostile, or offensive working environment.

**Enforcement of Sexual Harassment Policy** - It is the responsibility of the Town to maintain a workplace free of any form of sexual harassment. The Town will not tolerate any actions by a Department Head or any other staff that threatens or insinuates, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

The responsibility for maintaining a workplace free of any form of sexual harassment is not limited to Department Heads or other supervisory staff. All employees are prohibited from engaging in conduct including, but not limited to, the following:

- Sexual flirtations, touching, advances, or propositions;
- Verbal abuse of a sexual nature such as swearing, jokes or comments of a sexual nature, etc.;
- Graphic or suggestive comments about an individual's dress or body;
- Using sexually degrading words to describe an individual; and/or
- Displaying sexually suggestive objects or pictures in the workplace, including photographs, postcards or posters.

**Notification of Policy Violations** - An employee who believes to have experienced or witnessed sexual harassment in the workplace should immediately report such behavior to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported to the Town Supervisor or other member of the Town Board. All complaints will be investigated discreetly and promptly. An employee who reports sexual harassment activities will not suffer adverse employment consequences as a result of making the complaint.

**Disciplinary Action** - An employee who, after investigation, is found to have engaged in sexual harassment will be subject to appropriate disciplinary action.

## 805 **Drug-Free Workplace Policy**

**Policy Statement** - The Town Board, in the interest of providing a safe work environment and a healthy productive workforce, has adopted the following Drug-Free Workplace Policy, which is consistent with the Federal "Drug-Free Workplace Act of 1988":

**Prohibited Activity** - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites.

**Employee Assistance** - In establishing a drug-free workplace, it is the policy of the Town to work with an employee suffering from drug abuse so that the employee will receive assistance necessary to overcome dependency.

An employee seeking such assistance is encouraged to contact the employee's Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

**Employee Responsibilities** - As a condition of the Town receiving Federal grants, each employee must abide by this policy and notify the Department Head of any criminal drug conviction occurring in the workplace within five (5) calendar days of the conviction.

**Town Responsibilities** - The Town will notify the granting federal agency within ten (10) days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, the Town will take appropriate disciplinary action against the employee within thirty (30) calendar days.

**Disciplinary Action** - An employee who, after investigation, is found to have violated this Drug Free Workplace policy may be referred for counseling or rehabilitation and satisfactory treatment will be subject to appropriate disciplinary action.

## 806 **Substance Testing Policy**

**Policy Statement** - The Town Board has adopted a Substance Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991, Controlled Substances and Alcohol Use and Testing" as outlined by the Department of Transportation in 49 CFR Parts 40, 382, and 391 of the Code of Federal Regulations. The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage. **(Amended 1/3/2017)**

## 900 **SAFETY**

### 901 **Safety Procedures**

**Statement** - Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the Town to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

**Employee Responsibility** - In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, the employee must fully understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

**Accident Plan** - In the event of an accident, an employee must immediately stop work and take the following steps:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call an ambulance; and
- Take steps to prevent additional accidents.

**Accident Reporting Procedures** - In the event an accident occurs in the workplace, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee's Department Head must complete an *Employer's Report of Injury Form (C-2)*. This form must be submitted to the Town Supervisor within six (6) workdays of the accident.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee's Department Head must complete a *Supervisor's Report of Incident Form*. This form must be submitted to the Town Supervisor within six (6) workdays of the accident.
- The Town will keep a log of the injury or illness for five (5) years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, will be posted where notices to employees are customarily posted.

## 902 **Hazard Communication Program**

**Policy Statement** - The Town of Athens is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The Town considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance. This portion of the Town's comprehensive safety program has been prepared to comply with the requirement of Title 29 of the Code of Federal Regulations 1926.59. It is intended to ensure that all information necessary for the safe use, handling and storage of hazardous chemicals be made available to employees.

**Guidelines** - The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** - The Town of Athens Clerk (**Amended 1/3/2017**) must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the Town of Athens Clerk (**Amended 1/3/2017**)
- **Container Labels** - All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Town of Athens Clerk (**Amended 1/3/2017**) must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Superintendent of Highways for labeling or proper disposal.
- **Dispensing Chemicals** - An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Town of Athens Clerk (**Amended 1/3/2017**) for proper handling. No unmarked containers of any size are to be left in the work area unattended.

**Material Safety Data Sheets (MSDS)** - An employee working with a Hazardous Chemical may obtain a copy of the Material Safety Data Sheet (MSDS) and a standard chemical reference from the Town of Athens Clerk (**Amended 1/3/2017**).

**Employee Training** - An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Material Safety Data Sheets. (**Amended 1/3/2017**)



## 1000 COMMUNICATION PROCEDURES

### 1001 *Bulletin Board*

**Location** - Bulletin Boards will be located throughout Town buildings for communicating information to employees. An employee should check the Bulletin Boards frequently to keep informed on changes in employment matters and other items of interest.

**Posting of Material** - All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the employee's Department Head.

### 1002 *Adverse Correspondence*

**Written Communication** - An employee who receives a memo, fax message, letter, e-mail, telegram, legal notice, summon, or other form of communication of a negative nature must immediately forward the document to the employee's Department Head.

**Verbal Communication** - An employee who receives a verbal complaint from a Town resident of unfair treatment or expressions of anger or dissatisfaction must immediately notify the employee's Department Head, who will in turn immediately notify the Town Supervisor.

### 1003 *Electronic Communications Policy*

**General Guidelines** - An employee must abide by the following guidelines pertaining to electronic communications:

- E-mail and voice mail are to be used for job-related purposes only;
- All computer pass codes must be available to the Town at all times.

The Town reserves the right to enter, search, and monitor the computer files, E-mail, and voice mail of an employee without advance notice for business purposes including, but not limited to, theft, disclosure of confidential information, personal abuse of the system, or for monitoring work flow or productivity.

### 1004 *SOCIAL MEDIA POLICY*

At the Town of Athens, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media as an employee of the Town, we have established these guidelines for appropriate use of social media that is related to your job duties or which may negatively impact the Town's operations or expose the Town to liability.

This policy applies to all employees of the Town of Athens.

Managers and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

### **GUIDELINES**

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social Media* includes all means of communicating or posting of information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town of Athens, as well as any other form of electronic communication.

Although the Town recognizes that employees may choose to express themselves by posting personal information on social media, this right of expression is not free from limitation. That is, while the Town acknowledges its employees have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern. Therefore, employees must exercise caution with respect to comments they post concerning the Town, a particular department of the Town, and/or other employees of the Town.

The same principles and guidelines found in the Town of Athens policies and three basic beliefs apply to your activities online. Ultimately you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, suppliers, contractors, or other legitimate business interests of the Town, may result in disciplinary action up to and including termination.

### **Know and Follow the Rules**

Carefully read these guidelines, the Town of Athens Code of Ethics, and the Discrimination and Harassment Prevention Policy, and ensure that your postings are consistent with these policies. Inappropriate posting may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **Be Respectful**

Always be fair and courteous to fellow employees, customers, suppliers, contractors or other people who work on behalf of the Town of Athens. Also, keep in mind that you are more likely to resolve work related complaints by speaking differently with your co-workers or by utilizing our Open Door Policy than by posting complaints to social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage employees, customers, suppliers, contractors or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Town policy.

### **Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost anything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town of Athens, fellow employees, customers, suppliers, contractors or people working on behalf of the Town of Athens.

### **Post only appropriate and respectful content**

- Maintain the confidentiality of the Town of Athens private or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site to a Town of Athens Website.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Town of Athens. If the Town of Athens is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the Town of Athens, fellow associates, members, customers, suppliers, or people working on behalf of the Town of Athens. If you do publish a blog or post online related to the work you do or subjects associated with the Town of Athens, make it clear that you are not speaking on behalf of the Town of Athens. It is best to include a disclaimer such as “the postings on this site are my own and do not necessarily reflect the views of the Town of Athens.”

### **Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your Supervisor. Do not use the Town of Athens email addresses to register on social networks, blogs or other online tools utilized for personal use.

### **Retaliation is prohibited**

The Town of Athens prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to a disciplinary action, up to and including termination.

### **Media contacts**

Employees should not speak to the media on the Town of Athens behalf without first contacting the Town Supervisor. All media inquiries should be directed to the Office of the Town Supervisor.

## **1100 DISPUTE RESOLUTION**

### **1101 Grievance Procedure**

**Dispute Resolution** - The Town Board has established a set of procedures to provide for the orderly resolution of differences in a fair and equitable manner at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the Town Board which will enhance the overall operation of the Town.

**Definition of Grievance** - For purposes of this Employee Handbook, a grievance will mean a claimed violation, misinterpretation or inequitable application of the provisions of this Employee Handbook.

**Formal Grievance (Step One)** - An employee who claims to have a grievance may present the grievance to the employee’s Department Head. The grievance must be submitted, in writing, within seven calendar

days following knowledge of the event(s) which caused the grievance or when the employee should have had knowledge.

At this step, the grievance will specify the nature of the grievance, including the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven calendar days after receiving the grievance, the Department Head will meet with the employee to discuss and attempt to resolve the matter. Within seven calendar days from the meeting, the Department Head will issue a written response, which will be given to the Town Supervisor and the employee.

**Appeal to Town Supervisor (Step Two)** - In the event the employee is not satisfied with the response at Step One, the employee may submit the matter to the Town Supervisor. The grievance must be submitted, in writing, within seven calendar days from receiving the Step One response, or when the response should have been received.

Within seven (7) calendar days after receiving the grievance, the Town Supervisor will investigate the matter and issue a written response, which will be given to the employee.

**Appeal to Town Board (Step Three)** - In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the Town Board by filing a Request for Hearing with the Town Clerk. The Request for Hearing must be submitted, in writing, within seven (7) calendar days from receiving the Step Two response, or when the response should have been received.

The Town Board will set the time and place for the hearing. All decisions rendered by the Town Board will be final and binding.

**Right to Representation** - The employee will not be allowed representation by counsel at the hearing or have the right to summon witnesses.

**Time Limits** - The employee must adhere to the time limits set forth in this grievance procedure. In the event the employee does not advance the grievance to the next step within the established time limit, the grievance will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the official who is to receive the grievance.

\_\_\_\_\_  
(SIGNATURE)

DO HEREBY ACKNOWLEDGE RECEIPT OF TOWN OF ATHENS EMPLOYEE HANDBOOK:

AS ADOPTED 8/10/1998 EFFECTIVE 9/1/1998;

**Amended 1/4/1999 # 701; Amended 1/25/1999 #603 (Res #79-14); Amended 12/17/2001 # 708; Amended 6/16/2003 # 703; Amended 12/01/2003 # 201 & 204; #503 & #504; #702; #703; #704; #705 eff. 1/1/2000; - Amended 6/18/2007 #102; #705; #706; #708; Amended 12/29/2011 - 10% Buyout; #706 - Resolution 2011-16; 38; 39; 40; 41; Amended 3/5/2012 #705 & #706 - Resolution 2011-16; Local Law #1 Amending Article IV of Chapter 43 of the Town Code of the Town of ATHENS Entitled "Health Insurance Buyout Law for the Town of Athens, 3/5/12; Amended 7/10/2013 - #706; #707 & #708; Amended 11/28/2016 #202; Amended 11/28/2016 #303 & #305; Amended 12/12/2016 #103; Resolution 2016-36 eff 1/1/2017 ; Amended 1/3/2017 #404; Amended 1/3/2017 #407; Amended 1/3/2017 #409; Amended 1/3/2017 #502; Amended 1/3/2017 #504; Amended 1/3/2017 #601; Amended 1/3/2017 #710; Amended**

**1/3/2017** #806 & #807; **Amended 1/3/2017** #902; **Amended 4/17/2017** # 706; Amended 7/19/2021 # 306; # 310; # 403; # 501; # 502; # 503; # 504; # 601; # 602; #603; # 701; # 702; # 703; # 704; # 705; # 706; # 708; # 1004.

I AM ADVISED TO READ AND ASK ANY QUESTIONS I MAY HAVE CONCERNING THIS HANDBOOK WITHIN TEN (10) DAYS OF RECEIPT.

DATE: \_\_\_\_\_

ISSUED BY: \_\_\_\_\_  
(SIGNATURE)

**TOWN OF ATHENS**  
**PROCUREMENT POLICIES AND PROCEDURES**

(REVISED August 2, 2021)

FINAL

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, Sub-section 103. Every officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or the other documentation supporting the purchase activity.

2. *All purchases of supplies or equipment which will exceed \$20,000.00 in the fiscal year or public works over \$35,000.00 shall be formally bid pursuant to GML, paragraph 103.*

3. **All estimated purchases of supplies or equipment of:**

Less than \$ 20,000.00 but greater than \$3,000.00 requires a written request for a proposal (RFP) and written/fax quotes from three (3) vendors based on departmental recommendations, and shall be approved by the Town Board.

Less than \$3,000.00 but greater than \$1000.00 requires a written request for the goods and written/fax quotes from two (2) vendors based on departmental recommendations and shall be approved by the Town Board.

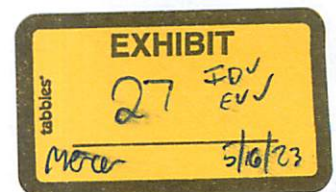
Less than \$1,000.00 but greater than \$200.00 requires an oral request for the goods and oral/fax quotes from two (2) vendors which shall be approved by the Town Supervisor.

Less than \$200.00 but greater than 0 are left to discretion of purchaser and shall be approved by the Town Supervisor.

4. All estimated Public Works to include Highway Department contracts of:

Less than \$ 35,000.00 but greater than \$10,000.00 requires a written RFP and fax/proposal from three (3) contractors based on departmental recommendations and shall be approved by the Town Board.

Less than \$10,000.00 but greater than \$3,000.00 requires a written RFP and fax/proposal from two (2) contractors based on departmental recommendations and shall be approved by the Town Board.



**Less than \$3,000.00 but greater than \$500.00** is left to the discretion of the Purchaser and shall be approved by the Town Superintendent of Highways.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

5. The lowest responsible proposal or quote shall be awarded the contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgement shall also be documented and filed with the record supporting the procurement.

6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

7. ***Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances.***

- a. Acquisition of professional service;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased under Federal, state or county contract;
- h. Goods purchased at auction;

Documentation should be provided which details why procurement is not subject to competitive bidding:

- ❖ Description of facts giving rise to emergency;

- ❖ Description of professional services;
- ❖ Copies of state or county contracts;
- ❖ Description of sole source item and how such determination was made

8. ***This policy shall be reviewed annually by the Town Board.***





Town of Athens, NY  
Thursday, July 8, 2021

## Chapter 19. Ethics, Code of

[HISTORY: Adopted by the Town Board of the Town of Athens 12-7-1970.  
Amendments noted where applicable.]

### GENERAL REFERENCES

Officers and employees — See Ch. 43.

### § 19-1. Purpose.

It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Athens, and these rules as hereby adopted shall serve as a guide for official conduct of the officers and employees of the Town of Athens. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### § 19-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### INTEREST

A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

#### MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Town of Athens, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fire fighter or civil defense volunteer, except a fire chief or assistant fire chief.

- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

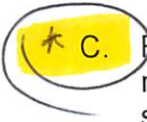
### § 19-3. Standards of conduct.

Every officer or employee of the Town of Athens shall be subject to and abide by the following standards of conduct:

- A. Gifts. The officer or employee shall not directly or indirectly solicit any gift having a value of \$75 or more, whether in the form of money, services, loan,

travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. Confidential information. The officer or employee shall not disclose confidential information acquired by the officer or employee in the course of his or her official duties or use such information to further his or her personal interest.
-  C. Representation before one's own agency. The officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. The officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his or her municipality whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town of Athens, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.
- F. Investments in conflict with official duties. The officer or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties.
- G. Private employment. The officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- H. Future employment. The officer or employee shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Athens in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

## § 19-4. Filing of claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Athens or any agency thereof on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

## § 19-5. Distribution of code.

The Town Supervisor of the Town of Athens shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Athens within 10 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

## § 19-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Re: Request Meeting

Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

Wed 6/29/2022 3:09 PM

To:

- Michael Pirrone <[REDACTED]@townofathensny.com>

Cc:

- David Dellehunt <[REDACTED]@nycourts.gov>;
- Tim MERCER <[REDACTED]@msn.com>

Michael, please let me know as early as you can tomorrow as I do have work lined up for the AM stopping for the 11 am meeting. If it doesn't work, I can stay on my project longer before going to the office in the afternoon for my June 30<sup>th</sup> Court night.

Question for you Michael, over the past two years I have asked/requested to meet with the Town Attorney to discuss personnel issues and basic Town / Justice separation issues that have come up. Previous Town of Athens Officials have never allowed a meeting with the Town Attorney and the Justices for the Town of Athens. As Mr. Mc Hugh is going to be present, who's actual interest is he representing, as we have two elected Town of Athens Officials and one salaried bookkeeper, a Town employee attending?

Regards,

**Hon. E. Timothy Mercer**  
Town Justice

2 First Street  
P.O. Box 132  
Athens, NY. 12015

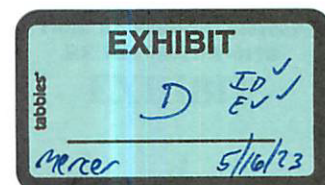
PH. 518-945-3360 Ext. 1  
Fax 518-945-1372

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**From:** Michael Pirrone <[REDACTED]@townofathensny.com>  
**Sent:** Wednesday, June 29, 2022 1:28 PM  
**To:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
**Cc:** David Dellehunt <[REDACTED]@nycourts.gov>; Tim MERCER <[REDACTED]@msn.com>  
**Subject:** RE: Request Meeting

**Judge, my apologies for not RSVP sooner. Now, unsure about tomorrow morning, will confirm ASAP in morning.**  
**George Mc Hugh will be attending meeting, also. Any questions, please let me know.**  
**Michael**

**From:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
**Sent:** Monday, June 27, 2022 5:32 PM  
**To:** Michael Pirrone <[REDACTED]@townofathensny.com>



Cc: David Dellehunt <[REDACTED]@nycourts.gov>; Tim MERCER <[REDACTED]@msn.com>  
Subject: Re: Request Meeting

Michael, I can make it 11:00 am Thursday morning if that works for you.

All I am expecting is an explanation for his rude behavior and an apology for the comments he made. Anything short of that I will take additional action to remedy the problem at hand. Mr. Pierro's very questionable behavior in the past within the Town building is well documented, including staff and personnel within the Athens Town Court, The Town of Athens staff and the Village of Athens personnel. I refuse as a sitting, elected Judge for the Town of Athens to be verbally assaulted and intimidation at my place of work.

Respectfully submitted

**Hon. E. Timothy Mercer**  
Town Justice

2 First Street  
P.O. Box 132  
Athens, NY. 12015

PH. 518-945-3360 Ext. 1  
Fax 518-945-1372

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From: Michael Pirrone <[REDACTED]@townofathensny.com>  
Sent: Monday, June 27, 2022 3:44 PM  
To: Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
Cc: Don Pierro <[REDACTED]@townofathensny.com>; Michael Pirrone <[REDACTED]@townofathensny.com>  
Subject: Request Meeting

**Dear Judge Mercer, on behalf of Mr. Pierro, I am requesting a meeting to discuss the issues of Monday morning. The attendees ae yourself, Mr. Pierro and me. Unfortunately, I am not available on Tuesday, but let me know when a morning may be available. Thank you too all.**

**Michael N. Pirrone, Supervisor**  
Town of Athens  
Athens, NY 12015  
Town Hall: (518) 945-1052  
Email: [REDACTED]@townofathensny.com

Bookkeeper Don Pierro Abusive and Condescending remarks today!

Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

Mon 6/27/2022 11:19 AM

To:

- Michael Pirrone <[REDACTED]@townofathensny.com>

Cc:

- David Dellehunt <[REDACTED]@nycourts.gov>

Mr. Supervisor  
Town of Athens

Mike,

Coming down the staircase from Court today working on my morning cases, I encounter Don Pierro, the Bookkeeper leaving his office and locking his door. As I was coming down, I said "Good morning, Don" as no response I said "good morning, Don" again believing he didn't hear me while locking the door.

Don said " I heard you, your just being a fucking asshole"

I said, " no Don, just trying to be nice, good morning"

Don said " your just being an asshole"

I find this behavior unprofessional and abusive considering the challenges I am facing recently with the Town of Athens.

I demand an apology from Mr. Pierro immediately. If not, I want to meet with you the Town Supervisor and the Town of Athens attorney to discuss further action.

Regretfully submitted,  
**Hon. E. Timothy Mercer**  
**Town Justice**

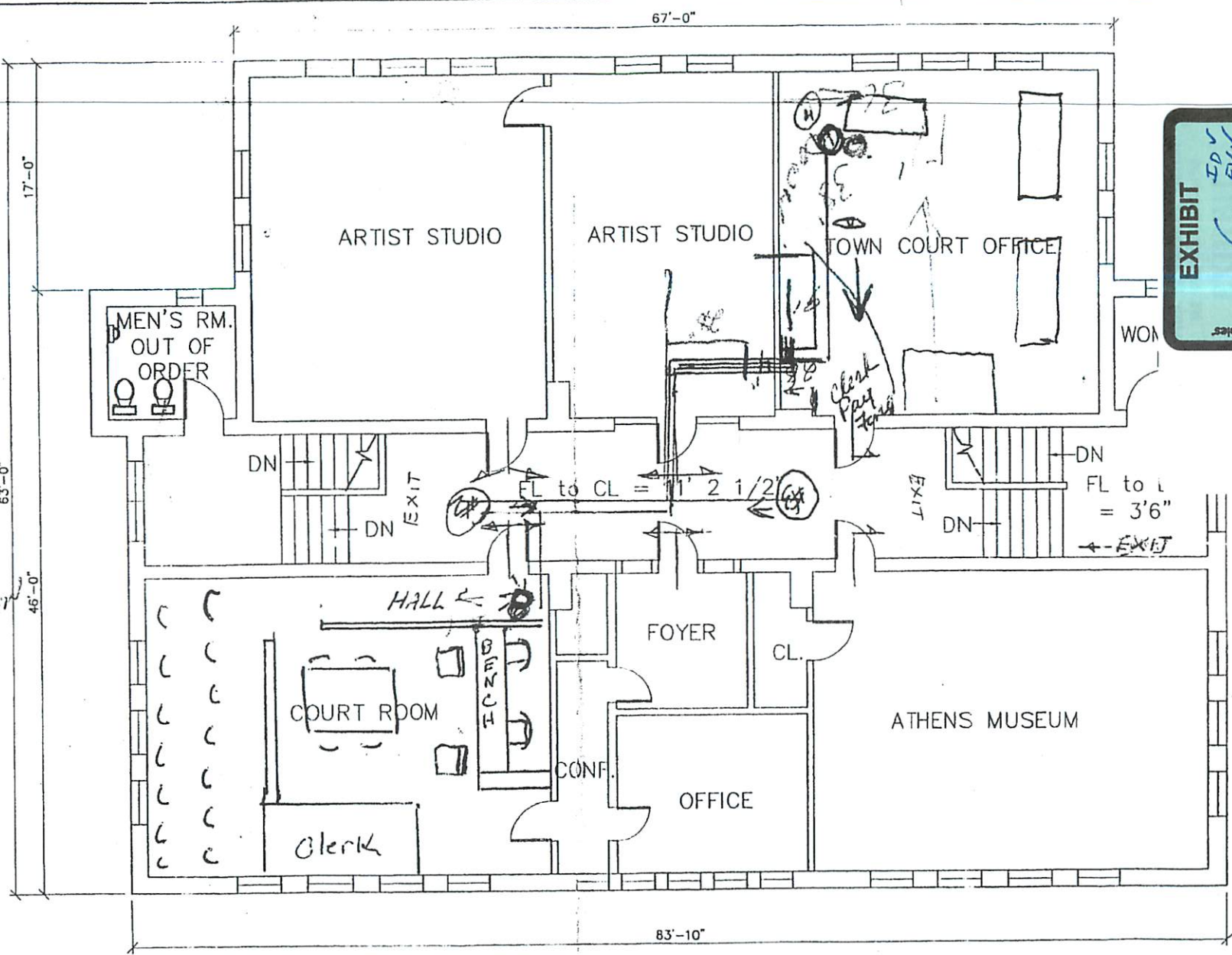
**2 First Street**  
**P.O. Box 132**  
**Athens, NY. 12015**

**PH. 518-945-3360 Ext. 1**  
**Fax 518-945-1372**

400'  
POE CAT6  
CABLE

- #1 COURT ENTRY HALL
- #2 WEST ENTRY
- #3 EAST ENTRY
- #4 Clerk TRANSLATION window

STAPLE STRAPS  
1/4 H.B.  
weather party



J. ROBERT FOLCHETTI &  
ASSOCIATES L.L.C.  
CIVIL / ENVIRONMENTAL ENGINEERS  
240 ROUTE 100 88 BAKE ROAD AVENUE  
SONDERS, NY 13159 MONTICOMERY, NY 12124  
518 237-2300 518 237-1312

VILLAGE AND TOWN OF ATHENS  
GREENE COUNTY, NY  
COMMUNITY CENTER  
SECOND FLOOR PLAN - EXISTING

FJ  
SC  
DV  
DA



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**THIRD JUDICIAL DISTRICT**  
 2500 POND VIEW, SUITE 210  
 CASTLETON-ON-HUDSON, NY 12033  
 (518) 285-8300  
 FAX (518) 285-6169

*I decided to  
 call N Baltimore  
 as to the  
 cameras*

**LAWRENCE K. MARKS**  
 Chief Administrative Judge

**MICHAEL V. COCCOMA**  
 Deputy Chief Administrative Judge  
 Court: Outside New York City

*This is what  
 they sent me*

**MEMORANDUM**

**TO:** All Town and Village Justices and Court Clerks

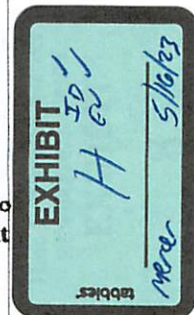
**FROM:** David A. Dellehunt, Special Counsel to the Town and Village Courts  
 in the Third Judicial District

**DATE:** February 9, 2017

**RE:** Security Cameras

Many Courts in the District received JCAP funding for security cameras. There are prohibitions against installing cameras in any courtroom. Civil Rights Law §52 specifically prohibits the televising, broadcasting, or taking of motion pictures of any Court proceedings where the testimony of witnesses by subpoena or other compulsory process is or may be taken. Civil Rights Law §52; see also, 22 NYCRR §131.1(b), (c). Moreover, the Court has an obligation to make a determination in any case whether the rights of a party will be adversely affected by allowing cameras in the courtroom. See, Heckstall v. McGrath, 15 AD3d 824 (2005). The Rules of the Chief Judge specify the parameters to be followed for a Court to decide whether to allow media coverage of a proceeding. Upon a formal application by the news media for audio visual coverage of judicial proceedings, the presiding trial judge shall consider all relevant factors including but not limited to (1) the type of case involved, (2) whether the coverage would cause harm to any participant, (3) whether the coverage would interfere with the fair administration of justice, the advancement of a fair trial, or the rights of the parties, (4) whether the coverage would interfere with any law enforcement activity, (5) whether the proceedings would involve lewd or scandalous matters, (6) the objections of any of the parties, victims or other participants in the proceeding of which coverage is sought, (7) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the courthouse, and (8) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought. 22 NYCRR §131.3(d). The Rules of the Chief Judge further provide that taking photographs, films or videotapes, or audiotaping, broadcasting or telecasting, in a courthouse including any courtroom, office or hallway thereof, at any time or on any occasion, whether or not the court is in session, is forbidden without permission from the Chief Administrator of the Courts or a designee thereof. 22 NYCRR §§29.1, 29.3.

It is generally permissible to have security cameras outside the courtroom near the entrances to the courtroom, the perimeter of the building, or the payment window. It is not recommended, however, that cameras be installed in locations that might raise questions whether the court is capturing footage containing confidential conversations in violation of the attorney/client privilege, HIPPA, drug or alcohol counseling, or youthful offender proceedings. Moreover, the Court does not want to capture images that might be used by either the prosecution or defense, and therefore, insert the Court in the controversy. The Court has to be mindful of the affect on litigants, witnesses, jurors and spectators, especially children, and strictly comply with the law. For the aforesaid reasons, security cameras are never installed in the State paid courts within courtrooms, conference rooms or inside the offices housing court staff. Should you have any questions, or require anything further, please do not hesitate to contact my office.





RE: Code of Ethics

 COPY

Marcia Puorro <[REDACTED]@nycourts.gov>

Wed 7/14/2021 2:58 PM

To: Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

Don just called to ask about our fax machine. They're looking for another line that they're paying \$10 a month for and can't find. ANYWAY he also asked for a copy of the Grant App and Award Letter from the State. ALL I SAID was I'll let the Judges know.

Not doing anything until I'm told to by the both of you.

Marcia

**From:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

**Sent:** Tuesday, July 13, 2021 10:48 AM

**To:** Constance Pazin <[REDACTED]@nycourts.gov>; Marcia Puorro <[REDACTED]@nycourts.gov>

**Subject:** RE: Code of Ethics

Thanks, I'll reach out if needed with this matter

Regards,  
Judge Mercer

**From:** Constance Pazin

**Sent:** Tuesday, July 13, 2021 10:44 AM

**To:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>; Marcia Puorro <[REDACTED]@nycourts.gov>

**Subject:** Re: Code of Ethics

I have not made any outside comments, except my feelings in the office. This upset me as to his comments, should be directed to the judges and not using Marcia as a go between. If you need anything I am here

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**From:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

**Sent:** Tuesday, July 13, 2021 10:29:51 AM

**To:** Constance Pazin <[REDACTED]@nycourts.gov>; Marcia Puorro <[REDACTED]@nycourts.gov>

**Subject:** RE: Code of Ethics

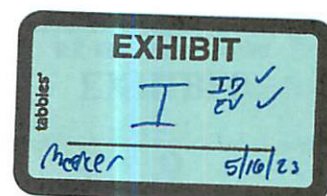
Judge Pazin, at this time Dons comments and actions going forward only pertain to me as an Athens Town Judge! Please refrain from any outside comments with anyone. I am trying to isolate this from the Athens Court. If he proceeds to go further with the OCA and action is taken by them it's on me, not the Court. I don't feel he is acting fair or right about the matter. I have retained counsel and will protect my interest.

Thanks for understanding  
Regards,

Judge Mercer

**From:** Constance Pazin

**Sent:** Monday, July 12, 2021 4:22 PM



To: Marcia Puorro <[REDACTED]@nycourts.gov>; Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
Subject: Re: Code of Ethics

This is the ethics for the Town of Athens, Tim and I do not work for the Town of Athens so does not include us.

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From: Constance Pazin <[REDACTED]@nycourts.gov>  
Sent: Monday, July 12, 2021 1:22:15 PM  
To: Marcia Puorro <[REDACTED]@nycourts.gov>; Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
Subject: Re: Code of Ethics

The grant money was given to the court, for what we applied for, not for the board, Attorney, Accounting Firm nor Don to hold it.

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From: Constance Pazin <[REDACTED]@nycourts.gov>  
Sent: Monday, July 12, 2021 1:18:46 PM  
To: Marcia Puorro <[REDACTED]@nycourts.gov>; Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>  
Subject: Re: Code of Ethics

Well I think Don is WRONG, we do not belong to the town. Three branches of government, we are the Judicial.

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From: Marcia Puorro <[REDACTED]@nycourts.gov>  
Sent: Monday, July 12, 2021 12:57:11 PM  
To: Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>; Constance Pazin <[REDACTED]@nycourts.gov>  
Subject: Code of Ethics

This is the packet Don just gave me. He also said he was going to contact OCA to discuss this matter. All I said was it's the Courts Grant Money and he needs to give it to us. He said and the Court belongs to the Town. I then said anything more needs to be discussed with the Judges.

Marcia

Please be CAREFUL when clicking links or opening attachments.

RE: Meeting with the Town Supervisor

Michael Pirrone <[REDACTED]@townofathensny.com>

Mon 1/9/2023 11:19 AM

To: Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

**Judge, I am here till noon on Thursday. Also, Town Attorney will be present. If you wish Tony Paluch to be present, I will advise him. Will respect your privacy. Michael**

**From:** Hon E. Timothy Mercer <[REDACTED]@nycourts.gov>

**Sent:** Monday, January 9, 2023 9:49 AM

**To:** Michael Pirrone <[REDACTED]townofathensny.com>

**Subject:** Meeting with the Town Supervisor

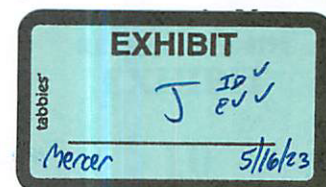
**Good morning, Mr. Supervisor,**

**Mike , I want to meet with you personally and discuss my Ethics case going forward in 2023. We are proceeding with a trial and can still take till June or July to come close to a resolution. It's not to discuss my case, its to discuss going forward with or without me as a Town Justice!**

**No need for Judge Pazin to be present.**

**Sometime this week, maybe Thursday if you are in the office. Possibly Tony should be present as this case is unprecedented in Town history, to my belief. The town will need to take actions if the results are not in my favor and you as Supervisor will play a role in finding a replacement Judge.**

**Regards,**



Athens Town Court's 2020-21 JCAP Application

PAZIN CC  
11/18/2020

Erika Hanks <[redacted]@nycourts.gov>

QUESTION

Wed 11/18/2020 1:02 PM

To: Hon E. Timothy Mercer <[redacted]@nycourts.gov>; Constance Pazin <[redacted]@nycourts.gov>  
Cc: Marcia Puorro <[redacted]@nycourts.gov>; Vincenzina Carl <[redacted]@nycourts.gov>; Jeremy Zeliger <[redacted]@nycourts.gov>; Kathleen M. Roberts <[redacted]@nycourts.gov>; Monique Crawford <[redacted]@nycourts.gov>

Good afternoon Judge Mercer and Judge Pazin,

The Department of Public Safety (DPS) is reviewing your court's JCAP application and is requesting an itemized breakdown of the cost for the Surveillance Cameras and the estimate from the vendor must state the exact court location of where each camera will be placed.

Would you please submit a new estimate to me for consideration of this security-related item? The estimate must be provided by the distributor (not handwritten as show on page 11 in your application). If you have any questions about this request, please feel free to email me.

Thank you,  
Erika

*Erika Hanks*  
Senior Court Analyst  
Office of Justice Court Support  
187 Wolf Road, Suite 103  
Albany, NY 12205  
518-238-4339/ Fax: 438-3518

CAMERA COST  
\$  
LABOR -

11/18/2020

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MARK-UP

TOWN OF ATHENS  
PROCUREMENT POLICIES AND PROCEDURES  
(REVISED August 2, 2021)

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, Sub-section 103. Every officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or the other documentation supporting the purchase activity.

2. *All purchases of supplies or equipment which will exceed \$20,000.00 in the fiscal year or public works over \$35,000.00 shall be formally bid pursuant to GML, paragraph 103.*

3. All estimated purchases of supplies or equipment of:

Less than \$ 20,000.00 but greater than \$3,000.00 requires a written request for a proposal (RFP) and written/fax quotes from three (3) vendors based on departmental recommendations, and shall be approved by the Town Board.

Less than \$3,000.00 but greater than \$1000.00 requires a written request for the goods and written/fax quotes from two (2) vendors based on departmental recommendations and shall be approved by the Town Board.

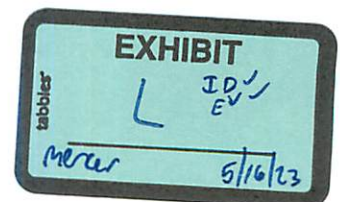
Less than \$1,000.00 but greater than \$200.00 requires an oral request for the goods and oral/fax quotes from two (2) vendors which shall be approved by the Town Supervisor.

Less than \$200.00 but greater than 0 are left to discretion of purchaser and shall be approved by the Town Supervisor.

4. All estimated Public Works to include Highway Department contracts of:

Less than \$ 35,000.00 but greater than \$10,000.00 requires a written RFP and fax/proposal from three (3) contractors based on departmental recommendations and shall be approved by the Town Board.

Less than \$10,000.00 but greater than \$3,000.00 requires a written RFP and fax/proposal from two (2) contractors based on departmental recommendations and shall be approved by the Town Board.



Less than \$3,000.00 but greater than \$500.00 is left to the discretion of the Purchaser and shall be approved by the Town Superintendent of Highways.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

5. The lowest responsible proposal or quote shall be awarded the contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgement shall also be documented and filed with the record supporting the procurement.

6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

7. *Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances.*

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- a. Acquisition of professional service;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased under Federal, state or county contract;
- h. Goods purchased at auction;

Documentation should be provided which details why procurement is not subject to competitive bidding:

- ❖ Description of facts giving rise to emergency;
- ❖ Description of professional services;
- ❖ Copies of state or county contracts;
- ❖ Description of sole source item and how such determination was made

8. *This policy shall be reviewed annually by the Town Board.*

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1-800-462-2922

Occupyancy BY MORE THAN  
35  
PERSONS IS DANGEROUS & UNLAWFUL

TRAFFIC TICKET  
Pay by Credit Card or Debit Card

STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
2023

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**EXHIBIT**

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EV ✓

Mercer 5/17/23





## Index of Commission Exhibits

<u>Exhibit No.</u>	<u>Description of Exhibit</u>
1	Letter from Marcia Puorro to the Athens Town Board, dated September 21, 2020. One page.
2	Letter from Linda M. Stacey to the N.Y.S Unified Court System Office of Court Administration, dated October 6, 2020. One page.
3	2020-21 Justice Court Assistance Program Grant Application Athens Town Court, Greene County. Six pages.
4	Fax from Marcia Puorro to Office of Justice Court Support, dated October 7, 2020. 18 pages.
5	Email exchange between Kathleen Roberts and Marcia Puorro, dated November 25, 2020, and December 1, 2020, with attachment. Two pages.
6	Email from Carrol A. Mercer to Marcia Puorro, dated December 1, 2020, with attachment. Two pages.
7	Letter from Hon. Gerald W. Connolly to Marcia Puorro, dated January 22, 2021, with enclosed 2020-21 Justice Court Assistance Program Award Reconciliation Report for the Athens Town Court, Greene County. Two pages.
8	Check from the State of New York to the Town of Athens for \$3,089.99, dated February 19, 2021. One page.
9	Printout of confirmation of purchase of security camera system model: CSP-4POEMIC8. One page.
10	Email from CCTV Security Pros to [REDACTED]@msn.com, dated June 3, 2021. One page.
11	CCTV Security Pros Packing Slip, one page.
12	Printout from cctvsecuritypros.com website about security camera system model: CSP-4POEMIC8. Six pages.



- 13 Town of Athens Voucher, dated July 6, 2021, with affixed note by “Marcia” and attached Mercer Associates Invoice, dated July 6, 2021. Two pages.
- 14 Town of Athens Voucher, dated July 6, 2021, with additional signatures. No attached invoice or note by “Marcia.” One page.
- 15 Email correspondence between Respondent and Robert Butler et al., dated July 15, 2021. Two pages.
- 16 Email from Respondent to Hon. David Dellehunt, dated July 21, 2021. One page.
- 17 Email from Respondent to Don Pierro, with attachment, dated August 18, 2021. Two pages.
- 18 Copy of Mercer Associates Finance Charge, dated August 18, 2021. One page.
- 19 Email correspondence between Respondent and Hon. David Dellehunt, dated November 18 and 19, 2021. Two pages.
- 20 Mercer Associates Invoice, dated December 30, 2021. Two pages.
- 21 Letter from Respondent to Peter Pedrotty, dated January 17, 2022. Three pages.
- 22 Town of Athens Official Document Distribution signature page. One page.
- 23 2020-21 Justice Court Assistance Program Award Reconciliation Report for the Athens Town Court, Greene County, signed by Hon. Constance Pazin, dated May 23, 2022. One page.

Schedule A

Proposed

EXHIBIT #                      Description of Exhibit

~~Ex~~ A                      Documents in possession of the Commission    supplied for  
Feb 7, 2022 appearance.

~~Ex~~ B                      Don Pierro; harassment Court Clerk

~~Ex~~ C                      Don Pierro; Workplace Violence Incident reports (3)

~~Ex~~ D                      Don Pierro; Verbal Abuse Judge Mercer, email requesting a  
meeting, CC. David Dellehunt

~~Ex~~ E                      Robert Butler 6/14/2021 email exchange Zoom Town Board  
Meeting 03/01/2021 minutes deficiency and lost/deleted  
recording

~~Ex~~ F                      Robert Butler, 03/01/2021 Zoom Board Meeting agenda, my  
statement on the court and court procedures going forward in  
2021 along with Covid restrictions still in place by the State

~~Ex~~ G                      Court floorplan with camera locations. Locations per Judge  
Pazin testimony vs. actual locations approved thru the JCAP  
process

~~Ex~~ H                      Judge Pazin note put on the center desk regarding cameras in  
the courtroom. General Permissibility from the Town of New  
Baltimore. No Date noted.

~~Ex~~ I                      Judge Pazin, Email exchange re. three branches and JCAP  
Grant money

~~Ex~~ J                      Email, 1/9/2023 to Town Supervisor, meeting with  
Supervisor, Town Attorney and Board Member Anthony  
Paluch.

gm

