

Present:

Town Supervisor: Meg Wood

Councilpersons: Richard Gero, Lynn Donaldson, Steve Miller and Leanna Welch

Town Clerk: Erica Hedden

Chief Waste Water Operator Brian Ritching

Assessor: Neil Chippendale

Also Present: Violet Hedden, Albert May, Donald Davis, Fran Mahler, Skip Mahler, Heather Williams, Bob Koch, Joy Koch, Keith Usiskin, Scott Ireland, Mary Kemmerick, Sue Palisano, Marty Korn, Phyllis Korn, John Fear, Lynette Colden, Geri Cox

Supervisor Wood called the meeting to order at 6:00 P.M. with a salute to the Flag.

Public Participation:

Joy Koch stated; I would like to thank the council for taking the time to investigate and adjust the boat house light so its not shooting out straight over the lake. Many of my neighbors have thanked me, but we collectively thank you. An update on my dark sky initiative, at the last farmers market they had over 1,000 people come through the pavilion, I had a dark sky information table there and at least 150 people came by my table to learn more about dark skies. I asked everyone to sign a petition to enact outdoor light pollution measures in the Town of Schroon, I have over 100 signatures. It was amazing to hear everyone's story and everyone's experiences with light pollution. It was very well received. As I mentioned before there is a Bortel scale, that is the light pollution measure from 1 to 9. 1 being pitch black in the middle of the ocean, 9 is Times Square. Schroon Lake is a level 4; the village is level 4. We could very easily turn that back by using appropriate lighting. Its not taking lights away, it's using lower lumens as well as shielding lights. I gave everyone a packet of photos, photo one there, is a newly constructed property, across the lake from my house, ¾ of a mile away. The first photo shows the light, the second photo is the same but zoomed in. The third photo is of my shadow on my bedroom wall behind me. This house's light is so bright that it comes into my house across the lake and casts a shadow on my wall. This is a perfect example of why we need zoning for lighting. There are no lighting ordinances in town at all right now. The APA has a light ordinance for the Adirondack Park, I also called Tupper Lake and lake placid and Chestertown, they all have light ordinances. We really need to enact a light ordinance. One of the reasons that the APA lists for their light ordinance is water quality, we are so concerned about our lake, it says "light pollution around water bodies can inhibit plankton from eating surface algae which is going to increase the algae bloom that kill our aquatic plants and lower water quality. "

Heather Williams stated: I wanted to talk about the lights on at the pavilion on after 10 PM. I'd like the board to consider a time for the park to close, so for residences near the park, there won't be as much disturbances after a set hour.

Supervisor Wood stated; it's on the agenda for today.

Councilperson Gero stated; just so you know for the last week I have gone to the pavilion anywhere between 10PM and 11:30PM and I have shut the lights off. I did it three nights. Jim Kowolka and I spent some time last week reviewing the security camera footage as well. We are working on a lot of stuff when it comes to the pavilion.

Keith Usiskin stated; I wanted to come back to bring up to the board that if funding is an issue for the town to explore more deliberators, that I would be willing to help out with the funding. There are also some other folks and organizations that would be willing to help as well.

REQUEST TO APPROVE MINUTES

RESOLUTION # 161-2024

INTRODUCED BY: Councilperson Welch

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Miller

WHEREAS, the Town of Schroon seeks to approve Meeting minutes from 6/11/2024, 6/20/2024, 7/8/2024 and 7/25/2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves Meeting minutes from 6/11/2024, 6/20/2024, 7/8/2024 and 7/25/2024.

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 NAYS: 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE VOUCHERS

RESOLUTION # 162 -2024

INTRODUCED BY: Councilperson Donaldson

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Gero

WHEREAS, the Town of Schroon seeks to approve vouchers

General: \$85,184.39 Water: \$12,941.32 Highway: \$31,309.31 Sewer: \$10,204.01

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves vouchers

General: \$85,184.39 Water: \$12,941.32 Highway: \$31,309.31 Sewer: \$10,204.01

DULY ADOPTED AUGUST 12 2024 BY THE FOLLOWING VOTES:

AYES: 5 NAYS: 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE TITLE CHANGE AND PAY INCREASE FOR DUSTIN DEYETTE

RESOLUTION # 163 -2024

INTRODUCED BY: Councilperson Gero

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Welch

WHEREAS, the Town of Schroon seeks to approve title change for highway employee Dustin Deyette from MEO Trainee to MEO, grade 4, pay increase of \$1.86/hour effective 7/31/2024

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves title change for highway employee Dustin Deyette from MEO Trainee to MEO, grade 4, pay increase of \$1.86/hour effective 7/31/2024

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE 2024 PROFESSIONAL SERVICES AGREEMENT WITH AIDRONDAK LANDFILL SERVICES

RESOLUTION #164 -2024

INTRODUCED BY: Councilperson Donaldson

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Welch

WHEREAS, the Town of Schroon seeks to approve 2024 Professional Services Agreement with Adirondack Landfill Services, LLC for post-closure monitoring services at the town landfill, cost is \$2,268.00

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves 2024 Professional Services Agreement with Adirondack Landfill Services, LLC for post-closure monitoring services at the town landfill, cost is \$2,268.00

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE AES NORTHEAST BID FOR LEAD SERVICE LINE INVENTORY AND GIS SURVEY

RESOLUTION # 165 -2024

INTRODUCED BY: Councilperson Miller

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Gero

WHEREAS, the Town of Schroon seeks to approve contract with AES Northeast for a Lead Service Line Inventory and GIS survey at a cost of \$27,065.00, as well as Grant Administration Services as a cost of \$5,000; funds to come from ARPA distribution to the Town of Schroon.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves contract with AES Northeast for a Lead Service Line Inventory and GIS survey at a cost of \$27,065.00, as well as Grant Administration Services as a cost of \$5,000; funds to come from ARPA distribution to the Town of Schroon.

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO PURCHASE OF TRAFFIC CONES FOR HIGHWAY, BUILDINGS AND GROUNDS, WATER AND WASTEWATER

RESOLUTION # 166-2024

INTRODUCED BY: Councilperson Gero

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Welch

WHEREAS, the Town of Schroon seeks to approve purchasing Traffic Cones for Highway, Building and Grounds, Water and Wastewater Departments from Traffic Cones for Less for a total of \$3,919.00

125 Cones for HWY @ \$ 2,612.86 25 Cones for Water @ \$435.38

25 Cones for WWTR @ \$435.38 25 Cones for B&G @ \$435.38

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves purchasing Traffic Cones for Highway, Building and Grounds, Water and Wastewater Departments from Traffic Cones for Less for a total of \$3,919.00

125 Cones for HWY @ \$ 2,612.86 25 Cones for Water @ \$435.38

25 Cones for WWTR @ \$435.38 25 Cones for B&G @ \$435.38

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE \$650.00 DELIVERY FEE FOR 2024 CATEPILLAR EXCAVATOR

RESOLUTION # 167-2024

INTRODUCED BY: Councilperson Welch

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Gero

WHEREAS, the Town of Schroon seeks to approve \$650.00 delivery fee for the 2024 Caterpillar Excavator

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves \$650.00 delivery fee for the 2024 Caterpillar Excavator

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 NAYS: 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE BUDGET AMENDMENT FOR HIGHWAY DEPARTMENT

RESOLUTION # 168-2024

INTRODUCED BY: Councilperson Donaldson

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Welch

WHEREAS, the Town of Schroon seeks to approve a budget amendment for highway department

A budget amendment is needed to increase appropriations DA0-960 from appropriated fund balance DA0-599 to account for the purchase of equipment

Appropriated Fund Balance	DA0-599	\$133,335.00
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Appropriations	DA0-960	\$133,335.00
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To amend budget per board approval to cover purchase of equipment (CATERPILLAR MODEL 308)

DA0-04-5130-200 Equipment \$133,335.00

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves A budget amendment is needed to increase appropriations DA0-960 from appropriated fund balance DA0-599 to account for the purchase of equipment

Appropriated Fund Balance	DA0-599	\$133,335.00
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Appropriations	DA0-960	\$133,335.00
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To amend budget per board approval to cover purchase of equipment (CATERPILLAR MODEL 308)

DA0-04-5130-200 Equipment \$133,335.00

DULY ADOPTED AUGUT 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 NAYS: 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE BUDGET AMENDMENT FOR WASTE WATER DEPARTMENT

RESOLUTION # 169 -2024

INTRODUCED BY: Councilperson Miller

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Gero

WHEREAS, the Town of Schroon seeks to approve a budget amendment for Wastewater Department.

A budget amendment is needed to increase appropriations SS0-960 and estimated revenues SS0-510 to account for ARPA money.

Estimated Revenues	SS0-510	\$101,179.00
Appropriations	SS0-960	\$101,179.00

To amend budget per board approval resolution to account for ARPA money.

SS0- 5031 Interfund Transfer

SS0-07-8130-400 Treatment and Disposal

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves a budget amendment for Wastewater Dept.

A budget amendment is needed to increase appropriations SS0-960 and estimated revenues SS0-510 to account for ARPA money.

Estimated Revenues	SS0-510	\$101,179.00
Appropriations	SS0-960	\$101,179.00

To amend budget per board approval resolution to account for ARPA money.

SS0- 5031 Interfund Transfer

SS0-07-8130-400 Treatment and Disposal

DULY ADOPTED AUGUT 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO CREATE TOWN CREDIT CARD POLICY

RESOLUTION # 170-2024

INTRODUCED BY: Councilperson Welch

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Miller

WHEREAS, the Town of Schroon seeks to approve the creation of a Town of Schroon Credit Card policy, to be used for purchasing when check or pay vouchers are not applicable.

WHEREAS, creation of this policy would entail the Towns Policy on using a credit card to pay for bills that do not accept check or a voucher, and any other instances deemed necessary

WHEREAS, credit card would be used by the clerk to the supervisor for purchasing only. Policy will be reviewed by the Town attorney upon completion.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves the creation of a Town Credit Card Policy

DULY ADOPTED AUGUT 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE AMENDMENT OF RESOLUTION # 127-2024

RESOLUTION # 171 -2024

INTRODUCED BY: Councilperson Donaldson

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Miller

WHEREAS, the Town of Schroon seeks to approve amending resolution 127-2024 to show payment to Essex County for 10/31/2019 storm damage repairs for Emerson Rd.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves amending resolution 127-2024 to show payment to Essex County for 10/31/2019 storm damage repairs for Emerson Rd.

DULY ADOPTED AUGUT 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

Resolution No. 172-2024

August 20, 2024
Town Board Regular Board Meeting

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW ESTABLISHING
PROCEDURES FOR PUBLIC ACCESS TO RECORDS OF THE TOWN OF SCHROON
UNDER THE FREEDOM OF INFORMATION LAW**

The following resolution was offered by Councilperson Welch who moved its adoption.

BE IT RESOLVED that the Town of Schroon, Town Board hereby introduces proposed Local Law No. 2 of 2024 entitled "A Local Law Establishing Procedures for Public Access to Records of the Town of Schroon Under the Freedom of Information Law" as follows:

"TOWN OF SCHROON LOCAL LAW NO 2 OF 2024"

A local law establishing procedures for public access to records of the Town of Schroon under the Freedom of Information Law for the Town of Schroon, Essex County, New York.

BE IT ENACTED by the Town Board of the Town of Schroon as follows:

Section 1. Authority, Purpose and Scope

A. This local law is adopted pursuant to the authority granted by and in the Statute of Local Governments, the Municipal Home Rule Law, and Public Officers Law Article 6, and the regulations promulgated thereunder. Public Officers Law Article 6 is more commonly known as the Freedom of Information Law, and together with its rules and regulations, and as amended from time to time, it is hereinafter referred to as "FOIL."

B. The people's right to know the process of government decision-making, and the documents and statistics leading to determinations is basic to our society. This local law provides information concerning the procedures by which records may be obtained, and It is the stated purpose of this local law to direct Town personnel to furnish to the public the information and records required by FOIL, as well as other records otherwise available by law.

C. This local law applies to Town records and should not be deemed or construed to require the Town or the Records Access Officer ("RAO") to obtain records from other agencies or to create records that provide the information sought. This local law is designed to comply with the basic requirements of FOIL and be a guide to assist in the understanding of government and how records affect and Influence policy and decision-making.

Section 2. Designation and Duties of Records Access Officer(s)

A. The Town designates its Town Clerk as Records Access Officer ("RAO"). The Town Clerk is free to appoint one of his or her Deputy Clerks as a RAO, subject to formal approval of such appointment by resolution of the Town Board.

B. RAOs shall have the duty of coordinating the responses of the Town to public requests for access in accordance with FOIL. In addition, the RAO shall also:

- 1 . Develop and maintain reasonably detailed and up-to-date subject matter lists of the records and types of records in the possession of the Town.

- 2 If necessary, or upon reasonable request therefor, assist the requester in identifying requested records and crafting appropriate FOIL requests.
 - 3 Upon locating the records, take on of the following actions: (i) make records available for inspection; or (ii) deny access to the records in whole or in part and explain in writing the reasons therefor.
 - 4 Upon request for copies of records that are being made available: (l) provide copies of the records in the medium requested, if the Town can reasonably make such copy or have such copy made by engaging an outside professional service, provided that the requester pays or agrees to pay fees, if any, established in accordance with FOIL or Section 8 of this local law; (ii) upon request, certify that a record is a true copy; (iii) if unable to locate some or any portion of such requested records, certify in writing that the Town is not the custodian for such records or that the records cannot be found after a reasonably diligent search.
 - 5 Establish a process or procedure whereby a person may arrange an appointment to obtain assistance in respect to FOIL or to inspect records. Such procedure shall include the name, position, address and phone number of the RAO or other persons to contact for the purpose of making an appointment.
- c. The RAO shall determine first whether requested records exist, and then the RAO shall determine whether the request may be granted or must be denied in whole or in part due to exceptions contained in FOIL or due to statutes or obligations preserving confidentiality or nondisclosure. The RAO may consult with the attorney for the Town, the Committee on Open Government, the Association of Towns, or any other person or entity to provide assistance in making these determinations.

Section 3. Requests for Public Access to Records.

- A. Requests for public access to records shall be accepted during all hours the Town Clerk's Office is regularly open for business.
- B. FOIL requests shall be made to the RAO in writing. The RAO shall also accept requests for records and respond thereto by electronic mail when feasible, unless the requester seeks a response in some other form.
- C. Any records requested must be identified or described with sufficient particularity so as to allow the RAO to locate and identify the records sought. "Sufficient particularity" generally includes information regarding applicable dates, file designations, document names or titles, types of records, information within the record sought (such as keywords, resolutions, approvals, etc.), or the office, officer, or body that made such record, or any other reasonable identifying information.
- D. All requests shall state whether records are desired to be examined or whether copies of the records are requested. Electing to examine records does not preclude a later request for copies or reproduction.
- E. The RAO shall respond to a request within five business days of receipt by:
1. Granting or denying access to records in whole or in part; or
 2. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment.

3. However, if it is reasonably known or believed that the records cannot be obtained or produced within 20 days then the RAO shall provide a statement in writing indicating the reason for the inability to grant or deny the request within such 20 days, and the RAO shall further provide a date certain, within a reasonable period of time under the circumstances of the request, when the request will be granted or denied in whole or in part.

F. If the request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, The RAO shall provide, within such 20day period after acknowledgement:

1. A statement in writing specifying the reason for the inability to meet the production date noticed; and
2. An alternate date certain for production, which date shall be within a reasonable period of time under the circumstances.

G. In determining a reasonable time for granting or denying a request under the circumstances of a request, the RAO shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed or protected information redacted therefrom, the number of requests received by the Town, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time frame.

H. If records are maintained on the internet the requester shall be informed that the records are accessible via the internet and can be further printed or provided in another information storage medium upon payment of any applicable fees.

1. A failure to comply with the time limitations set forth above constitutes a denial of a request that may be appealed.

Section 4. Denial of access to records.

A. A denial of access to records shall be in writing stating the reasons therefor. Such writing shall also advise the requester of the right of appeal, the deadline for an appeal, and the name and address of the body or officer to whom an appeal shall be directed.

B. If a denial occurs due to a person requesting records that cannot be found or replied to because the request, or a portion of the request, does not reasonably describe the records sought, the RAO shall inform the requester that they can seek assistance from the RAO to help enable such person to frame a request reasonably describing such records and then submit an updated FOIL request.

C. If the Town or the RAO fails to comply with the time limitations for records production as set forth in this local law or in FOIL, such failure(s) shall also be deemed a denial of access effective on the date of non-compliance. Non-compliance shall include situations in which an officer or employee:

1. Does not grant access to the records sought, does not deny access in writing, or does not acknowledge the receipt of a request within 5 business days of the receipt of the request.
2. Acknowledges the receipt of a request within 5 business days but does not furnish an approximate date when the request will be granted or denied in whole or in part.
3. Furnishes an acknowledgment of the receipt of a request within 5 business days with an approximate date for granting or denying access in whole or in part, or responds to a request stating that more than 20 business days is needed to grant or deny the request in whole or in part, and the date provided is unreasonable under the circumstances of the request.

4. Does not respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of the request.
5. Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but does not do so, unless the Town provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part.
6. Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and does not provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part.

D. Some of the principal reasons for denial are set forth in Public Officers Law Section 87(2), and within FOIL certain exceptions to disclosure and production include records or portions thereof that:

- 1 Are specifically exempted from disclosure by state or federal statute or regulations.
- 2 If disclosed would constitute an unwarranted invasion of personal privacy, including but not limited to: (i) disclosure of employment, medical or credit histories, or personal references of applicants for employment; (ii) disclosure of items involving the medical or personal records of a client or patient in a medical facility; (iii) sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes; (iv) disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the Town in maintaining it; (v) disclosure of information of a personal nature reported in confidence to the Town and not relevant to the ordinary work of the Town (vi) information of a personal nature contained in a workers' compensation record; or (vii) any records disclosed or disclosable in connection with any name or address that may be or become personally identifying information, the disclosure of which is prohibited by Article 6-A of the New York Public Officers Law, more commonly known as the Personal Privacy Protection Law ("PPPL"), and further FOIL rules pertaining to the PPPL are set forth below.
- 3 If disclosed would impair present or imminent contract awards or collective bargaining negotiations.
- 4 Are trade secrets or are submitted to the Town by a commercial enterprise, or derived from information obtained from a commercial enterprise, and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
- 5 Are compiled for law enforcement purposes and which, if disclosed, would: (i) interfere with law enforcement investigations or judicial proceedings; (ii) deprive a person of a right to a fair trial or impartial adjudication; (iii) identify a confidential source or disclose confidential information relating to a criminal investigation; or (iv) reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- 6 If disclosed, could endanger the life or safety of any person.
- 7 Are inter-agency or intra-agency materials, except: (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final Town policy or determinations; or (iv) external audits, including but not limited to audits performed by the New York State Comptroller and the federal government.

- 8 Are examination questions or answers which are requested prior to the final administration of such questions.
- 9 If disclosed, would jeopardize the Town's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.
10. Are photographs, microphotographs, videotapes or other recorded images prepared under authority of the New York State Vehicle and Traffic Law.

Section 5. Personal Privacy Protection Requirements and Records Redaction

The PPPL (and related laws and regulations) mandates that certain information about persons may not be disclosed, including under FOIL or by municipalities generally, even if the information may otherwise be public or obtainable. Thus, for example, even though a person's name and address can be obtained from an official public tax roll, it is still improper and a potential or actual violation of law for the Town to disclose the name and address of any person in reply to a FOIL request (though there are exceptions as well). Therefore, to inform the public and provide guidance to the RAO and others concerning the PPPL and personal privacy laws, the following protection and redaction rules are implemented as part of this local law:

1. For purposes of this policy "personal information" means any information concerning a natural person, as opposed for instance to a corporate entity, which, because of name, number, symbol, mark, or other identifier, can be used to identify that natural person. To prevent an unwarranted invasion of personal privacy the RAO and all Town officers and employees shall observe guidelines for the non-disclosure or redaction of identifying details from specified records according to rules promulgated by the New York State Committee on Open Government, or as otherwise required by law.
2. In the absence of specific guidelines for a particular situation, personal information and identifying details shall be not be disclosed, or shall be redacted and made unreadable and nonrecoverable, whenever such disclosure may constitute an unwarranted invasion of personal privacy. In addition to FOIL exemptions, this shall include the following:
 - a. Disclosure of employment, medical or credit histories or personal references of employees and applicants for employment.
 - b. Any person's social security number or any significant portion thereof-
 - c. Disclosure of items involving the medical or personal records of any person or employee, including any medical facility records or medically-related records, including without limitations workers' compensation records, disability records, records pertaining to disability accommodations, and other medical records protected by HIPAA (the Health Insurance Portability and Accountability Act of 1996, as now codified or hereafter amended).
 - d. Disclosure of lists of names and addresses if such lists would be used for commercial or fund-raising purposes.
 - e. Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject person and such information is not relevant to the work of the agency or person requesting or maintaining such records.
 - f. Disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency.
3. The non-disclosure or redaction rules stated above shall not apply when the records are actually redacted, when the person to whom a record pertains

- consents in writing to disclosure, or when a person, upon presenting reasonable proof of identify, seeks their own records, or when otherwise required by law.
4. Voicemail, email, computers, computer networks, digital media and storage and transfer devices, computer files, software programs, and all communications created on, received by, stored on or transmitted through those systems are the sole and exclusive property of the Town. Records, data, files, software, and all electronic communications contained in these systems likewise are the property of the Town. These systems and their contents are subject to inspection, examination and monitoring by authorized Town officers and personnel (or authorized third-party contractors) at any time and without notice. The authorized personnel are the Town Supervisor, the in-house IT, Clerk and Deputy Town Clerk, and any of their designees as indicated by a written document bearing their original signature(s). No organic data or metadata shall be supplied in any native format unless it is cleared of any personal information.
 5. Town officers and employees are advised that the computers, computer networks, email systems, telephone systems (including voicemail), and other electronic communications systems (and all communications created on, received by, stored on or transmitted through those systems) are the sole and exclusive property of the Town and that there is and should not be any expectation of privacy regarding any such documents, records, or communications. Passwords are only intended to prevent unauthorized access to email, computer files, or voicemail, but the town reserves the right to allow authorized persons to access messages and files on the Town-owned systems or telephones at any time, and all employees must supply their current passwords to the Town Supervisor, who shall keep the same secured from third party review or capture.
 6. The collection of information through Town websites, servers, and telephones, and similar devices used by the public and by the Town are further subject to the provisions of the Internet Security and Privacy Act. Participation in an online transaction resulting in the disclosure of personal information to the Town by the user, whether solicited or unsolicited, constitutes consent to the collection and disclosure of such information by the Town for the purposes reasonably ascertainable from the nature and terms of the transaction. None-the-less, if any such personal information is the subject of a FOIL request, the above-noted rules of non- disclosure or redaction shall apply unless such disclosure is:
 - a. Necessary to perform the statutory duties of the Town, or necessary for the Town to operate a program authorized by law, or authorized by state or federal statute or regulation.
 - b. Made pursuant to a court order or otherwise compelled by law.
 - c. For the purpose of validating the identity of the user.
 - d. Of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.
 7. While Town officers and employees are prohibited from misusing or improperly disclosing personal information, these policies shall not provide any claim or cause of action should improper disclosure occur, and the information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting that the Town's systems are fail proof, or that all information provided through the Town's website or hosted on any Town servers or media are not subject to being improperly accessed by any person. Town officers and employees and the public are warned that the Town utilizes telephonic and facsimile transmissions and email and web-based correspondences in the provision of municipal services, and these are each and all digital forms of communication that carry unique risks, including, but not limited to, the

accidental, unlawful, or improper interception thereof by unintended recipients and the transmission of viruses, malware, and other deleterious codes.

Section 6. Lost, Missing, or Destroyed Records

Upon any failure to locate any requested records the RAO shall either certify that the Town of Schroon. is not the custodian for such records, that the records of which the Town of Schroon is a custodian cannot be found after a reasonably diligent search, or that the records requested have been destroyed pursuant to NYS Archives and related rules regarding document retention schedules and document destruction.

Section 7. Location for Production of Records

Records shall be available for public inspection at the Office of the Town Clerk during regular office hours.

Section 8. Fees and Copies

A. Upon receipt of a request for copies of records the RAO shall make such copies available upon payment of established fees set in accordance with this local law and the requirements of FOIL.

B. Original Town records may not be removed from Town buildings under or in relation to this local law, except by or under the supervision of the RAO for purposes of compliance herewith, such as to make copies.

C. There shall be no fee charged for inspections of records, searches for records or for any general administrative costs, or for any certifications required under this local law or FOIL unless authorized by law. Nor may any fee be charged for an appeal.

D. The Town Board may by resolution update and provide for additional fees for photocopying and related goods and service costs incurred under or in relation to requests submitted under this local law and FOIL, including the provisions of this Section 8 (the "Fee Schedule"); however, such Fee Schedule shall not charge any costs or expenses prohibited by FOIL or other requirements of New York law. Unless otherwise governed by applicable law or by any updated Fee Schedule hereafter adopted, fees shall be charged at a rate of \$0.25 per page for photocopies not exceeding 9 by 14 inches. The actual cost for copying other records, such as electronic records, may be charged as follows:

1. A reasonable per page rate for oversized paper of not less than \$0.25 per page, and not greater than \$1.00 per page or the actual costs of reproduction per page, unless the document must be sent to an outside agency for reproduction.
2. An amount equal to the hourly pay attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, including the cost of redaction or preparing copies with confidential or other nondisclosed matters protected or removed, except that no fee shall be charged unless at least two hours of an employee's time is needed to prepare the copy;
3. The actual cost of the storage devices or media (such as a computer disk) provided to the person making the request. If the requester provides its own media, then there shall be no charge.
4. If information or reproduction technology equipment is inadequate to prepare a copy of the record, or if the Town for some other reason is unable to prepare a copy of the record itself, the actual cost to the Town of engaging an outside professional or service company to prepare a copy.
5. However, no amount may be charged for an employee's time or for use of an outside professional or service company unless the requester is informed of the fee and its estimated cost in advance. If the requester rejects such amount the requester may still examine such record(s) but may not require a copy at such

E. The foregoing provisions regarding fees and copying expenses do not apply when a different fee is otherwise prescribed by FOIL or any applicable statute.

Section 9. Appeals

A. The Town Supervisor is hereby designated as the person who shall determine appeals regarding denial of access to records, as well as any other appeals under FOIL and this local law, and such appeals shall be delivered to the following mail or electronic addresses:

1. By mail addressed to Town Supervisor, Town of Schroon
2. By email to the address posted on any FOIL notices and bulletins posted upon the Town Clerk's official signboard, as updated or amended from time-to-time.

B. All appeals shall be filed within 30 days of the date of any reply denying a FOIL request in whole or in part, or within 30 days of any other event giving rise to an appeal.

C. A written appeal shall state the following:

1. The date of the appeal, the date of the request for records, and the date of any denial of records or other applicable date or time that gives rise to the appeal.
2. The specific requests denied and the records to which the requester was seeking access.
3. So far as known, the reasons for the denial of access to the requested records, including whether the denial was in writing or due to the failure to provide records promptly.
4. The name and return address of the requester.

D. The time for deciding an appeal shall commence upon receipt of a written appeal that meets the above informational guidelines, and the determination upon the appeal shall be provided to the appellant-requester within 10 business days of receipt of an appeal. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or by fully explaining the reasons for any further denial in writing shall constitute a denial of the appeal.

E. A copy of every appeal or determination upon appeal shall be filed with the New York State Committee on Open Government as required by FOIL.

Section 10. Public Notice

A. A notice containing the title or name and business address of each RAO and each appeals person or body, and the location where records can be seen, shall be posted in the Town Clerk's Office in accord with FOIL.

B. Such notice shall also be posted upon the Town's website and the Town Clerk's official signboard, and such online posting shall further state or include the times and places that public records are available for inspection, information on how to request records in person, by mail, or by email, and a link to the website of the New York State Committee on Open Government.

Section 11. Construction

By listing references to and rules and exceptions to FOIL production and disclosure in this local law the Town is seeking only to provide an informative process for the public. In all such cases actual reference to FOIL is required for the exact wording of the law, including updates or amendments to the New York State Public Officers Law. When required by law, the terms and requirements of FOIL as to document disclosure exemptions and exceptions and reproduction and copying fees shall be controlling, and the terms of this local law shall yield when in conflict therewith.

Section 12. Severability

If any provision hereof, or the application thereof to any person or circumstance, is adjudged invalid by a court or tribunal of competent jurisdiction, such provision shall be deemed severed and any such judgment shall not affect or impair the validity of the other provisions of this local law (which shall remain in force and effect) or the application hereof to other persons and circumstances.

Section 13. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State of New York.

BE IT FURTHER RESOLVED that the Town Board of the Town of Schroon hold and conduct a public hearing on the foregoing proposed local law on the 9th day of September 2024 _____ at 5:45 p.m. in the forenoon of that day to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Clerk of the Town of Schroon will publish a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

This resolution was duly seconded by Councilperson Gero , and adopted upon a roll-call vote as follows:

	<u>Vote</u>
Supervisor Wood	Aye
Councilperson Gero	Aye
Councilperson Donaldson	Aye
Councilperson Miller	Aye
Councilperon Welch	Aye

REQUEST TO APPROVE APPOINTING NEW ASSESSOR CHAIRMAN

RESOLUTION # 173-2024

INTRODUCED BY: Councilperson Gero

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Welch

WHEREAS, the Town of Schroon seeks to approve appointing Kevin Doherty as Town of Schroon Assessor chairman effective August, 14, 2024, at which time Neil Chippendale will no longer be Chairman.

WHEREAS, Salaries will be adjusted accordingly, Neil Chippendales yearly salary will decrease by \$6,286.27, for 2024

WHEREAS, Kevin Doherty's yearly salary will increase by \$6,286.27 for 2024

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves appointing Kevin Doherty as Town of Schroon Assessor chairman effective August, 14, 2024, also at which time Neil Chippendale will no longer be Chairman, as well as salary adjustments according to titles for the remainder of the 2024 year period.

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE DATE AND TIME FOR TOWN DEPARTMENTAL WORKSHOP MEETING

RESOLUTION # 174 -2024

INTRODUCED BY: Councilperson Gero

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Welch

WHEREAS, the Town of Schroon seeks to approve a Public Departmental Workshop Meeting on August 20. 2024 at 8:30AM.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves a Public Departmental Workshop Meeting on August 20, 2024 at 8:30AM

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

REQUEST TO APPROVE SURPLUS ITEMS

RESOLUTION # 175 -2024

INTRODUCED BY: Councilperson Gero

WHO MOVED ITS ADOPTION

SECONDED BY: Supervisor Wood

WHEREAS, the Town of Schroon seeks to approve the surplus of the following items from Buildings and Grounds

Elutron Plasteel Underground Tank U.L Type II,

Model: #EL1048, Year: 1999, Capacity: 1000 Gallons Dimensions: 48"x133"

Regal 140K BTU Oil Furnace,

Model: Hi-Boy REH-1000, Year: 2023, Burner: Beckett AFG, minimum bid \$1,500.00

WHEREAS, Bid Opening date and time of September 6, 2024 at 1PM for,

WHEREAS, Bids must be paid with cash, personal check, Money Order or Certified Check

WHEREAS, upon Bid acceptance, items must be picked up within 2 weeks from approval.

WHEREAS, advertisements will be in the Sun Community as well as the Press Republican

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Schroon hereby approves the Surplus Bid Notice and Opening Date of 1:00 P.M. on September 6, 2024, to be advertised in the Press Republican as well as the Sun Community

DULY ADOPTED AUGUST 12, 2024 BY THE FOLLOWING VOTES:

AYES: 5 **NAYS:** 0

AYES: Councilpersons Donaldson, Gero, Miller, Welch, Supervisor Wood

DISCUSSION: National Grid application to NYSDEC to permit to lay power lines under portion of Charley Hollow Rd

Supervisor Wood stated; we have property owners that have asked national grid to install power lines along a section of Charley Hollow Rd, so that they can build a new home. There is wild forest land there and the DEC is involved. If we pass a resolution supporting their application, they would still have several steps to go through with the DEC and the APA. Our attorney has done a lot of research as well as the national grid attorney. There doesn't seem to be any downside, our high way superintendent doesn't have any problem with it, its mostly along the side of the road. There are two places that it may cross the road. It is a qualified abandon road, the only maintenance we do on that road is for the snowmobile trail, just to keep it viable for them. Its not paved, it will never be paved. We can't do a resolution tonight because one of the things that is required of us is to attest to the number of trees that will be cut down by national grid, but we don't have that information yet. If we can get that information by the departmental meeting scheduled for August 20th at 8:30 AM then we will bring a resolution forward to the board.

DISCUSSION: Set hours for public use of park pavilion

Supervisor Wood stated; we have had a lot of discussion on this, most seem to suggest 10 PM as a closing time, I think that is reasonable. We can set any time, but 10 PM seems to be the average suggestion.

Councilperson Welch stated; we also could use the gate, that would stop the vehicle traffic and that's only part of the issue but if we added some signs, it could help.

Councilperson Gero stated; when we checked the footage, most of it seemed to be foot traffic. We only saw one incident where there was a car, they pulled all the way up onto the concrete.

Supervisor Wood stated; we talked about the lighting, we need to do resolutions to make any changes, and this is going to be a step-by-step process. Do we want to pass a resolution now to set the hours for the pavilion or do we want to figure out the lighting issue and do it all at once? Ethan supplied us with three different types of lightening solutions. We can review those and decide which one we think would be the best for this situation. The different options were various ways to control the lights from, a timer to an App, so the board needs to review those to decide which one to purchase and install.

Councilperson Gero stated; lets think it over and do it all at once, just makes sense. Have one resolution for everything.

Councilperson Welch stated; Yes, let's do it all at one time.

Supervisor Wood stated; ok that sounds like a plan. That will give us time to review the options again and then we will make a decision.

DISCUSSION: Proposed resolution supporting SLA's comprehensive four-point plan to focus on combatting invasive species.

Supervisor Wood stated; this came in recently. I think we should just start with questions. We have members of the SLA here so let's hear from them, they can explain this in greater detail for us.

Scott Ireland stated; let me give a quick overview before questions. We have a four-part plan. It is a plan that has been developed largely by the Schroon Lake Association and ESLA, among many others, to help reduce the risk of invasives being introduced into the lake. The first part of the plan has already been implemented. That is, that the boat wash attendants have the authority to deny access to the lake if a boat does not agree to be washed or isn't clean. We want to do everything we can to prevent boats bringing in invasive species. The second point is to ask the state that when boaters get their boating license is to sign a pledge to commit to reducing the spread of invasive species by submitting to inspections. The third point is that all the launches in the park would be treated the same. Our launch is treated as a town launch, we want the DEC to consider them all equally. The last point is regarding people that access the lake during off hours. Early morning or late evening fisherman or just recreators. This point is still a work in progress, the idea is some sort of an RFID gate. Once you have your boat washed your given a ticket or a card that you wave as you go in, that allows you to go in. What we are asking for from the town is not to implement this plan, what we are asking for is your support. Once we have that we will go to Chestertown and Horicon, then the State, DEC and the Adirondack Water Shed Institute.

Supervisor Wood stated; so is this only for the Town of Schroon launch, or is that for all the launches that you are considering everything equally.

Scott Ireland stated; ideally it would be for the park, right now the only place that has such a system is Lake George and that is only on some of their launches.

Supervisor Wood stated; but ideally you would want it everywhere.

Scott Ireland stated; yes, because if we didn't have it everywhere the system would be meaningless.

Supervisor Wood stated; so, if someone came along at 6 AM in the morning and they hadn't washed their boat, where are they going to get it washed at 6 AM So, they can access the lake?

Councilperson Gero stated; how is the gate going to stop that?

Scott Ireland stated; If you go to the boat launch and you are handed an RFID card, like a hotel key. You put the card in and the gate opens.

Councilperson Welch stated; so, there would need to be a key gate at every launch?

Scott Ireland stated; yes. That's the hope

Councilperson Welch stated; who's paying for all that

Scott Ireland stated; that's why we go to the DEC and the AWI.

Councilperson Gero stated; what about private property?

Scott Ireland stated; we can do anything with private property. There are not a lot of people that launch weekly on private property. They might launch more like once or twice a season.

Councilperson Gero stated; how confident are you that they DEC will support this?

Scott Ireland stated; I think the first three points are easy, I think that will be easy to implement. I think if we start the conversation on the fourth point, if we start the conversation with AWI and the DEC, hopefully we can come to a solution to help.

Councilperson Gero stated; are the other towns on board?

Scott Ireland stated; initial conversations with the supervisors of Chestertown and Horicon they are supportive of this. We have also talked to assemblyman Simpson, he's supportive. When we submit this final request to the DEC, we will do it through the assembly contacts we have.

Councilperson Welch stated; I have a question, this is a public launch, who's paying for that?

Scott Ireland stated; all the launches are technically public launches. Our first step is to get everything managed by the DEC instead of the towns.

Supervisor Wood stated; you have these gates, where are these people getting the cards?

Scott Ireland stated; at the boat wash stations or inspection stations

Supervisor Wood stated; and once they have it, it's good for ...

Scott Ireland stated; one entry and one exit.

Chip Mahler stated; that's not going to work. What about the guys that just put it in to go fishing in the morning, and take their boat out, but want to put it back in again the next day? That's not going to work.

Councilperson Welch stated; exactly, and what about the people that want to put their boats in before sunrise? Are they going to have a boat wash station there?

Councilperson Gero stated; you said you have been monitoring Lake Goerge, what is their experience like or their success rate? Are they happy with it?

Scott Ireland stated; so far it is working they do have an emergency call system for people who are trying to get out and have a problem. They do have a part time parks person who can come down and help with those situations.

Councilperson Miller stated; have they run into that problem we were talking about? The gentleman that is here for three days and takes his boat out every day?

Scott Ireland stated; it's a valid question. If you put your boat in, you can be surveyed by the Stewart. Our lake is number 5 for other lakes before they come here. So, people take their boats to Lake George, Lake Champlain, Lake Placid, where ever they go. We are the 5th busiest lake for incoming external sources. That puts us at an extremely high risk

Councilperson Welch stated; I understand b I also know that a lot of fishermen like to go out very early in the morning.

Neil Chippendale stated; then they have to make sure they have a clean boat beforehand. If they are coming out of the lake with a Steward there, they can get their card renewed.

Sue Palisano stated; there is a way to deal with Schroon Lake boats though. It gets tagged as a Schroon Lake boat. That would be a different card that would only work for Schroon Lake. It's not our local fisherman that we are worried about, it's the transit boats, the ones that come and go that are the ones that we are worried about.

Scott Ireland stated; there are some issues to this plan as well, I don't know if you remember but recently on a Saturday, we didn't have a Stewart at the lake until 2PM. We did not know that he wasn't there until the day was almost over. Staffing is always an issue. They work for AWI, not us, so communication was an issue.

Councilperson Miller stated; I would encourage you to revisit that whole fisherman issue. We want to make sure we don't discourage our locals but also be visitor friendly. The second thing, we have young kids down there for our Stewards, we have already had cases where we have had some less than friendly boaters. Boaters who have said to these young folks "take a hike and get out of my way" we don't want to put these young folks in those types of positions. We have a duty to them as well. How do other towns handle that.

Scott Ireland stated, in reference to that incident that I think you are referring to, they called the DEC and the state police and got that taken care of.

Neil Chippendale stated; and there is a DEC fine if you put your boat in against the recommendation of the Stewart.

Scott Ireland stated; two years ago, there was a law passed about putting unwashed boats in the lake.

Joy Koch stated; have they considered that if you are in that situation where they are being abusive to the steward that they can be denied a card, and denied access to the lake.

Scott Ireland stated; we haven't gone that far yet. It's a reasonable request. Putting someone on a Do Not Launch list for a length of time.

Councilperson Welch stated; do you have a plan B if the DEC doesn't approve these gates.

Scott Ireland stated; the plan here is really to get the towns support, through a resolution. The towns value is the quality of the lake and we are an organization of which that is our sole purpose. The details on the gate and how it will work isn't what's important. What's important is getting the towns support. We can work on the details. This resolution we are asking for is not to approve us doing this, its simply to support our mission. We can simply say, we can work out the details later. We want to get support so we can build momentum for this movement. We can't do this by ourselves, we need the support of the towns. The quality of our lake needs to be protected. We are trying to protect it. We still have to get information back from the other towns and the DEC.

Supervisor Wood stated; I am not speaking for the board; I am speaking for me. I have no problem supporting this, but maybe we should word it in such a way that's nonspecific.

Scott Ireland stated we can do that, we can word it in a way that means step four isn't set in stone, its open to suggestions and improvements. "Work with the DEC to come up with a mechanism to prevent un warranted access to the lake" or something like that. Yes, we can do that. We are not looking to act on this plan just yet, we are still in the planning stage, what we want from the town is to just support our initiative. That way we can go to other towns and rally their support and then when we go to the DEC, we have the support of the towns.

Councilperson Gero stated; this is the initial conversation to get the ball rolling. Working with the DEC is a slow process.

Scott Ireland stated; the other thing is that ties into this is not only getting support from the local towns to Schroon Lake but I am also the Executive Director for the Adirondack Lake Alliance. This topic will come up at our symposium on October 4th, and it will be discussed there. We will have the DEC there we will have the APA there as well as Matt Simpson and Billy Jones. It will start to gather some speed.

Supervisor Wood stated; do you think you can re word this by Tuesday?

Marty Korn stated; the bottom line I think for all of us is that our economy is our lake. We have been really lucky all these years. We have gone so long unprotected.

Scott Ireland stated; we have to get this started.

Supervisor Wood stated; if we get this passed at the next meeting, are we going to be on the agenda for Horicon and Chestertown.

Scott Ireland stated; yes, that is our next step, its already on their radar.

Supervisor Wood stated; if you can get the new wording to us before our next meeting that way, we have time to read it and mull it over. Thank you everyone for coming, and being with us here today.

ADOURN MEETING AT 7:08 PM

INTRODUCED BY: Supervisor Miller

SECONDED BY: Councilperson Donaldson

With no further business, this meeting was adjourned at 7:08PM, carried unanimously

Respectfully Submitted by

Erica Hedden

Town Clerk