

**MAY 17, 2017
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak

Absent: Councilman Zambito

Others

Present: Town Clerk Morasco
Town Engineer Mountain
Harry Sickerman, Representative for GGLC
Debbie Gawron, Owner/President of Freightliner
John Pontillo

The Supervisor called the meeting to order at 7:00 P.M.

Public Hearing-Community Development Block Grant-Freightliner- The Supervisor called the Public Hearing to Order at 7:01 P.M.- Minutes for public hearing entered separately.

April 19, 2017 Public Hearing-Local Law 1 Energy Benchmarking: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Michalak, Underhill, White, Post

MOTION CARRIED by unanimous vote (4-0)

April 19, 2017 Public Hearing-Comprehensive Plan: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Michalak, Underhill, White, Post

MOTION CARRIED by unanimous vote (4-0)

April 19, 2017 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, White

Abstain: Post

MOTION CARRIED (3-ayes, 1-abstain)

RESOLUTION NO. 94:

Councilwoman White offered the following:

**AUTHORIZING THE SUBMISSION OF A
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
FREIGHTLINER & WESTERN STAR OF BATAVIA LLC**

WHEREAS, Freightliner & Western Star of Batavia LLC (hereinafter the “Company”) plans to

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develop a 45,000± square foot truck parts and service facility to be located on an approximately 24-acre site located on State Street Road south of and adjacent to the I-90 (the “Project”); and

WHEREAS, the Project will have an estimated capital cost of \$8 million and include infrastructure upgrades and training facilities; and

WHEREAS, the Company has requested that the Town of Batavia apply for Community Development Block Grant funding for the Project from the New York State Office of Community Renewal (the “OCR”); and

WHEREAS, the Genesee Gateway Local Development Corporation (the “GGLDC”) is assisting in the facilitation of the project and has requested that the Town provide the OCR funding to the GGLDC as a grant for the purpose of making term and deferred loans to the Company; and

WHEREAS, the Project will create an estimated 32 new employment opportunities, provide skills training for BOCES and other area students, and increase the Town’s tax base; and

WHEREAS, the Town has held a public hearing on May 17, 2017 to obtain citizens’ views regarding the Project and the CDBG program as administered by OCR;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Batavia hereby authorizes the Supervisor to submit a grant application to the OCR on behalf of the Town in an amount not to exceed \$750,000 to support the Project; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a grant agreement between the Town and the OCR and all related documents associated with the OCR grant, all such documents to be subject to review and approval by the Town Attorney; and

BE IT FURTHER RESOLVED, the Supervisor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Second by: Deputy Supervisor Underhill

Ayes: Underhill, Michalak, Post

Abstain: White

APPROVED (3-ayes, 1-abstain)

RESOLUTION NO. 95:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

RESOLVED, the Batavia Town Board hereby authorizes the following personnel to attend training workshops:

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Kathy Jasinski – Green Genesee Landscape-Scale Ecological Analysis in Planning (was) April 25, 2017.

Hiedi Librock- Quickbooks Training at Genesee Community College. The cost of the training is \$184.00.

Teressa Morasco- NYS Comptrollers Fiscal Responsibilities of the Town Clerk webinar June 2, 2017.

Second by: Deputy Supervisor Underhill

Ayes: Underhill, White, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 96:

Supervisor Post offered the following:

MAINTENANCE AGREEMENT
E-STUDIO 4520 DIGITAL COPIER/ PRINTER/SCANNER

RESOLVED, the Batavia Town Board hereby approves the proposed Maintenance Contract Agreement between Toshiba Business Solutions and the Town of Batavia, for the E-Studio 4520 Digital Copier/Printer/Scanner, a copy of which is annexed hereto and made a part of the Town Board Minutes, at a cost of \$138.60/year, based on 14,000 black images per year, with overages being billed at \$.0099, and at a cost of \$88.00/year, based on 1,000 color images per year, with overages being billed at \$.0880; and be it further

RESOLVED, the Supervisor is hereby authorized to execute the agreement; and be it further

RESOLVED, the expenditure will be appropriated from line item A1680.401.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, White

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 97:

Councilwoman Michalak offered the following:

VENDOR
NON-DISCLOSURE AGREEMENT

WHEREAS, a Cyber Security Assessment was conducted by our Insurance Carrier; and

WHEREAS, as part of their recommendation to protect the data that is shared with the vendors, the Town wishes to require each vendor that conducts business with the Town of Batavia to enter in to a

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“Non-Disclosure Agreement” (attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby requires vendors who conduct business with the Town of Batavia to enter in to a “Non-Disclosure Agreement”, copy of which is annexed hereto and made a part of the minutes, and be it further

RESOLVED, the Supervisor is hereby authorized to execute the Agreements on behalf of the Town of Batavia.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, White, Post

APPROVED by unanimous vote (4-0)

NON-DISCLOSURE AGREEMENT

This Non Disclosure Agreement (Agreement) is between, The **Town of Batavia**, a New York Municipal Corporation having its office at 3833 West Main St. Rd., Batavia, NY 14020 ("Discloser") and _____ a _____ Corporation (including its affiliates), having its office at _____ ("Recipient").

In consideration of the mutual covenants contained in this Agreement, the parties hereby agree as follows:

1. In connection with discussions between the parties regarding possible transactions and/or other matters involving Discloser, the Discloser will disclose confidential and/or proprietary information related to Discloser (hereinafter the "Information") to the Recipient on a strictly confidential basis. The parties agree that all information delivered to Recipient pursuant to this Agreement whether done so in oral, written, machine recognizable and/or sample form, being clearly marked or labeled as confidential or its equivalent at the time of disclosure; or being as such that the Recipient knows or should know of the confidential nature of such information, is deemed confidential and/or proprietary unless the information is otherwise available to the public.
2. With respect to all of the Information described in Paragraph 1 (hereinafter "Information"), the Recipient shall:
 - (i) hold the Information in its strictest confidence, exercising the degree of care necessary to prevent the intentional or inadvertent disclosure of the Information, but in no event less than the degree of care used by the Recipient to protect its own strictly confidential information of similar value;
 - (ii) restrict disclosure of the Information solely to those persons and/or entities on a need to know basis;

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(iii) require those third party persons or entities to whom the Information is disclosed to strictly comply with the Recipient's obligations under this Agreement with respect to the Information by requiring each such person or entity to execute a copy of this Confidentiality Agreement and upon request delivering to Discloser an copy thereof; and,

(iv) use the Information only in connection with the matters referred to in this agreement and for no other purpose, except as may otherwise be authorized in writing by the Discloser.

3. The Information is and shall remain the property of the Discloser and, upon request; the Recipient will return all Information received in tangible form to the Discloser or will destroy all such Information at the Discloser's direction. If the Recipient loses or makes an unauthorized disclosure of the Information, it shall notify the Discloser immediately and use its best efforts to retrieve the lost or wrongfully disclosed Information.

4. The Recipient may disclose Information as required by law in connection with an appropriate court or regulatory proceeding, provided that sufficient notice is given by the Recipient to the Discloser of any such requirement to permit the Discloser to seek an appropriate protective order or exemption from such requirement.

5. No right or license to any of the Discloser's proprietary technology, patented technology, copyrights, or other intellectual property is implied or expressly granted by this Agreement.

6. The obligations of confidentiality in this Agreement shall not apply to (i) any information which a Party rightfully has in its possession when disclosed to it by the other Party, and such information is not subject to a confidentiality obligation of such Party, (ii) information which a Party independently develops, as evidenced by such Party's records, (iii) information which is or becomes known to the public other than by breach of this Section or (iv) information rightfully received by a Party from a third party without the obligation of confidentiality.

7. Recipient agrees that it/he will not, without the prior written consent of the Discloser, disclose to any third party (other than an agent or subcontractor directly retained by Recipient and on a need to know basis) the nature or contents of the discussions between Discloser and Recipient, or the existence, contents or nature of any existing or potential business relationship between Discloser and Recipient

8. The disclosure or receipt of Information hereunder in no way obligates either party to enter into any business relationship with the other party and does not preclude either party from entering into discussions or agreements of any kind whatsoever with any third party, provided such discussions or agreements do not violate any provisions of this agreement.

9. This Agreement shall benefit and be binding upon the parties hereto and their respective successors and assigns.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to choice of law principles.

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11. This Agreement shall become effective as of the Effective Date set forth below and disclosures of information hereunder may take place for as long as this Agreement remains in effect (the "Disclosure Period"). Either party may at any time in its sole discretion terminate this Agreement including the Disclosure Period on written notice to the other party. In such event Recipient shall immediately refrain from any further disclosures of the Information and shall return or destroy the Information at Discloser's request; thereafter, certifying such return or destruction in writing to Discloser. These continuing obligations shall survive the termination of this Agreement.

12. In the event of an actual or threatened unauthorized disclosure, the damages incurred or anticipated by the Discloser may be difficult if not impossible to ascertain, and the Discloser is entitled to seek injunctive relief without a showing of irreparable harm or the posting of a bond therefore, in addition to seeking monetary damages or other relief where applicable.

13. All Confidential Information is provided "AS IS" and without any warranty, express, implied or otherwise, regarding such Confidential Information's accuracy or performance.

14. This Agreement constitutes the entire understanding between the parties with respect to the subject matter of this Agreement. No amendment or modification of this Agreement shall be valid or binding on the parties unless made in writing and executed on behalf of each party by its duly authorized representative.

15. Each party shall cause this Agreement to be executed on its behalf as of the date written below by a representative empowered to bind that party with respect to the undertakings and obligations contained herein. This Agreement may be executed in multiple counterparts, each of which will be considered to be an original document, but all of which, taken together, will be deemed to constitute a single instrument. Signature pages may be detached from multiple separate counterparts and attached to a single counterpart so that all signature pages are physically attached to the same instrument. Signed signature pages may be transmitted by facsimile, or scanned and transmitted by email and any such signature shall have the same legal effect as an original.

Executed and effective this _____ day of _____, 20____ (the "Effective Date").

Discloser: **Town of Batavia, New York**

By: _____(Signature)

Print Name and Title: _____

Recipient: _____

By: _____(Signature)

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Print Name and Title: _____

CONFIDENTIALITY: The term “Confidential Information” shall mean this Agreement as well as all other information that is clearly identified in writing by the Party seeking this protection as being confidential or being as such that the Recipient knows or should know of the confidential nature of such information. The Confidential Information includes, but is not limited to, information related to: the business, technology, finances, budgets, projections, proposals, and practices of the respective Parties’, including without limitation, the terms of this Agreement, and all information relating to the respective Parties’ business plans and proposals, marketing plans and proposals, technical plans and proposals, and research and development. In addition Vendor acknowledges that the Town has a responsibility to keep individualized information about its customers, residents and employees and their accounts (“Customer Information”) strictly confidential. Vendor will treat all Customer Information which may come into its possession during the performance of services under this Agreement as Confidential Information.

Neither party to this Agreement (each a “Party”) shall disclose any of the other Party’s Confidential Information other than on a “need to know” basis for the purpose of fulfilling its obligations under this Agreement or otherwise to carry out the purpose for which such information was disclosed, and will safeguard such Confidential Information by using no less than the same degree of care and discretion that it uses to protect its own confidential information. Upon the termination or expiration of this Agreement, or at any time upon the request of a Party, the other Party shall destroy and/or return all the other Party’s Confidential Information, in the possession of such Party or in the possession of any third party over which the said Party has control. With the exception of the obligations related to Customer Information, the obligations of confidentiality in this Section shall not apply to (i) any information which a Party rightfully has in its possession when disclosed to it by the other Party, and such information is not subject to a confidentiality obligation of such Party, (ii) information which a Party independently develops, as evidenced by such Party’s records, without use of the other Party’s Confidential Information (iii) information which is or becomes known to the public other than by breach of this Section or (iv) information rightfully received by a Party from a third party without the obligation of confidentiality.

In the event that the receiving Party or any of its representatives becomes legally compelled (by deposition, interrogatory, request for documents, subpoena, civil investigative demand or similar process) to disclose Confidential Information, such party shall, if permitted by law and/or state and federal regulations, provide the disclosing Party with prompt prior written notice of such requirement so that the disclosing Party may seek a protective order or other appropriate remedy and/or waive compliance with the terms of this Agreement. In the event that such protective order or other remedy is not obtained within the required timeframe, or if the disclosing Party waives in writing compliance with the provisions of this Agreement, then the receiving Party may disclose only that Confidential Information that it is advised by legal counsel is legally required to be disclosed, and such party shall use its commercially reasonable efforts to obtain reliable assurance that confidential treatment shall be accorded such Confidential Information.

RESOLUTION NO. 98:

Councilwoman White offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 2 OF 2017
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend portions and allow certain changes by resolution of Chapter 169 of the Code of the Town of Batavia, entitled “Parks”, also known as Town of Batavia Local Law No. 2 of 2017, “Amending the Town of Batavia Park Rules and Regulations Law”

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NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 2 of 2017 entitled “A Local Law Amending the Town of Batavia Park Rules and Regulations Law”, which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until June 21, 2017, and that a public hearing be held before this Town Board on the 21st day of June, 2017, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

Second by: Councilwoman Michalak
Ayes: White, Michalak, Underhill, Post
APPROVED by unanimous vote (4-0)

NOTICE OF PUBLIC HEARING BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 17th day of May, 2017, proposed Local Law No. 2 of 2017 entitled “A Local Law Amending the Town of Batavia Park Rules and Regulations Law”. Said Local Law will amend portions of legislation and allow certain changes by the Town Board by resolution.

PLEASE TAKE FURTHER NOTICE that on 21st day of June, 2017, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York, will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road in the Town of Batavia, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

A copy of said proposed Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for inspection during regular Office hours.

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Dated: Batavia, New York
May 17, 2017

Teresa M. Morasco, Town Clerk
Town of Batavia, New York

RESOLUTION NO. 99:

Deputy Supervisor Underhill offered the following:

**THIRD AMENDED
PROFESSIONAL SERVICES AGREEMENT
WITH CONSERVATION CONNECTS
FOR THE
GREEN GENESEE/SMART GENESEE PROJECT
TO INCLUDE ADDITIONAL SCOPE OF WORK
TO THE
TOWN OF BATAVIA COMPREHENSIVE MASTER PLAN**

WHEREAS, the Town of Batavia has contracted with Conservation Connects to complete the Green Genesee/ Smart Genesee project, and

WHEREAS, the Green Genesee/ Smart Genesee project included Comprehensive Plan updates as they relate to natural resources and green infrastructure, and

WHEREAS, the Town of Batavia previously added additional services to the Green Genesee/ Smart Genesee project to complete the Town's full Comprehensive Master Plan update, and

WHEREAS, Conservation Connects has submitted a proposal (attached) in the amount of eleven thousand eight hundred sixteen dollars (\$11,816.00) to add the following tasks to the Comprehensive Plan Update as requested by the Town:

1. Additional staff and planning committee meetings
2. Additional involvement with public engagement
3. Additional detail analysis of the fiscal analysis including the projected fiscal impact of alternative future development scenarios and refinement of a build-out scenario
4. Additional revision of the Comprehensive Plan document and maps
5. Development of a summary brochure for utilization by the Town Board, Planning board, residents, businesses, and visitors

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, does hereby authorize the Supervisor to amend the contract with Conservation Connects for additional services for the Comprehensive Plan Update as described above and in the attached proposal in the amount of \$11,816.00, and

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BE IT FURTHER RESOLVED that the Supervisor is hereby authorized and directed to execute the said Letter Amendment on behalf of the Town of Batavia.

Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 100:

Supervisor Post offered the following:

CPR AND FIRST AID TRAINING

RESOLVED, the Batavia Town Board hereby sponsors Town personnel to participate in CPR and First Aid training class at a cost not to exceed \$65.00 per person; and be it further

RESOLVED, the Training will be provided by Genesee Community College and/or CPR-The Pulse Center and the Supervisor is hereby authorized to execute documents necessary to proceed with the training.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, White
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 101:

Councilwoman Michalak offered the following:

SUMMER SEASONAL EMPLOYEE
FOR HIGHWAY DEPARTMENT

WHEREAS, the Highway Superintendent would like to hire a seasonal employee to assist the Highway Departments for roadside mowing and to assist the Highway Department with various tasks. The seasonal employee would be hired from June 1, 2017 thru November 1, 2017.

WHEREAS, the 2017 Town budget reflects appropriations to hire one seasonal employee for the Highway Department.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to hire a seasonal employee for up to 40 hours per week from June 1, 2017 thru November 1, 2017 at an hourly rate of \$21.00 for the Highway Department, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA 5140.100, DA 5148.100, A8164.101, A8165.101; and be it

FURTHER RESOLVED, as per the Town of Batavia policy, Mr. Swable is subject to a

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physical, background and driver's license check and drug and alcohol testing.

Second by: Deputy Supervisor Underhill

Motion by Supervisor Post, second by Councilman Underhill to amend resolution, "adding "Aaron Swable" in the first resolved after hire.

Ayes: Post, Underhill, Michalak, White

MOTION CARRIED by unanimous vote (4-0)

Roll Call on resolution as amended

Ayes: Michalak, Underhill, White, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 102:

Councilwoman White offered the following:

CYBER SECURITY
INTERNET AND ACCEPTABLE USE POLICY

RESOLVED, as part of the Cyber Security Assessment and recommendation by the Town's Insurance Carrier, the Batavia Town Board hereby adopts a Cyber Security Internet and Acceptable Use Policy, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Underhill, Post

APPROVED by unanimous vote (4-0)

CYBER SECURITY
INTERNET AND ACCEPTABLE USE POLICY

Introduction:

The "Town of Batavia", herein after the "Town" Acceptable Use Policy specifies policies and procedures for the use of information resources and information technology systems. Enforcement of this Acceptable Use Policy is consistent with the policies and procedures of this municipality.

Being informed is a shared responsibility for all users of the Town information systems. Being informed means, for example:

- Knowing these acceptable use policies and other related rules and policies,
- Knowing how to protect your data and data that you are responsible for,
- Knowing how to use shared resources without damaging them,
- Knowing how to keep current with software updates,
- Knowing how to report a virus warning, a hoax, or other suspicious activity, and
- Participating in training.

Policy:

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Compliance with this policy is mandatory for all Town officials, employees and contractors of this municipality. This policy applies to all Town information, computer systems and data that are used for official Town business regardless of location.

1. *Authorized Use*

Users must not use other users' passwords, user IDs, or accounts, or attempt to capture or guess other users' passwords. Users are also restricted from using business equipment for personal use, without authorization from your municipality. Users must not hide their identity for malicious purposes or assume the identity of another user.

2. *Privacy*

User files may be subject to access by authorized employees of the Town during the course of official business. Accordingly, users should have no expectation of privacy and their activity may be monitored. Also, users should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.

3. *Restricted Access*

Users must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been given authorization. Accordingly, users must not access without authorization: electronic mail, data, programs, or information protected under state and federal laws. Users must not release another person's *restricted information*.

4. *Proper Use of Resources*

Users should recognize that computing resources are limited and user activities may have an impact on the entire network and must be used in a professional manner. They must not:

- misuse email – spread email widely (chain letter) and without good purpose (“spamming”) or flood an individual, group, or system with numerous or large email messages (“bombing”).
- use streaming audio, video or real time applications such as: stock ticker, weather monitoring or Internet radio.
- include remarks that constitute sexual harassment, threatening, insulting, obscene, abusive or derogatory
- potentially embarrass the Town of Batavia
- involve personal sales or solicitation or be associated with any for-profit outside business activity
- involve personal not-for-profit solicitation
-

5. *Protecting Information and Shared Resources*

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Users must:

- Follow procedures in the Enterprise Content Management System Standard Operating Procedures Manual for protecting files; including managing passwords, using *encryption* technology, and storing back-up copies of files
- Protect the physical and electronic integrity of equipment, networks, software, and accounts on any equipment that is used for the Town's business in any location.
- Attend annual security awareness training
- Users of the e-mail system are responsible for transferring mail, received or sent. Establishing a designated time to do this: for example, at the end of the day, or at the end of the week. User must retain emails that are records that fall under the New York State Record Retention and Disposition Schedule- MU1. Any insignificant documents can be deleted at that time by the user.
- Not participate in non-business internet chat groups or instant messaging
- Not leave computer signed onto to email or internet and unattended for lone period of time. Each employee must log off the network when not in use.
- Not use work passwords on any other account
- Not visit non-business related websites.
- Not open email from unknown senders or email that seems suspicious.
- Not knowingly introduce worms, viruses or other malicious code into the system; nor disable protective measures (i.e.: antivirus, spyware fire-walls).
- Not install unauthorized software.
- Not send restricted or confidential data over the Internet or off your *locally managed network* unless appropriately encrypted.
- Not connect unauthorized equipment or media, which includes but is not limited to: laptops, thumb drives, removable drives, wireless access points, pdas, and mp3 players.

6. *Civility*

Users must not harass other users using computer resources, or make repeated unwelcome contacts with other users. Users must not display material that is inappropriate in an office environment for example, consistent with the Town's policies.

7. *Applicable Laws*

Users must obey local, state, and federal laws including laws on copyright and other intellectual property laws.

RESOLUTION NO. 103:

Deputy Supervisor Underhill offered the following:

CYBER INCIDENT RESPONSE POLICY

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RESOLVED, as part of the Cyber Security Assessment and recommendation by the Town's Insurance Carrier, the Batavia Town Board hereby adopts a Cyber Incident Response Policy, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Post
APPROVED by unanimous vote (4-0)

TOWN OF BATAVIA
CYBER INCIDENT RESPONSE POLICY

Reported by: _____ Name: _____ Phone: _____ Email: _____ ----- Date & Time of incident detection:
Nature of Incident: Denial of Service Malicious Code (worm, virus) Scans and Probes Unauthorized Access Website Defacement Other (describe)
Incident Descriptions (What were the sign?):
Details (e.g. virus name, events, etc.):
Business Impact (e.g. what information or services are impacted?):
Course of Action:
Additional Notes:

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PURPOSE:

This policy is established to clarify roles and responsibilities in the event of a cyber incident. The availability of cyber resources is critical to the operation of government. A swift and complete response to any incidents is necessary in order to maintain that availability and protect public and private information.

RESPONSIBLE ELECTED OFFICIAL:

If the incident affects multiple departments, the Town Supervisor shall be the responsible Elected Official. If only one department is impacted, the Elected Official responsible for that department shall fill this role. The responsibilities of the elected official include, but are not limited to:

- Receiving initial notification and status reports from the Incident Response Manager,
- Consulting with other elected officials on public notification, involvement of the municipal attorney and notification of law enforcement.
- Preparing and delivering press releases.
- Consulting with other elected officials and appropriate staff on priorities for response and recovery.
- Advising the Incident Response Manager on priorities.

INCIDENT RESPONSE MANAGER:

The Town of Batavia designates that the Town Clerk has responsibility for preparing for and coordinating the response to a cyber incident. Responsibilities include, but are not limited to:

- Training users to recognize and report suspected incidents.
- Developing and testing response plans
- Being the point of contact should any employee or official believe an incident has occurred.
- Involving the identified Technical Support to address the incident.
- Notifying the appropriate elected officials that an incident has occurred, if significant.
- Advising Elected Official(s) regarding notification of law enforcement and the Attorney for the Town if appropriate.
- Providing Information to Elected Official(s) responsible for notifying the press and public.
- Coordinating the logging and documentation of the incident and response to it.
- Making recommendations to reduce exposure to the same or similar incidents.

TECHNICAL SUPPORT STAFF:

The Town of Batavia shall provide Technical Support to the Incident Response Manager. Responsibilities include, but are not limited to:

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- Assessing the situation and providing corrective recommendations to the Incident Response Manager.
- Helping the Incident Response Manager make initial response to incidents.
- Responding to the incident to contain and correct problems.
- Reporting to the Incident Response Manager on actions taken and progress.
- Participating in review of the incident and development of recommendations to reduce future exposure.
- Consulting with other Elected Official(s) on public notification, involvement of the municipal attorney, and notification of law enforcement
- Assisting with preparation of press releases.
- Consulting with other Elected Official(s) and appropriate staff on priorities for response and recovery.
- Advising the Incident Response Manager on priorities.

LEGAL COUNSEL:

The Attorney for the Town shall provide advice as called upon.

RESOLUTION NO. 104 :

Supervisor Post offered the following:

RUS BULLETIN 1780-27

LOAN RESOLUTION
(Public Bodies)
Southwest Water District

(Complete resolution attached)

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, White

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 105:

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE SUBMITTAL OF PON3298 CLEANER GREENER
COMMUNITIES PROGRAM - NYSERDA GRANT APPLICATION FOR
FIXED BASED METER READING SYSTEM**

WHEREAS, as part of the Clean Energy Communities Program to earn the Clean Energy Community designation and access to grant funding for clean energy projects, the Town has completed four of ten high impact action items to be designated as a Clean Energy Community; and

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WHEREAS, once the Town of Batavia receives designation as a Clean Energy Community, the Town is eligible to submit application to New York State Energy and Research Development Authority (NYSERDA) for grant funding for an eligible clean energy project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town of Batavia to execute and submit a grant application for Fixed Based Meter Reading System to New York State Energy and Research Development Authority as part of the Clean Energy Communities Program, contingent upon the Town of Batavia receiving the Clean Energy Community designation; and be it further

RESOLVED, the Supervisor is hereby directed and authorized to act, in connection, with the submission of the application and to provide such additional information as may be required and to execute such documents as may be required, in connection, with obtaining said grant funds.

Second by: Councilwoman White

Ayes: Michalak, White, Underhill, Post

APPROVED by unanimous vote (4-0)

Abstract No. 5-2017: Motion Deputy Supervisor Underhill, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

General	\$71,618.41
Highway	45,512.54
Sewer No. 1	37,767.47
Sewer No. 2	58,861.52
Water	16,286.06
Southwest Water	253.50
Ellicott Trail	5,721.65
Sewer Capacity	502.75
Total	\$236,523.90

Check numbers 19792, 19794-19853 Online: \$9,603.73 ACH: \$9,605.00

Ayes: Underhill, White, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

Building Inspector reported: The Supervisor read the attached Building Inspector's report.

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review.

GAM Meeting will be tomorrow evening at the Darien Town Hall at 7:00 P.M., hosted by the

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Town of Darien.

COMMITTEE REPORTS:

Housing- Councilwoman Michalak reported there is a housing meeting next week regarding the needs assessment.

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$3,119.86, remitted \$2,812.75 to the Supervisor for the Local Share.

Training- NYSDOT Statewide Planning Bureau is offering a Complete Streets workshop. Town officials have been notified of this training

NYSDEC- Joint Annual inspections for the flood protection projects for Tonawanda Creek is June 29 from 8:30 to 11:00 at Kibbe Park. Town officials have been notified.

ADJOURNMENT:

Motion Deputy Supervisor Underhill second Councilwoman White to adjourn the Regular Town Board Meeting at 7:40 P.M.

Ayes: Underhill, White, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,
Teresa M. Morasco
Town Clerk