

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS AUGUST 24, 2016**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 24, 2016 at 5:30 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Marshfield offered the invocation.

Mr. Taggart led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Mr. Marshfield who introduced Director of Veterans Affairs Charlie Piper to commemorate August 24 as Delaware County's time to remember and recognize veterans who are recipients of the Purple Heart Medal.

Mr. Piper introduced New York State Veteran Services Representative Pam Tanner, Military Order for the Purple Heart Scott Kyle, Vietnam War Purple Heart recipients, Joe Bellows of Downsville, Pete Loker of Hamden, Clarence (Buster) Ebert of Hancock, and Congressman Gibson's liaison Paula Brown.

Mr. Piper explained that the Purple Heart honor is a United States military decoration awarded in the name of the President to those wounded or killed while serving on or after April 5, 1917 with the U.S. military. He shared the courageous actions and compelling story of First Lieutenant Stephen Holden Doane of Walton while serving in Vietnam in 1969 that merited him posthumously the Medal of Honor, the Silver Star, two Bronze Stars, two Army Commendation Medals, and two Purple Hearts.

Mr. Piper acknowledged Resolution No. 117 entitled Resolution to Designate Delaware County as a Purple Heart County. He noted that twelve signs will be placed around the county in honor of being identified as the ninth county in New York State to be designated as a Purple Heart County.

Mr. Kyle explained that an Act of Congress chartered the Military Order of the Purple Heart for combat wounded veterans in 1958. The Military Order of the Purple Heart is composed of military men and women who received the Purple Heart Medal for wounds suffered in combat. He read the Proclamation that he presented to Chairman Eisel for his signature and provided a Military Order of the Purple Heart lapel pin for each Supervisor.

Mr. Piper read a letter prepared by Congressman Gibson who was unable to attend the ceremony recognizing these recipients. Mrs. Brown presented Mr. Bellows, Mr. Loker, and Mr.

Ebert with an honorary Purple Heart coin in honor of their service and sacrifice to the protection of freedoms enjoyed by all Americans.

Chairman Eisel, on behalf of the Board of Supervisors concluded the ceremony acknowledging the recipients' heroism and bravery in combat. Further stating it is an honor to be in the company of those who through their service have helped keep America safe.

Chairman Eisel extended his hand to each recipient followed by the full Board of Supervisors.

For standing committee reports, Chairman Eisel recognized the efforts of the county departments involved in the wellbeing of our county employees and its infrastructure during the fire occurring Thursday, August 18 at 6:30 a.m. on Main Street in the Town of Delhi. These efforts combined with those of emergency personnel, mutual aid fire companies and community support helped in eventually extinguishing the fire and avoiding a total disaster.

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 126**

**TITLE: 2016 BUDGET AMENDMENT  
ACCEPTANCE OF GRANT FUNDING  
CHILDREN'S MANAGED CARE HEALTH INFORMATION TECHNOLOGY (HIT)  
MENTAL HEALTH CLINIC**

**WHEREAS**, the New York State Office of Mental Health is providing one time funding of \$49,850 to children's mental health clinics; and

**WHEREAS**, this funding is awarded to assist with health information technology costs related to the transition to Medicaid Managed Care.

**NOW, THEREFORE, BE IT RESOLVED** that the 2016 budget be amended as follows:

**INCREASE REVENUES:**

10-14315-43349017	ST MHC Children's grant-HIT	\$49,850.00
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**INCREASE APPROPRIATIONS:**

10-14315-52200000	Equipment	\$10,000.00
10-14315-54615000	Training	\$39,850.00

The resolution was seconded by Mr. Spaccaforo.

In answer to Mr. Marshfield, Director of Mental Health Cindy Heaney advised that New York State is moving towards placing all of its Medicaid enrollees into Medicaid Managed Care Plans. This is funding provided by the state to the children's clinic to help with that transition.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 127**

**TITLE: 2016 BUDGET AMENDMENT  
ACCEPTANCE OF GRANT FUNDING FOR MOBILITY MANAGEMENT  
OF SOUTH CENTRAL NEW YORK  
OFFICE FOR THE AGING**

**WHEREAS**, the Office for the Aging operates a non-emergency transportation system through which individuals are assisted with transportation to and from non-emergency medical appointments, obtaining legally authorized prescription medications and obtaining essential medical supplies; and

**WHEREAS**, the Office for the Aging has received \$6,000 to enhance the agency's established non-emergency medical transportation program for 2016.

**NOW, THEREFORE, BE IT RESOLVED** that the 2016 budget be amended as follows:

**REVENUES:**

10-16772-42270602/6772044/977	Grants from Non-Profit	\$6,000.00
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**APPROPRIATIONS:**

10-16772-54327000/6772044/977	Grant Contractual Services	\$6,000.00
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The resolution was seconded by Mr. Merrill.

In answer to Mr. Marshfield, Mr. Shepard explained that the funding would be used to pay the volunteers' mileage.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Triolo offered the following resolution and moved its adoption:

**RESOLUTION NO. 128**

**TITLE: ACCEPTANCE OF THE FUNDING AWARD FROM THE NEW YORK STATE  
OFFICE OF COMMUNITY RENEWAL FOR FISCAL YEAR 2016  
COMMUNITY DEVELOPMENT BLOCK GRANT  
ECONOMIC DEVELOPMENT PROJECT FUNDING  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the County of Delaware has been awarded an Economic Development Community Development Block Grant in the amount of \$151,970; and

**WHEREAS**, these funds are designed to assist in the growth of a local manufacturing business located in Delaware County; and

**WHEREAS**, this program will result in the creation local jobs; and

**WHEREAS**, a grant agreement has been received by the County and must be executed and returned within 45 days to formalize the acceptance of the funds; and

**WHEREAS**, the County will enter into a sub-recipient agreement with the Delaware County Industrial Development Agency (DCIDA), whereby the DCIDA will assume responsibility for the delivery and administration of the CDBG funds on behalf of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the NYS Community Development Block Grant Agreement and a sub-recipient agreement with the Delaware County Industrial Development Corporation, and establishing a non-interest bearing account for the specific use of this grant.

**BE IT FURTHER RESOLVED** that the following budget modifications be made:

**INCREASE REVENUE:**

10-16326-44498900/6326018/972	Other Federal Grant Funds	\$151,970.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326018/972	General Grant Related Expense	\$151,970.00
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The resolution was seconded by Mr. Spaccaforo.

Director of Economic Development Glenn Nealis explained that K Tooling in the Town of Hancock is expanding its operation to include a second location in the Town of Sidney. This funding will assist them in the acquisition of a building and equipment. The expansion will create eleven new jobs.

The resolution was unanimously adopted.

Mr. Spaccaforo offered the following resolution and moved its adoption:

**RESOLUTION NO. 129**

**TITLE: 2016 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DISTRICT ATTORNEY**

**WHEREAS**, the sum of \$16,547.50 has been made available to the District Attorney's Office by way of felony drug prosecutions, which is currently in the Forfeiture of Crime Proceeds for the District Attorney; and

**WHEREAS**, the office is in need of an Adobe Acrobat Pro DC 2015 software package and Resolution No. 194 in the amount of \$333.00 was adopted on November 24, 2015 for purchase of said software; and

**WHEREAS**, invoice no. 115173 was received from IT in the amount of \$362.29 which is \$29.29 more than the initial quote for said software.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfer be made:

**FROM:**

10-00000-34899000	Forfeiture of Crime Proceeds Reserve	\$29.29
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**TO:**

10-11165-54580000	Software	\$29.29
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The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 130**

**TITLE: 2016 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
OFFICE FOR THE AGING**

**WHEREAS**, the Office for the Aging currently has no funding in their budget for the purchase of equipment; and

**WHEREAS**, the Office for the Aging has available funds in other contractual accounts; and

**WHEREAS**, the Office for the Aging's Oversight Committee and the Finance Committee has approved the purchase of one laptop computer and two printers for the agency using these available funds.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfer be made.

**FROM:**

10-16772-54200000	Contracted Services	\$1,497.26
10-16772-54595320	Supplies Office	\$474.80

**TO:**

10-16772-52200000	Equipment	\$1,972.06
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Rowe offered the following resolution and moved its adoption:

**RESOLUTION NO. 131**

**TITLE: 2016 BUDGET AMENDMENT  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Solid Waste Capital budget for equipment was established at \$210,000 and the contractual expenses was set at \$1,627,299; and

**WHEREAS**, it has been determined that we are in need of a replacement compactor; and

**WHEREAS**, the funds are available but need to be moved from contractual expenses to equipment; and

**WHEREAS**, bids have been received and the amount necessary has been determined.

**NOW, THEREFORE, BE IT RESOLVED** that the 2016 budget be amended as follows:

**DECREASE APPROPRIATION:**

32-18161-54000000	Contractual Expense	\$289,000.00
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**INCREASE APPROPRIATION:**

32-18161-52000000	Equipment & Capital Outlay	\$289,000.00
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The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Rowe offered the following resolution and moved its adoption:

**RESOLUTION NO. 132**

**TITLE: AUTHORIZATION FOR AWARD  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**LETTING OF JUNE 21, 2016**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW5-16	Purchase of Used Landfill Compactor to: Marcel Marcel Equipment Limited 1000 Progress Drive, London, ON N6N 1B8
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Bid Price:	\$289,000.00
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All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes and Mr. Spaccaforno.

Mr. Rowe stated that this landfill compactor is lightly used and in good condition. The County has been very satisfied with the purchase of used units. The cost of a new unit runs \$600,000 to \$700,000.

Director of Solid Waste Management Sue McIntyre stated in reply to Chairman Eisel, that the purchased unit is a 2012 model with about 10,000 hours on it.

In response to Mr. Taggart, Ms. McIntyre noted that the purchased unit matches the existing landfill compactor so many of the parts can be salvaged from it.

In reply to Mr. Pigford, Ms. McIntyre stated that the payment is in U.S. dollars and the seller handles all custom issues.

Ms. McIntyre noted in answer to Mr. Hynes, that the county has dealt with this company in the past.

In answer to Mr. Gladstone, Ms. McIntyre stated that the price includes delivery.

Mr. Rowe, speaking on behalf of the Public Works Committee, expressed his gratefulness for the vision of past Supervisors in the development of the landfill and compost facility and succeeding Board's for their continued commitment and dedication to its success. He believed that commitment has led to the successful program the County has today.

Chairman Eisel stated that although the County is spending large amounts of money today to support and maintain the facility it understands it is investing in the future and will be saving money in long run.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Axtell offered the following resolution and moved its adoption:

**RESOLUTION NO. 133**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL  
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE  
SHERIFF'S OFFICE**

**WHEREAS**, section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use;

**BE IT RESOLVED**, that the Sheriff's Office is authorized to sell by trade-in, on-line auction or for scrap the following items:

<u>Vehicle No.</u>	<u>Description</u>	<u>Serial No. /VIN No.</u>
44	2005 Chevrolet Suburban Van	1GNFH15T551226202

The resolution was seconded by Mr. Spaccaferno and unanimously adopted.

Mr. Rowe offered the following resolution and moved its adoption:

**RESOLUTION NO. 134**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL  
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use;

**BE IT RESOLVED** that the Department of Public Works is authorized to sell by trade-in or on-line auction or for scrap the following items:

<u>Dept/Vehicle No.</u>	<u>Description</u>	<u>Serial No. /VIN No.</u>
SWMC	Cummins 6-10 Engine	DR587RX
SWMC	Cummins M-11 Metric Engine	35000244
SWMC	Eight (8) 12.00R20 Tires	
SWMC	Prodeva Inc. Glass Tumbler	
SWMC	Westward 13" Drill Press 4TM72	W023251
DPW #38	2002 Ford Pickup	1FTNF21L2EC06933
DPW #578	2005 Chevrolet	1G1ND52F45M164658
DPW #579	2005 Ford Taurus	1FAFP532X5A228854
DPW #664	1992 John Deere Backhoe	T0710CJ82681
DPW #711	1987 Cat Excavator	5CC00270

The resolution was seconded by Mr. Spaccaforno and unanimously adopted.

Mr. Axtell offered the following resolution and moved its adoption:

**RESOLUTION NO. 135**

**TITLE: AUTHORIZATION FOR RENEWING CONTRACT  
FOR SALE OF FOOD PRODUCTS BETWEEN  
NYS-DOCS AND DELAWARE COUNTY  
SHERIFF'S OFFICE**

**WHEREAS**, the Delaware County Sheriff's Office wishes to renew its existing contract to procure food products from the New York State Department of Corrections and Community Supervision Office of Nutritional Services located in Rome, New York (hereinafter referred to as "DOCCS-NS".) The original Contract was approved by Resolution No. 100 on May 14, 2008 and renewed via Resolution No. 81 on May 25, 2011; and

**WHEREAS**, DOCCS-NS will provide food products as requested by Delaware County. These food products will be standard production items processed consistent with DOCCS menu items. DOCCS-NS will work closely to coordinate ordering and delivery schedules; and

**WHEREAS**, DOCCS-NS transportation staff can deliver food products to Delaware County on a weekly basis. Deliveries will be made by refrigerated trucks at a day and time convenient to DOCCS-NS. Deliveries will be scheduled in conjunction with DOCCS facility deliveries in close proximity of Delaware County; and



**WHEREAS**, food products will be packed in plastic baskets, stacked on pallets or dollies. All empty baskets or dollies are to be returned to DOCCS-NS via DOCCS-NS truck. Delaware County agrees to reimburse at replacement cost any lost or damaged baskets or dollies; and

**WHEREAS**, at time of delivery, DOCCS-NS will provide an itemized listing of products delivered. Delaware County personnel should verify that correct products and count are received and notate any discrepancies on delivery ticket. Ticket shall be signed by Delaware County personnel and DOCCS-NS driver. The DOCCS-NS driver will retain one copy as proof of delivery; and

**WHEREAS**, on a monthly basis, DOCCS-NS will provide an invoice to Delaware County for reimbursement for products received. Payment for products received should be made on a monthly basis by check or Electronic Fund Transfer, payable to NYSDOCCS Office of Nutritional Services; and

**WHEREAS**, a pricing list will be provided by DOCCS-NS quarterly, which will increase/decrease directly consistent with cost to DOCCS-NS; and

**WHEREAS**, it is understood between the parties hereto that this contract shall not become effective until approved by the Attorney General and the Comptroller of New York State and will remain in effect for five (5) years; and

**WHEREAS**, Appendix A, Standard Clauses for New York State contracts, January 2014, is attached hereto as Exhibit A and is hereby made a part of this contract as if set forth fully herein; and

**WHEREAS**, In the event that either party to this contract wishes to terminate the agreement, the requesting agency may do so by giving the other party notice in writing no less than ninety (90) calendar days prior. Such notice shall be directed to the representative of the agency that entered into such agreement with their signature.

**NOW, THEREFORE, BE IT RESOLVED** that authorization is hereby given to renew the contract with the New York State Department of Corrections and Community Supervision's Office of Nutritional Services as outlined above.

#### **APPENDIX A**

#### **STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS**

**PLEASE RETAIN THIS DOCUMENT  
FOR FUTURE REFERENCE.**

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**STANDARD CLAUSES FOR NYS CONTRACTS**

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, “the contract” or “this contract”) agree to be bound by the following clauses which are hereby made a part of the contract (the word “Contractor” herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

**1. EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

**2. NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State’s previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller’s approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor’s business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State’s prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

**3. COMPTROLLER’S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller’s approval of contracts let by the Office of General Services is required when such contracts exceed \$85,0000 (State Finance Law Section

163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

**4. WORKERS’ COMPENSATION**

**BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers’ Compensation Law.

**5. NON-DISCRIMINATION**

**REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

**6. WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor’s employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or

days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

#### **7. NON-COLLUSIVE BIDDING**

**CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

#### **8. INTERNATIONAL BOYCOTT**

**PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the Contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated in participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

**9. SET OF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any

amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

**10. RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

#### **11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.**

(a) Identification Number(s). Every invoice of New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g. leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) the authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is

mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

**12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.**

In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (1) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs or affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.

(b) At the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers

with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) The Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

**13. CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix Z, the terms of this Appendix A shall control.

**14. GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

**15. LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

**16. NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

**17. SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified

mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

**18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by a subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

**19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

**20. OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers is available from: NYS Department of Economic Development Division for Small Business Albany, New York 12245

Telephone: 518-292-5100

FAX: 518-292-5884

email: opa@esd.ny.gov

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development  
Division of Minority and Women's Business Development:

633 Third Avenue  
New York, NY 10017  
212-803-2414

email: mwbecertification@esd.ny.gov

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity act of 1972 (P.L. 92-261), as amended;

(c) Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

**21 RECIPROCITY AND SANCTIONS PROVISIONS.**

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain.

NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

**22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT.**

Contractor shall comply with the provisions of the New

York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

**23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.** If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

**24. PROCUREMENT LOBBYING.** To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

**25. EXECUTORY CLAUSE. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.** To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

**26. IRAN DIVESTMENT ACT.** By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <http://ww.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide

the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

The resolution was seconded by Mr. Spaccaferno and adopted by the following vote:  
Ayes 4799, Noes 0, Absent 0.

Mr. Ellis offered the following resolution and moved its adoption:

### **RESOLUTION NO. 136**

#### **TITLE: POLICIES AND PROCEDURES REGARDING COUNTY VEHICLES**

**BE IT RESOLVED**, that this Resolution shall govern the usage of County vehicles and shall replace all Resolutions previously adopted by the Board of Supervisors all of which are hereby rescinded; and

**BE IT FURTHER RESOLVED** that the following policies and procedures outlined in this Resolution shall apply to all County owned vehicles:

#### **ASSIGNMENT**

1. Assignment of vehicles for conducting County business shall be governed by the availability of vehicles and shall be at the request of the appropriate department head to the Insurance Committee whose decision will be final.
2. Unless the use of a County vehicle to drive to and from work cannot be discontinued because it would violate the principle of past practice and could result in an unfair labor charge, no County employee or officer shall drive a County vehicle to and from work on a regular basis, unless specifically authorized by the Board of Supervisors.
3. An employee on call may be allowed to use a County vehicle to commute subject to the following:
  - a) If required to work, the employee would perform field work.
  - b) The employee's department head has approved the use of a County vehicle while on call.
  - c) An employee on call will be permitted to drive a County vehicle to the designated parking area the evening they are on call or the last scheduled work day before a holiday or a weekend they are scheduled to be on call.
  - d) Unless otherwise authorized by this resolution, department heads who report directly to the Board of Supervisors are not permitted to use County vehicles to commute while on call.
4. Where an employee is scheduled to travel out of County the following day using a County vehicle, and where less travel time and mileage would occur by the employee leaving directly from home rather than leaving from their regular place of work, the employee will be allowed to take a County vehicle home the night before the scheduled travel as approved through the County travel authorization request procedure.
5. The Director of Emergency Services and the EMS/Emergency Management Coordinator are subject to callout in emergency situations, these individuals are authorized to continue



to drive a County emergency vehicle to commute to work, for as long as they remain subject to twenty-four hour callout.

6. In emergency or inclement weather conditions, employees in the Public Works Department who are required to check the condition of County roads other than regular business hours may, at the discretion of the Commissioner of Public Works, take a County vehicle home at night.
7. The Sheriff, Undersheriff, and other law enforcement officers excluding correctional staff, are subject to callout twenty-four hours per day, said individuals shall be permitted to drive a Sheriff's vehicle home at night.

## **VEHICLE RECORDS**

All departments who own or have County vehicles assigned to them will maintain the following records:

- a) A listing of department employees authorized to drive County vehicles assigned to them.
- b) Written procedures for the assignment of vehicles.
- c) Written procedures regarding the service and repair of vehicles.
- d) Vehicles logs which identify each vehicle by year, make and number and which include the following information:
  1. Date driven
  2. The name of driver
  3. Purpose of trip
  4. Destination(s) – start and ending point, including all stops
  5. Start and end trip odometer reading
  6. Indicate if travel was a result of an on-call visit.
  7. Vehicle condition – need of cleaning, repair, damage, etc.

It shall be at the discretion of the Insurance Committee to determine if a department is exempt from maintaining a vehicle log as described above due to the nature of vehicle usage.

Vehicle logs will be kept on file for the lifetime of the vehicle along with the vehicle maintenance log.

- e) A file of complaints received concerning misuse of County vehicles assigned to their department, including action taken to investigate the complaint, result of the investigation and action taken relative to the employee driving the vehicle if the complaint is substantiated will be maintained by the department. Reports of complaints and action taken must be filed with the Clerk of the Board no later than one week after the complaint is received.

## **MISCELLANEOUS**

1. Except as prohibited by the confidential nature of the work, all County vehicles will be clearly marked Delaware County, numbered, and will show the name of the department.
2. Prior to authorizing an employee to drive a County vehicle, employing departments shall obtain a New York State affidavit and transcript of the driver's record from the Motor Vehicle Bureau for those potential employees who will operate a motor vehicle.
3. Departments may adopt such additional policies and procedures regarding the assignment and use of County vehicles as they deem necessary, provided such policies are not less stringent than the policies and procedures contained herein.
4. All current and new employees who operate County vehicles shall be given a copy of these policies and procedures and any additional policies and procedures established by the various departments by the department head or appointing authority.
5. The County shall retain the unfettered right to terminate permission of any employee for the use of a County vehicle.

## **OPERATING REGULATIONS**

1. Only authorized County employees, or drivers approved by the Insurance Committee who have a valid driver's license and safe driving record maintained throughout employment shall operate County vehicles.
2. Only County employees, clients or other authorized individuals who are approved by this Board, shall be transported in County vehicles. Board approval shall consist of a written request by a Department Head submitted on the appropriate vehicle use form followed by approval of the concerned oversight committee, Insurance Committee and Board Chairman.
3. County vehicles shall be used for official County business only, except for stops on the direct route to and from work provided such stops are of a short duration and do not require any additional travel and do not interfere with an employee's work.
4. Under no circumstances shall County vehicles be driven when the operator has been drinking alcoholic beverages or when the driver is under the influence of any drug or medication that would impair his or her ability to drive.
5. Vehicles shall at all times be operated in a safe manner and in accordance with all appropriate motor vehicle laws and regulations.
6. All accidents, damage to property or personal injuries involving a County vehicle shall be reported to the employee's department head or his or her designee immediately. In addition to a verbal report, the driver shall file with his or her department head a New York State Department of Motor Vehicle Accident Report and a copy thereof shall be forwarded to the Clerk of the Board. The Clerk of the Board shall further be notified of

all accidents involving County vehicles by the respective department no later than the next business day following the accident.

7. The Clerk of the Board will keep a list of all authorized drivers of County vehicles. The departments shall notify the Clerk of the Board of any changes (additions/deletions) to the list of drivers.
8. The Clerk of the Board shall inform Department Heads of any driver notifications received from the Department of Motor Vehicles. The Department Head will advise the Clerk of the Board of what action, if necessary, was taken within a week of receipt of said notification.
9. All convictions of any moving violations shall be reported in writing to the employee's department head or his or her designee and the Clerk of the Board.
10. In the event of an accident, it shall be the responsibility of the department who was using the County vehicle at the time of the accident to have it repaired.

Where the accident is contested as to who is at fault or where another party has been determined to be at fault, the responsible department shall have the vehicle repaired in accordance with the requirements of the insurance company that will be paying for the repairs.

In case of repairs for damages which are attributable to the County employee operating the vehicle, each department shall be responsible for getting the vehicle repaired in addition to the expense. Where there is evidence which establishes that the employee has abused or misused the County vehicle, the County reserves the right to assess costs and expenses for any damage caused by that employee.

The responsible department must file an estimate of damages, prior to the commencement of repairs, with the Clerk of the Board for review and approval of the Insurance Committee. In the case where an initial estimate for damages exceeds \$5,000 each department shall secure at least a second estimate and file both estimates with the Clerk of the Board for review and approval of the Insurance Committee prior to the commencement of repairs.

### **DISCIPLINARY PROCEDURES**

1. Conviction of driving while intoxicated or while one's ability is impaired while operating a County vehicle may be basis for termination of employment.
2. Loss of a driver's license by an employee required to operate a vehicle as part of their normal duties will be justification for removal of that employee from his or her position.
3. The first conviction of a moving traffic violation other than DWI or DWAI will normally result in a counseling memorandum being issued to the employee; a second conviction will result in a written warning; a third conviction will result in the loss of the use of the vehicle and/or other disciplinary action. This procedure may be modified based on the nature of the infraction; i.e. a more serious violation may result in an immediate warning

or loss of use of vehicle or other disciplinary action, including suspension or termination of employment.

4. The first incident of unauthorized use of a County vehicle will normally result in a counseling memorandum being given to the employee, a second incident will result in a written warning, a third incident will result in the loss of the use of a County vehicle and/or other appropriate disciplinary action. This procedure may be modified based on the nature of the unauthorized use; i.e. a more serious violation may result in an immediate warning or loss of use of vehicle or other disciplinary action, including suspension or termination of employment. Failure to maintain a vehicle log as required or falsification of a log shall be considered as an unauthorized use of a vehicle.
5. Any disciplinary action taken against an employee pursuant to these policies shall be in accordance with appropriate disciplinary procedures established by law.

Any revisions or modifications to this policy shall be done by Board resolution.

The resolution was seconded by Mr. Merrill.

Mr. Ellis noted that the County has had a vehicle policy in place since 1990 with updates addressing issues in several separate resolutions. The Human Resource/Insurance Committee has worked to develop one comprehensive resolution. This resolution will replace all previously adopted vehicle policy resolutions and includes suggestions from the State Comptroller's audit as well as concerns voiced by department heads and constituents.

In answer to Mr. Marshfield, Mrs. Schafer explained that the Office of the Clerk of the Board provides the Department of Motor Vehicles with a list of drivers authorized to drive County vehicles. When there is any activity on an individual's license, the Department of Motor Vehicles notifies us. In turn, the Clerk of the Board notifies the department head. The Department of Motor Vehicles provides this as a free service to the County. There is a more comprehensive program available however; the cost is about ten thousand dollars a year. The process we are using meets the County's needs.

In reply to Mr. Gregory, Mr. Ellis explained that the vehicle travel log form would provide the additional oversight required to monitor an employee's personal use of a vehicle to and from work-related activity. The exception was included to allow an employee to tend to a personal brief stop in their route of travel, such as picking up a prescription or groceries, rather than having to go home for their personal vehicle and back.

Mr. Pigford noted that the committee discussed amending the vehicle travel log form to include a destination start time and arrival time that would lend more regulation to the policy.

Mr. Ellis noted the vehicle log was not an addendum to the resolution so it could be amended as needed, further noting that based on the Board discussion the vehicle travel log form would be revised to include the destination start and arrival times.

Chairman Eisel thanked the committee members for their work on the policy.

The resolution was unanimously adopted.

Mr. Spaccaforno offered the following resolution and moved its adoption:

**RESOLUTION NO. 137**

**TITLE: RESOLUTION SUPPORTING NECESSARY REFORMS TO  
NEW YORK LABOR LAW §240 AND §241**

**WHEREAS**, New York Labor Law §240 and §241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height; and

**WHEREAS**, the law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

**WHEREAS**, the New York State Legislature failed to implement any positive reform to the New York Scaffold Law in 2016; and

**WHEREAS**, the Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

**WHEREAS**, New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer and the owner of the site; and

**WHEREAS**, not only does the law drive away out-of-state investment in infrastructure but the loss of investments to other states also serves to decrease the number of new construction jobs created every year making it more difficult for many of New York’s skilled laborers to find appropriate employment; and

**WHEREAS**, comparative negligence standards would help maintain worker safety while decreasing the insurance costs related to implementation of the current Scaffold Law; and

**WHEREAS**, this negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker’s action contributed to his or her injury; and

**WHEREAS**, federal regulations have been enacted that protects workers from injury due to falls by requiring certain precautions to be in place for people working at height that allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations; and

**WHEREAS**, Assembly Bill 3209 and Senate Bill 543 have been introduced to impose comparative liability standards for work place accidents involving falls from height.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors is strongly in support of Scaffold Law reform as set forth in A.3209 and S.543 as well as meaningful protection of construction workers; and

**BE IT FURTHER RESOLVED** that the Delaware County Board of Supervisors supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly and Senate Majority and Minority Leaders, the local delegation to the New York State Legislature, Senate Judiciary Committee Chairman Senator John J. Bonacic, Assembly Judiciary Committee Chair Assemblywoman Helene E. Weinstein, and the New York State Association of Counties.

The resolution was seconded by Mr. Ellis.

Mr. Spaccaforno pointed out that this law is antiquated and as a result has become a hindrance to owners and contractors. The law places all liability on the owner or contractor and does not hold the worker culpable in cases where the worker's actions may have contributed to the injury.

Mr. Davis noted that in his business he holds an appropriate insurance policy for the work contracted. If a job consists of high work, defined as over six feet, he purchases the additional insurance coverage per the scaffold law. To maintain coverage for high work when not needed is cost prohibitive.

Mr. Spaccaforno said that in his business he does not have an option he has to maintain a policy for high work as the majority of his work is over six feet.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not prefiled resolutions.

Mr. Axtell offered the following resolution and moved its adoption:

**RESOLUTION NO. 138**

**TITLE: 2016 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
SHERIFF'S OFFICE**

**WHEREAS**, a transfer of funds is necessary due to the unanticipated need to replace the Live Scan fingerprint system and a prisoner transport van; and

**WHEREAS**, the purchase of these items were not funded in the 2016 budget.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfer be made:

**FROM:**

10-13150-54310000

Food

\$27,000.00



**WHEREAS**, the State Homeland Security Program reviewed and approved an amendment to this grant funding, allowing for the purchase of software to upgrade the Computer Aided Dispatch (CAD) System.

**NOW, THEREFORE, BE IT RESOLVED** that the 2016 budget be amended as follows:

**FROM:**

38-13640-43398900/3640387/911            State Interoper Emg Com Grant            \$75,000.00

**TO:**

38-13640-54327000/3640387/911            General Grant Related Expense            \$75,000.00

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Merrill offered the following resolution and moved its adoption:

**RESOLUTION NO. 141**

**TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES**

**BE IT RESOLVED** that the following State Equalization Rates be adopted for the apportionment of the 2017 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	100.00
BOVINA	23.45
COLCHESTER	3.04
DAVENPORT	77.14
DELHI	60.00
DEPOSIT	4.02
FRANKLIN	96.00
HAMDEN	17.95
HANCOCK	12.33
HARPERSFIELD	28.50
KORTRIGHT	100.00
MASONVILLE	100.00
MEREDITH	100.00
MIDDLETOWN	100.00



ROXBURY	100.00
SIDNEY	82.45
STAMFORD	26.40
TOMPKINS	3.92
WALTON	26.60

The resolution was seconded by Ms. Molé and unanimously adopted.

Mr. Merrill offered the following resolution and moved its adoption:

**RESOLUTION NO. 142**

**TITLE: AN AGREEMENT BETWEEN THE TOWN OF DELHI,  
THE COUNTY OF DELAWARE, THE DELAWARE ACADEMY CENTRAL SCHOOL  
DISTRICT AT DELHI AND THE VILLAGE OF DELHI REGARDING  
THE LITIGATION OF REAL PROPERTY ASSESSMENT  
DEPARTMENT OF REAL PROPERTY TAX SERVICES**

**WHEREAS**, a tax certiorari proceeding has commenced against the Town of Delhi challenging its assessment; and

**WHEREAS**, any change in assessment could impact governmental operations and tax rates of the County, town, village and school district; and

**WHEREAS**, the County previously adopted Resolution No. 168, dated September 24, 2014, setting forth the standards and process by which it may choose to participate in litigation challenging real property tax assessments in the County; and

**WHEREAS**, those standards and processes have been met; and

**WHEREAS**, the Town of Delhi, the County, the Delaware Academy Central School District at Delhi and the Village of Delhi have reached an agreement regarding the payment and reimbursement of the costs incurred as a result of said proceeding that is fair and equitable.

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board of Supervisors is hereby authorized to enter into an Intermunicipal Agreement that has been agreed upon by the aforementioned Municipalities regarding such litigation.

The resolution was seconded by Mr. Marshfield and unanimously adopted.

Mr. Merrill offered the following resolution and moved its adoption:

**RESOLUTION NO. 143**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$687,402.48 were hereby presented to the Finance Committee for approval for payment on August 19, 2016 prior to presentation to the Board of Supervisors;

**THEREFORE**, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$551,182.67
OET	\$15,101.48
Public Safety Comm System	\$99,202.56
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Road	\$0.00
Machinery	\$17,133.92
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$4,781.85

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,096,712.31 are hereby presented to the Board of Supervisors for approval of payment;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$486,554.95
OET	\$11,651.69
Public Safety Comm System	\$4,148.82
Highway Audits, as Follows:	
Weights and Measures	\$372.21
Road	\$745,397.99
Machinery	\$103,967.31
Capital Road & Bridge	\$590,425.94
Capital Solid Waste	\$69,821.83
Solid Waste/Landfill	\$84,371.57

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Chairman Eisel thanked County Clerk Sharon O'Dell for bringing her delicious award winning cookies to the meeting. He shared that Mrs. O'Dell's cookies won three blue ribbons, two red ribbons, two white ribbons and two Honorable Mentions at this year's Walton Fair.

Upon a motion, the meeting was adjourned at 6:50 p.m.