

REGULAR MEETING
March 15, 2006

8:00 PM

TOWN HALL 46 COUNTY ROUTE 11
WEST MONROE, NY 13167

Present: Supervisor Ross; Councilpersons Michael Hickey, Timothy McCarthy, Debra Macdougall and Kelley Davis
Town Clerk Christine Shaw, Deputy Clerk Louise Herbert
Randall Shaw, Highway Superintendent
Code Enforcement Officer Gail Swistak
Dog Control Officer Karen Ashley
Tug Hill Representative Paul Baxter
Oswego County Legislator Arthur Gearsbeck
14 people in the audience

The meeting was opened at 8PM with the pledge to the American Flag. The minutes of the February meeting were approved on a motion made by Supervisor Ross, seconded by Councilman Hickey, all board members in favor of the approval of the minutes.

Mr. Hickey moved to approve the bills as audited, Mr. McCarthy seconded the motion
GENERAL FUND, abstract #3, vouchers #47 to #79, in the amount of \$10,599.24
HIGHWAY FUND, abstract #3, vouchers #67 to #98, in the amount of \$23,571.83
BIG BAY SEWER FUND, abstract #3, vouchers #30 to #37, in the amount of \$7,399.17
BIG BAY WATER FUND, abstract #1, voucher #1, in the amount of \$582.82
WEST SIDE WATER FUND, abstract #1, voucher #1, in the amount of \$3,144.05

The board voted unanimously to pay the bills as audited.

The **Variance application for James Ricelli, Shaw Rd.**, was addressed. Councilman McCarthy moved to **approve the 5 lot area variance; however the surveyor must show the lot previously divided by Mr. Ricelli along with the date of the division (2002 or 2003) on the map** and list that lot as lot #1 and the additional lots 2-6. Councilwoman Davis seconded the motion. The board vote was: Councilwoman Macdougall-abstained, Councilwoman Davis-yes, Councilman Hickey-yes, Councilman McCarthy-yes and Supervisor Ross-yes. Motion carried. Supervisor Ross submitted the negative declaration (short form SEQ) then moved its' adoption. Councilman McCarthy seconded the motion. The board vote was: Councilwoman Macdougall-abstained, Councilwoman Davis-yes, Councilman Hickey-yes, Councilman McCarthy-yes and Supervisor Ross-yes. Motion carried.

Mr. Jerry Slivinski, Morey Road, questioned why the Supervisor felt that an engineer needed to be brought in on the repair of the roof. Supervisor Ross explained that employing an engineer to design, bid out and supervise the repair so that there would be some accountability would be the best way to assure that the problem is fixed once and for all. The cost of the engineer's contact (BBL) is \$1,800.

Mr. Slivinski also asked about a Spring Clean up. The board explained that this would be a very expensive project and could create some additional problems. When researching this type of project other towns have expressed that residents often bring items to the road that the town would not be able to pick up, which may be left along the side of the road for long periods of time. The board explained that a town wide clean up has been discussed by the town board for several years and is not a dead issue; however, the concern over the cost to all the residents of the Town must be taken into account. Are all residents of the town willing to pay the \$10,000+ for our highway department to this project?

Ron Sakonyi, Supervisor for the Town of Constantia, invited the board members as well as West Monroe residents to **the Municipal Water Committee meeting on Thursday evening (3-16-06). The Town of Constantia is investigating the cost to bring water to their community** and would have to bring the water in from the west (through the Town of West Monroe). Mr. Ross explained that on several occasions he has expressed to Mr. Sakonyi that bring water into West Monroe, in his opinion, is a dead issue per the results of the vote in 2005. Mr. Hickey expressed that he appreciates the invitation and said that maybe working together there may be a way to bring water into the towns at a later date.

Mr. Carl Hoyt of Woodworth Rd, stated that he would like to see the town board work on bring water into the hamlet of West Monroe. Mr. Hoyt felt that with the proposed development of the “Good” property on Route 49 this may be an affordable project. Mr. Hoyt also asked the board of the status of the property next to the West Monroe United Methodist Church owned by Mr. Fay which is falling down. The board instructed the code enforcement officer to check into this and report back to them.

Norman Howard, Pinnacle Rd., said that people who did not want public water should not have to pay for it.

Supervisor Ross then appointed Tim McCarthy and Kelley Ross to review the **town’s Disaster Plan**

Supervisor Ross re-visited the situation of the **town hall roof leakage**. He explained that hiring the engineers, CDM, assures the town that every legal precaution is taken to insure the job will be done correctly. The engineers will handle specifications, bids and inspections. The awarding of the bid will be based on the company itself as well as price. Mr. Ross then moved for the town board to **authorize him to sign the agreement** between the Town of West Monroe and CDM Engineering in the amount of \$1,800 for the repair of the leakage of the town hall roof. Mr. McCarthy seconded the motion with unanimous board approval.

Mr. Ross then informed that board that Superintendent of Highways Shaw contacted him **reporting that the meters on the fuel pumps are not working properly** and needs to be replaced, due to the age of the equipment finding parts will be difficult. Replacing this equipment could cost up to \$30,000. The Town board set a **special meeting for April 7th at 6:00 PM** to address this equipment replacement on a motion made by Mr. McCarthy. Mrs. Davis seconded the motion with unanimous approval of the board. The board instructed Superintendent Shaw to have the needed information available for this special meeting.

Supervisor Ross addressed the town’s **Procurement Policy**. He explained that he requested that the town attorney look it over and the attorney suggested that it should be updated. Supervisor Ross then distributed an updated policy and asked that the board members look this policy over and be prepared to address it at the April meeting.

Per the changes in the Election Law, the **Oswego County Board of Elections requested permission to hold elections on the town property**. Beginning this year, Oswego County has taken over the responsibility of the elections and therefore needs town approval for the use of the building(s). The town board voted unanimously to approve the use of the town buildings for elections on a motion made by Mr. Ross, which was seconded by Mr. McCarthy.

Paul Baxter, Tug Hill Commission Rep., gave the board members concerning the Local Governments Obligations under the State’s New **Information Security Breach and Notification Act**. The motion to approve the following policy as requested by the State of New York was made by Mr. McCarthy seconded

Information Security Breach and Notification Act

The purpose of this policy is to establish standards and practices for the notification of citizens in the event of compromise in the safeguarding of private information.

A. *Definitions:*

- 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 for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.*
- b. *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.*
- c. *Information: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.*
- d. *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.*
- e. *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
- B. "Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.
- f. Third Party: Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc
- C. 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 impacted New York residents and non-residents. The Town of West Monroe values the protection of private information of individuals. The Town of West Monroe, in compliance with the Information Security Breach and Notification Act and this policy, 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.
- D. The Town of West Monroe, after consulting with the New York State Office of Cyber Security & Critical Infrastructure Coordination (hereinafter CSCIC) to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of private information through unauthorized disclosure.
- E. A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.
- F. If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.
- G. 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.
- H. The Town of West Monroe will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:
- a. written notice;
 - b. electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Town of West Monroe;
 - c. telephone notification, provided that a log of each such notification is kept by the Town of West Monroe; or
 - d. Substitute notice, if the Town of West Monroe demonstrates to the state attorney general that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the Town of West Monroe does not have sufficient contact information.
- Substitute notice shall consist of all of the following:
1. e-mail notice when the Town of West Monroe has an e-mail address for the subject persons;
 2. conspicuous posting of the notice on the Town of West Monroe web site page, if the town maintains one; and
 3. notification to major statewide media.
- I. The Town of West Monroe shall notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- J. The Town of West Monroe shall 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.
- K. Regardless of the method by which notice is provided, such notice shall include contact information for the Town of West Monroe; 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.
- L. This Policy also applies to information maintained on behalf of the Town of West Monroe by a third party.
- M. When more than five thousand New York residents are to be notified at one time, the Town of West Monroe shall 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.
- N. This policy and supporting policies and standards will be reviewed at a minimum on an annual basis.

Mrs. Davis seconded the motion to adopt this policy and the board voted unanimously the approval

Supervisor Ross mentioned that the town board needed to **audit the annual books of the town clerk, justices and supervisor**. Councilman McCarthy moved to hold that workshop on **Wednesday March 22 at 6:00 at the town hall**. Supervisor Ross seconded the motion. The town clerk reminded the board that the Planning Board meets on the 22nd and the board felt that would not be a problem. The vote of the board was unanimous in the approval of scheduling the Workshop on Wednesday March 22, 2006 at 6:00 PM.

Reports for the Month of February were received:

Town Clerk, including the Tax Collection report
Superintendent of Highways
Code Enforcement
Supervisor

The town board also signed the Supervisors reconciliation report.

The minutes of the Planning Board's January 25 meeting were received.

CORRESPONDANCE:

-Toad Harbor Corporation notification of Seasonal Liquor License renewal

-National Grid regarding Street light outage credit

-2 publications of the Tug Hill Times

-IRS correspondence concerning payment of FICA & Medicaid for a town employee out on disability in the year 2002. The IRS is questioning the payment. Ken Parrottee, bookkeeper for the town has filed the proper forms and included copies of the cancelled check(s) to prove that this payment was made and received.

-Syracuse University offering a school on May 9-10 on Building & Maintaining Sustainable Water Infrastructure.

-Letters from the town's attorney regarding litigation

Councilman Hickey mentioned to the board what a great job has been done by the boy scouts and town highway dept at the Nutting Cemetery and that there is another cemetery on Toad Harbor Rd. Also required by the NYS law is that the cemetery needs to be fenced.

Supervisor Ross moved at 8:50 P.M., to enter into executive session to discuss current and possible litigation regarding Fortino Property, Smith Property and United Mobile Homes. Mr. Hickey seconded the motion with unanimous approval. The board invited the Code Enforcement Officer into the session. The board returned at 9:09 P.M. and the meeting was reopened by Supervisor Ross.

OLWAC did not meet last month so Paul Baxter had no report.

Councilwomen Macdougall explained she had been contacted by a resident regarding the possibility of getting cable TV on their road. She said she contacted **Time Warner** and was told that if enough residents in the area in question would want cable the company would extend the line. The board agreed that they are always willing to have **extensions of service** to the town if all the Cable Company's requirements were met.

The meeting was adjourned at 9:10 PM