

Town of Caroline Town Board Minutes

June 15, 2006

The regular meeting of the Town Board of the Town of Caroline held on June 15, 2006 at the Town Hall was called to order by Supervisor Don Barber at 7:00 p.m.

Present:

Don Barber, Supervisor
Ed Cope, Councilman
Tim Seely, Councilman
Dominic Frongillo, Councilman

Recording

Secretary: Debra DeAugustine, Town Clerk

Visitors: Guy Krogh (town attorney), Sara Barker, several Besemer Rd./Middaugh Rd. residents

Privilege of the Floor

Sara Barker, 550 Valley Road, expressed interest in purchasing the parcel of land on the corner of Bald Hill and Leonard Road. Both she and her husband work at lab of ornithology, have lived in Caroline for three years, and would like to have land to put a green home and gardens. The supervisor added the topic to the end of the agenda; the board will discuss and give a response.

Monthly Reports

Supervisor's Report

Correspondence

1. Letter from Sara Barker expressing interest in purchasing town property on Bald Hill School Road
2. Letter from DOT denying speed limit reduction on Rt. 79
3. Freeman on FOIL, 6/22 at 6:30 p.m. at Ithaca Town Hall
4. Topo map and pictures plus engineer certification on Fall zone of Taft Road Tower
5. Copy of letter to Bill Sczesny regarding Boiceville Rd. throat size since 1982, showing little change and inspection showing the throat is too small
6. Letter from Judge Phoenix regarding condition of auditorium for trial

Report

- Public financing of stream bank stabilization projects: The land under the stream is owned by the private party and water is owned by the public.
- Met with Bill Sczesny about Boiceville Bridge
- From county rep who was not present: \$5000 beautification grant was passed by the county board

Department, Committee, & Liaison Reports

Frongillo

- MS4: Sharon Anderson put together a draft schedule for years 4 and 5 (the next two years) of the stormwater management plan. Don: we need to come up with a position to present to DEC regarding wash bay at the Town Barns.
- Rec Partnership: put together preliminary budget numbers so municipalities know what to expect next year. Authorized Ithaca Youth Bureau to come up with programs assuming a 3% increase.

Cope

- Planning board will hold July information meeting on their progress with part 2 of the plan.

- Creek Bank on Valley Road/Brooktondale Rd.: Several phone calls with Dave Harrick of TG Miller; he wants to talk to Peter Novelli about the work he’s done.

Seely: Tank has been removed next door; soil samples taken, which are off to Buck Labs. Should have results in a week to ten days. Trying to get an idea from DEC about what we have to do with the tank before we sell it off for scrap. The property for sale on Flatiron Rd has it been okayed for subdivision. Code enforcement officer has ruled that it’s exempt.

Action Topics

Approval of Abstracts

Approval of General Fund Abstract

A motion was made by Councilman Seely and seconded by Councilman Frongillo to approve payment for the General Fund voucher numbers 143 through 175 in the amount of \$25,343.58.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

Approval of Highway Fund Abstract

A motion was made by Councilman Cope and seconded by Councilman Seely to approve payment for the Highway Fund voucher numbers 101 through 116 in the amount of \$90,151.49.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

Approval of Streetlight Fund Abstract

A motion was made by Councilman Frongillo and seconded by Councilwoman Seely to approve payment for the Streetlight Fund voucher numbers 010 through 011 in the amount of \$506.51.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

Minutes

Approval of Minutes from May 2, 2006

A motion was made by Supervisor Barber and seconded by Councilman Seely to accept the minutes of May 2, 2006, with the following amendments.

Amendments:

Frongillo, page 1, his name is spelled wrong

Farnum (write in): page 1, Committee Reports, change Emergency Preparedness to “Incident Command System” and an Emergency Preparedness Meeting to “a course on this (ICS-100), meeting” ...

Cope: page 2, next to the last paragraph should say that Councilman Cope and Supervisor Barber met with Supt. Whittaker.

Seely, page 2, 4th paragraph, total for the lawn mowing contract should be \$2660

Barber: top of page 3, should be replaced with, "The Town Board will have to appoint the committee and provide them with a charge. Supv. Barber stated that, for his business, he uses a process that he could loan to the committee that rates positions by these compensation factors:" The 8 compensation factors are correct as written. The next paragraph should be replaced with, "Each position would then end up with a relative point total. The committee could go to other towns and get comparable salaries, which would probably need to be converted to an hourly rate for some of the positions. From this data, the committee could establish a point value vs. wage relationship that could be used to interpolate salary for all positions. Supv. Barber proposed the following charge to the committee:" The rest is fine as written.

Barber, page 3, Shared Highway Services should say, "Supervisor Barber will be negotiating a resolution for shared services between..."

Barber: Remove \$ value from minutes for Bald Hill Rd.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Abstain

Approval of Minutes from May 11, 2006

A motion was made by Supervisor Barber and seconded by Councilman Cope to accept the minutes of May 11, 2006 with the following amendments.

Amendments:

Barber: page 1, All Hazard Mitigation Plan. Remove first two sentences and replace with, "Distributed to the town board a plan for implementation of the All Hazards Mitigation Plan. The plan included the creation of a committee that would set a list of priorities yearly."

Dominic: correct the spelling of Cornell on bottom of page 1.

Farnum (write in): page 3, Committee Reports, change the date of the workshop given by the SPCA to Friday.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

Town Business

Dominic introduced Stormwater Proposed Law. Questions on wording should be addressed. Guy Krogh offered to help out.

Noise Ordinance

Guy Krogh shared the benefits and detriments of noise regulations in examples he brought from other towns. Some regulations are very technical, with measuring decibals, etc. Most are written with a *criminal* sanction, where criminal intent within a reasonable doubt must be proven. Most regulations consider reasonable person with reasonable listening acuity. But these are subjective standards subject to criminal sanction. Different laws make sense for different communities. Town of Ithaca law is an amendment to their old law and hopes to avoid constant involvement of the police. It has same subjectivity problems. Must balance constitutional rights of the noise makers with the rights of the people affected. Must craft a law that avoids large expense to the town, i.e., the taxpayers. Key is to define what is noise. Firing of shotgun is loud, but within the law. Loud music, alarms, unmuffled vehicles, ATVs. He urged us to pass a local law and not an ordinance, and to tailor it to the needs of this particular town,

and to put the emphasis on civil rather than criminal remedies. Law would provide two options: civil or criminal; as the person increasingly ignores the law, the penalty increases.

Questions:

Civil offense is brought by the town, by the person they choose, and is punishable by fine. Sheriff can intervene in civil suit. Town can select any number of people who can proceed, such as code enforcement officer. No sanction is imposed until something is brought to the court. Unpaid civil fines can be taken out of taxes.

Criminal offense has to be proven beyond a reasonable doubt. Very difficult to prove when the offense is subjective.

Supreme court injunction: Civil public nuisance proceeding against someone, filed by one or more people. Don't need local law. Very expensive to get an injunction. Violate a supreme court order at great peril.

Local law: proceeding can be brought in town or in county court. Town could oversee the enforcement. Setting regulations for only certain sections of the town aren't recommended. Looks like it is targeted against an individual, not a problem. How about tied to density? Then you're talking zoning. How about within a certain distance of a house? Yes. Adult entertainment law is one we already have on the books. What about ag districts, so we can assure farmers we're not getting in the way of farming? Yes. Local law is passed by town board; not put out for a public vote. Do we need a public hearing? Yes.

Vehicle and traffic law applies only to public roads, parking lots, not private land, and to vehicles that can be licensed on a public highway, which would not include ATVs, go-carts, etc.

Don: Do we need to adopt a comprehensive plan to adopt a local law regarding noise? No. Board will decide tonight whether to move ahead or to drop the issue. If board decides to move ahead, we will ask for town input and form a committee.

Taft Road Tower

County looking for a way to provide radios for the fire departments, but if town wants the highway to use radios, we would have to provide them.

- Breakpoint of the tower: statement from the engineer saying it won't fall, short of tornado and terrorism
- Topography: water runoff. Definitely will run away from Caroline Center.
- Electricity: will ask to put up another pole.

Don will forward statement that we're comfortable with the arrangements.

Establish Information Security Policy

Guy looked it over and thought it was fine. Deals with any private information. If town releases any of this kind of information, we need to let the public know.

New Town Hall Concepts

Tim gave out blueprint concept of new space. Should library be in new building; historian? Should it be large enough to lease space there, such as postal service? Tim will come back next month with new drawings accommodating ideas put out.

Sell Town Property

Offer Bald Hill property for sale in response to Sara Barker's request. Not plowed. If we let them build, we need to make a way for emergency services to get there. Need to ask Cindy what would be involved. If we wait long enough for services, it will be worth more on the market. If we have a bona fide offer, we're not required to put it on the market. We should show through a resolution that we're planning to liquidate the property to at least let residents know what we're planning to do. Don will let the Barkers know we'll entertain an offer.

Resolutions

Resolution 6-1 of 2006 State Technology Law

By Supervisor Barber; Seconded by Councilman Cope

RESOLVED that the Town Board adopted the following technology policy.

In an effort to protect NYS residents from identity theft, the Town of Caroline creates and enforces policies to: 1) protect and secure private information from being released and 2) notification once the security system has been breached.

The definitions for "Private information" and "Breach of Security"

(a) "Private **information**" shall mean 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 federal, state, or local government records.

(b) "Breach of the security of the system" shall mean **unauthorized** acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal **information** maintained by a state entity. Good faith acquisition of personal **information** by an employee or agent of a state entity for the purposes of the agency 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, such state entity 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.

(c) "Town" shall mean the Town of Caroline, in the County of Tompkins and State of New York.

The Town of Caroline policy to protect private information shall include:

- (a) Review in house data security procedures, privacy practices, and information technology and security systems for compliance
 - (1) Inventory existing computer systems and electronic files to determine what personal information the town collects and maintains
 - (2) Identify how personal information is collected and how and where stored
 - (3) Identify hard copy files and documents that contain privacy information
 - (4) Review existing procedures for securing "private information"

- (b) Establish contact and addressing information available for persons who may potentially need to be notified of a breach, and determine the best means of notification.

The Town of Caroline is required, under NYS Technology Law Section 208 to disclose any breach of security of the system, following discovery or notification of the breach in the security of the system to any resident of New York State whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision 4 of this section, 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.

- (c) If the Town maintains computerized data that includes private information which the Town does not own shall 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.
- (d) The notification required by this section may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this section shall be made after such law enforcement agency determines that such notification does not compromise such investigation.
- (e) The notice shall be directly provided to the affected persons by one of the following methods:
 - (1) written notice;
 - (2) electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the state entity who notifies affected persons in such form; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;
 - (3) telephone notification provided that a log of each such notification is kept by the state entity who notifies affected persons; or
- (f) Regardless of the method by which notice is provided, such notice shall 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, so acquired.
- (g) In the event that any New York residents are to be notified, the Town shall 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 approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

**Resolution 6-2
Council of Governments Participation**

By Supervisor Barber; Seconded by Councilman Cope

WHEREAS, the Tompkins County Intermunicipal Steering Committee has been meeting to discuss ways the local governments could work together to reduce costs to the residents; and

WHEREAS, the Committee discovered that other counties have created a Council of Governments made up of local government officials; and

WHEREAS, the Tompkins County Council of Governments would be an association of local governments organized to provide a forum for discussion and negotiation leading to agreements for more efficient and fiscally responsible delivery of government services; and

WHEREAS, the Town of Caroline desires to be a member of the Tompkins County Council of Governments, and has reviewed the Interim Bylaws; now therefore be it

RESOLVED, the Town of Caroline does hereby approve becoming a member of the Tompkins County Council of Governments and agrees to the terms outlined in the Interim Bylaws; and be it further

RESOLVED, that Don Barber is appointed as the voting member and Ed Cope as the alternate member.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

**Resolution 6-3 of 2006
July Agenda Meeting Date Change**

By Supervisor Barber; Seconded by Councilman Seely

RESOLVED, the next agenda meeting of the town board will be held on July 6 at 7:30 p.m.

Adopted	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Absent
	Dominic Frongillo	Aye

Adjourn

On a motion, the meeting adjourned at 10:20 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk