



a town for a lifetime
IRONDEQUOIT *New York*

SPECIAL TOWN BOARD MEETING

Thursday, February 20, 2025

7:00 PM

AGENDA

02/19/2025

PLEDGE OF ALLEGIANCE

ROLL CALL

ITEMS FOR BOARD ACTION

02STB2025-1 RESOLUTION Irondequoit Public Censure of Town Supervisor; Andrae Evans

Upcoming Meetings:

Workshop Meeting **March 10th, 2025** **@ 4:00PM**

Regular Town Board Meeting **March 18th, 2025** **@ 7:00PM**

**EXTRACT OF MINUTES OF A MEETING OF THE TOWN BOARD ADOPTING
A RESOLUTION CENSURING TOWN SUPERVISOR ANDRAÉ EVANS**

At a special meeting of the Town Board of Irondequoit, Monroe County, New York, held in the Broderick Conference Room in the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 20th day of February 2025, at 7:00 p.m. local time, there were:

PRESENT:

Andraé Evans	Town Supervisor
Peter Wehner	Deputy Town Supervisor & Town Board Member
Grant Malone	Town Board Member
Ann Cunningham	Town Board Member
John Perticone	Town Board Member
 Peter Weishaar, Esq.	 Attorney for the Town

Deputy Supervisor and Town Board Member Peter Wehner offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Irondequoit (the “Town Board”) has a fundamental interest in ensuring the general welfare of citizens of the Town and in instilling and promoting confidence of the residents of the Town of Irondequoit (the “Town”) and the general public in the orderly and principled operation of Town government and the conduct of its affairs (Irondequoit Town Code § 40-13); and

WHEREAS, the Town is committed to maintaining a workplace free from harassment and retaliation, and the Town Board’s actions reflect its dedication to addressing these serious issues and ensuring a safe environment for all employees; and

WHEREAS, following the unexpected resignation of two employees from the Town of Irondequoit Supervisor’s office in or around September 2024, the Town Board was made aware of allegations of sexual harassment and retaliation raised by at least one of these employees regarding Town Supervisor Andraé Evans (the “Town Supervisor”); and

WHEREAS, on September 17, 2024, the Town Board passed a unanimous resolution (with the Town Supervisor recusing himself) authorizing funding for a confidential, independent investigation into these claims by an outside firm to ensure impartiality and avoid any potential bias or impropriety; and

WHEREAS, the investigation was conducted by Nearpass & Koegel PLLC, a reputable, independent law firm retained to ensure an impartial and thorough examination of the allegations, and the firm was granted full access to necessary witnesses and documents, and no interference was reported during the investigation process; and

WHEREAS, the investigation substantiated several allegations against the Town Supervisor, including that the Town Supervisor made gender and sex-based comments to an employee,

included references to the employee's physical appearance and inappropriate innuendos, which were deemed inappropriate and in violation of the Town's Anti-Harassment and Sexual Harassment Policies, and that, following the employee's report of harassment, the Town Supervisor engaged in retaliatory behavior by excluding the employee from work responsibilities and altering their professional relationship, which was a violation of the Town's policies; and

WHEREAS, the investigation adhered to the preponderance of the evidence standard, ensuring that findings were based on substantial evidence and were more likely than not to be true, and the alleged comments were corroborated by contemporaneous accounts from other witnesses; and

WHEREAS, in anticipation of the completion of the investigation, on November 19, 2024, the Town Board passed a resolution to engage special counsel to review the findings and advise the Town Board, thus ensuring no bias or impropriety in the evaluation process; and

WHEREAS, the members of the Town Board obtained attorney-client privileged legal advice from its special counsel in connection with the investigation concluding that the Town Supervisor engaged in improper sexual harassment and retaliation against a former Town employee, and in particular the potential procedure and remedial actions available to correct the Town Supervisor's misconduct, resolve pending issues of liability with the complainants identified in the investigation, and prevent further instances of similar behavior; and

WHEREAS, recognizing the seriousness of the findings of the investigation, and further recognizing the confidentiality of the investigation and out of respect for the privacy of the Town's employees, the complainants, and Town Supervisor, on January 16, 2025, Deputy Supervisor Peter R. Wehner, in the presence of Director of Personnel Jason Vinette, separately presented the findings of the investigation to both the complainants and the Town Supervisor, and further issued the Town Supervisor a private Written Reprimand requesting, among other things, that the Town Supervisor immediately resign from his position; and

WHEREAS, the Town Board called a duly noticed special meeting on January 24, 2025 open to the public during which the Town Board advised the public that it was continuing to evaluate relevant legal issues raised by the investigation and intended to ensure due process and protect the interests of all parties involved, including the privacy and confidentiality of the complainants, as well as the safety of Town staff; and

WHEREAS, the Town Supervisor has publicly announced his refusal to resign from his position, as requested by the Board in the private Written Reprimand issued to him on January 16, 2025;

WHEREAS, the Town Board acknowledges its responsibility to maintain a safe and respectful environment for all employees and is committed to taking necessary remedial actions to address the findings of the investigation; and

WHEREAS, in response to the findings, the Town is implementing a series of corrective measures designed to prevent future occurrences and to reinforce a culture of respect and safety, including, but not limited to, introducing enhanced training programs focused on workplace conduct and emphasizing respect and inclusivity, reviewing and updating existing policies will be undertaken to ensure they reflect best practices and provide clear guidelines for acceptable behavior, reinforcing the Town's reporting systems to ensure employees can confidentially and safely report

any concerns or incidents, and conducting ongoing assessments to evaluate the effectiveness of these measures and to make adjustments as necessary; and

WHEREAS, the Town is dedicated to fostering an environment where all employees feel valued and protected, and the Town Board recognizes the importance of addressing these issues promptly and effectively, and Town Board is committed to transparency and accountability; and

WHEREAS, the Monroe County District Attorney has announced that she is conducting an outside investigation of the Town Supervisor; and

WHEREAS, the Town Board believes it appropriate and necessary to limit Town Supervisor's interaction with Town Staff while the investigation is pending, and has determined that it is necessary to take further steps in the form of publicly confirming the previously issued Written Reprimand to the Town Supervisor and adopting a public censure of the Town Supervisor in order to further reaffirm the Town's commitment to maintaining a workplace free from harassment and retaliation and taking remedial action to prevent future occurrences.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby confirms the issuance of the Written Reprimand as presented to the Town Supervisor on January 16, 2025 in the form attached hereto as Exhibit A; and be it further

RESOLVED, that the Town Board prefers that the Town Supervisor resign in light of the foregoing, but adopts the following censure against Supervisor Evans effective until the end of his current term in the event he does not resign:

1. The Town Supervisor shall complete comprehensive management training on sexual harassment, workplace boundaries, and appropriate professional conduct, with a focus on how the Town Supervisor's behavior impacts others. This training shall be conducted by a qualified external provider with experience in these matters, to be determined and arranged by the Town, but paid for by the Town Supervisor. This training shall be scheduled at the earliest opportunity and must be completed within thirty (30) days of this Resolution.
2. The Town Supervisor is expected to cease all conduct that could be perceived as inappropriate, discriminatory, or retaliatory. The Town Supervisor is prohibited from interacting with any employee of the Town through personal text messages. The Town Supervisor's interactions with staff will be subject to ongoing monitoring to ensure compliance with the Town's anti-harassment and anti-retaliation policies. Any additional incidents of inappropriate behavior, including harassment or retaliation for an employee's protected activity, will be thoroughly investigated and could lead to further action.
3. The Town Supervisor shall work remotely until further resolution of the Town Board.
4. The Town Supervisor shall not be permitted to enter non-public areas of the Town Hall or other Town Buildings without further resolution of the Town Board. Non-public areas include employee workspaces and parts of buildings that require authorization to enter. Town staff shall take appropriate steps to turn off the Town Supervisor's electronic access control to non-public areas. The Town Supervisor shall also not be permitted to enter Town Buildings after business hours.

5. The Town Supervisor may enter the Town Hall for the purpose of attending Town Board meetings.
6. The Town Board hereby rescinds its Resolution Number 1ORG2025-6, authorizing the Town Supervisor to appoint seasonal, on-call, part-time and temporary employees of the Town for the year 2025, based upon the recommendation of appropriate staff. This role will be performed by the Town Board for any personnel hired after the date of this Resolution.
7. The Town Supervisor shall have no role in evaluating Town staff, except that the Town Supervisor may evaluate the employees having the following Monroe County Civil Service Job Titles: Assistant to the Town Supervisor and Secretary to Supervisor.
8. Neither the Town Supervisor, nor the employees with the Monroe County Civil Service Job Titles: Assistant to the Town Supervisor and Secretary to Supervisor shall be permitted to post on behalf of the Town on any of the Town's social media accounts, including Facebook. Access and posting privileges shall be provided to the other members of the Town Board upon request.
9. All incoming emails to and from the Town Supervisor email accounts shall be copied to and/or otherwise distributed to the Town Board distribution list. The Town's Information Technology personnel shall take steps necessary for this to be accomplished.
10. The Town Board shall be provided with the ability to send emails to internal groups, including all staff. The Town's Information Technology personnel shall take steps necessary for this to be accomplished.
11. In accordance with the applicable provisions of New York Town Law, the Town Board is responsible for managing and controlling town finances, controlling and managing town property and generally having and exercising all the powers conferred upon the town and such additional powers as may be necessarily implied therefrom. Therefore, the Town Board directs and authorizes Town staff to assist the Town Board in carrying out the requirements of this Resolution.
12. These conditions shall continue until further action of the Town Board.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Andraé Evans	Town Supervisor	voting	_____
Peter Wehner	Town Board Member	voting	_____
Grant Malone	Town Board Member	voting	_____
Ann Cunningham	Town Board Member	voting	_____
John Perticone	Town Board Member	voting	_____

January 14, 2025

Andraé Evans, Town Supervisor
Town of Irondequoit
1280 Titus Avenue
Rochester, New York 14617

RE: Investigation and Reprimand

Dear Supervisor Evans:

This letter serves as a formal written reprimand for your recent actions, which have been found to violate the Town's anti-harassment policies, as well as state and federal labor laws regarding sexual harassment and retaliation. These actions, which include unlawful comments, inappropriate behavior, and retaliatory conduct toward employees under your supervision, were the subject of a confidential, independent investigation.

The investigation, which included interviews with credible witnesses and a thorough review of the evidence, substantiated allegations of sexual harassment and retaliatory actions taken against complainants who raised concerns about your conduct. Specifically, the investigation found that your comments and actions were deemed sexually inappropriate, creating a hostile and intimidating work environment for one or more employees, and that you took adverse actions against individuals with protective activity, thereby demonstrating clear retaliatory behavior aimed at discouraging employees from reporting misconduct or participating in investigations.

Your conduct violates both the Town's anti-harassment policies and provisions of applicable state and federal labor laws, including but not limited to the New York State Human Rights Law and Title VII of the Civil Rights Act of 1964. These violations are both unlawful and unacceptable, and the Town has a responsibility to take corrective action to prevent such behavior from occurring again.

Please be advised that, as a result of these substantiated violations, you may be held personally liable for any damages should the complainants file complaints with the New York State Division of Human Rights (NYSDHR) and/or the Equal Employment Opportunity Commission (EEOC) or pursue civil lawsuits once the administrative process is completed. Should such complaints be filed or civil suits arise from your actions, the Town Board may consider this conduct as falling outside the scope of your authority as Supervisor, and thus may summarily reject any request from you to indemnify you for any damages or financial liabilities resulting from this misconduct.

This is a serious issue and has jeopardized the Town's obligation to ensure a respectful, safe, and legally compliant workplace. As a result of your misconduct, the undersigned, as the elected members of the Town Board, expect you will immediately resign from your position.

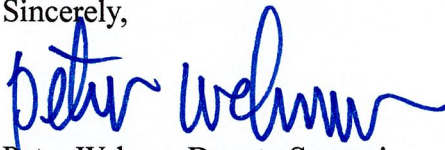
To the extent you refuse to resign, we will take any of the following actions as a result of your misconduct:

1. Public Censure: We will consider public censure as a result of your misconduct, stating that an independent investigation substantiated allegations of sexual harassment and retaliation against you, that your conduct has violated both the Town's anti-harassment policies and provisions of applicable state and federal labor laws, and that the Town will take remedial action as required by law.
2. Mandatory Training: You are required to complete comprehensive management training on sexual harassment, workplace boundaries, and appropriate professional conduct, with a focus on how your behavior impacts others. This training will be conducted by a qualified external provider with experience in these matters, to be determined and arranged by the Town. The training will be scheduled at the earliest opportunity and must be completed within 30 days from the date of this reprimand.
3. Correction & Ongoing Monitoring: You are expected to immediately cease all conduct that could be perceived as inappropriate, discriminatory, or retaliatory. You are also prohibited from interacting with any employee of the Town through personal text messages. Your interactions with staff will be subject to ongoing monitoring to ensure compliance with the Town's anti-harassment and anti-retaliation policies. Any additional incidents of inappropriate behavior, including harassment or retaliation for an employee's protected activity, will be thoroughly investigated and could lead to further action.

We further hope you will take this matter seriously and fully cooperate with any subsequent administrative investigation into your misconduct. Your actions have caused harm to employees and have jeopardized the Town's commitment to maintaining a workplace free from harassment and retaliation.

Please be advised that this reprimand will be placed in your personnel file.

Sincerely,



Peter Wehner, Deputy Supervisor



Grant Malone, Councilman



Ann Cunningham, Councilwoman



John Perticone, Councilman

cc: Human Resources Director
Personnel File
Legal Counsel