

APRIL 10, 2012

MINUTES OF THE FISCAL AND REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD APRIL 10, 2012 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, COMMENCING AT 6:30 P.M...

PRESENT: **MRS. EVELYN WOOD, SUPERVISOR**
MR. CHARLES BILLS, COUNCILMAN
MR. AL VASAK, COUNCILMAN
MRS. REBECCA HITCHCOCK, COUNCILWOMAN

ABSENT: **MR. LEON GALUSHA, COUNCILMAN**

Recording secretary: **Cynthia R. Hyde**, Town Clerk

FISCAL MEETING: The Town Board reviewed all claims.

BOARD MEETING: The regular town board meeting was called to order by **Evelyn Wood, Supervisor**.

PLEDGE ALLEGIANCE TO THE FLAG

ROLL CALL

REPORTS

HIGHWAY CONTRACT: **Councilman Bills** said that the highway contract is still being hashed out.

FOOD PANTRY: **Councilman Vasak** reported that the food pantry received donations from Rachel Gebler and from the Girl Scouts. **Vasak** stated that the next gleaning would be May 7, 2012 at 1pm.

HIGHWAY: **Councilman Vasak** said that the highway crew has been working on the Combs Road washout along with sweeping and grading roads.

LANDFILL: **Councilman Vasak** said that the C+D permit should be renewed May 1, 2012. **Vasak** stated that the landfill bins need to be repaired or replaced. **Supervisor Wood** said that we need to find out who owns the bins first. **Vasak**

added that metal bin needs to be emptied and the garbage container needs to be moved away from the fence.

OCCUPANCY TAX: **Councilwoman Hitchcock** reported that the occupancy tax committee has been working on the town wide garage sale.

DEFENSIVE DRIVING COURSE: It was noted that the defensive driving course was filled.

APPROVAL OF THE MINUTES: On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Vasak**, the minutes from the March 13, 2012 regular meeting were approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

CLAIMS: On a motion by **Councilman Vasak**, seconded by **Councilman Bills**, payment of vouchers #193, 213 thru 243 and 245 thru 258 were approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

CORRECTION TO 01/03/2012 MINUTES: The Town Clerk noted that on page 8 resolution # 3 is missing the name of the Councilman who seconded the motion to approve Resolution #3. **Councilman Vasak** seconded the motion to approve resolution #3 at the 01/03/2012 Organizational meeting.

SUPERVISOR'S REPORT:

Supervisor Wood stated that Town of Thurman's refuse has drastically decreased since garbage pickup was discontinued. The amount of non-processible haul is similar to last year. **Wood** has been keeping a close eye on town trash figures.

Supervisor Wood said that she would attend a broad band symposium tomorrow.

OLD BUSINESS: None

NEW BUSINESS: A letter of interest in the meals on wheels position was received from **Sare Hall**. On a motion by **Councilwoman Hitchcock**, seconded by

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Councilman Bills, the Town Board approved **Sare Hall** as the new paid meals on wheels driver.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

EXECUTIVE SESSION: On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Bills**, the Town Board went into executive session to discuss collective negotiations under the Taylor law and matters related to proposed litigation at 6:57 pm.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, the Town Board came out of executive session at 7:22 pm with no action being taken.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

SIGN: **Councilman Vasak** asked for an update on the sign for the Town Hall proposed by **Councilman Bills**. **Supervisor Wood** said that they had 2 quotes and needed one more before moving forward.

RESOLUTION # 13:

Resolution Establishing Rules of Procedure

BE IT RESOLVED that the Town Board of the Town of Thurman adopts the attached Rules of Procedure for its meetings.

On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, the Town Board approved Resolution # 13.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

RESOLUTION #23:

Resolution Authorizing training

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***BE IT RESOLVED** that Evelyn Wood and Lester Losaw are authorized to attend the Association of Towns' Annual Finance School on May 3 & 4, 2012.*

On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Bills**, the Town Board approved Resolution # 23.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

CYBER SECURITY: The Town Board looked over a computer system security breach notification policy template supplied by the Association of Towns.

Supervisor Wood said that all towns have to pass one. (See attached)

TOWN CLERK OFFICE HOURS: **Councilman Vasak** said that the town clerk's office hours made it difficult for some people to buy garbage bags. **Vasak** said that he had heard numerous complaints about this and wanted to make a motion, to hold a public hearing, to pass a local law, which would allow the town board to set the hours the town clerk's office was open. On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, the Town Board decided to hold a public hearing about the town clerk office hours. No date was set.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

PRIVILEGE OF THE FLOOR:

Marilyn Youngblood gave a short presentation on Lyme disease and said that she would leave Lyme disease reading material on the table in the hall.

Jerry said that he was having trouble buying garbage bags because by the time he was out of work during the week the town hall and the landfill were closed and since he worked weekends he couldn't get to the landfill then either. **Jerry** thought the board should have continued garbage pickup but required the garbage to be in purchased Thurman bags.

Mr. Shapiro observed that some residents were leaving their ACE garbage containers by the road 24/7 and said that it wasn't attractive. **Mr. Shapiro** wondered if the town board could do anything about this.

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Jerry added that this problem would be solved if garbage was picked up by the town.

Joyce Eddy said that if the town board had used common sense we wouldn't have these problems. **Mrs. Eddy** stated that the board did not listen and was still not listening and that this garbage issue had cause a lot of dissention.

ADJOURNMENT: On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, the meeting was adjourned at 7:50 pm.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

Respectfully Submitted:

Cynthia R. Hyde, Town clerk ~ 04/24/2012

Attached:

Resolution Establishing Rules of Procedure

Proposed Town of Thurman

Computer system security breach notification policy (template supplied by New York State Association of Towns)

Town of Thurman

Rules for Procedure at Public Meetings

Town Board meetings are required to be held in public for the purpose of allowing the public to observe the meetings. The law does not require that a Town Board set aside time at regular meetings for public comment, except for the case of public hearings. Public participation is the purpose of a public hearing, which is required prior to the adoption of a local law or ordinance and in other cases, as specified by law.

The Town Board believes that a public comment period should be scheduled for each meeting. However, it believes that it is important that all periods of public input - whether they are public hearings or a public comment period – should abide by a set of rules that are designed to ensure that good order and civility is maintained at meetings. The purpose of

the public comment period is to discuss Town business only. Individual problems, concerns or questions of the public should initially be addressed to the Town Supervisor's office, rather than be brought up at Town Board meetings. This will allow the Supervisor to gather the necessary information and/or personnel to address those concerns. If those concerns are not addressed to the satisfaction of the individual, then redress by the entire Town Board may be the next option.

REGULAR TOWN BOARD AGENDA

While an agenda is not required, the Town Board believes to the extent possible, an agenda should be prepared before a regularly scheduled meeting. The agenda is prepared by the Town Supervisor. Items for the agenda shall be given to the Town Supervisor by the close of business on the Thursday before the next regularly scheduled Town Board Meeting and should be provided by the close of business on the day prior to the Town Board Meeting. If a person desires to be placed on the Agenda they should notify the Supervisor's Office in writing of the subject to be discussed. Such request should be provided by the close of business the Thursday prior to the meeting. Any audio/visual or similar equipment to be used to support the comments or issues of a speaker must be approved by the Town Supervisor at least 24 hours before the regularly scheduled Town Board meeting.

Correspondence

All correspondence to the Town Board shall be acknowledged at a regular meeting of the Town Board. Letters shall not be read aloud at meetings. Correspondence shall not be printed in the minutes unless it is specifically requested.

Minutes

The minutes shall include all activities and considerations of the Town Board. Minutes shall be prepared in accordance with the Laws of New York State and shall be prepared in draft form within 14 days of the meeting and posted on the Town's website marked 'DRAFT' until approved by the Town Board. After approval the 'DRAFT' notation shall be removed. If a Town Board member requests a statement be entered into the minutes verbatim, the Town Clerk shall do so.

TOWN BOARD

- The Town Supervisor, or in his absence, the Deputy Town Supervisor, is the Chairman of every Town Board meeting. As such, it is the Town Supervisor's right and responsibility to direct meetings and make decisions that will, in his/her judgment, inure to the benefit of all those attending;
- Town Board members must be recognized by the Town Supervisor before making motions and speaking.
- A member, once recognized, shall not be interrupted when speaking unless to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.
- There is no limit on the number of times a member may speak on a question.
- A member may, with permission of the Town Supervisor, interrupt a speaker during their remarks, but only for the purpose of clarification and information.
- All members shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Nothing contained herein shall be construed to limit the rights and responsibilities of a Town Board to conduct meetings under the Laws of the State of New York and the United State of America. Through these rules, it is the intent of the Town Board to offer general guidelines that it believes will make attending Town Board meetings more effective, efficient and enjoyable to the Members of the Town Board and the public in general.

PUBLIC COMMENT PERIOD/PUBLIC HEARING/SPECIAL

MEETING

- The Town will provide, to the extent practical, a Comment period;
- Except for the case of Public Hearings or special Public Information Meetings, the Comment portion of the meeting is the only time when comments will be permitted by the public, unless a person is otherwise recognized by the Town Supervisor;
- The Comment Period is an opportunity for the public to address Town business. The Town Supervisor, as Chairman of the meeting, shall determine if the matter being discussed is Town business.
- The Comment Period, Public Hearing or Special Public Information meetings are designed for comments only. At the appropriate time any questions, comments and/or opinions will be taken by the Town Supervisor. Where appropriate, the Town Supervisor may respond directly or direct the question, comment or opinion to the appropriate person to respond.
- Each speaker during the Comment Period, Public Hearing or Special Meeting must state his or her name and the subject he or she will be addressing.
- Each speaker during the Comment Period, Public Hearing or Special Meeting is limited to speak once, three minutes in length, which rule will be enforced by the Town Supervisor. Any request of extension of this time limitation must be made to the Town Supervisor who has the discretion to extend the time to speak. In the case of Public Hearings, and at the discretion of the Town Supervisor, speakers may be allowed to speak a second time, once everyone has been allowed to speak once.
- Comments by speakers must be addressed to the Town Supervisor. Attendees should not address the Town Board until recognized by the Town Supervisor.
- Discussion between speakers and attendees of the Comment Period is prohibited, unless directed by the Town Supervisor. A speaker may disagree with or support prior speakers.
- Speakers should present their remarks in a courteous manner.
- Placards, banners, or other signs are not permitted in meeting rooms, nor are the distribution of flyers.
- If, in the opinion of the Town Supervisor, comments by a member of the public during the Comment Period, Public Hearing or Special Public Meeting are not related to Town business or in any other way violates these Rules, the Town Supervisor will notify the speaker to either re-direct his/her comments to Town business or otherwise follow the Rules. If the individual persists to violate these Rules, he/she will be asked to stop speaking.
- A person who has been asked to stop speaking because he/she has violated these Rules more than twice has demonstrated his/her inability to speak on the Comment Period, Public Hearing or Special Meeting and may forfeit that privilege for all future meetings.

- If after a final warning, the speaker refuses to step down, the Town Supervisor may have the person removed from the Town Board meeting room. The authority for this action is Section 240.20 of the Penal Law.

**TOWN OF THURMAN
COMPUTER SYSTEM SECURITY BREACH
NOTIFICATION POLICY**

1. PURPOSE. This Computer System Security Breach Notification Policy is intended to alert individuals to any potential identity theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security breach. This Policy is consistent with and adopted pursuant to New York Technology Law Section 208.

2. DEFINITIONS. The following terms have the following meanings:

(a) "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure. In determining whether information has been acquired or is reasonably believed to have been acquired by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

(1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

(2) indications that the information has been downloaded or copied; or

(3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

(b) "Consumer reporting agency" means any person or entity which, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies may be obtained upon request to the State Attorney General.

(c) "Department" means any board, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town.

(d) "Personal Information" means any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.

(e) "Private information" means personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) social security number;
- (2) driver's license number or non-driver identification card number; or
- (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from Town records.

(f) "Town" means the Town of Thurman, County of Warren.

3. DISCLOSURE OF BREACH TO AFFECTED PERSONS. Any Town Department that owns or licenses computerized data that includes private information must disclose any breach of the security of the system to any individual whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in paragraph 5 below, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The Town shall consult with the State Office of Cyber Security and Critical Infrastructure

4. Coordination to determine the scope of the breach and restoration measures.

5. DISCLOSURE OF BREACH TO OWNER OR LICENSEE. If the Town maintains computerized data that includes private information which the Town does not own, the Town must notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

6. PERMITTED DELAY. Notification pursuant to this Policy may be delayed if a law enforcement agency determines that notification could impede a criminal investigation. The notification must be made after the law enforcement agency determines that notification would not compromise any criminal investigation.

7. METHOD OF NOTIFICATION. The required notice must be directly provided to the affected individuals by one of the following methods:

- (a) written notice;
- (b) electronic notice, provided that the person to whom notice is required to be

provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

(c) telephone notification, provided that a log of each telephone notification is kept by the Town; or

(d) substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 or that the number of individuals to be notified exceeds 500,000, or the Town does not have sufficient contact information.

Substitute notice must include all of the following:

(1) e-mail notice, when the Town has an e-mail address for the subject persons;

(2) conspicuous posting of the notice on the Town's web page; and

(3) notification to major state-wide media.

8. INFORMATION REQUIRED. Regardless of the method by which notice is provided, the notice must include contact information for the Town and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, acquired.

9. NOTIFICATION OF AGENCIES.

(a) Whenever any New York State residents are to be notified pursuant to this Policy, the Town must notify the State Attorney General, the Consumer Protection Board and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.

(b) Whenever more than 5,000 New York State residents are to be notified at one time, the Town must also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.