

**TOWN OF NORTH HEMPSTEAD
SOLID WASTE MANAGEMENT AUTHORITY
AGENDA**



December 18, 2018

7:00 PM

RESOLUTIONS:

1. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR HVAC UPGRADES TO THE SOLID WASTE MANAGEMENT AUTHORITY ADMINISTRATION BUILDING (TNH186-2018).
2. A RESOLUTION AUTHORIZING AMENDMENTS TO THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY UNION AND NON-UNION EMPLOYMENT POLICIES.
3. A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY INVESTMENT POLICY.
4. A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS WITHIN THE AUTHORITY.

PROPOSED RESOLUTION

Chairperson Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. s38 - 2018

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR HVAC UPGRADES TO THE SOLID WASTE MANAGEMENT AUTHORITY ADMINISTRATION BUILDING (TNH186-2018).

WHEREAS, the Town of North Hempstead Solid Waste Management Authority (the “Authority”) solicited bids for HVAC Improvements at the Authority’s Administration Building, Authority Project No. TNH186-2018 (the “Project”); and

WHEREAS, bids in response to the solicitation (the “Bids”) were received and were opened, which Bids are as follows; and

Bidder	Price
Hi-Tech Air Conditioning Service, Inc. 60 Otis Street West Babylon, NY 11704	\$350,000.00
Inshallah Mechanical Corporation 193 West Hills Road Huntington, NY 11746	\$380,000.00
HVAC Inc. 681 Grand Boulevard, Suite 7 Deer Park, NY 11729	\$1,200,000.00

WHEREAS, after a review of the bids, the Executive Director of the Solid Waste Management Authority (the “Executive Director”) has recommended that the contract for the Project be awarded to Hi-Tech Air Conditioning Service, Inc., 60 Otis Street, West Babylon, NY 11704 (the “Contractor”) as the lowest responsible bidder at its bid price of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,00.000); and

WHEREAS, the Board of the Authority desires to authorize the award of a contract to the Contractor as recommended by the Executive Director.

NOW, THEREFORE, BE IT

RESOLVED that a Contract for the Project is hereby awarded to the Contractor, as the lowest responsible bidder, at its bid price of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,00.000), as more particularly set forth in an agreement which will be filed in the offices of the Authority (the "Award"); and be it further

RESOLVED that the Chair of the Board of the Authority is hereby authorized to execute the contract documents, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney, as counsel to the Authority, is hereby authorized and directed to supervise the execution of the contract documents to effectuate the Award; and be it further

RESOLVED that the Assistant Treasurer is hereby authorized and directed to pay the cost thereof upon receipt of duly executed contract and certified claims therefor.

Dated: Manhasset, New York

December 18, 2018

The vote on the foregoing resolution was recorded as follows:

Ayes: Chairperson Bosworth, Member Russell, Member Kaplan, Member Seeman, Member De Giorgio, Member Ferrara, Member Zuckerman

Nays: None

cc: Town Attorney Comptroller SWMA

PROPOSED RESOLUTION

Chairperson Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. s39 - 2018

A RESOLUTION AUTHORIZING AMENDMENTS TO THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY UNION AND NON-UNION EMPLOYMENT POLICIES.

WHEREAS, the Town of North Hempstead Solid Waste Management Authority (the “Authority”) has heretofore adopted, and amended, Employment Manuals for Union and Non-Union Employees (the “Employment Manuals”); and

WHEREAS, Counsel to the Authority has requested authorization to amend the Employment Manuals to make comprehensive amendments to the Authority’s policies regarding unlawful discrimination, harassment and retaliation (the “Amended Employment Manuals”); and

WHEREAS, copies of the relevant portions of the Amended Employment Manuals are annexed hereto as Exhibit A; and

WHEREAS, the Board of the Authority wishes to authorize the amendments and adopt the Amended Employment Manuals in the form attached to this Resolution.

NOW, THEREFORE, BE IT

RESOLVED that the Authority does hereby authorize the amendments and adopt the Amended Employment Manuals, copies of which shall be on file in the Office of the Town Attorney and the Department of Human Resources.

Dated: Manhasset, New York

December 18, 2018

The vote on the foregoing resolution was recorded as follows:

Ayes: Chairperson Bosworth, Member Russell, Member Kaplan, Member Seeman, Member De Giorgio, Member Ferrara, Member Zuckerman

Nays: None

cc: Town Attorney HR SWMA

EQUAL EMPLOYMENT OPPORTUNITY POLICY

AUTHORITY AND PURPOSE

The Town of North Hempstead Equal Employment Opportunity Policy is adopted pursuant to Town Code § 23-17[.8] in order to ensure that all employees are informed of the Town's policy on discrimination, harassment and retaliation, to assist employees who complain of prohibited conduct and to maintain in each office a working environment free from discrimination, harassment and retaliation.

The Policy applies to employees, applicants for employment, interns (paid and unpaid), contractors and persons and entities conducting business with the Town.

ANTI-DISCRIMINATION POLICY

The Town of North Hempstead (the "Town") is an equal opportunity employer and is committed to making all employment decisions and conducting all business without regard to age, race, creed, religion, color, sex, national origin, disability, marital status, ancestry, citizenship, pregnancy, sexual orientation, veteran status (**each classification constitutes a protected class**), or any other status protected by federal, state [or] **or** local law, including the Town Code. Anyone who believes that he or she has been unlawfully discriminated against on the basis of any of these characteristics, or who believes [~~she/he~~] **he/she** has been retaliated against for making a complaint of discrimination, or participating truthfully in an investigation of such a complaint must immediately report the incident as set forth in the Town's complaint procedure.

ANTI- HARASSMENT POLICY

Unlawful Harassment

The Town is committed to maintaining a workplace free from harassment. It is the policy of the Town that all employees, [~~and~~] applicants **for employment, interns (paid and unpaid), [as well as everyone with whom] and persons conducting business with** the Town [~~does business~~] (e.g., outside vendors, **contractors,** consultants, members of the public, **volunteers, temporary workers**[~~contractors~~]), should be able to enjoy a work environment free from harassment based on age, race, creed, religion, color, sex, national origin, disability, marital status, ancestry, citizenship, pregnancy, sexual orientation, veteran status, or any other basis protected by federal, state or local law, including the Town Code. Harassment which violates this policy will not be tolerated.

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment can occur between any individuals, regardless of their sex or gender. A perpetrator of sexual harassment can be a supervisor, a subordinate, a co-worker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Sexual harassment [~~is defined as~~] **includes** unwelcome [~~sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature~~] **conduct which is either of a sexual nature, or which is directed to an individual because of that individual's sex** when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such individuals; or
- Such conduct has the purpose or effect of interfering unreasonably with the individual's work performance or creating an intimidating, hostile or offensive work environment, **even if the reporting individual is not the intended target of the sexual harassment** [that is, or would be, offensive to a person of reasonable sensitivity and sensibilities].

A hostile work environment based on sexual harassment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which is of a sexual nature, or which is directed at an individual because of that individual's sex.

Sexual harassment consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or which interfere with the recipient's job performance.

Sexual harassment occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also "quid pro quo" harassment.

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

[This definition includes many forms of offensive behavior. It makes no difference if the harassment is "just joking" or "teasing" or "playful."] The following **describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited** [is a partial list of examples of sexually harassing conduct]:

- Unwanted sexual advances **or propositions including requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments and subtle or obvious pressure for unwanted sexual activities;**
- [Offering employment benefits in exchange for sexual favors] **Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience which creates a hostile work environment;**
- [Making or threatening reprisals after a negative response to sexual advances] **Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look;**
- [Visual conduct such as leering; making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, cartoons, posters, or computer or television broadcasts] **Sexual or discriminatory displays or publications anywhere in the workplace including: displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace;**

[Verbal conduct such as making or using derogatory comments; sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits; sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; sexually degrading words to describe an individual; suggestive or obscene letters, notes or invitations; or playing radio or television broadcasts in the workplace that contain sexually suggestive or degrading conversation]; or

Physical conduct such as touching, petting, pinching, **patting, kissing, hugging, grabbing, brushing against another person's body, impeding or blocking movements, poking another person's body, rape, sexual battery, molestation or any such attempts to commit such** [Ø] assaults.

Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including: interfering with, destroying or damaging a person's work station, tools, equipment, or otherwise interfering with the person's ability to perform the job; sabotaging a person's work; and bullying, yelling or name-calling.

[It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful, whether it involves co-worker harassment, harassment by a supervisor or member of management, or harassment by persons doing business with or for the Town.]

Any employee or individual who engages in sexual harassment will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to suspension or termination of employment.

Other Forms of Harassment

Harassment on the basis of a protected class other than sex is unlawful under federal, state and local law. Prohibited [harassment] **conduct includes behavior similar to that outlined under sexual harassment.** [on the basis of other protected class status, includes behavior similar to sexual harassment. It makes no difference if the harassment is "just joking" or "teasing" or "playful." Following is a partial list of examples of harassing conduct] **The following are some examples of harassing conduct on the basis of race, religion, ethnicity, disability or another protected class:**

[Visual conduct based on membership in a protected class, such as derogatory posters, photographs, cartoons, drawings, gestures, or computer or television broadcasts;

Verbal conduct based on membership in a protected class, such as racial, ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over radio or television broadcasts); or

Physical conduct such as touching, blocking movements or assault because of membership in a protected class.]

- **Discriminatory displays or publications based on membership in a protected class, anywhere in the workplace including displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are racially, ethnically or religiously demeaning. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace. Visual conduct based on membership in a protected class, such as derogatory posters, photographs, cartoons, drawings, gestures, or computer or television broadcasts;**

- Gestures, noises, remarks, jokes or comments related to a person's verbal conduct and based on membership in a protected class, such as racial, ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over radio, television broadcasts, internet and social media); or
- Physical conduct such as touching, impeding, blocking movements, or assault and battery, assault or attempts to commit such assaults because of someone's membership in a protected class.; or
- Hostile actions taken against an individual because of his/her protected class status, including: interfering with, destroying or damaging a person's workstation, tools, equipment, or otherwise interfering with the person's ability to perform the job; sabotaging a person's work; and bullying, yelling or name-calling.

Any employee or individual who engages in other types of discriminatory harassment will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to suspension or termination of employment.

RETALIATION

Retaliation of any kind against an ~~an~~ [complainant] individual who makes a good-faith report of unlawful harassment or discrimination or who participates truthfully in an investigation into a [an] harassment or discrimination complaint is strictly prohibited. [~~Follow-up interview(s) with the complainant will be conducted for an appropriate period of time, to ensure that the unlawful harassment or discrimination has not resumed and that no retaliatory action has been taken.~~]

Unlawful retaliation can be any action that would discourage an employee or individual from coming forward to make or support a harassment or discrimination claim. Adverse action need not be job related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state and local law. New York State Human Rights Law protects any individual who has engaged in "protected activity."

Protected activity occurs when a person has:

- filed a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination law;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been harassed or been discriminated against; or
- encouraged a fellow employee to report harassment or discrimination.

Any employee or individual who engages in retaliation will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to suspension or termination of employment.

COMPLAINT AND INVESTIGATION PROCEDURE

Complaints

The Town's complaint procedure provides for an immediate, thorough and objective investigation of any claim, **whether in verbal or written form**, of unlawful harassment, discrimination or retaliation. ~~[and, appropriate disciplinary action against anyone found to have engaged in such conduct.]~~ **Investigations will be conducted in a timely manner, and will be confidential to the extent possible.**

Any individual who believes that he/she has been a target of harassment, discrimination and/or acts of retaliation in violation of this Policy should immediately report that conduct to the head of their department; the Commissioner of Human Resources; the Town Attorney and/or their designee(s). The individual may also elect to seek legal remedies, as explained below in the section on "Legal Protections."

Anyone who witnesses or becomes aware of potential instances of harassment, discrimination and/or retaliation should report such behavior to the head of their department, the Commissioner of Human Resources, the Town Attorney and/or their designee(s). Reports of harassment or discrimination may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting harassment or discrimination on behalf of other employees should use the complaint form and note that it is on another's employee's behalf.

Any supervisor or manager who receives a complaint or information about suspected discriminatory harassment, observes what may be discriminatory and/or harassing behavior or for any reason becomes aware of or suspects that discriminatory harassment is occurring or has occurred, is required to report that suspected harassment to the head of the department, the Commissioner of Human Resources, the Town Attorney or their designee(s).

Failure to report suspected discriminatory harassment or otherwise knowingly allowing the continuation of discriminatory harassment may result in disciplinary action, subject to any statutory or contractual limitations.

~~[Each employee, supervisor and manager is responsible for maintaining a workplace free from unlawful harassment, discrimination and retaliation. Accordingly, any individual who believes the actions or words of a co-worker, supervisor, manager or individual with whom the Town is doing business constitute unlawful harassment, discrimination or retaliation should take the following actions and/or be advised of the following:~~

- ~~If possible, tell the harasser that his or her actions are not welcome and must stop.~~
- ~~Promptly report the incident to your department head, or in writing to the Town Attorney or his/her designee. Complaints must be made within one year after occurrence of the alleged prohibited conduct.~~
- ~~Complainants are encouraged to consult initially with their respective department heads to attempt informal resolution, but failure to do so will in no way limit the right to utilize the Town grievance procedure initially or thereafter if resolution cannot be accomplished through the department head. Complaints made initially to the department head which are not informally resolved to the satisfaction of the complainant shall be referred to the Town Attorney.~~
- ~~It is strongly encouraged that the complaining individual files a written complaint using Form A attached hereto. The complaint should be as detailed as possible and include the names of the individuals involved, witnesses, direct quotes and or evidence (e.g., notes, e-mails, etc.).~~
- ~~Supervisors and managerial personnel must take timely and appropriate corrective action when instances of unlawful harassment, discrimination or retaliation come to their attention. Anyone~~

~~accused of such conduct shall be afforded an opportunity to present his or her version of events in the presence of their attorney and/or other representative. All individuals are hereby directed and required to cooperate with the Town in fulfilling its investigative function.~~

~~All complaints of unlawful discrimination, harassment or retaliation and information and proceedings relating thereto shall be kept in strict confidence except as otherwise specified in the Town Code.~~

~~All claims of unlawful harassment, discrimination or retaliation will be expeditiously investigated and handled in accordance with the provisions set forth in Town Code § 23-17.7.~~

~~Conduct which is found to violate the Town's Anti-Discrimination shall be deemed a serious violation of Town policy and shall be the basis for disciplinary action as set forth herein.]~~

Investigation

An investigation of any complaint, information or knowledge of suspected discrimination and/or harassment will be prompt and thorough to the extent possible, confidential.

An employee may be required to cooperate as needed in an investigation of suspected discrimination and/or harassment.

Investigations will be conducted in accordance with the following steps:

- **upon receipt of a complaint, an immediate review of the allegations will be conducted and any interim action will be taken, as appropriate.**
- **Obtain and review relevant documents, emails or phone records.**
- **Conduct interviews of the parties, including relevant witnesses.**
- **Prepare a written summary of the investigation that contains the following:**
 - **A list of reviewed documents and their contents;**
 - **A list of interviewed parties and witnesses and detailed summary of their statements;**
 - **A timeline of events;**
 - **A summary of prior relevant incidents; and**
 - **A recommendation in accordance with the procedure outlined under 23-17.8(C)**
- **Keep the written documentation and associated documents in the employer's records.**
- **Inform the complainant of their right to file a complaint or charge externally.**

Any person who, upon an investigation in accordance with this Policy, is determined to have engaged in discrimination, harassment or retaliation will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to suspension or termination of employment.

If the discrimination or harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the Town and the non-employee or other individual.

LEGAL PROTECTION AND EXTERNAL REMEDIES

Aside from the internal process at the Town, individuals may also choose to pursue legal remedies with the following governmental entities.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State regarding various types of harassment and protects employees, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court.

Complaints with the DHR may be filed any time within one year of the harassment. If an individual does not file at the DHR, they can sue directly in state court pursuant to the HRL within three years of the alleged discrimination. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the Town does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment or discrimination.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

The DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400.

The contact information for DHR's Nassau County Office is: 50 Clinton Street, Suite 301, Hempstead, NY 11550 (516) 539-6848, www.dhr.ny.gov.

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

United States Equal Employment Opportunity Commission (EEOC)

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws; including Title VII of the 1964 Federal Civil Rights Act. An individual can file a complaint with the EEOC anytime within 300 days of the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

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

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

Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, village, city or town in which they live or work to find out if such a law exists.

Anyone who lives or works in Nassau County may file complaints of harassment and/or discrimination with the Nassau County Human Rights Commission at: 240 Old Country Rd., 6th Floor, Suite 606, Mineola, NY 11501, (516) 571-3662.

Contact the Police Department

If the discrimination and/or harassment involves physical touching, coerced physical confinement or coerced acts, whether sexual or otherwise, the conduct may constitute a crime and affected individuals should contact the police department.

PROPOSED RESOLUTION

Chairperson Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. s40 - 2018

A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY INVESTMENT POLICY.

WHEREAS, the Board of the Town of North Hempstead Solid Waste Management Authority (the “Authority”) has heretofore adopted, and authorized amendments to, an investment policy for the Authority; and

WHEREAS, the Assistant Treasurer of the Authority has recommended that this Board adopt a revised investment policy, which revised policy is annexed hereto as Schedule A (the “Amended Investment Policy”); and

WHEREAS, the Board wishes to authorize the amendment and adopt the Amended Investment Policy.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board does hereby adopt the Amended Investment Policy, a copy of which shall be filed in the offices of the Assistant Treasurer of the Authority and Counsel to the Authority; and be it further

RESOLVED that the Assistant Treasurer shall annually provide a copy of the Amended Investment Policy to each designated depository institution.

Dated: Manhasset, New York

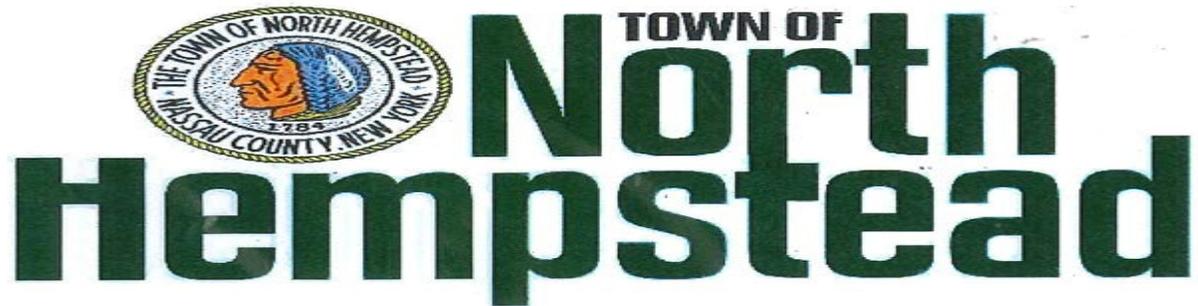
December 18, 2018

The vote on the foregoing resolution was recorded as follows:

Ayes: Chairperson Bosworth, Member Russell, Member Kaplan, Member Seeman, Member De Giorgio, Member Ferrara, Member Zuckerman

Nays: None

cc: Town Attorney Comptroller



**SOLID WASTE MANAGEMENT
AUTHORITY**

Investment Policy

December 18, 2018

Town of North Hempstead Solid Waste Management Authority

Investment Policy

I. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town of North Hempstead Solid Waste Management Authority on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the investment activities of the Town of North Hempstead Solid Waste Management Authority, in the county of Nassau, state of New York (the "Authority"), are in priority order,

- To conform with all applicable federal, State and other legal requirements (legality);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity) ;
and
- To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The responsibility of the Board of the Authority for administration of the investment program is delegated to the Chairperson, Treasurer, or other such officer designated under the direction and oversight of the Board of the Authority who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

IV. PRUDENCE

Town of North Hempstead Solid Waste Management Authority

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All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Authority to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Authority to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The Board of the Authority shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

As financial conditions change, subject to due consideration for safeguarding investments, the objective of obtaining higher yields may, from time to time, dictate a reduction in diversification of deposits and investments.

VI. INTERNAL CONTROLS

Under the direction and oversight of the Board of the Authority, the Chairperson, Treasurer, or other such officer so designated shall establish a written system of internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization properly recorded, and managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies that are authorized for the deposit of moneys,

**Town of North Hempstead Solid Waste Management Authority
Investment Policy**

and the maximum amount which may be kept on deposit at any time, are:

Depository Name	Maximum Amount
J. P. Morgan Chase	\$10,000,000
TD Bank	\$10,000,000

Each year a resolution establishing the list of designated depositories for Authority funds is approved by the Board of the Authority.

VIII. SECURING DEPOSITS AND INVESTMENTS

In order to ensure that in the event of a bank or trust company failure or other events of default the amount of deposits and investments in excess of FDIC insurance will not be lost in the event of a bank or trust company failure or other events of default, all deposits and investments at a bank or trust company, including demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Authority that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided by the General Municipal Law Section 10) that is at least equal to 102 percent of the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of "eligible securities" for both deposits and investments.
2. An "irrevocable letter of credit" issued in favor of the Authority by a Federal Home Loan Bank whose commercial paper and other unsecured short term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and agreed upon interest, if any.

IX. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of the Authority shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or

Town of North Hempstead Solid Waste Management Authority

Investment Policy

expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Authority to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the Authority, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Authority or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities as set forth in the security agreement.

The custodial agreement shall provide that pledged securities will be held by the bank or trust company as agent of, and custodian for, the Authority, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the Authority with a perfected security interest in the eligible securities and to otherwise secure the Authority's interest in the collateral, and may contain other provisions that the Board of the Authority deems necessary.

X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the Board of the Authority authorizes the Chairperson, Treasurer, or other officer having custody of money to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in or certificates of deposit issued by a bank or trust company located and authorized to do business in the State of New York;
- Obligations of the United States of America;

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- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the full faith and credit of the United States of America;
- Obligations of the State of New York;
- With approval of the State Comptroller, obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (i.e., Tax Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or fire district in the State of New York other than the Town or Authority.
- Obligation of this Authority, but only with any moneys in a reserve fund established pursuant to General Municipal Law Section 6-c,6-d,6-e,6-f, 6-g,6-h,6-j,6-k,6-l,6-m or 6-n.

All investment obligations shall be payable or redeemable at the option of the Authority within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the Authority within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Authority authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the Authority within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date of which the principal amount can be recovered through demand by the holder.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the Authority transacts business shall be creditworthy, and have an appropriate level of experience, capitalization,

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size and other factors that make the financial institution or the dealer capable and qualified to transact business with the Authority. The Chairperson, Treasurer, or other officer having custody of money shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

The Authority shall maintain a list of institutions and dealers approved for investment purposes, and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

XII. PURCHASE OF INVESTMENTS

The Chairperson, Treasurer, or other officers so designated, having custody of money as authorized by the Board of the Authority, is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner pursuant to a contract authorized by the Board of the Authority
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of General Municipal Law and in accordance with Article 3-A of the General Municipal Law and the specific program has been authorized by the Board of the Authority.

All purchased obligations, unless registered or inscribed in the name of the Authority, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Authority by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a) and shall be secured in the same manner as deposits of the Authority as stated in this policy. The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Authority will be kept separate and apart from the general assets of the custodial bank or trust

company and will not be commingled with or become part of the backing of any

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other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the Authority's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Authority with a perfected interest in the securities.

The Chairperson, Treasurer, or other officers having custody of money, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for their deposit with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominees with respect to such evidences of investments.

XIII. COURIER SERVICE

The Chairperson, Treasurer, or other officers authorized by law to make deposits, may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the Authority and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The Authority may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Authority in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking

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practices, including, but limited to, any terms, conditions or limitations that may be required by the banking department or other federal or State of authority.

XIV. ANNUAL REVIEW AND AMENDMENTS

The Authority shall review this investment policy annually, and it shall have the power to amend this policy at any time.

XV. DEFINITIONS

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

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Appendix A – Schedule of Eligible Securities

<p align="center">“Eligible Securities” for Collateral</p>	<p align="center">For purposes of determining aggregate “market value,” eligible securities shall be valued at these percentages of “market value”:</p>
<p>i. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government-sponsored corporation.</p>	<p align="center">100%</p>
<p>ii. Obligations issued or fully insured or guaranteed by the State of New York or the Town</p>	<p align="center">100%</p>

PROPOSED RESOLUTION

****** offered the following resolution and moved its-adoption, which resolution was declared adopted after a poll of the members of this Board:**

STRICKEN

A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS WITHIN THE AUTHORITY.

NO RESOLUTION.