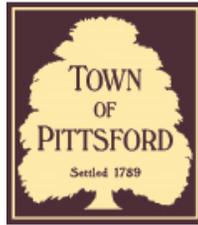


SUPERVISOR
William A. Smith, Jr.



COUNCIL MEMBERS
Kate Bohne Munzinger, Deputy
Supervisor
Kevin Beckford
Cathy Koshykar
Stephanie Townsend

TOWN BOARD AGENDA

Tuesday, May 5, 2020 – 6:00 pm
Meeting by Online Video with Public Access
Page 1 of 2

Call to Order

Pledge of Allegiance

Minutes

Public Comment
Approval of Minutes of Meeting of April 21, 2020

Legal Matters

Public Comment
Set Public Hearing for Local Law No. 4: Amending Town's Computer Breach Notification Policy

Operational Matters

Public Comment
Award Bid for Refuse and Recycling Services at Town Facilities
Set Bid Date for Removal of Digester Tanks
Award Bid for Bundled Containerized Yard Debris Collection

Recreational Matters

Public Comment
Summer 2020 Recreation Programs

Personnel Matters

Public Comment
Hiring Resolution

Other Business

Public Comment

Adjournment

**Instructions for viewing meeting and offering comments
on attached page 2**

How to view the meeting:

1. Zoom

- In your web browser, go to <https://townofpittsford.zoom.us/j/85794896683?pwd=REJzanQ5R2xiTmR0RzVOTzhZMVRLQT09>
You will be connected to the meeting.

2. Telephone

- You can access the meeting by phone. Use any of the numbers below, then enter the meeting ID and password when prompted. The Meeting ID is 857 9489 6683. No password is necessary.

(929) 205-6099	(312) 626-6799
(253) 215-8782	(301) 715-8592
(346) 248-7799	(669) 900-6833

3. Comments

a. By E-Mail

- Any Pittsford resident can submit a comment for the meeting by emailing it to comments@townofpittsford.org any time before 2:30pm on the date of the meeting.
- Comments must be accompanied by your name and street address. Comments from residents will be read aloud by the Town Clerk.
- To comment by email on anything that takes place at the meeting, use the email address shown prior to 2:30pm on the next meeting date, May 26. The Clerk will read such comments from residents aloud at that meeting.

b. Using Zoom

- Any Pittsford resident can submit a comment during the meeting. Comments must begin with your name and street address.
- At the points where the Supervisor asks if there are public comments, if you wish to comment, click "Raise Hand" in the control panel. (Telephone attendees press *9).
- Your comment will be taken in the order received. When you receive a message to "Unmute Now" please do so and make your comment. All comments must begin with the name and street address of the commenter.
- Alternatively, residents who don't have a microphone or who prefer or need to submit a comment in writing can do so by clicking "Chat" in the controls at the bottom of your Zoom window.
- When called upon, beginning with your name and street address please type your message into the chat window, then press "Enter" to send. The Town Clerk will read your message aloud.

Minutes of the Town Board for April 21, 2020

DRAFT TOWN OF PITTSFORD TOWN BOARD APRIL 21, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, April 21, 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 Randy Shepard, from The Bonadio Group, to present their completed Audit Report to the Town Board. Also in attendance was a sign language interpreter. There were approximately 13 - 16 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.

HOLOCAUST REMEMBRANCE DAY (Yom HaShoah)

Supervisor Smith recognized Councilmember Townsend, who noted today as Holocaust Remember Day (Yom HaShoah). She referred specifically to Erika Newmann, Mario Finzi, Thomas Pfeffer and Monique Jackson, among the 6 million killed in the Holocaust. She remembered also Holocaust survivors, such as Peter Silverstein, Celia Simon, Samuel Rind and Lily Haber, among the more than 300 other survivors of the Holocaust who settled in the Rochester area and have made it their home and the home for their children and grandchildren, and who are part of our community today. Councilmember Townsend encouraged everyone to stand against hatred and bigotry no matter where it happens. The Board members thanked Councilmember Townsend.

PRESENTATION OF ANNUAL AUDIT BY THE BONADIO GROUP

Randy Shepard, from The Bonadio Group, reviewed with the Board their annual Audit report and answered questions from the Board relative to the report findings, as well as possible impacts of the COVID-19 pandemic.

MINUTES

PUBLIC COMMENT

No public comments were offered regarding the Minutes of the April 7 Town Board meeting.

MINUTES OF THE APRIL 7, 2020 MEETING APPROVED

A Resolution to approve the Minutes of the April 7, 2020 meeting 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 7, 2020 are approved.

Minutes of the Town Board for April 21, 2020

**FINANCIAL MATTERS
PUBLIC COMMENT**

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

BUDGET TRANSFERS APPROVED

A Resolution to approve the budget transfers was offered by Councilmember Townsend, 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 following budget transfers are approved retroactively to March 30, 2020 as follows:

That \$ 1,500.00 be transferred from 1.1990.4000.1.1 (WT – Contingency) to 1.1680.4404.3.2 (IT - consultants) to pay for public access closed captioning.

VOUCHERS APPROVED

A Resolution to approve the April vouchers for payment as submitted was offered by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by the members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

RESOLVED, that the April 2020 vouchers No. 146436 through No. 146789, in the amount of \$713,456.38 are approved for payment.

SURPLUS INVENTORY APPROVED

Upon inquiry, Commissioner Schenkel confirmed that there has not been any real delay in the auctioning process of items, such as those listed on the surplus inventory list. The auction is scheduled to move forward online, as it has been done for some time now, even before the pandemic. Thereafter, a Resolution to approve the list of Surplus Inventory submitted as recommended was offered by Supervisor Smith, 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 following list of Surplus Inventory was approved to be removed from the Town’s inventory:

Asset #	Year	Description	Department	Cost	Disposition
16974	2010	Tandem Roller	Hwy	\$50,793.93	Trade-In
17310	2012	6 Wheel Dump Truck	Hwy	\$115,048.00	Auction
17311	2012	Plow	Hwy	\$10,000.00	Auction
17312	2012	Wing Plow	Hwy	\$10,000.00	Auction
18035	2015	Excavator	Hwy	\$87,937.00	Auction
18417	2018	Skid-Steer Loader	Hwy	\$5,079.00	Auction
TOTAL				\$278,857.93	

Minutes of the Town Board for April 21, 2020

**PERSONNEL MATTERS
PUBLIC COMMENT**

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

HIRING AND SALARY/STATUS CHANGE RECOMMENDATIONS APPROVED

A Resolution to approve the hiring and salary/status changes 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 following Resolutions were declared carried as follows:

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

Name	Dept	Position	Rate	Date of Hire
Danielle Brink	Parks	Seasonal Laborer (rehire)	\$13.75	04/20/2020
Grant Turner	Parks	Seasonal Laborer	\$13.00	04/22/2020

And be it further

RESOLVED, that the Town Board approves the recommended status and salary changes for the following employees:

Name	Position	Reason for Change	Rate	Effective Date
Carrie Halstead	Park Warden–Days	Added Position	\$13.50	04/07/2020
Carrie Halstead	Park Warden–Nights	Added Position	\$14.00	04/19/2020
Robyn Avery	Sr. Library Clerk–PT	Added Position	\$19.46	05/04/2020

OTHER BUSINESS

PUBLIC HEARING SET FOR LOCAL LAW NO. 3 OF 2020 – RRAA ZONING DISTRICT AND PERTINENT SUBDIVISION REGULATIONS

Members discussed the need to move forward with the review and draft of the new RRAA Zoning District. Councilmember Townsend asked about accommodating a traditional public hearing during this time when the Board must meet remotely. Supervisor Smith noted that a recent Executive Order from the Governor now permits public hearings by remote meeting. He noted that for formal public hearings such as this the Town would arrange for anyone to be able to express their views during the hearing, which the law requires. For a public hearing, any person, whether a resident of the Town or not, can express their views.

Councilmember Beckford asked the Supervisor to make the same kind of arrangements for public comments at Town Board meetings, during this period when the Board must meet remotely, as must be made for formal public hearings. Councilmember Koshykar supported this request. The Town Attorney pointed out the difference between a formal public hearing and regular proceedings during a Town Board meeting: a public hearing requires comments in real time. He said that, other than at a public hearing, the law does not require any public comments at all during a Town Board meeting; yet notwithstanding this the Town of Pittsford has invited and solicited public comments at Town Board meetings for many years and continues to do so today, as it has for this meeting being held now.

Supervisor Smith reviewed the provisions for public comment that have been set in place for this temporary period in which physical meetings in Town Hall have been replaced by remotely-held meetings. When the agenda and associated materials are released, the Town has publicized means for the public to view the meeting and has publicized the means for residents to submit comments, by e-mail to a dedicated mailbox, by 2:30 pm on the date of each meeting. He noted that municipalities around the state use this method during normal times as well as during the current coronavirus lockdown.

The Supervisor continued that this method was adopted in order to verify that commenters are Pittsford residents. This has been the practice for Pittsford Town Board meetings. He said this is easily done in a physical meeting

Minutes of the Town Board for April 21, 2020

where those wishing to comment sign in. It is more difficult to do remotely, especially in the current circumstances where almost no staff are present at Town Hall. Submission by 2:30pm allows time to verify.

The Supervisor noted that a public hearing is open to anyone who lives anywhere, so there is no need verify resident status and consequently residency status does not pose a problem for real time comments.

He noted that for situations other than formal public hearings it is important to the integrity of our Board meetings that comments be fully open to all Pittsford residents and only to Pittsford residents. He said this is why we need a way to verify resident status for comments during this temporary period of meeting remotely.

The Supervisor continued that public comments from residents have been part of Pittsford Town Board meetings for decades; that during his tenure at Town Hall he had expanded opportunities to comment by adding, in addition to the traditional public comment section of each meeting, a specific solicitation for public comments before each item on the Agenda, so the Board could take into consideration such comments before voting on any matter.

Councilman Beckford solicited views of other members of the Board on this subject. The Supervisor noted that this discussion was diverting the Board from its business at the moment and suggested resuming this conversation later in the meeting, after addressing the matter at hand, which is setting a public hearing for the Zoning Code revision.

Councilmember Townsend requested clarification of the process for this proposed Code, noting that she had thought there would be a review of the draft by the Board before the meeting where a hearing is set and would like to have this done in future. This way if changes need to be made, they can be incorporated into the draft law accompanying the notice of hearing. Supervisor Smith agreed with this proposition and noted his belief that it had been fulfilled, since two Town Board members, Kate Munzinger and Kevin Beckford, were on the committee that drafted the legislation, and the Town Attorney on April 9th sent the draft legislation to Councilmembers Townsend and Koshykar for review and comment, and solicited their comments for a second time a week later on April 16th. He said if Board members wish to have a copy of proposed legislation for discussion at a Board meeting prior to a meeting where the Board will consider setting a hearing date, the process described by Councilmember Townsend accomplishes the purpose and we can proceed accordingly. Attorney Koegel noted that, if necessary or desirable, edits can still be made to the legislation that do not materially change its substance, after the hearing is set and before the Board votes on the actual legislation. Councilmember Townsend noted the time sensitivity of this particular legislation and endorsed the idea of proceeding to set the hearing now.

Thereafter, Councilmember Munzinger offered a motion to set the Public Hearing on Local Law No. 3 of 2020, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2020 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. 3 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 26th day of May 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. 3 of 2020;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 26th day of May, 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. 3 of 2020; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law 3 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

Minutes of the Town Board for April 21, 2020

RESOLVED, that the Town Clerk shall post certified copies of both this resolution and said proposed Local Law No. 3 of 2020, or a summary thereof, on the Town website 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.

A complete copy of the draft of Local Law No. 3 of 2020 is attached hereto as Exhibit A. (subpages 1 – 30)

UPDATE ON COVID-19 AND EFFECTS ON REVENUE

Supervisor Smith gave board members an update on the impacts of the Covid-19 pandemic on the Town and our budget. He noted that in discussion with Supervisors of the other towns in Monroe County, it is estimated that towns will suffer an approximate decline of 20% in revenue from sales tax as compared to last year. If Pittsford had used different methods of budgeting, this would mean a decrease in expected income of approximately \$800,000. However, as part of its conservative budgeting practices, Pittsford uses 3-year averaging for sales tax projections, meaning in this case that the decrease in sales tax revenue we currently anticipate, compared to budget, would be approximately \$195,000 rather than nearly \$800,000.

As far as loss of income due to refunds being made with respect to recreation programs, the Town has currently refunded \$24,000 in fees and anticipates an additional \$38,300. Therefore, total lost revenue from Recreation programs through the end of May is projected to be \$116,000. Following inquiry from Councilmember Townsend, Finance Director Greg Duane indicated that this is the figure for Recreation refunds only; refunds for Kings Bend Park lodge reservations are estimated at \$20,000, if they all are canceled.

RESOLUTION SUPPORTING MUNICIPAL RELIEF IN THE FEDERAL CARES ACT (Coronavirus Aid, Relief and Economic Security Act)

Councilmember Koshykar introduced a Resolution, recommended by the State Association of Towns, in support of the federal CARES Act. The Resolution will be sent to our Congressman and Senators encouraging them to support efforts and legislation to include all municipalities, regardless of size or population in the CARES Act.

Thereafter, Councilmember Koshykar made a motion to approve the Resolution, 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, the federal government recently enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act to address the economic fallout from the coronavirus pandemic in the United States; and

WHEREAS, Section 601 of the CARES Act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments, and units of local government with a population in excess of 500,000 people; and

WHEREAS, less than one-half of 1 percent of municipalities in the entire United States meet this population threshold and are thus ineligible to receive direct funding from the federal government; and

WHEREAS, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES Act, including the Town of Pittsford; and

WHEREAS, towns provide essential services to the 9 million New Yorkers town residents, including, but not limited to, ambulance, police and fire protection services, building and code enforcement, and highway maintenance, and have continued to do so throughout the ongoing health crisis; and

WHEREAS, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax; and

Minutes of the Town Board for April 21, 2020

WHEREAS, the depletion of different revenue sources for local governments, combined with lack of funding, will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress;

NOW THEREFORE BE IT

RESOLVED, that the Town of Pittsford, NY calls upon United States Congressional Representative Joseph Morelle, Senator Charles Schumer, and Senator Kirsten Gillibrand, to support federal funding related to the coronavirus pandemic that is directly delivered to all municipalities, regardless of population size.

COMMUNITY CHOICE AGGREGATION (CCA) UPDATE

Supervisor Smith updated the Town Board. He stated that we do not need, as he thought previously, to have two additional public meetings before proceeding to solicit bids for electricity under the Town's CCA program. There will be a further extensive program of public engagement, once a bid satisfying the three Towns' specifications is received. The next step will be for the attorneys for Pittsford, Brighton and Irondequoit to review and reach agreement with Joule Assets on an Energy Supply Agreement. The attorneys are working on this now.

PROCEDURES FOR REMOTE MEETINGS

Continuing a discussion from earlier, Councilmember Beckford expressed respectful disagreement with requiring public comments for remote meetings during this temporary period to be submitted by mid-afternoon on meeting dates. He said he believes that verifying Pittsford residency of commenters can be done by other means and he wants to hear from commenters during the meeting. The Supervisor noted that the current arrangements are intended to replicate the conditions at a pre-lockdown physical meeting of the Town Board as closely as practical, including verification of residency for comments. Councilman Beckford noted that he wants to have give-and-take with members of the public during Town Board meetings. He solicited the views of other Board members.

Councilmember Munzinger indicated that she was comfortable with the current procedure for accepting comments from the public; that verifying residency protects the integrity of the meetings. Councilmember Koshykar reiterated her support for Councilman Beckford's request. She noted that mid-afternoon submission of comments cannot accommodate public comment on matters brought up under "Other Matters" in the agenda, and that we have had several important items come up under Other Matters tonight. Councilmember Townsend indicated her personal preference would be to receive comments in real time, as it occurs during our physical Board meetings. She noted, however, that the Supervisor is the chair of the board meetings, was elected by residents to make such decisions and she respects his authority to do so. Supervisor Smith noted that the need for confirming Pittsford residency for commenters was underscored by the packing of a Town Board meeting last fall with non-residents on the occasion of adopting the updated Comprehensive Plan for Pittsford, in an effort to influence its adoption. He noted that no Pittsford resident has been denied the opportunity to submit comments for this meeting or the previous meeting, which was the first meeting held through Zoom.

EVENTS AND OTHER UPDATES

Supervisor Smith advised members that the American Legion has not yet notified the Town of a decision, but it appears highly unlikely that the Memorial Day Ceremony and Parade will be held this year.

Councilmember Townsend updated members on the 19th Amendment Commemoration planned for August, noting that the expected planning meeting was postponed by the COVID lockdown. It will be rescheduled. She indicated that she will be drafting an outline of options for this event relative to social distancing, in the event that will be necessary for the event, and will update the board as plans develop.

PUBLIC COMMENT

No public comments were offered regarding any general matters.

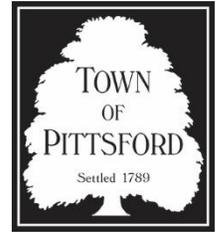
As there was no further business, the Supervisor adjourned the meeting at 7:20 P.M.

Minutes of the Town Board for April 21, 2020

Respectfully submitted,

Linda M. Dillon
Town Clerk

MEMORANDUM



To: Town Board Members

From: Robert B. Koegel/Joy E. Brown

Date: April 29, 2020

Regarding: Local Law #4 of 2020 - Town Code Change to update Computer System Security Breach Notification Policy

For Meeting On: May 5, 2020

New York signed into law the Stop Hacks and Improve Electronic Data Security Act ("SHIELD Act") (S.5575B/A.5635) amending New York's data breach notification law codified at sections 899-aa and 899-bb of the General Business Law and section 208 of the State Technology Law. The SHIELD Act introduces significant changes, including:

- Broadening the definition of "Private Information." The Act broadens the definition of "private information" to include biometric information and username/email address in combination with a password or security questions and answers. It also includes an account number or credit/debit card number, even without a security code, access code, or password if the account could be accessed without such information.
- Expanding the definition of "Breach." The Act expands the definition of "breach of the security of the system" to include unauthorized "access" of computerized data that compromises the security, confidentiality, or integrity of private information, and it provides sample indicators of access.
- Clarifying "Substitute Notice by E-mail." The Act creates a new exception where notice by e-mail is no longer permissible when the breached information includes the data subject's e-mail address in combination with a password or security question and answer.

Sentences have been added to and modified within Section 8-3, 8-4 and 8-8 of the Town Code in order to update the "Computer System Security Breach Notification Policy" to comply with the changes introduced in the New York SHIELD Act.

A public hearing on this proposed Local Law #4 of 2020 (previously numbered Local Law #3 of 2020) was set by Town Board resolution on March 17, 2020, but the hearing was not held due to the pandemic. A public hearing must be rescheduled to enact Local Law #4 of 2020, a copy of which is submitted herewith. A copy of sections 8-3, 8-4 and 8-8 of the existing Code showing the proposed changes is also submitted for ease of reference.

RESOLUTION

I move that a public hearing be set for June 16, 2020 at 6:00 pm, local time, at the Pittsford Town Hall, or by electronic conference or meeting as permitted by law, to consider Proposed Local Law #4 of 2020; Amending Chapter 8 of the Town Code, entitled "Computer System Security Breach Notification Policy", in accordance with the formal hearing resolution submitted herewith.

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

AS FOLLOWS:

**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.

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 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.

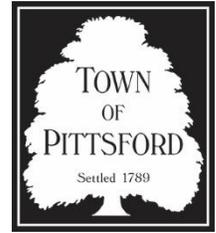
Sec. 3 Severability

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.

MEMORANDUM



To: Town Board Members

From: Robert B. Koegel/Joy E. Brown

Date: April 29, 2020

Regarding: Local Law #4 of 2020 - Town Code Change to update Computer System Security Breach Notification Policy

For Meeting On: May 5, 2020

Below is the “marked up” version of section 8-3, 8-4 and 8-8 of the Computer System Security Breach Notification Policy:

§ 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 ~~personal~~ **private** information maintained by the Town. Good faith **access to, or** acquisition of, ~~personal~~ **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.

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. 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 accessed or 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.~~

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;~~
 - (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 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.

At a Regular Meeting of the Town Board of the Town of Pittsford, New York held at the Town Hall, Pittsford, New York, on the 5th day of May, 2020.

PRESENT: William A. Smith, Jr., Supervisor
Katherine Bohne Munzinger, Deputy Supervisor
Kevin S. Beckford, Councilmember
Cathleen A. Koshykar, Councilmember
Stephanie Townsend, Councilmember

ABSENT: None

In the Matter

of

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

Resolution to Set Public Hearing

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, 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.

Said matter having been put to a vote, the following votes were recorded:

William A. Smith, Jr.	VOTING	Aye
Katherine Bohne Munzinger	VOTING	Aye
Kevin S. Beckford	VOTING	Aye
Cathleen A. Koshykar	VOTING	Aye
Stephanie Townsend	VOTING	Aye

The resolution was thereupon declared duly adopted.

DATED: May 5, 2020

Linda M. Dillon, Town Clerk

I, LINDA M. DILLON, Clerk of the Town Board of the Town of Pittsford, New York, DO HEREBY CERTIFY that I have compared a copy of the resolution as herein specified with the original in the minutes of the meeting of the Town Board of the Town of Pittsford and that the same is a correct transcript thereof and the whole of the said original.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of May, 2020.

Linda M. Dillon, Town Clerk

NOTICE OF PUBLIC HEARING

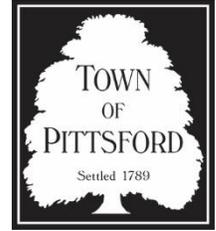
PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Pittsford, New York, at the Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, on the 16th day of June, 2020, at 6:00 o'clock P.M., Local Time, on the proposed adoption of Local Law No. 4 of 2020 that would amend Chapter 8 of the Town Code entitled "Computer System Security Breach Notification Policy." The specific language contained in proposed Local Law No. 4 of 2020 is available for review in the Town Clerk's Office or on the Town's website www.townofpittsford.org, or upon request made to the Town Clerk.

The aforesaid public hearing has been directed to be held pursuant to a Resolution of the Town Board of the Town of Pittsford, New York, duly adopted at a meeting of said Board on the 5th day of May, 2020.

Dated: May ____, 2020

Linda M. Dillon
Town Clerk
Town of Pittsford

MEMORANDUM



To: Pittsford Town Board

From: Paul Schenkel - Commissioner of Public Works

Date: April 30, 2020

Regarding: Award Bid for Refuse and Recycling Services at Town Facilities

For Meeting On: May 5, 2020

Ladies and Gentleman

On April 30, 2020, bids were publically opened for Refuse and Recycling Services at Town Owned Facilities. Bid specifications were obtained by nine (9) different firms. We received three (3) bids. The results are as follows:

Seyrek Sealers and Maintenance	\$21,677
Waste Management	\$22,992
Casella	\$31,980

The agreement is for a two (2) year term from date of execution through May 31, 2022 with the option of extending two times for an additional one (1) year each at the same price with approval of both the firm and Town Board.

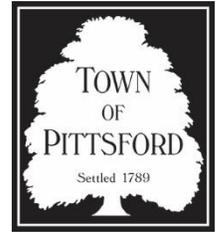
Seyrek Sealers and Maintenance is the lowest responsible bidder. I recommend that Town Board award the 2 year contract for the bid amount of \$21,677.00 per year. They have been providing neighborhood Refuse District service for the Town since the start of this year. I have been pleased with their efforts and have received only compliments from the neighborhoods they are servicing.

In the event the Town Board determines that the proposed action will be taken, the following oral Resolution language is suggested:

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 for a period of 2 years for an amount of \$21,677.00 per year.

Further Resolved, that the Town Supervisor is authorized to sign the contract

MEMORANDUM



To: Pittsford Town Board

From: Paul Schenkel - Commissioner of Public Works

Date: April 30, 2020

Regarding: Set Bid Date for Removal of Digester Tanks

For Meeting On: May 5, 2020

Ladies and Gentlemen:

In the mid 1970's, Monroe County Pure Waters extended large sewers to many municipalities, with the intent to consolidate wastewater treatment plants and to preserve the environment. At that time, the Pittsford Sewer District closed its plant located on East Street. Since then, the Town of Pittsford's Park Department has been building up its facilities to what you see there today.

The largest structures that still remains from when it was a treatment plant, are the digester tanks, associated piping, and a shed that is still maintained by Pure Waters. The two large concrete tanks sit underneath an earthen embankment. These structures are sitting in the middle of our Parks Department facility and have always hindered our operations.

I have been consulting with the Monroe County Department of Environmental Services, home to Pure Waters and Industrial Waste, on the effective removal of the tanks. A small amount of effluent still exists in the tanks, so their assistance has been invaluable. Due to the construction of the tanks and required treatment and disposal of the remaining effluent, this project is beyond the scope of our abilities and equipment. I suggest that Town Board set a bid opening date for the Digester Tank Removal Project for 11:00 AM on May 21, 2020 in the Department of Public Works.

In the event the Town Board determines that the proposed action should be taken, the following Resolution is suggested:

Resolved, that the Town Board sets a bid opening date for 11:00 AM on May 21, 2020, for Digester Tank Removal Project

Timeline for:
Digester Tank Removal Project Bid Process

April 30, 2020 - Bid Date Resolution Due for Town Board Agenda

May 5, 2020 - Bid Date set at Town Board meeting

May 6, 2020 – Legal Notice submittal to Linda Dillon to submit to BP Post

May 14, 2020 - Bid appears in BP Post & Town Website

May 14, 2020 -Vendor packages sent and available @ Town Hall

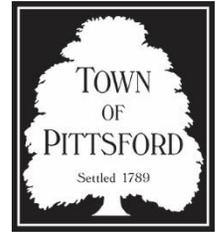
May 21, 2020 - Bid opening date at Town Hall

May 22, 2020 - Successful Bidder resolution due for Town Board Agenda

May 26, 2020 – Town Board Approves successful bidder

May 27, 2020 – Notice to Proceed letter and execution of contract

MEMORANDUM



To: Pittsford Town Board

From: Paul Schenkel - Commissioner of Public Works

Date: April 30, 2020

Regarding: Award Bid for Bundled and Containerized Yard Debris Collection

For Meeting On: May 5, 2020

Ladies and Gentlemen,

On April 30, 2020, the Department of Public Works opened bids for the Pick-up of Bundled and Containerized Yard Debris. The following is a summary for the bids received.

<u>Company</u>	<u>Bid Price per Ton</u>
Seyrek Sealers and Maintenance	\$140.95
Lakeside Rolloff Services, LLC	\$175.43
Waste Management of NY, LLC	No Bid

The previous contract was with Big & Bigger, Inc (Lakeside Rolloff) and was held at \$144.35 per ton for the past four years

Based on my review of the bids, I recommend the Town Board award the 2020-2021 Pick-up of Bundled and Containerized Yard Debris bid to Seyrek Sealers and Maintenance for a 2 year contract from the time of execution through December 10, 2021, with the possibility of 2 one year extensions, at \$140.95 per ton.

In the event the Town Board determines that the proposed actions should be taken, the following Resolutions are suggested:

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 2 year contract from the time of execution through December 10, 2021.

Further Resolved, that Town Board authorizes the Supervisor to sign the contract.

MEMORANDUM

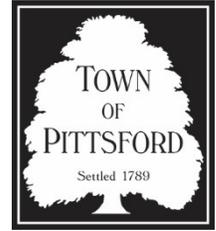
To: William A. Smith and Town Board

From: Jessie Hollenbeck, Recreation Director

Date: April 27, 2020

Regarding: Summer 2020 Recreation Programs

For Meeting On: May 5, 2020



The attached list of programs constitutes the list of summer 2020 recreation programs we anticipate offering.

The programs listed are subject to change due to the COVID-19 virus social distance guidelines. Programs may be cancelled, rescheduled, or moved to an online format.

In the event the Town Board determines that the proposed action should be taken, the following oral resolution language is suggested:

I move that the Town Board approve the Recreation Department's 2020 summer programs and authorize the Town Supervisor to sign instructor contracts as required.

Town of Pittsford – Recreation Department

Proposed Programs for Summer 2020

Program	Instructor
<u>Preschool</u>	
Child Watch	Recreation Staff
Summer Fun Juniors Camp	Recreation Staff
S.T.E.A.M. Powered Play	Progressive Early Learning
Sensory and Science	Progressive Early Learning
Wiggles, Giggles, and Jiggles	Lisa Magliato
Lil Athletes	Lisa Magliato
Superhero Training Camp	Jennifer Dovidio
Soccer Shots for Youth	Soccer Shots Staff
Little Ninja Class	James Creighton & Pete Reminicky
Teeny Tiny Tap and Ballet	Shirley Reback
Tiny Tap and Ballet	Shirley Reback
Fairytale Ballet I	Alexis Mueller
Fairytale Ballet II	Alexis Mueller
<u>Youth & Teen</u>	
Summer Fun Camp	Recreation Staff
Summer Fun Field Trips	Recreation Staff
Adventure Camp	Recreation Staff
The After School Program (Fall 2020)	Recreation Staff
Teen Activity Outings	Recreation Staff
Rochester Foam Dart League Birthday Parties	Rochester Foam Dart League
Martial Arts Birthday Parties	James Creighton
Healthful Mealtime Manners	Etiquette Chics
Mad Science of WNY: Junior Scientist	Mad Science Instructor
Mad Science of WNY: NASA Academy	Mad Science Instructor
Mad Science of WNY: Crazy Chemworks	Mad Science Instructor
Make Your Own Cartoons	David Puls
How Cool is That? Jr. Engineering for Kids	Tutor Doctor Staff

How Cool is That? Jr. Engineering ONLINE	Tutor Doctor Staff
Forensic Science & CSI for Kids	Tutor Doctor Staff
Introduction to Stand Up Paddle Boarding	Paul Twist
Introduction to Whitewater Kayaking	Paul Twist
Introduction to Flatwater Kayaking	Paul Twist
Kids Kayak Level 1	Paul Twist
Cupcake Creations	Anette Messer
Doll Adventures	Sherry Murray
Summer Theater Camps	Edward Rocha
Private Piano Lessons	Beth Werner
Write Your College Application Essay	Sarah Nazarian
American Red Cross – Babysitter’s Training	Domenic Danesi
Safety First for Children	Domenic Danesi
First Aid for Kids	EPIC Trainings
Pittsford Ballet School	Karen Hanson
Junior Dance	Alexis Mueller
Dance Camp	Katie Elizabeth
Princess Aerial Adventure Summer Camp	Jennifer Dovidio
Flight School Summer Camp	Jennifer Dovidio
FIT Kids: Fencers in Training	Rochester Fencing Club Staff
Youth Olympic Fencing	Rochester Fencing Club Staff
Junior Tennis Camp	Jeff Wagstaff
Junior Tennis Lessons	Jason Speirs
Soccer Shots for Youth	Soccer Shots Staff
Martial Arts for Youth	James Creighton
Horseback Camp for Kidz	Park Place Farms
A Horse’s Friend: Horsemanship	A Horse’s Friend
Youth Soccer- Summer	Recreation Staff
Jr. Sharks Basketball Clinic	Rochester RazorSharks
Edge11 Elementary Soccer Academy	Edge11 Soccer Staff
Sports Camp for Kids	Ian Marshall
Junior Golf	Erik Yaekel
Super Junior-Beginner Golf	Erik Yaekel

JV Tennis Prep Camp
Flag Football for Teens
Ultimate Frisbee
Sports for Teens

Sue Bloch
Michael Carney
Michael Carney
Michael Carney

Aquatics

Private Swim Lessons
Evening Private Swim Lessons
Evening Private Swim Lessons for Teens
Group Swim Lessons
Adult Group Swim Lessons
Family Open Swim
Parent & Tot Swim
Parent & Tot Swim Plus
Stroke Clinic for Advanced Swimmers
Junior Guard Skills
Swim Team Prep
Lifeguarding Review Course
Lifeguarding Full Course

Aquatics Staff
Aquatics Staff

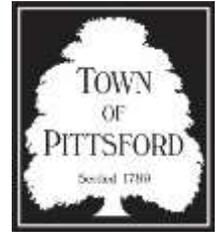
Adult Programs

Guided Hikes on Pittsford Trails
Making Soap the Easy Way
Basic Cold Process Soap
Bath Salts
Bath Fizzies
Pamper Those Tootsies! Class
Fabulous Furnishings
Seriously the Best Card Class
Come Sail Away Card Class
Pittsford Ballet School
Adult Tap Dance
Belly Dance

Recreation Staff
Beth Byrne
Beth Byrne
Beth Byrne
Beth Byrne
Beth Byrne
Peggi Heissenberger
Pat Miller
Pat Miller
Karen Hanson
Alexis Mueller
Deborah Robinson

Defensive Driving	Cindy St. George
Pre-Licensing 5 Hour Course	Jon DeVecchio
Learn A New Language: Spanish Basics	Lourdes de la Colina-Scofield
Learn A New Language: Spanish Basics II	Lourdes de la Colina-Scofield
Learn A New Language: Spanish Basics III	Lourdes de la Colina-Scofield
College 101: Planning & Paying	Brenda Piazza
Martial Arts for Adults	James Creighton
Women's Self-Defense Class	James Creighton
Martial Arts for Women	Tracy Maggio
Debbie McVean Aerobics	Debbie McVean
Pilates	Eva Pazral
Yoga	Eva Pazral
Yoga Therapy	Kaitlyn Vittozzi
Tai Chi Easy	Jean Sica
Couples Massage Workshop	Kristen Wondrack
Chakra Meditation with Reiki	Gina Pietropaoli
Meditation with Reiki	Gina Pietropaoli
Reiki Level 1 Training	Gina Pietropaoli
Introduction to Pickleball	Larry Shearer
Adult Beginner Golf - Intro to Golf	Erik Yaekel
Adult On Course Golf Lessons	Erik Yaekel
Mens' Senior Gold Camp	Erik Yaekel
Women's Soccer League	Recreation Staff

MEMORANDUM



To: Pittsford Town Board

From: Cheryl Fleming, Personnel Director

Date: May 1, 2020

Regarding: Recommendations for Hiring/Personnel Adjustments

For Meeting On: May 5, 2020

1. The following employee(s) are recommended as a new hire based on the recommendation of the Functional Coordinator(s) for these areas:

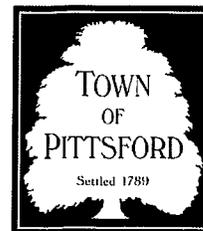
Name	Dept	Position	Rate	Date of Hire
Cole Wallman	Parks	Seasonal Laborer	\$13.00	05/05/2020
Koby Wallman	Sewer	Seasonal Laborer (Rehire)	\$13.00	05/11/2020
Andrew Diekmann	Parks	Seasonal Laborer	\$13.00	05/13/2020
Kyle Wallman	Sewer	Seasonal Laborer (Rehire)	\$13.00	05/18/2020

All the proper reviews and background checks have been completed for these candidate(s) and have received appropriate sign off by the Town Board representative.

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

In the event the Town Board determines that the proposed action should be taken, I move that the subject employees be approved for the date of hire as indicated.

MEMORANDUM



To: Pittsford Town Board

From: Paul Schenkel - Commissioner of Public Works

Date: May 5, 2020

Regarding: Inter-municipal Agreement with the Town of Brighton

For Meeting On: May 5, 2020

Ladies and Gentlemen,

The Town of Pittsford has a long standing agreement with the Pittsford Central School District for the fueling needs of the Town fleet. We utilize their fuel facility located at the bus garage. The School District had plans to replace the unleaded tanks and pumps over the summer months. With the closure of school, due to the Covid-19 Pandemic, those plans got moved up.

The Town of Brighton has offered to allow us to use their unleaded pumps located at their Highway Department for the next couple of weeks. Attached you will find an inter-municipal agreement that must be executed by the Town Supervisor.

In the event the Town Board determines that the proposed actions should be taken, the following Resolutions are suggested:

Resolved, that the Town Board authorizes the Town Supervisor to execute an Inter-municipal Agreement with the Town of Brighton for the temporary use of their fueling facilities.

**INTER-MUNICIPAL AGREEMENT
BETWEEN
THE TOWN OF BRIGHTON
AND
THE TOWN OF PITTSFORD**

**USE OF TOWN OF BRIGHTON FUEL DISPENSING STATION
April 28, 2020**

This Memorandum of Agreement, MOA, made as of May 4, 2020, between the Town of Brighton, with offices at 2300 Elmwood Avenue, Rochester, NY 14618, (hereinafter known as the "Town"), and the Town of Pittsford with offices at 11 S. Main St. Pittsford NY 14534

WHEREAS, the Town of Pittsford has requested to utilize the Town of Brighton fuel dispensary to supply gasoline to Town of Pittsford vehicles because its current dispensary is under construction and out of service; and

WHEREAS, the Town of Brighton has sufficient gasoline supply and agrees to permit the Town of Pittsford to use its fuel dispensary to provide gasoline for approximately 20 vehicles for a period of two to three weeks starting on Monday May 4, 2020; and

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter mentions, the parties agree as follows:

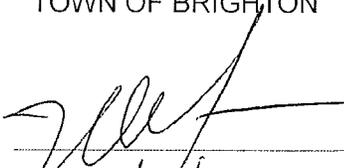
1. The Town of Brighton authorizes the Town of Pittsford to utilize gasoline fuel from the Town's dispensing station in accordance with procedure established by the Town.
2. The value of the fuel to be provided to the Town of Pittsford under this Memorandum of Understanding will be the actual cost to the Town of Brighton per gallon of fuel, as determined by the Town, plus 7% of the total cost of fuel as an administrative reimbursement.
3. A detailed record of actual fuel use, and its associated value, will be kept by the Town of Brighton and provided to the Town of Pittsford. No later than July 30, 2020 an annual accounting of actual value of fuel will be prepared by the Town of Brighton and submitted to the Town of Pittsford for payment. The Town of Pittsford will reimburse the Town no later than 30 days after the accounting is provided to the Town of Pittsford.
4. The Town of Brighton reserves the right to cease providing fuel to the Town of Pittsford if the Town finds that it cannot meet its current gas fuel obligations.
5. Each party represents to the other that it has in force, policies of liability insurance protecting against exposures arising out of or in connection with this Agreement and the actions which it may take under this Agreement. Each party agrees to Indemnify as to its negligence the other against liability for the negligent use of vehicles, apparatuses, or supplies including gasoline fuel under this Agreement.

6. The Town of Pittsford agrees to protect, defend, indemnify and hold the Town and its employees free and harmless from and against any and all losses, claims, liens, demands and causes of action of every kind and character, including the amount of judgments, penalties, interest, court costs and legal fees incurred by the Town in defense of same, arising in favor of any party, including governmental agencies or bodies, on account of claims, liens, debts, personal injuries, including personal injuries sustained by employees of the Town, death or damage to property, including property of the Town, and without limitation by numeration, all other claims or demands of every character occurring or in any way incident to the use of the Town's fuel dispensary, hereafter all jointly being referred to as "claims".
- a. Notwithstanding the foregoing, the Town of Pittsford shall not be liable, nor shall the Town of Pittsford have to indemnify the Town or hold the Town harmless for claims resulting from the sole negligence of the Town.
 - b. The Town shall give the Town of Pittsford prompt notice of every claim received by the Town for which claim the Town of Pittsford is, in whole or in part, liable.
 - c. The Town of Pittsford, at its sole expense, agrees to investigate, handle, respond to, or provide defense for and defend any claim made against the Town for which claim the Town of Pittsford is claimed to be in whole or in part, liable, and the Town of Pittsford agrees to bear all other costs and expenses related thereto even if such claim is groundless, false, or fraudulent.
 - d. The Town of Pittsford shall maintain insurance to protect the Town and the Town of Pittsford from and against any and all claims, injury or damage to persons or property, both real and personal, arising from the services herein contracted for such types and in such amounts as is customarily maintained by municipalities serving comparable communities, all as reasonably approved by the Town.

7. This Agreement shall be effective from May 4, 2020 to and including June 30, 2020.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above:

TOWN OF BRIGHTON

By:  _____

Date: 5/5/2020

TOWN OF PITTSFORD

By: _____

Date: _____