

A Work Session of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Complex Court Room located at 6380 Route 21, Suite II, at 7:00 PM on Tuesday August 28, 2012. The following were

PRESENT: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson

ABSENT: None

The Board reviewed bills for payment.

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Complex Court Room located at 6380 Route 21, Suite II, following the Worksession and was called to order at 7:30 PM on Tuesday, August 28, 2012 by Supervisor Hoffman with the Pledge of Allegiance. The following were

PRESENT: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson

ABSENT: None

Kurt Allman; Highway Superintendent, Ray Walvoord, Phil Dean, Monica Deyo; Times of Wayne County and the undersigned Town Clerk were also present.

A notice having been published for a Public Hearing regarding proposed Local Law #1-2012, to amend Alcoholic Beverages - Chapter 54, Part 3 "Prohibited Acts". Supervisor Hoffman read the rules of a Public Hearing. He declared the Hearing open at 7:32 PM. Supervisor Hoffman explained that in order to permit alcohol at the Park Lodge, the Town Code had to be updated. As no one wished to comment or ask questions, the Public Hearing was closed at 7:34 PM with a motion made by Councilman Verno, seconded by Councilman Bixby. The motion was carried.

Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to accept and/or file the letters and other forms of communication.

Letter from Dept. of Ag and Markets

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Watson, to accept the Consent Agenda containing the following items:

- a. previous minutes: August 14, 2012
- b. pay the Library bills as audited by the Library Board of Trustees:
vouchers 1435 – 1456, total \$13,335.19

c. accept the budgetary transfers

<u>From</u>	<u>Amount</u>	<u>To</u>
<i>General Fund</i>		
A1220.200 Spvr Equip.	\$ 5.20	A1220.400 Spvr. Contr.
A1990.900 Contingency	\$1,350.28	A3310.400 Traffic Control Contr.
A7110.100 Parks P.S.	\$ 841.67	A7110.400 Parks Contr.
<i>Water Fund</i>		
F1910.400 Unallocated Ins.	\$ 31.00	F1440.400 Engineering Contr.

The motion was carried.

Councilman Bixby made a motion, seconded by Councilman Watson, to advertise in the official Town papers the week of September 2, 2012 for bids to clean, crack fill and stripe the entire paved area of the Town Complex parking lot, 6380 Route 21, Williamson. Bid specs may be obtained at the Town Clerk’s office with bids being accepted until September 19, 2012 at 2:00 PM. Bids will include proof of liability insurance and a non-collusive certificate. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to accept the resignation from the Assessing/Building Insp. Clerk, Paula Datthyn. Her resignation is effective August 30, 2012. The motion was carried.

Councilman Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Orbaker.

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 Williamson 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.

Roll call vote on the Resolution was as follows:

- AYES: Supervisor James D. Hoffman
- Councilman Anthony Verno
- Councilman Gary Orbaker
- Councilman Michael Bixby
- Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

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

1. PURPOSE. This Computer System Security Breach Notification Policy is intended to alert individuals to any potential identity theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security

breach. This Policy is consistent with and adopted pursuant to New York Technology Law Section 208.

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

(a) "Breach of the security system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

- (1) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- (2) Indications that the information has been downloaded or copied; or
- (3) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

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

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

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

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

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

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

(f) "Town" means the Town of Williamson, County of Wayne.

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 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.

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Councilman Orbaker made a motion, seconded by Councilman Bixby, to accept the resignation from Sue Brennessel as the Secretary to the Drainage Council. Her last day will be the meeting of August 27, 2012. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Bixby, to authorize Bill Dobie to attend the "State and National Rural Water Conference". The conference will be held in Nashville, Tennessee from September 24, 2012 to September 27, 2012. There will be no charge to the Town for the attendance at this conference. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Bixby, to authorize John Manahan and Joe English to attend the GVC Annual Meeting. The meeting will be held at the Dansville Fish & Game Club in Dansville, New York. The registration fee is \$35.00 per person with all other actual and necessary expenses a Town charge. The motion was carried.

Bids having been opened at 2:00 PM on Wednesday, August 22, 2012 for a pavement of Town Parking lots were as follows:

	<u>Option A</u>	<u>Option B</u>
A.E.Y. Enterprises, Inc. 3051 Daansen Road Walworth, New York 14568	\$ 82,000.00	\$105,000.00
All County Construction 4846 Route 104 Williamson, New York 14589	\$ 93,583.00	\$100,809.00
Ruston Paving 6228 Collett Road Farmington, New York 14425	\$118,795.00	\$117,865.00
Rochester Asphalt Sealers, LLC 100 Hojack Park Rochester, New York 14612	\$111,200.00	\$144,900.00
Empire State Paving & Exc. Inc. 789 Pre-Emption Road, P.O. Box 357 Geneva, New York 14456	\$ 91,757.00	\$120,988.00

Councilman Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Bixby.

WHEREAS: Bids were received and opened on August 22, 2012 at 2:00 PM for Paving of the Town Parking lots, and

WHEREAS: The bids were examined to determine if they meet all of the specifications of the bid requirements and are in the best interest of the Town, and

NOW THEREFORE BE IT RESOLVED: That the bid be awarded for Option A to

A.E.Y. Enterprises, Inc. for \$82,000.00.

Roll call vote on the Resolution was as follows:

AYES: None

NAYES: Supervisor James D. Hoffman
Councilman Anthony Verno
Councilman Gary Orbaker
Councilman Michael Bixby
Councilman Thomas D. Watson

The Resolution was declared defeated.

Bids having been opened at 2:00 PM on Wednesday, August 22, 2012 for a pavement of Town Parking lots were as follows:

	<u>Option A</u>	<u>Option B</u>
A.E.Y. Enterprises, Inc. 3051 Daansen Road Walworth, New York 14568	\$ 82,000.00	\$105,000.00
All County Construction 4846 Route 104 Williamson, New York 14589	\$ 93,583.00	\$100,809.00
Ruston Paving 6228 Collett Road Farmington, New York 14425	\$118,795.00	\$117,865.00
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Councilman Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Orbaker.

WHEREAS: Bids were received and opened on August 22, 2012 at 2:00 PM for Paving of the Town Parking lots, and

WHEREAS: The bids were examined to determine if they meet all of the specifications of the bid requirements and are in the best interest of the Town, and

NOW THEREFORE BE IT RESOLVED: That the bid be awarded for Option B to All County Construction for \$100,809.00.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Anthony Verno
Councilman Gary Orbaker
Councilman Michael Bixby
Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Councilman Verno made a motion, seconded by Councilman Bixby, to authorize the Town Supervisor to sign an intermunicipal agreement with the Town of Marion to allow the Town of Williamson to store salt at the Town of Marion Highway Barns as per agreement. The motion was carried.

Supervisor Hoffman discussed receiving a request from a not-for-profit organization asking for support from the Town of Williamson to open a landfill in the Town of Arcadia. The Board unanimously agreed not to take action on this request.

Public Comment: Kurt Allman; Highway Superintendent explained Decker Excavating, the company who was working for the Wayne Co. Soil & Water Conservation District had a mishap with their excavator damaging Salmon Creek Road on the drainage project in that location.

Supervisor Hoffman made a motion, seconded by Councilman Watson, to pay the following bills as audited:

ABSTRACT #15	2012	AMOUNT
	<u>VOUCHER #</u>	
GENERAL FUND	1457 - 1481	\$ 14,465.59
YOUTH	1482 - 1483	0.00
HIGHWAY	1484 - 1502	\$ 53,990.13
WATER	1503 - 1524	\$ 25,960.85
SEWER	1525 - 1542	\$ 18,597.51
LIGHTING DIST.	1543	\$ 3,208.94
<u>DRAINAGE</u>	1544 - 1545	<u>\$ 41.27</u>
GRAND TOTAL:		\$116,264.29

The motion was carried

Councilman Verno made a motion, seconded by Councilman Bixby, to adjourn the meeting at 7:50 PM. The motion was carried.

Respectfully Submitted,

Marlene A. Gulick

Marlene A. Gulick
Town Clerk