

**Town Board Meeting
September 24, 2015
7:30 p.m.**

Present: Councilman Jeff Logan, Councilman Kevin Barry, Councilman Marty Irwin, Councilman Dan Torres. **Absent:** Supervisor Susan Zimet.

At 7:34 p.m. a motion was made by Councilman Barry to open the meeting with the pledge. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Agenda: -Ethics Board, +NYCOMCO Lease, +B&G Part-time employee, +Approval of NYC DEP Letter re: water, +2016 Tentative Budget Presentation, +Municipal Center Update.

A motion was made by Councilman Barry to adopt the agenda as amended. Seconded by Councilman Torres, all aye votes cast, motion carried.

Flood Plain Law Discussion:

Councilman Barry indicated that Building Inspector Stacy Delarede is circulating proposed changes and compiling comments from DEC. A revised version of the text of the law will then be sent to the Board members and Joe Moriello for review.

Councilman Logan indicated that DEC's comments include ones from FEMA as well. The Board plans to set the public hearing for a special meeting in October.

Councilman Irwin would like to see documentation of how the changes have impacted the residents under the constraints of the law. He asked if the Ulster County Planning Board and/or the EnCB have reviewed the proposed changes?

Some of the residents indicated that they feel as though the current law is taking their rights as property owners away. They should be able to rebuild their homes just like anyone else, and not be dependent on a ruling by the Zoning Board.

Library Ballot Proposition:

The library board passed a resolution and submitted to the Town Clerk a petition, to put up for a referendum an increase in the annual contribution from the Town, by \$70,000 for an annual total of \$466,000. Board President Richard Heyl de Ortiz discussed the legal structure and accountability and reporting aspects of the library. Councilman Barry explained that based on his research of the State Education Law, he did not feel as though the library was compliant. The library is required to have its trustees elected by the public and to provide the Town with its detailed budget on an annual basis, which it has not done. Mr. Heyl de Ortiz indicated that the budget is available upon request. There was a discussion on the impact of the increase on the per capita calculations in comparison to other libraries in the county.

A motion was made by Councilman Logan to adopt the following resolution:

**RESOLUTION AND NOTICE OF DETERMINATION OF NON SIGNIFICANCE-
NEGATIVE DECLARATION
RE: ELTING MEMORIAL LIBRARY BALLOT PROPOSITION 2015**

WHEREAS, there has been filed in Office of the Town Clerk, Town of New Paltz on September 4, 2015 a petition pursuant to Section 259, subdivision 1,b (1) of the Education Law of the State of New York by the Board of Trustees of the Elting Memorial Library requesting that the following question be placed upon the ballot and voted on at the next general election of the Town of New Paltz to be held on Tuesday, November 3, 2015:

WHEREAS, the Town Board of the Town of New Paltz has compared the proposed action as described in the Environmental Assessment Form Parts One and Two with the list of criteria set forth in 6 NYCRR 617.12 and determined that the application proposed is a Type II Action and as such the Town Board has no further responsibilities under the Act.

Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Councilman Logan to adopt the following resolution:

WHEREAS, there has been filed in Office of the Town Clerk, Town of New Paltz on September 4, 2015 a petition pursuant to Section 259, subdivision 1,b (1) of the Education Law of the State of New York by the Board of Trustees of the Elting Memorial Library requesting that

the following question be placed upon the ballot and voted on at the next general election of the Town of New Paltz to be held on Tuesday, November 3, 2015:

“SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF NEW PALTZ PROVIDED IN ITS BUDGET FOR THE OPERATING BUDGET OF THE ELTING MEMORIAL LIBRARY, A FREE ASSOCIATION LIBRARY LOCATED IN NEW PALTZ, NEW YORK, BE INCREASED BY \$70,000.00 ANNUALLY TO THE SUM OF \$466,000.00 ANNUALLY”

NOW, THEREFORE, BE IT RESOLVED pursuant to Section 81 of the Town Law of the State of New York that the following question shall be voted on at the next general election of the Town of New Paltz to be held on November 3, 2015:

“SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF NEW PALTZ PROVIDED IN ITS BUDGET FOR THE OPERATING BUDGET OF THE ELTING MEMORIAL LIBRARY, A FREE ASSOCIATION LIBRARY LOCATED IN NEW PALTZ, NEW YORK, BE INCREASED BY \$70,000.00 ANNUALLY TO THE SUM OF \$466,000.00 ANNUALLY”

Seconded by Councilman Torres, all aye votes cast, Councilman Barry voted no. Motion carried.

Community Partnership Administration Marketing Tool:

A motion was made by Councilman Barry to authorize the Town to purchase Infusionsoft at a cost of \$3,029.80, 100% reimbursable by the grant. Seconded by Councilman Torres, all aye votes cast, motion carried.

Approval of NYC DEP letter regarding water:

A motion was made by Councilman Barry to authorize Councilman Logan to sign the letter on behalf of the Town indicating there is no site plan approval required by the DEP during the work they perform while in the Town. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Child Care Center:

Sale of building to the Center itself. Tabled.

Computer Policy:

A motion was made by Councilman Logan to adopt the following computer policy:

Acceptable Use of Town Computer Equipment Policy

1. Overview

The Town of New Paltz’s intentions for publishing an Acceptable Use of Town Computer Equipment Policy are not to impose restrictions that are contrary to the established culture of openness, trust and integrity. The Town of New Paltz is committed to protecting their employees, partners and the municipality from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, are the property of the Town of New Paltz. These systems are to be used for business purposes in serving the interests of the municipality, and of our constituents and taxpayers in the course of normal operations.

Effective security is a team effort involving the participation and support of every Town of New Paltz employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

2. Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at the Town of New Paltz. These rules are in place to protect the employee and the Town of New Paltz.

Inappropriate use exposes the Town of New Paltz to risks including virus attacks, compromise of network systems and services, and legal issues.

3. Scope

This policy applies to the use of information, electronic and computing devices, and network resources to conduct the town’s business or interact with internal networks and business systems, whether owned or leased by the Town of New Paltz, the employee, or a third party. All employees, contractors, consultants, temporary, and other workers at the Town of New Paltz and

its subsidiaries are responsible for exercising good judgment regarding appropriate use of information, electronic devices, and network resources in accordance with the Town of New Paltz policies and standards, and local laws and regulation. Exceptions to this policy are documented in section 5.2

This policy applies to employees, contractors, consultants, temporaries, and other workers at the Town Hall, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the Town of New Paltz.

4. Policy

4.1 General Use and Ownership

- 4.1.1 The Town of New Paltz proprietary information stored on electronic and computing devices whether owned or leased by the Town of New Paltz, the employee or a third party, remains the sole property of the Town of New Paltz. You must ensure through legal or technical means that proprietary information is protected.
- 4.1.2 You have a responsibility to promptly report the theft, loss or unauthorized disclosure of the Town of New Paltz proprietary information.
- 4.1.3 You may access, use or share the Town of New Paltz proprietary information only to the extent it is authorized and necessary to fulfill your assigned job duties.
- 4.1.4 Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.
- 4.1.5 For security and network maintenance purposes, authorized individuals within the Town of New Paltz may monitor equipment, systems and network traffic at any time.
- 4.1.6 The Town of New Paltz reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

4.2 Security and Proprietary Information

- 4.2.1 Providing access to another individual, either deliberately or through failure to secure its access, is prohibited.
- 4.2.2 All computing devices must be secured with a password-protected screensaver with the automatic activation feature set to 10 minutes or less. You must lock the screen or log off when the device is unattended.
- 4.2.3 Postings by employees from a Town of New Paltz email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the Town of New Paltz, unless posting is in the course of business duties.
- 4.2.4 Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain malware.
- 4.2.5 All town hall servers will be remotely backed-up daily and stored off-site.

4.3 Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of the Town of New Paltz authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing the Town of New Paltz-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

4.3.1 System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Town of New Paltz.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the Town of New Paltz or the end user does not have an active license is strictly prohibited.
3. Accessing data, a server or an account for any purpose other than conducting the Town of New Paltz business, even if you have authorized access, is prohibited.
4. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
5. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
6. Revealing your account password to others or allowing use of your account by others.
7. Remote access to town computer/server.

Using a the Town of New Paltz computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.

8. Making fraudulent offers of products, items, or services originating from any the Town of New Paltz account.
9. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
10. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
11. Port scanning or security scanning is expressly prohibited unless prior notification to Town of New Paltz is made.
12. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
13. Circumventing user authentication or security of any host, network or account.
14. Introducing honeypots, honeynets, or similar technology on the Town of New Paltz network.
15. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).

16. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
17. Providing information about, or lists of, the Town of New Paltz employees to parties outside the Town of New Paltz.

4.3.2 Email and Communication Activities

When using government resources to access and use the Internet, users must realize they represent the municipality. Whenever employees state an affiliation to the municipality, they must also clearly indicate that "the opinions expressed are my own and not necessarily those of the municipality".

Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).

1. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
2. Unauthorized use, or forging, of email header information.
3. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
4. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
5. Use of unsolicited email originating from within the town's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the Town of New Paltz or connected via the town's network.
6. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

4.3.3 Blogging and Social Media

1. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of the Town of New Paltz and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by the Town of New Paltz's *Anti-Harassment* policy.
2. Employees may also not attribute personal statements, opinions or beliefs to the Town of New Paltz when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of the Town of New Paltz. Employees assume any and all risk associated with blogging.
3. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, the Town of New Paltz's trademarks, logos and any other the Town of New Paltz intellectual property may also not be used in connection with any blogging activity.

5. Policy Compliance

5.1 Compliance Measurement

The Town of New Paltz Town Board will verify compliance to this policy through various methods, including but not limited to, internal and external audits, and feedback through/by/to the IT consultant.

5.2 Exceptions

Any exception to the policy must be approved by the Town of New Paltz Town Board in advance.

5.3 Non-Compliance

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Seconded by Councilman Barry, all aye votes cast, motion carried.

Authorize Engineer for Field of Dreams:

A motion was made by Councilman Barry to approve the Engineer working on getting water and sewer at the Field of Dreams concession stand and dog park. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Municipal Center:

Councilman Irwin indicated that the Building Committee is looking into the demolition of the old Town Hall. He would like the Board to authorize engaging Whitaker & Associates to develop a demolition plan. It will be interviewing two architects next week and will then make a recommendation. Tabled until a quote from Whitaker & Associates is received.

NYCOMCO Lease:

A motion was made by Councilman Barry to sign a new lease for \$1,556/month for 2016. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Establishment of Escrow Accounts:

A motion was made by Councilman Barry to approve the establishment of the following escrow:

- 1) The applicant OSI – River to Ridge Trail site plan PB 15-20 shall provide for initial deposit into escrow account in the amount of \$5000.00 as determined by the Planning Board and Town Board of New Paltz based on its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of all Town vouchers for such services as they are submitted to the Town. When the balance in such escrow account is reduced to ½ of its initial amount, \$2500.00, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Planning Board may suspend its review of the application. A building permit or certificate of occupancy shall not be issued unless all professional fees charged in connection with the applicant’s project have been reimbursed to the Town. After all pertinent charges have been paid; the Town shall refund to the applicant any funds remaining on deposit.

Seconded by Councilman Irwin, all aye votes cast, motion carried.

A motion was made by Councilman Barry to approve the establishment of the following escrow:

- 1) The applicant Tim Brooks 2 lot Subdivision – PB 15-21 shall provide for initial deposit into escrow account in the amount of \$1000.00 as determined by the Planning Board and Town Board of New Paltz based on its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of all Town vouchers for such services as they are submitted to the Town. When the balance in such escrow account is reduced to ½ of its initial amount, \$500.00, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Planning Board may suspend its review of the application. A building permit or certificate of occupancy shall not be issued unless all professional fees charged in connection with the applicant’s project have been reimbursed to the Town. After all pertinent charges have been paid; the Town shall refund to the applicant any funds remaining on deposit.

Seconded by Councilman Irwin, all aye votes cast, motion carried.

A motion was made by Councilman Barry to approve the establishment of the following escrow:

- 1) The applicant DuBois Site Plan to construct SFR – PB 15-19 shall provide for initial deposit into escrow account in the amount of \$1000.00 as determined by the Planning Board and Town Board of New Paltz based on its evaluation of the nature and complexity

of the application. The applicant shall be provided with copies of all Town vouchers for such services as they are submitted to the Town. When the balance in such escrow account is reduced to ½ of its initial amount, \$500.00, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Planning Board may suspend its review of the application. A building permit or certificate of occupancy shall not be issued unless all professional fees charged in connection with the applicant's project have been reimbursed to the Town. After all pertinent charges have been paid; the Town shall refund to the applicant any funds remaining on deposit.

Seconded by Councilman Irwin, all aye votes cast, motion carried.

Presentation of 2016 Tentative Budget:

A motion was made by Councilman Barry to accept the 2016 Tentative Budget presented to the Town Board by the Town Clerk. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Acceptance of Minutes:

Tabled.

Executive Session:

At 10:08 p.m. a motion was made by Councilman Logan to go into Executive Session for the purposes of discussing the employment of an individual. Seconded by Councilman Irwin, all aye votes cast, motion carried.

At 10:13 p.m. a motion was made by Councilman Logan to come out of Executive Session. Seconded by Councilman Barry, all aye votes cast, motion carried.

Buildings & Grounds part-time employee:

At motion was made by Councilman Logan to extend the employment of part-time seasonal worker Logan Peterson at a rate of \$15.61/hr for 20 hrs/wk. Seconded by Councilman Torres, all aye votes cast, motion carried.

At 10:15 p.m. a motion was made by Councilman Torres to adjourn the meeting. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk