

Minutes of the Town Board Meeting held at Town Hall on February 16, 2012 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo, Marilyn Prestia and James Skoufis, Councilmen
Absent: None
Also Present: Richard Liberth, Attorney for the Town; Robert Weyant, Highway Superintendent;
Robert Kwiatkowski, Police Chief

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Skoufis, seconded by Councilman Palermo, to accept the minutes of the regular meeting held February 2, 2012.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to accept the minutes of the worksession held February 13, 2012.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

b. Approval of Abstract:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to approve revised Abstract 3 by amending the abstract total to \$261,172.33. There was a computer error that recorded check #6297 as totaling \$0 when it should have been \$1657.50.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

Motion was then offered by Councilman Palermo, seconded by Councilman Skoufis, to approve Abstract 4 containing Vouchers #20120251 - #20120358 and totaling \$187,090.09.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

c. Budget Modification:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to approve a modification to the budget of the Library by increasing L599 (Appropriated Fund Balance) by \$5850 and increasing L7410.466 (Expenditure of Donations) by \$5850.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

d. Advertise for Positions on Ethics Board:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to authorize the Town Clerk to advertise for individuals to volunteer to serve on the Ethics Board. Applications will be due to the Town Clerk's Office by 4PM on March 23, 2012.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

e. Appointment to Beautification Commission:

Motion was offered by Supervisor Burke, seconded by Councilwoman Prestia, to appoint Karen Ungerer to the Beautification Commission.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis

II. Old Business:

a. Associations of Towns Resolutions:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to instruct the Voting Delegate or Alternate Voting Delegate to cast votes of support, on behalf of the Town of Woodbury, on the following issues at the Annual Business Meeting of the Associations of Towns to be held on February 22, 2012: 1) Preserve and Strengthen Home Rule; 2) Mandate Relief; 3) Publication of Legal Notices; 4) Road Preservation Securities and Agreements; 5) Preserve Land Use Authority for Natural Gas Drilling; 6) Funding Local Costs Associated with Gas Extraction; 7) Requesting Meaningful Participation in the Siting of Major Power Generation Facilities; 8) Reform Real Property Tax System; 9) Highway Funding; 10) Animal Population Control Fund; 11) Fund Local FEMA Cost Share; 12) Gross Receipts and other Revenue; 13) Court and Town Prosecutor Surcharge and 14) Preserve Dedicated Funds for Local Purposes.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

b. Adoption of Policy – Computer System Security Breach Notification:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adopt the following resolution and policy regarding notification of a computer system security breach:

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 below “Town of Woodbury 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.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

TOWN OF WOODBURY 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:

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.

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.

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.

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.

PRIVATE INFORMATION - means personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

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

PRIVATE INFORMATION - does not include publicly available information that is lawfully made available to the general public from Town records.

TOWN - means the Town of Woodbury, County of Orange.

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.

4. 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.

5. 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.

6. METHOD OF NOTIFICATION.

The required notice must be directly provided to the affected individuals by one of the following methods:

- a) written notice;
- b) electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) telephone notification, provided that a log of each telephone notification is kept by the Town; or
- d) substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 or that the number of individuals to be notified exceeds 500,000, or the Town does not have sufficient contact information. Substitute notice must include all of the following:
 - 1) e-mail notice, when the Town has an e-mail address for the subject persons;
 - 2) conspicuous posting of the notice on the Town's Website page, if the Town maintains one; 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 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.

c. Adoption of Policy – Public Access to Meetings:

Motion was offered by Councilman Arone, seconded by Councilman Skoufis, to adopt the following policy, pursuant to Public Officers Law Section 103(2), to provide rules reasonably governing the location of equipment and personnel used to photograph, broadcast, webcast or otherwise record a meeting so as to conduct proceedings in an orderly manner:

PUBLIC ACCESS TO MEETINGS OF THE TOWN OF WOODBURY

Section 1 Purpose and Scope:

- a) The people's right to witness and observe the governmental decision-making process in action is basic to our society. Access to public portions of meetings of public bodies must be protected and maintained.
- b) We adopt these guidelines in order to provide direction concerning the procedures by which public meetings of this public body may be photographed, recorded and broadcast.

Section 2 Recording and Broadcasting Public Portions of Meetings:

- (a) The public portion of any meeting of a public body may be photographed, recorded and broadcast.
- (b) A public body may adopt reasonable rules governing the location of equipment and personnel used to photograph, record or broadcast the public portion of a meeting in order to ensure that the use of such equipment does not detract from or interfere with the deliberative process.
- (c) There is no privacy interest in statements made during public portions of meetings of public bodies. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a meeting.

Section 3 Rules for Recording and Broadcasting Public Portions of Meetings:

- (a) Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive or interferes with the deliberative process or the right of people in attendance to observe or listen to the proceedings.
- (b) Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the public body or those in attendance at the meeting.
- (c) Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.
- (d) Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive.
- (e) Personnel who operate equipment necessary to photograph, record and /or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process.
- (f) Use of equipment necessary to photograph, record and/or broadcast a meeting shall not be limited to a location from which such equipment is not reasonably capable of photographing, recording and/or broadcasting.
- (g) People operating equipment necessary to photograph, record and/or broadcast shall be given a reasonable opportunity to modify their actions in order to avoid interference with the deliberative process.

Section 4 Public Notice:

These rules governing the operation of equipment necessary to photograph, record or broadcast a meeting shall be posted in a designated location. Written copies of such rules shall be provided upon request, free of charge, to those in attendance at or who seek to attend a meeting.

Section 5 Severability:

If any provision of these guidelines or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

III. New Business:

a. Support of Legislation – A3481/S547:

Assembly Bill A3481 and Senate Bill S547 “provides that the town board of any town, exclusive of suburban towns and towns having a population of fifty thousand, may by local law, ordinance, order, rule or regulation establish maximum speed limits on town highways which have been classified by the department of transportation as local roads and which are outside of villages”. This bill has passed in the Senate (and was sponsored by Senator Larkin) but has not be voted upon by the Assembly.

Although this legislation would not apply to the Town of Woodbury since there are no town owned roads within it, the Board felt the legislation was important to show its support. Therefore, a motion was offered by Supervisor Burke, seconded by Councilman Palermo, to support this legislation.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

IV. Department Reports:

a. Supervisor’s Report – January 2012

Motion was offered by Councilman Arone, seconded by Councilman Skoufis, to approve the January 2012 Supervisor’s report with receipts totaling \$6,528,406.14 and disbursements totaling \$786,404.55.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

b. Town Clerk’s Report – January 2012

c. False Alarm Report – December 2011

d. Parks/Recreation Minutes – None Received

e. Animal/Goose Control Report – January 2012

f. Police/Communications Report – January 2012

g. Beautification Commission Minutes – January 10, 2012

h. Library Minutes – December 28, 2011

i. Budget vs. Actual – January 2012

V. Public Comment:

Superintendent Weyant stated the County has completed the work on Route 105 (adjacent to the Merriman property) and work has begun on portions of the road that were washed away during the hurricane in August. The County has three crews working ten hour days and will continue as long as the weather cooperates. The hope is the work will be completed by the spring.

Ben Meyers stated he feels the speed limit along Route 32 should be enforced more, noting there is not enough police presence to control the speeders. He then noted that he has read in other

local newspapers about recent gang and drug related arrests occurring in other municipalities in Orange County and wanted to know if the Board was aware of any drug issues within the Town or schools. Supervisor Burke stated the Town has a very active police department that is well trained in every aspect of their responsibilities. He feels they do a great job but there are certain issues they can and cannot discuss. He feels it would be inappropriate to comment on this issue. Mr. Meyers stated agrees the Police Department does a good job and understands ongoing investigations cannot be commented on but feels a general comment could be made acknowledging if a problem exists. Supervisor Burke stated he does not feel that it would be fair to the school or Board to share knowledge if a drug problem exists or does not exist.

VI. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 7:55PM.

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| ADOPTED | AYES | 5 | Burke, Arone, Palermo, Prestia, Skoufis |
| | NOES | 0 | |

Desiree Potvin, Town Clerk