REGULAR SESSION
FIRST DAY

Wednesday, September 4, 2019

The Board Chair called the Board to order, the roll was called and the following Representatives were found to be present:

Frazier, Farwell, Clark, Stammel, Kennedy, Oberacker, Bliss, Marietta, McCarty, Wilber, Koutnik, Martini, Lapin and Shannon.

Under Privilege of the Floor, Maria Ajello, Otsego County employee spoke about the issue of rescission regarding her property that was sold at a prior County Tax Auction and is now listed for $300,000.00 by the current owner. The County has a resolution for a sexual harassment policy but needs a resolution strictly for a harassment policy as she has been and is being harassed by a co-worker and family. Ms. Ajello feels discriminated against when she had the money due for the back property taxes but was told it was too late.

Russ Ahrens, an Otsego County resident, mentioned that the speed limit needs to be reduced on some county roads before somebody has an accident and is killed. He stated that the Warren County Ethics Board has given back property 3 years later due to rescission and that he is going to continue to fight for Maria Ajello.

The minutes of August 7, 2019 were approved.

The following communications were read and ordered filed:

A Notice of Claim was filed for Brian Paliana and Julie Paliana vs. County of Otsego. The nature of the claim is for negligence, carelessness and recklessness of respondent causing personal injury as a result of a construction accident that occurred on the SUNY Oneonta Campus. The amount of the claim is for a fair and reasonable amount of money to compensate them for losses, personal injuries and other losses together with such other relief that the court deems just and proper.

Under Special Presentations, Senator Seward stated that he reads each resolution from the County and feels it is extremely important that the Senate have a relationship with County government. Senator Seward discussed the following including but not limited to:

- $59 million cut in AIM (Aid & Incentives to Municipalities) funding in 1,326 towns and villages in New York State; effecting every
municipality in Otsego County except Laurens and Otego. Municipalities will continue to get AIM funding from county sales tax receipts of $331,320 by the State Comptroller withholding from sales tax revenues (AIM related payments)

- Changes in voting – early voting up to 10 days before elections, electronic poll books and changes in State Law; estimated State cost of $175 million
- CHIPS (Consolidated Highway Improvement Program) extreme weather recovery monies were cut by nearly $69 million but being restored at the last minute
- Raise the Age – Young Offenders – more services enacted was insured unfunded mandates and State to pick up costs
- Enactment of budget internet sales not being taxed
- Rural broadband project - universal satellites are not of quality or reliability and rural students are being isolated
- Chesapeake Bay Watershed funding needs a broader base
- Gas and electric issues - as renewable sources cannot handle current demands, natural gas is better than foreign oil
- Volunteer emergency services is not sustainable

Shane Digan, from Otsego County Planning and Solid Waste Department, presented an informative power point titled “The Future of Plastic and Paper Bags in Otsego County, NY”. Shane discussed the following but not limited to: NYS Plastic Bag Waste Reduction Act effective March 2020, Exemptions, Fees, Options, Expectations and Recycling Costs.

The reports of the Standing Committees were given and ordered filed.

The reports of the Special Committees were given and ordered filed.

Representative Marietta gave a report from the Otsego Now meeting however, because there was not a quorum, there are no minutes.

Representative Clark moved to dispense with the reading of all reports and resolutions. Seconded, Martini. Total: 6,228; Ayes: 6,228. Motion carried.

Board Chair Bliss asked if any representative wished to remove a resolution(s) from the consent agenda so it can be acted upon separately.

Representative Kennedy removed Resolution No. 227 and Representative Oberacker removed Resolution No. 230.

Board Chair Bliss called for action on the consent agenda, excluding
Resolution Nos. 227 and 230. Representative McCarty, moved to act upon the consent agenda, Resolution Nos. 223-226, 228, 229, 231-234.

RESOLUTION NO. 223-20190904

RESOLUTION – AUTHORIZING COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH OTSEGO COUNTY OFFICE FOR THE AGING TO PROVIDE HOME ENERGY ASSISTANCE PROGRAM (HEAP) OUTREACH AND CERTIFICATION SERVICES

KOUTNIK, CLARK, LAPIN, MARTINI, FRAZIER

WHEREAS, the Commissioner of Social Services is required to provide services to assist people in applying for benefits associated with the Home Energy Assistance Program (HEAP); and

WHEREAS, the County is required to establish eligibility for HEAP benefits through an application process; and

WHEREAS, the Otsego County Office for the Aging (OFA) has indicated that it can provide this service for persons age 60 and older in the County of Otsego; now, therefore, be it

RESOLVED, that the Commissioner of Social Services is hereby authorized to contract with the Otsego County Office for the Aging, for the purpose of client HEAP application processing and eligibility determination, for the term September 1, 2019 through August 31, 2020 in an amount not to exceed $31,545 for the 2019-2020 HEAP season; and be it further

RESOLVED, that said contract shall contain such terms and provisions as are in the best interest of the County of Otsego, and be it further

RESOLVED, that the funding for this contract is included in the 2019 Social Services Administration Budget (6010-A) at line 4900 Contracts and is 100% Federal reimbursable.

RESOLUTION NO. 224-20190904

RESOLUTION – ACCEPT NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES GRANT OF $118,972 AND ENTER INTO CONTRACT

FRAZIER, WILBER, STAMMEL, FARWELL, OBERACKER

WHEREAS, Otsego County has been awarded a grant for expenses related
to the Otsego County Child Advocacy Center (CAC) by the New York State Office of Children and Family Services in an amount of $118,972 for the fiscal year of October 1, 2019 to September 30, 2020, with the possibility of a two year extension; and

WHEREAS, NYS OCFS has approved this award to cover expenses including, but not limited to: the CAC Coordinator salary, fringe and benefits, mental health consultant services, recording equipment, program and office supplies, staff training, gas cards for family transportation, forensic phone services and other expenses related to the center; and

WHEREAS, the County must enter into an agreement with NYS OCFS to accept this funding to be spent for the above expenses; now, therefore be it

RESOLVED, that the Chair of Board is hereby authorized to sign an agreement with the New York State Office of Children and Family Services to (NYS contract C027699) accept funds in the amount of $118,972 for the fiscal year of October 1, 2019 to September 30, 2020 for expenses related to the operation of the Child Advocacy Center.

RESOLUTION NO. 225-20190904

RESOLUTION – ACCEPT NATIONAL CHILDREN’S ALLIANCE GRANT FOR $31,388.16 AND ENTER INTO CONTRACT

FRAZIER, WILBER, STAMMEL, FARWELL, OBERACKER

WHEREAS, Otsego County has been awarded a grant for a full time Children’s Victim Advocate position at the Otsego County Child Advocacy Center (CAC) by the National Children’s Alliance in an amount of $31,388.16 for the period of May 29, 2019 to December 31, 2019; and

WHEREAS, the National Children’s Alliance has approved this award to cover expenses related to the position of a full time Children’s Victim Advocate including salary, fringe, a computer and training; and

WHEREAS, the County must enter into an agreement with the National Children’s Alliance to accept this funding for this position; now, therefore be it

RESOLVED, that the Chair of Board is hereby authorized to sign an agreement with the National Children’s Alliance (contract 2018-NZ-NX-K004) to accept funds in the amount of $31,388.16 for the period of May 2019 to December 31, 2019 for expenses related to the position of a full time Children’s Victim Advocate position at the Child Advocacy Center.
RESOLUTION NO. 226-20190904

RESOLUTION – ACCEPT NEW YORK STATE OFFICE OF VICTIM SERVICES
THREE YEAR GRANT FOR $123,801 AND ENTER INTO CONTRACT

FRAZIER, WILBER, STAMMEL, FARWELL, OBERACKER

WHEREAS, Otsego County has been awarded a grant for a part time Forensic Interviewer position at the Otsego County Child Advocacy Center (CAC) by the New York State Office of Victim Services in a total amount of $123,801 for the period of October 1, 2019 to September 20, 2022 to be divided into annual amounts of $41,267; and

WHEREAS, the New York State Office of Victim Services has approved this award for a three year term to cover expenses related to the position of a part time Forensic Interviewer including salary, fringe benefits and training; and

WHEREAS, the County must enter into an agreement with the New York State Office of Victim Services to accept this funding for this position; now, therefore be it

RESOLVED, that the Chair of Board is hereby authorized to sign an agreement with the New York State Office of Victim Services (NYS contract OVS01-C11036GG-1080200) to accept funds for a total amount of $123,801 for the period of October 1, 2019 to September 20, 2022 to be divided into annual amounts of $41,267 for expenses related to the position of a part time Forensic Interviewer position at the Child Advocacy Center.

RESOLUTION NO. 228-20190904

RESOLUTION – APPOINTING COMMISSIONER
OF SOCIAL SERVICES GROUP I

KOUTNIK, CLARK, LAPIN, MARTINI, FRAZIER

RESOLVED, that pursuant to Section 116 (1) of Social Services Law, Eve Bouboulis, be and is hereby appointed Commissioner of Social Services Group I for the County of Otsego for a term of five (5) years, commencing September 3, 2019 and ending September 2, 2024, at an annual salary of $84,161; and be it further

RESOLVED, that the Commissioner of Social Services Group I shall be entitled to receive from the County reimbursement for all necessary expenses
RESOLVED, that the funding for this position is included in the 2019 Social Services Administration Budget (6010-A) at line 1000 Personal Service with estimated reimbursement rates of 66% Federal and 16% State and 18% local funds; and be it further

RESOLVED, that the Clerk of the Board be and hereby is authorized and directed to forward a copy of this resolution to the County Treasurer and to the Personnel Officer.

RESOLUTION NO. 229-20190904

RESOLUTION – CREATING A TEMPORARY POSITION IN BUILDING SERVICES (MAINTENANCE WORKER)

KENNEDY, OBER ACKER, FRAZIER, KOUTNIK, STAMMEL, MCCARTY

RESOLVED, that the following position is created and authorized to be filled for up to 90 days in Building Services, effective at the time of hire:

Temporary Maintenance Worker, Grade 08D, $16.1390/hr

and be it further

RESOLVED, the funding for this position will expire 90 days after hire and is included in the 2019 Cooperstown Office Building Budget (1625-A) at line 1000 Personal Service; and be it further

RESOLVED, that the Clerk of the Board be and hereby is authorized and directed to forward a copy of this resolution to the County Treasurer and to the Personnel Officer.

RESOLUTION NO. 231-20190904

RESOLUTION – APPROVING AND AUTHORIZING THE IMPLEMENTATION OF THE OTSEGO COUNTY SEXUAL HARASSMENT PREVENTION POLICY

KENNEDY, OBERACKER, FRAZIER, KOUTNIK, STAMMEL, MCCARTY

WHEREAS, New York State Labor Law § 201-g, as amended by the New York State Legislature, now requires that public employers include certain key
requirements in their sexual harassment prevention policies; and

WHEREAS, the Administration Committee of this Board approved and authorized the implementation of the Otsego County Sexual Harassment Prevention Policy in compliance with New York State legislation; and

WHEREAS, the Otsego County Sexual Harassment Prevention Policy will be available for review by any Otsego County employee at the Otsego County Personnel Office and on the County website: now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives hereby approves and authorizes the implementation of the Otsego County Sexual Harassment Prevention Policy, annexed to this resolution, effective September 4, 2019.

OTSEGO COUNTY SEXUAL HARASSMENT PREVENTION POLICY

I. POLICY STATEMENT

Otsego County is committed to maintaining a workplace free from sexual harassment. Sexual harassment, which includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, is a form of workplace discrimination. Sexual harassment is considered a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of Otsego County’s commitment to a discrimination-free work environment.¹

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with Otsego County, and/or with a government agency or in court under federal, state or local antidiscrimination laws.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Otsego County to liability for harm to targets of sexual

¹ Note that other forms of discrimination, as well as harassment based on protected classes or characteristics other than those covered under this policy are covered separately under Otsego County’s Discrimination and Discriminatory Harassment Policy.
harassment. Harassers may also be individually subject to liability. Those covered by this Policy who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable Collective Bargaining Agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

Complaints of sexual harassment must be submitted to the Compliance Officer: Penney Gentile, Personnel Officer. In the event that the Compliance Officer is the subject of the complaint, complaints must be made to Ellen Coccoma, Otsego County Attorney. Otsego County will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever Otsego County or its supervisory or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. Otsego County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All employees, interns, volunteers, and non-employees are to report any harassment or behaviors that violate this Policy. Otsego County will provide a complaint form for the reporting of harassment and to file complaints. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of in the workplace. Such reporting must be in written form to the Compliance Officer. Confronting the harasser is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a good faith complaint without first communicating with the offender.

II. SCOPE

A. Who is covered by this Policy? This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with Otsego County.

2 Non-employees, as defined by law, includes contractors, vendors and consultants or those who are employees of the contractor, vendor or consultant.
B. 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 who provide services in the workplace. This Policy also protects volunteers of the Otsego County.

C. Who can be a sexual harasser: A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor, or anyone with whom the person interacts while conducting their job duties.

D. Where can sexual harassment occur? Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees, interns and/or volunteers are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful workplace harassment, even if occurring away from the workplace premises or not during work hours.

III. DEFINITIONS OF PROHIBITED CONDUCT

A. What is sexual harassment?

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

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

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

A sexually harassing hostile work environment consists of 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, self-identified or
perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. 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, and/or which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to offer 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.

Anyone subject to and/or covered by this Policy who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

B. Examples of sexual harassment

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another person’s body or poking another person’s body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible).

- 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 employment benefits or detriments; subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should look or act.

- 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 or in a work-related gathering or setting.

- Hostile actions taken against an individual because of that individual’s sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, 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.

C. Retaliation

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No person covered by this Policy shall be subjected to such unlawful retaliation. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

The New York State Human Rights Law and this Policy protect any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to Otsego County (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;
- reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Employees, interns, volunteers, and non-employees who believe they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized to investigate a complaint of sexual harassment. Individuals also may
file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.) Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary.

IV. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing sexual harassment is everyone’s responsibility. Otsego County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is strongly encouraged to report such behavior to the Compliance Officer set forth below. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should also report such behavior to the Compliance Officer.

- Compliance Officer: Penney Gentile, Personnel Officer
- In the event that the Compliance Officer is the subject of the complaint, complaints are to be made to Ellen Coccoma, Otsego County Attorney

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of sexual harassment. Individuals should feel free to keep written records of any actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Reports of sexual harassment may be made verbally or in writing. If made verbally, the Complaint must be reduced to writing by the individual who it was reported to. The written report must be given to the Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting sexual harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is on another person’s behalf. Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.
B. Supervisory Responsibilities

All managerial and supervisory personnel of Otsego County shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engaged in sexually harassing conduct themselves, all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report same in writing, to the Compliance Officer. Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline or other appropriate remedial action for engaging in retaliation.

C. Otsego County’s Responsibilities

Otsego County will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers, and that training on this Sexual Harassment Prevention Policy is conducted annually.

V. INVESTIGATION AND RESPONSE PROCEDURES

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

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

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual harassment. As further set forth herein, Otsego County will not tolerate retaliation against those who file complaints, support another’s complaint, or participate in the investigation of a complaint.
All investigations will be conducted by the Compliance Officer or their designee. The nature of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted by the Compliance Officer or their designee in accordance with the following steps:

- Upon receipt of complaint, the Compliance Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer’s records.

Once the investigation is completed, the Compliance or their designee will make a Final Determination as to whether the Policy has been violated.

The Compliance Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge externally as outlined below.³

If a complaint of sexual harassment or retaliation is determined to be

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³ Where a complaint was filed regarding sexual harassment against an individual other than the person making the written complaint, the person against whom the harassment was directed will be treated as the complainant for purposes of this Policy.
founded, Otsego County may take disciplinary and/or corrective action. The Compliance Officer will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

VI. REIMBURSEMENT

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse the Otsego County for any monies it paid to a complainant for what was found to be the employee’s proportionate share of said judgement. These reimbursements must be made within ninety (90) days from payment by the Otsego County to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee’s compensation or through enforcement of a money judgement.

VII. FURTHER CONFIDENTIALITY AND DISCLOSURE

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the Otsego County shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the Otsego County may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

VIII. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, the Otsego County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

IX. LEGAL PROTECTIONS AND EXTERNAL REMEDIES
Sexual harassment is not only prohibited by Otsego County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Otsego County, individuals may also choose to pursue legal remedies with the following governmental entities at any time.

A. New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Otsego County does not extend the time for filing a complaint with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

An individual does 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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to act to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.

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.

B. United States Equal Employment Opportunity Commission (EEOC)

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

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an individual believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), 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.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. Contact the Local Police Department

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

RESOLUTION NO. 232-20190904

RESOLUTION – TRANSFERRING FUNDS IN VARIOUS DEPARTMENTS FOR 2019

KENNEDY, OBERACKER, FRAZIER, KOUTNIK, STAMMEL, MCCARTY

WHEREAS, it appears that it will require funds to complete the year 2019 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2019 budget years; now, therefore, be it

RESOLVED, that the following transfers be and the same are hereby
authorized, and the 2019 budget be and are hereby amended accordingly, pursuant to Section 363 of the County Law:

<table>
<thead>
<tr>
<th>2019 Budget Transfers</th>
</tr>
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<tbody>
<tr>
<td><strong>A - GENERAL FUND</strong></td>
</tr>
<tr>
<td>FROM: Contingent Other 1990-4800-A 17,000.00</td>
</tr>
<tr>
<td>TO: Extension Association Annual Support Agreement 8751-4680-A 17,000.00</td>
</tr>
<tr>
<td>FROM: Emergency Services Equipment 3641-2000-A 9,000.00</td>
</tr>
<tr>
<td>TO: Emergency Services Subscriptions/Dues 3641-4650-A 9,000.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2019 Budget Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A - GENERAL FUND</strong></td>
</tr>
<tr>
<td>Increase: Addiction Recovery LEAF 0000-3496-A 212,583.00</td>
</tr>
<tr>
<td>Decrease: Addiction Recovery LEAF Program 0000-4485-A 212,583.00</td>
</tr>
</tbody>
</table>

RESOLUTION NO. 233-20190904

RESOLUTION – AUTHORIZING THE PLANNING DIRECTOR TO PURCHASE TWO (2) 35-PASSENGER BUSES FROM SHEPARD BROS INC

KENNEDY, OBERACKER, MARIETTA, FARWELL, SHANNON

WHEREAS, County of Otsego has been awarded a grant of $175,300 from the New York State Department of Transportation for the purchase of two (2) 16-passenger buses for use with Otsego Express, per DOT capital contract C004133; and

WHEREAS, the Federal 5311 capital aid program will cover 80% of the cost of the vehicles and State aid will cover 10% of the cost of the vehicles; and

WHEREAS, Otsego County has funds from previous bus auctions to be used towards the County’s local match of 10%; and

WHEREAS, Otsego County has requested and received authorization from NYS DOT to purchase the buses from the OGS contract Award #22945 Lot G; and
WHEREAS, because these contracts are partially reimbursed by NYS allocated funds and the vendor was approved in advance by New York State, the procurement process was not utilized for the selection of the vendor for this purchase; and

WHEREAS, Shepard Bros Inc is the contract vendor for Lot G 16- passenger buses; now, therefore, be it

RESOLVED, that the County of Otsego is hereby authorized to purchase two (2) 16-passenger buses from Shepard Bros Inc, 130 Horizon Park Dr, Penn Yan, NY 14527, for a total cost not to exceed $175,300; and be it further

RESOLVED, that funding for these buses is contained in the 2019 Public Transportation Service budget (5630-A) at line 2000 Service Equipment utilizing 80% Federal funding, 10% State funding and 10% local costs.

RESOLUTION NO. 234-20190904

RESOLUTION – SUPPORTING CENTRALIZED ARRAIGNMENT PART PLAN FOR OTSEGO COUNTY

FRAZIER, WILBER, STAMMEL, FARWELL, OBERACKER

WHEREAS, the Court of Appeals has determined that counsel at the first appearance (CAFA) in court of a criminal defendant is required and the NYS Legislature has provided funding to the Counties for such purpose over a 5 year period; and

WHEREAS, additional legislation passed in 2019 requires that implementation be accomplished by January 1, 2020; and

WHEREAS, Otsego County has convened several stakeholder meetings to consider various proposals regarding how to implement CAFA which included the Public Defender, District Attorney, Sheriff, President of the County Magistrate’s Association, New York State Police, City of Oneonta Police, Village of Cooperstown Police, County Attorney and the Board of Representatives; and

WHEREAS, many different plans were considered over the course of several years, and the decision was to establish a Centralized Arraignment Part (CAP) at the Otsego County Jail; and

WHEREAS, the County Magistrate’s Association obtained funding for the construction necessary at the Jail under the supervision of the Sheriff which has now been completed; and
WHEREAS, the CAP Plan has been reviewed and approved by the Public Safety and Legal Affairs Committee and the Administration Committee; and

WHEREAS, funding has been obtained and additional funding is available from the Office of Indigent Legal Services to staff the CAP; and

WHEREAS, the CAP Plan is now under review by the Office of Court Administration and resolutions and letters of support by all stakeholders are needed to submit with the CAP Plan to the Administrative Board; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives supports the CAP Plan and such plan is available for review in the office of the Clerk of the Board of Representatives.

Seconded, Clark. Roll call vote on Consent Agenda. Total: 6,228; Ayes: 6,228. Adopted.

RESOLUTION NO. 227-20190904- APPOINTING DIRECTOR OF REAL PROPERTY TAX SERVICES II was withdrawn by Representative Kennedy with the consent of the Administration Committee before in possession of the board.

RESOLUTION NO. 230-20190904 (failed)

RESOLUTION – AUTHORIZING A STIPEND TO BE PAID TO THE OFFICE SPECIALIST IN BUILDING SERVICES

OBERACKER, MCCARTY, WILBER, FARWELL, LAPIN

RESOLVED, that Kim Firenze, Office Specialist for Building Services shall be paid a weekly stipend of $122 to act as Business Office Manager, excluding vacations and holidays, effective August 19, 2019 and continuing as long as needed; and be it further

RESOLVED, that the funding for the stipend is included in the 2019 Building Services Budget (1625-A) at line 1000 Personal Service; and be it further

RESOLVED, that the Clerk of this Board be and is hereby directed to forward a copy of this resolution to the County Treasurer and to the Personnel Officer.


In the absence of any objections, Late Resolutions A, B and C were
presented and acted upon in accordance with the Rules of Order and numbered Resolution No. 235, 236 and 237.

RESOLUTION NO. 235-20190904

RESOLUTION – APPROVING CONTRACT
FOR GRANT FUNDS FROM NYS OFFICE OF INDIGENT LEGAL SERVICES (OILS) (CONTRACT#CSTWIDEHH35)

KENNEDY, OBERACKER, FRAZIER, KOUTNIK, STAMMEL, MCCARTY

WHEREAS, funding is available from the New York State Office of Indigent Legal Services (OILS) for a five year period to support case load caps, quality improvement and the provision of counsel at first appearance in the amount of approximately $168,400 for the first year, with increasing amounts for the years 2-5, for a total amount over 5 years of $2,525,672.22; and

WHEREAS, funding for the first year is being used by the County to supplement staff at the Public Defender’s Office in order to achieve the goals of the OILS funding, and funding for the subsequent years will be spent to further achieve these goals as approved by the County and OILS; and

WHEREAS, the County wishes to enter into a contract utilizing NYS OILS grant funding for the period of April 1, 2018 to March 31, 2023 under contract#CSTWIDEHH35 to be able to receive monies to assist in services provided by the Public Defender; now, therefore, be it

RESOLVED, that the Chair of the Board of Representatives is authorized to sign a contract with OILS under contract#CSTWIDEHH35 and any extension thereof to accept grant funding in the amount of $2,525,672.22 over a five year period.

Seconded, Clark. Roll call vote. Total: 6,228; Ayes: 6,228. Adopted.

RESOLUTION NO. 236-20190904

RESOLUTION – AUTHORIZING CHAIR OF THE BOARD TO ORDER VEHICLES AND ENTER INTO LEASE AGREEMENTS FOR SAME WITH ENTERPRISE FLEET MANAGEMENT, INC.

KENNEDY, OBERACKER, FRAZIER, KOUTNIK, STAMMEL, MCCARTY

WHEREAS, pursuant to Resolution No. 293-20171004, the County of Otsego awarded the RFP for fleet management to Enterprise Fleet Management, Inc.;
WHEREAS, the County’s plan is to enter into leases for 8 additional vehicles with 2020 delivery with the understanding that postponing the leases for these vehicles would mean a substantial increase in the cost of each vehicle and, after consultation with department heads and the Treasurer, the Administration Committee has approved the plan for 2020 as outlined in more detail below; now, therefore be it

RESOLVED, that the Chair of this Board be and is hereby authorized to enter into lease agreements with Enterprise Fleet Management, Inc. for the following vehicles to be delivered in 2020. The prices listed below are based on quotes given for the approximate cost. The final cost will be based on date of delivery, trade in value, and other factors to be determined at the time of lease:

<table>
<thead>
<tr>
<th>Dept.</th>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>QTY</th>
<th>Term</th>
<th>Money down at delivery</th>
<th>Lease Payment</th>
<th>Full Maint. Program</th>
<th>Total Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Social Services</td>
<td>2019</td>
<td>Dodge</td>
<td>Grand Caravan</td>
<td>1</td>
<td>48</td>
<td>-</td>
<td>$385.03</td>
<td>$79.47</td>
<td>$464.50</td>
</tr>
<tr>
<td>Office of Aging</td>
<td>2019</td>
<td>Dodge</td>
<td>Grand Caravan</td>
<td>1</td>
<td>60</td>
<td>-</td>
<td>$596.37</td>
<td>$76.34</td>
<td>$672.71</td>
</tr>
<tr>
<td>Sheriff's Office</td>
<td>2020</td>
<td>Chevrolet</td>
<td>Tahoe</td>
<td>1</td>
<td>60</td>
<td>-</td>
<td>$793.48</td>
<td>-</td>
<td>$793.48</td>
</tr>
<tr>
<td>Sheriff's Office</td>
<td>2020</td>
<td>Chevrolet</td>
<td>Tahoe</td>
<td>1</td>
<td>60</td>
<td>$2,096.34</td>
<td>$865.09</td>
<td>-</td>
<td>$865.09</td>
</tr>
<tr>
<td>Sheriff's Office</td>
<td>2020</td>
<td>Chevrolet</td>
<td>Tahoe</td>
<td>1</td>
<td>60</td>
<td>$1,096.34</td>
<td>$865.09</td>
<td>-</td>
<td>$865.09</td>
</tr>
<tr>
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<td>Tahoe</td>
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<td>$849.71</td>
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<td>$96.34</td>
<td>$865.09</td>
<td>-</td>
<td>$865.09</td>
</tr>
</tbody>
</table>

With total amount not to exceed $85,000; and be it further

RESOLVED, that maintenance packages will be determined by department head and relevant Committee; and be it further

RESOLVED, that said lease agreements shall contain such other terms and provisions as are in the best interest of the County; and be it further

RESOLVED, the funds for such vehicle leases are anticipated to be available in the 2020 budget lines of the applicable departments contingent on the passage of the 2020 budget.

Seconded, Clark. Roll call vote. Total: 6,228; Ayes: 6,228. Adopted.
RESOLUTION NO. 237-20190904

RESOLUTION – AUTHORIZING THE CHAIR OF THE BOARD TO CONTRACT WITH VERIZON WIRELESS AND TENEX SOFTWARE SOLUTIONS FOR THE PURCHASE OF EQUIPMENT NECESSARY FOR EARLY VOTING IN OTSEGO COUNTY

KENNEDY, OBERACKER, MARIETTA, FARWELL, SHANNON

WHEREAS, the New York State Legislature passed the Early Voting Act in January 2019 and funding is available to purchase the necessary equipment through NYS Capital Grant and NYS Localities Grant; and

WHEREAS, it is necessary for the Otsego County Board of Elections to purchase equipment in order to implement Early voting, including Electronic Polling Books (EPBs) and associated equipment, with a total cost not to exceed $76,759 for 2019; and

WHEREAS, approval for necessary maintenance is needed for 2020-2023 with 2020 costs not to exceed $8,000, 2021 costs not to exceed $8,600, 2022 costs not to exceed $8,000, and 2023 costs not to exceed $9,300 and said maintenance expenses will be a local cost; and

WHEREAS, said equipment is available through NYS contract and the Purchasing Agent has approved the purchase using said contract; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to enter into contracts for the purchase of E-Pollbooks and associated equipment and maintenance with Verizon Wireless, 105 Twin Oaks Drive, Syracuse, NY 13206 with 2019 costs in an amount not to exceed $18,556.45 and associated maintenance costs not to exceed $1000 for 2020, $1600 for 2021, $1000 for 2022, and $2300 for 2023 and with Tenex Software Solutions, 5402 W. Laurel Street, Suite 206, Tampa, FL 33607 with 2019 costs in an amount not to exceed $57,155 with associated maintenance costs not to exceed $7000 for years 2020-2023; and be it further

RESOLVED, that said contracts are to contain such other terms and conditions as are in the best interest of the County of Otsego; and be it further

RESOLVED, that the funding for these contracts is included in the 2019 Elections Budget (1450-A) at line 2000 Equipment and consist of 100% state funds for 2019 and will be contained in similar budget lines for subsequent years and consist of 100% local funds for years 2020-2023.
Seconded, Koutnik. Roll call vote. Total: 6,228; Ayes: 6,228. Adopted.

All the general business of the Board having been transacted, the Board Chair declared the meeting adjourned until Wednesday, October 2nd, 2019 at 10:00 am.