

Minutes of the Regular Town Board Meeting of the Town of Lake George, NY, held on March 13, 2006, at the Town Center, 20 Old Post Road, Lake George, NY.

ATTENDANCE

Members Present: Louis Tessier, Supervisor
Vincent Crocitto, Councilperson
Rita Dorman, Councilperson
Frank McCoy, Councilperson
George McGowan, Councilperson

Others Present: James Mathis, Town Clerk, James Gray, Bob Risman, Chris Navitsky, Mary Alice Leary, Betty Spinelli, Joe Stanek, Kevin Mulcahy, John Danese, George Green, Janie Green, Paul Sullivan, Paul Livingston, and others.

PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:30 PM by Supervisor Tessier. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

A motion was made by Councilperson McCoy and seconded by Councilperson Crocitto that the Minutes of the February 13, 2006, meeting of the Town Board be approved as submitted.

Ayes: 5 Tessier, Crocitto, Dorman, McCoy, McGowan
Nays: 0

The minutes were approved.

COMMITTEE REPORTS

Rita Dorman

Councilperson Dorman reported that in the last two months the Dog Control Officer had driven 41.9 miles in January and 69.8 in February.

George McGowan

Councilperson McGowan reported that as a result of the wind storm several more outages and damaged lights were reported and work orders transmitted to National Grid. Outages and damage occurred on Flat Rock Road, Diamond Point, Bloody Pond Road, Sewell Street, Route 9L.

Frank McCoy

**Appointment of Alternate Member of Zoning Board of Appeal
Resolution 47-2006**

Introduced by Councilperson McCoy and seconded by Councilperson Crocitto, resolved that the Town Board appoint Jim Sullivan to serve as an Alternate Member of the Zoning Board of Appeals with a term expiring December 31, 2010.

Ayes: 5 Tessier, Crocitto, Dorman, McCoy, McGowan
Nays: 0

The resolution was adopted

Reference of issue to Planning Board

Resolution #48-2006

Introduced by Councilperson McCoy and seconded by Councilperson McGowan, resolved that the Town Planning Board be asked to review the Zoning regulations regarding conversions, condominium development, and related density issues in relationship to existing seasonal accommodations and recommend changes necessary to protect critical and intended density requirements and standards of the regulations.

Ayes: 5 Tessier, Crocitto, Dorman, McCoy, McGowan
Nays: 0

The resolution was adopted.

Councilperson McCoy reported that the Emergency Squad responded to 39 calls in the month of February and received two new membership applications.

The Buildings and Grounds Department were involved in the construction of new picnic tables for the new pavilion at Usher Park as well as doing work in the Town Hall remodeling the downstairs hallway and the Supervisor's Office.

He reported that the web site averaged 85 visits a day during the month of February.

Vincent Crocitto

Councilperson Crocitto reported that the Highway Department had completed painting the garage. They have also been busy working on the culvert on Michelli Road, doing shoulder and pot hole repair, repairs on Upper Hubble Lane, Deer Run, Antler Lane, and Middle Road, as well clean up activities after the storm. They are getting ready for Spring Cleanup. The water plant and wells are checked daily for problems.

The Youth Commission Bowling program ended having served 55 young people. The six week ski program had participation of 110 young persons. The basketball program ended with a tournament at the Lake George High School for 8th and 9th grade boys. Bob Bolen has served as the head of it. The little league baseball teams have been chosen and will be ready to start April 1st. There are 300 youth signed up for it.

Authorization for purchase of three pick up trucks

Councilperson Crocitto said that a resolution was required for the ordering of new trucks for the Highway and Sewer Departments. Once the trucks being replaced have been sold, the Town will know the amount needed for a Bond Anticipation Note, and that action will be taken at a later meeting. Supervisor Tessier thought the Bond would be around \$60,000.

Resolution #49-2006

Introduced by Councilperson Crocitto and seconded by Councilperson McCoy, Resolved that the Town Board authorize the purchase of three trucks all with snow plows included: Two (2) Dodge Ram 2500's, one with a Quad Cab costing \$34,541.34, and the other a standard 2 door costing \$31,041.34, and one (1) Dodge Ram 3500 costing \$32,144.80. One will be used by the Sewer Department and two will be used by the Highway Department. They will be purchased through State Contract Grp. #40506, Award #18429 of the 2006 contract. They will be paid for through the issuance of a Bond Anticipation Note.

Ayes: 5 Tessier, Crocitto, Dorman, McCoy, McGowan
Nays: 0

The resolution was adopted.

Supervisor Tessier commented on a letter from John Murphy of Niagara Mohawk regarding the storm response. He said that the Town generator was very useful during the storm as it was taken to the Diamond Point Water station and used for replenishing the tanks for the water supply. Once that was done, it could be taken to other locations where temporary power was needed, such as the Highway Department and the Emergency Squad. He said that a permanent generator at the Diamond Point Water station would be a good investment for the Town. Councilperson McCoy asked if there would be funds available from Homeland Security which would cover such a purchase.

NEW BUSINESS

Cyber Security Citizens' Notification Policy

Resolution #50-2006

Introduced by Councilperson McCoy and seconded by Councilperson Dorman, Whereas, the 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 Lake George 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.

(Copy of the Policy is attached to the Minutes of Meeting.)

Public Hearing for increase in Veterans' exemption

Resolution #51-2006

Introduced by Councilperson McCoy and seconded by Councilperson Crocitto, resolved that the Town Board schedule a public hearing for Monday, April 10, 2006, at 7:30 PM at the Town Center to receive comment on a local law to authorize an increase in the Alternate Veterans Exemption for veterans in the Town of Lake George.

Ayes: 5 Tessier, Crocitto, Dorman, McCoy, McGowan
Nays: 0

The resolution was adopted.

COMMUNICATIONS

The following communications were noted by Supervisor Tessier:

- National Grid, information regarding the wind storm
- Dr. Kate O'Keefe, the new visitor center
- Time Warner, announcement of new public affairs program
- Cornell Cooperative Extension, newsletter and summer camp information
- Sen. Schummer, money available for drug free communities
- New York State, Clean Water Act money available

PRIVILEGE OF THE FLOOR

Chris Navitsky, Lake George Waterkeeper, said that he had a concern about what is called the French Mountain Veterans' Memorial Highway, a roadway which is being developed connecting Bay Road to Route 9 in Lake George. He believes the level of disturbance is greater than they had proposed and received approvals for. They were to be using logging roads, but the development has gone beyond that. He said that there are issues related to proximity to streams contrary to permits. There is a major non compliance of the ordinance and of their approvals. He suggested that the Town investigate the activities for possible violations and that they be addressed. He said that the disturbance is very visible from the Northway.

Supervisor Tessier said that the Town was looking into the matter through the Planning Board.

Robert Risman, Diamond Point, said that tourism is declining in the area. A recent article said that it was down 30% in 2005. He thanked the Board for considering revisiting conversions, since some seem to be coming through the back door as variances. He said that conversions are part of the natural evolution of property and that the government cannot stop them from happening. Because of local law he cannot make larger accommodations. The Town Board can make some changes, but the changes have to be economically sound for the property owner. He said that his property value has increased but the accompanying income from his accommodations remains static.

Kevin Mulcahy, Halada Drive, questioned the status of the timber harvesting moratorium. He said that it was to be for 3 months, and the 3 months have passed.

Supervisor Tessier said he did not believe the time had passed, but the Planning Board is still working on the revision of the regulations. Nothing is available yet for public review.

ADJOURNMENT

A motion was made by Councilperson McCoy and seconded by Councilperson Crocitto that the Town Board Meeting be adjourned.

Ayes: 5 Tessier, Crocitto, Dorman, McCoy, McGowan
Nays: 0

The meeting was adjourned at 7:55 PM.

Respectfully submitted,

James P. Mathis
Town Clerk

**TOWN OF LAKE GEORGE
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 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 business 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 also has been acquired:
 - (1) social security number;
 - (2) driver's license number or non-drive 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.
- (f) "Town" means the Town of Lake George.

- 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 the 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 web site page, if the Town maintains one; and
 - (3) notification to major statewide 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 persons. 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 persons. Such notice must be made without delaying notice to affected individuals.

