

## Minutes of the Town Board for May 5, 2020

### TOWN OF PITTSFORD TOWN BOARD MAY 5, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, May 5, 2020 at 6:00 P.M. local time. The meeting took place with Board members participating remotely using Zoom.

**PRESENT:** Supervisor William A. Smith, Jr.; Councilmembers Kevin Beckford, Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

**ABSENT:** None.

**ALSO PRESENT:** Staff Members: Paul J. Schenkel, Commissioner of Public Works; Cheryl Fleming, Personnel Director; Greg Duane, Finance Director; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

**ATTENDANCE:** Also in attendance was a sign language interpreter. There were approximately 15-20 members of staff and public who viewed the meeting via Zoom.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. and led members in the Pledge of Allegiance. The Town Clerk noted all Town Board members present.

#### **SUPERVISOR'S ANNOUNCEMENTS**

##### **UPDATE ON CONFERENCES WITH COUNTY SUPERVISORS RE: COVID-19**

Supervisor Smith reported that at his twice weekly conference calls with Supervisors since the pandemic began, they were joined by County Executive Bello and Dr. Mendoza, Head of the Monroe County Health Department. Among the topics discussed was seeking a common approach to summer recreation programs, as well as testing employees coming into work every day. The county is making available surgical masks to residents of Monroe County, through distribution by the towns, if the towns are interested in doing so. Pittsford plans to do distributions on two dates at Pittsford Mendon High School on a drive-up/pick-up basis. The Town will announce dates and times tomorrow.

##### **ZOOM MEETING PROCEDURES**

The Supervisor reminded viewers of options for submitting comments to the Town Board both before and during this meeting, as detailed in the public announcements of the meeting,

##### **PUBLIC COMMENT**

No public comments were offered regarding the Minutes of the April 21 Town Board meeting minutes.

##### **AMENDMENT TO MINUTES OF APRIL 21, 2020**

Councilmember Townsend offered an amendment be made to the April 21, 2020 minutes as follows:

- Page 6, Procedures for Remote Meetings, middle of second paragraph
- Add the underlined words:
  - "She noted, however, that according to New York State law the Supervisor is the chair of the board meetings"

Thereafter, Supervisor Smith made a motion to amend the Minutes of the April 21, 2020 minutes as proposed, seconded by Deputy Supervisor Munzinger, and members voted as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The amendment to the Minutes of the April 21, 2020 meeting was thereby approved as written above.

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### **MINUTES OF THE APRIL 21, 2020 MEETING APPROVED AS AMENDED**

A Resolution to approve the Minutes of the April 21, 2020 meeting as amended was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

**RESOLVED**, that the Meeting Minutes of the April 21, 2020 are approved as amended.

### **PUBLIC COMMENT**

No public comments were offered regarding the Legal Matters.

### **PUBLIC HEARING FOR LOCAL LAW NO. 4 OF 2020: AMENDING TOWN'S COMPUTER BREACH NOTIFICATION POLICY APPROVED**

Town Attorney Koegel explained the proposed Local Law No. 4 of 2020, as it was previously introduced as Local Law No. 3 of 2020 and wherein a public hearing was set. However, due to the pandemic, the public hearing was postponed to a later date. The Town is now prepared to move forward with this public hearing.

Thereafter, Councilmember Townsend moved to set the public hearing for Local Law No. 4 of 2020 – Amending the Town's Computer Breach Notification Policy, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled "Computer System Security Breach Notification Policy", were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 4 of 2020, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 16th day of June, 2020, at 6:00 p.m. at the Town Hall, 11 South Main Street, Pittsford, New York, to consider the adoption of said proposed Local Law No. 4 of 2020;

NOW, on motion duly made and seconded, it was

**RESOLVED**, that a public hearing be held on the 16th day of June, 2020, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, on the question of the adoption of said proposed Local Law No. 4 of 2020; and be it further

**RESOLVED**, that a Notice of Hearing and a copy of said proposed Local Law 4 of 2020, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

**RESOLVED**, that the Town Clerk shall post certified copies of both this resolution and said proposed Local Law No. 4 of 2020, or a summary thereof, on the Town website [www.townofpittsford.org](http://www.townofpittsford.org), and on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

*Proposed Local Law No. 4 of 2020:*

**BE IT ENACTED BY THE  
TOWN BOARD OF THE  
TOWN OF PITTSFORD  
NEW YORK  
AS FOLLOWS:**

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**LOCAL LAW NO. 4 OF 2020:  
THE ADOPTION OF PROPOSED LOCAL LAW  
NO. 4 of 2020: AMENDING CHAPTER 8  
OF THE TOWN OF PITTSFORD MUNICIPAL CODE  
ENTITLED “COMPUTER SYSTEM SECURITY  
BREACH NOTIFICATION POLICY”**

Sec. 1 Title

This Local Law shall be known as “Local Law No.4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled “Computer System Security Breach Notification Policy.”

Sec. 2 Amendment to Existing Law

The Pittsford Town Code, Chapter 8, shall be amended to revise §§ 8-3, 8-4, and 8-8 to read, as follows:

**§ 8-3. Authority.**

This chapter is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, General Business Law §§ 899-aa and 899-bb, and New York State Technology Law § 208, and may be amended from time to time by Town Board resolution or local law.

**§ 8-4. Definitions.**

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

**BREACH OF SECURITY OF THE SYSTEM** — unauthorized access to or acquisition of, or access to or acquisition without valid authorization, of computerized data that compromises the security, confidentiality, or integrity of private information maintained by the Town. Good faith access to, or acquisition of, private 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 accessed, or is reasonably believed to have been accessed, by an unauthorized person or a person without valid authorization, the Town may consider, among other factors, indications that the information was viewed, communicated with, used, or altered by a person without valid authorization or by an unauthorized person.

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:

- A. 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
- B. Indications that the information has been downloaded or copied; or
- C. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

**CONSUMER REPORTING AGENCY** — 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.

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DEPARTMENT — 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.

PERSONAL INFORMATION — Any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.

### PRIVATE INFORMATION

A. Private Information means either:

- (i.) Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
  1. social security number;
  2. driver's license number or non-driver identification card number;
  3. account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;
  4. account number, or credit or debit card number, if circumstances exist wherein such number could be used to access to an individual's financial account without additional identifying information, security code, access code, or password;
  5. biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, or retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity; or
- (ii.) a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.

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

TOWN — The Town of Pittsford, County of Monroe.

### **§ 8-8. 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, except if the breached information includes an e-mail address in combination with a password or security

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question and answer that would permit access to the online account, in which case the Town shall instead provide clear and conspicuous notice delivered to the consumer online when the consumer is connected to the online account from an internet protocol address or from an online location which the Town knows the consumer customarily uses to access the online account;

- (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.

### **SEC. 3 SEVERABILITY**

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

### Sec. 4 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

### **OPERATIONAL MATTERS PUBLIC COMMENTS**

The following public comments were offered regarding Operational Matters:

Michael Slade, of Trailwood Circle, said public comments should come after Board discussion of agenda items, not before.

Kendra Evans, of Meadow Cove Road, stated that this is National Composting week and asked about Town composting initiatives, including for events such as Paddle-and-Pour and the Food Truck Fest. The Supervisor noted that the terms of the bid award to be voted on are fully consistent with present and future composting plans. He noted that the Town has had a composting program in full operation for more than a year at the Community Center, the principal generator of compostables among Town facilities. He referred to the Town's "zero-waste" procedures already in place for the Town events.

### **BID AWARDED FOR REFUSE AND RECYCLING SERVICES AT TOWN FACILITIES**

Commissioner Schenkel reviewed the bids received for the Refuse and Recycling Services at Town Facilities, recommending that the Board award the bid to Seyrek Sealers and Maintenance. Thereafter, Councilmember Townsend moved to award the bid for refuse and recycling services at Town facilities to Seyrek Sealers and Maintenance, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that based on the recommendation of the Commissioner of Public Works, Town Board awards the Refuse and Recycling Services for Town Facilities bid to Seyrek Sealers and Maintenance as the lowest responsible bid for a period of two (2) years for an amount of \$21,677.00 per year; and be it further

**RESOLVED**, that the Town Supervisor is authorized to sign the contract.

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### **BID DATE SET FOR REMOVAL OF DIGESTER TANKS APPROVED**

Commissioner Schenkel reviewed and explained the Digester Tanks and their past use and need now for their removal from the Parks Department Facility. After some discussion and clarification regarding the bid date opening and the awarding of the bid, Supervisor Smith moved to set a bid date for the removal of the digester tanks, seconded by Deputy Supervisor Munzinger, and voted on by member as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board sets a bid opening date for 11:00 A.M. on May 21, 2020, for Digester Tank Removal Project.

### **BID AWARDED FOR BUNDLED AND CONTAINERIZED YARD DEBRIS COLLECTION**

Following a brief explanation of this bid award, a Resolution to award the bid for bundled and containerized yard debris collection to Seyrek Sealers and Maintenance was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board award the 2020-2021 Pick-up of Bundled and Containerized Yard Debris bid to Seyrek Sealers and Maintenance, at a per ton rate of \$140.95 for a two (2) year contract from the time of execution through December 10, 2021; and be it further

**RESOLVED**, that Town Board authorizes the Supervisor to sign the contract.

### **RECREATION MATTERS**

#### **PUBLIC COMMENT**

No public comments were offered regarding any Agenda item under Recreational Matters.

### **SUMMER 2020 RECREATION PROGRAMS APPROVED**

Supervisor Smith introduced the Summer 2020 Recreation Programs for approval, with the caveat that these are the programs proposed, only if, indeed, we go forward with, and are permitted to go forward with, as summer recreation programs. Supervisor Smith offered additional information from his meeting with the Supervisors, County Executive and County Health Commissioner Dr. Mendosa, noting that a special task force is being put together with nominated recreation directors to work with Dr. Mendosa's advice on the common protocol to be used if the programs do open and to be done on a countywide basis, and that all the towns agree they will be working in tandem with each other and following the recommendations of this task force.

Councilmember Townsend recommended that whatever the Town does in moving forward with programs, she strongly encourages the Town to focus their attention first on the summer fun camp and adventure camps, in an effort to accommodate families who rely on these camps in the summer, to provide child care to enable them to actively return to work while their children attend the camp, as a quality affordable child care. Supervisor Smith agreed that this is high on our priority list.

Following discussion regarding virtual programs, a Resolution was offered to approve the Summer 2020 programs by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board approves the Recreation Department's 2020 summer programs and authorize the Town Supervisor to sign instructor contracts as required.

### **PERSONNEL MATTERS**

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### **PUBLIC COMMENT**

Michael Slade, of Trailwood Circle, said the Town should have published the Hiring Resolution for public comment. Councilmember Beckford, Councilmember Townsend and Supervisor Smith advised Mr. Slade that the Town did publish the resolution.

The Supervisor noted that all resolutions for items on the Agenda for each Town Board meeting normally are published on the Town website on the fifth day prior to each meeting, as was this hiring resolution.

### **HIRING RECOMMENDATIONS APPROVED**

A Resolution to approve the hiring recommendations was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolutions were declared carried as follows:

**RESOLVED**, that the Town Board approves the recommended new hires for the following employees:

<b>Name</b>	<b>Dept</b>	<b>Position</b>	<b>Rate</b>	<b>Date of Hire</b>
Cole Wallman	Parks	Seasonal Laborer	\$13.00/hr	05/05/2020
Koby Wallman	Sewer	Seasonal Laborer (Rehire)	\$13.00/hr	05/11/2020
Andrew Diekmann	Parks	Seasonal Laborer	\$13.00/hr	05/13/2020
Kyle Wallman	Sewer	Seasonal Laborer (Rehire)	\$13.00/hr	05/18/2020

### **OTHER BUSINESS**

#### **INTERMUNICIPAL AGREEMENT WITH TOWN OF BRIGHTON APPROVED**

Commissioner Schenkel explained that the Pittsford School District's fueling station, that the Town uses by agreement with the District, will be closed for approximately two to three weeks for maintenance. The Town has arranged to use Brighton's fueling station in the interim and presented to the Board a form of intermunicipal agreement with the Town of Brighton for this purpose.

#### **PUBLIC COMMENT**

No members of the public offered any comment. o

Following brief discussion, a Resolution to approve the Agreement with the Town of Brighton for use of their fuel dispensary was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board authorizes the Town Supervisor to execute an Intermunicipal Agreement with the Town of Brighton for the temporary use of their fueling facilities.

#### **RE-OPENING PLANS**

Councilmember Townsend referred to the re-opening of businesses in Pittsford and referred to a survey published by the National Main Street Center, a subsidiary of the National Trust for Historic Preservation focused on small business. She suggested some of the information could be helpful to businesses here in Pittsford and to the Town, as business reopens, noting the survey identified some of the impacts, risks and assistance that may be available; the report offers suggestions on how to re-open and support these businesses. She will provide the survey report to other Board members for their review and thoughts about appropriate action, possibly including a task force to work with the village and businesses on reopening.

Supervisor Smith noted that he would raise the matter of the survey and potential actions regarding reopening with the Board of Directors of the Chamber of Commerce at its meeting next week.

### **OTHER BUSINESS**

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Councilmember Koshykar thanked the Supervisor for arranging for contemporaneous comments from off-site viewers during the Zoom meetings and asked how the staff is doing during this pandemic. Supervisor Smith indicated that no one from the Town has contracted the virus. The Supervisor has asked each member of senior staff to propose a plan for reopening their department, stating that when we do start to re-open, most likely it will be done in phases.

Councilmember Beckford also expressed appreciation for contemporaneous comments from off-site viewers during Zoom meetings. He asked that the Finance Director weigh-in on the financial situation created by the pandemic. Finance Director Duane responded that he is watching this closely, and, as he has previously noted, we have lost revenues normally generated by the Recreation Department, but that expenses on that end are down also. He needs more information from the Governor's office regarding the state budget and sales tax collection to evaluate the situation more closely.

Supervisor Smith reminded residents to please observe the sensible COVID-19 guidelines –social distancing of 6 feet and wearing the mask when you can't maintain distance – for the safety of everyone.

### **PUBLIC COMMENTS**

General comments opened with Michael Slade, of Trailwood Circle, stating that the Town had said that comments submitted by e-mail would be read aloud at this general public comment portion of the meeting and that no comments had been read. The Town Clerk noted that we are not finished with this section of the meeting and her plan is to read e-mail comments after all live comments are made.

Mr. Slade asked about public interaction with Town offices and where voting will take place in June. Supervisor Smith noted that the Town has continued operating with our day-to-day business – working with the public by answering comments, inquiries and requests, that Town Hall hears from members of the public every day and responds and works on issues raised by communications from residents every day; he noted that only a tiny fraction of residents wait until Town Board meetings to communicate a need or request to the Town, when they can do it at any hour of every day, which is why the Supervisor's Office and the other Departments are in communication with our residents every day and often at all hours. As to voting arrangements, the Supervisor noted that such decisions are made not by the Town but by the County Board of Elections; that the Town provides logistic support for voting places chosen by the Board of Elections.

Kit Briggs, of Greylock Ridge, also inquired about plans for voting in the coming primary election and about Absentee Ballots. Supervisor Smith noted that the Town will carry out the recommendations and requirements of the State and the Board of Elections regarding voting sites and absentee ballot availability. Councilmember Townsend noted that because the vote in June is for party primaries, the Town cannot get involved beyond the forms of support already discussed. Attorney Koegel agrees that we cannot get involved in partisan elections. Attorney Koegel defers to the Election Commissioner for any answers on procedure regarding elections.

John Sussman, of Sturbridge Lane, expressed appreciation that the Zoom meetings now accommodate contemporaneous public comments via Zoom. The Supervisor indicated that the Town intends, by one method or another, to provide for contemporaneous comments from residents viewing Board meetings remotely once live Board meetings resume and simultaneous broadcasting of the meetings begins.

Kendra Evans, of Meadow Cove Road, asked if residents would be notified of new polling sites and absentee balloting provisions. Supervisor Smith reiterated that such voter notification is always done by the Board of Elections.

The following comments were submitted by email and read by the Town Clerk.

Michael Slade, of Trailwood Circle, disapproves of arrangements for submitting public comments for Town Board meetings, saying that people watching from off-site should be able to comment during the meetings, not just before.

Ron Bajorek, of Monroe Avenue, supports Supervisor Smith in making sure that public comments in Pittsford Town Board meetings are made by actual Pittsford residents; he called "ridiculous" the Board's discussion at its last meeting about the methods available for commenting, given that no public comments were submitted for that



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meeting. He criticized Councilmember Beckford for supporting the state Bail Reform Law and opposing reforms to it.

Alex Benoit, of South Main Street, commented that Councilmember Beckford misled people at the last meeting by criticizing Supervisor Smith for verifying that public comments come from Pittsford residents, noting that Councilmember Beckford filled Town Hall with non-residents in a meeting last year to influence a vote by the Board; he thanked Supervisor Smith for standing up for Pittsford residents.

Michael Slade, of Trailwood Circle, approves of the Town arranging for comments during Town Board meetings from off-site viewers and encouraged continuing the same once live meetings resume. He said that written public comments should be attached to the meeting agenda.

As there was no further business, the Supervisor adjourned the meeting at 7:12 P.M.

Respectfully submitted,

Linda M. Dillon  
Town Clerk