

Minutes of the Town Board Meeting held by the LaFayette Town Board on April 10, 2006 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette

Present: Norman Paul, Deputy Supervisor  
David Knapp, Councilman  
Thomas Bailey, Councilman  
William McConnell, Councilman  
Adrian Shute, Councilman

Absent: Gregory Scammell, Supervisor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Kevin Gilligan, Town Attorney  
Marshall Taylor, Assessor/Clerk  
Tom Chartrand, Bookkeeper  
Clay & Anne Smith  
Jim Moore, DCO  
Bill Meyers, County Legislature  
Mr. & Mrs. Shannon  
Jerry Marzo, Optimist Club  
Kurt Donath, Troop 115  
Joshua Donath, Troop 115  
David Donath, Troop 115  
Caleb Donath, Troop 115  
John Dunkle, Town Engineer  
Greg Long, Optimist Club  
Frank Gordnier, Optimist Club  
Rich Roorda, Optimist Club  
Stan Grzymala, Optimist Club  
Chris Grzymala  
Jim Wolf, Optimist Club  
Doug Drumm, Optimist Club  
Pat Keefe, Informational Officer  
John Lytle  
John MacDaniel, Optimist Club  
Arthur Fritz

1. Dept. Supervisor Paul called the meeting to order at 6:34 p.m.
2. The Town Clerk took the Roll. Supervisor Scammell absent. All else present.

3. Councilman McConnell welcomed Boy Scout Troop 115 who were here as part of their citizenship badge. Caleb Donath led the Pledge to our U.S. Flag.

4. The March 27, 2006 Meeting Minutes were reviewed.

Councilman Shute is confused. He voted no to the proceeding and yes to the bonding. Before we adopt the Minutes, he would like to be sure about it. He voted no for the water district.

John Dunkle said Councilman Shute voted no to form the district. The vote was 4 to 1 so the district was formed. Now that the district has been formed, the resolutions are to try to get funding. He believes that is what this vote is for, to move forward to seek funding for the district.

Kevin Gilligan said Councilman Shute voted yes for the bonding resolution at the last meeting.

Councilman Shute said we had one absent at the last meeting so Councilman McConnell couldn't vote. He asked if it was possible for him to change his vote to an abstention.

Kevin Gilligan said he would have to vote yes or no. If he should change the vote, the Board would have to wait for everyone to be in attendance as it would require 4 votes.

Councilman McConnell said if Councilman Shute should change his vote to no, we would have to wait to decide this at the next meeting.

Kevin Gilligan said correct and you would waste the money you have spent to publicize it. This authorizes the town to borrow up to 1.4 million dollars. The intent is to borrow less than that when we get grant moneys coming in. This resolution authorizes the town to bond for the money to complete the two projects. Once you pass it, you submit it to the bond counselor in NYC and publicize it in the paper. After 20 days, you are up and running and waiting for approval of the district and then the construction project could begin.

Member Shute said by changing his vote now, we would be incurring an extra cost to post this.

Kevin Gilligan said it would have to be republished.

Councilman Shute said we can go ahead with this then.

**Councilmen Knapp moved and Bailey seconded the motion to accept the March 27, 2006 Town Board Regular Meeting Minutes as amended deleting Councilman McConnell's name from voting. Voting was as follows:**

<b>Norman Paul, Dep. Supervisor</b>	<b>Voted</b>	<b>Nonvoting</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Abstained</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed.**

5. **PUBLIC HEARINGS.** None.

6. **COMMUNICATIONS.**

**A. Residents.**

Councilman Knapp noted we have a representative from the County Legislature here tonight. He introduced Bill Meyers. Bill represents the north side. He has just announced that he is running for the 121<sup>st</sup> Assembly seat which is currently held by Assemblyman Brown who will be running for the Senate.

**B. LaFayette After Prom Committee: Thanks for support.**

**C. Fred's Locksmith & Home Repair Service: door paddle quote.**

**D. LaFayette Central School District: Thanks for support of Varsity Girls Volleyball Team.**

**E. NYS Canal Corporation: NYS Canal System 2006 boating fees eliminated.**

**F. NYS DEC, SHPO & State Departments: Grant applications.**

Councilman Knapp said brownfields are highly contaminated areas and he doesn't think we have any in the town.

**G. Onondaga County Legislature: 4.4.06 agenda.**

**H. NYS Senator John DeFrancisco: Local assistance for Town of LaFayette.**

**I. Other.**

Dep. Supervisor Paul said we have a request for funding for the Memorial Day Parade from the VFW.

Dep. Supervisor Paul said we are in receipt of a letter from Zangari's dated April 4, 2006 which Ralph Lamson will be responding to.

○ **ODCAY nominations/recognition**

Councilor McConnell said each year Onondaga County Dept. of Aging and Youth takes nominations for special community members. On behalf of the Town of LaFayette Town Board, I wish to nominate Mr. Walter A. Shannon and the LaFayette Apple Festival Essay Contest for the 2006 Outstanding Intergenerational Program award.

Mr. Shannon has unselfishly given hundreds of hours of his time to lead this magnificent program for 25 years and the results transcend three generations of LaFayette's youth.

His program challenges our community's 4-6<sup>th</sup> grade students enrolled at Grimshaw Elementary School to write an essay with the theme of providing ideas on how they would improve world relations. This program has ignited our students to author essays that promote the

appreciation of cultural differences by studying international relations, learning a new language, and using diplomacy for conflict resolution.

All of the children who enter this contest are winners! First, one student from each grade is selected by a committee as the overall essay winner and they receive their awards before the entire school population. Second, by virtue of Walt Shannon's devotion to our youth, each student has become a new ambassador fostering better worldwide relations. Walt's "seeds of diplomacy and understanding" will surely grow for generations to come.

Walt Shannon stands tall in our community's pyramid of volunteers. He is an 86 year old United States Army veteran who fought courageously during the Battle of the Bulge, volunteers weekly at the Syracuse Veterans Administration Hospital, leads the annual Veterans of Foreign Wars Chapter 1955 Essay Contest promoting patriotism at LaFayette Junior / Senior High School, and he is also a retired LaFayette Central School system Guidance Counselor. He's devoted his lifetime to volunteerism on behalf of mankind.

It's with great honor, that the Town of LaFayette nominates Mr. Walter A. Shannon and the LaFayette Apple Festival Essay Contest for your sincere consideration. Thank you.

Councilor McConnell presented Mr. Shannon with a Certificate of Appreciation from the Town.

Walt Shannon said he would like to make a statement of humility. He introduced his wife because without her willingness to stand by all the crazy hours and all the inconveniences to their married life, none of this could be made possible. He thanked her very much. Secondly, in regard to the LaFayette Apple Festival, there are some very important people involved here that are volunteers. If he may, he will accept this for all of the volunteers of the LaFayette Apple Festival. He gave the Board a handout of the History of the LaFayette Apple Festival.

Councilor McConnell said: On behalf of the Town of LaFayette Town Board, I wish to nominate Mr. Jerald Marzo for the 2006 Adult Volunteer Working With Youth in the Community Award.

Mr. Marzo is an active member and current Board Member of the LaFayette Optimist Club. But even more importantly, he's been the Optimist Club Stafford Park Committee Chairman for many years. Stafford Park is a town owned facility that offers a great range of recreational opportunities to our entire community. However, the park's greatest emphasis is to ensure that the Optimist Club Charter of "bringing out the best in kids by providing positive service projects aimed in providing a helping hand to youth" is met year in and year out.

Jerry Marzo truly epitomizes the Optimist Club Mission Statement of "providing hope and positive vision, to bring out the best in children". Jerry leads, directs, plans, and literally gets "his hands dirty" with this committee that has put thousands of dollars in improvements and equipment into this park over the years of his stewardship.

These projects offer opportunities for over 300 children annually who enjoy the use of several ball fields to include baseball, soccer, and lacrosse, tennis courts, a basketball court, playground equipment, a pavilion, support facilities, and a fishing pond. Jerry has a direct hand in the efforts that allow an annual fishing derby, winter festival, and numerous other youth specific events to be held each year. Jerry has certainly gone above and beyond the call each and every time that a helping hand is needed. He exemplifies the true volunteer who seeks no

rewards for himself but only works to bring out the best in the kids! Our community is blessed to have a volunteer such as Jerry.

Jerry Marzo and his committee have saved the town thousands of dollars each year in our budget by volunteering their time and efforts at no cost to the taxpayers. Our children reap the rewards because those tax dollars are now placed in our recreational department budget that ensures our robust youth programs remain so. In fact, Jerry recently brought forth a proposal to the Town Board seeking grant funding to replace aging playground equipment and offer a wider variety of new equipment that would hopefully provide \$40,000 worth of improvements to our park.

It's with great honor, that the Town of LaFayette nominates Mr. Jerald Marzo for your sincere consideration. Thank you.

Councilor McConnell presented Jerry Marzo with a Certificate of Appreciation from the town.

Jerry Marzo said it isn't often he gets duped but tonight he got duped. This is an honor for one person but there are 45 members of the Optimist Club. He thanked Leon Cook who gets a lot of things done after they have left. He thanked the Board for the award, he appreciates it.

The Board took a short recess for refreshments.

7. **SPECIAL REPORT – Mr. Clay Smith, former Town Supervisor – Town offices heating system.**

Clay Smith said it's a pleasure to be here tonight. It's so nice to be here and see everybody. He is going to talk about heat pumps. They were selected for this building at a time when they were very popular to use and at a time when natural gas wasn't available. Because of cheap fuel becoming available instead of electricity, etc., there's a little bit of different attitude today about putting in a heat pump. Another thing people have found out is that we are right at the edge of being able to use one due to icing up of the pumps. There's a reliability problem that as the units age, they become more and more of a challenge to the building owner. With the age of the units we have in this building, we have reached that stage and now we have natural gas available. He is proposing to get rid of a high maintenance device. We can switch so we run in the summer as a conventional air conditioner and turn it off in the winter and provide the heat to the building with a gas powered boiler using the existing ductwork system. With one boiler we can serve the whole building. We have backup because if it goes down for a short period of time, we can use the heat pumps as backup while we fix the boiler. It involves putting in 4 new coils and 4 new units. It would be one boiler which burns natural gas. By having a closed combustion system and a system that can be protected by a chainlink fence, you have a very safe system. You would have to run a little bit of ductwork that doesn't exist in the current system. You could gain another 5-6% on efficiency. It will take about 2 months to buy, approve and install. It will lower the cost to operate the heating system by about \$4,500. It will probably cost between \$5,000 and \$8,000 to install the system. It would be a much more reliable system.

Dep. Supervisor Paul asked if each system would be a stand-alone system.

Clay Smith said the system that supplies the cool air will also be the same system that will deliver the warm air in the winter that is heated by the boiler. Pretty much everything that will happen will happen downstairs in the equipment room.

Councilman Knapp asked if the ductwork would remain the same.

Clay Smith said yes except where a coil will have to be put in. He has stated the situation, tried to find out what its operating costs might be and checked out equipment from a health, safety and noise standpoint. The boiler he is proposing is very solid. Because of results and the simplicity of it, this system is a favorite.

Councilman McConnell asked what he felt the annual savings a year would be.

Clay said in the range of \$15,000.

Councilman McConnell asked the estimated cost of putting this system in.

Clay is sure it would be less than \$8,000.

Councilman Bailey asked if we were able to do an energy study of current energy resources.

Clay said oil is a little more or a little less at times. There are huge differences in fuel costs within a month during the past year. Our new utility won't project energy prices until they see a settling down of the market. Natural gas is all over the place right now.

Dep. Supervisor Paul asked if when Clay sets the bid up, it would be the suggested manufacturer and material as one bid.

Clay said if the Board wishes him to do it that way, he can. It guides the contractor towards doing what you want but it can also cost you a little money. The best way to do it right now is to have three companies that have been making reliable equipment and have them duke it out.

Dep. Supervisor Paul asked if it can be limited because of the dollar figure to three companies. Are we talking about a public bid or RFP?

Clay said on a public bid you can. As a professional engineer in New York State, he would set a bid up so anyone in New York State can bid on it.

Councilman McConnell said he is obligated under law to do that.

Clay said yes he is.

Marshall Taylor thinks the Procurement Policy reads anything less than \$10,000 requires 3 bids.

Kevin Gilligan asked if they will be installing it as well as selling it to us.

Clay said yes.

Kevin Gilligan said it's a public works bid then which is under \$20,000.

Dep. Supervisor Paul said this will be tabled until the next meeting.

Councilman McConnell would suggest bringing a draft to the next meeting for the Town Board to review.

### **SPECIAL REPORT – Councilman Shute – Chamber of Commerce**

Councilman Shute said they had their second meeting of the Chamber of Commerce last Monday. Two things he wanted to bring back to the Town Board were:

1) The signs that Leon had brought into the Board for the entry to the town. Everyone liked the designs, however, he thinks they decided the wooden signs would be preferable to the tin or aluminum ones. He will try to get a couple of quotes for them.

2) They discussed the construction that will be coming up on Route 11. All the business owners were concerned how it will affect their business, how long it will be, what will the outcome be like, etc.

Dep. Supervisor Paul said Monday or Tuesday there was a voicemail from the NYSDOT on Supervisor Scammell's phone and Supervisor Scammell is supposed to return the call.

Councilman Knapp asked Leon Cook if he knew anything about this.

Leon said they don't know yet what they are going to do. It's in the engineering stage.

Councilman Knapp said they are looking at a turning lane and resurfacing Route 11 with some shoulders, etc.

Dep. Supervisor asked if they would have informational meetings before this happens.

Councilman Knapp said yes.

Councilman Shute said they are advising people who have businesses there not to make any changes to their property without telling them what they are going to do.

Leon Cook said another problem is the drainage. They are going to have to make a lot of changes regarding drainage.

Councilman Knapp asked if they are a couple of years out with this yet.

Leon said yes.

Kevin Gilligan said the Board should make record that the supervisor was asked to write a letter opposing the turning lane as it would ruin the character of the neighborhood.

Councilman Knapp said he can see why they are warning people but how many years out are we talking?

No one knew.

## 8. **REPORTS.**

### **A. Departmental (4<sup>th</sup> Monday).**

#### **1) Assessors: Mary Doster, Marshall Taylor & Jim Munnell.**

##### **• Town wide property revaluation.**

Councilman Paul said there was a mailing that was going to go out regarding cleanup days.

Councilman Knapp said Leon has put together the mailing about the cleanup days and so the first question was with it being advertised in so many other places, do we still need to do it?

Leon said there are so many people that don't get the paper. We have been doing this for a long time. When people come in with a trailer or pickup load and say they didn't see anything in the paper, what does the Town Board want him to tell them? What does the Board want him to do? Does the Board want him to send them back? If you send them back out, it will be dumped between the dump and the main road. We are almost forced if they come in to put it in the pile and we will have to pay the \$68/ton to get rid of it. You will be right back to what he said it would cost at budget time. People are use to the service we have given them. Now cutting this out, we are cutting out about 1/3 of what they can bring.

Councilman McConnell said if Leon believes this should be done, lets do it. Since the reval has been such a hot topic in the community, one of the things that has been brought up over time is regarding LaFayette's value and why we are doing the reval now, etc. There are facts that need to come out. He would recommend putting a letter regarding the reval out with the cleanup letter.

Councilman Bailey said it would make sense. If we have a mailing like this going out, this should be included with it rather than doing two mailings.

Councilman McConnell said this has been brewing for two-three weeks. He thinks a letter going out would answer some of the questions.

Marshall Taylor asked who would be taking questions regarding this letter.

Councilman McConnell said it will be signed by the Town Board so he would think the Town Board would.

Councilman Knapp said we would want the assessors to review this letter before it goes out.

Marshall Taylor said there were only about 200 people that came in to talk to Mr. Fitts. He has only given out about 4 of the grievance books.

Councilman McConnell asked Marshall about a veterans exemption. Marshall will look into it.

**Councilmen McConnell moved and Knapp seconded the motion to put together a small one-page letter to attach to the Highway Cleanup Day letter regarding the reveal. Motion passed unanimously.**

John Lytle recommended putting this information on the website.

**2) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**

- 1. 2300 – 2330 Route 11 South, across from LaFayette Rural Cemetery, numerous violations.**
- 2. Route 11N (just north of town offices) – 2 autos, visible from LPL parking lot, spring removal.**
- 3. 2805 Route 11A. Business in A-R.**
- 4. 3715 Eager Road – fire damage, unsafe building.**
- 5. Clark Hollow Rd.**

**3) Dog Control: Jim Moore & J. Terry Moore.**

Dep. Supervisor Paul asked Jim Moore if he received a letter regarding a dog barking, etc.

Jim Moore said it's about people not knowing what the town laws are.

Dep. Supervisor Paul said Jim Moore's son will be going into the service and will be going to Iraq.

Jim said he has another gentleman lined up to take his son's spot as Deputy Dog Control Officer.

**a) Constable status and authorization to carry, insurance letter from Reagan Insurance.**

He doesn't know if the Board got a letter from Reagan Insurance or not. The last time he talked to the agent, the agent didn't have a problem with him carrying his weapon. Supervisor Scammell said when he talked to them, they didn't have a problem with it.

Councilman McConnell asked if his carrying a weapon was just for safety.

Jim Moore said one reason is if a dog is chasing deer and the other reason is under the dangerous dog law. Any dog that attacks a person, domestic animal or livestock can be destroyed. His own personal opinion is that it would be a good idea. He has a small hide-away

pistol he would carry in his ankle holster. Law enforcement cannot always get there in time. It's a matter of time before an animal or person gets torn up.

Dep. Supervisor Paul doesn't know if we can act on this until we get something in writing from the insurance agency saying they are O.K. with this.

Jim Moore asked if Kevin Gilligan had heard anything.

Kevin Gilligan said the last he remembers is the supervisor contacted the agency and asked for a letter.

Dep. Supervisor Paul asked if we can appoint a Deputy DCO without advertising the position.

Kevin Gilligan said probably. He asked if it was a part-time position.

Dep. Supervisor Paul said yes.

Councilman Knapp said the current one is going to be deployed to Iraq.

Councilman McConnell said he would like to meet the individual that Jim would recommend. It would be good if the candidate can attend the next Town Board Meeting and if Jim can submit some credentials prior to that meeting.

**b) Emergency care - contract.**

Jim Moore said the emergency care contract needs to be signed and mailed out.

Dep. Supervisor Paul will check on this

**c) Local law adoptable w.harsher fines for dropping/dumping dogs & cats.**

**o Increase Resolution**

Jim Moore said we had discussed upping the fines for dropping off of dogs or cats in the Town of LaFayette. He believes the fines should be raised to \$500.

Councilman McConnell said he wasn't here for that. How many people are charged with this yearly.

Jim Moore said it would be 1/10 of 1%. He said this is under the Ag. & Markets Law.

Kevin Gilligan said it will probably be a local law that needs to be introduced. He asked Jim to get him the information so it can be set up for the next Town Board Meeting.

Councilman McConnell asked if when he sees him around town is he always out patrolling or does he keep the signs on vehicle all the time.

Jim said he keeps them on all the time. You would be surprised how many people come up to him.

Councilman Knapp asked what is going on with the barking dog complaint.

Jim Moore said a lady on Webb Rd. had no idea her dog wasn't allowed to bark. The neighbor sent an anonymous letter about it. The resident figured out who sent the letter and after he had gone over there and spoke to her about the barking dog, she wrote the lady a letter apologizing as she didn't understand the law.

Councilman Knapp said so it's resolved.

Jim said yes.

Marshall Taylor asked the Board to return to the assessors section of the agenda. The question Councilman McConnell asked about 40-001. It is about the veterans exemption that use to be allowed but isn't any more. All you can get today is combat or non-combat exemptions. If you were originally given this exemption, you will have it until you die but you cannot receive it anymore.

Marshall said the article in the last Newsletter signed by the assessors is not from them. The article reads about the Board of Review and the date is incorrect in stating you have to have your grievance in by April 15<sup>th</sup>.

- 3) Highway Superintendent: Leon Cook.**
  - a) LaFayette Landfill – LFD Total Training Facility proposal (parking, engineer opinion, water retention) JD & KG feedback.**
  - b) Clark Hollow & Cascade Road (KG)**
  
- 4) Justice Court: Malcolm Knapp & Maureen Perrin.**
  
- 5) Library Director: Scott Kushner.**
  
- 6) Recreation Director: Regina Reinschmidt.**
  
- 7) Tax Collector: Teresa Mech.**
  
- 8) Town Clerk: Mary Jo Kelly.**
  
- 9) Town Supervisor: Greg Scammell.**
  - a) Intermunicipal Shared Services/Cooperation & Consolidation, 2005 Onondaga Citizens League study (revised due date 03.06), Southern Onondaga County towns.**
  - b) Shared Municipal Services Incentive Grant Program, 10% matching.**

**Committee (2<sup>nd</sup> Monday).**

The Board moved ahead on the agenda to the Water Districts.

John Dunkle said now that the districts are approved, we are taking several steps to obtain funding for them. We are making several applications.

John Dunkle said authorization is needed to submit a loan application to USDA-RD for funding.

Councilman McConnell said you are talking about one for 38 years rather than 20 and asked the overall cost?

John Dunkle said when we find out what financing is available, that will be a decision the Board will have to make. Right now we want to cast our net as wide as we can.

Councilman McConnell said this is a search phase.

John said correct.

Councilman Shute said in the original district approval, didn't it say the people would be paying \$780/year. He understands we are not taking the loan but only seeing if it's available but he sees a problem if the residents are only obligated to pay \$780/year for 20 years and we have a 38 year loan.

Councilman McConnell thought when we moved on this district, we were obligated to a 20-year timeframe.

Kevin Gilligan said we could amend this at a later date. Bond counsel said the only thing the state comptroller cares about is the annual cost. If you jump it to 38 years, it drops the annual cost.

John Dunkle said it would drop it from \$780/year to less than \$500.

Councilman Shute is concerned about how many people would have signed up for the district if they thought they would be paying for it for 38 years rather than 20.

Kevin Gilligan said they have been asking for guidance from bond counsel on this. They have advised we can just amend it.

John Dunkle said if we do find out we can get the 38 years loan, a public hearing might be needed to get input from the public. Right now this is just to see if we are able to get it. It does make a big difference in people's budget.

Councilman Bailey asked if the 38 year number is a rigid fixed number.

John said yes.

**Councilmen McConnell moved and Knapp seconded the motion to authorize John Dunkle to submit an application to USDA-RD for the Northeast LaFayette/Smokey Hollow Water Districts. Motion passed unanimously.**

**Voting was as follows:**

<b>Norman Paul, Dep. Supervisor</b>	<b>Voted</b>	<b>Nonvoting</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed.**

Art Fritz said under USDA there is also a grant program.

John Dunkle said the Town of LaFayette does not qualify for the grant program as the income levels are too high.

Art Fritz said he wanted to be able to thank John Dunkle as the volunteerism side of the activity has dropped greatly. They appreciate the professionalism.

John Dunkle said the next authorization needed is to submit a loan application to NYSDWRF. This is a New York Drinking Water State Revolving Fund. We are on the list. They provide low-interest and no-interest loans for 20 years and they also provide short-term funding for engineering, etc. This application is for a short-term 3-year no-interest loan to cover legal and engineering up to \$250,000. We are already on the list for the long term program.

**Councilmen Knapp moved and McConnell seconded the following Resolution:**

**RESOLUTION AUTHORIZING DWSRF APPLICATION  
AND AGREEMENT FOR PROJECT FINANCING  
NEW YORK DRINKING WATER STATE REVOLVING FUND**

**WHEREAS, the Town of LaFayette herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as : Northeast LaFayette/Smokey Hollow Water District and identified as DWSRF Project Number 1748 herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and**

**WHEREAS, the United State, pursuant to Title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), 42 U.S.C. subsection 300f, et seq., as amended (the “Act”), requires each State to establish a drinking water revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Act; and**

**WHEREAS, the State of New York has, pursuant to Chapter 413 of the Laws of 1996 (the “DWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a drinking water revolving fund (the “Fund”) to be used for purposes of the Act; and**

**WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and**

**WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the DWSRF Act; and**

**WHEREAS, the DWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;**

**NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of LaFayette as follows:**

- 1. The filing of an application for DWSRF assistance in the form required by the Corporation in conformity with the DWSRF Act is hereby authorized, including all understandings and assurances contained in said application.**
- 2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for DWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act**

**in connection with the Project and to provide such additional information as may be required and to make agreements on behalf of the Applicant as may be required:**

- **Gregory Scammell, Town Supervisor**
- 3. The official designated above is authorized to make application for financial assistance under the DWSRF Program.**
  - 4. One (1) Certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
  - 5. This Resolution shall take effect immediately.**

**Voting was as follows:**

<b>Norman Paul, Dep. Supervisor</b>	<b>Voted</b>	<b>Nonvoting</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed.**

John Dunkle said the third authorization needed is to submit an application for approval of the Northeast LaFayette Water District to the NYS Comptroller.

Kevin Gilligan said this just authorizes the supervisor to send this to the comptroller.

John said now that the district has been formed, we can't do anything else without this.

**RESOLUTION OF THE TOWN BOARD AUTHORIZING SUPERVISOR TO MAKE APPLICATION TO THE NEW YORK STATE COMPTROLLER TO CREATE THE NORTHEAST LAFAYETTE WATER DISTRICT IN THE TOWN OF LAFAYETTE, ONONDAGA COUNTY**

**Councilman Knapp moved and Councilman McConnell seconded the following resolution.**

**WHEREAS, the Town of LaFayette Town Board on march 13, 2006 pursuant to Article 12 of the Town Law approved the establishment of the Northeast LaFayette Water District in the Town of LaFayette, County of Onondaga, State of New York; and**

**WHEREAS, pursuant to Town Law Section 194, upon adoption of such a resolution and order the Town is required to make application to the New York State Department of Audit and control (NYS Comptroller) for permission to create and District in compliance with the statutes in such cases and pursuant to NYCRR Part 35; and**

**WHEREAS, the Board desires to direct and authorize the Supervisor to make such application.**

**NOW THEREFORE BE IT RESOLVED, that the Town of LaFayette Town Supervisor is hereby authorized and directed to make application for permission to create the Northeast LaFayette Water District in the Town of LaFayette, Onondaga County, new York pursuant to Article 12 of the Town Law in accordance with Town Law Section 194 and 2 NYCRR Part 35; and it is further**

**RESOLVED AND ORDERED,**

- a. Stating that the attached Application was prepared at the direction of the governing Board;**
- b. That the Board believes the contents of the Application to be accurate.**
- c. That the Board has determined that the improvement, district, extension, or expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and**
- d. If the cost of the proposed improvements is to be assessed in whole or in part against a benefited area, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property has been excluded.**

**RESOLVED AND ORDERED, this Resolution and Order shall take effect immediately.**

The question of the adoption of the foregoing order was duly put to a vote and, upon roll call, the vote was as follows:

<b>Deputy Supervisor Paul</b>	<b>Voted</b>	<b>Nonvoting</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**The foregoing was thereupon declared duly adopted.**

John Dunkle said the next item needed is an approved inter-district agreement between the Northeast LaFayette Water District and the Smokey Hollow Improvement Water District. He doesn't want to have to submit two applications to every agency nor have two construction projects.

Kevin Gilligan said Rural Development requires this.

Councilman Knapp said his immediate question is where does that leave us in the hopeful event that we get some grant money in? Where does that put us as far as dividing the funds?

John Dunkle said there is wording that it would be divided proportionately.

Kevin Gilligan reviewed the resolution.

**Councilmen Knapp moved and McConnell seconded the motion to create the following inter-district agreement between Northeast LaFayette and Smokey Hollow Water District to create one entity for applications, funding distribution, and project administration:**

**AGREEMENT BETWEEN THE NORTHEAST  
LAFAYETTE WATER DISTRICT AND THE  
COYE ROAD WATER DISTRICT AKA  
SMOKEY HOLLOW WATER DISTRICT RELATED  
TO WATER DISTRIBUTION COSTS AND FINANCES**

**WHEREAS, residents living in the territory of the Northeast LaFayette Water District (hereinafter ANELWD@), Town of LaFayette, have been served by the East Syracuse Water District as direct customers and the Village of East Syracuse has also serviced the existing Coye Road Water District aka Smokey Hollow Water District (hereinafter ASmokey Hollow Water District@) and provided water to each; and**

**WHEREAS, the customers of NELWD, the Smokey Hollow Water District and the Town of LaFayette have been advised by the Village of East Syracuse that it will terminate maintenance of service lines and provision of water service to this area of the Town of LaFayette; and**

**WHEREAS, the Town of LaFayette has taken steps to form the NELWD and is in the process of obtaining State Comptroller approval for formation of this district; and**

**WHEREAS, the infrastructure of the former service lines for the area to be served by the NELWD are in disrepair and are in need of replacement; and**

**WHEREAS, the Smokey Hollow Water District is an existing district also located in the Town of LaFayette, with no current debt; and**

**WHEREAS, the infrastructure of the Smokey Hollow water District is also in disrepair and in need of replacement; and**

**WHEREAS, the Onondaga County Water Authority (OCWA) has represented that it possesses the capacity and ability to adequately supply the parties to this agreement with potable water at pressure and in volume necessary to accommodate the needs of these parties well into the future; and**

**WHEREAS, OCWA has proposed to furnish the parties to this agreement with an adequate supply of potable water for further distribution to the NELWD and the Smokey Hollow Water District and to their respective customers; and**

**WHEREAS, it is estimated that the total cost of replacement of the water systems and hookup to OCWA for the two districts is \$1.4 million, with the respective costs being \$1,231,000 for the NELWD and \$170,000 for the Smokey Hollow Water District; and**

**WHEREAS, the NELWD and the Smokey Hollow Water District wish to enter into this agreement for the purpose of coordinating financial matters concerning the two projects with respect to grants and borrowings,**

**NOW THEREFORE, it is agreed by and between the parties herein, in consideration of their mutual promises, covenants, benefits and other valuable consideration, as follows:**

- 1. The two water districts, through the Town of LaFayette, shall combine their efforts to seek grants, financial assistance and other financial assets needed to complete construction of the two water district replacement and connection projects (hereinafter the AProject@).**
- 2. Any grant money and financing obtained by the Town for the Project shall be applied proportionately between the districts, in such manner that the resulting annual cost to the typical property owner will be the same for those residing in both districts.**

- 3. **As an exception to the above, the Onondaga County Community Development Grant for 2006, will not be part of this sharing agreement, but shall inure to the benefit of the Smokey Hollow Water District only, in order to bring its per unit costs in line with NELWD per unit costs.**
- 4. **It is understood and agreed that this agreement is expressly conditioned upon any needed approval for the creation of the NELWD by the New York State Comptroller=s Office.**
- 5. **The term of this agreement shall extend for so long as there is any debt outstanding for the Project.**

**Voting was as follows:**

<b>Norman Paul, Dep. Supervisor</b>	<b>Voted</b>	<b>Nonvoting</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed.**

John Lytle said it was his understanding of their discussion that the money would go to the Smokey Hollow Improvement District first until they all had equal payments

John Dunkle said the last authorization needed is to proceed with the archeological evaluation with an outside consultant. We are in an archeological sensitive area and he knows we will need approval from SHPO. He would like the Board to approve contracting with an outside group to do the archeological study.

Councilman Knapp asked if this is needed even though we are working on what was already disturbed ground?

John Dunkle said we have tried this before and we will still need the archeological study.

Councilman Knapp asked if the residents will be without water while the old system is torn out and the new system is put in.

John said no. There will be a temporary by-pass. No one will be without water for more than 8 hours.

Councilman Shute asked what Phase 1 means.

John Dunkle said there are 4 phases in an archeological study. Phase 1 is the lightest level. He has contacted two archeologists and asked for proposals from them. He would recommend the Board go with Alliance Archeological. They have provided a range of costs from \$4,900 to \$7,900. They are within our proposed budget.

**Councilmen Shute moved and Knapp seconded the motion to contract with Alliance Archeological to do the archeological evaluation for the Northeast LaFayette and Smokey Hollow Water Districts.**

Councilman Knapp said we are going to front this money.

John Dunkle said to date between Kevin Gilligan and himself, they have spent about \$50,000. Because the district has not been approved and because we don't have any financing in place, the town has paid these costs out of the town budget. They had a meeting and the budget can't afford any more upfront funding other than the archeological study. There will be no more work done until we get financing of some sort. The town can no longer afford these costs.

Councilman McConnell said this money is already is put out and the town is waiting for the comptrollers opinion.

John said once the financing is in place to start the engineering and the legal documents, it will take about 3-4 months.

Councilman Knapp said this will put the town pushing \$60,000. What's the possibility that the comptroller is going to say no?

John Dunkle said we have to jump through some hoops to get the comptrollers approval but he doesn't think there will be a problem. The town is definitely taking a risk in supporting the residents requests. All work will stop now as to not put the town in any greater risk than where we are at right now.

Councilman McConnell thinks we need to contact East Syracuse about our time-frame.

John Dunkle has already contacted the County Health Dept. who advised they will contact East Syracuse.

**The above Motion passed unanimously.**

Councilman Bailey asked if there will be some expression regarding the degree of urgency that we are at replacing an existing structure and not just putting in a new one out of the blue.

John Dunkle said this will be in the cover letter.

John Lytle thinks this is one of the things they can work on from their end by having some of the elected officials write letters.

## **B. COMMITTEE**

### **1) Agriculture (DK/MK).**

### **2) Communications & Technology (MF/PK/MK/MT/GS).**

#### **a) Town Website.**

#### **b) Transition to Digital Towpath.**

- **Parallel operations.**
- **Website – townoflafayette.org (now is townoflafayette.com). Secure additional .gov?**
- **Town email addresses (tolxxxxx@aol.com to tolxxxx@??) – conversion & new.**
- **File transfers.**

### **3) Economic Development (BM/GS).**

- 4) **Emergency Response (TB/BM).**
  - a) **LFD exhaust vents – '06 AFG grants (TB).**
  - b) **Onondaga County Department of Communications - OCICS.**
  - c) **NYS PSC – TSP (Telecommunications Service Priority) (BM).**
  
- 5) **Employee Policies & Benefits (MK/AS/MD).**
  - **Implement employee-share healthcare premium increase.**
  
- 6) **Environmental & Conservation Advisory Board (RB, BF, KF, WG, EG, NM).**
  - **2006 Tent Caterpillar assessment.**
  - **SPDES subcommittee – tba.**
  
- 7) **Highway (PP/LC/DK/SP/JG).**
  - a) **Long term capital equipment forecast.**
  - b) **Road maintenance schedule.**
  - c) **Spring Cleanup Program – no wood burned.**
  - e) **Computer terminal in highway garage.**

Leon Cook said under Safety, they have 8 hours of OSHA training tomorrow. Councilman Knapp asked if they are doing this with some of the other towns. Leon said 5 towns are meeting at the Tully Meeting House for this.

Dep. Supervisor Paul asked about the complaint on Clark Hollow Rd.

Leon Cook said the end result is that the resident is going to try to do the best he can. He asked for the supervisor to come down and he would show him what he's facing.

Dep. Supervisor Paul said he drove by Saturday to see what is going on.

Leon said the resident had a tube of insulage and he would drive up the side of the road with the machine that kicks it out and feeds the animals. He uses a skid loader and this makes a rut in the road. They have the same thing in Cardiff. They have another problem on Route 11 south.

Councilman Knapp said officially this comes under Ag. & Markets.

Leon said that is right. He has talked to them and they are doing the best they can do.

- 8) **Physical Plant (HS/DK/BM).**
  - a) **Heating/Cooling system alts & new temperature controls, Ph. 1 report, Clay Smith, P.E.**
  - b) **Energy usage reduction program, MEGA & town buildings (BM).**

Dep. Supervisor Paul thinks we could buy motion sensors for the ladies room and the archives so the lights would go on and off automatically.

Councilman McConnell will look into this.

- 9) **Recreation & Youth (DK/AS/RR).**
  - a) **Marion Bailey Park.**

1. **Pavilion - local estimates, future park design.**
2. **Install grills – Spring, ‘06.**
- b) **LaFayette Beach.**
  1. **Evaluate survey/transfer LaFayette Beach from LCC to town.**
  2. **Roof over sandbox (Herb Salladin). Bids. (DK).**
  3. **Repair/move lacrosse box.**
  4. **Port-a-john**
- c) **Fred Stafford/Optimists Park.**
  1. **Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.**
    - **Tully-\$12k – materials only (all volunteer labor).**
  2. **Geese & feeding – signs (PP) (DK).**
  3. **Bird problems – remove light (see PP) (DK).**

Councilman Knapp requested Mary Jo to see if the dumpsters can be placed at the park the last week of April as long as we are not charged a full month for them. He thinks the recycling would just be more of an expense.

Councilman Bailey doesn't think having the one receptacle will solve the problem.

**Councilmen Knapp moved and Bailey seconded the motion to place dumpsters at the park beginning the last week of April through the end of October. Motion passed unanimously.**

Councilman Knapp said Regina Reinschmidt wondered if Paul Puttkamer would open the bathrooms at the concession building when he opens the other bathrooms up. He will ask Paul about this.

**Councilmen Knapp moved and McConnell seconded the motion to appoint Paul Puttkamer as Dep. Physical Plant Officer to commence working May 1, 2006 and end working October 31, 2006. Motion passed unanimously.**

Leon Cook said the signs are ordered for the geese.

Councilman McConnell said the Optimist Club's goal is to start with the playground equipment in the spring of 2007. They are hoping their fundraising and any grant money we get will go towards this.

Councilman Shute believes the way we set up the Community Development Grant was so the first year we won't get any funding for the playground equipment.

Councilman McConnell said that is correct. This would be the first year. He and Jerry Marzo are trying to get together to submit information for both Bailey and Stafford Parks.

Councilman Shute asked about the information for funding that was sent around regarding green space. He thinks it was for about \$750.

- d) Park designs.**
  - **Parkitects.**

**10) Safety (TR/AS/LC/RR).**

Councilman Shute discussed the crash bar for the front door.

**11) School District liaisons (BM/PP).**

Jamesville-DeWitt passed the resolution for the exemptions for the firemen. Kevin Gilligan said the comptroller hasn't given us information on this yet.

**12) Senior Transportation & Housing (BO/GS).**

**13) Service Awards (BM/DK/LP/NV).**

- **Firefighters Tax Exemption Law (Onondaga County Supervisors Association memo).**
- **Requirements for service awards & tax exemption reconciliation.**

Councilman McConnell said we received a bill from Penflex for \$500. When the Board approved the LFD's switching to this company, this was the result. The LFD was not aware of this cost either. They are going to have a meeting in the near future.

Dep. Supervisor Paul asked what they based this on.

Councilman McConnell said they based it on 45 participants at \$12 each. They will be set up as individual accounts. The LFD was not aware of this either.

Councilman Shute asked if this is an annual maintenance fee or a one-time fee.

Councilman McConnell said it's a one-time fee. On April 25<sup>th</sup> the LFD and he will be meeting. He would recommend passing this bill along to be paid. He encouraged the Board to go through the Executive Summary provided. For the 6 people that were dropped from the roll this year, the money will go into the fund and offset this payment. We will wait for the Supervisor to return before sending out the letters.

Councilman Shute asked if Councilman McConnell is sure the participant fee is not an annual fee.

Councilman McConnell said yes.

**14) SOTS & OCRRA Liaison (DK/BM).**

**15) Water (GS/PP).**

- a) **U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) cosponsor for 33% share of \$7.2M.**

**b) Northeast LaFayette Water and Smokey Hollow Service Improvement districts.**

- **Grants and low/no interest loans.**

This was discussed above.

**c) Hamlet drainage study – request submitted to NYS DOT.**

- **NYS DOT notified of subsidence behind M. Amidon’s property.**

**16) Zoning Review (GS/MK).**

**a) Jamesville Reservoir Preservation District/JRPA change.**

**b) New instruction sheet for subdivision, variances & controlled site approval (note riparian rights/drainage, SOCPA meets every 3 weeks, public notification of neighbors, applicants without counsel/surveyor/engineer, meeting frequency, include Onondaga County subdivision filing requirements, riparian rights) .**

**c) Corridor Plan.**

**d) Digitized zoning map, correction & amendments.**

**e) Density (rezoning from A-R to Rn).**

**9. LITIGATION & OTHER LEGAL MATTERS.**

**A. Onondaga Nation land claim & land rights.**

**B. William May mobile home on Jamesville Reservoir. County court rules in town’s favor.**

- **NYS Supreme Court petition.**

**C. Robert Shute – Route 11 – Judge Gideon, Town of DeWitt Court.**

**D. Street names – SOCPA.**

**10. UNFINISHED BUSINESS & ACTIVE PROJECTS.**

**A. FOCUS 2010 - Strategic Plan.**

**B. Crime coverage – awaiting document review list (TC), certification letter, review of town books.**

**C. LaFayette Hotel (executive session).**

- **Historical status rejected.**

**D. School speed limit signs (AS/BM).**

**E. Community Development Grant app.**

**1) Water district.**

**2) Water district hookups.**

**3) Park designs (SU &/or playground equipment manufacturers- Parkitects)**

- **Bailey Park.**
- **LaFayette Beach.**
- **Stafford Park.**

**4) Neighborhood/Transportation infrastructure.**

**F. Groth Road Communications Tower – neighboring towers & wireless carriers.**

**G. Street name – SOCPA (KG).**

**H. '07 Budget.**

- **Crash bar on front door (safety – AS).**

**I. SPDES – MS 4 Phase II, in kind.**

**J. NYS Unified Court System – Justice Court Assistance grants (DK).**

**K. Association of Towns, 2006 Legislative Program (review 19 resolutions).**

**L. Onondaga County proposal for centralization of tax collection.**

**M. Other.**

Councilman Knapp said the letter from Kevin Gilligan regarding the training tower at the landfill basically stated the landfill is a bad place for the training tower. Is there a better place?

Dep. Supervisor Paul said he knows DeWitt has one in Jamesville Quarry.

**11. NEW BUSINESS.**

- **Dumpsters for parks (blue bins included?).**

This was discussed above.

- **Appoint Marshall Taylor – Assessment Clerk (Civil Service title change).**  
**Councilmen Knapp moved and Bailey seconded the motion to appoint Marshall Taylor the Assessment Clerk effective immediately and through December 31, 2006. Motion passed unanimously.**

- **Appoint Paul Puttkamer – Deputy, Physical Plant (5/1/06-10/31/06).**  
This was discussed above.

Councilman Shute said he received a letter back from the DOT stating they would have their engineer come out and study the situation at Grimshaw School. They have done this 3 times before with the same result. He thinks we have to wait for this to happen before we can do anything further.

Councilman Knapp asked if there is a way we can ask them to come out at 8:00 a.m.

Kevin Gilligan said you can ask them but he doesn't know if they will do it or not.

Councilman Shute said at the last meeting, we discussed getting a deputy out here to review the situation. He called Capt. Bronstad who has been out for the last 2 weeks. He is due back next week. Councilman Shute left a message for him to call him.

Councilman Knapp said the state police were out there one morning and got quite a few vehicles.

Councilman Bailey thinks it would be good if law enforcement steps up the speed enforcement and those results are sent on to the DOT. It might help.

Kevin Gilligan said you could also do a traffic study.

Councilman Knapp asked if it has to be a certified person that does it.

Councilman Bailey thinks it should be a certified person.

**Councilmen Knapp moved and Bailey seconded the motion to support the 2006 Memorial Day Parade in the amount of \$250. Motion passed unanimously.**

**Councilmen Knapp moved and McConnell seconded the motion to install a new paddle with latch on the front door of the LaFayette Commons Office Building for an amount not to exceed \$420.00. Motion passed unanimously.**

The Board discussed a memo from Kevin Gilligan regarding Street Cyber Security.

Kevin Gilligan said the state is requiring every town and village in New York State to pass this policy. It basically deals with if someone hacks into our computer system. This law requires us to give notice first to the people who might have been compromised and to certain officials in the state.

## **TOWN OF LAFAYETTE RESOLUTION**

**The following resolution was offered by Councilman Bailey, who moved its adoption, seconded by Councilman Knapp, to wit:**

**WHEREAS, the State of New York has added Section 208 to the State Technology Law, effective December 7, 2005. Said section requires local municipalities to develop notification policies consistent with Section 208; and**

**WHEREAS, it will be in the best interest of the residents of the Town of LaFayette to establish a Cyber Security Citizens’ Notification Policy consistent with Section 208 of the State Technology Law.**

**NOW THEREFORE, in consideration of the foregoing, it is hereby**

**RESOLVED, THAT AS OF April 10, 2006, the Town of LaFayette hereby adopts the attached Cyber Security Citizen’s Notification Policy for the Town of LaFayette.**

**The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:**

<b>Dep. Supervisor Paul</b>	<b>Voted</b>	<b>Nonvoting</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**The foregoing resolution was thereupon declared duly adopted.**

**Cyber Security Citizens’ Notification Policy  
For the Town of LaFayette**

- A. This policy is consistent with the State Technology Law Section 208, as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to affected new York residents and non-residents. New York State values the protection of private information of individuals. The town of LaFayette (hereinafter referred to as the “municipality”) is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual’s private information in compliance with the Information “Security Breach and Notification Act and this policy.**
- B. The municipality, after consulting with the State’s Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual’s private information through unauthorized disclosure.**
- C. A compromise of private information means the unauthorized acquisition of unencrypted computerized data with private information.**
- D. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.**

- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.**
  
- F. The municipality will notify the affected individual directly by one of the following methods:**
  - 1. Written notice.**
  
  - 2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form.**
  
  - 3. Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or**
  
  - 4. Substitute notice, if the municipality demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:**
    - a. E-mail notice when the municipality has an e-mail address for the subject persons;**
  
    - b. Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and**
  
    - c. Notification to major statewide media.**
  
- G. The municipality must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.**
  
- H. The municipality must notify the Attorney General and the Consumer Protection Board whenever notification to a New York resident is necessary as to the timing, content and distribution of the notices and approximate number of affected persons.**
  
- I. Regardless of the method by which notice is provided, the notice must include contact information for the municipality making the notification 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, so acquired.**

- J. This Policy also applies to information maintained on behalf of the municipality by a third party.**
- K. When more than 5,000 New York residents must be notified at one time, then the municipality must notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.**

**Definition**

- A. Consumer Reporting Agency: Any person 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. The state attorney general is responsible from compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.**
- C. Data: Any information created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to personally identifying information, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.**
- D. Information: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.**
- E. Personal Information: Any information concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.**
- F. Private Information: 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; or**
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 federal, state, or local government records.**

- G. Third Party: Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc.**

Councilman Knapp said under our street naming information from the county, is there anything else we can do?

Kevin Gilligan said no. They claim they had discussions back and forth with the Highway Department and that the town had full knowledge of what was going on and just the Town Board didn’t know.

Councilman Knapp thought it was interesting that they talked to the new property owner who advised them everyone agreed and they didn’t check with the rest of the neighbors.

Kevin Gilligan said the Board can turn over the street numbering system to the county and they will take care of the whole thing. That option is available at no cost.

Councilman Knapp asked Leon Cook if he wanted to get rid of issuing house numbers. Leon doesn’t want the county to do it.

**12. Suggestions for improvement and positive contributions.**

**13. Executive session (if needed).**

**14. Councilman McConnell moved and Knapp seconded the motion to audit and pay the following bills:**

- |                               |                     |
|-------------------------------|---------------------|
| <b>HIGHWAY FUND:</b>          | <b>#5278 - 5288</b> |
| <b>GENERAL FUND:</b>          | <b>#5289 – 5321</b> |
| <b>SPECIAL DISTRICT FUND:</b> | <b>#5322 - 5323</b> |

**Motion passed unanimously.**

**Councilmen Shute moved and McConnell seconded the motion for the Town Board to go into Executive Session to discuss a legal matter and to include the Town Attorney. Motion passed unanimously.**

The Board went into Executive Session at 9:45 p.m. and Dep. Supervisor Paul called the Regular Meeting back to order at 10:30 p.m. No action was taken.

**Councilmen Knapp moved and Shute seconded the motion for a port-a-john to be placed at the Beach if needed. Motion passed unanimously.**

**15. Councilmen Knapp moved and Bailey seconded the motion to adjourn. Motion passed unanimously.**

The Regular Town Board Meeting adjourned at 10:32 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

**Approved 4/24/06 with following amendments: On Page 2, first paragraph “Councilman Shute was confused as to the specific text of one motion in the previous Town Board Meeting” in place of “Councilman Shute is confused”; On Page 2 about ¾ the way down the page “Councilman Shute said to go ahead and accept the previous meeting’s minutes.” in place of “Councilman Shute said we can go ahead with this then.” Page 20 it should read “56 participants at \$12 each” rather than “42 participants at \$12 each”.**