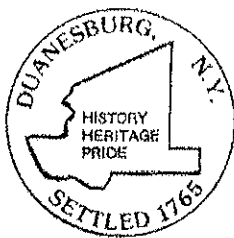


Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



John D. Ganther, Council Member
Charles Leoni, Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member

Thursday July 25, 2019
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Tidball at 7:00PM

Present: Supervisor Tidball, Council Members Ganther, Senecal, Potter, Highway Superintendent William Reed, Deputy Town Clerk Brandy Fall, Town Attorney Terresa Bakner
Absent: Council Member Leoni

Pledge of Allegiance

Prayer/Moment of Reflection offered by Pastor Solomon

Resolution 92-19: Council Member Ganther motioned, seconded by Council Member Senecal to approve the Town Board Meeting minutes of Thursday, July 11, 2019.

Motion carried, 3 ayes

Council Member Potter abstained

Resolution 93-19: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 4 ayes

Vouchers to be Paid

July 25, 2019

General Fund: #192-222	\$18,672.25
SD#1: #97-101	\$2,503.12
SD#2: #108-113	\$2,077.00
SD#3: #68-71	\$518.13
In-House: #8	\$300.00
Highway: #127-132	\$4,787.33
Total Vouchers to be Paid=	<hr/> \$28,857.83

Highway: Council Member Potter reported that Truck #13 (2003 Freightliner) is broken down with issues with the crossmembers and that they are working to get it repaired. He also reported that Gutha Road motor paving has been done and that chip seal will be done next month. Highway Superintendent Reed went over the estimated cost of the capital improvement projects. The roads included in the estimates were Gordinier Road, Koons Road, Brown Road, Esperance Station Road and Van Patten Road. He stated that the available CHIPS fund is \$241,596.34 and the estimated costs with escalation & de-escalation built into the contract is \$241,482.98. Mr. Reed also stated that Van Patten will be from the Princetown line down and was not one of the roads planned for a project this year but unfortunately the road got really bad this winter and needs repair.

Public Safety: Council Member Leoni was absent, so Jean Frisbee from DVAC spoke. Jean stated that DVAC has been very busy with the heat and that they had a lot of calls over the heat wave.

Parks: Council Member Leoni was absent, so Jean Frisbee spoke for the Park Committee. Jean reported that they are looking for more Park Committee members. She also stated that the first week of the 2019 Park Program had a slow start but has picked up and that there are a lot of kids taking advantage of the free program.

Sewer District #1, 2 &3: Council Member Ganther reported that he has no report this meeting. Bill Brown from Delaware Engineering stated that they are trading paperwork back and forth with DEC & EFC on the various financing. Delaware Engineering has a submission in to go back to DEC for the Delanson SPEDES permit review. DEC is basically doing an audit of the facility in anticipation of the SPEDES Permit being reviewed next year which is scheduled. The DEC & EFC approved the engineering report.

Technology: Council Member Ganther reported that Omnis was out on Friday to switch over our email system. Office 365 is up and running on the computers which will automatically be updated to the latest edition. Unfortunately, the email part did not happen as there has been many issues on the end with Spectrum. Council Member Ganther has been working on it every day since & hopes to have it updated soon. He also announced that the next Broadband Committee Meeting is scheduled for Wednesday August 7th, 2019 @ 6:30pm downstairs here at Town Hall.

Business Meeting:

Resolution 94-19: Council Member Ganther motioned, seconded by Council Member Senecal to adopt the current Town of Duanesburg policies.
Motion carried, 4 ayes

Resolution 95-19: Council Member Potter motioned, seconded by Council Member Ganther to approve Amendment No. 1 to the Professional Services Contract with Delaware Engineering, P.C. for the Proposed Long-Term Improvements to Delanson Wastewater Treatment Plant.
Motion carried, 4 ayes

Privilege of the Floor: Opened at 7:26 pm

No one wished to speak.

Floor Closed: 7:28 pm

Supervisor Tidball motioned, seconded by Council Member Ganther to go into executive session to discuss personnel matters.
Motion carried, 4 ayes

Supervisor Tidball motioned, seconded by Council Member Senecal to come out of executive session.
Motion carried, 4 ayes

7:53 p.m.

I, Brandy Fall, Deputy Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday July 25, 2019 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. 94-2019

July 25, 2019

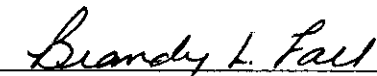
WHEREAS, the following policies, attached hereto, are to be implemented by the Town of Duanesburg and followed by all employees and officers of the Town of Duanesburg:

- Fund Balance Policy
- Child Protection Policy
- Anti-Discrimination and Anti-Harassment Policy
- Procurement Policy
- Credit Card Acceptance Policy
- Expense Reimbursement Policy
- Document Retention Policy
- Capital Asset Control Policy
- Wire Transfer and Online Banking Policy
- Investment Policy
- Use of Town Issued Credit Card Policy

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts aforementioned policies, directs that the policies be followed by all employees and officers of the Town of Duanesburg, and further directs that a copy be distributed to all employees and officers of the Town of Duanesburg.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of July 25, 2019.


Roger Tidball, Supervisor


Town Clerk/Deputy Town Clerk

Present: Supervisor Tidball, Council Member Gauthier, Council Member Potter + Council Member Senecal
Absent: Council Member Leoni

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain
Charles Leoni	Yea	Nay	Abstain

Town of Duanesburg

Fund Balance Policy

Developed for GASB 54

Purpose

The Town Board of Duanesburg recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the town and is fiscally advantageous for both the town and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of fund balance maintained by the town to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances.

Definitions

Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund.

GASB Statement 54 distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent. Beginning with the most restrictive constraints, fund balance amounts will be reported in the following categories:

- 1) **Nonspendable fund balance** – amounts that are not in a spendable form (e.g., inventory) or are legally or contractually required to be maintained intact (e.g., permanent fund principal).
- 2) **Restricted fund balance** – amounts that can be spent only for the specific purposes stipulated by external parties either constitutionally or through enabling legislation (e.g., grants or donations).
- 3) **Committed fund balance** – amounts that can be used only for the specific purposes determined by a formal action of the Town Board. Commitments may be changed or lifted only by referring to the formal action that imposed the constraint originally (e.g., the board's commitment in connection with future construction projects).
- 4) **Assigned fund balance** – amounts *intended* to be used by the government for specific purposes. Intent can be expressed by the Town Board or by a designee to whom the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
- 5) **Unassigned fund balance** – includes all amounts not contained in other classifications and is the residual classification of the general fund only. Unassigned amounts are available for any legal purpose.

Policy

The responsibility for designating funds to specific classifications shall be as follows:

Committed Fund Balance – The Town Board of Trustees is the Town's highest level of decision-making authority, and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Board.

Assigned Fund Balance – The Town Supervisor, as Budget Officer, is authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

Minimum Unassigned Fund Balance

It is the goal of the town to achieve and maintain an unassigned fund balance in the general fund at fiscal year end of not less than 70% of annual revenues [*or expenditures*]. If the unassigned fund balance at fiscal year end falls below the goal, the town shall develop a restoration plan to achieve and maintain the minimum fund balance.

Order of Expenditure of Funds

When multiple categories of fund balance are available for expenditure (e.g., a project is being funded partly by a grant, funds set aside by the Board, and unassigned fund balance), the town will start with the most restricted category and spend those funds first before moving down to the next category with available funds.

Reasons for fund balance

The Town has experienced several costly events over the last several years that have cost the Town hundreds of thousands of dollars that were not budgeted for. We have had several natural disasters that caused severe damage to town roads and culverts in which the Town had to front funds for repair before being reimbursed from FEMA, which reimbursements can take a significant amount of time to process.

During the summer of 2018 the Town had an underground heating oil tank that was leaking removed and the cleanup cost in excess of \$160,000. The funds for that were not budgeted and were paid from fund balance.

The Town has also had recurring extensive costs associated with the establishment and continued operation of the Town sewer districts. These costs in some cases were required by the NYS Department of Environmental Conservation as part of the maintenance and upgrade of the sewage treatment facilities to meet newly imposed State or federal standards. While the Town has obtained grants and loans to cover some of these costs—the Town is typically required to front the money for the improvements and to seek reimbursement of the costs—a process that takes many months and which is rarely complete in one budget cycle.

The Town has been for the last several years pursuing the possibility of purchasing a building for a new town hall and town garage. We have looked at several locations and have contracted engineers to help develop plans to retrofit these buildings for future use as a town facility. The Town would agree to earmark the amount of at least \$20,000.00 to use for future exploration for these projects and upfront fees before financing is established if we agree to purchase a property.

The town has been recently replacing and updating our aging highway equipment and is preparing a plan to turn over equipment that is needed to be replaced. Having funds available in our fund balance will help bridge gaps in funding we will seek to purchase new equipment.

Town of Duanesburg Child Protection Policy

Table of Contents

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- II. Definitions**
- III. Basic Tenets of Professional Conduct While Working with Youth**
- IV. Prohibited Conduct**
- V. Required Conduct and Reporting**
- VI. Employment Sex Offender and Criminal Background Screening Procedure**

I. Introduction

The Town of Duanesburg (the "Town") is committed to protecting the safety and well-being of children who participate in and/or receive services from the Town's Youth Services and/or Youth Recreation Program. This Policy is designed to provide Town employees with guidance on the basic tenets of professional conduct while working with youth, reporting of suspected cases of child abuse, and criminal background screening procedure and employment restrictions.

II. Definitions

Abused Child: A child whose parent or other person legally responsible for his or her care:

- inflicts or allows to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means that would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- commits, or allows to be committed, an act of sexual abuse against such child.

Covered Activity/Program: An activity or program sponsored by the Town for the duration of which the responsibility for custody, control and supervision is vested in the Town, Town-affiliated organization or vendor.

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

- an employee of the Town;
- an employee of a Town-affiliated organization;
- a vendor, licensee, permittee or other person, who is given permission by the Town to organize, operate and/or maintain a Covered Activity/Program; or
- an employee, agent or volunteer of a vendor, licensee, permittee or other person who is given permission by the Town to organize, operate and/or maintain a Covered Activity/Program.

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

Physical Abuse: Physical contact with a child by a covered person which is intended to cause, or causes, pain or physical injury including, but not limited to, punching, beating, shaking, throwing,

kicking, biting, burning, or directing a child, outside the norm of the supervised activity, to perform physical activity that is intended to cause physical injury to the child.

Neglected or Maltreated Child – A Child:

- whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his or her care to exercise a minimum degree of care:
 - in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
 - in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
- who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Sexual Abuse: As defined in Penal Law Articles 130 and 263, § 260.10, 260.25, engaging in a sexual offense with a child and/or encouraging or promoting sexual performance by a child which may include, but is not limited to: sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a child, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a child, sexual performance by a child, and/or any behavior which results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child and/or adult, including touching by the child and/or adult with or without clothing.

Sex Offender: includes any person who is convicted of any of the offenses set forth in subdivisions 2 and 3 of §168-a of the Corrections Law as a sex offense.

Sex Offense: any offense that constitutes a “Sex Offense” or “Sexually Violent Offense” as defined in subdivisions 2 and 3 of § 168-a of the Corrections Law.

III. Basic Tenets of Professional Conduct When Working with Youth

The basic tenets of professional conduct when working with youth include:

- No Covered Person shall harm a child or participate in practices that are emotionally damaging, physical harmful, disrespectful, degrading, exploitative, or intimidating to children.

- No Covered Person shall participate in practices that discriminate against children by denying benefits, giving special advantages, or excluding them from programs or activities on the basis of their sex, race, national origin, religious beliefs, medical condition, disability, or the marital status/family structure, sexual orientation, or religious beliefs or other affiliations of their families.

IV. Prohibited Conduct

A Covered Person shall not:

- Be alone with a child in a rest room, locker room, shower, sleeping area or vehicle;
- Engage in physical abuse or sexual abuse of a child;
- Engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during the Covered Activity/Program;
- Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct;
- Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct;
- Release a child from a Covered Activity without a written authorization from the child's parent or guardian.

V. Required Conduct and Reporting

A Covered Person shall:

- Take all reasonable measures to prevent physical and sexual abuse of a child, including immediately removing a child from physical abuse, sexual abuse or prohibited conduct, as defined herein, which has the potential to occur during the Covered Activity/Program.
- Report immediately any suspected physical abuse or sexual abuse of a child to the New York State Police Department at (518) 630-1700 and notify his/her supervisor of such reporting.
- Call the State Central Registry (the "Registry") at 1-800-342-3720 and provide the information witnessed or secured. If the Registry does not accept the call, the Covered Individual shall contact his/her supervisor and a Child Protective Supervisor at (518) 388-4273 and ask for guidance.
- Complete the Child Abuse Intake Reporting Form (attached) to obtain and provide as much critical information as possible for law enforcement.
- Forward the Child Abuse Intake Reporting Form to Child Protective Services (see attached Child Abuse Reporting Form for instructions).

This procedure is not intended to replace the responsibilities of mandated reporters and other reporting requirements that may apply.

Covered Persons are only responsible to report to the appropriate authorities what they saw and/or were told and should not investigate the matter further.

VI. Employment Sex Offender and Criminal Background Screening Procedure

The Town will require all individuals to submit for review a Schenectady County Civil Servant Employment Application (attached). To the greatest extent permitted by law, the Town will comply with the Schenectady County Employment Sex Offender and Criminal Background Screening Procedure (attached) prior to permitting any Covered Person to participate in a Covered Activity/Program. The Town's implementation of the Schenectady County Employment Sex Offender and Criminal Background Screening Procedure shall be at the direction of the Town Supervisor or his/her designee.

CHILD ABUSE REPORTING FORM

Worker Name: _____ Date: _____ Unit: _____

Name of person reporting information: _____

Phone number: _____

Address: _____

Name of person who observed alleged incident: _____

Phone number: _____

Address: _____

Relationship to the subject: _____

Name of the subject (if known): _____

Name and age of the child(ren) if known: _____

Address: _____

Do you know if this person has a current caseworker or services from the Department of Social Services? If yes, detail: _____

When did it occur (date and time)?: _____

Who was involved?: _____

Where did it occur?: _____

Where are the children now?: _____

Describe concerns: _____

Actions taken:

- State Police called:
 - o Time/date: _____ Locale: _____
- State Central Registry called: 1-800-342-3720
 - o Time/date: _____
 - o Accepted: _____ Rejected: _____
 - o If rejected, why?: _____
- If necessary, discussed with supervisor:
 - o Time/date: _____

Worker signature: _____

Supervisor signature: _____

Fax to Child Protective Intake at (518) 382-1256. Original goes to your supervisor.

SCHENECTADY COUNTY
EMPLOYMENT SEX OFFENDER AND
CRIMINAL BACKGROUND SCREENING PROCEDURE

I. Purpose

The purpose of this procedure is two-fold:

1. First, eliminate the hiring of individuals who are designated as a "Sex Offender" as that term is defined in Correction law §168(1), to the full extent permissible under the law, and eliminate the hiring of individuals who have committed crimes which would render them unfit to be hired for a particular position.
2. Two, terminate the employment of any individual, who while employed by Schenectady County is convicted of a crime which results in that individual being designated as a "Sex Offender" as that term is defined in Correction law §168(1), or other serious crimes which render them unfit to continue in employment.
3. This policy recognizes that Criminal Background checks are already being performed for nursing home employees, pursuant to the Public Health Law, and for Sheriff's Department employees.

II. Screening of Sex Offenses and Sex Offenders

For the purpose of this policy, a Sex Offender includes any person who is convicted of any of the offenses set forth in subdivisions 2 and 3 of the §168-a of the Corrections Law as a sex offense. Those sections provide:

Corrections Law §168-a.

2. "Sex Offense" means: (a)(i) a conviction of or an attempt to commit any of the provisions of sections 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 250.50 and 255.25 or article two hundred sixty-three of the penal law, or section 130.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or sections 230.04, where the person patronized is in fact less than seventeen years of age, 230.05 or 230.06 or subdivision two of section 230.30, section 230.32 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of section 235.22 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a

hate crime defined in section 485.005 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or

(b) a conviction of or a conviction for an attempt to commit any of the provisions of section 130.52 or 130.55 of the penal law, provided the victim of such offense is less than eighteen years of age; or

(c) a conviction of or a conviction for an attempt to commit any of the provisions of section 130.52 or 130.55 of the penal law regardless of the age of the victim and the offender has previously been convicted of: (i) a sex offense defined in this article, (ii) a sexually violent offense defined in this article, or (iii) any of the provisions of section 130.52 or 130.55 of the penal law, or an attempt thereof; or

(d) a conviction of (i) an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph (a), (b) or (c) of this subdivision or (ii) a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred or (iii) any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, or 18 U.S.C. 2260, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect.

(e) a conviction of any of the provisions of subdivision two, three or four of section 250.45 of the penal law, unless upon motion by the defendant, the trial court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that registration would be unduly harsh and inappropriate.

3. "Sexually violent offense" means: (a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.35, 130.50, 130.65, 130.66, 130.67, 130.70, 130.75 and 130.80 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.53, 130.65-a and 130.90 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or

(b) a conviction of an offense in any other jurisdiction which includes all of the essential elements of any such felony provided for in paragraph (a) of this subdivision or conviction of a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred.

III. Screening Through the Application Process

Currently, the application asks in #10 c, d, e and f the following questions:

10. c. Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under other than honorable circumstances?

d. Have you ever been convicted of any crime (felony or misdemeanor)?

e. Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?

f. Are you now under charges for any crime?

At the earliest stage possible any individual who has answered any of those questions in the affirmative shall have their application set aside for further investigation prior to an offer of employment being made. The Civil Service Commission shall amend forthwith the qualifications for all positions to include passing a criminal background check. All appointments made prior to passage shall be provisional until such qualification is met. All applications in all instances shall be forwarded to the Department Head. Any application in which the individual answers affirmatively to #10 c, d, e and f and is under consideration for hire shall be forwarded to the attention of the County Manager, Director of Human Resources and County Sheriff.

IV. Screening Through the Full Criminal Background Check Including Fingerprints

Prior to the County making any offer of employment, an applicant must have submitted a criminal background check which includes a NYS DCJS fingerprint check through the Sheriff's Office, or for prospective employees at the Glendale Nursing Facility, through the New York State Department of Health, who shall continue to follow the procedure in place for those employees, and not be screened through this process. This is a 5-step process and is specifically authorized by Civil Service Law §50(4). Necessary steps shall be taken once the results of the criminal background check are received by Civil Service. Commencement of employment may not begin until the background check is completed and determined to be acceptable.

Step One: Applicant shall be fingerprinted at Sheriff's Department upon request of Department Head. Applicant will be given instructions outlining the available fingerprinting times.

Step Two: The Sheriff's Department shall fingerprint the applicant for hire and the fingerprints will be electronically forwarded to the New York State Department of

Criminal Justice Services for the purpose of obtaining a full criminal background check. The Sheriff's Department shall bill the requesting Department \$94.25 per applicant.

Step Three: Upon receipt of the results of the full criminal background check, the Director and/or Deputy Director of Human Resources will review the results using their specified eJusticeNY accounts.

Step Four: If the criminal background check is passed, the Department of Human Resources shall certify the individual as having passed the criminal background check and the individual is eligible to be hired.

Step Five: If the criminal background check is failed, the Department of Human Resources shall forward this information to the County Civil Service Commission, the County Manager and the County Attorney. Where appropriate and necessary, the County Civil Service Commission shall consider disqualification of individuals who fail the criminal background check and disqualify an applicant or eligible pursuant to Civil Service Law §50(4). As set forth in that section:

"No person shall be disqualified pursuant to this subdivision unless he has been given a written statement of the reasons therefore and afforded an opportunity to submit facts in opposition to such disqualification."

If an individual chooses to challenge a proposed disqualification, the Civil Service Commission shall appoint a hearing officer to conduct a hearing, or shall hear the matter itself and determine whether or not the individual should be disqualified. The County Attorney or his designee shall present the evidence supporting the proposed disqualification, and the applicant shall be afforded a full and fair opportunity to make an explanation and to submit facts in opposition to such disqualification. A stenographic record shall be made of such hearing, and a determination rendered upon the evidence presented.

The disqualification determination shall be made taking into consideration Correction Law §753 which provides:

§753. Factors to be considered concerning a previous criminal conviction; presumption

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted on one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

For individuals not covered by Civil Service Law §50(4) the County Manager shall fully consider the results of the criminal background check.

V. Termination of Employment Of Individuals Who Are Convicted of A Sex Offense
While
Employed By Schenectady County

Any individual who is employed by Schenectady County and who commits and who is designated a "Sex Offender" as defined in Correction Law 168(1) shall be subject to immediate termination, but afforded their full rights under the Civil Service Law §75 and §76; a collective bargaining agreement if applicable; and §30 of the Public Officers Law.

Town of Duanesburg

Capital Asset Control Policy

Developed for General Municipal Law Section 5-a

Purpose

The Town Board of Duanesburg recognizes that it is essential to the functions of the Town that municipal capital assets are protected from loss or misuse. A written policy adopted by the Town Board of Duanesburg effectively addresses capital asset management and performance which will help keep the capital assets of the Town secure.

Policy

I. Property Control Manager

The Town Clerk shall serve as the property control manager for the Town. This individual will be responsible for tracking the capital assets of the Town and for the accuracy and usefulness of the asset record. The property control manager is empowered to set the detailed procedures of capital asset protection, subject to the approval of the Town Board of Duanesburg. ~~These procedures will be in writing~~ and distributed to the individuals who will be involved in the control and inventory of assets to ensure accuracy of detail records and proper accountability for assets. The property control manager will distribute documents used to record assets and train those who will use the documents on how to properly use them. The initial and subsequent physical inventories are the responsibility of Department heads, who shall report to the property control manager.

II. Property Records

All property records must be complete, accurate and up-to-date. Each piece of property meeting the criteria for inclusion in the capital asset inventory should be adequately described in the property records. All property records should be maintained by the property control officer. Real property records must contain substantial information about land which may include a diagram, deed description, or photo of the property to identify the property. The record should also include the date of purchase, the price, the assessed and appraised values, and the department using the property. Personal property records are maintained for each piece of personal property that exceeds the minimum value of \$250.

III. Accountability

Property records must contain a complete and accurate account of the capital assets owned by the Town of Duanesburg. A physical inventory will be used to establish initial accountability. Inventory will be taken annually after an initial inventory to ensure accuracy.

a. Initial Inventory

Department heads must complete an initial inventory and provide it to the Town Clerk by September 1, 2019.

b. Periodic Inventory

Inventories must be annually updated and provided to the Town Clerk each year by August 1.

IV. Additional Safeguards

In addition to being updated periodically, as provided for above, Department heads shall update the inventories in reach time as property that is subject to his Policy is acquired by the Town.

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The Town of Duanesburg prohibits any form of discrimination or harassment of any employee by anyone in the workplace (including supervisors, coworkers, consultants, vendors, customers, and other non-employees) for any illegal discriminatory reason based on any protected classification, including: race, color, sex, national origin, ethnicity, military or veteran status, mental or physical disability, marital status, sexual orientation, genetic information/predisposition or carrier status, age, religion, creed, domestic violence victim status, and any other classification protected by federal, state, and local law. The Town of Duanesburg takes this prohibition seriously and the behavior of individuals engaging in such conduct, or supervisors/managers who knowingly allow such behavior to continue, will not be tolerated.

This policy applies to all employees, whether supervisory or non-supervisory, interns, contractors, and other non-employee personnel conducting business with the Town of Duanesburg.

Unlawful Discrimination and Harassment Defined

Discrimination and harassment can occur in a variety of forms among any combination of individuals at the Town of Duanesburg.

Unlawful harassment is a form of unlawful discrimination. The Town of Duanesburg prohibits harassment on the basis of any classification protected by federal, state, and local law. Unlawful harassment includes, but is not limited to, unwelcome or inappropriate verbal, physical, or other communication or conduct that denigrates or shows hostility or aversion to an individual and/or group and:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with the individual's work performance.

Unlawful harassment may include, but is not limited to: jokes, epithets, slurs, negative stereotyping; threatening, intimidating, or hostile acts; or written or graphic material including email that denigrates or shows hostility or aversion toward an individual or group on the basis of a protected characteristic.

Other unwelcome conduct may constitute harassment, such as:

- Verbal: derogatory slurs, off-color jokes, propositions, threats, or suggestive or insulting sounds;
- Visual/non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: unwanted physical contact, including touching, interference with an individual's normal work movement, or assault; and
- Other: making or threatening reprisals to an individual who opposes, objects to, or complains about illegal discrimination including harassment.

Verbal and physical conduct may constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment Defined

Sexual harassment is a form of discrimination and harassment that is prohibited by New York State and federal law as well as this policy.

What is Sexual Harassment

Sexual harassment is a form of sex discrimination and may include 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:

- The 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;
- The 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 individual's body or poking another individual'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, self-identified or perceived sex, gender expression, 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 Prohibited

The Town of Duanesburg will not take any adverse employment action in retaliation against any employee who, with a good faith belief, reports that s/he has been discriminated against, harassed, or brings or voices a report of such conduct pursuant to this policy on behalf of him or herself or on behalf of another. Any employee of the Town of Duanesburg who retaliates against another individual for: (1) making a report under this policy; (2) participating in any investigation into discrimination or harassment; or (3) opposed acts of unlawful discrimination in the workplace, will be subjected to disciplinary action, up to and including termination.

Under State and federal law, an individual is protected from retaliation if that individual engages in "protected activity." Under New York State law, protected activity occurs when a person has:

- Made a report of harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
- Opposed harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been harassed; or
- Encouraged a fellow employee to report harassment.

Adverse employment action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Individuals who knowingly bring false charges of discrimination, including any form of harassment, against another the Town of Duanesburg employee or other individual shall be subjected to disciplinary action, up to and including termination.

Reporting Discrimination and Harassment

The Town of Duanesburg cannot prevent or remedy discrimination or harassment unless it is aware of it. Any individual who experiences or becomes aware of discrimination or harassment has a responsibility to promptly report the behavior.

Any individual who believes that they have been the victim of discrimination or harassment or who has witnessed discrimination or harassment should report the incident to one, or all, of the following:

- the Town Supervisor; or
- their supervisor/manager.

Reports submitted under this policy may be made formally or informally, orally or in writing, and are not required to be made within the employee's chain of command. Employees are encouraged

to report incidents of discrimination and harassment, including sexual harassment, using the complaint form provided by the Town of Duanesburg.

All employees, including supervisors/managers, are required to immediately report all formal and informal complaints to the Town Supervisor. In addition to being subjected to discipline if they engaged in discriminatory or harassing behavior themselves, supervisors/managers will be subjected to discipline for failing to report suspected discrimination or harassment or otherwise knowingly allowing discrimination or harassment to continue.

The investigation of any report, information, or knowledge of any discrimination or 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 those making a report, witnesses, and alleged harassers, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation. Any employee who participates in such an investigation will not be retaliated against.

Investigations of discrimination and harassment may be conducted by the Town of Duanesburg in accordance with the following steps:

- Conduct an immediate review of the allegations upon receipt of the oral or written report and take such interim actions as may be appropriate. If the report is oral, an individual may be asked to fill out the complaint form. If the employee refuses or would prefer not to do so, a complaint form will be prepared by the Town Supervisor based on the oral report.
- Take steps to obtain and preserve documents, emails, and/or phone records that are relevant to the investigation.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create written documentation of the investigation, which may contain 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 report, together with any corrective action.
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify (1) the individual who reported, and (2) the individual(s) against whom the report 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 below.

Any individual determined to have engaged in unlawful discrimination or harassment, including sexual harassment, will be subject to discipline, up to and including termination.

Legal Protections and External Remedies

Discrimination and harassment are not only prohibited by the Town of Duanesburg, but are also prohibited by federal, state, and where applicable, local law.

In addition to the internal process at the Town of Duanesburg, individuals may choose to pursue legal remedies with the governmental entities identified below. While individuals are not required to retain a private attorney to file a complaint with a governmental agency, they may seek the advice of an attorney.

(1) New York State Division of Human Rights

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 other illegal discriminatory conduct, and protects employees, paid or unpaid interns, and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law ("HRL") may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints may be filed with DHR any time within one year of the harassment/discrimination.

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/discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to the Town of Duanesburg does not extend an individual's 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. Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment or other illegal discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment or other illegal discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment/discrimination, 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.

(2) The United States Equal Employment Opportunity Commission

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/discrimination. 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 harassment/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.

(3) Local Agencies

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.

(4) 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.

Conclusion

This policy and procedures have been established to ensure that every employee may work in an environment free from illegal discrimination, including illegal harassment. Any questions regarding this policy and procedure should be brought to the attention of the Town Supervisor.

Complaint Form for Reporting Discrimination and/or Harassment

If you believe that you have been subjected to discrimination and/or harassment, you are encouraged to complete this form and submit it to your supervisor/manager or the Town Supervisor. If you are more comfortable reporting orally rather than in writing, or in some reasonable manner other than this form, you may do so.

Once the Town of Duanesburg receives your complaint, it will follow its anti-discrimination/harassment policy by investigating the claim(s) as outlined at the end of this form.

For additional resources, visit: <https://dhr.ny.gov/complaint> or <https://www.ny.gov/programs/combating-sexual-harassment-workplace>

COMPLAINANT INFORMATION

Name: _____

Home Address: _____

Work Address: _____

Home Phone: _____

Work Phone: _____

Job Title: _____

Email: _____

Preferred Communication Method: ☐ Email

☐ Telephone

SUPERVISOR/MANAGER INFORMATION

Immediate Supervisor/Manager Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of discrimination and/or harassment is made against:

Name: _____

Title: _____

Work Address: _____

Work Phone: _____

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is discrimination and/or harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) discrimination and/or harassment occurred:

Is the discrimination and/or harassment continuing? ____ Yes ____ No

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

The last two questions are optional but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about discrimination and/or harassment at the Town of Duanesburg? If yes, when and to whom did you complain or provide information?

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?

_____ Yes _____ No

Have you instituted a legal suit or court action regarding this complaint?

_____ Yes _____ No

Have you hired an attorney with respect to this complaint?

_____ Yes _____ No

I request that the Town of Duanesburg investigate this complaint of discrimination and/or harassment in a timely and confidential manner and advise me of the results of the investigation.

Signature: _____ *Date:* _____

PROCUREMENT POLICY FOR THE TOWN OF DUANESBURG

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

- purchase contracts less than or equal to \$20,000;
- public works contracts less than or equal to \$35,000;
- emergency purchases;
- certain municipal hospital purchases;
- goods purchased from agencies for the blind or severely handicapped;
- goods purchased from correctional institutions;
- purchases under State and County contracts; and
- surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding pursuant to Section 103 of the General Municipal Law will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods or services will be purchased at the lowest price and that favoritism will be avoided.

3. At a minimum, the following method of purchase will be used when required by this policy in order to achieve the highest savings:

ESTIMATED AMOUNT OF
PURCHASE CONTRACT

METHOD

\$500.00 - \$4,999.00

2 Written/Fax Quotations
or written request for proposals

\$5,000.00 - \$20,000.00

3 Written/Fax Quotations
or written request for proposals

ESTIMATED AMOUNT OF
PUBLIC WORKS CONTRACT

METHOD

\$500.00- \$4,999.00

2 Written/Fax Quotations
or written request for proposals

\$5,000.00 - \$35,000.00

3 Written/Fax Quotations
or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement. In all events, the person requesting the purchase shall be required to complete a project quote history form as established by the Town of Duanesburg, including copies of all substantiation documentation. In no event shall purchases falling within this policy be made without such compliance.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(g), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Town of Duanesburg to solicit quotations or document the bases for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training, or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company

that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Town Board shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits. This section does not waive the requirement that only the appropriate officer, board or agency of the Town is authorized to make purchases.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals were required, the Town Board may be precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$ 500.00. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Any purchase to be made pursuant to this Procurement Policy, regardless of the estimated amount of the purchase or the circumstances upon which it is made, must be obtained from a Town of Duanesburg listed approved vendor. No vendor will be approved until the vendor acknowledges in writing receipt of, and agreement to comply with, this Procurement Policy. The list of approved vendors is subject to change from time to time.

8. The individual or individuals responsible for purchasing and their respective titles are as follows:

Jennifer Howe, Town Clerk

Brandy Fall, Deputy Town Clerk

This information shall be updated biennially.

9. Standard utilities such as electric service, telephone service, internet service and the like are not subject to this Procurement Policy. Additionally, the following purchases procured under State contract pursuant to Section 104 of the General Municipal Law or competitive bidding pursuant to Section 103 of the General Municipal Law are not subject to this Procurement Policy so long as documentation of such procurement is provided to the Town Board:

- a. Oil, grease and other fluids necessary for regular maintenance of vehicles and equipment
- b. Ice control sand and salt
- c. Diesel, gasoline and/or kerosene delivered
- d. Crusher run, pot hole patch, and/or paving material
- e. Fuel oil

10. This policy shall go into effect on February 9, 2017 and be reviewed annually.

Town of Duanesburg

Credit Card Acceptance Policy

Developed for General Municipal Law Section 5

Purpose

The Town Board of Duanesburg recognizes that accepting payments by credit card can have many benefits, including increased certainty of collection, accelerated payments and availability of funds, enhanced customer convenience, and reduced return check processing costs. This policy addresses the acceptance of credit card payments by the Town.

Policy

I. Transaction Fees

For each transaction using a credit card, the person or entity making such payment will be responsible for all costs and expenses incurred by the Town in connection with accepting such payment. Currently, such costs and expenses are charged as a 3% fee on each transaction. This fee is to cover the transaction costs of accepting credit card payments, which costs are subject to change and will be passed on by the Town to the person or entity making the payment.

II. Transactions which Credit Card Payments are Applicable

The Town accepts payments by credit card for a variety of matters, including permitting and licensing fees, fines, penalties, and taxes. The Town reserves the right, at any time, to change those items for which it accepts payment by credit card.

Town of Duanesburg

Expense Reimbursement Policy

Purpose

All employees and officers who are being reimbursed are being reimbursed using public funds and should exercise due care while incurring expenses, consistent with this policy and applicable law.

Policy

I. Pre-Approval Process

In order to obtain authorization to incur any expense which may be reimbursed, including, but not limited to, attending conferences, training, and other travel expenses, employees and officers must submit a written request to the Town Clerk setting forth the purpose of the expense and itemizing the expenses to be incurred, at least thirty days prior to incurring the expense. A form of such request is attached as **Exhibit A**. The Town Clerk will forward such request to the Town Board for review and approval in advance of the expenses being incurred. Notwithstanding the foregoing, if an officer or employee incurs an expense in connection with approved attendance at a conference, training session or other event that it did not identify prior to the event, it may petition the Town Board for reimbursement of that additional expense, within 30 days of incurring the expense, provided the employee or officer explains, to the satisfaction of the Town Board, why the expense is justified and why it was not foreseeable at the time of the initial request.

II. Reimbursable Expenses

The following expenses are considered reimbursable travel expenses:

- Hotel room (Must be at a property that offers a government rate, unless the employee or officer can establish that such rate is not offered within a reasonable distance from the location being travelled to.);
- Mileage (At prevailing IRS rates);
- Taxi and/or rental car (Provided the employee or officer can establish why use of a taxi and/or rental car is cheaper than alternative means of transportation. In each case, the lowest cost form of transportation should be used, provided such form of transportation is reasonable and serves the needs of the Town.);
- Meal expenses (which may not exceed the then current United States General Service Administration per diem meal rate).

Alcoholic beverages and entertainment expenses are not reimbursable expenses. All documentation verifying actual expenses must be submitted within 30 days of the date the expense is incurred. Following receipt of verifying documentation, the Town shall have thirty (30) days to issue the reimbursement, provided the request conforms to this policy.

If the provisions of this policy and applicable law are not followed, Town Officers and Employees will be personally responsible for costs incurred.

Exhibit A
Town of Duanesburg
Expense Pre-Approval Request

1. I have read the Town's Expense Policy (the "Policy").

(Print Name)

(Signature)

2. I am seeking pre-approval to incur expenses in connection with (set forth purpose of expense):

3. I expect to incur the following expenses: (Be as specific as possible. Include, if applicable, hotel rate [indicate if a Government rate], mileage to be traveled, or, in the alternative, other mode of travel consistent with the Policy, registration fees, number of meals while traveling, etc.) Please note that failure to identify the expense on this form and obtain the pre-approval from the Town Board may render you personally liable for such expense.

_____	_____
_____	_____
_____	_____

4. Date of travel (if applicable): _____

Please note that this request is subject to the terms of the Policy and applicable law. Receipts and other documentation must be provided to the Town Clerk within thirty (30) days of the expense being incurred.

Approved by Town Board on: _____

Town of Duanesburg

Document Retention Policy

Purpose

The Town Board of Duanesburg recognizes that the retention and disposition of documents is an important area where a policy must be developed. With a clear policy, records are retained as long as needed for administrative, legal and fiscal purposes, state and federal record retention requirements are met, record series with enduring historical and other research value are identified and retained permanently, and it encourages and facilitates the systematic disposal of unneeded records. This policy will allow the Town Board of Duanesburg to avoid retaining documents that are no longer needed, while effectively identifying those documents that need to be retained long term or permanently.

Definitions

Schedule-refers to the schedule developed by the NYS Archives Department

Policy

I. Disposal of Records

No records may be disposed of unless they are listed on the Schedule, or their disposition is already covered by applicable state laws.

II. Retention

Retention periods present on the Schedule apply to one official copy designated by the Town Board of Duanesburg unless otherwise stated in the Schedule. The retention periods listed in the Schedule pertain to the information contained in the records, regardless of physical form or characteristic. The Town Clerk shall serve as the Records Management Officer.

For any record that is not listed in the Schedule, the Records Management Officer, should contact the Archives department to determine if a legal minimum retention period has been established. If there is no legal minimum retention period already established, the Archives will consult with records officials and local governments to advise the Town Board of Duanesburg on the disposition of the records.

Records being used in legal actions must be retained for one year after the legal action ends, or until their scheduled retention period has passed, whichever is longer. Records being kept beyond their retention periods for audit and other purposes at the request of state or federal agencies must be retained until the Town Board of Duanesburg receives the audit report, or the need is satisfied. Certain records may need to be retained for one year longer than dictated by the Schedule if those records are subject to the requirements stated in Section 29.2 of 8 NYCRR for health professionals, other than physicians, employed by or associated with local governments. Records created before 1910 are not eligible for disposition without written permission from the State Archives.

III. Identification of Historical Significance

The Archives department cannot identify all record series with historical significance for individual local governments. The Records Management Officer will need to appraise records with nonpermanent retention

period for potential research or historical value before destroying them. A local government record has historical or other research importance if it provides significant evidence of how the government functions and/or it provides significant information about people, places or events that involve the government.

Town of Duanesburg

Capital Asset Control Policy

Developed for General Municipal Law Section 5-a

Purpose

The Town Board of Duanesburg recognizes that it is essential to the functions of the Town that municipal capital assets are protected from loss or misuse. A written policy adopted by the Town Board of Duanesburg effectively addresses capital asset management and performance which will help keep the capital assets of the Town secure.

Policy

I. Property Control Manager

The Town Clerk shall serve as the property control manager for the Town. This individual will be responsible for tracking the capital assets of the Town and for the accuracy and usefulness of the asset record. The property control manager is empowered to set the detailed procedures of capital asset protection, subject to the approval of the Town Board of Duanesburg. These procedures will be in writing and distributed to the individuals who will be involved in the control and inventory of assets to ensure accuracy of detail records and proper accountability for assets. The property control manager will distribute documents used to record assets and train those who will use the documents on how to properly use them. The initial and subsequent physical inventories are the responsibility of Department heads, who shall report to the property control manager.

II. Property Records

All property records must be complete, accurate and up-to-date. Each piece of property meeting the criteria for inclusion in the capital asset inventory should be adequately described in the property records. All property records should be maintained by the property control officer. Real property records must contain substantial information about land which may include a diagram, deed description, or photo of the property to identify the property. The record should also include the date of purchase, the price, the assessed and appraised values, and the department using the property. Personal property records are maintained for each piece of personal property that exceeds the minimum value of \$250.

III. Accountability

Property records must contain a complete and accurate account of the capital assets owned by the Town of Duanesburg. A physical inventory will be used to establish initial accountability. Inventory will be taken annually after an initial inventory to ensure accuracy.

a. Initial Inventory

Department heads must complete an initial inventory and provide it to the Town Clerk by September 1, 2019.

b. Periodic Inventory

Inventories must be annually updated and provided to the Town Clerk each year by August 1.

IV. Additional Safeguards

In addition to being updated periodically, as provided for above, Department heads shall update the inventories in reach time as property that is subject to his Policy is acquired by the Town.

Town of Duanesburg

Wire Transfer and Online Banking Policy

Developed for General Municipal Law Section 5-a

Purpose

The Town Board of Duanesburg recognizes that the processing of financial transactions electronically is increasing. Receipts and disbursements can be processed via electronic funds transfer. Following a detailed policy and procedures is important to process electronic transactions.

This policy will expedite the processing of transactions and will allow for effective monitoring of accounts, cash flow, and transactions.

Definitions

The policy provides instructions to officers and staff regarding investing, monitoring, and reporting "funds of the government."

- 1) **Electronic Funds Transfer (EFT)** – refers to moving funds electronically to and from different bank accounts.

Policy

I. Authorized Online Banking and EFT Activities

The Town Board of Duanesburg authorizes the use of online banking for receipts and disbursements generally and electronic fund transfers only for the transmittal of tax payments. Any physical check or electronic transfer in excess of fifty thousand (\$50,000) Dollars must be approved by two Town officials.

II. Authorization

The Town Board of Duanesburg authorizes the following officers and employees to initiate, approve, transmit, record, review and reconcile electronic transactions: Town Clerk, Town Bookkeeper. The electronic transactions will be reviewed and reconciled every five (5) business days.

Authorization of electronic transactions shall be overseen by a different individual than the individual who oversees the transmitting of the electronic transactions. Additionally, the recording function will be placed with an individual who does not have either approval or transmitting duties. All wire transfers must be recorded, documented and reported to the Town Supervisor. The bank or trust company must provide the officer requesting the transfer written confirmation of the transaction no later than the business day following the day on which the funds were transmitted.

All payments made using electronic funds transfer must comply with applicable laws, regulations and internal control policies of the Town Board of Duanesburg.

III. Online Banking

Online Banking services will be provided to the Town Board of Duanesburg by NBT Bank. Online banking services will allow for transfers between bank accounts and monitoring of balances and cash flow.

In order to address the security concerns connected to online banking services, all electronics used for online banking will have current antivirus, anti-spyware, and malware and adware detection software. New and updated software will continue to be added as necessary. All passwords and login names will comply with complexity requirements and will not be used on any other software.

Online bank accounts will be monitored at least weekly and any suspicious activity will immediately be reported to the supervising officer.

Users will be provided with information security awareness training to educate these individuals on safe computing practices.

All banks providing online banking services to the Town Board of Duanesburg will provide written agreements that address and control these online services, including electronic or wire transfers.

Town of Duanesburg

Investment Policy

Developed for GML Section 39

Purpose

The Town Board of Duanesburg recognizes the importance of establishing a prudent set of basic procedures to meet investment objectives. An investment policy ensures that investment assets are safeguarded and collateralized, while establishing and maintaining internal controls and proper accounting records, which will help provide accurate reporting and evaluation of investment results.

Definitions

The policy provides instructions to officers and staff regarding investing, monitoring, and reporting “funds of the government.”

- 1) **Funds of the local government** – all moneys and other financial resources available for investment by the local government on its own behalf or on behalf of any other entity or individual.
- 2) **Firm** – includes, but is not limited to, a bank or trust company as defined in Section 10 of the GML, the lead participant of a cooperative investment agreement as defined in GML article 3-A, and the seller of an obligation that is purchased pursuant to a repurchase agreement.

Policy

I. Scope

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town Board of Duanesburg on its own behalf or on behalf of any other entity or individual.

II. Objectives

The primary objectives of the local government’s investment activities are, in priority order:

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

III. Delegation of Authority

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

IV. Prudence

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

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

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

V. Diversification

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

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

VI. Internal Controls

It is the policy of the Town Board of Duanesburg for all moneys collected by any officer or employee of the government to transfer those funds to the chief fiscal officer within five (5) business days of deposit, or within the time period specified in law, whichever is shorter.

The chief fiscal officer is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. Designation of Depositories

The banks and trust companies that are authorized for the deposit of moneys are: NBT Bank

VIII. Securing Deposits and Investments

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Town Board of Duanesburg that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by: lawful "Eligible Securities" as provided for in Section 10 of the General Municipal Law.

IX. Collateralization and Safekeeping

Eligible securities used for collateralizing deposits made by officers of the Town Board of Duanesburg shall be held by NBT Bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the local government to exercise its rights against the pledged securities.

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

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

X. Permitted Investments

As provided by General Municipal Law Section 11, the Town Board of Duanesburg authorizes its chief fiscal officer, to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in those investments lawfully permitted by Section 11 of the General Municipal Law.

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

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

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

XI. Authorized Financial Institutions and Dealers

All financial institutions and dealers with which the Town Board of Duanesburg transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the Town Board of Duanesburg.

The chief fiscal officer shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

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

XII. Purchase of Investments

The chief fiscal officer is authorized to contract for the purchase of investments:

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

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

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town Board of Duanesburg, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town Board of Duanesburg with a perfected interest in the securities.

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

XIII. Courier Service

The chief fiscal officer may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a

surety bond for the full amount entrusted to the courier, payable to the Town Board of Duanesburg and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The Town Board of Duanesburg may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Town Board of Duanesburg in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the Department of Financial Services or other federal or State authority.

XIV. Annual Review and Amendments

The Town Board of Duanesburg shall review this investment policy annually, and it shall have the power to amend this policy at any time.

XV. Definitions

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

Town of Duanesburg

Use of Town Issued Credit Cards Policy

Purpose

The Town Board of Duanesburg recognizes when employees or officers need to make small one-time purchases, it is often more convenient for them to pay with a credit card than to fill out a procurement request form and wait for it to be approved. This also saves time and energy for procurement staff.

Policy

I. Town Board Approval

All credit cards issued to employees of the Town of Duanesburg ("Town Issued Credit Card") must be authorized by the Town Board before it is issued. All Town Issued Credit Cards are to be issued in the name of the employee for better accountability.

II. Authorized Use

A Town Credit Card may only be used for approved and necessary expenses.

III. Prohibited Credit Card Use

A Town Credit Card may not be used for the following purposes:

- Any expense in excess of \$500 without prior approval of the Town Board;
- Personal expenses;
- Cash advances;

IV. Recoupment of Unauthorized Charges

Any Town employee or officer that incurs any expense on a Town Credit Card that is not an Authorized Use under Section II or is a Prohibited Use under Section III of this policy must reimburse the Town immediately.

V. Safeguarding Credit Card Use

In order to safeguard the use of Town Issued Credit Cards:

- Town employees and officers must keep all Town Issued Credit Cards in a secure location, such as a locked desk drawer, when not being used by authorized personnel;
- The Town shall segregate procurement duties among staff, such as approval, verification and payment of claims;
- No Town employee or officer shall be allowed to review and/or approve their own purchases;
- The Town shall have billing statements broken down by credit card holder;

- The Town shall review bills and watch for red flags such as unusual destinations or items on the card;
- The Town shall verify that any items purchased were actually received;
- The Town shall not use automatic payment deductions to pay credit card bills; and
- The Town shall establish procedures for canceling cards for cases where they are lost or stolen or the credit card holder leaves their employment with the Town.

Town of Duanesburg Town Board

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH DELAWARE ENGINEERING, P.C. FOR THE PROPOSED LONGTERM IMPROVEMENTS TO DELANSON WASTEWATER TREATMENT PLANT

RESOLUTION NO. 95- 2019

July 25, 2019

WHEREAS, the Delanson WWTP serves Duanesburg/Delanson Sewer District No. 1 and Duanesburg Sewer District No. 3; and

WHEREAS, the Town of Duanesburg (the "Town") retained Delaware Engineering, D.P.C. ("DE"), through a professional engineering services agreement (the "Agreement"), for services relating to the long-term improvements to the Delanson WWTP including, but not limited to, planning and/or design of the improvements, bidding/award, construction management and inspection, and grant administration assistance; and

WHEREAS, the Delanson WWTP was evaluated by DE and it was determined that some long-term improvements are necessary at the WWTP site to improve the operation of the WWTP and such improvements are also required by an Order issued by NYSDEC (the "Proposed Improvements"); and

WHEREAS, the Town Board is empowered to authorize the Proposed Improvements subject to the provisions of New York Town Law § 202-b; and

WHEREAS, DE has prepared a map and plan of the Proposed Improvements together with an estimate of the costs ("Map and Plan") and submitted the Map and Plan to the Town Board and to the Town Clerk; and

WHEREAS, the estimated cost of the improvements is \$1,773,178.00; and

WHEREAS, the Map and Plan states that the Town will pay for the cost of the Proposed Improvements by issuing obligations pursuant to the Local Finance Law, and that the Town will apply to the New York State Environmental Facilities Corporation ("EFC") for a reduced rate of interest loan; and

WHEREAS, the Map and Plan has been filed in the Office of the Duanesburg Town Clerk of the Town of Duanesburg, and the same is available for public inspection; and

WHEREAS, this proposed action is a Type II action under the New York State Environmental Quality Review Act, pursuant to 6 NYCRR § 617.5, and, thus, no further review is required; and

WHEREAS, on May 10, 2018, after a duly noticed Public Hearing, the Town Board determined that it is in the public interest to construct the Proposed Improvements and, pursuant to Town Law § 202-b, directed DE to prepare definite plans and specifications, to make a careful estimate of the expense, and to prepare a proposed contract, with the assistance of the Town Attorney, for the proposed work; and

WHEREAS, DE prepared a Final Engineering Report, which has been approved by EFC and NYSDEC; and

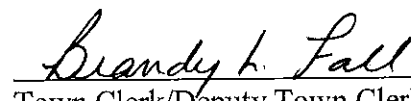
WHEREAS, the Town and DE wish to amend the Agreement previously approved by the Town Board, as described in the "Amendment to Owner-Engineer Agreement Amendment No. 1," attached hereto.

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves and authorizes the Town Supervisor to execute the attached amendment 1 to the Agreement.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of July 25, 2019.



Roger Tidball, Supervisor



Town Clerk/Deputy Town Clerk

Present: Supervisor Tidball, Council Member Ganther, Council Member Potter & Council Member Senecal
Absent: Council Member Leoni

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Charles Leoni	Yea	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain

This an EXHIBIT, consisting of 2 pages,
To the Agreement between Owner and Engineer for
Professional Services dated 2/28/2019.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: July 25, 2019.

Background Data:

Effective Date of Owner-Engineer Agreement: 2/28/2019

Owner: Town of Duanesburg, NY
Engineer: Delaware Engineering, D.P.C.
Project: Delanson WWTP Long Term Improvements

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Engineer
☐ Modifications to services of Engineer
☐ Modifications to responsibilities of Owner
☒ Modifications of payment to Engineer
☐ Modifications to time(s) for rendering services
☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

Amendment will add preliminary engineering, regulatory coordination, special use district proceeding coordination, funding agency coordination services, and corresponding costs to the contract.

Initial Contract	Not to Exceed Cost
Design, Bidding Services, Construction Management, Construction Inspection, As-built Drawing Prep, NYSEFC Coordination	\$250,000
Contract Amendment	Not to Exceed Cost
Preliminary Engineering	\$70,894.70
Total	\$320,894.70

Agreement Summary:

Original agreement amount:	\$ 250,000
Net change for prior amendments:	\$ 0.00
This amendment amount:	\$ 70,894.70
Adjusted Agreement amount:	\$ 320,894.70

Change in time for services (days or date, as applicable): N/A

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Part III.

Owner and Engineer agree and acknowledge that the services that are subject to this Amendment have been performed by Engineer and have been paid for by Owner in full. This Amendment is made for the sole purpose of formally documenting Engineer's performance of the services referenced herein and Owner's prior payment for same. ~~Owner reserves its right to recover Any engineering fees previously paid to not eligible for reimbursement by CWSRF shall be deducted by Engineer in, not payable by Owner, and, to the extent that such fees are not have already been paid, reimbursed by the New York State Environmental Facilities Corporation Engineer to Owner.~~

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Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: _____
Print: _____
Name: _____

By: _____
Print: _____
Name: _____

Title: _____
Date Signed: _____

Title: _____
Date Signed: _____

Scope of Services

Preliminary Engineering:

These services are conducted by design/office staff.

1. Assist Town personnel and representatives in coordination with NYSDEC with respect to issuance of an order on consent by the Department to the Town for the required improvements.
2. Review of facility conditions, needs, and history with Town personnel as part of a plant evaluation.
3. Preparation of a preliminary engineering report as required by the consent order to identify needed long term improvements at the Delanson wastewater treatment plant (WWTP).
4. Prepare NYSEFC CWSRF listing form and assist Town in submitting to NYSEFC
5. Prepare revised engineering report and submit to NYSEFC to accommodate an amendment to the Order On Consent with the Department and Town
6. Assist Town in conducting 202b proceedings, issuance of a definite Map and Plan for the project
7. Assist Town with SEQR proceedings for the project
8. Assist Town with coordinating with Bond Counsel for bond resolution for the project
9. Prepare a CWSRF and WIIA funding application and submit to NYSEFC on Town's behalf

**This an EXHIBIT, consisting of 2 pages,
To the Agreement between Owner and Engineer for
Professional Services dated 2/28/2019.**

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1**

The Effective Date of this Amendment is: July 25, 2019.

Background Data:

Effective Date of Owner-Engineer Agreement: 2/28/2019

Owner: Town of Duanesburg, NY

Engineer: Delaware Engineering, D.P.C.

Project: Delanson WWTP Long Term Improvements

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Engineer
- ☐ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
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This amendment amount:	\$ 70,894.70
Adjusted Agreement amount:	\$ 320,894.70

Change in time for services (days or date, as applicable): N/A

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Part III.

Owner and Engineer agree and acknowledge that the services that are subject to this Amendment have been performed by Engineer and have been paid for by Owner in full. This Amendment is made for the sole purpose of formally documenting Engineer's performance of the services referenced herein and Owner's prior payment for same. Any engineering fees not eligible for reimbursement by CWSRF shall be deducted by Engineer, not payable by Owner, and, to the extent such fees have already been paid, reimbursed by Engineer to Owner.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

By: _____
Print: _____
Name: _____

Title: _____
Date Signed: _____

ENGINEER:

By: _____
Print: _____
Name: _____

Title: _____
Date Signed: _____

Scope of Services

Preliminary Engineering:

These services are conducted by design/office staff.

1. Assist Town personnel and representatives in coordination with NYSDEC with respect to issuance of an order on consent by the Department to the Town for the required improvements.
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