

REGULAR MEETING

**DELAWARE COUNTY BOARD OF SUPERVISORS
NOVEMBER 14, 2018**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 14, 2018 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Tuthill and Mr. Hynes.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read a thank you note from Maureen Smith expressing her appreciation for Resolution No. 179 in memory of her late husband and former Town of Kortright Supervisor Charles H. Smith passed by the Board of Supervisors on September 26, 2018.

The Clerk noted that all other communications received have been referred to their respective committees for review.

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

RESOLUTION NO. 202

**TITLE: 2018 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the equipment rental line in the maintenance budget remains well above the balance we would anticipate at this time of year; and

WHEREAS, all of the funds in the capital line for equipment rental have been expended; and

WHEREAS, there is still extensive work being done on capital projects.

NOW, THEREFORE, BE IT RESOLVED that the 2018 Budget be amended as follows:

DECREASE APPROPRIATION:

24-1110-55000000	Equipment Rental	\$240,000.00
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DECREASE REVENUE:

24-15110-45503100	Transfer from General Fund	\$240,000.00
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DECREASE APPROPRIATION:

10-19901-59990240 Operating Transfer out to Road \$240,000.00

INCREASE APPROPRIATION:

34-15112-55000000 Equipment Rental \$240,000.00

INCREASE REVENUE:

34-15112-45503100 Transfer from General Fund \$240,000.00

INCREASE APPROPRIATION:

10-19901-59990310 Operating Transfer Out to Cap Rd & Br \$240,000.00

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:
Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 203

**TITLE: CHANGE ORDER NO. 1 TO LETTING OF APRIL 17, 2018
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Resolution No. 81 of 2018 authorized the award for radio tower site development to Sky Climber Tower Solutions, LLC, 1800 Pittsburgh Drive, Delaware, OH 43015 for the bid amount of \$1,220,610; and

WHEREAS, the increased cost of steel for fencing has driven the price upwards; and

WHEREAS, Sky Climber Tower Solutions, LLC had originally quoted the fencing per tower site as \$10,500 but has submitted a change order with an increase of \$2,000 per site, for a total of \$12,500 per tower site.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services is herewith authorized to execute Change Order No. 1 in the amount of \$10,000 raising the total project cost to \$1,230,610.

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:
Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 204

**TITLE: AMENDMENT TO RESOLUTION NO. 198-18
SALE OF COUNTY OWNED PROPERTY
TREASURER'S OFFICE**

WHEREAS, the purchaser of Tax Map No. 253.-2-1.6 located in the Town of Walton was incorrectly listed on Resolution No. 198 of 2018.

NOW, THEREFORE, BE IT RESOVED that Resolution No. 198-18 be corrected conveying said property to:

ASSESSED TO:

TOWN OF:	WAL16TX.042
TAX MAP NO:	<u>ERNEST SMITH</u>
SCHOOL DISTRICT:	125689:WALTON
ACREAGE:	253.-2-1.6
CONVEYED TO:	125601:WALTON
	1.00A ACRES
	JOSEPH M KORENYIK AND
	CLARA M KORENYIK
	55007 STATE HIGHWAY 10
	BLOOMVILLE NY 13739
CASH CONSIDERATION:	\$3,000.00
TAX DEFICIT:	\$2,670.11

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 205

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
PERSONNEL OFFICE**

WHEREAS, Resolution No. 269 of 1990 prohibited County employees from holding more than one County position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

WHEREAS, the Personnel Office is experiencing difficulties in recruiting Clerks to serve as exam monitors for exams scheduled on Saturdays; and

WHEREAS, from time to time employees in other county departments may be willing to work on a per-hour, as-needed basis.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 269 of 1990 is hereby temporarily waived until December 31, 2019 for County employees who are willing to work on a per-hour, as-needed basis in the Personnel Office.

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

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

RESOLUTION NO. 206

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
SHERIFF'S OFFICE**

WHEREAS, Resolution No. 269-1990 prohibited County employees from holding more than one County position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

WHEREAS, the Sheriff's Office is experiencing difficulties in recruiting deputies, a physician for the Corrections Facility, registered nurses and correction officers; and

WHEREAS, from time to time employees in other County departments are willing to work on a per-hour, as-needed basis in the Sheriff's Office.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 269-1990 is hereby temporarily waived until December 31, 2019 for County employees who are willing to work on a per-hour, as-needed basis in the Sheriff's Office.

The resolution was seconded by Mr. Gladstone and Mr. Davis and unanimously adopted.

Mr. Axtell withdrew Resolution No. 207 entitled: Four-Day Work Week.

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

RESOLUTION NO. 208

**TITLE: APPROVAL OF EXTENSION TO DEFERRED COMPENSATION PLAN
PERSONNEL OFFICE**

WHEREAS, Resolution No. 328 of 1989 established a Deferred Compensation Plan for County employees pursuant to Section 457 of the Internal Revenue Code; and

WHEREAS, Resolution No. 92 of 2012 approved the continuance of Nationwide Retirement Solutions as the Plan Administrator, Financial Organization and Trustee for Delaware County's Deferred Compensation Plan for a period of five (5) years; and

WHEREAS, the authority for Nationwide Retirement Solutions to serve as Plan Administrator, Financial Organization and Trustee will expire December 31, 2018 unless such authority is extended; and

WHEREAS, Part 9003.5 of the Rules and Regulations of the New York State Deferred Compensation Board allows for the extension of the agreement between Delaware County and Nationwide Retirement Solutions for a duration not to exceed two consecutive one-year periods; and

WHEREAS Nationwide Retirement Solutions, formerly known as PEBSCO, has a twenty-five (25) year history of providing good service to Delaware County in this capacity and the Deferred Compensation Committee and the Delaware County Personnel Officer recommends the extension of this agreement for a one (1) year period or through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on behalf of the Committee authorizes:

1. The extension of the agreement between Delaware County and Nationwide Retirement Solutions for a one (1) year period.
2. The Chairman of the Board to execute an extension agreement.
3. The Personnel Officer, under the direction of the Human Resource Committee, to continue to act as the County Administrator of the Plan and represent and act on behalf of the County to the extent permitted by the applicable law, rules and regulations including the execution of individual employee participation agreements.

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

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

RESOLUTION NO. 209

TITLE: MODIFICATION OF SEXUAL HARASSMENT POLICY

WHEREAS, sexual discrimination is unlawful pursuant to the New York Human Rights Law §290 et seq., (codified as N.Y. Executive Law, Article 15), and the federal civil Rights Act of 1964, Act of 1964, Title VII (codified as 42 U.S.C. § 2000e et seq.) and applies to all employers in New York State; and

WHEREAS, New York State Department of Labor Law (Section 201-G, Prevention of Sexual Harassment), which was part of the 2018-19 State Budget, requiring all employers to adopt, post and distribute to all employees a sexual harassment prevention policy; and

WHEREAS, the law also requires that all employees complete the training that meets the minimum standards, no later than October 9, 2019, and annually thereafter.

NOW, THEREFORE, BE IT RESOLVED that in compliance with current laws the Sexual Harassment Policy and procedures annexed hereto be adopted as the official policy of Delaware County; and

BE IT FURTHER RESOLVED that the Sexual Harassment Policy and Procedures established by Resolution No. 204 of 1993 be rescinded.

DELAWARE COUNTY SEXUAL HARASSMENT POLICY

Introduction

Delaware County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Delaware County's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Delaware County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Delaware County policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Delaware County. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Delaware County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Delaware County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, Department Head, or Personnel Officer. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Delaware County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Delaware County will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Delaware County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. Delaware County will provide all employees a complaint form for employees to report harassment and file complaints.
7. Department Heads, managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Personnel Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

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

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

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

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties.

Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

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

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

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

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Delaware County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, department head or Personnel Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, department head or Personnel Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, managers and department heads who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Personnel Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, managers and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, managers and department heads will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Delaware County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Personnel Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
 - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
 - Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by Delaware County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Delaware County, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

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

Complaining internally to Delaware County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

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

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

DELAWARE COUNTY PERSONNEL OFFICE
1 COURTHOUSE SQUARE - STE 2, DELHI, NEW YORK 13753
TELEPHONE #: (607) 832-5678
FAX #: (607) 832-6044
HEALTH INSURANCE #: (607) 832-5678

Linda Pinner
Personnel Officer



Nancy Milea,
Brenda Stone,
Frances Ackerly,
Carol Shultis,
Personnel Technician
Sr. Human Resource Clerk I
Human Resource Clerk
Personnel Clerk

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and Delaware County is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, Delaware County has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager, department head or Personnel Officer so we can take action.

Our complete policy may be found:
www.co.delaware.ny.us/departments/pers/employeeinfo

Our Complaint Form may be found:
www.co.delaware.ny.us/departments/pers/employeeinfo

If you have questions and to make a complaint, please contact:

Delaware County Personnel
One Courthouse Square, Suite #2
Delhi, NY 13753
607-832-5678

Delaware County

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Personnel Officer @ One Courthouse Square, Suite#2, Delhi, NY 13753. This form can be submitted in person, electronically to pers@co.delaware.ny.us, or faxed to 607-832-6044. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____

Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

The resolution was seconded by Mr. Spaccaforno.

Mr. Ellis noted that the New York State Department of Labor Law requires that all employers adopt, post and distribute to all employees a Sexual Harassment Prevention Policy and training protocol to be completed by October 9, 2019.

Chairman Molé added that all Towns must pass a similar resolution and all County and Town employees must complete the Sexual Harassment Training by October 9, 2019. Additionally, proof of training is required of any entity doing business with the County or one of its municipalities.

In answer to Mr. Valente, Chairman Molé stated that as soon as the County Attorney is in receipt of all the necessary information a template would be designed to help the municipalities meet the guidelines.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 210

**TITLE: 2018 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS – SOLID WASTE DIVISION**

WHEREAS, the November health insurance bill is due; and

WHEREAS, the amount budgeted is insufficient; and

WHEREAS, the December bill will also need to be processed.

NOW, THEREFORE, BE IT RESOLVED that the 2018 Budget be amended as follows:

DECREASE APPROPRIATION:

22-18160-54238010	Disposal of C&D	\$95,000.00
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INCREASE APPROPRIATION:

22-18160-58600000	Health Insurance	\$95,000.00
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The resolution was seconded by Mr. Davis.

In reply to Mr. Marshfield, Solid Waste Management Director Sue McIntyre noted that this amount covers November and December and is reflective of an unusually high employee turnover.

The resolution was adopted by the following vote: Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 211

**TITLE: 2018 BUDGET AMENDMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, work on the New York City roads has progressed much further than anticipated this year; and

WHEREAS, in order to cover these additional expenses and keep the budget balanced, the Department needs to increase its appropriations and revenues; and

WHEREAS, the City has deposited a total of \$10,138,039.46 in the County's account; and

WHEREAS, the remains a balance of \$2,180,781.72 that has not been appropriated.

NOW, THEREFORE, BE IT RESOLVED that 2018 Budget be amended as follows:

INCREASE APPROPRIATION:

34-15112-54000000 Contractual Expense \$2,180,781.72

INCREASE REVENUE:

34-15112-42238900 Misc. Rev Other Govrn. Cap \$2,180,781.72

The resolution was seconded by Mr. Spaccaferno and Mr. Davis and adopted by the following vote: Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 212

**TITLE: OMITTED TAXES
TREASURER'S OFFICE**

WHEREAS, Tax Map No. 1.-20-43 assessed to the State of New of New York was omitted from the 2018 tax roll;

NOW, THEREFORE, BE IT RESOLVED that omitted taxes be levied against the State of New York, in the Town of Andes in the amount of \$5,453.51.

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 213

**TITLE: CONVERSION OF FOREST LAND
TREASURER'S OFFICE**

WHEREAS, acreage from property on which a 480A exemption was granted has been converted to other use;

NOW, THEREFORE, BE IT RESOLVED that roll-back taxes be levied as follows:

TOWN OF ANDES: Tax Map No. 283.-1-9.2 formerly assessed to Richard Hennelly, now assessed to Joseph Hennelly \$5,325.14

TOWN OF ANDES: Tax Map No. 283.-1-24 formerly assessed to Richard Hennelly, now assessed to Joseph Hennelly \$75,903.07

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

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

RESOLUTION NO. 214

TITLE: AUTHORIZING THE SCHEDULING/PUBLICATION OF A PUBLIC HEARING FOR CLOSEOUT OF THE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT PROGRAM DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, Delaware County was awarded an Economic Development Community Development Block Grant in 2016 in the amount of \$151,970; and

WHEREAS, Delaware County made the grant funding through this program available to assist in the growth of a local manufacturing business located in Delaware County; and

WHEREAS, the proposed project has been completed in accordance with the terms of the grant agreement and the grant funding received under the Community Development Block Grant Program has been fully disbursed; and

WHEREAS, the NYS Office of Community Renewal requires that the governing body of the recipient provides opportunities for community engagement and feedback through the hosting of a public hearing to obtain citizen’s views.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors for Delaware County will schedule a public hearing to be held on Wednesday, November 28, 2018 at 12:45 p.m. to be held at the Delaware County Office Building located at 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Eisel.

Chairman Molé noted that the public hearing will be held prior to the regularly scheduled meeting on Wednesday, November 28, 2018.

The resolution was unanimously adopted.

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

RESOLUTION NO. 215

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$4,805,851.55 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	\$1,615,206.78
OET	\$0.00
Public Safety Comm System	\$338,662.28
CAP 97-Main Street	\$0.00

CAP MHC	604,137.68
Highway Audits, as Follows:	
Weights and Measures	\$16.23
Landfill	\$49,804.96
Road	\$56,080.57
Machinery	\$69,404.51
Capital Road & Bridge	\$2,038,682.97
Capital Solid Waste	\$33,855.57

The resolution was seconded with Mr. Marshfield and adopted by the following vote:
Ayes 4037, Noes 0, Absent 762 (Tuthill, Hynes).

Budget Director Art Merrill presented the Tentative 2019 Budget. He thanked the members of the Finance Committee, Clerk of the Board Christa Schafer and Accountant Joan Chytalo for their help in the preparation process of this budget.

The change in the tax levy from 2018 is 1.560 percent which is under the tax cap.

Chairman Molé thanked Budget Director Merrill, the Finance Committee, Ms. Schafer and her department for their work throughout the budget process.

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

RESOLUTION NO. 216

**TITLE: PUBLIC HEARING
2019 TENTATIVE BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Tentative 2019 Delaware County Budget and a public hearing be held on the 28th day of November, 2018 at 1:00 p.m. in the Supervisors’ Room of the County Office Building, 111 Main Street, Delhi, New York.

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

Chairman Molé referenced today’s Daily Star article entitled: *Sheriff takes Unadilla teen under his wing*. The article, written by Sarah Eames, is a good read, refreshingly upbeat and a meaningful event in the life of this teen.

Upon a motion, the meeting adjourned 1:25 p.m.