

**TOWN OF SAND LAKE TOWN BOARD MEETING
MARCH 14, 2012**

A meeting of the Sand Lake Town Board was held on March 14, 2012 at 7:30P.M. at the Sand Lake Town Hall. After the Pledge of Allegiance, the following answered roll call:

PRESENT: Councilman Turner
Councilman Splain
Councilman Cioffi
Supervisor Fasoldt
Town Attorney Russell Bennett

ABSENT: Councilwoman Kronau

RECORDING SECRETARY: Barbara A. Biittig, Town Clerk

OTHERS PRESENT: Jerry Tysiak, Fred Erickson, John MacMcEvelly, Andrew W. Gilchrist, Esq., Bill Glasser, Lindsay Marshall, E. Foley, Jeff Hough, Stacy Smith, Henry Miner, Fred Schreyer, Tom Hatcher, Sean Fennelly, John Butwell, Ernest Rieck, Fill Kelly, Justin Schultz, Andrew Clemente, June Kinerson, Daniel Kinerson, David Torres, David Mangene, Carl Clemente, Thomas Clemente, Carol Seneta, Ralph LaMontagna, Diane Hunt and others.

CALL TO ORDER

Supervisor Fasoldt opened the Public Hearing on the Zoning Code at 7:31 PM

Town Clerk Barbara A. Biittig read the notice:

**NOTICE OF PUBLIC HEARING
Town of Sand Lake**

Please take notice that the Sand Lake Town Board will hold the following Public Hearing on proposed Local Law of 2012, which would enact a revised Zoning Code for the Town of Sand Lake at the Sand Lake Town Hall, located at 8428 Miller Hill Road (NY 66), Sand Lake, New York, where all interested parties will be heard at 7:30 p.m. on March 14, 2012 and at 7:30 p.m. on April 11, 2012.

By Order of the Sand Lake Town Board

Barbara A. Biittig
Town Clerk
February 13, 2012

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Town Attorney Bennett gave a summary of the zoning code. Note: The maps have been moved to the back.

Discussion:

David Kinerson spoke with regard to Telecommunication Towers

Andrew Gilchrist Esq. who represents Troy Sand & Gravel and Bonded Concrete Inc

Andy Clemente – Troy Sand & Gravel

Stacey Smith – Questioned the new zoning and just how it affects agriculture.

Jerry Tysiak – Past President Kiwanis– supports Bonded Concrete – Jude has always been very supportive, and his helped Kiwanis and has helped many non for profit organizations in the town.

Ralph Lamontagna – Supports Bonded and Clemente for all of their support on behalf of the Averill Park Education Foundation. They always do a little extra for the kids in the school district.

Jeff Hough – works for Troy Sand & Gravel

Kirk - works for Troy Sand & Gravel

Ray Shepard- small business owner – supports Troy Sand & Gravel

Carol Seneta – Knows that people are concerned with the zoning but supports Troy Sand & Gravel. We should take care of them. Each year they replace all the flags displays.

Mr Street – works for Troy Sand & Gravel.

Thomas Clemente – Is against the changes.

Supervisor Fasoldt moved to close the Public Hearing at 8:15 PM. This was seconded by Councilman Cioffi. With a reminder that a second Public Hearing on the revised Zoning Code for the Town of Sand Lake, New York, where all interested parties will be heard would be held on April 11, 2012 at 7:30 PM

MOTION CARRIED = UNANIMOUS

Supervisor Fasoldt opened the Public Hearing on the proposed amendment to Sections 88-2 and 88-3 of the Sand Lake Code in relation to certificate of occupancy and compliance for the Town of Sand Lake at 8:16 PM.

Town Clerk Barbara A. Biitig read the notice:

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**NOTICE OF PUBLIC HEARING
Town of Sand Lake**

Please take notice that the Sand Lake Town Board will hold the following Public Hearing on proposed Local Law of 2012, which would enact an amendment to Sections 88-2 and 88-3 of the Sand Lake Code in relation to certificates of occupancy and compliance for the Town of Sand Lake at the Sand Lake Town Hall, located at 8428 Miller Hill Road (NY 66), Sand Lake, New York, where all interested parties will be heard at 7:30 p.m. on March 14, 2012.

By Order of the Sand Lake Town Board

Barbara A. Biittig
Town Clerk
February 13, 2012

Town Attorney Bennett gave a summary of this amendment. (See attached proposed Local Law.)

Discussion:

Ed Patanian – builder – The fee schedule has been a problem going way back. It is unfair partially assessing buildings that were not complete. Not fair to raise revenue at his expense.

Supervisor Fasoldt closed the Public Hearing at 8:28 PM. This was seconded by Councilman Cioffi.

MOTION CARRIED = UNANIMOUS

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES –

Supervisor Fasoldt moved to approve the minutes of February 8, 2012 and this was seconded by Councilman Cioffi.

MOTION CARRIED = UNANIMOUS

Supervisor Fasoldt moved to approve the minutes of February 29, 2012 and this was seconded by Councilman Turner.

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MOTION CARRIED = UNANIMOUS

MONTHLY REPORTS: TOWN CLERK- Barbara A. Biittig

Total fees paid to the Supervisor for the month of February 2012 - \$7,243.65
Money Given to NYS Ag. & Markets for spay/neuter program - \$52.00
Money Given to NYS Environmental Conservation - none
Money Given to NYS Health Dept. for Marriage Licenses – none

Last Saturday I held our 3rd Annual Passport Day in the USA Day from 9 am to 3 pm. This was held thought the country when passport centers open for extended hours.

I had over 40 applications for passports, several passport renewals and residents who stopped by for general information. This is probably the largest amount that we have ever had in one day. I would like to thank my Deputy Tami Thibeault for working with me and for all her hard work on that day. This was a great revenue day for the Town. A reminder that we do passports every day from 9 am -3:30 pm and every Sat. 9 am to 11:30 am. Pictures are taken on site.

The Rensselaer County Health Department in connection with the Town of Sand Lake will be holding a Rabies Clinic on Thursday, April 5, 2012. Site: Department of Public Works (Highway Garage) Springer Road Time: Cats 5:00 P.M. - 6:00 P.M. Must be in carrier. Dogs 6:00 P. M. - 7:00 P. M. Must be leashed. A record of last rabies inoculation is requested. If not, then a one year certificate is given. A donation is also requested to help defray the cost. This year's Presidential Primary Election will be held on Tuesday, April 24, 2012 from 12:00 noon to 9:00 pm. There is a Republican Primary and the Polling places for Sand Lake are for Election Districts 2 & 3 West Sand Lake Fire House, Districts 4 & 6 Averill Park Sand Lake Fire House, 1 & 5 Town Hall.

A reminder to residents what with the warmer weather dogs are more apt to run loose. The Town of Sand Lake does have a lease law. For more information on this and other information on dogs please refer to the town's web site at townofsandlake.us. Click on Town Clerk.

A 2012 green sticker is needed in order to use the convenience facility. Cost is \$15 for Seniors (60+) and \$25 under 60.

Jill Quell, Receiver of Taxes, will be open April 2, 2012 from 9 am to 1 pm for residents last day to pay taxes.

Any further questions, please contact Barbara A. Biittig, Town Clerk at 674 2026 Ext. 22

SUPERVISOR'S REPORT:

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Supervisor Fasoldt extended her appreciation for the outstanding job that the Averill Park Fire Dept. did in containing the fire at the intersection of 43 & 66 on February 12, 2012. She wished to thank the highway crew for all their help also.

Supervisor Fasoldt along with Councilman Cioffi, Councilman Turner and Town Attorney Bennett attended the Association of Towns in New York City where she attended workshops on emergency medical services, funding municipal project, and capital improvement planning and others.

On February 23, 2012 she held a staff meeting with town employees and plans to hold them regularly to promote communication.

Supervisor Fasoldt acknowledged the retirement of George Wright, Code Enforcement Officer at the end of May and Larry Browe Commissioner of Public Works at the end of April. We wish them all the best.

She attended a meeting with the Planning Oversight Committee and is looking forward to their recommendations for the formation of committees.

She received notification from NY State Office of Emergency Services regarding a check in the amount of \$18,107.35 for Hurricane Irene.

She was pleased to report that at a meeting held on February 29, 2012 the Town Board had unanimously approved a settlement on the community van. The town will trade in the van and purchase a van that complies with ADA wheel chair accessibility. She thanked the board for their support. She thanked Councilman Cioffi and Councilwoman Kronau for all their hard work.

COMMITTEE REPORTS:

YOUTH – Lindsay Marshall – Youth Director – Day Camp will be held at Sand Lake School, the camp will run from July 2 – Aug 10, the hours for the camp will be 7:30 am to 5:30 pm. The regular hours 9am to 3 pm cost is \$100 and extended hours 7:30 pm to 5:30 pm the cost is \$130 per week. A 10% discount for 2 or more will be offered. The camp packets will be out soon and on the website.

PLANNING BOARD – Justin Schultz - Planning Board member – No 2nd Meeting this month.

BUILDING/ZONING – Fred Schreyer- No meeting is February. No report

Fred Erickson – Co-Chair of the Bicentennial Celebration – Thanked Kathy Allard for putting the Dance at Crooked Lake together. 120 paid people attended. It was a great event.

Lindsay Kestner – Engineering - On file in the Town Clerk's Office

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Fred Erickson – Planning Oversight Committee – With regard to the search for residents to be on the committees – only 15 applications received and each committee must be 5 members. more needed.

BOARD MEMBERS REPORTS:

PUBLIC WORKS – On file in the Town Clerk’s Office.

HIGHWAY – On file in the Town Clerk’s Office.

VETERANS – None at this time

PARKS AND RECREATION – None at this time.

CONVENIENCE FACILITY – Paul Splain – On File in the Town Clerk’s Office

INSURANCE – Paul Splain – On File in the Town Clerk’s Office

CABLE – Paul Splain – On file in the Town Clerk’s Office

PHYSICAL FACILITIES - Mark Cioffi – On file in the Town Clerk’s Office

INTERNAL CONTROL – Mark Cioffi – On file in the Town Clerk’s Office

CULTURE AND ARTS - Christine Kronau - On file in the Town Clerk’s Office.

PLANNING OVERSIGHT/LINKAGE STUDY – On file in the Town Clerk’s Office.

YOUTH – On file in the Town Clerk’s Office

SENIORS/SENIOR VAN – Christine Kronau – On file in the Town Clerk’s Office.

ANIMAL CONTROL – Ray Turner - On file in the Town Clerk’s Office.

STREET LIGHTS – None at this time.

BEACH – None at this time.

LIBRARY – Ray Turner - On file in the Town Clerk’s Office.

AMBULANCE/PUBLIC SAFETY – Christine Kronau - On file in the Town Clerk’s Office.

ZONING UPDATE – On file in the Town Clerk’s Office.

COMMENTS FROM RESIDENTS:

Ron Berti – Glass Lake – This is the 3rd year – the rocks remain, a lawsuit for over a 400 sq feet of property still goes on. Speaking for himself has spent hours on research and making research available to the town. He wants 2 things 1. Permanent access for residents to fish, kayak etc. 2. Whatever agreement is reached that it is acceptable to DEC for stocking. He pointed out that NO body has paid taxes on this land for many years. He stated that the Board has the power of eminent domain. He proposed that there should be a time frame needed in negotiations.

John Glasser – Questioned if the March workshop had been advertised and if the vote on the van was done after executive session. Also, asked if a study was ever done on how many wanted the van service. Asked how the ethics board was picked. (Supervisor Fasoldt stated that the workshop had been advertised and that the vote on the van had come up after executive session. That is a new service and has not been assessed yet. On the ethics board Supervisor Fasoldt said that she had asked board members for names and she had received none. So, she had 3 volunteers.)

Scott Paul – asked if any financial analysis had been done on the van. How many people use this service? He felt that since there were no pay raises for the Town this was not financially

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a good thing. With regard to the Ethic's Board – He felt that it needed to be tabled, discussed and should have 3 non employees or Board members on it. Board members do not need to be on it. Mr. Bennett said that the General Municipal Law requires that there be at least one employee or officer. This can only be changed by local law.

Supervisor Fasoldt announced an addition to the agenda. The Board would be going into Executive Session to discuss Rite Aid VS Town of Sand Lake after the business portion of the meeting.

BUSINESS:

RESOLUTION #47-12

Training – Animal Control Officer

Supervisor Fasoldt moved and Councilman Turner seconded the following resolution:

BE IT RESOLVED, that Town of Sand Lake Animal Control Officer, Catherine Crawmer, is hereby authorized to attend the New York State Department of Agriculture and Markets training seminar for Animal Control Officers being held on Tuesday, May 8, 2012 and shall be compensated for the registration fee of \$50 and travel expenses.

ADOPTED = AYES 4 NAYS 0

RESOLUTION #48-12

Lease Agreement with Creekside Kennel

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

Whereas, pursuant to New York State Agriculture and Markets Law, Article 7, 25-b and Article 26 , the Town of Sand Lake has the obligation to seize, shelter, and house stray dogs; and

Whereas, Creekside Kennel Ltd. maintains a boarding facility which meets the requirements of shelter and housing under New York State Agriculture and Markets Law; and

Whereas, Creekside Kennel Ltd. has provided satisfactory service to the Town in the past; and

Whereas, the existing agreement with Creekside Kennel Ltd. has expired; now there,

Be It Resolved, that the Town Board hereby authorizes the Town Supervisor, upon review of counsel, to execute a lease agreement to retain the services of Creekside Kennel Ltd.

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located at 1153 Plank Road, PO Box 39, Poestenkill, New York, 12140 for a period ending December 31, 2012.

ADOPTED = AYES 4 NAYS 0

**RESOLUTION #49-12
ADA Grievance Procedure**

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, federal regulations under the Americans with Disabilities Act (28 CFR pt. 35, § 35.107(a)) require state and local governments with 50 or more employees to adopt a grievance procedure, and

WHEREAS, the Town of Sand Lake has more than 50 employees, including part time and seasonal workers, and

WHEREAS the Town's existing ADA Grievance Procedure adopted January 14, 1993 requires appointment of a committee, and

WHEREAS federal regulations do not require a committee, and

WHEREAS the requirement of a fully staffed committee may make it impracticable and burdensome to meet ADA timeframes, now therefore,

BE IT RESOLVED, that such Procedure adopted January 14, 1993 is hereby repealed,

Be it Further **RESOLVED** that the Town of Sand Lake hereby adopts the attached Grievance Procedure.

**Town of Sand Lake Grievance Procedure
under
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Sand Lake. The Town's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the

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problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Russell Bennett
ADA Coordinator
c/o Town of Sand Lake
Box 273
Sand Lake, NY 12153**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Supervisor or the designee of the Supervisor.

Within 15 calendar days after receipt of the appeal, the Supervisor or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Supervisor or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or designee and appeals to the Supervisor or designee, and responses from these two offices will be retained by the Town for at least three years.

DISCUSSION: Councilman Turner questioned if this required a Public Hearing. Town Attorney Bennett stated no. That this was an adoption of procedure and that the Town has over 50 employees what with seasonal and all. Councilman Splain questioned the need for this and whether or not we had 50 employees.

ADOPTED = AYES 3 NAYS 0 ABSTAIN 1 (Councilman Splain abstained)

**RESOLUTION #50-12
ADA Notice**

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, federal regulations under the Americans with Disabilities Act (28 CFR pt. 35, § 35.107(a)) require state and local governments with 50 or more employees to provide notice to the public of rights under the Americans with Disabilities Act; now, therefore,

BE IT RESOLVED that the attached notice is adopted and shall be included with all job

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applications, published on the Town's website, and posted at all town facilities.

**NOTICE UNDER THE AMERICANS
WITH DISABILITIES ACT**

- ⤴ In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Sand Lake will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- ⤴ **Employment:** The Town of Sand Lake does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.
- ⤴ **Effective Communication:** The Town of Sand Lake will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- ⤴ **Modifications to Policies and Procedures:** The Town of Sand Lake will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Sand Lake offices, even where pets are generally prohibited.
- ⤴ Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town, should contact the office of the Town's ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.
- ⤴ The ADA does not require the Town of Sand Lake to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.
- ⤴ Complaints that a program, service, or activity of the Town is not accessible to persons with disabilities should be directed to the ADA Coordinator.
- ⤴ The Town of Sand Lake will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or

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- ⤴ reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

- ⤴ The Town of Sand Lake will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchair.

Discussion: The Supervisor asked Town Attorney Bennett to summarize the notice and what it states. He stated this relates to town and government employment.

ADOPTED = AYES 3 NAYS 0 ABSTAIN 1 (Councilman Splain abstained)

RESOLUTION #51-12
ADA Coordinator Resolution

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, federal regulations under the Americans with Disabilities Act (28 CFR pt. 35, § 35.107(a)) require state and local governments with 50 or more employees to designate an employee responsible for coordinating compliance with ADA requirements, and

WHEREAS, the Town of Sand Lake has more than 50 employees, including part time and seasonal workers, and

WHEREAS, the ADA Coordinator should have familiarity with the state or local government's structure, activities, and employees; knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794; and familiarity with any local disability advocacy groups or other disability groups, and

WHEREAS, Russell Bennett possesses such qualifications, now, therefore,

BE IT RESOLVED, that Russell Bennett is appointed ADA Coordinator for the Town of Sand Lake.

ADOPTED = AYES 3 NAYS 0 ASBTAIN 1 (Councilman Splain abstained)

RESOLUTION #52-12
Renewal of Agreement with Sand Lake Ambulance

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, Sand Lake Ambulance, Inc. provides dedicated emergency and advanced life support services to the Town of Sand Lake, and

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WHEREAS, the Town wishes to continue to provide these needed services for town residents; and

WHEREAS, the Town has appropriated \$250,000.00 in the 2012 Budget for such services; and

WHEREAS the Town and Sand Lake Ambulance, Inc. have reached substantial agreement on all issues,

NOW, THEREFORE BE IT RESOLVED, that Supervisor Flora Fasoldt is hereby authorized to execute a contract for ambulance services with the Sand Lake Ambulance, Inc. for the period ending December 31, 2012 upon completion, review and approval of the Town Attorney of a final agreement, and

BE FURTHER RESOLVED, that pursuant to subdivision 2 of Section 122-b of the General Municipal Law, the Sand Lake Ambulance is authorized to collect fees and charges for its services on behalf of the Town of Sand Lake, and that the Town of Sand Lake hereby adopts the following schedule of fees and charges for the use of its ambulance service:

BLS \$500
ALS 1 \$800
ALS 2 \$900
Mileage Rate \$15/mile

Discussion:

Town Attorney Bennett wanted residents to know that this resolution was different from the one that people were seeing. He had just received the last part of the resolution at 5:30 PM today.

Councilman Splain stated he needed more information on this as this was the first he had seen this and suggested we request proposals for this service for the Town. We are spending a quarter of a million dollars. We need input from other sources as just awarding this contract is inappropriate. Supervisor Fasoldt stated that the time to have done this was during the budget process. The prior board had approved a budget and a line item for this and that the Ambulance service is very important to the people. Councilman Splain feels that they should be paid on a month to month basis until more input can be done. Councilman Cioffi stated that is not fair to do this to a volunteer ambulance. We need to sign a contract now. Supervisor Fasoldt asked Councilman Turner if he could shed some light on this because he was in charge of emergency services last year. Councilman Turner said he would like to table this because he also had just got this and we are talking a lot of money here. He was not saying that he was against it but needed time to read the agreement. He was asking to just be given time to read it. Supervisor Fasoldt asked Town Attorney Bennett to shed light on the contract-stating that this was a surprise. Town Attorney Bennett said the contract does look different but all other language is the same. The contract was changed because it was not in compliance with comptroller as

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ambulance needs to have rates established for what they collect on behalf of the Town of Sand Lake. Information that they had not had in the past. The new contract also beefed up financial statements, where the ambulance is required to give financial statements quarterly and annually in time for the Budget. The ambulance can not provide any outside services unless there is an outside agreement with other towns, now in the new contract – reciprocal agreement.

ADOPTED = AYES 3, NAYS 1 (Councilman Splain voted NO)

**RESOLUTION #53-12
Computer System Security Breach Notification Policy**

WHEREAS, New York State Technology Law Section 208 establishes procedures to be followed to notify affected individuals in the event of a breach of a computer security system and requires municipalities to adopt a notification policy or local law consistent with these procedures; now, therefore, be it

RESOLVED, that the attached "Town of Sand Lake Computer System Security Breach Notification Policy" is hereby approved and adopted as the Town's official policy; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and be it further

RESOLVED, that this Resolution shall take effect immediately.

DISCUSSION: Supervisor Fasoldt asked Town Attorney Bennett to explain. He stated it was necessary since 1998 and it would explain how we would handle any computer breaches.

TOWN OF SAND LAKE

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:

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(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:

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- (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 Sand Lake, County of Rensselaer.

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

- 3. 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.
- 4. 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.
- 5. 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;

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(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.

7. 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.

8. 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.

ADOPTED = AYES 4 NAYS 0

RESOLUTION #54-12

Establish Fees for Sand Lake Summer Day Camp

Supervisor Fasoldt moved and Councilman Turner seconded the following resolution:

BE IT RESOLVED, that the weekly fee for Sand Lake Summer Day Camp for 2012, inclusive of scheduled field trip expenses, be set as follows:

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- . One week of summer camp from 9:00 AM to 3:00 PM - \$100 for regular camp hours.
- . One week of summer camp from 7:30 AM to 5:30 PM - \$130 for extended camp hours.
- . A 10 percent multiple child discount is given for two or more children from the same household.

ADOPTED = AYES 4 NAYS 0

**RESOLUTION #55-12
Establish Town Ethics Board**

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, pursuant to Section 808 of the General Municipal Law, the Town of Sand lake has adopted a Code of Ethics setting forth standards of conduct expected of its municipal officers and employees; and

WHEREAS, Section 808 of the General Municipal Law authorizes the local governing body of a town to establish a Board of Ethics; and

WHEREAS, such a Board can assist the Town by providing advisory opinions to town officers and employees in ethical matters; and

WHEREAS, the Town of Sand Lake has recently received a request from the New York State Office of the Attorney General to advise whether Sand Lake has an established Ethics Board; and

WHEREAS, such a Board must include at least one town officer or employee, and

WHEREAS, Christine M. Kronau, Kelly Malloy-Pagoda and Terrance Dingman are well-respected, accomplished and knowledgeable members of our community, and

WHEREAS, such persons possess the required knowledge of government, law and ethical standards, now therefore,

Be It RESOLVED , that the Town Board hereby establishes a three-member Board of Ethics to render advisory opinions regarding the local Code of Ethics; and

Be It Further RESOLVED, that Christine M. Kronau, Kelly Malloy-Pagoda, Esq., and Terrance Dingman are hereby appointed to serve as members of the Sand Lake Board of Ethics for a two year term expiring December 31, 2013.

DISCUSSION: Councilman Turner questioned who Kelly Malloy-Pagoda was, as he is familiar with the other two individuals. Supervisor Fasoldt said that Kelly is an attorney who is a partner in a law firm and since many questions, if there are any issues, would have a legal component to

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them; she believed Kelly would benefit the committee. Councilwoman Kronau, Supervisor Fasoldt stated was someone who is the most ethical person she knew. Terrance Dignman is the Library Board of Trustees President and also someone who would be an asset to the committee.

ADOPTED = AYES 4 NAYS 0

RESOLUTION #56-12

Establishing Membership in the Digital Towpath Cooperative

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, the Town of Sand Lake will establish and maintain a municipal website using the Digital Towpath Municipal Website Template, and

WHEREAS, the Town of Sand Lake expects to realize an increase in service to the residents of our town through the operation of our website, and

WHEREAS, the continued operation and expansion of our website will continue to enhance our citizens' e-government interaction with our town, and

WHEREAS, the municipalities in New York State using the Digital Towpath Municipal Website Template are banding together to form the Digital Towpath Cooperative, and

WHEREAS, the inter-municipal joint service agreement establishing this cooperative has been presented to and reviewed by this board, now therefore,

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor, upon review of counsel, to sign the Inter-municipal Joint Service Agreement establishing the Digital Towpath Cooperative and hereby designate Town Supervisor Flora Fasoldt to represent our town in all proceedings of that body.

Discussion: Supervisor Fasoldt thanked Councilman Cioffi for all his hard work on this and for residents to please bear with us as we will have growing pains. Councilman Cioffi said that this is set up in such a way that community organizations can link with us.

ADOPTED = AYES 4 NAYS 0

RESOLUTION #56-12

Budget Transfer/Amendments

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

Be it **RESOLVED** that the following transfers and amendments are made in the 2012 Budget:

Budget Transfer

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From	To	Amount	Reason
A 1680.4	A 1680.2	575.00	
Data Proc. Contr.	Data Proc. Equip.		

Budget Amendment

Increase appropriations in account A 7989.4 Other Culture and Recreation Contractual – Bicentennial in the amount of \$4132.00 due to unanticipated revenue received from account A 2705.9950 Gifts and Donations in the amount of \$4132.00

DISCUSSION: Councilman Turner asked where this money came from, and who made the donation. Supervisor Fasoldt stated this is the money that was raised by the Bicentennial Committee with the Dance and Coloring Books.

ADOPTED = AYES 4 NAYS 0

COMMENTS FROM RESIDENTS:

Mr. Kinerson – Does not understand why town is paying and the ambulance billing also. The ambulance contract is \$250,000 this is something you need a comparison on – encouraged the board to make a resolution forward for any entity with that price tag needs to be looked at. He also questioned why the Town of Sand Lake is paying a group \$250,000 and yet ambulance is billing for service as well. Town Attorney Bennett stated it is because they are able to bill – their billings are collected on behalf of the Town of Sand Lake. Comptroller requires them to show fees and those fees belong to the town. The ambulance collects fees and bill at Medicare and Medicaid rates those fees are Town money as well. Those fees have been historically used by Ambulance. Town Attorney Bennett said an alternative is to use Fire Department to provide these services – if the Town uses the Fire Department then the Fire Departments are not allowed to bill. Mr. Kinerson stated that a comparison is still needed.

Ed Patanian – There is a need for other portions of code to be amended. Documents which date back to early 70's are outdated. Councilman Cioffi stated he will be working on that. Councilman Splain stated this is why the fees in the department were updated a couple of years ago and the Board was aware of it which is why they are making changes.

Scott Paul – Questioned if the workshop agenda and meetings minutes will be posted on the web because it was not done for last month and is still not there. Supervisor Fasoldt stated it was in the Advertiser and that posting it to the website is a function of the Town Clerks office. Scott Paul offered information to Mr. Kinerson in regard to the Ambulance. He stated that a Fire District can not house ambulance service. Attorney Bennett disagreed. The grievance committee procedure – he questioned who was the attorney for the Board at that time, in 1998? Town Attorney Bennett stated that he was. He informed the board that Ms. Pagoda's name was

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spelled incorrectly. He questioned the Ambulance resolution and wanted to know if they were considered a volunteer organization as several members get paid to be there. He is not sure how the Town can collect these rates. It is not an ambulance district and wanted to see the contract as it was not on website prior to meeting. Attorney Bennett stated contract was not there as it was done by 5:30 pm and he forwarded it over to Town Board members. Attorney Bennett referred him to General Municipal Law Section 209-b (2) General Ambulance Services; Mr. Paul responded that he reviewed that and it applied to paid Fire Districts. Attorney Bennett said that was not accurate.

Brian Hunt – Stated that someone from the Highway Department should be on the mining committee.

Supervisor Fasoldt moved to go into Executive session at 10:02 PM to discuss Tax Case Rite Aid vs Town of Sand Lake. This was seconded by Councilman Cioffi.

Supervisor Fasoldt stated there would be a resolution following the executive session after confirming the same with Attorney Bennett.

MOTION CARRIED = UNANIMOUS

Supervisor Fasoldt called the meeting back to order at 10:26 PM. She reported that no action would be taken.

Supervisor Fasoldt adjourned the meeting at 10:27 PM.

MOTION CARRIED = UNANIMOUS

A complete accounting of all discussions on agenda is available for review on audio tape in the Town Clerk's Office.

Respectfully submitted,

Barbara A. Biittig
Town Clerk

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