

## 7-9-2020 – JULY REGULAR MEETING

Present:

Councilman Mike Domster  
Councilman Leonard R. Hochadel  
Councilman John D. Marsh  
Supervisor Beverly A. Gambino

Also Present:

Highway Superintendent Donald Hopkins  
Town Clerk Jennifer L Bray  
Approx. 8 guests

Supervisor Gambino called the regular July meeting to order at 6:30 PM, with the Pledge to the Flag led by veteran and Town Board member Len Hochadel.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes. Supervisor Gambino noted that there were two sets of minutes to approve. The first set was for the regular June 11<sup>th</sup> Town Board meeting and the second set was from the work session that was held on June 27<sup>th</sup>. **On a motion by Marsh, seconded by Hochadel, the minutes were approved, as submitted. Carried, 4 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda is to approve the payment of the bills. **Warrant #7 of 2020, including vouchers # 331 through #388, totaling \$79,199.67, of which \$69,086.84 was for the General Fund and \$7,883.33 was for the Highway Fund, \$1,218.30 was for the Fire Protection Fund and \$1,011.20 was for the Street Lighting Fund. On a motion by Marsh, seconded by Domster, the Warrant was approved for payment. Carried, 4 ayes, 0 noes.**

Departmental Reports were as follows:

Councilman Marsh reported that Arcade Electric had installed the new street lights on Rt. 16. Councilman Marsh stated he spoke with NYSEG again and that the estimate of \$30,000.00 was just that and to get a better idea of what the exact cost would be for additional lights the Town would have to agree to go forward to the next step and NYSEG would then send out an engineer. After discussion it was agreed to move forward to get the price if the Town can make a final decision based on that price.

Councilman Domster reported that he has bids for the parking lot repairs at the Town Hall as well as for redoing the basketball court at Manion Park but noted that they are all very different. It was agreed that the Board would hold another work session to discuss the bids in depth.

Councilman Hochadel reported that the Board had pushed the concert in the park dates back two weeks and moved those nights to September 1<sup>st</sup> and September 8<sup>th</sup>. He also noted that there had been a change to August 18 and Pete Boberg would now be playing. Next Councilman Hochadel reported that he had gotten a new sign design from TW Signs and had a sample of a blue and white sign. After discussion it was agreed that he would see if they could do a green and white sign to still match the other Town signs.

Superintendent Hopkins updated the Board on a number of topics including items sold and listed on Auctions International, the status of the pool and the acid washing that had been done, posting Covid19 signs at the parks and completing work to open the parks. Superintendent Hopkins noted that when opening the bathrooms at Manion they found that someone from baseball had left a tote full of sod in the storage room between the bathrooms. He noted that there have also been other issues with hoses being left behind in the past. Lastly Superintendent Hopkins noted that he and Albert Hanson had been working at the park to find the septic systems at the park for the upcoming building work.

Supervisor Gambino reported that the air conditioners had all been installed and that new window blinds will be being installed soon. Next Supervisor Gambino stated that per the recommendation of the Town Attorney the Town needed to pass a Cyber Security Policy and that it was attached to the agenda. **On a motion by Marsh, seconded by Hochadel, the following Cyber Security Policy was adopted. Carried 4 ayes, 0 noes.**

### *CYBER SECURITY CITIZEN NOTIFICATION POLICY*

#### **1. Compliance with state law.**

*This policy is consistent with the State Technology Law, § 208. Section 208 requires all local governmental entities to notify an individual when there has been, or is reasonably believed to have been, a compromise of the individual's private information, in compliance with the Information Security Breach and Notification Act and this policy.*

#### **2. Definitions.**

*As used in this chapter, the following terms shall have the meanings indicated:*

**COMPROMISE OF PRIVATE INFORMATION.** *The unauthorized acquisition of unencrypted*

computerized data with private information.

#### PRIVATE INFORMATION.

A. 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.

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 the Town of Sardinia. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the Town 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.

TOWN, shall mean the Town of Sardinia.

CONSUMER REPORTING AGENCY shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies has been compiled by the State Attorney General and is available upon request to Towns required to make a notification under subdivision two of this section.

### **3. Unencrypted data.**

If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.

### **4. Notification of compromise of private information.**

If the Town owns or licenses computerized data that includes private information it shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of the State of New York 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, section 5 herein, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

If the Town maintains computerized data that includes private information which it 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.

The Town, after consulting with the state Office of Cyber Security and Critical Infrastructure Coordination to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been, a compromise of private information through unauthorized disclosure.

### **5. Delay of notification possible in criminal investigations.**

Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.

### **6. Methods for notification.**

The Town will notify the affected individual. Such notice shall be directly provided to the affected persons

by one of the following methods:

A. Written notice;

B. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Town who notifies affected persons in such form; but 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;

C. Telephone notification, provided that a log of each such notification is kept by the Town which notifies affected persons; 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 affected class of subject persons to be notified exceeds 5,000, or the Town does not have sufficient contact information, substitute notice shall consist of 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 site page, if the Town maintains one; and
- (3) Notification to major state-wide media.

#### 7. **Contents of notice.**

Regardless of the method by which notice is provided, such notice shall include contact information for the Town making the notification 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.

#### 8. **Notification to State and consumer reporting agencies.**

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.

#### 9. **Notification of more than 5,000 residents.**

When more than 5,000 New York residents are to be notified at one time, then the Town shall notify the consumer reporting agencies, as that term is defined in the State Technologies Law § 208, as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

Supervisor Gambino stated that now that the conference room upstairs is finish she would like to get a conference table and chairs to go with it. She stated the cost for the table was \$2950.00 and the cost per chair was \$298.00 for a total of \$5747.50. **On a motion by Marsh, seconded by Domster, Supervisor Gambino was given permission to buy the table and chairs. Carried 4 ayes, 0 noes.**

Supervisor Gambino noted that the August Regular Town Board meeting has been moved to Thursday August 6<sup>th</sup> at 6:30 PM. Supervisor Gambino also asked the Board to set up another work session. After discussion it was agreed that a work session would be held on Thursday July 23<sup>rd</sup> at 5:30 PM at the Town Hall.

Councilman Marsh stated that he had been approached by a softball organization regarding possibly having games at Manion Park. After discussion it was agreed that due to Covid19 gathering restrictions and due to shelters already being rented that it would not be allowed at this time.

Superintendent Hopkins stated that Councilman Marsh had reached out to him regarding a request for signs on Miller Ave. noting that there were Autistic Children in the area. There was a brief discussion of the requirements needed to allow for signs to be placed on Miller Ave. including the need for a letter and a resolution asking for a TE9 study. Supervisor Gambino stated that it would be best to have the Town Attorney to draft the letter and the Board can do the resolution. **Therefore the following resolution, to be known as Resolution #24 of 2020, was moved for adoption on a motion by Hochadel, seconded by Marsh:**

### **RESOLUTION #24 – 2020**

#### **SPEED LIMIT REDUCTION STUDY**

**WHEREAS**, the Town Board of the Town of Sardinia has received a request for signage to be placed on Miller Ave. advising of an Autistic Child area,  
**WHEREAS**, Miller Ave is a road within the Town of Sardinia,  
**WHEREAS**, the Town Board has been informed that the speed limit on Miller Ave. would first need to be reduced to 35 mph,

**WHEREAS**, the Town Board of Sardinia are in agreement that the safety signage for the children would be in the best interest of the Town, and

**WHEREAS**, the Town Board of Sardinia are in agreement that a speed limit reduction to 35 mph would be in the best interest of the Town, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves a request to ask for a Speed Limit Reduction study to be done on Miller Ave.

**DULY ADOPTED**, this 9th day of July, 2020 by the following vote: Domster aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes.

There being no further business to come before the Board, on a motion from Councilman Marsh, seconded by Councilman Domster and the meeting was adjourned at 6:56 p.m. Carried 4 ayes, 0 noes.

Respectfully Submitted,

Town Clerk