

RESOLUTION

NUMBER 1-21

(RE: NEGATIVE DECLARATION RE: FIRE PROTECTION SERVICES)

WHEREAS, the Town Board of the Town of Cortlandt has expressed its intent to consider, after conducting a Public Hearing hereon, Fire Protection Services; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (“SEQRA”), the Town Board must make a determination as to the Environmental Impact of this proposed action; and

WHEREAS, in accordance with 6 NYCRR, Part 617.6, the Town Board is the only Agency required to approve the proposed action, and is therefore the Lead Agency; and

WHEREAS, a short Environmental Assessment Form has been prepared, signed by the Supervisor, and accepted by the Town Board; and

WHEREAS, the Town Board has duly considered all of the environmental aspects of the proposed action;

NOW, THEREFORE, BE IT RESOLVED, based on a review of the Project, there appear to be no significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form submitted to and reviewed by the Town Board, that this is an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form, the Town Board of the Town of Cortlandt does hereby **ADOPT** the attached **NEGATIVE DECLARATION** with respect to this matter.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number N/A

Date: 01/15/2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Cortlandt as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Agreements with various Fire Departments with respect to Fire Protection Services (Continental Village Fire Department, Montrose Fire Department and the Village of Croton)

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Contractual Fire Protection.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Cortlandt Manor

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

No significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Laroue Rose Shatzkin, Town Clerk

Address: 1 Heady Street, Cortlandt Manor, NY 10567

Telephone Number: 914.734.1020

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town Of Cortlandt			
Name of Action or Project: Annual Fire Protection			
Project Location (describe, and attach a location map): N/A			
Brief Description of Proposed Action: Agreements with various Fire Departments with respect to Fire Protection Services (Continental Village Fire Department, Montrose Fire Department, and the Village of Croton)			
Name of Applicant or Sponsor: Town of Cortlandt		Telephone: 914.734.1020 E-Mail: townclerk@townofcortlandt.com	
Address: 1 Heady Street			
City/PO: Cortlandt Manor		State: NY	Zip Code: 10567
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?		
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

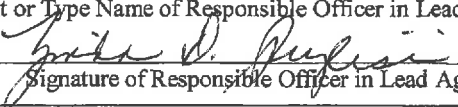
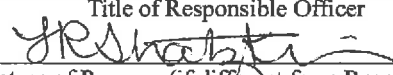
Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Cortlandt	01/15/2020
Name of Lead Agency	Date
Linda Puglisi	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

APPROVED FOR SIGNATURE
By: Michael J. Cunningham, Esq.
Deputy Town Attorney
Date: 1/15/2021



PRINT FORM

RESOLUTION

NUMBER 2-21

(RE: AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE VILLAGE OF CROTON FOR FIRE PROTECTION TO THE MT. AIRY/QUAKER BRIDGE FIRE PROTECTION DISTRICT FOR THE YEAR 2021)

WHEREAS, the Village of Croton-on-Hudson has submitted the Town Board of the Town of Cortlandt a proposed contract price for the purpose of providing fire protection to the Mt. Airy/Quaker Bridge Fire Protection District located within the Town of Cortlandt for a ONE (1) year period; and

WHEREAS, on this date, the Town Board conducted a Public Hearing in regard to this proposed contract covering the period January 1, 2021 through December 31, 2021; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute an Agreement with the Village of Croton-on-Hudson to provide that said Fire Department will give fire protection to the Mt. Airy/Quaker Bridge Fire Protection District located within the Town from January 1, 2021 through December 31, 2021 at a total contract price to the Town of \$352,961.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 3-21

(RE: AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE MONTROSE FIRE DISTRICT FOR FIRE PROTECTION IN THE FURNACE DOCK FIRE PROTECTION DISTRICT FOR THE YEAR 2021)

WHEREAS, the Montrose Fire District has submitted the Town Board of the Town of Cortlandt a proposed contract price for the purpose of providing fire protection to the Furnace Dock Fire Protection District located within the Town of Cortlandt for a ONE (1) year period; and

WHEREAS, on this date, the Town Board conducted a Public Hearing in regard to this proposed contract covering the period January 1, 2021 through December 31, 2021; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute an Agreement with the Montrose Fire District to provide that said Fire Department will give fire protection to the Furnace Dock Fire Protection District located within the Town from January 1, 2021 through December 31, 2021 at a total contract price to the Town of \$55,444.20.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 4-21

(RE: AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE CONTINENTAL VILLAGE FIRE DEPARTMENT FOR FIRE PROTECTION IN THE CONSOLIDATED CONTINENTAL VILLAGE FIRE PROTECTION DISTRICT FOR THE YEAR 2021)

WHEREAS, the Continental Village Fire Department has submitted the Town Board of the Town of Cortlandt a proposed contract price for the purpose of providing fire protection to the Consolidated Continental Village Fire Protection District located within the Town of Cortlandt for a ONE (1) year period; and

WHEREAS, on this date, the Town Board conducted a Public Hearing in regard to this proposed contract covering the period January 1, 2021 through December 31, 2021; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute an Agreement with the Continental Village Fire Department to provide that said Fire Department will give fire protection to the Consolidated Continental Village Fire Protection District located within the Town from January 1, 2020 through December 31, 2020 at a total contract price to the Town of \$138,050.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 5-21

(RE: APPOINT MEMBERS TO THE TOWN'S SAFETY COMMITTEE FOR THE YEAR 2021)

WHEREAS, it is the desire of the Town Board of the Town of Cortlandt to appoint members to the Town's Safety Committee for the year 2021; and to designate the Chairperson of said Committee;

NOW, THEREFORE BE IT RESOLVED, that **Peter McMillian**, Purchasing Director; and **Claudia Vahey**, Human Resource Coordinator be, and hereby are, **designated as Co-Chairpersons** of said Town Safety Committee to serve along with the following members for a term commencing retroactively on January 1, 2021 and terminating on December 31, 2021:

<u>FUNCTION</u>	<u>MEMBER</u>
Purchasing Director	PETER MCMILLIAN
DES	ROBERT FEENSTRA
Technology	MATT LOGERFO
AFSCME Blue Collar	ROBERT WARD
DES Recreation Division	JOHN PALMIOTTO
DOTS Code Enforcement/Asst Bldg Inspector White Collar	JOHN SCHEMBARI
DOTS Code Enforcement/Fire Inspector	HOLLY HAIGHT
DES	STEVE CLAUSEN
DES	SEAN MULLEADY
Human Resources	CLAUDIA VAHEY
DES Director	STEVE FERRERIA
DOTS Engineering	ARTIE D'ANGELO
Town Supervisor/Town Board Liaison	LINDA D. PUGLISI

AND, BE IT FURTHER RESOLVED, that the duty of the above Committee shall be as follows:

- Discover loss producing conditions and establish action measures
- Survey daily operations for loss exposures
- Formulate safe measures and procedures, including Personal Protection Equipment
- Ensure the corrective action is taken
- Promote adherence to safety policies and procedures
- Review and analyze recent accidents reports, insure DOSH 900 form completion
- Solicit and respond to employee suggestions
- Act as a unified body to address loss exposure issues

AND, BE IT FURTHER RESOLVED, that the responsibilities of the members of the Committee are as follows:

- Preside over meetings (chairperson selection)
- Organize for meetings; agenda, place, notification
- Ensures distribution of committee minutes to all members
- Reviews status of issues raised in the committee minutes
- Attend all meetings
- Report unsafe conditions and/or practices observed or reported by employees
- Contribute ideas and suggestions
- Work safely, set an example
- Influence and encourage others to work safely
- Help assist self directed employee safety programs
- Maintain knowledge of recent OSHA-PESH Safety Programs
- Conduct periodic inspections of various work locations
- Review/conduct accident report investigations
- Foster trust among fellow employees
- Participate actively in the implementation of new safety policies, procedures, and regulations

AND, BE IT FURTHER RESOLVED, the meeting dates of the Safety Committee in 2021 shall take place on the following Thursdays:

January 28, 2021
April 15, 2021
September 16, 2021
December 2, 2021

AND, BE IT FURTHER RESOLVED, Co-Chairperson Peter McMillan will submit the minutes of Safety Committee Meetings to the Town Supervisor within 45 days of the meeting taking place.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 6-21

**(RE: APPOINT MEMBERS TO THE CORTLANDT ARCHITECTURAL
REVIEW COUNCIL FOR THE YEAR 2021)**

RESOLVED, that the following be, and hereby are, **appointed as members of the Town of Cortlandt Architectural Review Council** to serve for the year 2021; and that **Arthur Clements** is hereby designated as the Chairperson of same.

Arthur Clements, Chairperson

176 Dogwood Road

Cortlandt Manor, NY 10567

Tele. 737-8099

Kimberly Miller

28 Henning Drive

Montrose, NY 10548

Tele. 382-9370

Christopher Borchardt

205 Furnace Dock Road

Cortlandt Manor, NY 10567

Tele. 736-1356

Michael Lenihan, RA

1869 Jacob Street

Cortlandt Manor, NY 10567

Tele. 734-9127

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 7-21

(RE: APPOINT MEMBERS OF THE ALARM APPEALS BOARD FOR THE YEAR 2021)

WHEREAS, on February 11, 1992, the Town Board adopted Local Law No. 2-92 which amended Local Law No. 5 of 1990 entitled "Alarm Devices and Systems"; and

WHEREAS, pursuant to Paragraph G of said Local Law No. 2-92, the Town Board must appoint members to serve on the Alarm Appeals Board, who after filing an Oath of Office with the Town Clerk as such members, may conduct hearings as required under said Local Law; and

WHEREAS, it is the desire of the Town Board to appoint said Board for the year 2021;

NOW, THEREFORE, BE IT RESOLVED, that the following be, and hereby are, re-appointed to serve as members of the **Alarm Appeals Board**; said terminate on December 31, 2010:

**MICHAEL PREZIOSI, Director DOTS
(Or his designated representative)
Town Hall, One Heady Street, Cortlandt Manor, N.Y.
Telephone: 734-1060**

Chairman of Fire Advisory Board

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 8-21

(RE: DESIGNATE DEPUTY SUPERVISOR)

WHEREAS, the Supervisor has, pursuant to Town Law designated Councilman Richard Becker Deputy Supervisor,

NOW, THEREFORE, BE IT RESOLVED, that Councilman Richard Becker be, and hereby is, acknowledged Deputy Supervisor for the year 2021;

BE IT FURTHER RESOLVED, that said appointee is to be compensated by stipend as outlined in the annual salary resolution.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 9-21

(RE: APPOINT TOWN BOARD LIAISON FOR PERSONNEL MATTERS)

WHEREAS, it is the desire of the Town Board to appoint a Town Board Liaison for Personnel Matters,

THEREFORE BE IT RESOLVED, that Councilman Richard Becker be and hereby is, appointed as Town Board Liaison for Personnel Matters for 2021;

BE IT FURTHER RESOLVED, that said appointee is to be compensated by stipend as outlined in the annual salary resolution.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 10-21

(RE: APPOINT TOWN BOARD LIAISON FOR SUSTAINABILITY AND SOLAR ENERGY ISSUES)

WHEREAS, it is the desire of the Town Board to appoint a Town Board Liaison for Sustainability and Solar Energy Issues,

THEREFORE, NOW, BE IT RESOLVED, that Councilman James Creighton be, and hereby is, appointed as Town Board Liaison for Solar Energy Issues for 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 11-21

**(RE: APPOINT TOWN BOARD LIAISON TO THE HUDSON VALLEY
CHAMBER OF COMMERCE)**

WHEREAS, it is the desire of the Town Board to appoint a Town Board Liaison to the Hudson Valley Chamber of Commerce,

THEREFORE, NOW, BE IT RESOLVED, that Councilman James Creighton be and hereby is, appointed as Town Board Liaison to the Hudson Valley Chamber of Commerce for 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 12-21

(RE: APPOINT MEMBERS TO THE SHARED SERVICES TASK FORCE FOR 2021)

WHEREAS, the Town has always been in the forefront of attempting to share services and programs with adjoining communities and within the region; and

WHEREAS, when programs are entered into jointly by municipalities, the taxpayers benefit in cost savings depending on the magnitude of the sharing and operation,

WHEREAS, it is always incumbent upon the Town to continue to look for further opportunities by which to share services and to save the taxpayer funds;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby appoint the Supervisor as Chairperson of the **SHARED SERVICES TASK FORCE** and Councilman Frank Farrell as the Town Board Liaison.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 13-21

(RE: APPOINT TOWN BOARD LIAISON FOR LOCAL WATERFRONT REVITALIZATION COMMITTEE)

WHEREAS, it is the desire of the Town Board to appoint a Town Board Liaison for The Local Waterfront Revitalization Committee,

NOW, THEREFORE, BE IT RESOLVED, that Councilman Frank Farrell be and hereby is, appointed as Town Board Liaison for the Local Waterfront Revitalization Committee for 2021; and

BE IT FURTHER RESOLVED, that said appointee is to be compensated by stipend as outlined in the annual salary resolution.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 14-21

(RE: APPOINT TOWN BOARD LIAISON FOR GEOGRAPHIC INFORMATION SERVICES)

WHEREAS, it is the desire of the Town Board to appoint a Town Board Liaison for Geographic Information Services,

NOW, THEREFORE, BE IT RESOLVED, that Councilman Frank Farrell be and hereby is, appointed as Town Board Liaison for Geographic Information Services for 2021; and

BE IT FURTHER RESOLVED, that said appointee is to be compensated by stipend as outlined in the annual salary resolution.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 15-21

(RE: APPOINT EFPR Group LLP (CPA's) AS TOWN AUDITORS)

RESOLVED, that the firm of EFPR Group LLP (CPA's) be, and they hereby are, appointed as Auditors in and for the Town of Cortlandt for the year 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 16-21

(RE: RESOLUTION DESIGNATING TOWN BOARD LIAISONS TO THE VARIOUS TOWN DEPARTMENTS FOR 2021)

WHEREAS, the members of the Town Board are desirous of having various members of the Board be responsible as liaisons to various Departments of the Town; and

WHEREAS, it is the desire of the Board that the Department Head report on a regular basis to the Town Board liaison for his or her Department, and keep said liaison fully and completely informed of all matters pertaining to the affairs of his or her Department; and

WHEREAS, the Town Board directs that the Department Heads have full and complete access to their Town Board liaison member, and are authorized to communicate fully and completely with respect to any matter pending in their Department.

NOW, THEREFORE, BE IT RESOLVED, that the following Departmental liaisons are hereby designated:

<u>DEPARTMENT</u>	<u>LIAISON</u>	<u>ALTERNATE</u>
ASSESSOR	Richard Becker	Debra Costello
CODE ENFORCEMENT	Debra Costello	Jim Creighton
COMPROLLER	Richard Becker	Frank Farrell
ENGINEERING/WATER	Frank Farrell	Jim Creighton
ENVIRONMENTAL SERVICES	Jim Creighton	Frank Farrell
HISTORIAN	Richard Becker	Debra Costello
HIGHWAY	Frank Farrell	Jim Creighton
JUSTICE COURT	Richard Becker	Frank Farrell
LEGAL	Frank Farrell	Richard Becker
PARKS	Frank Farrell	Jim Creighton
PLANNING	Richard Becker	Jim Creighton
PURCHASING/CENT.SUPPLY	Jim Creighton	Debra Costello
RECEIVER OF TAXES	Debra Costello	Richard Becker
RECREATION	Frank Farrell	Debra Costello
SANITATION	Debra Costello	Jim Creighton
SUPERVISOR	Linda Puglisi	Richard Becker
TOWN CLERK	Frank Farrell	Richard Becker

AND, BE IT FURTHER RESOLVED, that in accordance with the desire of the Town Board, all Department Heads are to report regularly the affairs of their Departments to the Town Board liaison designated above; and

BE IT FURTHER RESOLVED, that the Department Heads are hereby directed to have full and complete access to their liaisons with respect to the operations and affairs of their Departments.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 17-21

(RE: RULES OF PROCEDURES FOR TOWN BOARD MEETINGS IN 2021)

WHEREAS, pursuant to Town Law 63, as amended, provides that the Town Board may prescribe rules to govern its proceedings;

NOW THEREFORE, BE IT RESOLVED, that the following be, and they hereby are, adopted as the Rules that shall govern the proceedings of the Town Board of the Town of Cortlandt.

RULE #1 (a) Stated meetings shall be set in the first meeting of each year, and held in accordance therewith except as changed by a **MAJORITY** vote of the Town Board.

RULE #2 ORDER OF THE TOWN BOARD MEETING AGENDA

- (a) Meeting called to Order
- (b) Pledge to the Flag
- (c) Supervisor's Proclamations & Reports
- (d) Town Board Reports
- (e) Roll Call
- (f) Public Hearings
- (g) Approval of Minutes
- (h) Hearing of Citizens (Agenda Items Only)
- (i) Bid Reports
- (j) Monthly Reports
- (k) Old Business
- (l) New Business
- (m) Add and Adopt Additions
- (n) Budget Transfers
- (o) Reports from various departments
- (p) Reports from standing committees
- (q) Reports from special committees
- (r) Second Hearing of Citizens
- (s) Adjournment

RULE #3: When a question, motion or resolution is before the Town Board, the following motion shall be received and such motion shall have precedence in the order here stated, viz:

- (a) For an adjournment
- (b) To lay on the table
- (c) To postpone to a certain date
- (d) To commit to a standing committee
- (e) To commit to a special committee
- (f) To commit to the Committee of the Whole
- (g) To amend
- (h) To reconsider
- (i) To postpone indefinitely

(Except as herein provided, the proceedings of the Town will be governed by Roberts Rules of Order.)

RULES of PROCEDURE 2021

Page two.

RULE #4: The Supervisor and the Town Board shall constitute the Committee of the Whole and shall be considered a standing committee.

RULE #5: Special Advisory Committees may be appointed by the Supervisor or may be appointed by resolution of the Town Board. The resolution may designate the members of the Special Advisory Committee or may request the Supervisor to do so. Special Advisory Committees shall consist of not more than three (3) members.

RULE #6: The call for a Special Meeting of the Town Board may be issued either by the Supervisor or by any two (2) Council members. The notice shall be subscribed by the members at whose instance the meeting is called and shall contain a brief statement of the matters to be brought before the special meeting. The original notice shall be filed with the Town Clerk and thereafter a copy shall be served by the Supervisor upon each member who has not subscribed to the notice by delivering the same personally, or by certified mail, return receipt requested, to said member at his or her residence at least two (2) days prior to the date fixed for the meeting.

RULE #7: AGENDA – The Agenda for all Town Board meetings shall be prepared by the Town Clerk. The Town Clerk shall place upon the Agenda for the Town Board meeting, all items received by the Town Clerk prior to the first work session of the Town Board for that month's regularly scheduled meeting. The Town Clerk must place upon the agenda any items submitted to the Town Clerk by any member of the Town Board or Supervisor. Any additions to a Town Board agenda shall only be made upon a motion duly made and seconded by a majority vote.

RULE #8: ADDING to the AGENDA – No resolution or business shall be transacted at the regular meeting of the Town Board unless such resolution or business appears upon the agenda of the meeting and members of the Town Board have received the agenda of the meeting. By majority consent of the members of the Town Board present, this provision may be considered and acted upon at such meeting even though not appearing on the agenda.

RULE #9: AGENDA for the COMMITTEE of the WHOLE – The Supervisor shall prepare or cause to be prepared an agenda for all meetings of the Committee of the Whole. On this agenda shall appear all matters which have been referred by the Town Board to the Committee of the Whole, and the matters referred shall be set up on the agenda in the order and priority of the date on which the matter was referred to the Committee of the Whole. No matter shall appear on the agenda of the Committee of the Whole by the Town Board. This agenda shall be mailed or phoned to the members of the Town Board at least two (2) days before the meeting of the Committee of the Whole, when practical.

RULE#10: APPOINTMENTS by SUPERVISOR – Whenever the Supervisor shall make an appointment which she is authorized to make under the Town Law, Ordinances of the Town and otherwise by law, the Town Clerk shall thereafter place or cause to be placed on the agenda of the next meeting held after the Certificate of Appointment has been filed in the Office of the Town Clerk in accordance with law, the name, address, title, and position of the appointment made by the Supervisor.

RULE#11: WORK SESSION – All work sessions of the Town Board shall be scheduled by the majority vote of the Town Board. Said work sessions shall be scheduled and the topics to be discussed shall be determined from time to time by the Town Board. All work sessions are public meetings and the public and press are to be notified by the Supervisor in accordance with law, and the public shall be authorized to attend all work sessions of the Town Board. No member of the public shall be authorized to speak at any work session unless they are invited to appear before the Town Board on a particular subject or unless they are part of any group which have previously had an item placed upon the Agenda of any Work Session; and

IT IS FURTHER RESOLVED, that all rules and amendments heretofore adopted are hereby repealed; and

IT IS FURTHER RESOLVED, that these Rules shall take effect on January 1, 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 18-21

(RE: DESIGNATE OFFICIAL NEWSPAPERS FOR 2021)

RESOLVED, that the following newspapers be, and hereby are, designated as the OFFICIAL NEWSPAPERS for the Town of Cortlandt for the year 2021.

THE OFFICIAL NEWSPAPER FOR ALL LEGAL NOTICES OF THE TOWN SHALL BE THE GAZETTE OF P.O. Box 810, Croton-on-Hudson, New York 10520.

THE ALTERNATE NEWSPAPERS FOR GENERAL CIRCULATION WHEN VERY IMPORTANT ISSUES ARE TO BE PUBLISHED SHALL BE THE FOLLOWING:

THE JOURNAL NEWS, Westchester-Rockland Newspapers of
1 Gannett Drive, White Plains, New York 10604

THE EXAMINER, Northern Westchester Examiner of
P.O. BOX 611, Mount Kisco, New York 10549

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 19-21

(RE: DESIGNATION OF TOWN DEPOSITORIES FOR 2021)

WHEREAS, under Section 64 of the Town Law, it is provided that the Town Board designate, by written resolution, the Banks or Trust Companies in which the Town Officials shall deposit the monies coming into their offices:

NOW, THEREFORE, BE IT RESOLVED, that the following banks be, and the same hereby are, designated as **DEPOSITORIES** in which the Supervisor, Comptroller, Town Clerk and Receiver of Taxes of this Town shall deposit monies coming into their hands by virtue of their offices:

CHASE BANK – CORTLANDT MANOR, AMBERLANDS -CROTON-ON-HUDSON, PEEKSKILL, N.Y.

BANK OF AMERICA - YORKTOWN, N.Y.

KEY BANK– 3000 EAST MAIN ST., CORTLANDT MNR., N.Y.

WELLS FARGO - CROTON-ON-HUDSON, NY

PUTNAM COUNTY SAVINGS BANK – JEFFERSON VALLEY, N.Y.

TOMPKINS MAHOPAC BANK – PUTNAM VALLEY OR OSSINING, N.Y.

ORANGE BANK & TRUST – CORTLANDT MANOR, NY

AND, BE IT FURTHER RESOLVED, that this resolution be entered in full in the official proceedings of this meeting and said resolution shall become effective January 1, 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 20-21

(RE: DESIGNATE THE SUPERVISOR AND HUMAN RESOURCE COORDINATOR AS AUTHORIZING AUTHORITIES TO EXECUTE CIVIL SERVICE PERSONNEL FORMS)

RESOLVED, that the Supervisor be, and she hereby is, designated by the Town Board of the Town of Cortlandt, Westchester County, as the authorizing authority to sign all payrolls for the Town of Cortlandt; and does further authorize Claudia Vahey, Human Resource Coordinator, to execute and sign all letters and other personnel forms to appoint, extend the probationary period, or terminate any employee in the service of the Town.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 21-21

(RE: AUTHORIZE MILEAGE RATES FOR TOWN OFFICIALS and EMPLOYEES)

RESOLVED, that all Town Officials and employees be compensated at the rate of fifty-eight cents (\$.58) per mile for use of their private automobiles when on official Town business; said mileage rate to become effective on January 1, 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 22-21

(RE: ADOPT THE PURCHASING MANUAL FOR 2021)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby Adopt the 2021 Purchasing Manual as prepared by the Purchasing Director.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

**Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567
(914) 734-1046**



**PURCHASING/CENTRAL SUPPLIES
POLICY AND PROCEDURE
MANUAL**

Revised 1/2/2021

PROCEDURES MANUAL

Section I – Purchasing Procedures Section II – Central Supplies Office Procedures

INTRODUCTION

This manual has been prepared and is presented here as a working document; a tool to be used to assist you with your purchasing requirements. While this document has been prepared by, and describes the procedures of the Purchasing and Central Supplies Offices, it should be stressed that this manual is NOT about either department, but IS about purchasing; how you should go about the business of securing the necessary goods and services that you need for the effective operations of your areas of responsibility. It is suggested that you read this document closely, ask any questions that you feel necessary to increase your understanding of the purchasing process, and refer to it as frequently as you need to in the course of carrying out your daily responsibilities.

This manual is intended to both establish and familiarize you with the standards and procedures of the Purchasing Department and Central Supplies Office. Cooperatively, we can provide you with quick, efficient and reliable service.

As always, the staff of the Purchasing Department and Central Supplies Office are available and stand ready to assist you in any way possible.

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TOWN OF CORTLANDT PURCHASING POLICIES AND PROCEDURE MODEL

I. Purpose

The purpose of this manual is to set forth the policies, principals and practices of the Town of Cortlandt, with regard to Purchasing and to define its responsibilities. Departments can also purchase items from the Central Supplies Office which operates under the jurisdiction of the Purchasing Department. All Central Supplies Office procedures are outlined in Section II.

II. Scope

These policies and practices apply to all Departments and Agencies of the Town of Cortlandt

III. Purchasing Policy – General

A. Responsibility for Purchasing

1. The responsibility for purchasing of commodities in the Town of Cortlandt has been delegated to the Purchasing Department and the following names & Titles.

Director of Purchasing - Peter H. McMillan
Additional staff may be directed under appropriate circumstances by the
Director of Purchasing
2. Certain purchasing functions (such as solicitation of information regarding product specifications), may be obtained from the requesting Department Head. This will not relieve Purchasing of its primary responsibility.
3. Material Orders are not to be placed directly with Vendors by operating departments without first having submitted Requests to Purchase form (unless previously authorized by the people listed above and verifying availability of funds). Approval must be in the form of a purchase order, contract or agreements.
4. It is the responsibility of the Comptroller's Office to make the Purchasing Director aware of any violations of the procedures enumerated above.

The Purchasing Department tries to make available information of interest to the various Departments. On many occasions a using department will acquire information or knowledge that will be of general interest to other departments.

On such occasions it will be appreciated if this information is passed on to the Purchasing Department. The Purchasing Department will then be able to act on it for the general benefit of the Town operation and be in a position to disseminate this information to the various Town departments. While the Purchasing Department does endeavor to keep abreast of new developments and conditions in the market place, on many occasions personnel in the using departments will receive information not readily available to the Purchasing Department. It would be considered of tremendous assistance if this information were shared with the Purchasing Department.

Occasionally, an item or service of a very special value will be brought to the attention of the department by suppliers of some agencies of government. On such occasions, quick checks will be made with departments that might be interested in such purchases. The cooperation of the departments in making prompt decisions and perhaps altering slightly their requirements in the products or services which they need will enable the Town to incur substantial monetary savings for the departments.

The operation of the Purchasing Department is regulated by various Federal, State and Town laws and regulations. It is always the intention to comply with both the letter and the spirit of these laws in the conduct of the purchasing functions and whenever possible, to simplify, clarify and modernize the laws governing purchasing.

PURPOSE OF A PURCHASE REQUISITION

When goods and supplies are needed by a department, a requisition is not only the first step in the procurement process but it's a requirement of Town Law. The purpose of a requisition is to give the Purchasing Department proper notification and authorization to secure necessary goods and supplies in accordance with both your needs and established purchasing procedures.

WHEN TO REQUISITION

You should always anticipate, as soon as possible, your requirements for supplies and submit appropriate requisitions far enough in advance so that the normal established purchasing procedures can be adhered to, and at the same time comply with the appropriate legal requirements governing this activity. Purchases of over \$20,000 require formal sealed bids that, generally speaking, require a minimum of twenty working days to complete the process from the time the bid document leaves the department to the respective vendors. For purchases under \$20,000 the time necessary to complete the bid process can range from the same day that the requisition reaches the department (via the telephone bid process) to up to eight working days.

It should be noted that in addition to the time required to complete the bid award process, you must take into consideration the time required for the vendor to deliver the item to your respective department.

PAYMENT OF VENDOR CLAIMS

Timely payment of vendor claims is extremely important in maintaining the credit standing of the Town of Cortlandt. The most significant factor that prevents the Comptroller's Department from making such payments is the lack of a receiving copy of the purchase order from the departments and any packing slips or invoices the departments may have. It should be clearly understood by all personnel that receiving copies of purchase orders **MUST** be forwarded to the Purchasing Department within two (2) days upon receipt of the goods or services. There should be no exceptions to this rule. Any invoices should be attached to the receiving copy and processed to Purchasing.

If you receive an invoice and no white purchase order receiving copy is received within two weeks, a call should be placed to Purchasing. We may not be aware of the purchase and we can then begin the process of issuing the proper paperwork.

NOTE: NO orders should be placed without a Purchase Order Number. This is to ensure that the vendor will be paid. (Exception monthly accounts where a number has been assigned to use for the specified month).

PURCHASING PROCEDURES AND VARIOUS FORMS

On the pages that follow our outline, in a step by step manner, the procedures and steps in the purchasing process from instructions on how to complete Request to Purchase through the actual receipt of the goods or services by you. Samples of the various forms used by the Purchasing Department are also included for your assistance.

The Purchasing Department is charged with the responsibility of purchasing all commodities for the Town of Cortlandt.

Among others, some of the chief areas of responsibility of the Purchasing Department in carrying out the functions are:

- Solicit bids through competitive bidding and establish prices
- Issue Purchase Orders
- Sale of surplus properties and equipment (Central Supplies Office)
- Assist in all aspects of materials management (Central Supplies Office)
- Streamline methods and procedures on an on-going basis
- Search for new markets and sources of supply
- Working hand in hand with the departments to assist with their purchasing requirements. The Department is not responsible for the receipt of materials ordered for departments with the exception of the

Central Supplies Receiving location. (see receiving policies and procedure of Central Supplies Garage).

- Manage Town Hall mail system
- Administration for the Cortlandt Heating Oil Plan (CHOP)

A. GOAL

The goal of the Purchasing Department is to provide increased economies in Town procurement activities and to maximize to the fullest extent possible the purchasing value of the Public procurement.

In evaluating and selecting vendors, consideration is given to quality, price, past performance, ability to meet scheduled deliveries and guarantees of the various vendors and to ensure the fair and equitable treatment of all persons, firms, corporations, etc, who deal with the Town's purchasing procedures. Adhering to the philosophy that it is good to have more than one source of supply, the Department actively solicits competitive bidding and encourages new vendors to offer their sources of supply to the Town. This fosters effective broad based competition within the free enterprise system.

With respect to new ideas or materials, the Department always welcomes any and all constructive ideas, and is continually interested in securing new materials, equipment, services, and the like, which will result in efficient operations and/or dollar savings to the Town.

B. SUPPLIER SELECTION AND SOLICITATION

- Supplier selection is a function of the Purchasing Department. Suggestions as to potential supplies are welcomed from users, but the commitment of any purchase is the responsibility of Purchasing. Any disagreement in this area between the Requisitioner and Purchasing, shall be brought to the attention of the Comptroller.
- Non-Purchasing personnel are to obtain the approval of the Purchasing Department prior to discussing potential purchases with suppliers. These discussions should not include price, nor shall bids be requested. The results of such meetings should be reported to the Purchasing Department. The reasons for this policy are many but designed to protect the Town's interest by:
 - a. Screening suppliers for financial and production capabilities and other appropriate reasons.
 - b. Preventing unauthorized expenditures of funds.
 - c. Preventing unauthorized roaming-at-will through Town premises by the peddlers, solicitors and other supplier representatives.

V. Commodities Covered

All commodities should be included through the Purchasing Department unless agreed upon between the Purchasing Director and Comptroller.

VI. Approval and Purchasing Authority

A. Request to Purchase Form

1. Approval authority is required for all Request to Purchase Forms (Exhibit A). Request to Purchase Forms must be signed by the originator and approval by the Department Head or his authorized representative (as indicated in writing to the Purchasing Department.) Approval authority is recorded on the Authorized Request Form (Exhibit B).

B. Receipt and Processing of Request to Purchase Form

1. All Request to Purchase forms are to be dated the day they arrive in the Purchasing Department.
2. After buyer has obtained all pertinent data (e.g., price, shipping point, payment, and discount). Request to Purchase forms will be distributed for preparation of the Purchase Order.
3. Purchase Order will then be signed by the Director of Purchasing as outlined in Appendix A-1.
4. Once a Request to Purchase form has been received in Purchasing, an item thereon may not be changed unless it has been approved in writing by the requisitioner. The Purchasing Department has the responsibility to request reconsideration of specification or quantity of material if it appears that the interest of the Town may be more beneficially served.
5. A pink copy of the Request to Purchase form will be filed with the Purchasing copy of the corresponding Purchase Order, when the order is placed.

C. Instructions for the Issuance of a Request to Purchase

A Request to Purchase form (see Exhibit A) for all departments consist of three (3) parts.

The pink and 2nd white copy are to be sent to the Purchasing Department and the third white copy is to be retained by the department.

1. Date of Requisition – this is to be the date on which the Request to Purchase forms are prepared by the requesting agency/department.

2. Purchase Order # - this number will be assigned by the Purchasing Department when received from the issuing department.
3. Requesting Dept. – The Department or Division of where the goods or materials are to be used.
4. Deliver to – the complete address to which the materials are to be shipped must appear along with any special remarks such as, to the attention of.
5. Account Number – account numbers must be shown as outlined in the department budget.
6. Quantity/Units – the quantity must be clearly stated in standard package units of dozen, pounds, hundreds, each. Approximate amounts Are Not To Be Used.
7. Description- the material or services should be clearly itemized, as well as described and where possible, the manufacturer and catalog number should be shown. Details such as size, color, weight, voltages, and whether installation is required must be given. Where equipment such as office machined, projectors, recorders, etc., are purchased for replacement, the old equipment should be listed as a trade-in. The make model and serial numbers of the trade-in must be detailed, also the fixed asset tag number (Inventory Number).
8. Unit Price- Costs per single quantity of item. Do not extend.
9. Total/Extension – this column is to reflect the new total cost of each item and grand total or all items listed, to be completed by Purchasing Department.
10. Authorized Signature – the signature of the Department Head or authorized representative should appear in this block. The date the Request to Purchase form is signed appears in block.
11. Delivery Date Requested- the normal delivery required under the terms of the Purchase order is 30 calendar days. Any special delivery is required fill in the calendar date by which delivery is needed.
12. Vendor- the name and address of the vendor to be utilized will be filled in by the Purchasing Department except in cases where the Request to Purchase form is a “confirmation”, in which case it is the department’s responsibility to fill in the vendor’s name.
13. Bid #- if known should be filled in by Requesting Dept. or purchasing will complete it.

D. Purchase Order

1. A Purchase Order (Exhibit C) to be valid, must be signed by the Purchasing Director or his authorized representative as outline in the Approval Authority (Exhibit B).
2. Conditions of Purchase are shown on the front of the Purchase Order Green Form (Exhibit D), Vendor Copy.
3. Any deviation from these standard Terms and Conditions must be agreed to in writing by both the Town and the Supplier.
4. Purchases exceeding \$100.00 must be approved by the Town Supervisor with the exception of: Purchases pertaining to safety, automotive parts, general supplies to maintain Town operations and items authorized by resolution.
5. The current Purchase Order system notifies staff if funds are not available at the Time a purchase order is generated. The Comptroller should be kept informed, whenever possible, so that the appropriate action can be taken. However, the Purchasing Director does have the authority to proceed with appropriate purchases to ensure the ongoing operations and safety of the government.

Blanket Purchase Orders

A. General

Blanket Purchase Orders are used for those few merchants from whom many repetitive purchases are made as supplies are required. Rather than issue a Purchase Order for each purchase, one Purchase Order is issued for a month to cover all purchases during that month.

B. Procedure-Purchasing Department

1. Identify the need to have a Blanket Purchase Order through examination of past purchasing records.
2. Solicit bids form qualified local Suppliers if there is more than one accessible Supplier.
3. Place the order with the selected vendor by issuing a pre-numbered Purchase Order. In the description section, write:

“THE USE OF THIS PURCHASE ORDER IS AUTHORIZED BY THE
 UNDERSIGNED FOR SALE OF MERCHANDISE TO THE TOWN OF
 CORTLANDT UP TO A LIMIT OF \$..... PER MONTH.”

4. Inform authorized employees of the types of item covered by Blanket Purchase Orders, Vendors name and expiration date. Each Authorized employee should obtain approval form the Purchasing Department before making a purchase under the Blanket Purchase Order.
5. Close the Blanket Purchase Order monthly and issue a new Purchase Order for the coming month

C. User Department

Monthly, forward the original delivery tickets received from authorized employees, to the Purchasing Department. Keep a photo copy of same in your department file.

VII. Charge Accounts:

There will be no charge accounts without the prior issuance of a purchase order and the approval of the Purchasing Director with the Comptroller’s concurrence.

VIII. Bid and Quotation Procedure

UNDER NO CIRCUMSTANCES CAN A QUOTE THAT EXCEEDS THE BID LIMIT BE AWARDED.

A. Solicitation of Bids and Quotations, General/Informal

Bid requests (Requests or Quotation are to be submitted to equally qualified sources When properly prepared, this form offers bidders all the information needed to prepare a carefully considered, complete quotation. When necessary, appropriate samples, “dummies” or specifications in greater detail will be attached to the Bid/Quotation.

PURCHASES OF COMMODITIES, EQUIPMENT OR GOODS:

ESTIMATED AMOUNT OF PURCHASE ORDER	PROCEDURE
A. Up to \$1,500	a. At the discretion of the Purchasing Department*
B. \$1,501 – 5,000	b. Documented telephone/web site quotes from at least two (2) separate vendors (if available) *
C. \$5,001 – 9,999	c. Formal written quotes from at least two (2) separate vendors (if available)*
D. \$9,999-\$19,999	d. Formal written/web site quotes form at least three (3) separate vendors (if available)*
E. \$20,000 and up	e. Sealed bids in conformance with Municipal Law, Section 103.

On bids for labor and materials or service contracts (with the exception of public work*) the same bid requirements as listed for Purchase Contracts/Orders in a, b, and c sill apply. In addition the following schedule will apply.

DOLLAR LIMIT

PROCEDURE

- | | |
|----------------------|--|
| a. Up to \$1,500 | a. At the discretion of the Comptroller |
| b. \$1,501 – 5,000 | b. Telephone quotes from at least two (2) separate vendors (if available) |
| c. \$5,001-7,000 | c. Formal written quotes from at least (2) separate vendors (if available) |
| d. \$7,001 – 9,999 | d. Formal written quotes from at least four (4) separate vendors (if available) |
| e. \$10,000-19,999 | e. Formal Request for Proposal (RFP) response From at least three (3) vendors |
| f. \$20,000 – and up | f. Formal sealed bids in conformance with Municipal Law, Section 104 |

In all circumstances, whenever other than the lowest quote is awarded, there must be written documentation of the reason for the award.

Professional Service and Consultants

Whereas the intent of 104-b also included the hiring of consultants and professionals, the following policy shall apply.

- | | |
|--------------------|--|
| a. Up to \$5,000 | Annual charge will be at the discretion of the Department Head and with the approval of the Town Supervisor. |
| b. \$5,001-15,000 | Prices should be obtained by formal written quotes from at least (2) sources and the award will be made at the discretion of the Department and with the approval of the Town Supervisor |
| c. \$15,001-19,999 | Prices will be obtained by formal written quotes form at least three (3) sources and the award will be made by the Department Head/Supervisor and the Town Board |
| d. \$20,000-and up | Prices will be obtained by RFP with the award of contract being made by a committee possibly consisting of Supervisor, Town Board, Comptroller, Purchasing Director and Department Head. |

Exceptions to these limits/procedures can be in accordance with Town Board resolution.

Proper documentation, acceptable to the Town Comptroller must be given if the required number of quotes cannot be accommodated.

Awards to other than the lowest propose must be properly documented with the rationale/reason for rejection of the lowest price.

Any and all procedures not specifically covered in this policy will be adhered to as covered in General Municipal Law, Section 104-b.

Note – See top Page 6 to denote Public Works (Example **, *, *****)*

****With the increase in the bidding limits effective 2009, it is important to distinguish between contacts for public work and purchase contracts, as there terms are not defined in the General Municipal Law. This distinction is especially important because there is a \$15,000 difference between the bidding thresholds and because**

the board must now establish procedures for procurements below the bidding thresholds.

In general, purchase contracts involve the acquisition of commodities, materials, supplies or equipment, while contracts for public work involve services, labor or construction. Many times contracts for public work involve both goods and services, and it's difficult to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination made as to what kind of contract is involved. ***As a central rule, if the contract involves a substantial amount of services such that it is the focal point and the acquisition of goods is incidental, it will be considered a contract for public work. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, it is considered a purchase contract.

**** For example, a contract for interior painting of a public building involved both material (paint) and labor (painting). In most instances the labor component of the contract will be predominant making it a contract for public work. In contrast, replacing a boiler or furnace while involving both equipment (the boiler) and labor will in most instances consist primarily of a charge for the equipment, making it a purchase contract.

1. Manufacturer- wherever feasible and economically advantageous, requests for quotation will be directed to manufacturers rather than distributors.
2. Preparation of Requests for Quotations- Written and electronic quotations are solicited, the Request for Quotation shall:
 - a. Be prepared on a "Request for Quotation"
 - b. Contain an adequate description of the item requested, including specifications, quantities, delivery date, etc.
 - c. Require vendor to furnish price, terms of payment, delivery time and F.O.B point.
 - d. Request vendor to suggest in addition to his response to the bid request, and alternate proposal if it will represent an economic advantage to the Town.
 - e. Request a response within a stipulated time.
 - f. Whenever feasible, quotations should be posted on the **Empire State Group** electronic bid/quote distribution site. This is up to the discretion of the Purchasing Director
 - g. Attached or noted with the associated Requisition/purchase order
3. Telephone Response to Request for Quotation
 - A. All responses should be documented on the Request to Purchase. (Upon receipt of responses the envelope and its contents will be date stamped.)
 - Check the returned quotations against the original solicited and record the quotation responses on the summary section of the Request for Quotation form.
 - Follow-up non-responders to quotation requests, at least once.

- Submit the Summary of the Requests for Quotation together with all the quotation responses to the buyer for action.

B. When a telephone or oral quotations are secured, in lieu of a written quotation, an appropriate written record of the quotation shall appear on the requisition form (Exhibit F)

**Purchasing Department Only Number 3*

*** ,*** ,***** Examples Public Works*

C. If the vendor selected is not the low bidder, an explanation as to the reason why the low bidder was not selected should be made on the request to purchase or by memorandum-as per the recommendation and approval of the bid award committee.

*5. Appropriate Number of Bid/Quote Responses-sufficient care must be taken to assure receipt of a representative number of responses.

*6. Bid Award Committee may consist of the following:

- a. Purchasing Director
- b. Comptroller
- c. Town Attorney
- d. Appropriate Department Head

6. Contract Authority

At the regular Town Board Meeting in January, the Town Board should adopt a resolution authorizing the Supervisor to execute all contracts awarded by the Purchasing Director.

The authority should also be extended to the Supervisor to enter into contracts with New York State of Office of General Services and other appropriate agencies during their applicable contract period.

Contracts that require a substantial Budget transfer for the upcoming fiscal year should be awarded by the Town Board.

B. Solicitation of Sealed Bids:

All “sealed bid” requests will be handled in accordance with the requirements as set forth in General Municipal Law Section #103 and 104.

C. Piggybacking/Best Value

Piggybacking

A new subdivision 16 has been added to General Municipal Law (GML) § 103 to authorize political subdivisions to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein.

Best Value

The Purchasing Department may exercise the local option set forth in § 103, Subdivision 1, of the New York State General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendment authorizes the Town to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or “best value” as defined in § 163 of the New York State Finance Law. The “best value” option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder if factors such as lower cost of maintenance, durability, higher quality and longer product life.

The Town may utilize purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or best value.

The provisions of this chapter apply to Town Purchase contracts involving an expenditure of more than \$20,000.00 and Town contracts for services involving an expenditure of more than \$35,000.00 but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; and longer product life; product performance criteria; and quality of craftsmanship.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

As passed by local law dated May 12, 2015.

D. Exceptions to Policy - Emergency:

1. An emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality, or more important the individual tax payer, then the procurement of goods and services will be at the discretion of the proper department head with documentation as to the nature of the emergency. Accordingly, there are three basic statutory criteria to be met in order to fall within this exception: (1) the situation must arise out of an accident or unforeseen occurrence or condition; (2) the circumstances must affect public buildings, public property or the life, health, safety or property of the political subdivision's residents; and (3) the situation must require immediate action which cannot await competitive bidding.
2. Immediate notification and documentation of said emergency shall be copied to Town Supervisor, Town Attorney, Comptroller and Purchasing Department. An appropriate Town Resolution should be later authorized reflecting such purchase with a copy sent to Purchasing. A resolution is required for any emergency purchase exceeding bid limits.

Sole Source:

1. Competitive bidding is not required under section 103 of the General Municipal Law in those limited situations when a political subdivision, in the public interest, requires particular goods or services which uniquely serve the public interest, for which there is no substantial equivalent and which, in fact, are available from only one source. In making such determinations, the department head should document, at a minimum, the unique benefits to the agency as compared to other products available in the marketplace; that no other product provide substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the items is reasonable, in comparison to other products in the marketplace. Such documentation must be prepared and reviewed by the Town Attorney, Town Comptroller and Director of Purchasing. The Purchasing Office currently has a form that must be completed by the appropriate official at a minimum.

**Purchasing Department Only Numbers 5 & 6*

Requests for Proposals - Please contact the Purchasing Office for guidelines.

Prevailing Wage:

When you employ laborers, workman or mechanics the Town needs to pay prevailing rates according to Article 8 of the New York State Labor Law, no matter what the dollar amount. If required under the Law, certified payrolls are required to be kept at the Comptrollers office and monitored by using agency.

Contract Extensions:

Formal bids/quotes may contain a renewal clause that can be for a term of 12 –24 months and must be included in the original specifications. The determination to extend should include the using department, Purchasing, Comptroller and under some circumstances the Supervisor and Town Board.

Expenses Pertaining to Service Contract: The Purchasing Office puts out term bids that reflect costs based on use per unit. Since these invoices are processed on vouchers it is the responsibility of the using agency to notify all applicable departments, including the Comptroller, of any substantial expenses.

Town Procurement Card – Procedures

1. Appropriate staff completes a request to purchase form and submit to purchasing.
2. Purchasing determines if procurement card is appropriate.
 - a. Only appropriate for business who will not accept a purchase order and will take designated Procurement Card.
 - b. Emergency (as determined by the purchasing department), low cost, items. Lack of planning does not constitute an emergency.
 - c. Total amount of purchase must be under the available balance on credit card.
 - d. Recommended for pickups only. Exceptions require the approval of the Purchasing Director. Any returns must be done within (24) hours of purchase. Immediate content inspections required.
3. Purchasing determines best source and gets estimated cost. Supervisor approval must be included when appropriate.
4. Requisitioning staff should then be contacted and notified of approval and procedure.
 - a. Staff should go to purchasing and pickup the card and tax exempt certificate.
 - b. Staff should proceed to business and purchase accordingly. Tax exempt number MUST be presented!
 - c. Staff must get a receipt for their purchase. This receipt should be returned to purchasing with the card immediately after the purchase. We will provide staff with a copy of this receipt for your records.

5. Purchasing will receive a bill from Procurement Card vendor that will verify all information and submit a voucher to the comptroller's office payment.

IX. Vouchers

1. Vouchers will be used for all areas of payment or purchases that do not meet the criteria for issuance of Purchase Orders.
 - a. General Examples:
Dues/Publication/Subscriptions, etc.
 - b. Services and repairs performed by outside contractors- Example:
First Aid/CPR Training courses, contractual obligations with or without bidding, cleaning, etc.

XI. Supplier Relationship Policies

A. Supplier Guidelines

1. As a municipality, we contact many companies and individuals. Similarly, the salesmen of corporations constantly contact the Town in their efforts to sell goods and services. The only lasting personal contact or image of the Town many of these firms retain is that of the Purchasing Department. It is, therefore, of paramount importance, that all Purchasing personnel conduct themselves in accordance with the highest ethical and professional standards. It will be our objective to treat the sales representatives of other firms as we would wish our employees to be treated.
2. All current Suppliers, as well as those who seek to sell their goods and services to the Town, will be treated equally. Evaluation of all bids or contractual arrangements will be made on their specific merits alone.
3. Request for bids will be sent only to qualified suppliers for whom the Town can expect satisfactory quotation and performance. All suppliers asked to quote will receive identical information and specification and will be afforded full opportunity to quote with a comparable understanding of the requirements. Only designated Buyers in the Town Purchasing Department are authorized to seek out price information from suppliers or request bid.
4. Suppliers to the town are expected to be financially solvent. The town cannot be expected to do business with any firm whose financial condition may jeopardize delivery of an order, or possibly lead to a bankruptcy. Suppliers could be asked to provide a certified financial statement and/or a performance bond.

5. No reliable supplier will be barred from doing business with the Town unless good and sufficient reason has been provided and unsubstantiated, to the Director of Purchasing by a using department, the auditing, accounting or legal personnel.
6. ALL SOLICITATIONS BY VENDORS (SALESPERSON) MUST BE REFERRED TO THE PURCHASING DIRECTOR

B. Vendor Files

Vendor files are usually kept with the applicable bid package and/or purchase order and will include all pertinent data to assist the Buyers in evaluating the selection of vendors for inclusion on the bid list.

1. Performance Evaluations

The Purchasing Department should satisfy itself that the vendor is able to perform under terms of the Purchasing Order. Any unsatisfactory or outstanding performances of each vendor should be noted by the Purchasing Department and placed appropriately (with paperwork from the department detailing problems).

C. Conflicts Of Interest

The town has a firm policy on this subject.

Conflict of Interest Policy. *“If any employee is in a position in which he may influence:*

PURCHASES—the placement of Town purchase orders with suppliers or the prices or terms and conditions at which supplies are purchased ...*then it is contrary to the intent of this Statement of Policy of the employee to:*

1. Have a direct or indirect financial interest in the business of those ... suppliers...or
2. Accept directly or indirectly from those ...suppliers..., (a) salaries, fees, commissions or other compensation, or (b) loans or other credit facilities, or (C) gift or favors or more than nominal value

This policy is applicable to all employees of the Town, and with respect to financial interest, their families.

APPENDIX A

EXHIBITS

MAIL DISTRIBUTION

PURCHASE ORDERS

1. Comptroller/Receiving copy (White) to department for authorized signature when goods are received. Then sent back to Purchasing.
2. Purchasing copy (pink) attach to requisition (pink) and retain in purchasing along with department copy (gold), remittance copy (yellow) and numerical copy (white).
3. Vendor copy (green) sent to vendor immediately.
4. When Comptroller/Receiving copy (white) is received back from department with authorized signature, it, along with the requisition (pink) and remittance (yellow) is sent to the Comptrollers office with any packing slips and an invoice billing us for materials.
5. Purchasing copy (pink) is retained in Purchasing and filed alphabetically.
6. Department copy (gold) is sent to the department for their records.
7. Numerical (white) is kept in Purchasing and filed numerically.

I – GENERAL INFORMATION

1. LOCATION

The Town of Cortlandt Shipping/Receiving and Central Supplies Garage is located adjacent to the Town Hall on 1 Heady Street in Cortlandt Manor. The Central Supplies Garage, Office and Purchasing Department are all housed in the same building.

2. ORGANIZATIONAL STRUCTURE

The Central Inventory and Supplies Manager is responsible for all aspects of Shipping/Receiving in the Central Garage. He reports directly to the Purchasing Director. Support staff include Town Hall Maintenance Staff and Purchasing Department clerical staff.

II – RECEIVING POLICIES AND PROCEDURES

DETERMINATION OF DELIVERY POINT

The receiving procedure begins when the Department Head first completes a Request to Purchase. Based on the item which is ordered he makes a determination of where the item is to be delivered.

(This is also reviewed by the Purchasing Director prior to ordering). Most deliveries go to Central Receiving. Exceptions include large, bulky items, automotive parts or special requests. He notes delivery location directly on the Request to Purchase.

RECEIVING PROCEDURES

1. All Central Garage Receiving must be done between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. Special deliveries during non-office hours must be pre-arranged through the Central Supplies Manager and/or Director of Purchasing.
2. All receiving for Central Supplies is restricted to either the Central Supplies Manager or a Purchasing Department representative. Exceptions to this should be coordinated through the Central Supplies Manager.

3. Deliveries will be inspected as follows:

A. Basic Visual Package Inspection

- Evaluate the package in terms of letter and parcel bomb recognition points.*
- Damage to a package will be brought to the driver's attention and noted immediately on the freight bill. If there is damage, and Receiving decides to still keep the package, the respective department should be notified immediately to decide on the next course of action.
- A visual count should be done and matched with delivery records.

B. All deliveries will be logged in with the following information;

Vendor's name, method and name of delivery company, purchase order number, name of Receiving department, packing slip information and condition of package. (See exhibit 1)

*Instructions are in the front of Receiving Garage.

C. Unidentifiable Deliveries:

In the event that a delivery comes from an unfamiliar source, with no P.O. number noted on the package, the respective department will be called to

validate expecting the delivery. If they are unfamiliar with the delivery, or if the respective Department cannot be identified, Receiving will attempt to track and identify the package through the Vendors return address or the shipping company. Opening the package to help identify the department is up to the sole discretion of the Central Garage Manager. Purchases made directly by departments (No Purchase Order Number) going to the Central Supplies garage must be noted to the Central Supplies Manager prior to delivery.

- D. If the contents of the package are still unidentifiable at this time, and the Central Garage Manager Has reasonable suspicion for not opening the package, the Westchester County Police should be notified.

4. Technical Inspection – (Inspection of Contents)

Central Receiving will delegate most technical inspection tasks to users, but will assist in such an inspection if requested. Departments must complete a technical inspection immediately and notify the vendor and then Purchasing of discrepancies or damages. Technical inspection will include qualitative and quantitative (suitability and/or effectiveness) evaluations.

5. Late Deliveries

If a respective department has not received a delivery in a reasonable amount of time it is their responsibility to contact the vendor and notify the Purchasing Department and Central Receiving to determine a course of action.

- 6. Once Central Receiving has determined the user and logged in all the necessary information, arrangements for shipping must be made. All Town Hall package deliveries are made by Town Hall maintenance staff on a daily basis. Smaller, light deliveries are delivered through the Interoffice mail system. The original log sheet stays with Central Receiving . The delivery person takes a copy of the log sheet and has a staff member from each department sign for any respective orders. The sheet is then sent to Central Receiving for documentation.
- 7. The Department of Environmental Services, Water Department and Highway Department are all contacted by telephone and are responsible for arranging their own pickup. As a general rule, departments are requested to pickup orders within 24 hours. Other arrangements can be made through the Central Supplies Manager if space permits. If a respective department has not picked up their delivery in 48 hours, a written reminder is sent interoffice.
- 8. Deliveries which are designed as stock items will be logged and added to Central Supplies computerized inventory. These items may be requisitioned with a Central Supplies requisition form.

9. Layover – Departments may request to have supplies stay at Central Supply for short period of time. All procedures will be the same as they are for stock items and will only be stored if room is available. Departments must validate all aspects of the delivery which may include inspection.

III. CENTRAL SUPPLY

The core objective of inventory management in Central Supply is to minimize inventory investment and risks while ensuring adequate supplies to meet departmental needs.

All Departments may utilize the Central Supply Garage but additions and subtractions must be pre-approved by the Central Supply Manager.

THE FOLLOWING PROCEDURES HAVE BEEN ESTABLISHED TO ASSIST DEPARTMENTS WITH STOCKED SUPPLIES REQUISITION.

1. Department Heads must determine who can or cannot pickup supplies. Restrictions must be noted to the Central Supply Manager.
2. All pickups must be between the hours of 8:30 a.m. and 4:00 p.m. on working days only.
3. Central Supplies requisitions submitted via interoffice mail/electronic mail will be processed as quickly as possible. Town Hall deliveries are made on a daily basis and contain a packing slip for content verification. Note: No deliveries are made outside Town Hall.
4. A supplies requisition form must be completed at the time of **pickup** if not previously submitted. (See exhibit 2)
5. The Central Supplies Manager will subtract all requisitions from its existing database daily. (See exhibit 3)
6. Accounting: Departments will receive monthly notices reflecting their purchases with all applicable details. (See exhibit 4)
7. Central Supplies Reordering
 - A. The Central Supply Manager will be responsible for restocking all Central Supplies materials. A periodic memo to departments is required which will update them on changes made in the products carried in Central Supplies. **Departments must call or submit orders at least one week ahead for larger quantities.**
 - B. A periodic meeting should be conducted with respective departments to review products, procedures and upcoming stock projections. Departments

are encouraged to suggest additional Central Supplies products that would assist in their operations.

C. General Town Hall stock items (Items which are not charged to departments)

Copier paper, computer paper and tax forms may be obtained by any office by call the Central Supply Office at extension 1037. If your department has materials that are not available to other departments, you must notify the Central Supplies Manager. Reordering is your responsibility. (Excluding copier paper)

8. General Central Supplies Practices

A. Physical Inventory Counts to monitor inventory a physical count will be completed a minimum of every six months to match computer records. Occasionally spot checks must be completed. If a count is in error, it should be scheduled for a recount in the next cycle. All errors should be documented and accompanied by an error analysis. This should be included in a comprehensive report to the Purchasing Director.

B. Appropriate stock must be monitored and rotated on a timely basis.

SECTION IV – SHIPPING PROCEDURES

A primary function of Town of Cortlandt Shipping/Receiving and Central Supplies Office is to provide assistance to departments with their shipping needs. This assistance may come in the form of materials, knowledge of procedures, cost analysis and to serve as a central shipping point.

PRIORITY OR US MAIL

The most economical method of shipping available to the Town is Priority, or US Mail. Departments should confirm all shipping arrangements with both Vendors and the Mail Messenger if appropriate. All packaging must be done by each respective department with the assistance of materials that are available at the Shipping and Receiving Office.

FEDERAL EXPRESS

In the event that a shipment needs to be tracked, insured, or absolutely has to be at a location in a specified amount of time, the Town has an account with Federal Express.

Again, it is the responsibility of each department to make sure that all items are packaged correctly for shipping. If necessary, Federal Express boxes and/or forms are may be obtained by calling Central Supplies at (914) 734-1037.

First, departments must determine who is covering the shipping costs. If a vendor is covering the costs they should provide the department with a RA (Return Authorization) number which should appear clearly on the package. Vendors may use whatever

shipping carrier that they prefer, but the responsibility of issuing a “call tag” or making arrangements should be the Vendors. Departments should document all details if a vendor is covering shipping.

If a respective department is covering the costs of shipment, they should call Shipping & Receiving and request a Federal Express form. The form should be completed and attached to your package accordingly. Once the package is ready for shipment, please send it over to Shipping & Receiving via interoffice mail or our maintenance service.

Shipping and Receiving will contact Federal Express and arrange for a pickup. If a department needs a package to go out the same day, arrangements for the pickup must be made prior to 12:00 Noon. Otherwise, departments can drop off their package to the nearest Federal Express box. Federal Express will send a bill to the Comptrollers Office accordingly.

OTHER CARRIERS

Extremely, large, costly orders, which are not time sensitive, can be accumulated at Central Supplies and sent UPS with a pickup order. This must be coordinated with the approval of the Comptrollers Office because the UPS driver must be presented with a check at the time of the pickup.

Vendors may use whatever shipping carrier that they prefer, but the responsibility of issuing a “call tag” or making arrangements should be the Vendors. Departments should document all details if a vendor is covering shipping. Departments should then communicate all information to Central Receiving.

SECTION V

SCRAP AND SURPLUS

Every item is a potential source for salvage. Every department should be responsible for reviewing and recommending items for salvage when the items become excess to the department's needs.

All surplus, obsolete or unused supplies, materials and equipment shall be identified and reported to the Central Supplies Manager. He will, in turn, require that a Notification of Scrap/Surplus form be completed and sent accordingly with recommendations. The Central Supplies Manager, the reporting Department Head and other appropriate Town personnel shall make a recommendation to the Director of Purchasing whether the items shall be sold, transferred, donated or disposed of.

1. Transfer for holding at Central Supplies for future Town use (Requires the approval of the Central Supplies Manager):

The Central Supplies Manager will keep an ongoing list of all accumulated items that will include the following:

- Town of Cortlandt Identification Number
- Description of item including condition
- Location it came from.
- Recommendation of department head
- Course of action taken by department and/or Central Supplies Manager*

This list will be available to all departments on an "as needed basis" under the title "Available Used Equipment". With no demand, the material will be included in the next "Scrap & Surplus Bid."

- 2. Transfer to another Department** - Upon completion of the form the Central Supplies Manager will make the appropriate adjustment and transfer in the fixed asset database.
- 3. Hold at department for future course of action** - The Central Supplies Manager will add this to the respective surplus inventory list pending future departmental requests or the next scrap and surplus bid.
- 4. Donated** – Any donations to organizations must be approved through an official Town Board resolution.
- 5. Disposal** – Please make sure that the form has been completed and approved, with all T.O.C. documentation taken off and discarded accordingly. Contact D.E.S. for

proper disposal. Any computer/electronic equipment that might have sensitive data should be reported to the IT Department for sanitizing.

IMPLEMENTATION OF A SCRAP AND SURPLUS BID

The Central Supplies Manager, in conjunction with the Purchasing Director, will make a determination as to the time to proceed with a Scrap & Surplus Bid/auction or e-bay sale. A general memo shall go out to each department notifying them of the impending bid and establishing a working list of materials. The bid will not be open to any Town employees.

A list of “usable” items should then be circulated to departments for their possible use. Each department will be given the opportunity to review the list and request a surplus transfer if desired. Transfers must be noted to the Comptrollers Office.

Prior to awarding items, the Town Supervisor, the Comptrollers Office, the Clerks Office and the respective Department Head will receive notification of the following:

1. Successful vendor and their Bid
2. Revenue allocation per Department
3. Total Number of Bidders.

Once the bid/auction/sale has been completed the “Award of Sale” must be approved and signed by the Town Supervisor. Once signed, the Purchasing Office should request a Resolution pertaining to an award. Once the resolution is completed Purchasing is authorized to proceed with award notices. Payment should be made to the Town Clerks Office with administrative procedures coordinated by the Central Supplies Manager.

SPOT BIDS

If items are few in number, present a safety risk and/or become available on an irregular schedule, the spot bid/auction/e-bay sale may be used for selling the items. This procedure is simply a matter of contacting buyers on an informal basis to determine the “highest informal price quote” for these particular items.

ADDITIONS TO TOWN PROCUREMENT POLICY

Green Procurement

Green Procurement, also known as environmentally preferable purchasing (EPP), is an effort to purchase products and services that have a reduced negative impact or increased positive impact on the environment and human health compared to traditional products. Green products or services may be recycled, consume fewer natural resources, last longer or include or produce less toxic substances or solid waste. Considerations for green procurement may also include the environmental cost of raw materials, manufacturing, packaging, transporting, distribution, storing, handling, using, maintaining and disposing of the product. Pollution prevention is at the core of green procurement, which strives to reduce or eliminate the use and generation of toxic substances, pollution or waste. As with any purchase, the products form, function and utility is the final evaluator.

The Town of Cortlandt Purchasing Office recognizes the economic and environmental value of environmentally preferable purchasing and will explore green procurement options for certain commodities and services in conjunction with the end user. The Central Supplies Office will also assist departments with exploring options pertaining to Green Cleaning Products.

Certain purchasing functions (such as solicitation of information regarding product specifications), may be obtained from the requesting Department Head. This will not relieve Purchasing of its primary responsibility.

The Purchasing Department tries to make available information of interest to the various Departments. On many occasions a using department will acquire information or knowledge that will be of general interest to other departments. On such occasions it will be appreciated if this information is passed on to the Purchasing Department. This pertains to all Green Products.

The Purchasing Department will then be able to act on it for the general benefit of the Town operation and be in a position to disseminate this information to the various Town departments. While the Purchasing Department does endeavor to keep abreast of new developments and conditions in the market place, on many occasions personnel in the using departments will receive information not readily available to the Purchasing Department. It would be considered of tremendous assistance if this information were shared with the Purchasing Department.

DECISION TO PURCHASE GREEN

The decision to purchase “green” involves many decision makers. The end user, department head, purchasing official, Comptroller and Town Supervisor can all participate in the process that may involve many steps. These include:

Needs Assessment: Based on our current scope of work does a Green Product accomplish our performance goals and meet our needs.

Product Research: Does a Green Product exist on the market that would meet the spirit of the intent of this policy.

The New York State Office of General Services is a recommended starting place for energy efficient products and alternative fueled vehicles.

Products available on State contract:


Energy Efficient Products – The attached table list contracts that include energy efficient products.
<http://www.ogs.state.ny.us/purchase/spg/pdfdocs/EnergyRecycled.pdf>

Cleaned Fuel Vehicles and Fueling Equipment Contracts –
www.ogs.state.ny.us/supportServices/vehicles/defaultCFV.html

Green Cleaning approved products from OGS
<http://www.ogs.state.ny.us/purchase/GreenCleaningProducts.asp>

New York State Green Cleaning Program
<https://greencleaning.ny.gov/Entry.asp>

Information about Environmental Purchasing
<http://www.ogs.state.ny.us/purchase/EnvironmentPurchasing.asp>

NYSERDA - New York State Energy and Research Development Authority
Executive Order No. 111 "Green and Clean" State Buildings and Vehicle Guidelines
www.nysersda.org/programs/State_Government/exorder111guidelines.pdf 

Energy Star

A government-backed program helping businesses and individuals protect the environment through superior energy efficiency.
www.energystar.gov

Cost consideration: As a general rule the Purchasing Director should not consider purchasing Green Products over comparable conventional products if the cost of the Green Product exceeds by over 25% the cost of comparable Conventional Product. When evaluating the cost of a Green Product and a comparable product, Purchasing shall compare total costs over the life of an item, including, but not limited to: the costs of maintenance, insurance, disposal, replacement, safety and health, training, material management and potential liability costs.

RESOLUTION

NUMBER 23-21

(RE: ADOPT UPDATED INFORMATION TECHNOLOGY POLICY FOR 2021)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt the updated Information Technology Policy.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

INFORMATION TECHNOLOGY SECURITY POLICY

- **SECTION I** **TECHNOLOGY USE**
- **SECTION II** **SECURITY**
- **SECTION III** **LOCAL NETWORK**
- **SECTION IV** **E-MAIL**
- **SECTION V** **INTERNET**
- **SECTION VI** **WEBSITE**

Peter H. McMillan – Director of Purchasing and Technology
Matt Logerfo – Technical Support Specialist

I. Technology Use

- a. **Overview** - The purpose of this policy is to provide the following requirements for the use of Town-owned computer systems, phones and Internet / E-mail service, and other technology.
- b. **Guidelines** – This policy is a written notice to all users that the unauthorized use of the Town’s technology and/or using the system in excess of authorization may be a cause for criminal penalties and/or disciplinary action.
- c. **Users /Employee** – Employees should understand that they should have no expectation of privacy in connection with the use of these systems or with transmission, use, or storage of information via these systems and equipment. This includes stored voice mail or e-mail messages, word processing, internet browsing, pictures and other digital files.
- d. **Department Heads** - Make sure that all personnel are aware and comply with this policy.

Make sure that staff members are aware of proper options and procedures so that essential, legal information is handled appropriately as it pertains to FOIL.

- e. **IT** – Review and maintain policy and report to applicable officials to note lack of compliance. This includes appropriate performance standards, control practices, and procedures designed to provide reasonable assurance that all employees observe this policy.
- f. **HR** –Work closely with IT to ensure that all policies are followed and all employees are aware of these policies. This includes all interns and/or temporary employees.

II. Security

- a. **Overview** -The Town maintains at great expense an integrated structure consisting of hardware, software and data and goes to great lengths to protect this structure from a variety of threats.
- b. **Guidelines** – While this policy serves as basic guidelines for network security, IT staff can take any appropriate action to secure the safety of the network at any time if deemed necessary.
- c. **Users** – Each town staff member has a responsibility to not only follow all guidelines set forth in the manual, but to show due diligence performing any technology task.

- d. **Department Heads** – Make sure that employees take the following precautions for effective continuity of operations planning:
- i. Make backup copies at a minimum of every four months of all Outlook “contacts” to keep at an appropriate offsite location.
 - ii. Review with all applicable personnel their respective IT Emergency procedures and test accordingly. This should be done at a minimum once per year. IT will work with department heads at their request to facilitate this important testing.
 - iii. Department heads should arrange for additional backups and verification of backups where necessary. The end user should be familiar with the restoration process.
 - iv. Mission Critical (Emergency) Go-Kits: It has been determined that each Department will develop and utilize Emergency Go-Kits that will support the Departments response to an emergency. Each department is to maintain at least one Go-Kit that will help support the needs of any mission critical functions.
- e. **IT** – In the event that IT observes a violation of any form of this policy that jeopardizes the safety/reliability of the network, the Town reserves the right to act immediately.
- i. Install and maintain appropriate anti-virus software on all computers.
 - ii. Respond to all malware, virus, ransomware, etc. attacks, and remediate the situation post haste.
 - iii. Responsible for all basic Town backups located in the **Town server** room. This includes periodic off-site storage of tapes and primary Town backup process.
 - iv. Assist, at the direction of the Department Head, with any continuity exercises that pertain to IT.
- f. **HR** – Keep IT informed of any potential abuses and notify IT of any terminations.
- g. **Vendor Use** - With advanced permission from IT, vendors may be given remote access to relevant network resources. They are **never** allowed server console access. Vendors **MUST** notify the IT department in advance of any updates, major upgrades, or new installs.
- h. **Dedicated Remote Access** - Remote access is the ability to access the Town’s computer system from outside of the Town’s Network and is controlled, monitored, and tracked so that only authorized individuals are allowed access to the computer system.
In some circumstances, with prior approval, software vendors and approved Town staff may have access to their applicable part of the Network from remote locations

III. Network

- a. **Overview** – Access to the Town’s Network / Resources is provided to the employees for the benefit of the Town of Cortlandt and its citizens.
- b. **Guidelines** - Every user on the Town’s network has access to a folder or folders on Town maintained servers in which Town related documents and data should be stored. This ensures that these documents and data are backed up on a daily basis.
- c. **Users** - All users should practice the following:
 - i. Only save Town of Cortlandt related data / documents on the server(s).
 - ii. No personal information (including but not limited to; data, documents, pictures, emails) should be stored on Town equipment.
 - iii. Users should not attempt to install any software or connect any devices, including but not limited to flash drives, thumb drives, cameras, smart phones, etc. to the Town’s computers or network.
 - iv. Users must not allow Non-Town of Cortlandt employees access to the Town’s computers or network.
 - v. Any employee who suspects that his/her workstation has been infected by a virus or other malware must IMMEDIATELY contact IT.
 - vi. Notify IT for all major equipment installations, disconnections, modifications and relocations, including but not limited to scanners, printers, monitors or computers. Employees are not permitted to perform these activities unless approved by Technical Support. This does NOT apply to temporary moves of **portable** computers for which an initial connection has been set up by IT
 - vii. Environmental hazards to hardware such as food, smoke, liquids, high or low humidity, and extreme heat or cold should be avoided
 - viii. Critical computer equipment, e.g., file servers, must be protected by an uninterruptible power supply (UPS). Other computer equipment should be protected by a surge suppressor/protector.
 - ix. Any software or files downloaded via the internet into the Town’s network become the property of the Town. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
- d. **Department / Division Heads** - Must make sure that all staff are aware and follow all guidelines stated above.
- e. **IT department** – Must provide appropriate support and guidance to assist employees and department heads to fulfill their responsibilities under this directive. Since IT is responsible for all major equipment installations, disconnections, modifications, and relocations, employees are not to perform these activities unless approved by Technical Support. This does NOT apply to temporary moves of portable computers for which an initial connection has been set up by IT

The Town reserves the right to inspect any and all files stored in all areas of the network in order to assure compliance with policy.

- f. **HR** - Ensures all policies are distributed to all employees. Ensures all employees have signed “The **IT Security Policy**” and notify the IT Department of new employees, transfers, and terminations. Involuntary terminations must be reported concurrent with the termination.
- g. **Security** - No person who has not been given personal login credentials may access any local computer or network resources. No one is allowed physical access to servers without express permission of the IT department. In some rare cases when access must be granted, the IT department monitors every keystroke and mouse move. This includes servers located in any and all offices and buildings.
- h. **Password Protection** - Users are responsible for any and all activity initiated from their accounts. Therefore, users should protect their passwords, not reveal them to others, and not leave their computers on and open for non-authorized users to access. Users are also responsible for protecting their own files (e-mail, word processing, spreadsheets, etc.). If a user inadvertently accesses another user's files, the user must immediately discontinue access and refrain from revealing any personal information discovered. Passwords should not be given to anyone other than the IT department, the employee's Department Head or Supervisor. The password policy applies not only to the Windows login and email account, but also to department specific programs that require such passwords, including but not limited to KVS, SCA apps, SEI, Laserfiche, BAS, WebGIS, WOMS, Capturepoint.

IV. E-Mail

- a. **Overview** - All messages created, sent, or retrieved over the Internet are the property of the Town of Cortlandt and *may be regarded as public information*. The Town of Cortlandt reserves the right to access the contents of any messages sent over its facilities if the Town believes, in its sole judgment, that it has a business need to do so.

As a result, all communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver despite any information to the contrary in literature or instructions that describe the Town's network. Please note that e-mails are subject to FOIL (Freedom of Information Law) and can be requested by the public.
- b. **Guidelines** – The Town's e-mail system must be used in full accordance with all Town policies.
- c. **Users** – Must maintain a working knowledge and understanding of accessing work related e-mail from alternate locations. They also avoid transmission of nonpublic Town information. If it is necessary to transmit nonpublic information, employees are required to take steps reasonably intended to ensure that information is delivered to the proper person who is authorized to receive such information for legitimate use. Be aware of unfamiliar e-mails with or without attachments.

- d. **Department Heads** – Must make sure that employees recognize proper e-mail storage as it pertains to possible FOIL documents. Make sure that employees properly check spam filters on a regular basis.
- e. **IT** – Maintains system functions in an efficient manner and notes any policy violations to the proper officials.
- f. **HR** – Must notify IT of any staff changes so that all systems can be modified accordingly.
- g. **Security**- If PII (Personally identifiable information is any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used for de-anonymizing anonymous data can be considered PII.) must be sent via email it should be either password protected, or encrypted.

V. Internet

- a. **Overview**-Employees using the Internet are representing the Town of Cortlandt. Employees are responsible for ensuring that the internet is used in an effective, ethical, and lawful manner.
- b. **Guidelines** – The Town has software and systems in place that can monitor and record most Internet usage. Our managers may review Internet activity and analyze usage patterns and block websites that are inappropriate or abused. No employee should have any expectation of privacy as to his or her internet use. As per Town Board Resolution certain staff are authorized to post on the Town's Facebook page. For all other staff unless the use of social media is pertinent to Town business and authorized by a Department Head, employees are prohibited from using social media during working hours. This applies regardless of whether or not such usage occurs on Town-owned devices or a device personally owned by the employee.
- c. **Users** - Any users who access the internet must ensure that all communications are for professional reasons and that they do not interfere with his/her productivity. Excessive use of home e-mail or inappropriate web browsing may be brought to the attention of the department head, Human Resources and the Town Supervisor. All staff must know and abide by all applicable Town of Cortlandt policies that deal with security and confidentiality of Town records. This access may be denied at any time, for any reason.
- d. **Department Heads** – Any internet access by non-Town personnel must be arranged with IT. If a Department Head views an inappropriate use of the Internet, it should be reported to the applicable officials immediately.
- e. **IT** – Monitors Internet usage for all town computers. IT also produces reports in accordance with the requests from the Town Supervisor. They review reports

prior to submission for any network security risks and acts accordingly. They also may be requested to provide more detailed reporting.

- f. **Non-Town Use** –Use of the internet for guests (non Town of Cortlandt employees) is strictly prohibited through the Town’s network. The IT department maintains a guest WiFi connection to the internet only that is not connected to the town’s network. If the IT department is given reasonable advanced knowledge of guest needs, access to the internet can be setup.

VI. Website

- a. **Overview** - The Town website is considered an essential tool for communicating to the Public. Overall management is done by the IT Department with some delegated authority distributed to specific department representatives.
- b. **Guidelines** – All posted information must be approved by the appropriate department head. Questionable material should first be approved by the Town Supervisor.
- c. **General Overview-** The town has designated certain employees as web content managers. Any and all changes to the website should be coordinated through this group.
 - i. These users must be trained by IT or a representative from the website hosting company.
 - ii. Website users should also maintain a working knowledge and understanding of accessing the website to make changes from an alternate location.
- d. **HR** – Communicates Supervisor needs to appropriate staff and maintains administrative rights to all sections.

Acknowledgment of Information Technology Security Policy

This form is used to acknowledge receipt of, and compliance with, the Town of Cortlandt Information Security Policy.

Procedure

Complete the following steps:

1. Read the Information Security Policy.
2. Sign and date in the spaces provided below.
3. Return this page only to Human Resources.

Signature

By signing below, I agree to the following terms:

- i. I have received and read a copy of the “**IT Security Policy**” and understand the same;
- ii. I understand and agree that any computers, software, and storage media provided to me by the Town contains proprietary and confidential information about the Town of Cortlandt and its citizens or its vendors, and that this is and remains the property of the Town at all times;
- iii. I agree that, if I leave the Town of Cortlandt for any reason, I shall immediately return to the Town the original and copies of any and all software, computer materials, computer equipment, cell phones, smart phones, etc that I may have received from the Town that is either in my possession or otherwise directly or indirectly under my control.

Employee signature: _____

Employee name: _____

Date: _____

Department: _____

RESOLUTION

NUMBER 24-21

**(RE : ADOPT 2021 DRUG AND ALCOHOL POLICY FOR THE TOWN OF
CORTLANDT)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt the 2021 Drug and Alcohol Policy, also known as the Substance Abuse Testing Policy.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

**TOWN OF CORTLANDT
SUBSTANCE ABUSE TESTING POLICY**

Introduction

1. The U.S. Department of Transportation (D.O.T.) has issued regulations (49 CFR 40.382.391 and 395) pursuant to Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143) (Omnibus Act) which govern the use of drugs and alcohol by commercial motor vehicle drivers and safety sensitive employees and which also requires the Town of Cortlandt government to conduct mandatory drug and alcohol testing of covered employees. The regulations required the testing to begin on January 1, 1996. This policy includes all applicants seeking employment with the Town of Cortlandt government, including seasonal and part-time employees.
2. The Town government fully complies with the Omnibus Act and the D.O.T.'s regulations governing drug and alcohol use and testing, and the requirements of the D.O.T.'s regulations are incorporated into this policy. In the event D.O.T.'s Regulations are amended, this policy and the applicable term(s) condition(s) and or requirement(s) of this policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with D.O.T.'s regulations. In such case, the Town reserves the right to apply the amended requirements immediately, and without giving prior notice to affected employees, unless such notice is required by D.O.T. or other applicable laws.
3. The Town has arranged for training of all supervisors who may be called upon to determine whether reasonable suspicion exists to test a driver for alcohol misuse or controlled substance abuse.
4. Any violation of this policy, The Drug and Alcohol Testing Educational Material Act, or DOT regulations by a covered employee shall be grounds for disciplinary action, up to and including discharge, in a manner consistent with the Town's pre-existing policies, practices and the terms of any other applicable other collective bargaining agreement.
5. The Town also has the right to test all other employees, this will be done in the same manner and under the same conditions as those required to be tested under the U.S. Department of Transportation issued guidelines.
6. The Town shall also provide for an informal administrative appeal process whereby a covered employee may appeal a positive alcohol test and/or controlled substance test. Said process shall not interfere with DOT mandated actions (e.g.: removal from safety-sensitive functions.)

Section 1 – Prohibited Substances:

A. Controlled Substances:

The presences, as evidenced by the results of an initial screening test, and subsequent confirmatory test, of the following substances is prohibited for any employee.

Marijuana (cannabinoids)

Cocaine

Opium or Opiates

Phencyclidine

Amphetamines or Methamphetamines.

New Change – January 1, 2018-07-30

In order to be in compliance with the Department Transportation Regulations for CDL holders effective January 1, 2018 the DOT drug testing program will now include testing for expanded opiates – including hydrocodone, hydromorphone, oxymorphone, and oxycodone. Common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®. This regulation will now become part of the Town of Cortlandt policy.

Possible impacts of these panel changes to motor carriers include an increase in positive test results and more safety concerns raised by the Medical Review Officer (MRO). As before, if a legitimate medical explanation like a valid prescription is established, the MRO will report the result to you as a 'negative'. However, if the MRO identifies a potential safety risk, you will be notified. Under the new changes to Part 40, the MRO must allow your drivers up to five days to have their prescribing physician contact the MRO to discuss whether the safety risk can be mitigated. If the MRO believes there is still a safety risk after talking to the doctor or after 5 business days (whichever is shorter), the MRO will report the potential safety issue. Due to the changes in Part 40, it may take an extra week to receive certain results. It may even be possible that you receive a negative test result, but receive a safety warning one week later.

Drivers will not be permitted to work in a safety sensitive position until the employee has been referred for a fitness for duty exam and receive the results.

This change will also be applicable to all Town employees regardless of CDL status.

B. Alcohol Testing:

Any employee who performs safety sensitive functions as defined below or who is required to obtain a Commercial Drivers License (CDL), will be subject to discipline, up to and including discharge, and the Town and its contractors may risk losing its federal funding, if he/she:

1. Uses alcohol on the job:
2. Uses alcohol during the four (4) hours before performing a safety sensitive function even if the alcohol is contained in prescription medication (If a driver is called to duty by the Company less than four (4) hours before their regular sign on time, they must indicate that they are unable to perform a safety sensitive function, and no disciplinary action will result).
3. Has prohibited concentrations of alcohol in his/her system while performing safety sensitive functions, as evidenced by the results of an initial test and subsequent confirmation test, through the use of testing devices as approved by the National Highway Traffic Safety Administration.
4. Uses alcohol during the eight (8) hours following an accident if the employees involvement has not been discounted as the contributing factor in the accident or until the employee(s) has been tested: or
5. Refuses to submit to a required alcohol test.

C. Federal Transit Administration (FTA):

For purposes of alcohol testing for employees who perform safety sensitive functions where the Town or its contractors receive federal funding under sub sec 3.9 or 18 of the Federal Transit Act of 23 U.S.C. sub sec 103 (e) (4), the FTA defines the term "safety sensitive function" to include:

1. All time spent at the terminal, facility or other public property, waiting to be dispatched, unless the driver has been relieved from duty:
 2. All time inspecting equipment or otherwise servicing or commissioning any commercial vehicle at any time:
 3. All driving time:
 4. All time, other than driving time, in any commercial motor vehicle:
 5. All time spent performing post accident procedures:
 6. All time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.
- D.** In addition to the FHWA's and FTA's definition of the term "safety sensitive function", The Town defines "safety sensitive function" to include the following positions:
1. All drivers of Town vehicles and motor/construction equipment
 2. Dispatchers
 3. Vehicle maintenance work of any kind
 4. Driver development and safety personnel
 5. Employees holding CDL's
 6. "Safety Sensitive Functions" as defined by the FHWA and the FTA
- E.** In addition, the Town and the AFSCME Union have agreed that all employees covered by the terms and conditions of the AFSCME Contract shall be subject to random testing in accordance herewith.

Section 2 – Categories of Testing

- A. Pre-employment:**
Any applicant or a current employee being considered for a promotional position or a position requiring a CDL or transfer into such position, shall be required to pass a drug urine test as defined in Federal D.O.T. regulations prior to being hired for that position or performing any functions of the position. In addition, pre-employment testing will be conducted on all new hires including seasonal and part-time employees.
- B. Reasonable Cause:**
1. Post Accident:
 - a. Control Substances
Defined by Federal D.O.T. regulations as the involvement by an employee in a motor vehicle accident while operating a Town owned or operated vehicle, when such accident results in the fatality and/or his/her performance contributed to the accident as evidenced by the issuance of a citation. It is required that such post-accident controlled substance testing take place no later than 32 hours after the incident. Town policy is that all employees shall be tested when involved in any motor vehicle accident. The Department Head shall exercise discretion when an accident occurs

during periods of emergency response.

In the event a driver is seriously injured and cannot provide a urine specimen at the time of the accident, the driver must provide the necessary authorization to obtain hospital reports or document that would indicate whether there was a controlled substance in the driver's system.

b. Alcohol Testing

Town policy is that an alcohol test will be conducted as soon as practicable after an accident involving disabling damage to a Town vehicle, or when there is a fatality, or bodily injury requiring medical treatment away from the scene of the accident. The Town will test every employee whose performance could have contributed to the accident. Any Town Employee involved in a vehicle accident will be subject to a post accident test.

A driver who leaves the scene of an accident or otherwise fails to remain readily available for testing will be deemed to have refused to submit to an alcohol test and will be discharged. Neither the Town's policy nor federal regulation prohibits an employee from leaving the scene of an accident to secure emergency medical care or to obtain assistance in responding to the accident.

C. Random Screening:

1. Any employee subject to random testing or holders of CDL licenses and all Town employees performing "safety sensitive" functions, as defined by federal regulation or the Town, will be required to submit to a drug and/or alcohol screen pursuant to a DOT approved random method of selection. The total number of covered employees for drugs and 25% of the number covered employees for alcohol, or as may be further required by FWHA or the FTA. Some drivers may be tested more than once each year, and some may not be tested at all depending on random selection. The random method of selection shall be conducted by an organization outside the Town, preferably the organization performing the drug and/or alcohol screening.
2. For the purpose of alcohol testing only, a random test will be conducted just before, during or after all employees' performance of safety duties.

D. Return to Duty/Follow-up Testing:

Drivers who have previously failed an alcohol test with a positive result of 0.02 – 0.039, or who have taken medical leave for voluntary rehabilitation, must undergo a return to duty test before they are permitted to perform safety sensitive functions. Pursuant to Town policy, a driver whose retest establishes a positive result of 0.02 or greater will be discharged.

Section 3 – Compliance with Screening Requirement:

An employee required by the town to submit to a drug and/or alcohol screen must proceed immediately to the designated facility to accomplish the urine specimen and/or alcohol test. Current employees shall be paid for all time spent in submitting to screening.

An employee who refuses to submit to any substance abuse test as provided in Section 2 will be discharged.

If an employee or applicant claims that he or she is unable to provide a sufficient breath sample for an alcohol test, then that employee must obtain a physician's statement confirming the employee's inability to provide a sufficient breath sample.

Section 4 – Specimen:

The normal screening methodology for drug screens will be urinalysis. For alcohol testing, devices approved by the National Highway Traffic Safety Administration (NHTSA) will be used, and may include saliva sampling and will include Evidential Breath Testing ("EBT") for confirmation of initial testing.

Section 5 – Employee's Privacy vs. Security:

Employees and applicants shall be required to comply with the procedures of the collection facility, unless such procedures violate the DOT testing laws and regulations.

Section 6 – Witness:

An employee or applicant required to submit to a drug and/or alcohol screen may request that another employee be allowed to accompany him/her throughout the process, except when a urine specimen is being provided. Such time spent by such witness shall not be paid for by the Town

Section 7 – Designated Collection Facility:

The Town shall designate the medical facility to be used for the collection of the urine specimen and/or the alcohol test; provided, however, that the designated facility shall possess all required licenses and permits and shall have written procedures for ensuring employees/applicants privacy, health, safety and the security and chain-of-possession of samples. Such written procedures shall be made available to an affected employee or applicant, and the Town shall discontinue use of any facility it learns has materially violated its written procedures so that an employees or applicant's health is threatened or the accuracy of the screening is compromised.

Section 8 – Designated Screening Facility:

The Town shall designate the laboratory for drug and/or alcohol tests, provided, however, that such designated laboratory shall possess any required relevant licenses and permits and shall have a written procedure for insuring the security and Chain-of-Possession of samples, the accuracy of its

work, and for the confidentiality of its records and results. Further, such designated screening laboratory must be approved by the Department of Health and Human Services (“DHHS”).

Section 9 – Screening Procedure:

B. Controlled Substances

1. All positive results of initial screening tests for controlled substance shall be subjected to a Gas Chromatography/mass spectrometry GC/MS Confirmatory test.
2. For controlled substances testing, each urine specimen (45ml.) is to be subdivided into two (2) bottles labeled “primary” (30ml.) and “split” (15ml.) specimen. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the employee has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis, from the time he/she is notified of such result **at the employee’s expense.**

C. Alcohol Testing:

1. All initial alcohol testing showing an alcohol concentration of 0.02 or greater will be subject to a second confirmatory test using an EBT device approved by NHTSA. The Town will record the results between 0.00 and 0.019, but no confirmation test will be conducted.
2. Only a result that is positive, (i.e., 0.02 or greater) which is following both the initial and confirmatory analysis shall be reported to the Town as a positive result.

Section 10 – Employee Status Pending Receipt of Results:

- A. An Employee who is required to submit to a drug and/or alcohol screen as provided in Section 2 (A) (pre-employment) and (B) (post-accident) of this Policy shall not be assigned to operate any Town vehicle and/or perform safety sensitive function pending the outcome of such screening. The Town may, at its option, assign such an employee to available non-safety sensitive duties or place him/her on temporary suspension.
- B. An employee whose drug and/or alcohol screen produces a negative result shall be promptly returned to his/her former work. Under no circumstances will an employee be made whole for any lost wages on negative result if he/she is suspended for any additional purpose.
- C. An employee whose drug and/or alcohol screening test produces a positive result (0.02 or greater) shall not be made whole for any wages lost while assigned as provided in this Section and will be subject to discipline, up to and including discharge

Section 11 – Record of Negative Screening:

An employee required to submit to a drug and/or alcohol screening as provided in this Policy and whose screening results are negative (i.e., less than 0.02) shall have his/her personnel file documented to reflect the negative result.

Section 12 – Positive Drug Screening:

An employee who is required to undergo a drug screening and whose screening and confirmation produces a positive result for prohibited substance as defined in Section 1 of this policy will be discharged.

Section 13 – Positive Alcohol Screening:

Pursuant to Town policy, an employee whose confirmation alcohol test registers a positive result of 0.02-0.039 will be removed from at least 24 hours or until his/her next regularly scheduled shift, whichever is longer. Any employee who tests positive on more than one occasion between 0.02 and 0.039 will be discharged.

Pursuant to Town policy, an employee whose confirmation alcohol test result is equal to 0.04 or greater will be discharged.

Section 14 – Voluntary Rehabilitation:

An employee who voluntarily (not in response to a Town request to take a drug/alcohol test or the positive result of a drug/alcohol test) admits to management he/she has a drug problem, and who wishes to submit to a Rehabilitation Program, must sign Appendix "A" of this Policy, and will be subject to the following:

- A. The employee shall be placed on unpaid medical leave until:
 - 1. He/she presents evidence of having enrolled in and successfully completed, **at his/her own expense**, a rehabilitation program approved by the Town:
and
 - 2. He/she submits to return-to-duty drug and alcohol screening to his/her own expense which produces a negative result, and:

3. He/she signs the Town's Post Rehabilitation Return to Work Agreement that is attached to and expressly made part of this Policy (Appendix "A").
- B. An employee placed on rehabilitation leave as provided in paragraph (A) of this Section must satisfy the provisions of sub-paragraphs (1), (2) and (3) of that paragraph nor later than twelve (12) weeks from his/her commencement of this personal leave. An employee failing to do so shall be deemed to have abandoned his/her job.
 - C. The Town agrees that once an employee has commenced a medical leave, the employee will be entitled to use any accrued time due to the employee in the form of sick, vacation or personal time in order to continue to receive salary during the above time period. Should the employee not have sufficient accruals, the Town agrees to advance time to the employee of personal or sick time which will be repaid by the employee upon their resumption of regular employment by the Town.

Section 15 – Return to Work Agreement:

- A. An employee who has returned to work as provided in Section 1-4 of this policy and who fails with any terms of the Post-Rehabilitation Return-to-Work Agreement will be discharged.

Section 16 – Post-Rehabilitation Return to Work Agreement:

- A. I understand that my previous job performance warrants close supervision for an extended period of time upon my return to work and I will accept such supervision as a constructive part of my recovery.
- B. I understand that upon my return to work, I must meet all established standards of conduct and job performance and that I will be subject to the Town's disciplinary procedures for failure to meet those standards.
- C. For a period of one (1) calendar year after the date of reinstatement to my position, I will be subject to random drug and alcohol testing at the sole discretion of the Town. The Town shall pay the cost of such tests as well as all time spent by me in submitting to such examination.
- D. I agree that I shall cooperate fully with any and all request to submit to any random drug and alcohol tests. I further acknowledge and understand that if I fail to

cooperate fully or to submit to such drug tests when requested, such failure will be cause for discipline up to and including discharge under this policy.

- E. In the event that any of my drug or alcohol tests indicate a positive reading which discloses that I have used any of the prohibited substances or alcohol identified in Section 1 of this Policy, I will be discharged.
- F. I understand that I will be subject to the above stated rules and conditions for twelve (12) calendar months from the date of this agreement.
- G. I understand that I will continue to work through EAP program of the Town to follow-up on any treatment or rehabilitation and aftercare programs scheduled by them.

I UNDERSTAND AND AGREE THAT MY LEAVE OF ABSENCE, REINSTATEMENT AND CONTINUED EMPLOYMENT ARE CONTINGENT UPON MY SATISFYING ALL OF THE ABOVE RULES AND CONDITIONS OF EMPLOYMENT AND THAT MY FAILURE TO DO SO SUBJECTS ME TO DISCIPLINE, UP TO AND INCLUDING DISCHARGE.

Section 17 – Receipt of Policy

All employees shall sign a receipt signifying their receipt of the Town's Substance Abuse Testing Policy.

Section 18 – Record Retention of Test Results:

The Town must, pursuant to Federal Regulations, retain its alcohol testing records in a secure location with controlled access to such information. Records of positive test results of 0.02 and greater, refusals to submit to testing, annual testing summaries, driver evaluations and referrals must be maintained for a minimum of five (5) YEARS. Records relating to the testing collection process (except calibration) and training must be maintained for a minimum of two (2) years. Records of negative results and results of less than 0.02 must be maintained for a minimum of one year

Section 19 – Restrictions on the Release of Alcohol Testing Information:

The Town is prohibited, by federal regulation, from releasing a driver's alcohol testing records unless required by law or otherwise authorized by federal regulations. Under federal regulations, drivers are entitled to copies of their alcohol testing records and may consent to a third party obtaining them.

The Town may obtain, pursuant to a driver's consent, information on the driver's positive alcohol test results with a positive result of 0.04 or greater, and refusals to be tested within the previous two years. As a result of their requirement, the Town may condition any offer of employment on an applicant's release of his or her prior records from a previous employer.

If the Town receives information regarding impermissible alcohol levels or refusals to be tested: then the Town cannot permit that driver to perform a safety sensitive function until that driver has been certified as qualified by a substance abuse professional and passes a pre-employment alcohol test.

DRUG AND ALCOHOL POLICY

This Policy is adopted in accordance with the obligation of the Town Board to appropriately implement a Drug and Alcohol Testing Policy for all of the employees of the Town. This policy is intended to be adopted pursuant to the Collective Bargaining Agreements of the Town for the random drug testing of employees of the Town, and it is with this in mind that this policy was adopted.

1. The use of illegal controlled substances or alcohol by employees adversely affects the Town's ability to safely deliver services, impairs the efficiency of the work force, endangers the safety of employees and the public, and undermines public trust. The Town and the Union therefore, agree that the use, sale, distribution or possession of illegal controlled substances or alcohol while on duty is prohibited. Employees in violation of this policy are subject to disciplinary action, up to and including discharge.
2. Unless otherwise noted, all discipline under this policy shall be in accordance with applicable provisions of the Collective Bargaining Agreement or Civil Service Law.
3. Random testing provided for herein shall be to test fifty percent (50%) for drug and twenty five percent (25%) for alcohol at all times.
4. Based on reasonable suspicion, members of the bargaining unit shall be subject to urinalysis for illegal controlled substance use or breathalyzer testing for alcohol use. Any employee who refuses to submit to testing or who refuses to cooperate with the testing procedures may be subject discipline, including discharge. Attempt to alter or substitute the testing specimen will be deemed refusal to take the test.
 - A. The order to submit to testing must be justified by a reasonable suspicion that the employee is or may be under the influence of illegal controlled substances or alcohol while on duty, or is engaging in the use, sale, distribution or possession of illegal controlled substances or alcohol while on duty.
 - B. While the "reasonable suspicion" standard does not lend itself to precise definition or mechanical application, vague or unparticularized or unspecified or rudimentary hunches or intuitive feelings do not meet the standard.

- C. Reasonable suspicion is the quantum of knowledge sufficient to induce an ordinarily prudent and cautious person to act under the circumstances. Reasonable suspicion must be directed at the specific person and be based on specific and articulate facts and the logical inferences and deductions that can be drawn on those facts.
- D. Reasonable suspicion may be based, among other things, on the following:
- i. Observable phenomena, such as direct observation of drug or alcohol use or possession

and/or physical symptoms of being under the influence of drugs or alcohol; or
 - ii. A pattern of unusual or abnormal conduct or erratic behavior (e.g. unexplained excessive

absenteeism, lateness or early leave)
 - iii. Arrest or conviction for drug-related offense or the identification by law enforcement personnel of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking; or
 - iv. Information provided by a reliable and credible source.
 - v. Newly discovered evidence the employee has tampered with a previous drug or alcohol test.
 - vi. Post accident of vehicle or any other equipment.
- E. Disputes concerning the matter of reasonable suspicion to order a test shall be subject to review by way of the contract grievance procedure. Such dispute shall be incorporated with any grievance filed, concerning discipline resulting from such testing.
- F. The decision to test an employee may be made by the Department Supervisor for all other employees, or in his or her absence, his or her designee, in accordance with the standards discussed below after consultation with the Program Coordinator.
- G. It is intended that when a decision is made to test, the employee will be given a direct order to submit to the test and advised of his/her right to have a Union representative present for such testing, but the test shall not be delayed more than one (1) hour to accommodate the presence of a Union official, and the Union shall be notified in such order. The test shall be conducted immediately thereafter. The employee shall be given a brief verbal statement of the basis for reasonable suspicion.
- H. For purposes of reasonable suspicion only, where reasonable suspicion is based on information provided by a confidential informant (defined as an employee or agent of a governmental law enforcement agency of the employee's department) the identity of the source need not be disclosed at the time of the test, except for the name of the governmental law enforcement agency involved.

5. Insofar as practical, the sample collection process shall be confidential with due regard for the dignity of the employee. There shall be no direct observation of giving of urine specimens, unless there is reason to believe that the specimen may be tampered with, in which event direct observation shall be made by a person of the same gender as the employee giving the specimen. The employee shall cooperate with requests for information concerning use of medications and acknowledgment of giving of the specimen.
6. For drug testing, initial urinalysis testing shall be conducted by means of an enzyme multiplied immunoassay test (EMIT). All specimens identified as positive on the initial test shall be confirmed using a gas chromatography/mass spectrometry test (GC/MS). For those drugs for which NIDA standards exist, a test shall be deemed positive for the presence of drugs in accordance with such NIDA standards. The laboratory shall report as negative on either the initial test or the confirmatory test. Only specimens which test positive on both the initial test and the confirmatory test shall be reported as positive. All tests conducted pursuant to this procedure will be paid for by the Town

New Change – January 1, 2018-07-30

In order to be in compliance with the Department Transportation Regulations for CDL holders effective January 1, 2018 the DOT drug testing program will now include testing for expanded opiates – including hydrocodone, hydromorphone, oxymorphone, and oxycodone. Common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®. This regulation will now become part of the Town of Cortlandt policy.

Possible impacts of these panel changes to motor carriers include an increase in positive test results and more safety concerns raised by the Medical Review Officer (MRO). As before, if a legitimate medical explanation like a valid prescription is established, the MRO will report the result to you as a 'negative'. However, if the MRO identifies a potential safety risk, you will be notified. Under the new changes to Part 40, the MRO must allow your drivers up to five days to have their prescribing physician contact the MRO to discuss whether the safety risk can be mitigated. If the MRO believes there is still a safety risk after talking to the doctor or after 5 business days (whichever is shorter), the MRO will report the potential safety issue. Due to the changes in Part 40, it may take an extra week to receive certain results. It may even be possible that you receive a negative test result, but receive a safety warning one week later.

Drivers will not be permitted to work in a safety sensitive position until the employee has been referred for a fitness for duty exam and receive the results.

This change will also be applicable to all Town employees regardless of CDL status.

7. For alcohol testing, the employee shall submit to an intoxilyzer test to be administered by an agent. Such test results shall be given to same weight as provided under applicable provisions of the New York State Vehicle and Traffic Law.
8. Drug testing results shall be forwarded from the testing laboratory to a Medical Review Officer (MRO) or the staff of the MRO. The MRO shall be designated by the Town and must be a licensed physician

with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate test results.

9. The MRO shall analyze the test results. If the MRO receives a positive test result, he shall interview the individual in question, review the individual's medical history, and review other relevant biomedical information. The MRO will evaluate these factors to determine whether a justification exists for the positive test result. Evidence to justify a positive test result may include, but is not limited to, a valid prescription or verification from the individual's physician verifying a valid prescription. If the MRO determines that justification exists, the test result will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. The MRO shall then forward all test results.
10. Urine samples shall be maintained by the designated laboratory in accordance with appropriate procedures for a period of six (6) months following the test.
11. After an employee receives notice of a positive test result, the employee may make a written request to the Supervisor within fourteen (14) calendar days to have the second sample tested at a different laboratory duly licensed with the NIDA. The employee shall be responsible for all costs related to transportation and testing for the preservation of the chain of custody. The test results shall be delivered by the laboratory to the Department Supervisor. Testing and positive results will be in accordance with Paragraph 6 above.
12. In the event the test procedure reveals the presence of illegal controlled substances or their metabolites or alcohol level of 0.02 or greater, such employee may be subject to discipline, including discharge. However, in the first instance of such positive drug or alcohol test any disciplinary charges may be suspended at the Town's sole discretion if the employee agrees, in writing, to complete counseling and treatment on his/her own time for such illegal controlled substance use or alcohol use in a program jointly agreed to by the Town and the Union. The employee shall agree, as a condition to the suspension of the disciplinary charge or in lieu of firing, that for a period of one year following the completion of treatment, he/she shall be subject to periodic random testing for illegal controlled substances and/or alcohol, and that if he/she completes counseling and treatment and does not test positive for illegal controlled substances or alcohol during such one year period, the original disciplinary charge or penalty shall be considered resolved. The record of such charges and their resolution shall remain in the employee's file unless the parties agree otherwise. Should the employee test positive, then the employee shall be terminated.

Sample

STIPULATION OF AGREEMENT

I, _____, understand that because I had a confirmed positive random drug test and/or alcohol test, I am about to be brought up on charges. In lieu of being brought up on charges, I agree to the following stipulations for my employment:

1. I hereby agree to participate in any program recommended by the Substance Abuse Professional I will be seeing as required by Federal Law for holders of Commercial Drivers Licenses and those whose jobs are considered safety sensitive who have a positive test result.

2. I agree to provide the Town with proof of such participation. If I withdraw from the recommended program without approval from said program, I will be terminated by the Town.

3. I understand that prior to my returning to work as a _____, I must take and pass a drug and/or alcohol test.

4. I am aware that under Federal Regulations, I will be randomly tested for drugs at least six (6) times over the next year. I will also be randomly tested over the next five (5) years at intervals other than the normal CDL testing.

5. I understand that if I test positive for drug use again, I will be terminated.

By agreeing to these stipulations I hereby waive any due process afforded me under Section 75 of the Civil Service Law and I furthermore realize that the penalty for violation of this stipulation shall be nothing less than termination.

EMPLOYEE

LINDA D. PUGLISI, Supervisor

AFSCME President

RESOLUTION

NUMBER 26-21

RE: (ADOPT SEXUAL HARRASSMENT POLICY FOR 2021)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt the Sexual Harassment Policy for 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**



Introduction

[*Employer Name*] is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of [*Employer Name's*] commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with [*Employer Name*]. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. [*Employer Name's*] policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with [*Employer Name*]. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. [*Employer Name*] will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of [*Employer Name*] who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or [*name of appropriate person*]. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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

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

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject *[Employer Name]* to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. *[Employer Name]* will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. *[Employer Name]* will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. *[Employer Name]* will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to *[person or office designated]*.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

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

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

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an

individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

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

Examples of sexual harassment

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

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

Who can be a target of sexual harassment?

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

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

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

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

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

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

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. *[Employer Name]* cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or *[person or office designated]*. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or *[person or office designated]*.

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

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

Supervisory Responsibilities

All supervisors 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 such suspected sexual harassment to *[person or office designated]*.

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

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

Complaint and Investigation of Sexual Harassment

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

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

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

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

- Upon receipt of complaint, [person or office designated] will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by [Employer Name] but is also prohibited by state, federal, and, where applicable, local law.

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

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

State Human Rights Law (HRL)

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

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

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

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

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

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

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

Civil Rights Act of 1964

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

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

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

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

Local Protections

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

Contact the Local Police Department

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

Model Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

[Name of employer]

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

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to [person or office designated; contact information for designee or office; how the form can be submitted]. You will not be retaliated against for filing a complaint.

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

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

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

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

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

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

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

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

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

RESOLUTION

NUMBER 25-21

RE: (ADOPT SOCIAL MEDIA POLICY FOR 2021)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt the Social Media Policy for 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

TOWN OF CORTLANDT SOCIAL MEDIA POLICY

Policy Statement – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, Instagram, LinkedIn, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser. The Town’s right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town computers or communications systems.

Usage During Working Hours – Unless the use of Social Media is pertinent to Town business or authorized by a Department Head, employees are prohibited from using Social Media during working hours. At no time, including on a rest or meal break, shall employees use Town-owned computers or communication equipment to access social media sites.

Posting Content on Social Media (regardless of point of access) – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Town owned, as well as those that are Town property.

This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the Town that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§ 84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments, or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Town, or its employees, services or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town, or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- Representing that an opinion or statement is the policy or view of the Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.
- Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.
- Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Town policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Town-owned.

Notwithstanding the above, nothing in this policy is meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the appropriate Department Head. Once the Department Head is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

RESOLUTION

NUMBER 27-21

RE: (ADOPT WORKPLACE VIOLENCE PREVENTION POLICY FOR 2021)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt the Workplace Violence Prevention Policy for 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

TOWN OF CORTLANDT WORKPLACE VIOLENCE PREVENTION PROGRAM

The Town of Cortlandt Town Board is concerned and committed to our employees' safety and health. We refuse to tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring by implementing a Workplace Violence Prevention Program (WPVP). We will provide adequate authority to responsible parties so that our goals and responsibilities can be met.

All managers and supervisors are responsible for implementing and maintaining our WPVP Program. We encourage employee participation in designing and implementing our program. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

A copy of this policy statement and our WPVP Program is readily available to all employees from each manager and supervisor.

Our program ensures that all employees, including supervisors and managers, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All employees, including managers and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The management of the Town of Cortlandt government is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce the rules fairly and uniformly.

Our program will be reviewed and updated annually.

Introduction

What Is Workplace Violence?

The National Institute of Occupational Safety and Health (NIOSH) defines workplace violence as the violent acts, including physical assaults and threats of assault, directed toward persons at work or on duty. Workplace violence is any physical assault, threatening behavior or verbal abuse occurring in the work setting. These incidents could take place on the Town property, or in the community where municipal services are delivered. Example, an angry argument between co-workers, in a employee vehicle parking area before or after work hours is included.

Workplace violence is not just the potential physical assault or threat of assault between a Town employee and a non-employee, but also between Town co-workers. It is possible that various factors in the employees personal lives can be brought into the workplace environment that could result in workplace violence. The root causes of workplace violence incidents are often NOT conflicts or disputes about the work itself or work assignments.

WPV Types of Incidents

- A) Non –specific threats of violence by an employee to another employee or non-employee
- B) Specific threats of violence by an employee to another employee or non-employee
- C) Threats of violence directed against an employee or non-employee

- D) Violent confrontation by a spouse or significant other/domestic partner with an employee over a non-workplace personal/domestic dispute that occurs at the workplace
- E) Threats or threatening conduct by disgruntled or former employees
- F) Violent altercations between co-workers or employee(s) and supervisory staff
- G) Assaults of any type by intruder
- H) Employee bullying of other employees
- I) Verbal abuse and threats directed at or by employees or non-employees
- J) Forms of harassment
- K) Emotional abuse
- L) Other as defined by the situation

2. Workplace Violence Prevention Program (WPVP) Threat Team
 Town Safety Committee will function as the Workplace Violence Prevention Program (WPVP) Threat Team in making an assessment of the potential WPV incident. Department of Environmental Services and Department of Technical Services will assign personnel in each operating office to make this determination.

3. Hazard Assessment

The Town has identified three tier groups of potential workplace violence exposure. Tier 1 represents the higher level of exposure, Tier 2 having less exposure, and Tier 3 having little or no potential workplace violence exposure.

Tier 1 – Assessment:

- Exchanging money with the public
- Municipal court justice system
- Issuance of building permits, certificates of occupancy, and other Town code violations enforcement, parking, zoning, inspections
- Traveling alone with cash or checks to make bank deposits
- Other

Tier 2 - Assessment:

- Working alone, site visits, land development, off site meetings, etc.
- Working in high crime areas(not identified as frequent for Cortlandt)
- Working late at night, early morning hours
- Working away from Town Hall or other offices in scheduled routes of delivery or collection, mail delivery, refuse collection, snow and ice control etc.
- Guarding valuable sites or property
- Town Hall office staff who interface with the public.
- Other

Tier 3 – Assessment:

- All others not listed in Tier 1 or Tier 2
- All staff in this Tier would require a basic Workplace Violence Program Awareness course
- Other

These Hazard Assessments are further reviewed for the degree of vulnerability into these additional categories;

- Violence by strangers

- Violence by customers, residents, clients, and the public where there is legitimate and purposeful interaction intended
- Violence by co-workers and other personal relationships
- Other

Hazard Assessment will also further identify and list specific Town of Cortlandt job position and titles into one of the three Tiers listed above, in addition, coupled with a short job hazard assessment duty.

4. Workplace violence Hazard Control and Prevention

- a) Town Hall – Panic buttons, silent alarms were installed in each department and are monitored by a central alarm system. Once an alarm has been activated, Westchester County Police are dispatched and respond to Town Hall.
- b) Town municipal justice court – Two court officers are assigned to the Town Hall during court days to check in and conduct metal detection screening of individuals needing to access the Court.
- c) Department of Technical Services – Code Enforcement Office has a counter entry sign-in book.

Training and Education

The Town Board will authorize training to be done semi-annually for all Town employees who must be trained as per the exposure Tiers listed in section 3 Hazard Assessment.

Any new employees will be trained upon hiring.

Town Policy and the WPV Program will be included in the Employee Manual.

Incident Reporting, Investigation,, WPV Program follow-up and Evaluation

The Town would develop and implement a WPV reporting and investigation procedure. This would involve the employee completing the **WORK PLACE VIOLENCE POLICY INCIDENT REPORT FORM** (see attached), whether or not medical services beyond first aid were provided. **The employee's department head would be responsible for the initial receiving the report and initial WPV incident investigation to further determine the required course of action according to the Town's procedures.**

The Town WPV program would be reviewed annually and changes made accordingly.

WPV Recordkeeping

The Personnel Manager will be responsible for all record keeping:

1. Initial report by the employee
2. Follow up training and sign-in sheets
3. Course rosters, course outline, instructor qualifications
4. Incident reports and incident investigations.
5. Each Department/Division will also maintain a set of records for each employee making a report of an incident.

**Adopted by the Town Board on March 10, 2009
Resolution Number 88-09**

**WORK PLACE VIOLENCE POLICY
INCIDENT REPORT FORM**

1. EMPLOYEE NAME: _____ JOB TITLE: _____
2. EMPLOYEE ADDRESS: _____
3. HOME PHONE NUMBER: _____ WORK PHONE NUMBER: _____
4. EMPLOYERS NAME AND ADDRESS: _____
5. DEPARTMENT/SECTION: _____
6. INCIDENT DATE AND TIME: _____
7. INCIDENT LOCATION: _____
8. WORK LOCATION (if different): _____
9. TYPE OF INCIDENT: (circle one): Assault, Robbery, Harassment, Disorderly Conduct, Sex Offense, Other. (Please Specify)

(See attached - DEFINITION OF INCIDENTS WORKSHEET)

10. WERE YOU INJURED: (circle):

Yes No

If yes, please specify your injuries and the location of any treatment:

11. DID POLICE RESPOND TO INCIDENT:

Yes No

12. WHAT POLICE DEPARTMENT: _____

13. POLICE REPORT FILED:

Yes No

REPORT NUMBER: _____

14. WAS YOUR SUPERVISOR NOTIFIED:

Yes No

15. SUPERVISORS NAME: _____

16. WAS THE LOCAL UNION/EMPLOYEE REPRESENTATIVE NOTIFIED:

Yes No

Who should be notified _____

17. WAS ANY ACTION TAKEN BY EMPLOYER: (specify)

18. ASSAILANT/PERPETRATOR: (circle one): Intruder, Customer, Patient, Resident, Client, Visitor, Student, Co-Worker, Former, Employee, Supervisor, Family/Friend, Other, (specify):

19. ASSAILANT/PERPETRATOR - NAME/ADDRESS/AGE (if known): _____

20. PLEASE BRIEFLY DESCRIBE THE INCIDENT: _____

21. INCIDENT DISPOSITION: (Circle all that apply): No action taken, Arrest, Warning, Suspension, Reprimand, Other: _____

22. DID THE INCIDENT INVOLVE A WEAPON: Yes/no Specify _____

23. DID YOU LOSE ANY WORK DAYS:

Yes No

Specify _____

24. WERE YOU SINGLED OUT OR WAS THE VIOLENCE DIRECTED AT MORE THAN ONE INDIVIDUAL: _____

25. WERE YOU ALONE WHEN THE INCIDENT OCCURRED: _____

26. DID YOU HAVE ANY REASON TO BELIEVE THAT AN INCIDENT MIGHT OCCUR:

Yes No

Why: _____

27. HAS THIS TYPE OR SIMILAR INCIDENT(S) HAPPENED TO YOU OR YOUR CO-WORKERS:

Yes No

Specify: _____

28. HAVE YOU HAD ANY COUNSELING OR SUPPORT SINCE THE INCIDENT:

Yes No

Specify: _____

29. WHAT DO YOU FEEL CAN BE DONE IN THE FUTURE TO AVOID SUCH AN INCIDENT:

30. WAS THIS ASSAILANT INVOLVED IN PREVIOUS INCIDENTS:

31. ARE THERE ANY MEASURES IN PLACE TO PREVENT SIMILAR INCIDENTS:

Yes No

Specify: _____

32. HAS CORRECTIVE ACTION BEEN TAKEN:

Specify: _____

33. COMMENTS: _____

RETURN COMPLETED FORM TO:

Department Head: _____

CC: Claudia Vahey, Personnel Manager
Thomas Wood, Town Attorney

DEFINITION OF INCIDENTS

- 1. ASSAULT:**
The intentional use of physical injury, (impairment of physical condition or substantial pain) to another person, with or without a weapon or dangerous instrument.
- 2. CRIMINAL MISCHIEF:**
Intentional or reckless damaging of the property of another person without permission.
- 3. DISORDERLY CONDUCT:**
Intentionally causing public inconvenience, annoyance or alarm or recklessly creating a risk thereof by fighting (without injury) or in violent numinous or threatening behavior or making unreasonable noise, shouting abuse, misbehaving, disturbing an assembly or meeting or persons or creating hazardous conditions by an act which serves no legitimate purpose.
- 4. HARASSMENT:**
Intentionally striking, shoving or kicking another or subjecting another person to physical contact, or threatening to do the same (without physical injury). ALSO, using abusive or obscene language or following a person in about a public place, or engaging in a course of conduct which alarms or seriously annoys another person.
- 5. LARCENY:**
Wrongful taking, depriving or withholding property from another (no force involved). Victim may or may not be present.
- 6. MENACING:**
Intentionally places or attempts to place another person in fear of imminent serious physical injury.
- 7. RECKLESS ENDANGERMENT:**

Subjecting individuals to danger by recklessly engaging in conduct which creates substantial risk of serious physical injury.
- 8. ROBBERY:**
Forcible stealing of another's property by use of threat of immediate physical force. (Victim is present and aware of theft).
- 9. SEX OFFENSE:**
Public Lewdness: Exposure of sexual organs to others.
Sexual Abuse: Subjecting another to sexual contact without consent.
Sodomy: A deviant sexual act committed as in rape.
Rape: Sexual intercourse without consent.

RESOLUTION

NUMBER 28-21

(RE: AUTHORIZE TOWN OFFICIALS WHO SO DESIRE TO ATTEND THE ASSOCIATION OF TOWN'S VIRTUAL TRAINING SESSION FROM FEBRUARY 14th THROUGH FEBRUARY 17th, 2021)

RESOLVED, that Town Officials who so desire, be and they hereby are, authorized to attend the Annual Association of Town's Training Session and Conference being held virtually February 14 through February 17, 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 29-21

(RE: DESIGNATE REPRESENTATIVE AND ALTERNATE TO ATTEND THE ASSOCIATION OF TOWN'S VIRTUAL BUSINESS SESSION FOR 2021)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby duly designate the following named person to attend the Annual Business Session of the Association of Town's of the State of New York, to be held virtually during President's Week, 2021, and to cast the vote of the Town of Cortlandt, pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association:

**NAME OF VOTING DELEGATE: James Creighton
Town Councilmember**

AND, BE IT FURTHER RESOLVED, that in the absence of the above person so designated, the following named person be, and hereby is, designated to cast the vote of the Town of Cortlandt:

**NAME OF ALTERNATE: Richard Becker
Town Councilmember**

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 30-21

**(RE: AUTHORIZE SUPERVISOR TO EXECUTE ALL CONTRACTS
AWARDED BY THE PURCHASING DIRECTOR IN THE YEAR 2021)**

RESOLVED, that the Supervisor be, and she hereby is, authorized and directed to execute all contracts on behalf of the Town of Cortlandt awarded by the Purchasing Director as a result of the competitive bidding process during the year 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 31-21

**(RE: AUTHORIZE APPLICATIONS FOR POOL
PERMITS FOR THE YEAR 2020)**

RESOLVED, that the Town Board of the Town of Cortlandt, with offices at the Town Hall, One Heady Street, Cortlandt Manor, New York (10567), hereby authorizes John Palmiotto, Director of Recreation and Conservation Department to execute and deliver to the Westchester County Department of Health, for and on behalf of said Town Board, an application for a Permit to operate Swimming Pool Facilities at Charles J. Cook Park for the year 2021; and to execute and deliver any and all additional documents which may be appropriate or desirable in connection therewith.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 33-21

(RE: AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH WESTCHESTER COUNTY DEPARTMENT OF MENTAL HEALTH WITH RESPECT TO YOUTHFUL DRUG ABUSE PREVENTION PROGRAM FUNDING)

RESOLVED, that the Supervisor be, and she hereby is, authorized to execute an Agreement with Westchester County with respect to the receipt of funding for Youthful Drug Abuse Prevention Programs in the Town for the year 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 32-21

**(RE: AUTHORIZE STATE AID FOR YOUTH & SENIOR CITIZENS FOR THE YEAR
2021)**

RESOLVED, that the Director of Environmental Services of the Town of Cortlandt, Recreation Division, be, and the Director for the Office of the Aging hereby is, authorized to apply for **STATE AID FOR YOUTH and SENIOR CITIZENS**, and the Supervisor is hereby authorized to execute, on behalf of the Town, said applications and agreements for the year 2021 subject to approval of same by the Town Attorney.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 34-21

**(RE: AUTHORIZE INTER-LOCAL AGREEMENTS FOR NOR-WEST
REGIONAL SPECIAL SERVICES FOR THE YEAR 2021)**

RESOLVED, that the Supervisor be, and she hereby is, authorized to execute an **INTER-LOCAL AGREEMENT** between the Town of Cortlandt, Town of Ossining, Town of Yorktown, and the City of Peekskill, for the provision of a collective program of special recreational services for developmentally disabled individuals to be known as the **NOR-WEST REGIONAL SPECIAL SERVICES PROGRAM**; and

BE IT FURTHER RESOLVED, that this Agreement shall be effective for the calendar year 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 35-21

**(RE: AUTHORIZE EXECUTION OF ALL NUTRITION CONTRACTS
FOR THE YEAR 2021)**

RESOLVED, that the Supervisor be, and she hereby is, authorized to execute all **NUTRITION CONTRACTS** for the year 2021 between the Town of Cortlandt, and the County of Westchester; subject to approval thereof by the Town Attorney prior to signature by the Supervisor.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 36-21

**(RE: AUTHORIZE AN AGREEMENT WITH WESTCHESTER JEWISH
COMMUNITY SERVICES)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby Authorize an agreement with Westchester Jewish Community Services for consultation services.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 37-21

**(RE: AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT OF
COOPERATION WITH THE VILLAGES OF BUCHANAN & CROTON AND THE
TOWN OF PHILLIPSTOWN AND THE CITY OF PEEKSKILL COVERING
SHARED EQUIPMENT FOR 2021)**

WHEREAS, the various operating departments of the Village of Croton, Village of Buchanan, and the Town of Phillipstown, and the City of Peekskill and the Town of Cortlandt, have, on an informal basis over the years, borrowed each other's equipment, including but not limited to, trucks, buses, and other vehicles and equipment; and

WHEREAS, it is the desire of the Municipalities to formalize the process by which this sharing of equipment and vehicles is carried out; and

WHEREAS, it is the desire of the Town Board to provide for indemnification for liability purposes;

NOW, THEREFORE, BE IT RESOLVED, that once the referenced Inter-Municipal Agreement is executed, the Town's operating department heads and managers are hereby authorized to allow the use of Town equipment and vehicles by the Villages of Croton, and Buchanan the Town of Phillipstown, and the City of Peekskill in accordance with said Agreement covering the period from the date of the executed Agreement to December 31, 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 38-21

**(RE: AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENTS OF
COOPERATION WITH THE VILLAGES OF BUCHANAN & CROTON TO
PROVIDE THAT THE TOWN'S PURCHASING DIRECTOR WILL ADVERTISE
FOR BIDS ON BEHALF OF SAID VILLAGES)**

WHEREAS, it is the desire of the Town Board to cooperate, share, and coordinate expenses, and costs with the Villages with the Town as much as possible; and

WHEREAS, the Village of Croton-on-Hudson has utilized the Town's purchasing services over many years by using Town bids to purchase supplies and materials for similar purposes as the Town; and

WHEREAS, it is the desire of the Village of Croton-on-Hudson, and the Village of Buchanan, to authorize the Town's Purchasing Director, when advertising for bids on behalf of the Town, to include the Village of Croton-on-Hudson, and the Village of Buchanan as parties who may utilize the bids; and

WHEREAS, it is required by law that the **TOWN** have an agreement with the Villages to designate the Town Director of Purchasing as Purchasing Agent for the Villages;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute Agreements of Inter-Municipal Cooperation pursuant to the provisions of the General Municipal Law; and

BE IT FURTHER RESOLVED, that upon execution of the referenced Agreements by the parties thereto, the Town's Director of Purchasing be, and hereby is, authorized to advertise for bids in the name of the **TOWN OF CORTLANDT, THE VILLAGE OF CROTON-ON-HUDSON, and THE VILLAGE OF BUCHANAN**; said Agreements to commence and become effective from the date of execution, and to remain in effect through December 31, 2021.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 39-21

(RE: AUTHORIZE SUPERVISOR TO EXECUTE ALL PERSONAL SERVICE AGREEMENTS COVERING THE YEAR 2021)

RESOLVED, that the Supervisor be, and hereby is, authorized to execute all Personal Service Agreements and/or Contracts for the fiscal year 2021 for services provided to the various departments of the Town of Cortlandt; with an original of every such contract to be filed with the Town Clerk, and a copy thereof to be filed with the Town Comptroller by the Department receiving said services.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROU ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER **40-21**

**(RE: AUTHORIZE AN AGREEMENT WITH FISCAL ADVISORS AND
MARKETING INC. WITH RESPECT TO BOND ISSUES AND FINANCIAL
ADVISORY SERVICES)**

RESOLVED, that the Town of Cortlandt does hereby authorize an Agreement with Fiscal Advisors and Marketing, Inc. of 120 Walton Street, Syracuse NY 13202 on an as needed basis.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 41-21

**(RE: AUTHORIZE AGREEMENTS WITH THE CORTLANDT AMBULANCE
CORP, INC., CITY OF PEEKSKILL AND VILLAGE OF CROTON WITH
RESPECT TO CALLS WITHIN THE TOWN OF CORTLANDT)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize the Supervisor to execute Agreements with the Cortlandt Ambulance Corp, Inc., the City of Peekskill Ambulance and the Village of Croton with respect to calls within the Town of Cortlandt.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 42-21

(RE: AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENTS WITH WESTCHESTER COUNTY WITH RESPECT TO CDBG PROJECTS FOR THE YEAR 2021)

RESOLVED, that the Supervisor be, and hereby is, authorized to execute Contracts/Agreements with Westchester County for the fiscal year 2021 with respect to all CDBG projects.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 43-21

(RE: AUTHORIZING THE SUPERVISOR TO EXTEND A CONTRACT WITH WOODARD & CURRAN FOR GEOGRAPHIC INFORMATIONAL (GIS) AND TAX MAP SERVICES FOR 2021)

WHEREAS, a Request for Proposal entitled “RFP for GIS Services” was authorized by the Town Board on November 13, 2018 and was offered to over 60 firms, and

WHEREAS, the GIS Committee recommended the awarding of the professional services contract to Woodard & Curran, 709 Westchester Avenue, White Plains, New York, based on the evaluative criteria set forth in RFP #1-19, and

WHEREAS, by Resolution No. 49-19 adopted January 15, 2019 the Town Board authorized the execution of a contact with W&C for 2019 with three subsequent one year options, and the GIS Committee now recommends the Town Board execute the option to renew said contract, and

WHEREAS, the GIS Committee met in November of 2020 with W&C to discuss goals and content for the proposed 2021 contract renewal and recommends that the Supervisor execute the contract documents for 2021,

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the contract documents (subject to the approval of the same by the Town Attorney), with Woodard & Curran for year 2021 in an amount not to exceed \$64,000.

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly, if necessary.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2020
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 43-21

**RE: AUTHORIZE A CONTRACT FOR PROFESSIONAL ASSISTANCE WITH
CONTINUING TO EXPAND OUR SOCIAL MEDIA PRESENCE**

WHEREAS, the Director of Purchasing and Technology, The Information Technology Specialist and an assigned Social Media Committee have utilized the awarded contractor Thompson & Bender, Inc., 1192 Pleasantville Road, Briarcliff Manor, New York, at a cost of \$1,250.00 per month; and

WHEREAS, based on previous experience with the Town of Cortlandt that includes strategy, statistics, reporting, communications and an overall knowledge of the Community we recommend a one-year contract at a cost of \$1,250 per month;

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized to execute the contract documents and the Town Comptroller is authorized to amend the budget as necessary.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
at a Regular Meeting
held via Zoom**

RESOLUTION

NUMBER 45-21

RE: NYSDEC DAM SAFETY

RESOLVED that the Director of DOTS is hereby authorized to retain consultant services to update NYSDEC Dam Safety Documents for Westchester Lake Dam and seek State and Federal Grants regarding same.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 47-21

(EXTEND THE SENIOR CITIZENS' HOMEOWNER EXEMPTION AND DISABLED HOMEOWNER EXEMPTION)

WHEREAS, pursuant to Executive Order Number 202.83, the Governor authorized municipalities to pass a resolution authorizing the extension of the Senior Citizens' Homeowner Exemption and the Disabled Homeowner Exemption (collectively the "Exemptions") without any additional action required on behalf of the residents; and

WHEREAS, in past years, each resident would have to submit renewal paperwork annually; and

WHEREAS, after issuing Executive Order Number 202.83, the Governor signed the COVID-19 Emergency Eviction and Foreclosure Prevention Act (A11181/S9114) (the "Legislation") after it was approved during a special session of the Legislature; and

WHEREAS, as part of this legislation, municipalities are required to carry over the Senior Citizens' Homeowner Exemption (RPTL § 467) and the Disabled Homeowner Exemption (RPTL § 459-c) from the 2020 assessment roll to the 2021 assessment roll at the same levels with limited exceptions;

NOW, THEREFORE, BE IT RESOLVED that the Town Board extends the Senior Citizens' Homeowner Exemption and Disabled Homeowner Exemption.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 48-21

(AUTHORIZE THE TOWN OF CORTLANDT TO SOLICIT FEEDBACK FROM THE COMMUNITY FOR THE PROPOSED CORTLANDT PITCH AND EXECUTE A LETTER OF INTENT)

WHEREAS, the Town was recently informed that it is being awarded a \$3.2 million grant through the U.S. Department of Commerce’s Economic Development Administration (EDA) Assistance to Nuclear Closure Communities Program (the “Grant”); and

WHEREAS, the Grant is intended to facilitate economic development within the Town to offset the effects caused by the closure of the Indian Point Energy Center; and

WHEREAS, the Grant money will be used to build infrastructure at the Cortlandt Quarry Park Site; and

WHEREAS, part of the Town’s plans consists of leasing a portion of the Quarry Park Site to an indoor recreational facility specializing in soccer, referred to as Cortlandt Pitch; and

WHEREAS, Cortlandt Pitch fits the Town Board’s vision of a recreational facility that benefits the residents of the Town of Cortlandt and is not obtrusive to the character of the historic hamlet of Verplanck; and

WHEREAS, in addition to private recreation, Cortlandt Pitch has numerous proposed public benefits such as priority scheduling for town programs and schools, bathroom access for parents and kids using town fields, and youth and senior programming; and

WHEREAS, Town of Cortlandt officials plan to reach out to community groups in the coming weeks to obtain their feedback on the proposed Cortlandt Pitch in anticipation of a final vote on this matter during the Town Board’s February 2021 meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor will convene a meeting with local residents to discuss Cortlandt Pitch.

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign a non-binding letter of intent subject to approval by the Town Attorney’s Office.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 46-21

(AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE DOCUMENTS NEEDED TO EFFECTUATE A LAND DONATION FOR PORTIONS OF PARCELS 56.17-1-14 AND 56.17-1-15)

WHEREAS, the Supervisor and Town Board have made a concerted effort to increase Town-owned open space in order to provide additional recreational activities for its residents; and

WHEREAS, the Town open space includes what is known as the former Abee Rose property and other neighboring properties; and

WHEREAS, the Town is currently undergoing the process of linking the various trails in the Town; and

WHEREAS, the owner of parcels 56.17-1-14 and 56.17-1-15 recently approached the Town with a proposal to donate portions of each parcel to the Town; and

WHEREAS, these parcels are located adjacent to other open space owned by the Town of Cortlandt; and

WHEREAS, the Town believes that adding another approximately 30 acres of open space is in conformance with the Town's Master Plan and stated goals for increasing recreational opportunities within the Town;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is authorized to execute the necessary documents needed to effectuate a land donation for portions of parcels 56.17-1-14 and 56.17-1-15.

BE IT FURTHER RESOLVED that the owner of the Parcels is required to submit a donation plan subject to the approval of the Director of the Department of Technical Services before the Town Supervisor can execute any documents.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 47-21

(EXTEND THE SENIOR CITIZENS' HOMEOWNER EXEMPTION AND DISABLED HOMEOWNER EXEMPTION)

WHEREAS, pursuant to Executive Order Number 202.83, the Governor authorized municipalities to pass a resolution authorizing the extension of the Senior Citizens' Homeowner Exemption and the Disabled Homeowner Exemption (collectively the "Exemptions") without any additional action required on behalf of the residents; and

WHEREAS, in past years, each resident would have to submit renewal paperwork annually; and

WHEREAS, after issuing Executive Order Number 202.83, the Governor signed the COVID-19 Emergency Eviction and Foreclosure Prevention Act (A11181/S9114) (the "Legislation") after it was approved during a special session of the Legislature; and

WHEREAS, as part of this legislation, municipalities are required to carry over the Senior Citizens' Homeowner Exemption (RPTL § 467) and the Disabled Homeowner Exemption (RPTL § 459-c) from the 2020 assessment roll to the 2021 assessment roll at the same levels with limited exceptions;

NOW, THEREFORE, BE IT RESOLVED that the Town Board extends the Senior Citizens' Homeowner Exemption and Disabled Homeowner Exemption.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 48-21

(AUTHORIZE THE TOWN OF CORTLANDT TO SOLICIT FEEDBACK FROM THE COMMUNITY FOR THE PROPOSED CORTLANDT PITCH AND EXECUTE A LETTER OF INTENT)

WHEREAS, the Town was recently informed that it is being awarded a \$3.2 million grant through the U.S. Department of Commerce's Economic Development Administration (EDA) Assistance to Nuclear Closure Communities Program (the "Grant"); and

WHEREAS, the Grant is intended to facilitate economic development within the Town to offset the effects caused by the closure of the Indian Point Energy Center; and

WHEREAS, the Grant money will be used to build infrastructure at the Cortlandt Quarry Park Site; and

WHEREAS, part of the Town's plans consists of leasing a portion of the Quarry Park Site to an indoor recreational facility specializing in soccer, referred to as Cortlandt Pitch; and

WHEREAS, Cortlandt Pitch fits the Town Board's vision of a recreational facility that benefits the residents of the Town of Cortlandt and is not obtrusive to the character of the historic hamlet of Verplanck; and

WHEREAS, in addition to private recreation, Cortlandt Pitch has numerous proposed public benefits such as priority scheduling for town programs and schools, bathroom access for parents and kids using town fields, and youth and senior programming; and

WHEREAS, Town of Cortlandt officials plan to reach out to community groups in the coming weeks to obtain their feedback on the proposed Cortlandt Pitch in anticipation of a final vote on this matter during the Town Board's February 2021 meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor will convene a meeting with local residents to discuss Cortlandt Pitch.

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign a non-binding letter of intent subject to approval by the Town Attorney's Office.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 49-21

**(AUTHORIZE THE TOWN SUPERVISOR TO SIGN A LETTER OF INTENT WITH
THE PRINCIPAL OF MERCHANT'S DAUGHTER)**

WHEREAS, the Town was recently informed that it is being awarded a \$3.2 million grant through the U.S. Department of Commerce's Economic Development Administration (EDA) Assistance to Nuclear Closure Communities Program (the "Grant"); and

WHEREAS, the Grant is intended to facilitate economic development within the Town to offset the effects caused by the closure of the Indian Point Energy Center; and

WHEREAS, the Grant money will be used to build infrastructure at the Cortlandt Quarry Park Site; and

WHEREAS, a proposed Project is the Merchant's Daughter Cider distillery; and

WHEREAS, to progress the Project, the Principal of Merchant's Daughter has asked for a Letter of Intent from the Town of Cortlandt;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is authorized to sign a non-binding letter of intent with the Principal of Merchant's Daughter subject to the Letter of Intent being approved by the Town Attorney's Office.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 50-21

**(ACKNOWLEDGING THE THREE BILLS SIGNED BY THE GOVERNOR
PERTAINING TO THE INDIAN POINT ENERGY CENTER)**

WHEREAS, the Town’s elected officials have supported the community’s State Representatives with respect to proposed legislation pertaining to the Indian Point Energy Center (“IPEC”); and

WHEREAS, three bills were signed by the Governor on New Year’s Eve 2020;
and

WHEREAS, the first legislative bill, A10107/ S8204, permits Taxing Jurisdictions to enter into a PILOT agreement with the owner of a nuclear powered electric generating facility that “generates or formerly generated electricity”; and

WHEREAS, the second legislative bill, A10398/S8075, amends Sections 102 and 563 of the Real Property Tax Law, and it affirmatively states that spent fuel pools and dry cask storage systems storing nuclear fuel are assessable; and

WHEREAS, the third legislative bill, A10338/S7846, contains workforce requirements with respect to the transfer, lease, and decommissioning of IPEC;

NOW, THEREFORE, BE IT RESOLVED the Town Supervisor and Town Board acknowledge that these three laws have been signed by the Governor.

BE IT FURTHER RESOLVED that the Town Supervisor and Town Board commend Senator Peter Harckham, Assemblywoman Sandy Galef, and the Governor for enacting this legislation.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN, TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**

STATE OF NEW YORK

8204

IN SENATE

April 15, 2020

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to nuclear powered electric generating facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 485 of the real property tax law,
2 as added by chapter 87 of the laws of 2001 and as further amended by
3 subdivision (b) of section 1 of part W of chapter 56 of the laws of
4 2010, is amended to read as follows:

5 1. Nuclear powered electric generating facilities shall be exempt from
6 taxation, special ad valorem levies and special assessments to the
7 extent provided in section four hundred ninety of this article upon the
8 adoption of a local law granting such exemption by the legislative body
9 of the county, city, town or village in which such a facility is located
10 or by resolution following a public hearing of the governing body of the
11 school district in which such facility or facilities are located,
12 provided the taxing district may only exempt the facility from real
13 property taxes imposed by the taxing district granting the exemption.
14 The local law or resolution shall state the date on which such exemption
15 shall commence. A copy of such local law or resolution shall be filed no
16 later than thirty days after the adoption thereof with the clerk of each
17 municipal corporation in which the facility is located and with the
18 commissioner. For purposes of this section, nuclear powered electric
19 generating facility shall mean a facility that generates or formerly
20 generated electricity using nuclear power for sale, directly or indi-
21 rectly, to the public, including the land upon which the facility is
22 located, any equipment used in such generation, and equipment leading
23 from the facility to the interconnection with the electric transmission
24 system, but shall not include any equipment in the electric transmission
25 system.

26 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15671-01-0

STATE OF NEW YORK

8075

IN SENATE

March 16, 2020

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to including certain spent nuclear fuel within the definition of real property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 12 of section 102 of the real property tax law
2 is amended by adding a new paragraph (j) to read as follows:
3 (j) Spent fuel pools and dry cask storage systems in which nuclear
4 fuel is stored and is pending further or final disposal from a nuclear
5 power station following the permanent cessation of power operations of
6 such station.
7 § 2. The real property tax law is amended by adding a new section 563
8 to read as follows:
9 § 563. Real property used to store spent nuclear fuel. Notwithstand-
10 ing any other provision of law, real property, as defined in paragraph
11 (j) of subdivision twelve of section one hundred two of this chapter,
12 shall be assessable.
13 § 3. This act shall take effect January 1, 2021.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09459-08-0

STATE OF NEW YORK

7846

IN SENATE

February 26, 2020

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law and the public service law, in relation to establishing requirements for the transfer, sale, lease and any decommissioning activities of the Indian Point Nuclear Power Plant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 220-i to
2 read as follows:

3 § 220-i. Amounts due in the case of certain nuclear power plants. 1.
4 Notwithstanding any other provision of law to the contrary, any corpo-
5 ration, firm, company, partnership, limited liability company or associ-
6 ation with a contract to purchase the Indian Point Nuclear Power Plant,
7 or involved in any transfer or lease, as well as any decommissioning
8 activities, by the Indian Point Nuclear Power Plant of its franchise,
9 works or system or any part of such franchise, works or system shall
10 provide that employees of the Indian Point Nuclear Power Plant shall be
11 paid a wage of not less than the prevailing wage in the locality where
12 the Indian Point Nuclear Power Plant is located pursuant to section two
13 hundred twenty of this article.

14 2. Nothing in this section shall be deemed to diminish the rights,
15 privileges, or remedies of any current or former employee under any
16 other law or regulation or under any collective bargaining agreement or
17 employment contract.

18 § 2. The labor law is amended by adding a new section 231-a to read as
19 follows:

20 § 231-a. Prevailing wage in the case of certain nuclear power plants.
21 1. Notwithstanding any other provision of law to the contrary, any
22 corporation, firm, company, partnership, limited liability company or
23 association with a contract to purchase the Indian Point Nuclear Power
24 Plant, or involved in any transfer or lease, as well as any decommis-
25 sioning activities, by the Indian Point Nuclear Power Plant of its fran-
26 chise, works or system or any part of such franchise, works or system
27 shall provide that employees of the Indian Point Nuclear Power Plant

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15395-01-0

1 shall be paid a wage of not less than the prevailing wage in the locali-
2 ty where the Indian Point Nuclear Power Plant is located pursuant to
3 section two hundred thirty-one of this article.

4 2. Nothing in this section shall be deemed to diminish the rights,
5 privileges, or remedies of any current or former employee under any
6 other law or regulation or under any collective bargaining agreement or
7 employment contract.

8 § 3. Section 70 of the public service law is amended by adding a new
9 subdivision 8 to read as follows:

10 8. (a) No consent shall be given by the commission to the transfer,
11 lease, or sale of any franchise, works, system, stock, or bonds of a
12 nuclear power plant within sixty miles of a city with a population of
13 one million or more in accordance with this section unless it shall have
14 been shown that any transferee or purchaser corporation, firm, company,
15 partnership, limited liability company or association shall:

16 (i) maintain the current workforce through the conclusion of the
17 transfer, lease, or sale of such nuclear power plant and such workforce
18 shall be bound by any collective bargaining agreement applicable to such
19 workforce pursuant to the terms of such agreement, provided that to the
20 extent practicable such workforce shall also be maintained through
21 decommissioning, and also provided that the workforce providing security
22 services shall be maintained through the decommissioning and close of
23 such nuclear power plant and shall be bound by any collective bargaining
24 agreement applicable to such workforce pursuant to the terms of such
25 agreement;

26 (ii) in hiring any new employees, hire from a pool of current employ-
27 ees to the extent practicable and to the extent such employee's skills
28 meet the requirements needed;

29 (iii) enter into a labor peace agreement, with a bona fide labor
30 organization or labor organizations that are actively engaged in repres-
31 enting or attempting to represent the transferee or purchaser's employ-
32 ees and the maintenance of such a labor peace agreement or agreements
33 shall be an ongoing material condition of consent; and

34 (iv) comply with applicable labor laws including but not limited to
35 article twenty-five-A of the labor law.

36 (b) For the purposes of this subdivision, "labor peace agreement"
37 means an agreement between an entity and a labor organization that, at a
38 minimum, protects the state's proprietary interests by prohibiting labor
39 organizations and members from engaging in picketing, work stoppages,
40 boycotts, and any other economic interference with the entity.

41 § 4. This act shall take effect on the ninetieth day after it shall
42 have become a law; provided, however, that section three of this act
43 shall take effect immediately.

RESOLUTION

NUMBER 51-21

**(AUTHORIZE THE DIRECTOR OF PURCHASING TO SOLICIT BIDS FOR
SUMMER CAMP BUSSING SERVICE)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize the Director of Purchasing to solicit bids for SUMMER CAMP BUSSING SERVICES to be used by the Town of Cortlandt under the direction of the RECREATION DEPARTMENT.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
At a Regular Meeting
Held via Zoom**

RESOLUTION

NUMBER 52-21

RE: (APPOINT KENNETH SHERMAN TO THE TITLE OF ASSISTANT SUPERINTENDENT OF RECREATION IN ACCORDANCE WITH WESTCHESTER COUNTY CIVIL SERVICE)

WHEREAS, John Palmiotto, Recreation Superintendent has requested that the title of Assistant Superintendent of Recreation be approved for the Town of Cortlandt and that Kenneth Sherman, Recreation Supervisor II be appointed from the Civil Service list; and

WHEREAS, Westchester County Civil Service has approved the title of Assistant Superintendent of Recreation;

WHEREAS, Kenneth Sherman has taken the exam for the title of Assistant Superintendent of Recreation and John Palmiotto has requested that he be appointed from the Civil Service list; and

WHEREAS, the Town Board has agreed to said request; and

NOW, THEREFORE, BE IT RESOLVED, that Mr. Kenneth Sherman of 163 3rd Street, Buchanan, NY be and hereby is appointed to the title of Assistant Superintendent of Recreation. There will be no change in salary for this appointment. This is a probationary appointment for Civil Service purposes.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
at a Regular Meeting
held via Zoom.**

RESOLUTION

NUMBER 53-21

**(RE: AUTHORIZING AN INTERMITTENT LEAVE OF ABSENCE IN THE
DEPARTMENT OF D.E.S)**

RESOLVED, that the following employee is hereby approved for an intermittent leave of absence under FLMA effective the following date:

Employee ID # 517020 – Effective January 12, 2021 – January 12, 2022

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
at a Regular Meeting
Held Via Zoom**

RESOLUTION

NUMBER 54-21

**(RE: AUTHORIZING A LEAVE OF ABSENCE IN THE DEPARTMENT OF D.O.T.S. –
CODE ENFORCEMENT DIVISION)**

RESOLVED, that the following employee is hereby approved for a leave of absence under
FLMA retroactive to the following dates:

Employee ID # 364500 – Effective December 14, 2020 – December 31, 2020

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on January 12, 2021
at a Regular Meeting
Held Via Zoom**

RESOLUTION

NUMBER 55-21

(ACCEPT RESIGNATION OF EMPLOYEE NUMBER 199370)

WHEREAS, after conducting an internal investigation, the Town of Cortlandt suspended Employee Number 199370 (the “Employee”) without pay; and

WHEREAS, thereafter, the Town commenced termination proceedings; and

WHEREAS, the Employee’s Union, AFSCME Council 66 Local 2343 filed a grievance with the Town requesting that the Employee be reinstated with back pay; and

WHEREAS, the Employee is willing to resign and waive any right to future retirement benefits and not to proceed with the grievance procedure;

NOW, THEREFORE, BE IT RESOLVED that the Town of Cortlandt accepts the Employee’s Resignation Letter effective October 22, 2019 (the “Resignation Letter”).

BE IT FURTHER RESOLVED that the Town recognizes the Employee’s acknowledgment that he is not entitled to any future benefits paid by the Town.

BE IT FURTHER RESOLVED that for the purposes of Civil Service classification, the Employee will be reinstated for immediate resignation pursuant to the Resignation Letter.

BE IT FURTHER RESOLVED that the Resignation Letter shall be filed in the Office of the Town Clerk.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted January 12, 2021
At a Regular Meeting
Held via Zoom**