

MINUTES OF THE BOARD OF TRUSTEES MEETING OF JUNE 27, 2020 HELD WITHOUT A PUBLIC MEETING SPACE DUE TO THE COVID-19 PANDEMIC AND PURSUANT TO THE GUIDANCE OF GOVERNOR CUOMO'S EXECUTIVE ORDER TO ALLOW PUBLIC HEARINGS AND MEETINGS TO BE CONDUCTED EXCLUSIVELY VIA VIDEO AND/OR TELECONFERENCE, WHICH WAS ACHIEVED FOR THIS MEETING WITH REMOTE ATTENDANCE, PARTICIPATION AND OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET, AND TRANSCRIPTION.

Mayor Zaccaro called the Public Hearing and Board of Trustees meeting to order at 9:00 a.m., and the following were in attendance via video or phone connection:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
And 0 attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Richard made a motion at 9:01 a.m. that the Board adjourn into Executive Session to discuss information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, and personnel matters as described in Public Officers Law Section 105(f). The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Richard
Seconded: Trustee O'Brien
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

Meagan Leppicello, Deputy Village Clerk Treasurer arrived remotely into Executive Session at 9:01 a.m.

Trustee Oppenheimer recused himself from Executive Session from 9:15 a.m. to 9:25 a.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 9:55 a.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Wolf
Seconded: Trustee O'Brien
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None
Against: None

Mayor Zaccaro called the meeting to order at 10:00 am and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Village Clerk Treasurer
And 39 attendees observed through internet connection

COVID UPDATE BY MAYOR ZACCARO

Mayor Zaccaro thanked all the Village Staff, Village Attorney Joseph Prokop and Counselor to the Board Scott Rosenblum for all of their hard work and dedication in assisting the Board manage the community through the COVID 19 crisis. He then provided a status report on the current state of preparedness of the Village Administration to manage the present level of population in the Village, which at the time of the meeting stood at approximately 325 households, as well as the anticipated increase in population as the summer approaches. He then provided a department-by-department overview of the planning process to create standard operating procedures for both employee safety and provision of resident services, and that overview was supported by the respective Trustees in charge of those areas. Mayor Zaccaro concluded by saying that the most important aspect of the Village's plan to deal with COVID 19 is that all residents and visitors wear a face cover at all times while out in the public. He stated that without mask-compliance, all of the other planning efforts will be ineffective, and urged all residents to wear masks in public.

SUMMER CLEANING CONTRACT FOR COVID PREVENTION

Mayor Zaccaro stated the Village Administrator had conducted a Request for Proposal process in order to solicit potential vendors and conduct a thorough search for a company to provide cleaning services for various buildings and equipment to mitigate the threat of viral spread to employees and residents. After discussion, and all having a chance to be heard, Trustee Wolf made the following motion:

WHEREAS the Village Administrator conducted a Request for Proposal process for Building and Equipment Cleaning services; and

WHEREAS, the Village Administrator received two proposals in response to that process, which were reviewed by the Village for compliance with the requirements of the RFP, and were reviewed and scored against the quantitative and qualitative criteria listed in the RFP; and

WHEREAS, the RFP included the terms that would become the basis of the agreement with the selected vendor; therefore be it

RESOLVED, that after considering all compliance, quantitative and qualitative factors, Donovan Property Services Inc. presented the optimal proposal for providing Cleaning Services for the Village of Saltaire, and that Donovan Property Services Inc. is therefore the preferred and selected vendor for those services; and be it further

RESOLVED, that the Village Administrator is authorized to negotiate with Donovan Property Services as the preferred vendor to agree on a billing method and rate to lower the overall cost to the Village not to exceed \$25,000 for the service during the summer, and to execute the proposed contract with Donovan Property Services for building and equipment cleaning services based on the terms of the RFP and the negotiated billing method and rate.

The motion was seconded by Trustee O'Brien, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ADOPTION OF BODY CAMERA POLICY

Village Administrator stated that the Public Safety officers have been employing the use of body cameras since April in order to reduce the extent of close contact interactions that is typical with the enforcement of the Village code and the issuance of violation notices and therefore helpful as a risk reduction measure of COVID transmission for both staff and residents. He also stated that the body cameras allow for the collection of evidentiary information that could be useful in the proceeding of the Saltaire Village Court. After discussion, and all having a chance to be heard, Trustee Wolf moved adoption of the following policy for the use of body cameras for Public Safety:

Village of Saltaire Public Safety

Department Policy for Body-Worn Recording Equipment

I. Policy

- a. Body-worn camera (BWC) systems provide many advantages to Village residents and employees, including protecting the Village and the Public Safety Officer from false allegations, preserving and documenting evidence for trial, improving community relations, and promoting the professionalism of our staff. It is anticipated that this policy will provide Public Safety Officers with guidelines on recording, storing, retaining, releasing, and maintaining data from a BWC system.

II. Definitions

- a. **“Body-Worn Camera” (BWC)** – A small video camera, typically attached to an officer’s clothing, that maximizes the camera’s ability to capture video and audio data of the officer’s enforcement-related activities.
- b. **“Agency Administrator”** – An individual or individuals designated by the Board of Trustees who shall have full access to and user rights within the data storage system, can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews, and act as liaison with BWC representatives.
- c. **“Enforcement Related Activity”** – Situations during an officer’s official duties that include, but are not limited to:
 - i. Violation response and investigations, including traffic stops
 - ii. Ticket issuances
 - iii. Calls for service or emergency assistance
 - iv. Disputes, confrontational and/or adversarial citizen contacts
 - v. Interview witnesses/complainants
 - vi. Taking photos of potential evidence
 - vii. Recording noise, sound, or other auditory occurrences

III. Devices

- a. BWC systems will only be worn by personnel who have been trained in the proper use of the equipment including activation, deactivation, upload procedures, proper maintenance, and policies and procedures on covered practices of a BWC. Personnel shall use only BWCs issued or approved by the Village of Saltaire or the Agency Administrator(s).
- b. The BWC will only be worn on the upper portion of the uniform shirt as depicted in the photo to the right.
- c. In inclement or cold weather, the BWC may be affixed to the outer garment. It must be attached in a manner which will provide adequate audio video and will not likely fall off.
- d. The BWC will not be left inside the vehicle or placed anywhere else while on patrol. It must be worn by the officer at all times while said officer is on duty



IV. Recording & Use

- a. The officer will indicate in the daily log which BWC they carried during their tour of duty and the instances of the use of the device.
- b. Officers ARE NOT required to notify members of the general public that the device is recording.
- c. It is the responsibility of the officer to place the BWC in "record" mode when the officer is interacting with anyone, including other officers.

- d. Officers should be prepared to articulate and document why a recording did not take place when an incident is questioned.
- e. Each officer will be required to place their BWC on its charger at the end of their shift, in accordance with manufacturer's specifications, so the unit is fully charged and ready to use as soon as possible.
- f. Officers will document in all reports the presence of footage captured by a BWC during the course of any enforcement-related activity.
- g. Officers shall not terminate the recording until after the enforcement-related activity has concluded.
- h. Although the footage taken will NOT be routinely utilized as a means of supervision, members who are depicted acting inappropriately or violate department policy will be subject to disciplinary action
- i. Officers are required to activate the BWC audio and video functions upon engaging in an enforcement-related activity that occurs while the officer is on duty unless (I) there is an immediate threat to the officer's safety; (II) turning on the BWC would be impracticable and place the officer at a tactical disadvantage; (III) activating the BWC would delay an officer's response to the safety needs of a citizen during a critical incident; or (IV) during the course of activation the BWC malfunctions.
- j. If an officer fails to activate the BWC at the start of an enforcement-related activity, terminates a BWC recording while an enforcement-related activity is in progress, or the BWC malfunctions, the officer will state in a written report why a recording was not made (whether in whole or in part).

V. Storage & Retention

a. Storage

- i. The audio and video produced by this equipment shall not be altered in any way.
- ii. If an officer neglects to place the BWC in the "off" mode after the incident took place, the additional footage will be included in the event recording. This additional footage, regardless of the content, will be subject to subpoena and the retention schedule herein.
- iii. Officers may request a copy of any recorded event they were involved in. The recorded footage, including audio, video, and data, remains the property of the Incorporated Village of Saltaire indefinitely and it may not be distributed, posted to social media or otherwise shared, in whole or in part, without written permission. This request must be made in writing to the Agency Administrator, and the Administrator may set such conditions pertaining to the requested release as he or she may determine are appropriate and, upon advice of Village counsel, in accordance with the law.
- iv. Officers are not permitted to independently access, delete, view, copy, edit, or release any footage without the express consent of the Agency Administrator, who shall act only upon advice of Village counsel, and provided that the contemplated action is not in violation of the other policies set forth herein. Under no circumstances shall any such footage be altered in any way, either in video, audio, or data.

b. Downloading Procedures

- i. At the end of each shift, or when the BWC storage capacity is nearing its limit, the Public Safety officer shall download data from their BWC in accordance with then-current procedure for storing digital files.
- ii. Each data file will be titled with searchable information including but not limited to: Date and time the video was captured, incident number, and assigned officer.
- iii. An audit system that monitors who accesses recorded data, when it was accessed, and for what purpose, shall be instituted.

c. Retention Schedule

- i. The Village of Saltaire shall comply with the minimum standards required by the New York State Archives and the Criminal Procedure Law. This shall include the minimum retention dates as follows.
 - 1. Evidentiary data shall be retained for a minimum of six (6) months.
 - a. If a determination is made that the video data has evidentiary value in an on-going investigation, court proceeding, appeals process, or incident, the data shall be retained through the pendency of the case.
 - b. The retention schedule can be extended beyond the six (6) month minimum as necessary.
 - 2. Non-evidentiary data shall be retained for a minimum of six (6) months.
- ii. If no extension of data retention is required, the recordings may be destroyed in accordance with the agency's retention procedures.
- iii. If a recording is deemed useful as a training tool, the recording may be kept for as long as deemed necessary.

VI. Access

a. Permitted review of footage

- i. Officers will be permitted to review video footage of an incident in which they were involved under the supervision of the Agency Administrator.
- ii. Agency Administrator(s) may review recordings.

b. Public Disclosure of Data

- i. Any and all disclosure of BWC data must be consistent with the agency's record release policy and applicable statutes regarding, but not limited to, evidence discovery pursuant to the CPL and disclosure pursuant to the Freedom of Information Law (FOIL) where applicable. Any requests for such data shall be reviewed by the Village's legal advisor.
- ii. Civilians shall not be allowed to review the recordings at any time.

c. Copy to District Attorney or Village Prosecutor

- i. Where any activity recorded by a BWC becomes evidence in the commencement of a violation or criminal proceeding, the officer involved, or the Agency Administrator shall make a copy of the BWC recording and provide the same to the District Attorney or Village Prosecutor prior to the arraignment or first court date.

d. Unauthorized Use

- i. Unauthorized use of the BWC is prohibited.

VII. Maintenance

a. Inspection of the equipment

- i. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
- ii. Officers shall insure the unit is properly charged before it is designated as ready for service.
- iii. If the officer's BWC is malfunctioning or not charged, they shall use another BWC and document the malfunction and use of an alternate device.
- iv. As with all issued department equipment, any damage or loss of the equipment must be documented in accordance with department policy. The camera unit is weather resistant but is not waterproof. Employees should take necessary measures to safeguard this equipment at all times and especially during inclement weather.

b. Device log and notification procedures

- i. Documentation shall be maintained by the Chief of Public Safety to identify which BWC is used by each officer on each shift.

c. Responsibilities

- i. The Agency Administrator shall have oversight of responsibilities to include, but not be limited to, the following.
 1. Insuring proper procedures are followed in the downloading, review, release, and retention of BWC footage and data.
 2. Backing up the footage to the Village hard drive system one (1) time per week.
 3. Coordinating with IT regarding system-related issues.
 4. Conducting a periodic (but at a minimum, annual) review of the policy and procedures contained herein and making recommendations for any necessary amendments.
 5. Coordinating review of videos scheduled for destruction per NYS retention schedule.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of May 23, 2020 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Richard made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien and on call it was carried according to the following action:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ABSTRACT AUDIT

Mayor Zaccaro stated that the following Abstracts, having been distributed to all in attendance and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

Capital Fund Checking No. 1A in the amount of \$696,298.96

General Fund Checking No. 12A in the amount of \$109,408.87

After discussion and opportunity for questions, Trustee Richard made a motion that the above-listed abstracts be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee O'Brien, and on call it carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion that the Board adjourn into Executive Session to discuss information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, personnel matters as described in Public Officers Law Section 105(f), and the purchase or sale of real property. The motion was seconded by Trustee O'Brien and on call it was approved at 12:00 p.m. according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Oppenheimer made a motion to re-adjourn into public session at 12:30 p.m. The motion was seconded by Trustee Richard and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 12:30 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Village Clerk/Treasurer
And 0 other attendees
And 0 attendees observed through internet connection

CLOSE OF MEETING

After all having had a chance to be heard and there being no further business before the Board, Trustee Oppenheimer made a motion to close the meeting and to hold the next Board of Trustees meeting according to the following schedule:

- To be determined by the Board at a later date
[Clerk's Note: The next Board Meeting was subsequently scheduled for July 25, 2020 at 9:00 a.m., without a central location and by remote connection only.]

The motion was seconded by Trustee Richard and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None