

Public Hearing & Regular Meeting of the Town Board
August 10, 2022 7:00 pm
Town of Windsor Town Hall
124 Main Streets, Windsor, NY 13865

Supervisor Odell pointed out the exits in the room.

MEETING CALLED TO ORDER: by Supervisor Mark Odell, at 7:01 pm

PLEDGE OF ALLEGIANCE: was recited

ROLL CALL by Town Clerk Elizabeth Pfister:

Supervisor Mark Odell: Present
Deputy Supervisor Daniel Colwell: Present
Councilman Gary M. Hupman: Present
Councilman Timothy Harting: Present
Councilwoman Christine Kennedy-Tierno: Present
Code Enforcement Officer Richard Osbourne: Present
Highway Superintendent Michael Kithcart: Present
Attorney Gina Middleton: Present

Also, present were: Carol Rock-Ostrander Road, Charlie Rock-Ostrander Road, Don Blenco-Ostrander Road, Cheryl Peet-Hoadley Hill, Don & Elizabeth Einstein, Lucille Swartz-Route 79, David Brown-Ostrander Road, Kate Falank-Ostrander Road, Sam Falank-Ostrander Road, Ray Wood-Ostrander Road, Daniel Price-White Birch Lake Road, Isabelle Johns-Ostrander Road, Amanda Jackson-Bearhouse Road

Supervisor Odell opened the Public Hearing for Local Law #4-2022 to Exceed the Local Tax Cap at 7:02 pm. There were no public comments the hearing was closed at 7:03 pm. Supervisor Odell informed it is a stated goal of the Town Board to not exceed the tax cap each year and the Board does everything it can to not exceed it, this is just a yearly procedure.

Supervisor Odell opened the Public Hearing for Local Law #5-2022 A Local Law Authorizing the Town Board and All its Committees and Subcommittees to Use Videoconferencing Technology to Participate in Public Meetings at 7:03 pm. There were no public comments, the hearing was closed at 7:03 pm. Supervisor Odell explained that this Law is in the event there is another pandemic or unforeseen circumstance where meetings have to be held remotely this allows the Board or any Board of the Town to do so.

Town of Windsor, County of Broome, State of New York
A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WINDSOR APPROVING LOCAL
LAW#1-2022 “A LOCAL LAW AUTHORIZING THE TOWN BOARD AND ITS COMMITTEES AND
SUBCOMMITTEES TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN
PUBLIC MEETINGS”
RESOLUTION #23-2022

PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting
Councilwoman Kennedy-Tierno

At a regular meeting of the Town Board of the Town of Windsor, held at Town Hall, 124 Main Street, Windsor, New York on the 10th day of August, 2022, the following resolution was

Offered by: Deputy Supervisor Colwell
Seconded by: Councilwoman Kennedy-Tierno

WHEREAS, the Town Board scheduled a public hearing for August 10, 2022 at 7:05 p.m. for Local Law No. 1 of the Year 2022 entitled “A LOCAL LAW AUTHORIZING THE TOWN BOARD AND ALL ITS COMMITTEES AND SUBCOMMITTEES TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town and posted on the Town Clerk’s signboard; and

WHEREAS, said public hearing was duly held at Town Hall 124 Main Street, Windsor, New York on the 10th day of August, 2022 at 7:05 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act, it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(c)(26) and (33); and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Windsor hereby adopts said local law as Local Law No. 1 of the Year 2022 entitled “A LOCAL LAW AUTHORIZING THE TOWN BOARD AND ALL ITS COMMITTEES AND SUBCOMMITTEES TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS”, a copy of which is attached hereto and made a part hereof; and further

RESOLVED that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting; and it is further

RESOLVED that the Local Law is subject to mandatory referendum.

CERTIFICATION

I, Elizabeth Pfister, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at Town Hall, 124 Main Street, Windsor, NY on the 10th day of August, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED AYE
Deputy Supervisor Daniel Colwell	VOTED AYE
Council Member Gary Hupman	VOTED AYE
Council Member Timothy Harting	VOTED AYE
Council Member Christine Kennedy-Tierno	VOTED AYE

Dated: August 10, 2022

Town of Windsor Seal

Elizabeth Pfister, Town Clerk

**TOWN OF WINDSOR
LOCAL LAW NO. 1 OF THE YEAR 2022
A LOCAL LAW AUTHORIZING THE TOWN BOARD
AND ALL ITS COMMITTEES AND SUBCOMMITTEES TO USE
VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS**

Be it enacted by the Town Board of the Town of Windsor as follows:

Section 1. Legislative Intent

It is the intent of this local law to give the Town Board of the Town of Windsor, and all its committees and subcommittees, the authority to participate in meetings via videoconference in a manner consistent with the Town’s videoconferencing policy and the authority granted in Public Officers Law § 103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the Town Board to adopt a local law giving the Town Board, and all committees and subcommittees of the Town of Windsor, the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the applicable body participates from locations where the public may be physically present and other conditions are met.

Section 3. Videoconferencing for Public Meetings

The Town Board authorizes members of the Town Board, and all committees and subcommittees of the Town of Windsor, to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town’s videoconferencing policy adopted by the Town Board.

Section 4. Remainder

Except as hereinabove amended, the remainder of the Town Code of the Town of Windsor shall remain in full force and effect.

Section 5. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

PUBLIC COMMENTS:

Don Blenco - 115 Ostrander Road, Conditions on Ostrander Road over the past year have become unpleasant. The excessive number and speed of trucks traveling on the road because of the stone quarry, the campground and the wind project and it is destroying the road. The truck noise begins at 6:00 am and goes into the evening hours, the trucks are using their jake breaks, and often several trucks will come through at one time. Asked if the Town could put up signs not to use jake break and see about reducing the speed limit on the road. Don Blenco noted that the Lopke stone quarry trucks have been considerate but out of town truck drivers and in the past week Town Truck drivers have been the most inconsiderate with speed and use of the jake break, he has spoken with the State Police as well. Supervisor Odell asked Code Enforcement Officer Osborne if there was anything that could be done about the noise, Code Officer Osborne said he could go out and measure the noise however due to the parameters of the noise law it is difficult to use that to achieve much. Deputy Supervisor Colwell stated that as someone that runs a gravel business, he fields complaint calls and most of the calls are in regards to out of town drivers. Deputy Supervisor Colwell suggested that residents call law enforcement to handle the situation but feels that most trucks are not speeding it just seems that way because of their size. Code Enforcement Officer Osborne suggested contacting the DEC as they govern the quarry the Town has no jurisdiction over them but once the wind project is completed a lot of the traffic will cease and the wind company is responsible to put the road back to a better condition than what it started with once they are done.

Charles Rock-Ostrander Road-Asked the Board why all roads were not posted with a weight limit when the Board passed a resolution 3 to 4 years ago adopting a weight limit and there are only two signs that he knows of one on Blatchley and one on Flanders. The deterioration of the road from the excess of big trucks running on Ostrander Road. Charles Rock questioned what the weight limits were and why they were not posted. Code Enforcement Officer Osborne stated he believed the resolution in question did not pass the vote of the Town Board and that the wind project is exempt from weight limits. Charles Rock also questioned the assessment on the quarries he noted that at one time one of the quarries was only paying \$600.00 but hauling thousands of dollars' worth of stone out of these quarries. Charles Rock asked when residents can expect the Board to take action on these items. Supervisor Odell stated the road will be repaired once the wind project comes to completion, Code Officer Osborne will go out and measure the noise, and the Board will request a speed limit study on the road at an upcoming Board meeting.

Dan Price-White Birch Lake Road-Suggested that the Board contact the State Police to reinstate the weigh station like they used to have once a week. At least cutting down the weight on the road would help with the wear and tear. Councilman Hupman stated the Board had looked into it in the past and believes it was lack on man power was why it stopped. Supervisor Odell said they would call and check again though.

APPROVAL OF MINUTES:

Motion By: Councilman Harting Sec. By: Councilman Hupman

Motion to approve the minutes of the July 13, 2022 Regular Board Meeting as submitted.

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Aye

Motion Passed

FINANCIAL REPORT:

Motion By: Deputy Supervisor Colwell Sec. By: Councilman Hupman

Motion to approve August 2022 Bills for Payment.

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye

Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Aye

Motion Passed

The Board reviewed the July 2022 Financials and reviewed the 2023 Tentative Sewer Budget, Supervisor Odell pointed out that fund balance will be used so that rates do not need to be increased for residents.

COMMITTEE REPORTS:

ASSESSOR:

The Board reviewed the Assessor's July report

CEMETERIES: None

DOG CONTROL: None

ECONOMIC DEVELOPMENT: None

ENERGY:

Supervisor Odell shared his dislike for the windmills that have been erected to this point

HIGHWAY:

Motion By: Deputy Supervisor Colwell **Sec. By: Councilman Hupman**

Motion to Authorize the Hiring of Orrick Herrington & Sutcliffe, LLP as a Professional Service, Specifically Bond Counsel, and Authorize the Supervisor or His Designee to Execute an Agreement as to the Same

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Aye

Motion Passed

Discussion: Supervisor Odell stated that in order for the Town to get the new Highway Garage building under construction the Town has to go out and Bond and this allows the Town to hire the necessary people to help in the process.

Motion By: Councilman Hupman **Sec. By: Councilman Harting**

Motion to Authorize the Firm of Fiscal Advisors and Marketing Inc., as a Professional Service, Specifically to Assist with Municipal Borrowing and Authorize the Supervisor or His Designee to Execute an Agreement as to the Same

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Aye

Motion Passed

Discussion: Supervisor Odell stated this company works with the Bond company and both need to be hired per the Town Attorney to assist with the bond process.

Supervisor Odell opened discussion about modifications to the pole barn at the highway garage in order for the highway department to have a facility to work on equipment and have bathroom and breakroom facilities for the winter months. Highway Superintendent Kithcart presented the Board with estimates for insulating from The Insulation Man, LLC., OK Carpentry LLC., carpentry quotes from Ouaquaga Construction LLC., Ostrowsky Builders LLC., and electrical work from Fedorwich Electric and J&R Electric. Supervisor Odell and Deputy Supervisor Colwell asked Mark Parkinson from Adjusters International to give an update on status of insurance claims and what insurance would cover for this situation. Mark Parkinson said these expenses for modification would be covered under insurance extra expenses up to a set dollar amount. Deputy Supervisor Colwell asked if this expense makes sense to the insurance company and who is having that conversation about whether or not this gets covered. Mark Parkinson stated he needs the quotes that were given so he can look over them to submit to the insurance company. Deputy Supervisor Colwell asked what Adjusters International is doing in regards to the figure that was presented for the contents of the building, because he is not agreeable to that amount. Councilwoman Kennedy – Tierno asked if these small claims are coming out of the overall insurance payment or are they all separately insured parts, Mark Parkinson stated they are all individual claims at this point. Deputy Supervisor Colwell stated he is very disappointed with how long this process is taking and what is being done for the Town of Windsor by Adjusters International. Supervisor Odell asked if NYMIR was the hold up, Mark Parkinson stated that NYMIR's independent adjuster is on vacation this week which is part of the hold up but insurance companies tend to hold onto their money until they have to pay it as well. Parkinson also explained that the quote given by NYMIR for the replacement of the building was solely to replace the building as is 1 minute before the fire. Once a decision is made on the design of a new building Parkinson can work with the Code Officer to get estimates for the code upgrades between the previous building and the new building and that will be another portion of the insurance payment for the building as well but much of that cannot be completed until a design is decided on. Code Officer Osbourne stated code is a lengthy process because there are a lot of interpretations it is not cut and dry. For example, one of the things the new building will require that the old building did not have is a sprinkler system and other major upgrades that the previous building did not have and there are some that are easily done. Councilwoman Kennedy-Tierno asked what is the average time for a claim like this since we are not the first people to go through this, Parkinson stated the average time for an insurance claim is 6-8 months for just the basic building. Code Officer Osbourne stated that claim is hard to say because there are a lot of things that are out of the Town and the insurance company's control such as petitioning the Village to do a flow test for the water for the sprinkler system. Deputy Supervisor Colwell asked when that will be done Code Officer Osbourne said he has not been instructed to do so as of yet typically the architect or engineer notify when it is time to do so, bottom line cost of the code updates will have to be paid out and then reimbursed. Once the building number is agreed upon building of the new structure can commence and work on the code upgrade number will get worked on while that is going on. The Board questioned if the money for the pole barn modifications was coming from the same insurance portion as the temporary trailer rentals and other expenses that are being incurred due to the fire and Parkinson agreed they are. Deputy Supervisor Colwell concerned where the spending is at this point with that because it is limited Parkinson stated that a check for \$50,000 should have been received in the last couple days from that to deposit in bank account for money to keep things moving, the Town was previously sent \$50,000 from this same portion of the insurance. Mark Parkinson asked for copies of the quotes that Highway Superintendent Kithcart has gotten so he can review them and see the best direction to proceed. Supervisor Odell questioned

Attorney Middleton in regards to needing a resolution to spend this money. Attorney Middleton responded that a resolution would be needed however legal councils' opinion is that this needs to follow the proper bid process as outlined in the Procurement Policy since it does not qualify under the guidelines of an emergency situation. Deputy Supervisor Colwell disagrees with the opinion of legal on this not being an emergency, Attorney Middleton stated the Board can make the decision they choose however legal council is advising it is not unforeseen that this work needed to be done and the estimates in the packet are over the threshold set forth by the Procurement Policy. Supervisor Odell asked Attorney Middleton could consult with Attorney Sacco to see if there was any way to expedite the bidding and awarding process. Councilman Harting suggested that the Board move forward with the work that falls below the threshold for bidding and go out to bid on the components that are higher than the allowable amount. The discussion was tabled until Attorney Sacco would be reachable by phone for a recess for legal advice.

HISTORY: None

SENIOR CITIZENS: None

TOWN CLERK/REGISTRAR:

The Board reviewed the Clerks July Report

TOWN HALL: None

WASTEWATER TREATMENT PLANT:

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK

Amend the 2022 Budget to Reflect Cover the Cost of Replacing the Air Conditioning System
RESOLUTION #27-2022

PRESENT: **Supervisor Mark Odell**
 Deputy Supervisor Daniel Colwell
 Councilman Gary M. Hupman
 Councilman Timothy Harting
 Councilwoman Kennedy-Tierno

At a Regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 10th day of August, 2022, the following resolution was

Offered By: Councilman Harting
Second By: Councilman Hupman

WHEREAS, due to the failure of the failure of the air conditioning system at the Sewer Plant, there is an emergency need for the Town to replace necessary equipment: and

WHEREAS, the emergency situation and lack of air conditioning would have caused other essential equipment to fail creating a public safety issue; and

WHEREAS, \$5400.00 of expense have been incurred to replace the air conditioning system at the sewer department; as an emergency replacement

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary adjustments be made, to cover the of this outlay:

Estimated Expenditures	
SS3-599 Appropriated Surplus	\$3,000.00
Estimated Revenues	
SS3-8130.2 Sewer Equipment, Repairs	\$3,000.00

Vote of the Board:

Supervisor Mark Odell	VOTED - Aye
Deputy Supervisor Daniel Colwell	VOTED - Aye
Council Member Gary Hupman	VOTED - Aye
Council Member Timothy Harting	VOTED - Aye
Council Member Christine Kennedy-Tierno	VOTED - Aye

Motion Approved

Resolution Adopted: August 10, 2022

I, Elizabeth Pfister, Clerk of the Town of Windsor, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the Town Board of the Town of Windsor, Broome County, New York on the 10th day of August, 2022.

Elizabeth Pfister, Town Clerk
Town of Windsor

Discussion: Supervisor Odell received a call from Wastewater Treatment Operator Don Sherwood that air conditioner was not working in the main equipment room and it was an emergency due to the heat would have caused the loss of a lot of equipment.

YOUTH & RECREATION:

The Town Clerk read a report submitted by Amanda Jackson on the Town Fair, reporting they thought it was quite successful they stayed within the funds raised for this year and proceeds from ticket sales were \$15,686 to put towards next years event. Michaels sensory space, a section setup for children with autism, was very popular and Councilman Harting added that Visions Credit Union funded the space and sent their employees to volunteer during the fair. Code Officer Osbourne said the biggest complaint received was in regards to parking and it seemed to be the amount of people coming in from out of town and putting the address listed for the event in their GPS and the address was advertised for the park for parking. Councilman Harting was astonished that there were no complaints about the fireworks and Supervisor Odell asked who paid for the fireworks since he had approached Bluestone Wind to do so and was told they would not be able to. Councilman Harting stated that a donation was made by Bluestone and it was believed that the vendor of the fireworks who was a former Windsor resident donated some as well.

ZONING, PLANNING & CODE ENFORCEMENT:

The Board reviewed the Zoning Report for July. Councilman Harting made the Board aware that he is working with the Computer Shop to purchase a tablet that the Code Officer can take out into the field and use instead of the laptop that was originally ordered for him.

PUBLIC SAFETY:

June and July 2022 financial reports were given to the Board.

UNFINISHED BUSINESS:

Motion By: Deputy Supervisor Colwell Sec. By: Councilman Hupman

Motion to Authorize the Supervisor to Sign an Agreement with Broome County for the Town to Accept ARPA Funds in the Amount of \$270,000.00 for the Purchase of a Plow/Dump Truck

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Aye

Motion Passed

NEW BUSINESS:

**Town of Windsor, County of Broome, State of New York
A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WINDSOR APPROVING THE
ADOPTION OF AN ACCEPTABLE USE POLICY
Resolution #24-2022**

**PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting
Councilwoman Kennedy-Tierno**

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the **10th day of August, 2022**, the following resolution was:

**OFFERED BY: Councilman Harting
SECONDED BY: Councilwoman Kennedy - Tierno**

The Town Board (hereinafter "Town Board") of the Town of Windsor (hereinafter "Town"), duly convened in regular session, does hereby resolve as follows:

WHEREAS, the Town of Windsor desires to adopt and implement an Acceptable Use Policy (the "Policy"); and

WHEREAS, the Policy concerns Computer, Network Resource and Internet Usage and applies to all Town-owned network facilities, computer systems and email accounts provided to Town employees and officials; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board that this constitutes a Type II Action as defined under 6 NYCRR 617.5(20) and (27); and

WHEREAS, the Policy shall be reviewed on an annual basis and updated as needed.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Windsor, after review and discussion, hereby approves the adoption of the Acceptable Use Policy; and it is

FURTHER RESOLVED that the Supervisor is hereby authorized to sign and deliver any documents necessary to effectuate the Policy and implement the same on behalf of the Town; and it is

FURTHER RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at the Windsor Town Hall, 124 Main Street, Windsor, NY on August 10, 2022 Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED AYE
Deputy Supervisor Daniel Colwell	VOTED AYE
Council Member Gary Hupman	VOTED AYE
Council Member Timothy Harting	VOTED AYE

Motion Approved

Resolution Adopted: August 10, 2022

Town of Windsor Seal

Elizabeth Pfister, Town Clerk
Town of Windsor

Acceptable Use Policy

Policy Statement- The Town of Windsor has adopted the following Town of Windsor Computer, Network Resource and Internet Usage Policy:

This policy shall be reviewed on an annual basis and updated as needed. This policy shall supersede and revoke all previous policies. Town computers, Town network resources, and internet access lines within the Town of Windsor Town Hall and within any other Town buildings are to be used only for official business of the Town. In no event are those computers, network resources or internet access lines to be used for the personal purposes. Prohibited personal purposes shall include, but not be limited to, the following of:

- (a) creating, sending or receiving any personal letters, personal messages, personal advertising, communications relating to personal commercial activities, jokes or other personal communications,
- (b) playing any card games or other games,
- (c) using any streaming video services e.g., Netflix, Hulu, YouTube, etc., unless directly related to Town business.
- (d) creating, sending, posting, displaying or receiving any pornographic or obscene pictures, text, graphics, images, or materials,
- (e) accessing any web sites that contain sexually explicit images and/or related materials, advocate illegal activity, and/or advocate intolerance of others,
- (f) creating, sending, posting, or displaying any sexually explicit images and/or related materials,
- (g) advocating or promoting any illegal activity, and/or advocating or promoting intolerance of others.
- (h) creating, sending, posting, displaying or receiving any offensive, abusive, slanderous, libelous, defamatory, vulgar, harassing or intimidating messages, text, graphics, images or materials,
- (i) creating or sending any viruses, worms, hoaxes or chain letters,
- (j) engaging in any unwarranted invasion of the personal privacy of any individual,
- (k) engaging in any unauthorized disclosure of sensitive or confidential information, or
- (l) violating any licensing or copyright restrictions.

Any misuse of a Town computer, network resource, or internet access line, or non-compliance with the Town's written computer and internet usage policies, may result in one or more of the following consequences:

1. Temporary loss of privileges and/or deactivation of computer/network access/internet access.
2. Permanent loss of privileges and/or deactivation of computer/network access/internet access.
3. Confiscation of Town laptop computer by the proper Town official.
4. Disciplinary actions (including proceedings for removal from office) by the appropriate Town board or Town officials and/or State boards or State officials.
5. Subpoena of data files and/or the application for and execution of a search warrant.
6. Legal prosecution under applicable United States, New York State, and/or Town of Windsor statutes, local laws, ordinances, codes, rules and/or regulations (hereinafter the "Laws").
7. Possible penalties under applicable Laws, including fines and/or imprisonment

The Town of Windsor owns all network facilities, computer systems and e-mail accounts that are provided to Town employees and officials. The Town reserves the right to monitor and audit all usage of Town-owned technology systems, including but not limited to hard drives, e-mails, computer files, and network traffic. No employee or Town official should have an expectation of privacy with regard to the use of Town-owned technology.

Discussion: Councilman Harting advised the Board that this policy was written when the Town was using Broome County as their IT which was a full-service provider, and this service is no longer utilized. Earlier this year the Town choose the Computer Shop to be the managed provider but in order for the Town to remain consistent with the policy as written all newly purchased computers would have to be managed by the Computer Shop at a charge which the Board opted out of doing earlier this year and chose to only have the Town Clerk and the Secretary to the Supervisors computers monitored as those are the units that hold all the programs and their backups. Supervisor Odell asked if it was required to have the added costs, Attorney Middleton advised that the policy is necessary the coverage and contents are up to the Board. The Board agreed to adopt with the change of wording to reflect the current plan. Councilman Harting stated that it should be in the policy that all files will need to be saved through the two managed computers for all other users on the network, the other Board members agreed.

Town of Windsor, County of Broome, State of New York

**A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WINDSOR APPROVING THE
ADOPTION OF BREACH NOTIFICATION POLICY**

Resolution #25-2022

PRESENT: Supervisor Mark Odell

**Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting
Councilwoman Kennedy-Tierno**

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the **10th day of August, 2022**, the following resolution was:

**OFFERED BY: Councilman Harting
SECONDED BY: Councilwoman Kennedy - Tierno**

The Town Board (hereinafter "Town Board") of the Town of Windsor (hereinafter "Town"), duly convened in regular session, does hereby resolve as follows:

WHEREAS, the Town of Windsor desires to adopt and implement a Breach Notification Policy (the "Policy"); and

WHEREAS, the purpose of the Policy is to ensure the Town of Windsor complies with State and Federal laws, and minimizes the harm to individuals served or employed by the Town, when responding to a suspected breach of private and confidential information; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board that this constitutes a Type II Action as defined under 6 NYCRR 617.5(20) and (27).

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Windsor, after review and discussion, hereby approves the adoption of the Breach Notification Policy; and it is

FURTHER RESOLVED that the Supervisor is hereby authorized to sign and deliver any documents necessary to effectuate the Policy and implement the same on behalf of the Town; and it is

FURTHER RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at the Windsor Town Hall, 124 Main Street, Windsor, NY on August 10, 2022 Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED AYE
Deputy Supervisor Daniel Colwell	VOTED AYE
Council Member Gary Hupman	VOTED AYE
Council Member Timothy Harting	VOTED AYE
Council Member Christine Kennedy-Tierno	VOTED AYE

Motion Approved

Resolution Adopted: August 10, 2022

Town of Windsor Seal

Elizabeth Pfister, Town Clerk
Town of Windsor

Breach Notification Policy

Objective: To ensure that the Town of Windsor's response to any suspected breach of private and confidential information complies with State and Federal laws and minimizes harm to individuals served or employed by the Town of Windsor.

The Town values the protection of private information of individuals in accordance with applicable law and regulations. Further, the Town is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Town policy.

The Town shall educate all individuals who may come into contact with any of the information described below on the Town policy in order to increase IT security awareness. The Town desires to ensure each individual understands his or her responsibilities regarding any potential issues.

a) "Private information" shall mean "personal information" in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;

2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

"Personal information" shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

b) "Breach of the security of the system," shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the Town is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Determining if a Breach has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the Town may consider the following factors, among others:

- a) Indications that the information is in the physical possession or 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; or
- d) System failure

Notification Requirements

For any computerized data owned or licensed by the Town that includes private information, the Town shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The Town shall consult with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.

For any computerized data maintained by the Town that includes private information which the Town does not own, the Town shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall be directly provided to the affected persons by one or more of the following methods:

- a) Written notice;
- b) Telephone Notification, with records of all calls being kept;

Additional Notices: in addition to one of the above forms of notice the Town may, at its discretion, perform the following additional forms of notice:

- a) E-Mail notice when the Town has an e-mail address for the subject individuals;
- b) Conspicuous posting of the notice on the Town's webpage, or any Town signs; and
- c) Notification to local media

Regardless of the method by which notice is provided, the notice shall include contact information for the Town and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the Town shall notify the New York State Attorney General (AG), the New York State Department of State, and the New York State Office of Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons.

In the event that more than five thousand (5,000) New York State residents are to be notified at one time, the Town shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to Towns required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system.

Town of Windsor, County of Broome, State of New York

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WINDSOR APPROVING THE ADOPTION OF DISASTER RECOVERY PLAN

Resolution #26-2021

**PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting
Councilwoman Kennedy-Tierno**

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 10th day of August, 2022, the following resolution was:

**OFFERED BY: Councilman Hupman
SECONDED BY: Councilman Harting**

The Town Board (hereinafter “Town Board”) of the Town of Windsor (hereinafter “Town”), duly convened in regular session, does hereby resolve as follows:

WHEREAS, the Town of Windsor desires to adopt and implement a Disaster Recovery Plan; and

WHEREAS, the Disaster Recovery Plan defines acceptable methods for disaster recovery planning, preparedness, management, and mitigation of IT systems and services for the Town; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Town Board that this constitutes a Type II Action as defined under 6 NYCRR 617.5(20) and (27).

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Windsor, after review and discussion, hereby approves the adoption of the Disaster Recovery Plan; and it is

FURTHER RESOLVED that the Supervisor is hereby authorized to sign and deliver any documents necessary to effectuate the Disaster Recovery Plan and implement the same on behalf of the Town; and it is

FURTHER RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting there of held at the Windsor Town Hall, 124 Main Street, Windsor, NY on August 10, 2022 Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED AYE
Deputy Supervisor Daniel Colwell	VOTED AYE
Council Member Gary Hupman	VOTED AYE
Council Member Timothy Harting	VOTED AYE
Council Member Christine Kennedy-Tierno	VOTED AYE

Motion Approved

Resolution Adopted: August 10, 2022

Town of Windsor Seal

Elizabeth Pfister, Town Clerk
Town of Windsor

Disaster Recovery Plan

Policy Statement: This policy defines acceptable methods for disaster recovery planning, preparedness, management and mitigation of IT systems and services for the Town of Windsor (hereinafter the “Town”).

The disaster recovery standards in this policy provide a systematic approach for safeguarding the vital technology and data managed by the Town. This policy provides a framework for the management, development, and implementation and maintenance of a disaster recovery program for the systems and services managed by the Town.

Implementation: The Town shall establish as follows:

1. Appoint a Disaster Recovery Manager. The Disaster Recovery Manager shall be charged with implementing the Town’s Disaster Recovery Plan.

Scenarios: There are two planning scenarios that will enable the Town to effectively prepare for and recover from likely potential threats.

1. The main computer system fails due to a lightning strike, catastrophic equipment failure, etc.
2. The Town Hall is destroyed in a natural disaster. In this scenario the Town will simultaneously be responding to other effects of the incident at the same time they are trying to restore computer operations.

General Requirements: The Town shall:

- Continue the Town's contractual relationship with The Computer Shop.
 - The Computer Shop has made accessible via remote access work stations of the Town Clerk and Secretary to the Supervisor
 - The Computer Shop maintains generators to maintain operations in the event of a power failure.
- Maintain rigorous backup routines that assure the data is available to restore. The backup shall entail secure off-site backup of data for the Town's financial other computer data.
 - Financial data shall be backed up by the third-party company the Town contracts with.
 - The Town's computer data shall be backed up at least once a week.
- The Town's Disaster Recovery Manager or 3rd Party Provider shall attempt to restore the backup data, no less frequently than once a month, in order to ensure the validity of the backup data.
- Have redundant computer technician services to assure immediate response.
- The Town shall appoint a Disaster Recovery Manager who shall be responsible for remote restoration of Town computer data, in accordance with the then current Town Disaster Recovery Plan.
- The Town's financial data is maintained by a third-party software company. This financial data is remotely accessible in the event of a disaster.
 - The Town's Disaster Recovery Manager shall be responsible with coordinating remote access in the event of a disaster.

Discussion: Councilman Harting pointed out that the Board will need to Appoint a Disaster Recovery Manager

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Hupman

Motion to Recess for Legal advice at 8:37pm

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye

Councilman Hupman- Aye

Councilman Harting-Aye

Councilwoman Kennedy-Tierno-Aye

Motion Passed

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Harting

Motion to Return Legal advice at 9:04pm

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye

Councilman Hupman- Aye

Councilman Harting-Aye

Councilwoman Kennedy-Tierno-Aye

Motion Passed

Deputy Supervisor Colwell announced a Special Meeting will be scheduled for Thursday August 18, 2022 at 7:00pm at the Town Hall to discuss the modifications to the Pole Barn at the Highway Garage.

UPCOMING MEETING: Regular Meeting September 14, 2022 7:00 pm Windsor Town Hall

PUBLIC COMMENTS: None

ADJOURNMENT:

Motion By: Deputy Supervisor Colwell

Sec. By: Councilwoman Kennedy - Tierno

Motion to Adjourn Meeting at 9:05pm

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye

Councilman Hupman- Aye

Councilman Harting-Aye

Councilwoman Kennedy-Tierno-Aye

Motion Passed

Respectfully Submitted,

Elizabeth Pfister
Town Clerk