

Council-member Carlson; we had a sewer backup in Mariaville that we also have to address. Someone had to have their own plumber come out to their house and it turned out to be the sewer district's situation.

Supervisor Merrihew: Was very impressed with a tool they made to pull the pumps.

Council-member Carlson: Lynn Lestage's, husband Gary helped them weld it up. I have no idea how much it would have cost to buy it. I think they made it for about \$30.00.

## BUSINESS MEETING

Resolution # 76-09- Council-member Frisbee motioned, seconded by Council-member White to lift all previous directives to state police dispatch in regard to DVAC. Return to dispatching DVAC with an eight- minute response time for all calls. If they do not respond dispatch the next available agency. Motion carried 5 ayes Council-members Frisbee, White, Potter, Carlson and Supervisor Merrihew.

Resolution #77-09- Council-member Frisbee motioned, seconded by Council-member White requiring DVAC continue providing a weekly roster and a monthly captains report to the town clerks office. (Not to be distributed to state police dispatch). Supervisor Merrihew for discussion: The reason being is, that our sole responsibility and authority is to determine at some point whether or not we are going to contract and we are going to need the information from this point forward once they start getting all of the calls. Motion carried 5 ayes, Council-members Frisbee, White, Carlson, Potter and Supervisor Merrihew.

Resolution #78-09- Council-member Carlson motioned, seconded by Council-member White authorizing the Supervisor to sign the Inter-municipal Agreement with Delanson for Building Inspector services. Supervisor Merrihew for discussion: Delanson has been paying monthly, my office has to send out the invoices monthly and then cut the checks monthly, what we did was divide out the cost for Dale's services, Lynn's services and any kind of supplies. They are going to pay us annually. Motion carried 5 ayes, Council-members Carlson, White, Frisbee, Potter and Supervisor Merrihew.

Resolution #79-09- Council-member Potter motioned, seconded by Council-member Frisbee to schedule a public hearing for March 12th at 7:15pm to hear comments establishing a Local Code of Ethics Law. Supervisor Merrihew for discussion: This is something that the state requires, but it is always a good thing to have. Any planning board member, zoning board member, town board member could very well have a project going on and need to go before one of the boards, and the Ethics Law clearly dictates the rules for that. Attorney Siegel, it would be one member of the town board and two others and have to be represented by diverse political parties, no more than two from the same political party, and can have a minimum of three and a maximum of seven. They serve year to year by appointment and you can take them on and off at will and there is no compensation involved. Motion carried 5 ayes Council-members Potter, Frisbee, White, Carlson and Supervisor Merrihew.

Resolution #80-09-Council-member White motioned, seconded by Council-member Potter resolution adopting the Town of Duanesburg Communication Policy. Supervisor Merrihew for discussion: This sets forth the rules and regulations for use of the computers at town hall, the use of the Internet and e-mail, no personal use. Motion carried 5 ayes, Council-members White, Potter, Carlson, Frisbee and Supervisor Merrihew.

## COMMUNICATIONS POLICY OF THE TOWN OF DUANESBURG

### Purpose.

It is the purpose of this Communications Policy to set forth the rules and regulations for utilization of the Town of Duanesburg's (the "Town") computers and computer system.

### Prohibitions.

Employees and officers shall not view, send, read, download, access via the Internet or store fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or other unlawful or inappropriate material. Such activities are prohibited insofar as they occur on Town premises, occur on or via the Town's computers or communication resources, occur during work time or involve communications or displays to, from or in the presence of coworkers, the public or agents of the Town.

### Electronic Communications.

Employees and officers shall not send or receive by Town e-mail (or any other electronic communication involving Town time or Town resources) personal messages, jokes, chain mail messages, games, novelty and/or joke executables or obscene or offensive material. Note that some chain messages are disguised as warnings about viruses. If a Town employee or officer receives non-Town related jokes or files from someone else, they are to refer that person to the policies, as set forth herein, and, if the activities continue, contact the Town Board.

### Time Loss.

Employees and officers shall not use or waste Town time and/or computer resources playing games, visiting chat rooms, gambling or engaging in activities that do not relate to the Town.

### Advertisements and Solicitations.

Employees and officers shall not, without prior written permission, use Town computer and communication resources for the transmission or storage of commercial or personal advertisements, solicitations, promotions or political material.

### Destructive Programs.

Employees and officers shall not use, transmit or store destructive programs (viruses and/or self-replicating code) on any Town computers or equipment, including their own individual Town computer or the Town network.

### Installation of Software.

Employees and officers shall not install software onto any Town computers or equipment, including their individual Town computers or the Town network. All software installations, even free software from the Internet, will be installed by the Town technician servicing the location unless expressly approved otherwise by the Town Supervisor. Any unlicensed software or personal software may be deleted by the Town without notice to the employee or officer.

### Unlicensed Software.

Employees and officials shall not use, copy or provide copies of unlicensed software.

#### Internet Browsing.

Internet browsing using Town resources and/or on Town time is to be limited to that which primarily supports a Town function. Any personal use of the Internet should be limited to personal time with the express permission of the Town Board.

#### Confidential Information.

Employees and officers shall not send, transmit or otherwise disseminate nonpublic personal data, police or Court materials or other confidential information of the Town to an unauthorized person or in an unauthorized manner. Unauthorized dissemination of this information may result in substantial civil liability as well as severe criminal penalties under the Economic Espionage Act of 1996, as well as Town discipline, including dismissal, pursuant to law.

#### Freedom of Information Requests.

Employees and officers shall comply with the procedures under the Freedom of Information Law of the State of New York ("FOIL") in a manner which does not compromise the integrity of the Town's computer equipment or systems. Any FOIL request which may compromise the Town's equipment or systems shall be reviewed and approved by the Town Board before transmittal of the information to the person who has made such request. All FOIL requests requiring information stored on Town computers shall be retrieved by Town officials and employees and delivered by diskette or hard paper copy only to the requesting party for a reasonable fee under the Freedom of Information Law, state and local regulations.

#### Effective Date.

This policy is effective upon adoption by the Town Board, and may be modified, changed, altered or amended by the Town Board.

Resolution #81-09- Council-member Frisbee motioned, seconded by Council-member Carlson to appoint Labella Associates, P.C. as town designated engineers. Council-member White for discussion: This is the firm that specialize in wind turbines they only represent towns in planning board actions. Motion carried 5 ayes Council-members Frisbee, Carlson, Potter, White and Supervisor Merrihew.

Resolution #82-09-Council-member Carlson motioned, seconded by Council-member Frisbee to appoint the firm of Whiteman Osterman and Hanna as special counsel to the landfill/DEC issue. Motion carried 5 ayes, Council-members Carlson, Frisbee, White, Potter and Supervisor Merrihew.

Resolution #83-09-Council-member Potter motioned, seconded by Council-member Frisbee motion to include January 7, 2009 DEC report of findings in answer to study conducted by the Schoharie river study team of the Normanskill into the minutes. Supervisor Merrihew for discussion: The Schoharie River study had done a rapid Bio Assessment of the Normanskill Creek, they started this side of Duanesburg and completed their testing just below the landfill. From what we understand according to the DEC report that was issued on January 7<sup>th</sup> there were some discrepancies in how the data was collected. We are going to be doing a study on the landfill and the leachate collection. We are going to be getting a consent order from DEC. That is why we hired special environmental counsel we need to make sure the stream is clean. Motion carried 5 ayes, Council-members Potter, Frisbee, White, Carlson and Supervisor Merrihew. (Letter attached)