

**VILLAGE OF HEUVELTON**  
**Regular Board Meeting**  
**August 14, 2024**

At 6:00 pm, Mayor Lashua called the meeting to order, she opened the meeting with the pledge of allegiance. Trustees in attendance were Trustee A. Guardino, Trustee M. Hebert, Trustee E. Wood, and Trustee C. Basford. Also, in attendance was A. Spaman, DPW Supervisor; E. McBath & C. Fout, DANC; and Fire Department members: K. & A. Weston, T. Wood, D. Barton, and M. Fenton.

**PUBLIC FORUM** Mr. Weston addressed the Board with concerns about the conduct of the fire department executive board. He wanted to put the Village Board on notice of possible legal action.

**HVFD Report** Asst. Chief Wood gave the fire department report. Mr. Wood and Mr. Barton left at 6:09 pm.

**Water/Sewer** Mr. Fout gave an update to the Board on the water and sewer operations. Mr. Fout left at 6:24.

The Mayor and Ms. McBath informed the Board of the engineer interviews for the I&I study. Ms. McBath left at 6:36.

**RESOLUTION 24-073****EDR ENGINEER FOR I&I STUDY**

Offered by Tr. Guardino, seconded by Tr. Wood. All in favor

**WHEREAS, the village of Heuvelton seeks to remove inflow and infiltration from the Village sewer collection system to reduce high wet-weather flows, reduce system operation and maintenance costs, and restore capacity for future growth of residential and commercial development; and**

**WHEREAS, the Village has been selected to receive up to \$50,000 from the EPG to fund the study for a Village municipal wastewater system; and**

**WHEREAS, the Village has received five proposals to complete the preliminary engineering report for the inflow and infiltration study; and**

**WHEREAS, in accordance with procurement requirements of the EPG program, the Village has interviewed three engineering firms and discussed their qualifications and approach to the study; and**  
**WHEREAS, the Village will need to execute an engineering agreement with the chosen firm to begin the investigation of the wastewater collection system and the preliminary engineering report.**

**THEREFORE, BE IT RESOLVED, that the Village of Heuvelton will enter into an engineering agreement with EDR for the preliminary engineering report study associated with the inflow and infiltration project. BE IT FURTHER RESOLVED, that the Mayor or her assigned designee, is hereby authorized to act as the projects "Authorized Representative", and to enter into any necessary contracts to administer said grants.**

Mayor Lashua updated the Board on the sewer consolidation project.

**RESOLUTION 24-074****SEWER PROJECT ACCEPT QUOTE**

Offered by Tr. Basford, seconded by Tr. Hebert. All in favor.

**Accept quote from Cyclops for metering manhole equipment at Losurdo in the amount of \$21,967.00**

**RESOLUTION 24-075****PAY PROJECT INVOICES OFF WARRANT**

Offered by Tr. Wood, seconded by Tr. Guardino. All in favor.

**Resolution to pay project invoices off warrant as grant funds become available.**

Mr. Fenton left at 6:45.

**Mayors Report** Mayor Lashua discussed the grant Mr. Feuka submitted, and grant for youth recreation. The Board looked over the Child Protection Policy. There was discussion about food trucks and youth baseball/softball.

**RESOLUTION 24-076**

**RESOLUTION SETTING STATUS UNDER SEQRA AND ASSUMING LEAD AGENCY STATUS**

**Village of Heuvelton – Boat Launch Upgrade and Park Improvements**

Offered by Tr. Basford, seconded by Tr. Hebert. All in favor.

**WHEREAS, the Village of Heuvelton, hereinafter referred to as the “Village”, is proposing to cause to be constructed an upgrade to the existing Oswegatchie River boat launch with additional improvements to the existing park in which the launch is located, and on 2 acres of the adjacent decommissioned wastewater treatment plant (WWTP) property, all on a total of 8.73 acres of both the parcels owned by the Village of Heuvelton situated between Horseshoe Road and the Oswegatchie River, and;**

**WHEREAS, the Village of Heuvelton Village Board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the New York State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder, and;**

**WHEREAS, the “involved agencies”, as that term is defined in 6(A-2) NYCRR 617.2(t), include the Town of Oswegatchie, New York State Office of Parks, Recreation and Historic Preservation (OPRHP), New York State Department of State (DOS), New York State Department of Environmental Conservation (DEC), and the United State Army Corps of Engineers (ACOE), and;**

**WHEREAS, the Village of Heuvelton Village Board desires to serve and act as the Lead Agency for the purposes of SEQRA, and;**

**NOW, THEREFORE, BE IT RESOLVED by the Village of Heuvelton Village Board that:**

**The Village of Heuvelton Village Board makes the following findings and determinations with respect to the project, and;**

**The project constitutes a “UNLISTED ACTION” as that term is defined in Section 6(A-2) NYCRR Section 617.2(al), and;**

**The Village of Heuvelton Village Clerk shall cause the Town of Oswegatchie, St. Lawrence County Planning Department, New York State Office of Parks, Recreation and Historic Preservation (OPRHP), New York State Department of State (DOS), New York State Department of Environmental Conservation (DEC), and the United State Army Corps of Engineers (ACOE) as the other “involved agencies” to be notified of this resolution, and; This resolution shall take effect immediately.**

**RESOLUTION 24-077**

**CHILD PROTECTION POLICY**

Offered by Mayor Lashua, seconded by Tr. Basford. All in favor.

**Resolution to put the Child Protection Policy in place (see attached).**

Tr. Guardino reviewed the quote for electrical installation in the pavilion.

**RESOLUTION 24-078**

**PAVILION ELECTRICAL**

Offered by Tr. Wood, seconded by Tr. Hebert. All in favor.

**Resolution to accept the electrical quote from Collins Hammond for the pavilion work.**

The Board examined the Land Appraisal from Farm Credit East.

**RESOLUTION 24-079**

**PAY OFF WARRANT**

Offered by Tr. Basford, seconded by Tr. Guardino. All in favor.

**Resolution for the clerk to pay the appraisal invoice off warrant.**

**RESOLUTION 24-080**

**COUNTEROFFER**

Offered by Mayor Lashua, seconded by Tr. Basford. All in favor.

**Resolution to have the Mayor negotiate with Pierces for sale of the Taylor Road property, no less than the appraisal of the property**

The Mayor gave an update on the Comprehensive Plan. And the Board discussed EEE concerns. There was a discussion on the need for a new pumper truck. Mr.& Mrs. Weston left at 7:37.

**Streets/Sidewalks** Mr. Spaman gave a public works report. He left at 8:04.

**RESOLUTION 24-081**

**ENTER EXECUTIVE SESSION**

Offered by Tr. Guardino, seconded by Tr. Basford. All in favor.

**Resolution to enter executive session at 7:55 for the discussion of possible litigation.**

**RESOLUTION 24-082**

**EXIT EXECUTIVE SESSION**

Offered by Tr. Basford, seconded by Mayor Lashua. All in favor.

**Resolution to exit executive session at 8:22.**

**RESOLUTION 24-083**

**APPROVAL OF MINUTES**

Offered by Tr. Guardino, seconded by Tr. Wood. All in favor.

**Resolution to accept the minutes of the 7/10/24 Board Meeting.**

**RESOLUTION 24-084**

**VOUCHER APPROVALS**

Offered by Tr. Hebert, seconded by Tr. Guardino. All in favor.

**Approval of Vouchers 0824-1-0824-29**

<b>General</b>	<b>\$35,779.60</b>
<b>Sewer</b>	<b>\$ 10,518.51</b>
<b>Water</b>	<b>\$ 1,743.70</b>
<b>Sewer Project</b>	<b>\$10,206.50</b>
<b>Total</b>	<b>\$58,248.31</b>

**Other Disbursements \$ 109,595.37**

At 8:23 pm, with no further business before the Board, the meeting was adjourned on a motion by Tr. Wood. All agreed.

Respectfully submitted,

Rebecca Donnelly  
Village Clerk

**Village of Heuvelton  
Child Protection Policy**

**A. SUMMARY**

Individuals must conduct themselves appropriately with children who participate in Village-related programs and report instances or suspicion of physical or sexual abuse of children.

**B. POLICY**

The Village of Heuvelton is committed to protecting the safety and well-being of children who participate in Village-related programs and activities, whether on or off Village property, or utilize Village facilities for activities including, but not limited to, sports camps, academic and personal enrichment programs and research studies.

**C. DEFINITIONS**

**Covered Activity:** A program or activity sponsored or approved by the Village of Heuvelton or a Village - affiliated organization, or an activity conducted by a vendor, licensee or permittee for which a license or permit for use of Village facilities has been approved, occurring on or off Village property, for the duration of which the responsibility for custody, control and supervision of children is vested in the Village, Village-affiliated organization or the vendor, licensee or permittee so approved.

**Covered Person:** A person who is responsible for the custody, control or supervision of children participating in the Covered Activity and who is:

- i. an employee of the Village or Village-affiliated organization;
- ii. a volunteer of the Village or Village-affiliated organization; or
- iii. a vendor, licensee, permittee or other person, who is given permission to use Village facilities for Covered Activities; or
- iv. an employee, agent or volunteer of above.

**Child:** An individual under the age of seventeen years, who is participating in a Covered Activity.

**Physical Abuse:** Physical contact with a child by a covered person which is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting and burning, or directing a child, outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury.

**Sexual Abuse:** Engaging in a sexual offense with a child and/or encouraging or promoting sexual performance by a child. Pursuant to the NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25, sexual offenses include: sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a child, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a child, and sexual performance by a child. This also includes Penal Law offenses relating to children including endangering the welfare of a child and unlawfully dealing with a child in the first degree. Sexual performance by a child, as defined by the Penal Law, is any behavior which results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child and/or adult, including touching by the child and/or adult with or without clothing, and all acts as defined by New York State Penal Law Articles 130, 263 and Section 260.10.

**Responsible Village Official:** The employee of the Village or Village-affiliated organization, who has been designated by the Village under Section G, Village Responsibilities.

**D. PROHIBITED CONDUCT**

A Covered Person shall not:

1. Be alone with a child, unless the Covered Person is a relative or guardian of the child, unless one-on-one contact is approved in accordance with a determination pursuant to Section G.2 of this policy. In no event shall a Covered Person, who is not a relative or guardian of a child, be alone with the child in a rest room, locker room, shower, sleeping area or vehicle.
2. Engage in physical abuse or sexual abuse of a child.
3. Engage in the use of alcohol or illegal drugs or be under the influence of alcohol or illegal drugs during Covered Activities.
4. Enable, facilitate or fail to address a child's use of alcohol or illegal/non-prescribed drugs.
5. Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct.
6. Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct.
7. Release a child from a Covered Activity without a written authorization from the child's parent or guardian.

**E. REQUIRED CONDUCT**

A Covered Person shall:

1. Take all reasonable measures to prevent physical and sexual abuse of a child, including immediately removing a child from potential physical abuse, sexual abuse or prohibited conduct as defined herein.
2. Report immediately any suspected physical abuse or sexual abuse of a child to the designated Village Official and/or Local Police Department and provide a written report of suspected physical or sexual abuse of a child. Other reporting requirements not addressed in this Policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child

abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.

3. Complete all required training required for Covered Persons (i) – (iii) developed pursuant to this Policy.

#### **F. RESPONSIBLE VILLAGE OFFICIAL**

A Responsible Village Official shall:

1. Confirm that the requirements of this Policy have been communicated to Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
2. Confirm that New York Sex Offender Registry and National Sex Offender Public Registry searches (as described in Campus Responsibilities, below) have been obtained and reviewed for Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
3. Confirm that the completed Acknowledgement of the Village's Child Protection Policy form has been obtained from Covered Persons prior to the commencement of a Covered Activity.
4. Immediately report allegations of physical abuse or sexual abuse of a child to the Village of Heuvelton designated official and Local Law Enforcement and complete and provide to the above mentioned with a written report for each allegation of physical abuse or sexual abuse of a child. Other reporting requirements not addressed in this Policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.
5. Notify and coordinate with appropriate Village offices to ensure that allegations of suspected physical abuse or sexual abuse are investigated and addressed appropriately.
6. Confirm that required training on this Policy has occurred prior to the commencement of a Covered Activity for all Covered Persons who are employees, volunteers, students or agents of the Village of Heuvelton or a Village-affiliated organization.

#### **G. VILLAGE RESPONSIBILITIES**

The Village of Heuvelton shall develop procedures to:

1. Designate a Responsible Village Employee/Official for each Covered Activity.
2. Determine on a limited basis that the first sentence of section D.1. of this Policy, which prohibits a Covered Person from being alone with a child, shall not apply to certain Covered Activities when the pedagogical or health-related nature of the Covered Activity requires such one-on-one contact with a child. Examples may include tutoring, music lessons, speech therapy, and medical, dental or optical services.
3. Communicate the requirements of this Policy to Covered Persons
4. By May 15, 2015 and biennially thereafter, provide for and require training on this Policy for all Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
5. Obtain New York Sex Offender Registry and National Sex Offender Public Registry searches for Covered Persons (i) – (iii) and complete a review of such searches not more than ninety (90) days prior to the commencement of a Covered Activity.
  - a. A search of the NY Sex Offender Registry means:
    1. a search of the file of persons required to register pursuant to Article 6-C of the Correction Law maintained by the NY Division of Criminal Justice Services pursuant to NY Correction Law § 168-b for every level of sex offender (Level 1 through Level 3), which requires an email, CD or hard copy submission of names and identifiers to DCJS as described on the [DCJS website](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm) [url: [http://www.criminaljustice.ny.gov/nsor/800info\\_cdsubmit.htm](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm)]; and
    2. retention of the records of the results of such search. Note that an internet search alone will not meet the requirements of this Policy.
  - b. A search of the National Sex Offender Public Registry means:
    1. a search by first and last name of the National Sex Offender Public Website maintained by the United States Department of Justice at this link: <http://www.nsopw.gov/>; and
    2. retention of the records of the results of such search.
6. Provide for the prompt investigation and preparation of written findings by the Village official and Local Law Enforcement Agency of reports of suspected physical abuse or sexual abuse, and if there is reasonable cause to believe a crime has been committed, coordination by the Village of Heuvelton with other law enforcement agencies.
7. Provide a mechanism to report and respond to allegations of retaliation (as described below).
8. Retain documentation of the search results from the New York and National Sex Offender registries for Covered Persons who are employees, volunteers, students or agents of the Village or a Village-affiliated organization for six (6) years after the covered person has separated from the Village.
9. Provide identification for Covered Persons (i) – (iii) that identifies the individual as having the responsibilities of a Covered Person.

#### **H. RETALIATION**

Retaliatory action against anyone acting in good faith, who has reported alleged physical abuse or sexual abuse in accordance with this Policy, or who has been involved in investigating or responding to allegations of physical or

sexual abuse, or who has reported a failure to comply with this Policy, is a violation of this Policy. Retaliatory acts may include, but are not limited to:

- employment actions affecting salary, promotion, job duties, work schedules and/or work locations;
- any action affecting the program, including harassment and intimidation.

#### **I. THIRD PARTY USE OF VILLAGE FACILITIES**

The use of Village facilities by vendors, licensees or permittees for commercial and non-commercial Covered Activities shall be accomplished pursuant to a revocable permit. The following minimum terms shall be included in all such revocable permits:

1. A specific definition of the areas accessible to the Covered Activity. For example, revocable permits for sporting events held on athletic fields should include the athletic field, as well as any ancillary areas or structures where minors will be permitted, such as adjacent grounds, parking lots, rest rooms, locker rooms, accessory structures, etc.
2. A provision requiring insurance coverage in the types and amounts listed below, naming the Village of Heuvelton as an additional insured, and requiring that evidence of such insurance be provided to the Village within five (5) business days of execution of the revocable permit or at minimum two weeks (14 days) prior to the scheduled use of Village facilities.
  - a. General Liability insurance two million dollars (\$2,000,000) each claim and two million dollars (\$2,000,000) in the aggregate.
  - b. New York State Workers' Compensation insurance and New York State Disability Benefits insurance during the term of the revocable permit for the benefit of permittee's employees required to be covered under the NYS Workers' Compensation Law and the New York State Disability Benefits law.
  - c. For those instances in which a Village believes that the activity is so long or substantial and that the obtaining of such insurance will not unduly preclude beneficial use of the Village facilities, the Village should require additional insurance in the form of: Sexual Abuse and Molestation insurance, either under the above-described general liability policy or in a separate policy, with coverage not less than one million dollars (\$1,000,000). Any insurance coverage for sexual abuse and molestation insurance written on a claims made basis shall remain in effect for a minimum of six (6) months following the use of Village facilities.
3. A representation and warranty from permittee that for all of its employees and volunteers, and employees and volunteers of its sub-permittees, who shall enter upon Village facilities for purposes related to Covered Activity, permittee has conducted within the ninety (90) day period preceding the use of Village facilities (i) a search of the NY Sex Offender Registry; and (ii) a search of the National Sex Offender Public website.
4. A provision requiring written acknowledgement from permittee that it has received a copy of the Village's Child Protection Policy and agrees to abide by all of its terms, including its requirement that any suspected physical or sexual abuse be immediately reported to the designated Village official and the Local Police Department.