



**Village of Cayuga Heights**  
Board of Trustees  
Monthly Board Meeting  
Marcham Hall  
Wednesday, February 17<sup>th</sup> 7:00 p.m.  
AGENDA

**EXHIBIT/PAGE**

1. **Call to Order: Join Zoom Meeting ID # [4118425407](#)**
2. **Approval of Meeting Minutes:**
  - a. January 20, 2020 2021-046 pgs. 2-11
3. **Report of the Fire Superintendent Tamborelle: Submitted Report** 2021-047 pgs. 12-13
4. **Privilege of the Floor:**
5. **Report of Treasurer Mangione: Submitted Report** 2021-048 pgs. 14-15
6. **Report of Mayor Woodard:**
  - a. Appointment of Bousquet Holstein Law Firm & Labor Attorney
  - b. Meeting with Town of Ithaca Budget Committee
  - c. Gang of Six Meeting
  - d. Kline Road By-Pass Meeting
  - e. Performance Reviews
  - f. Teamsters Update
  - g. Budget Process
7. **Report of the Trustees:**
8. **Report of Police Chief Wright: Submitted Report** 2021-049 pgs. 16-17
  - a. VCH Body Worn Camera Draft Policy 2021-050 pgs. 17-35
9. **Report of Director of Public Works Wiese: Submitted Report** 2021-051 Pg. 36
10. **Report of Superintendent of Public Works:**
11. **Report of Clerk Walker:**
  - a. COVID-19 Vaccination Resolution 2021-052 pgs. 26-38
12. **Report of Attorney Marcus**

## EXHIBIT 2021-046

Minutes  
20, 2021

Zoom Meeting ID # 4118425407

VILLAGE OF CAYUGA HEIGHTS

BOARD OF TRUSTEES

MONTHLY MEETING

Wednesday, January

7:00 p.m.

**Present:** Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton; Police Chief Wright; Village Engineer Cross; Director of Public Works Wiese; Clerk Walker; Treasurer Mangione; Attorney Marcus.

**1. Call to Order:** Mayor Woodard calls the meeting to order at 7:03 p.m.

**2. Approval of Meeting Minutes: December 16, 2020 (Exhibit 2021-035)**

**Resolution # 8880**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the December 16, 2020 meeting minutes as presented.

*Motion:* Trustee McMurry

*Second:* Trustee Robinson

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

**3. Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2021-036)**

- Fire Superintendent Tamborelle states that the department handled 502 calls for service in 2020.
- Most of the Cayuga Heights Fire Department bunkers have had their first dose of the COVID vaccine.
- Emergency One (the manufacturer of the new ladder truck) has informed Fire Superintendent Tamborelle that the production of the new ladder truck has been pushed back seven months due to decreased staffing levels. Emergency One is willing to lease the current CHFD ladder truck from Command Fire Apparatus (the company buying the current ladder truck) until the new truck is ready.
- Trustee McMurry asks about the shortage of vaccine in the County this week. Fire Superintendent states that there is a shortage from the State but that there is vaccine in the County for those who are due the second dose.
- Mayor Woodard has a County call tomorrow and will provide an update to the Board on what is expected of future vaccine allocations.

**4. Privilege of the Floor:** No members of the public wish to speak.

**5. Report of Treasurer Mangione: Submitted Report (Exhibit 2021-037)**

•Treasurer Mangione states that, on February 19, 2020, the Village issued a \$511,835.23 Bond Anticipation Note (BAN) to pay its share of the new CHFD Ladder Truck. The BAN must be paid on February 19, 2021. The current budget plan is to pay \$100,000 and issue another BAN for the remainder. Cornell University has donated \$10,000 towards the balance. Command Fire Apparatus is purchasing the 2004 Emergency One 75' Quint currently in use by the CHFD for \$110,000. Therefore, she recommends that a principal payment of \$121,835.23 be made on February 19<sup>th</sup> and a BAN of \$390,000 issued at the current Bond Rate to be payable in one year.

•Mayor Woodard states that the current budget is \$100,000 and we should use it.

•The Village Finance Committee recommends paying the budgeted \$100,000 plus the additional \$110,000 from the sale of the CHFD ladder truck as well as the 2021 Cornell Fire equipment donation.

•Fire Superintendent Tamborelle reminds the Board that the Village will owe the Town of Ithaca a portion of the sale from the CHFD current ladder truck. Treasurer Mangione states that is correct; \$40,000 will be owed to the Town of Ithaca

•Treasurer Mangione requests that the Board review the budget calendar in her report. The Board will have to set a date for the Village Budget Workshop and Annual Village Organizational Meeting.

•The 2021 Village Election will be held on March 16, 2021 at the First Congregational Church. Polls will be open from Noon to 9:00 p.m.

**Resolution: 8881**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules a public meeting on March 13, 2021, to be designated as the 2021-2022 Budget Workshop from 9:00 a.m. to 12:00 Noon.

*Motion:* Trustee Salton

*Second:* Trustee Rennekamp

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

**Resolution: 8882**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules the Annual Village Organizational Meeting for April 1, 2021, at 7:00 p.m.

*Motion:* Trustee McMurry

*Second:* Trustee Biloski

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

•In closing, Treasurer Mangione also states that she has calculated that the Village will not exceed the New York State Tax Cap. The Board will need to discuss the possibility of proposing a local law to exceed the tax cap which expressly authorizes a local governing body to override the property tax cap for the coming fiscal year.

**Abstract # 8**

**Resolution: 8883**

**Approval of Abstract:**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves Abstract #8 for FYE2021 consisting of TA vouchers 69 -72 in the amount of \$25,660.93 and Consolidated Fund vouchers 559 -639 in the amount of \$367,166.22 and the Treasurer is instructed to make payments thereon.

*Motion:* Trustee Marshall

*Second:* Trustee Biloski

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

**6. Report of Mayor Woodard:**

**a. LED Update:** Installation is still scheduled to begin this month.

•Mayor Woodard states that B. Cross and M. Wiese attended a webinar sponsored by NYPA that promoted “extra” technologies that could be added to the LED fixtures. However, the Village would be responsible for the installation and administration fees.

•B. Cross states that the options included cameras, weather stations, and microphones that could detect certain sounds that could be used to dispatch emergency services. B. Cross is not inclined to recommend any of these options and Mayor Woodard agrees that they features are unlikely to be useful for our purposes.

•Trustee Marshall inquires about the possibility that any of this technology could be used to detect surface runoff for I & I needs. B. Cross will look into that and report back to the Village Public Works Committee next month.

**b. Town of Ithaca Tax Increase:** Because the Village receives from the County a payment of sales taxes that is taken from the Town’s share of sales taxes, State law says the Town can only apply for sales tax payments from the County to our Part-Town Funds which would be the General Part-Town Fund (covering our Planning and Codes Departments) and the Highway Part-Town Fund. Over the past few years, the Town of Ithaca had mistakenly applied sales tax money to their General Town-wide Fund, so all town residents, including Village residents, were getting the benefit of lower property taxes in that Fund. That benefit should have been going just to Town residents outside the Village by having the sales tax applied to only the Part-Town Funds.

•The State Comptroller alerted the Town of Ithaca to the fact that they had misallocated the sales tax and to rectify that the Town made the one-time adjustment to Village residents' tax bills. Since all Town Residents (including Village residents) benefited from a lower tax rate in the General Town-wide A Fund for the past few years, they had to increase the property taxes collected in that Fund for this year to make up for the Sales Tax that had been misapplied to that Fund for the past few years.

•Mayor Woodard states that our Village does not receive any services from the Town of Ithaca and should not be paying taxes on services that are not provided.

•B. Cross states that the Town of Ithaca has never offered any services to the Village and if the Village did utilize any Town services, the Town will charge for it.

•Village Attorney R. Marcus states that the state law around this issue is based on the concept that most Villages are surrounded by a township within which they lie. Geographically the Village of Cayuga Heights is unique in that only two properties in all of Cayuga Heights need to use a town road.

•Chief Tamborelle notes that the Fire Department's budget is roughly 30-40% funded by the Town.

•The Village of Lansing had a similar situation with the Town of Lansing. Eventually, the Village of Lansing decided to purchase their trucks and snow removal equipment instead of Village of Lansing residents paying a portion of their taxes to the Town of Lansing for that cost.

•Mayor Woodard plans to attend the Town's budget meeting next month to address these issues.

**c. "Old Village" Sewer Credit:** Mayor Woodard informed the Town of Ithaca that she did not believe the Village is obligated to pay this amount due to the Town's awareness of the issue and failure to act in the past. Mayor Woodard further states that at the November Board of Trustees Meeting the Board agreed to pay for 2020 only. Mayor Woodard suggests that the Village is now only willing to pay for the last quarter of 2020, roughly \$24,000

•Village Engineer, B. Cross has been working with the Town of Ithaca to correct the accounts that should be billed in the "Old Village".

#### **Resolution: 8884**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves payment to the Town of Ithaca for only the last quarter of 2020 for sewage that was processed by the City of Ithaca's Wastewater Treatment Plant. This payment is in lieu of the payment authorized at the November Board of Trustees Meeting Resolution 8767.

*Motion:* Trustee Rennekamp

*Second:* Trustee McMurry

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

- Trustee Robinson would like to hear more on this issue when Mayor Woodard sits in on the Town's budget workshop next month.

**d. Gold Plan Update:** The Village Police Benevolent Association (PBA) has agreed to transition their health insurance coverage to the GTCMHIC Gold Plan with the Village subsidizing 100% of the out-of-pocket maximums, and employees contributing 15% of the Gold Plan premium. The PBA contract will also be amended concerning the use of sick time to pay for retiree health insurance and increasing the shift differential payment.

- Mayor Woodard states that the PBA is now on the GTCMHIC Gold Plan and she is waiting to receive the signed Memo Of Understanding from the PBA's attorney. The next step is a discussion with the Village Department of Public Work's employees about the Gold Plan.

- One of the major savings, to both the Village and DPW employees, is the current Teamsters retirement plan which is a Cobra Plan and very expensive. Several DPW employees are in a position to use their sick time to cover their portion of the health care premium which means the Village would be paying 100% of the premium. For comparison, that would mean \$7,000 for a Teamsters retiree family plan versus \$2,068.19 for a Consortium retiree plan.

- Mayor Woodard will set up a meeting with the DPW next month.

**e. Village Clerk, Deputy Clerk, and Treasurers Job Description:** The Board of Trustees needs to authorize and approve the updated job descriptions as detailed in Exhibit 2021-038.

- Mayor Woodard states that this is the result of the hard work of Trustees Biloski and McMurry and the Administrative Committee's efforts to redefine responsibilities in the Clerk's Office and streamline annual employee evaluations.

- Trustee Salton states that it is not clear why the Board needs to vote on this topic.

- Trustee McMurry states that the Board has to approve and accept the changes as part of the Human Resources requirement for the County. If the Board needs more time that is fine, at least now the job descriptions are far more accurate than what is currently filed with the County.

- Village Clerk Walker states that another reason for the need to update these job descriptions is the fact that the Clerk/Treasurer is now two different jobs. Trustee Biloski stated that there were several out-of-date descriptions as well.

- Trustee Robinson is comfortable bringing this to the Board for a vote.

**Resolution: 8885**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the Village Administrative Committee's updated job descriptions for Village Clerk, Deputy Clerk, and Village Treasurer as written in Exhibit 2021-038 and authorizes the filing of these updated job descriptions with the County.

*Motion:* Trustee Biloski

*Second:* Trustee Marshall

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

## **Motion Carried**

### **7. Report of the Trustees:**

**a. Walking Safe Cayuga Heights Update:** The design report has been submitted to NYSDOT.

- Trustee McMurry states that new simulation drawings of the Wyckoff Road section were shared with the affected residents today.

- B. Cross states that he is still optimistic that we can get this project out to bid and started in 2021. The NYSDOT Contract stipulations require completion of the project by January 2022.

### **8. Report of Police Chief Wright: Submitted Report (Exhibit 2021-039)**

- Chief Wright states that an individual who was charged for an assault and robbery at an apartment complex in the Village was arraigned and later released only to become the main suspect in a shooting that occurred on January 15<sup>th</sup> in the City of Ithaca.

- Chief Wright states that in 2020 the overall number of tickets issued was down, yet the department received over 300 more calls for service compared to last year. Chief Wright further states that officer overtime was about half of what it was last year, and part-time hours were about 400 less.

- Trustee Salton states that he recognizes that COVID-19 played a role in policing this year and asks Chief Wright if anything else affected the reduction of overtime. Chief Wright explains that his approach is quality of life aspect. Chief Wright has allowed for more flexibility among the full-time officers as well as the part-time officer's schedules.

- Mayor Woodard confirms and complements Chief Wright on his progress.

**a. BWC Policy Draft:** Chief Wright states that he is still waiting for the Tompkins County Sheriffs I.T. Department to update the system to make it compatible with the County. Chief Wright states that he is confident that they could put the cameras into action by the end of February.

- Trustee Robinson asks Chief Wright what the procedure is for reviewing or releasing video from BWC's. Chief Wright states that the procedure would follow the normal FOIL request process.

- Village Attorney R. Marcus states that the FOIL statute would be the first step before anything could be released to the public.

- Chief Wright states that the Village BWC policy states that every BWC report will get reviewed by the Chief of Police and Police Sergeant.

- Chief Wright informs the Board that he has included the NYCOM Police Reform Survey in the agenda. This helps support a better understanding of the policing process for Village residents. The next step is to

solicit community feedback as part of the statewide police reform initiative. The police department has also participated in the Tompkins County reimaging police reform survey.

- Trustee McMurry suggests piggybacking off the County in their submission. Chief Wright is confident that his report to the State will be adequate even though the State has not given any guidance.

Mayor Woodard states that the Board of Trustees should schedule this public meeting. The Village of Cayuga Heights Public Meeting on Police Reform is scheduled for Tuesday, February 23<sup>rd</sup>, 2021 at 7:00 p.m.

**Resolution: 8886**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules a Public Meeting to seek community input on the New York State mandates of Police Reform.

*Motion:* Trustee McMurry

*Second:* Trustee Biloski

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

- Clerk Walker will update the website as well as send a notice of this public meeting in the next e-News blast.

- Chief Wright states that the NYCOM Survey was well attended and it was rewarding to see that his department was not lacking in any policies and procedures. Chief Wright further states that this survey is a good opportunity to educate the public on the how and why of policing.

**9. Report of Director of DPW Wiese: Submitted Report (Exhibit 2021-042)**

- Director Wiese states that Tompkins County did submit an application for FEMA Storm Relief on the Village's behalf but did not meet the threshold.

- Director Wiese states he is still trying to get clarification on when the DPW staff would qualify as essential and be able to receive the COVID-19 vaccine.

**10. Report of Village Engineer Cross:**

- B. Cross states that the only action item that he is presenting to the Board tonight is the proposed contract extension with Michele Palmer from Templeton Landscape. This extension mirrors the 2020 contract for grant support assistance in the Village WWTP upgrades.

**Resolution: 8887**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign the Templeton Landscape proposal as written in Exhibit 2021-043.

*Motion:* Trustee Robinson

*Second:* Trustee Salton

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton  
*Nays:* none  
*Abstentions:* none

### **Motion Carried**

- B. Cross states that TG Miller has made significant progress on the hydrologic/hydraulic design of the new culverts in the right-sizing project. They used the mapping data to establish the watershed areas of each culvert and then converted this information into the projected water run-off volume. The normal local street design calls for the use of a 25-year storm reoccurrence interval, and state/federal highways are normally designed to a 50-year storm interval. For this state grant-funded project, TGM used the 50-year storm interval for their preliminary design. This has produced very large culverts that look like they could cause the cost to exceed the budget. TGM is going to estimate the price with the 50-year culverts, but if the cost is too high, then they will need to seek guidance from the NYSDEC and Climate Smart to determine what is the storm interval requirement to meet the grant funding criteria.

- All of the WWTP work required by the contract for Blue Heron has been completed (as documented by the establishment of Substantial Completion). This will allow Matco to re-mobilize to do the work that was waiting for the siding to be completed. A "punch list" has already been issued to Matco and Blue Heron (pending) so that they can clean up any outstanding issues before releasing their final payments.

- B. Cross reports that there was a WWTP emergency overflow on 12/24/20. Details were provided in the report that he prepared to the NYSDEC, and they have since been acknowledged by the NYSDEC. Subsequently, we have installed a new water level float sensor in the new headworks building that is connected to an alarm that will call Yaws to respond in the event of an overflow. B. Cross further states that he is working with GHD to understand what the NYSDEC allows for emergency overflow operation to help reduce the amount of time it takes to isolate/remove a blockage at the outlet. Such options could include a bypass valve or an overflow weir that would discharge into a conduit/channel to contain the flow without it spreading out into the driveway.

- In closing, B. Cross states that the contracts with Lecture and Matco for the new flow meters on Remington Road and electrical contracts have been signed, the equipment has been ordered, and a plan has been devised to allow for the initial installation to be done without the need of confined space entry protocols.

## **11. Report of Clerk Walker: Submitted Report (Exhibit 2021-044)**

### **a. Public Employer Health Emergency Plan:**

- Village Clerk Walker states that the Draft Public Employer Health Emergency Plan for the Village has been reviewed by all department heads as well as the Administration Committee. However, it still needs to be reviewed by the collective bargaining groups (DPW Teamsters and Police PBA members) and then again by the department heads before the Board can vote to adopt it.

### **b. 207 Cayuga Heights Road Water Bill:**

- Village Clerk Walker states that he received a request of consideration from Village resident Elizabeth Ambrose. She is seeking relief from the last quarter's water bill which was \$1,909.64. The resident stated to Clerk Walker that Bolton Point has completed an inspected of her property and could not find any leaking water. E. Ambrose also stated it was determined that a hot tub is serviced monthly and water had

not been shut off once the tub was filled. Bolton Point provided Village Clerk Walker with several water meter graphs showing the different events where water consumption was way up for 2-4 days at a time.

- Clerk Walker states the Board has in the past granted relief of a water bill when it has been determined that the water did not pass through the sanitary sewer system.
- Trustee Robinson suggests that if the Board does end up granting some relief of the sewer portion of the bill that this would be the only time.

**Resolution: 8888**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves the reduction of sewer charges for the account that occurred at 207 Cayuga Heights Road. The amount is to be determined by an average quarterly amount. This credit will be applied to the next quarterly water bill.

*Motion:* Trustee Marshall

*Second:* Trustee Robinson

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

**12. Report of Attorney Marcus:** Attorney Marcus states that his firm will be merging with a larger firm based out of Syracuse, N.Y. named Bousquet Holstein PLLC.

**13. Executive Session:**

**Resolution # 8889**

**WHEREAS:** The NYS Open Meeting Law §105 prescribes matters for which a public body may conduct an executive session; and,

**WHEREAS:** Upon a majority vote of its total membership, taken in an open meeting according to a motion identifying the general area or areas of the subject or subjects to be considered; and,

**WHEREAS:** The conduct an executive session for these enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public money:

**THEREFORE, BE IT RESOLVED THAT,** An Executive Session of the Village of Cayuga Heights Board of Trustees is conducted for the purposes of subsection (d) discussions regarding proposed, pending, or current litigation.

*Motion:* Trustee Marshall

*Second:* Trustee Robinson

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion carried**

**Resolution # 8890**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees exits the Executive Session and returns to an open meeting.

*Motion:* Trustee Robinson

*Second:* Trustee Marshall

*Ayes:* Mayor Woodard; Trustees: Biloski, Marshall, McMurry, Rennekamp, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion carried**

**14. Adjournment:** Mayor Woodard adjourns the meeting at 10:43 p.m.

## **EXHIBIT 2021-047**

February 17, 2021

Honorable Linda Woodard  
Board of Trustees  
Village of Cayuga Heights

Monthly Report December 2020

We started the year with a mellow 24 calls. We had 9 calls in the Village of Cayuga Heights, 14 calls in the Town of Ithaca and 1 mutual aid call. There were 16 EMS calls and 8 fire runs. There were not really any outstanding calls of note.

On January 31<sup>st</sup> we lost one of our members. Probationary Firefighter Matt Crovella passed away in his dorm room at Cornell from a preexisting medical condition. Matt was an amazing young man from Syracuse. Matt was liked by all and an extremely motivated member. We had no idea how amazing he was until after his passing. He was an Eagle Scout, an international medal winning speed skater, built houses in Mexico and Central America with his family, as a high school student he traveled to flooded areas after Hurricane Irene and helped families dig out from the mud, helped kids in the Syracuse area understand science and was a member of the Civil Air Patrol. He is survived by his parents and two younger sisters. We were able to attend the calling hours last Sunday in Syracuse with 15 members in uniform. We were proud to have known such and amazing person and are sad that we lost him.

Our members have returned to town and many of them have gotten vaccinated. We are well above 50% currently. We were able to get many of the 1a and 1b slots for our members. It does not sound like there will be any first responder specific clinics and the rest of our members will get scheduled as the county gets vaccine. At this time, we do have one member who has tested positive for COVID. Unfortunately, it is one of our bunkers who recently returned from break. He had received the first vaccine on a Saturday but tested positive on Monday during surveillance testing. The bunkers are now being quarantined. None of them are symptomatic and as essential workers can still respond on calls wearing all proper PPE. All the bunkers, save the one who is positive, have been vaccinated with both doses. This should be a good litmus test for the efficacy of the shots.

We will continue with our regular trainings in January. We will be focusing heavily on checklist work for the recruits. We are unsure at this time if we are going to run a spring recruit class. The

thought is to work on getting the probationary members finished and working on interior and driving with other members. Many of the people handling the training at this time are a bit burnt out from the nonstop pace we have been maintaining. We did get our OSHA refreshers completed for our members. We took the OSHA presentation that we usually do in person and put it online with a detailed test at the end. This is not the preferred way to do this, but it covered what we are required to get done and follow social distance guidelines.

The current situation with the new ladder truck is this. E-One and Command Fire (the company buying the old truck) have entered a contract. We will keep L231 in our station until the new truck is finished. Command Fire will pay us the entire contracted price for the truck when they pick it up and E-One will compensate them for the depreciation between now and the time of sale. This works well for all parties.

We will put the truck on a modified response plan so that it is not running on all fire calls. There will be no lack of service with this plan, it will just mean that the truck will not roll unless needed. The current timeline for the new truck is August of 2021 and we hope they will be able to hold this timeline.

New York State Department of Health has required all EMS agencies to move away from paper patient care reports (PCR) and onto an electronic charting platform. At this time, the plan is that we will start using EMScharts sometime in the late spring. This is the same electronic charting software that Bangs Ambulance uses and many of our EMS providers are already familiar with it. EMScharts is owned by Zoll Zoll makes the cardiac monitors and AEDs that we use so uploading data will be seamless. The annual cost is not as much as anticipated. This is a web-based service and follows all HIPPA guidelines.

We are hoping that this COVID scare at the station is short in duration and an eye opener for our members. I think that many of the returning student members were enjoying the freedom and not being home and were less cautious than they planned to be when coming back to town. It has been made clear on multiple occasions that we do not want to restrict anyone's social life, but if they felt like not following the recommended guidelines then they should not come to the station. Hopefully, this will now sink in.

Sincerely,

**EXHIBIT 2021-048**  
**VILLAGE OF CAYUGA HEIGHTS**  
**TREASURER'S REPORT**  
**February 17, 2020**

**Audit:**

Insero, Inc. continues its work on the Village's FYE2020 Financial Audit.

**Budget:**

**Reporting:**

Preliminary Property Tax Cap Report completed but not submitted to NYS OSC

Upcoming reporting consists of the following: A copy of the completed Insero audit is forwarded to the NYS Office of the Comptroller and to Moody's Investor Services, Inc.

**Debt and Financing:**

On Friday, the BAN for the financing of a Fire Dept. Ladder Truck will be paid and renewed. A payment of \$111,835.23 is to be paid from the Consolidated (Capital) Fund Checking Account. A BAN of \$400,000 will be issued for a term of one (1) year at an interest rate of 1.6% for one year.

**Revenues and Expenses:**

January bank to book reconciliation is completed. It has been reviewed and approved by Trustee and Deputy Treasurer Biloski. A copy of the accounting system generated Treasurer's Report is attached.

**Approval of Abstract:**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves Abstract #9 for FYE2021 consisting of TA vouchers 93-100 in the amount of \$20,505.28 and Consolidated Fund vouchers 640-722 in the amount of \$438,097.81 and the Treasurer is instructed to make payments thereon.

Respectfully submitted

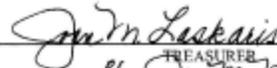
*Joan M. Laskaris*

## MONTHLY REPORT OF TREASURER

### TO THE VILLAGE BOARD OF THE VILLAGE OF CAYUGA HEIGHTS:

The following is a detailed statement of all moneys received AND disbursed BY me during the month of January, 2021:

DATED: February 10, 2021

  
 \_\_\_\_\_  
 TREASURER  
*fka John M. Marjine*

	Balance 12/31/2020	Increases	Decreases	Balance 01/31/2021
<b>A GENERAL FUND - VILLAGE</b>				
CASH - CHECKING	435,475.18	67,878.62	240,808.53	262,545.27 -
CASH - SAVING	1,559,313.67	132.44	0.00	1,559,446.11 -
CERTIFICATE OF DEPOSIT	100,274.51	29.81	0.00	100,304.32 -
CERTIFICATE OF DEPOSIT	501,422.55	362.11	0.00	501,784.66 -
CERTIFICATE OF DEPOSIT	401,339.20	341.01	0.00	401,680.21 -
PETTY CASH	450.00	0.00	0.00	450.00 -
FIRE COUNCIL CASH ASSETS	-11,138.99	2,670.71	0.00	-8,468.28 -
<b>TOTAL</b>	<b>2,987,136.12</b>	<b>71,414.70</b>	<b>240,808.53</b>	<b>2,817,742.29</b>
<b>CD SPECIAL GRANT FUND</b>				
CASH	1,172.00	0.00	0.00	1,172.00
CASH - POLICE COMP TIME RESERV	25,027.15	0.00	0.00	25,027.15 -
CASH - JCAP COURTROOM SEATING	7,356.03	0.00	762.92	6,593.11 -
CASH - POLICE TRIAD 2015 & 201	755.62	0.00	0.00	755.62 -
CASH - BEAUTIFICATION SPECIAL	593.52	0.00	0.00	593.52 -
CASH - CULTURAL & HISTORIANS R	92.23	0.00	0.00	92.23 -
<b>TOTAL</b>	<b>34,996.55</b>	<b>0.00</b>	<b>762.92</b>	<b>34,233.63 -</b>
<b>F WATER FUND</b>				
CASH - CHECKING	181,484.53	3,442.96	19,336.71	165,590.78 -
<b>TOTAL</b>	<b>181,484.53</b>	<b>3,442.96</b>	<b>19,336.71</b>	<b>165,590.78</b>
<b>G SEWER FUND</b>				
CASH - CHECKING	68,048.02	391,916.74	91,770.55	368,194.21 -
CERTIFICATE OF DEPOSIT	415,701.69	123.59	0.00	415,825.28 -
<b>TOTAL</b>	<b>483,749.71</b>	<b>392,040.33</b>	<b>91,770.55</b>	<b>784,019.49</b>
<b>H CAPITAL FUND</b>				
CASH - CHECKING	-90,831.98	0.00	385,991.04	-476,823.02 -
<b>TOTAL</b>	<b>-90,831.98</b>	<b>0.00</b>	<b>385,991.04</b>	<b>-476,823.02</b>
<b>TA TRUST &amp; AGENCY</b>				
CASH - CHECKING	29,747.68	169,795.47	169,089.13	30,454.02 -
<b>TOTAL</b>	<b>29,747.68</b>	<b>169,795.47</b>	<b>169,089.13</b>	<b>30,454.02</b>

<b>TOTAL ALL FUNDS</b>	3,626,282.61	636,693.46	907,758.88	3,355,217.19
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MONTHLY REPORT OF TREASURER

TO THE VILLAGE BOARD OF THE VILLAGE OF CAYUGA HEIGHTS



## EXHIBIT 2021-049

### Village of Cayuga Heights Police Department

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2/11/2021

To: The Honorable Mayor Woodard  
Members of the Board of Trustees  
Village of Cayuga Heights

Re: Report of the Police Department for January 2021

In the month of January, the police department received 349 calls for service. In addition to these calls, 67 uniform traffic tickets were issued, and 0 parking violations were cited. A breakdown of the calls for service is as follows:

3 Felony incidents were investigated. 1 incident of Burglary was reported by the manager of a sorority house. There are no suspects or leads and the complainant has declined any further investigation. 1 Report of a Sex Offense has been filed. The investigation is on-going. 1 incident involving Drugs was handled. During a traffic stop officers found an occupant of the vehicle to be in possession of an amount of drugs substantiating a Felony charge of Criminal Possession of a Controlled Substance 4<sup>th</sup> to be filed.

2 Misdemeanor Penal Law Incidents of Fraud was handled. 1 Fraud complaint was made by a store clerk stating that two subjects were attempting to use a fake ID to purchase items. The two individuals were contacted and advised of the consequences of providing fake identification. No charges were sought or filed. The second complaint involved a resident receiving a fraudulent phone call demanding that pre-paid gift cards be provided. After ensuring that the resident did not take part in any transaction of money or gift cards, the investigating officer advised the resident to secure all passwords and review bank accounts for suspicious activity.

6 Vehicle and Traffic Stops resulted in the following 9 Misdemeanor charges being filed: 3-Aggravated Unlicensed Operation of a Motor Vehicle 3<sup>rd</sup> 1-AUO 2<sup>nd</sup>, and 3-Suspended Registration.

No Penal Law Violations were handled.

2 Local Law complaints were reported. 1 Noise Complaint was received from a resident stating loud music was coming from a neighboring apartment. The responding officer made contact with the individual in question and advised them of the Village's Local Law. The subject agreed to keep the noise down as requested. No further complaints were received regarding this matter. During a routine check of the Park, officers found subjects to be on the premises after hours. The individuals were advised of the local ordinance and left without incident.

1 Motor Vehicle accident was investigated, none involving deer.

There were no other incidents involving deer reported.

In summary 10 persons were arrested and the following 13 charges were filed: 1-Criminal Possession of a Controlled Substance 4<sup>th</sup>, 3-DWI and Associated Charges, 5-AUO 3<sup>rd</sup>, 4-Suspended Registration.

Officers took part in the following trainings and/or events took place in the month of January: Officer Adam Langlois interviewed and was accepted as a member of the Tompkins County Crisis Negotiations Team.

The full-time officers worked a total of 16 hours of overtime and the part-time officers worked a total of 155 hours.

Sincerely,

Chief Jerry Wright

	<b>Department of Police</b> <b>Village of Cayuga Heights, Tompkins County New York</b>	
	<b>Title:</b> Use of Body Worn Cameras	<b>General Order #500</b>
	<b>Effective Date:</b> TBD	<b>Review Date:</b> 1/1/2021
	<b>Supersedes Directive:</b> All previous issued directives	
	<b>Issuing Authority:</b> Chief J.L. Wright	

### I. PURPOSE

The purpose of this General Order is to establish the rules and procedures for the use and operation of Body Worn Camera's (BWC) and to provide Department staff with the instructions on when and how to use (BWC's) so that contacts with the public can be reliably recorded.

### II. POLICY

The Department is committed to promoting constitutional policing and making the best use of its resources to capture evidence by utilizing the evolving technology of Body Worn Camera's (BWC) in all appropriate circumstances. This commitment is designed to promote

officer safety, strengthen community trust, and document events to assist with investigations and training. All recordings captured by Department issued AXON BWC's are the exclusive property of this Department and subject to disclosure under the law.

Note: This policy does not govern the use of surreptitious recording devices used in covert operations.

## **111. DEFINITIONS**

### **A. Users**

**System Administrator:** A system administrator has full access to and user rights within the data storage system. He or she can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control review and act as a liaison with the AXON BWC representatives. (Chief and Sergeant)

**Station Control Officer:** Administrative Officer who maintains the Evidence Transfer Manager and oversees needed repairs or replacement equipment through AXON representatives. (Chief and Sergeant)

**End User:** AXON users with individual account access rights to Evidence.com. (All Officers including Chief and Sergeant)

**Access User:** AXON users with full access to information on Evidence.com, such as Administrative Staff. (Chief and Sergeant)

**Uniformed Department Personnel:** Department personnel who wear a Department-authorized uniform, which displays a Department patch and badge. (All Officers including Chief and Sergeant)

### **B. Equipment**

**Body Worn Camera (BWC):** A recording device, with the ability to capture video and audio data, issued by the Office that is typically affixed to the body.

**Evidence Transfer Manager (ETM):** Docking station that recharges the controller battery and uploads all data from the camera captured from the officer's point of view during his/her shift to Evidence.com. The ETM ensures that evidence handling is secured and is not altered.

**Evidence.com:** Online web-based digital media storage facility that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment accessible to personnel based upon security clearance.

**Signal Sidearm kit:** magnetic signaling device attached to the Officers/users "sidearm" weapon holster. When the sidearm clears the holster for any reason, the signal sidearm alerts the BWC to automatically activate.

### **C. Modes of Operation**

Normal (Buffering) Mode: The AXON continuously loops video recording for 30 seconds. No audio recordings are made while in buffering mode. The unit will remain in the buffering mode unless fully powered off.

Event Mode: The AXON BWC saves the buffered video and continues to record both video and audio for up to eight hours. (Pressing the Event button turns recording on and off and places markers on the media segment for later viewing in Evidence.com)

Evidence: Recordings that contain content known at the time of the recording to be associated with criminal activity, which are then assigned a case number and are annotated as evidence in Evidence.com.

#### IV. PROCEDURES

##### A. Wearing BWC

1. Department personnel (in full uniform) assigned to units whose primary duties involve interactions with citizens and/or enforcement related activities (e.g., Patrol, special events/details etc.) shall always wear the BWC while on-duty.
2. Department personnel assigned to units whose primary duties are administrative (BWC System Administrator, Quartermaster, Command Staff, etc.) are not required to wear the BWC during the normal course of their duties, unless:
  - a. The member anticipates participating in enforcement activity (e.g. serving an arrest warrant, executing a search warrant where a dynamic entry is needed to obtain evidence, etc.), or
  - b. The member is detailed to work a uniformed assignment where citizen/police interaction is occurring, or likely to occur (e.g. patrol, events/details etc.), or
  - c. The member is directed to wear the BWC by a supervisor.
3. Field Training Officers are required to wear an BWC and are responsible for ensuring their assigned trainee is wearing an BWC, recording all contacts as required by this Order.
4. Department personnel shall use only Department-issued BWC, not personally owned BWC, while functioning within the scope of their duties.
5. Uniformed and non-uniformed Department personnel shall position their BWC forward facing, worn openly in a prominent location, and affixed at the belt level or above in a position and manner consistent with the manufacturer's recommendations. The BWC should be placed on the officer's body to maximize the camera's ability to capture an incident.

6. Department personnel wearing BWC's shall keep the BWC in the normal (buffering) mode, unless performing routine administrative duties within a government facility.
7. An Officer who is called in to work must first report to CHPD to pick up a BWC, or otherwise obtain a BWC, if he or she reasonably expects to engage in Law Enforcement operations related to the call-in. Officers called in to respond to an emergency or when time is of the essence are NOT required to obtain a BWC from CHPD if the Officer being called in is so notified by his or her direct Supervisor.

#### B. Using the BWC

1. Prior to use, officers must complete appropriate training to familiarize themselves with the BWC system utilized by the Cayuga Heights PD. See Section G (Training).
2. Department personnel shall activate BWC's only in conjunction with official law enforcement duties.
3. It is recommended that officers inform individuals they are being recorded during their initial contact; however, they are not mandated to do so.
4. Department personnel shall inform arrestees that they will be recorded, unless informing them would be unsafe, impractical, or impossible.
5. Department personnel who are not involved in direct interactions with witnesses, victims, or suspects and who are performing duties, including but not limited to scene security, supervision, guard duty, holding a perimeter, or processing a scene shall not be required to record these activities. However, the processing of a scene should be captured via the BWC if it is believed that the evidentiary value would be beneficial.
6. For all mandatory recording incidents identified below:
  - a. Department personnel will activate their BWC's at the beginning of the incident and/or prior to exiting the patrol car, if possible.
  - b. If the immediate activation of the BWC is not feasible due to the immediate risk to the safety of the Department personnel or others, then the Department personnel will activate the BWC at the first available opportunity when it is safe to do so.
  - c. Department personnel may cease recording when they reasonably determine that the incident has concluded, based on information available to the personnel at the time. Deciding when the incident has concluded will depend on the type of incident and individual circumstance, but typically, the incident has concluded when Department personnel terminate contact with the

individual or have cleared the scene of the incident.

7. This policy is intended to achieve a reasonable balance between the benefits of using BWC devices and an individual's reasonable expectation of privacy. Although the policy identifies those situations in which activation of the BWC is mandatory, Department personnel have discretion to manually activate the device any time an officer believes it would be appropriate or valuable to document an incident. In exercising this discretion, personnel should be aware of, and sensitive to an individual's reasonable privacy expectations. The BWC may only be activated for legitimate law enforcement purposes. In the above stated circumstances, Officers shall articulate and document in the incident report as to the reason for the used discretion.
8. Officers should not record in locations where individuals may have a reasonable expectation of privacy, such as, restrooms, locker rooms, hospitals, in the presence of medical personnel, or when entering personal residences for routine calls and requested not to record by occupants, unless enforcement action is necessary. However, Department personnel will record in these locations if the encounter is subject to mandatory recording as set forth below or if the totality of the incident leads Department personnel to believe that recording is appropriate.
9. Mandatory Recording Incidents
  - a. All use of force encounters, including contacts leading up to the use of force, when Department personnel can reasonably foresee a use of force may occur.
  - b. All encounters with individuals who are the subject of a stop based on reasonable and articulable suspicion or probable cause.
  - c. Traffic stops and DWI investigations.
  - d. Arrests, including contacts leading up to the arrest, when Department personnel can reasonably foresee an arrest coming.
  - e. Vehicle or foot pursuits
  - f. Vehicle searches.
  - g. Arrest warrant executions.
  - h. Search warrant executions of structures from the time of entry until the location has been cleared to begin processing.
  - i. Contacts with subjects who (1) are not complying with officer's commands; (2) appear to pose a current threat to themselves or others; or (3) are known to the officer to have a history of being a threat to themselves or others.

- j. Any legitimate law enforcement contact where the Department personnel believe that recording an incident would be appropriate or valuable. In these contacts, the Department personnel shall balance the law enforcement objectives and need to record against the individual's expectation of privacy, particularly with respect to sensitive victims.
10. When officers are transporting an arrestee, they shall remove their BWC from their body worn mount and secure the BWC into the mount located on the driver side window of the backseat. This shall be done after securing the arrestee (handcuffed and seat belted) in the backseat of the vehicle. This is intended to capture audio and video recordings of the arrestee while in the backseat, during transport. Upon arriving to the destination and before removing the arrestee from the vehicle, officers shall remove the BWC from the backseat mount and secure it back onto their body-worn mount. Department personnel will continue recording upon entering the booking room and securing the arrestee to capture both audio and video.
- If transporting two arrestees, resulting in one being secured in the front passenger seat due to single cage patrol vehicles, an officer may use their discretion to keep the BWC secured on their body-worn mount. The officer shall continue to record during transportation and upon entering the booking room and securing the arrestee/s. The officer shall document in the incident report why they did not secure the BWC in the backseat mount (i.e. potential damage to equipment and injury to subject due to disorderly conduct of subject).
11. Once the arrestee or arrestees is/are secured in the booking/processing room, officers will continue recording to collect both video and audio. Department personnel are authorized to remove their BWC from their on-body mount and place the BWC in a location that allows for the recording of the arrestee if necessary. Department personnel should continue to evaluate the situation and cease recording when no longer deemed appropriate or valuable. Department personnel will then secure the BWC back onto their on-body mount.
12. Non-recording Incidents: Department personnel shall not use BWC's to document in these circumstances:
- a. Encounters with undercover Department personnel or confidential informants.
  - b. Personal activities or private conversations of Department personnel that do not involve Police related calls for service or contact with individuals.
  - c. Conversations between Department personnel that involve case strategy or tactics. To surreptitiously record any Department personnel without their consent, a court order, or unless lawfully authorized by the Chief of Police or designee for the purposes of a criminal investigation.

- d. DWI checkpoints, unless a driver is confrontational with Department personnel, refuses to stop, refuses to roll down the window, and/or produces any type of information visually or verbally that indicates he or she will not willingly comply with Department personnel's lawful commands,
  - e. Individuals who are picketing or engaged in a protest or First Amendment demonstration, unless engaged in criminal conduct.
  - f. Victims or witnesses who express a desire not to be recorded, Officers are encouraged to seek permission from crime victims prior to recording statements.
  - g. Locations where recording is prohibited by law, unless permission is obtained to record, such as in the FBI building.
  - h. In CHPD Headquarters unless actively engaged in Official Police Business and/or the Officer feels the recording may be beneficial to a specific incident/investigation.
  - i. Officers should attempt to avoid recording people who are nude or when sensitive human areas are exposed unless considerations are outweighed by legitimate law enforcement interest.
13. If Department personnel inadvertently record any of the encounters listed above in non-recording incidents, they must first contact their immediate supervisor. Then the Supervisor may follow the redaction procedures listed below. The original video recording cannot be altered.
  14. Individuals may request that an officer stop recording them. Department personnel shall not stop recording in response to an individual's request if the recording is required by this policy or if the Department personnel deem that continued recording is necessary. If the recording is not mandatory, the Department personnel may evaluate the situation, and if appropriate, honor the individual's request.
  15. The individual's request to stop recording should be documented with the BWC. If it is not reasonably possible to record the individual's request with the BWC, Office personnel shall document the request via the CAD system and/or a report.
  16. During tactical activations, tactical units may turn off their BWC's during planning and decision-making.
  17. Due to the extended duration of tactical activations and to conserve battery life, tactical units may turn off their BWC's when not conducting directed action, based on the

information available to the officer at the time. BWC's shall be activated during directed action, which may elicit a response from the subject.

18. Once the incident has concluded, Department personnel shall fill in the 'Circumstance' field in Spillman with the appropriate RP code. See Attachment A.

#### C. Viewing, Accessing, and Sharing BWC Recordings

1. All Department personnel shall place their BWC into the designated slot (assigned by badge number) in the ETM (docking station) prior to the end of the Department personnel's subsequent shift.
2. The BWC should not be removed from the ETM until the data has been uploaded. The camera LED will display solid green when uploading is complete.
3. Department personnel shall access their downloaded data by entering <https://gaheightspdny.evidence.com> into a computer internet browser, and/or entering their individually assigned username and password.
4. Department personnel may review their own BWC recordings to assist with quality and accuracy in their reports and for investigatory interviews. The purpose of using BWC recordings in writing reports is to maximize the accuracy of the report, not to replace the member's independent recollection and perception of an event. Officers make decisions based on the totality of the human senses. Digital evidence captured by the BWC is not all-inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific detail may be different from what is captured in digital evidence since BWC's only capture audio and video. Officers shall write their reports to what they remember and notate any discrepancies from what the recordings shows. Officers shall not write their reports based solely on what they viewed from the BWC recording.
5. Following an Officer-Involved Incident, involved officers, herein defined as both involved officers and witness officers to the incident, personnel and their representative(s) shall not view their video, or any video capturing their image of the incident on any device.
  - a. An Officer-Involved Incident includes:
    1. Officer-involved shootings
    2. In-custody deaths, and

3. Any intentional act by an officer, which proximately causes injury likely to produce death to another.
- b. The initial interview of an officer involved in an Officer-Involved Incident should occur before the officer has reviewed any audio/video recordings of the incident. Once an involved officer has provided an initial statement, he/she will have an opportunity to review any available recordings with his/her representative. The officer shall then be afforded an opportunity to provide a follow-up statement after having reviewed the recording(s). The Chief of Police or designee shall have discretion to permit officers to review video files prior to the initial interview.
  - c. Supervisors will be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by the involved officer. When the Supervisor shows any audio/video recordings to an involved officer after the initial interview, the Supervisor will admonish the involved officer about the limitations of audio/visual recordings.
  - d. The following is an example of an admonishment that would be appropriate in a case involving video evidence that is shown to the involved officer after he/she has provided an initial statement. In these situations, the showing of an BWC file to an officer will be documented in the Supervisor' s report.
  - e. In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall and may not depict all the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera 's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and recollection to ensure that your statements explain your state of mind at the time of the incident.
6. In incidents involving an officer's use of force (as defined in Use of Force policy) that does not rise to the level of an Officer Involved Incident, officers may review their video of the incident before completing his/her force investigation report. Once the officer has completed his/her use of force report he/she may also view the video with the Supervisor conducting the force investigation. Any discrepancies or additional information determined by the review of the video will be documented and explained by the Supervisor in his/her evaluation of the use of force.

7. Evidentiary copies of recordings shall be copied using evidence.com only. Evidentiary copies will be made and handled in accordance with applicable Department policy regarding evidence handling procedures.
8. Copies of recordings shall not be made for personal use without approval from the Chief of Police. Secondary recordings from evidence.com made by using devices, such as a cell phone camera or other video camera is prohibited.
9. Officers shall not allow citizens to review any recordings at the scene.
10. Other law enforcement agencies requesting to view recordings of Department personnel shall be directed to the Chief of Police for permission. If granted, the representative(s) from the other law enforcement agency will be allowed to view the recording at the Cayuga Heights PD while in the presence of designated Department personnel.
11. Viewing and downloading BWC recordings is for criminal investigation and prosecution, administrative investigations, or authorized administrative purposes only.
12. In no event shall any recording be used or reviewed for the purpose of officer ridicule or embarrassing an employee.

#### D. Management of BWC Recordings

1. Four (4) integration reports run daily (1 day, 3-day, 7 day, and 30 day). The first report is run in Spillman at 5am (30 day), then every hour through 8am (1 day). From Spillman/FLEX, the report is placed in a folder on the TRACS server, where Axon picks it up and runs the integration. After integration, the reports are emailed to Informational Technology (IT) and the System Administrator.
  - a. If the System Administrator does not receive the emails, integration did not run properly.
  - b. First check with IT to see if the issue is on our end or AXON's.
  - c. If the issue is on our end, IT will fix it or advise the System Administrator what to do.
  - d. If the issue is with AXON, you will need to email (Ed Lugo) at [elugo@axon.com](mailto:elugo@axon.com)
2. "Untagged videos" should be checked daily. From the evidence screen, search by the end date of yesterday, if it is after about 8:30am/after the 1 day integration has run. Otherwise, use 2 days prior as the end date. Under "Category", choose "Uncategorized." The RP code in the Circumstances Field in Spillman/FLEX goes in

the Category Field in Evidence.com. The Category sets the retention period for the video.

3. The ID Field is the report number; the Tag Field contains the CAD call ID number and Spillman/FLEX Observed Field' and the Category Field is the retention period.
4. The Title Field should be modified when sending it to the DA's Office. Modify the title of each video so that they can be easily identified after the DA's Office burns them to a DVD. Delete the beginning of the title up to the date, add "hrs." after the time and add last name of the owner of the video (ex. 2017-07-04 1307 hrs. Doe). Having the date appear first will keep the videos in chronological order after they are downloaded.
5. Assistance on any topic can be found under Help (Help Center and Release Notes/User Guides) or on the AXON website.

#### E. Redaction. Retention. and Release of Recordings

1. Department policies shall comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent.
2. The release of information requested through a public records request (FOIL) shall be subject to the same statutory exemptions from disclosure as any other department record.
3. Some or all a recording may be redacted pursuant to applicable laws. Redaction should be narrowly tailored to the appropriate legal exemption from disclosure,
  - a. Only the redacted recording shall be produced to the requesting party.
  - b. There may be instances where the un-redacted recording shall be provided for criminal or civil proceedings.
  - c. The System Administrator will consult with the County Attorney prior to redacting or exempting recordings from public inspection.
  - d. Redaction does not alter the original footage in the recording.
4. In the event Department personnel inadvertently records a non-recording incident identified above, the following redaction procedures may be followed.
  - a. Notify immediate supervisor (Sergeant) of unintentional recording.
  - b. Review recoding with the immediate supervisor (Sergeant) to determine if it meets the criteria detailed in Section D subsection 9 above.

- c. Recordings in question shall be electronically shared by the immediate supervisor (Sergeant) with the Chief of Police for review and approval.
  - d. If the recording contains evidentiary content, only the portion that meets Section D subsection 9 shall be redacted of audio, video, or both after approval by the Chief of Police. A detailed description stating the reason for edit shall be noted in the system for each segment of the recording that is redacted. Redactions will automatically be reflected in the audit trail.
  - e. All recordings found to be untagged, have NO evidentiary value and is confirmed to be unrelated to any incident can be deleted by a Supervisor at his or her discretion.
5. If it is determined by the Chief of Police or Sergeant the recording does not contain evidentiary content, it may be placed in the "6 Month Delete" category. A detailed description stating the reason for the category change shall be noted for each recording that is changed. Descriptions will automatically be reflected in the audit trail.
  6. The Department shall retain and preserve non-evidentiary recordings for 6 months. Deleting non evidentiary videos after 6 months does not imply that the Department personnel did not record the incident, as it is reflected in the audit trail.
  7. Any recording that is subject to an Internal Investigations, District Attorney, or Attorney General Investigation, or has the potential to be the subject of future litigation, a copy shall be retained indefinitely. At the conclusion of the investigation or litigation, the video may be removed from the server by the System Administrator.
  8. The System Administrator shall retain and preserve evidentiary recordings in accordance with state law and this policy. Video recordings from BWC's will be retained as follows.
    - a. Videos related to felonies. All footage associated with a felony shall be made part of the case investigative record, and retained in accordance with the MU-I schedule promulgated by the New York State Department of Education ("MU-I Schedule") (from 25 years to permanent, depending on the crime).
    - b. Videos related to misdemeanors. All videos associated with misdemeanor arrests, and any non-arrest footage associated with DWI stops and sobriety tests, shall be made part of the case investigative record and retained for the (5-year period) as required by the MU-I Schedule. Any other video associated with misdemeanors shall be made part of the case investigative record only if Department personnel, designated by the Chief of Police or his or her designee, deem the video sufficiently probative of the misdemeanor to merit inclusion in the investigative record.

- c. Videos related to violations and traffic infractions. Such a video shall only be made part of the case investigative record Department personnel, designated by the Chief of Police or his or her designee, deem the video sufficiently probative of the matter to merit inclusion in the investigative record. Videos made part of a case investigative record shall be retained for the (1-year period) required by the MU-I Schedule.
- d. Videos related to incidents that are NOT considered criminal in nature (IE; Property checks) will be retained for (30 days).

#### F. Duties of Personnel

- 1. Department personnel shall take these actions regarding BWC's:
  - a. Ensure that BWC's assigned to them are functioning properly at the beginning and end of each shift, according to the manufacturer instructions.
  - b. Department personnel shall report immediately any improperly functioning equipment to a supervisor.
  - c. Department personnel shall not be responsible for verified equipment failure during an incident if the BWC had no signs of functioning improperly prior to the incident.
  - d. Articulate on an BWC recording and/or in writing their reasoning for not activating their BWC before required incidents, for not recording the entire contact, or for interrupting the recording. Department personnel shall document why a recording was not made, was interrupted, or was stopped in the related report.
- 2. Proper documentation shall be made anytime the BWC captures a video statement from a suspect and/or witness. The video statement shall not take place of a written statement where applicable.
  - a. Documentation to include: All required Department reports; and CPL 710.30 form, when necessary. Failure to notify the prosecutor of the recorded interview could prevent its use in court.
  - b. Duties of Supervisors. In addition to the above responsibilities, supervisors will perform these duties:
    - 1. Ensure personnel are using the systems appropriately and in accordance with policy and identify areas in which additional training or guidance is needed.
    - 2. Review complete recordings of assigned personnel listed in any misconduct complaint made to supervisory and/or Command personnel "at the scene," or later by telephone, writing,

voice mail, or other method, which would not normally be assigned to an Internal investigation.

3. Review recordings of assigned personnel involving injuries, uses of force, shows of force, or foot pursuits.
  4. Additionally review at least two videos per month of each officer under their direct supervision. Supervisors should spend approximately 7-10 minutes reviewing each video and may advance or fast forward the video to target review of interactions that could be helpful in ongoing evaluation and supervision, as described below. Supervisors shall document the review in the notes section of the AXON program and on the Supervisor Monthly BWC Review Report (see Attachment B), including what portions of a video were reviewed. Supervisors will use any feedback obtained from these reviews for the officers in their employee work plans.
3. Supervisors shall target the following topics in the videos they review:
    - a. Constitutional policing
    - b. Officer conduct (showing respect toward and acting professionally in dealing with the public)
    - c. Domestic violence response
    - d. Tactics, including officer safety
    - e. Initial contacts with subject(s) during calls for service including the circumstances giving rise to the encounter and legal basis for the stop
  4. For encounters that end in arrest, the entire encounter from initial contact to the subject being placed in a patrol vehicle
    - a. Interaction with subject(s) during investigative detention or pat downs for weapons
    - b. Interaction and communication with subject(s) in crisis
    - c. Interaction with occupants during vehicle stops; and
    - d. Interactions with offenders and victims during the investigative phase of a call for service.
  5. In the event of an Officer-Involved Incident as defined in this Order, Supervisors will adhere to the following procedures:
    - a. As soon as the scene is rendered safe and under control, the responding Supervisor will:

1. Identify which, if any, of involved and witness members have an assigned.
2. Take possession of the BWC's as soon as possible and ensure that it is not recording. The Supervisor will maintain possession of the BWC's until directed by a higher-ranking Supervisor on scene to turn them over to a designated person.
3. Document in a supplemental report the following information
4. Identity of the member(s) from whom a BWC(s) was taken
5. Serial number(s) of the BWC(s) taken
6. Date, time, and location the supervisor took possession of the BWC(s)
7. Identity of the Ranking Command Officer who directed the Supervisor to turn over the BWC(s)
8. Person who took possession of the BWC(s) from the Supervisor, to include the date, time, and location this occurred
9. The Ranking Command Officer will ensure that a Supervisor responds to the hospital to retrieve any BWC assigned to an injured member who has been removed from the scene for medical treatment.
10. Supervisors who inadvertently discover minor, non-criminal policy violations will continue to have the discretion to resolve the violation with training or informal counseling. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to the procedures set forth in G.O. 301 Discipline.
11. Supervisors shall refer assigned personnel for investigation if they intentionally or repeatedly fail to activate their BWC's and/or obstruct the recordings of their BWC's during incidents required to be recorded. Intentional or otherwise unjustified failure to activate an BWC when required by Office policy shall subject the Office personnel to discipline.
12. Field Training Officers may use BWC files to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR). Field Training Officers and the FTO Coordinator may view BWC files to evaluate the performance on an officer in the Field Training Program.

**G. TRAINING**

- 1. Officers will not utilize the system until they have received proper training.
- 2. Training will consist of, but will not be limited to:
  - a. A review of the system, its functions, its usage and its activation and deactivation.
  - b. A review of the user manual and Department policy.
  - c. A hands-on review of the system.
  - d. The retention and storage of the video and the procedures for placing them into evidence.
  
- 3. Normal (Buffering) Mode: The BWC continuously loops video recording for up to 120 seconds (actual loop time for our office to be established as 30 seconds). Records video only (no audio) while buffering.
  
- 4. Event Mode: In the Event Mode, the BWC saves the buffered video and continues recording audio and video for up to eight (8) hours. Continuously pressing the Event button turns the recordings off and on and places markers on the media segment for later viewing in Evidence.com.
  
- 5. Program Review
  - a. BWC recordings may routinely and randomly be reviewed by the Chief of Police or his designee to monitor officer performance and conformance to policy.
  
  - b. The Chief of Police or his designee shall document any remedial training or other corrective actions regarding the improper use of the BWC equipment.

**H. ATTACHMENTS**

- 1. Closing a Spillman/FLEX Call with BWC's (RP Codes)
- 2. Supervisor Monthly BWC Review Report

**Supervisor Monthly OBRD Review Report**

Section One:

Supervisor Reviewing: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Officer Being Reviewed: \_\_\_\_\_ C&R#: \_\_\_\_\_  
 Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Portion of Video Reviewed:

Topics in Video Being Reviewed: (check all that apply):

- Constitutional Policing                       Office Conduct (professionalism with the public)
- Domestic violence response                       Tactics, including officer safety
- Interaction with subject(s) in crisis                       Interaction during vehicle stop
- Circumstances giving rise to encounter and legal basis for stop

- Encounters that end in arrest (from initial contact to the subject being placed in patrol vehicle)
- Interaction with subject(s) during investigative detention or pat downs for weapons
- Interactions with offenders and victims during the investigative phase of call for service

Section Two:

1. Policy violation Identified?  Yes  No
2. Need for Policy Modification Identified?  Yes  No
3. Training Issue Identified?  Yes  No
4. Request to Utilize OBRD file as a training tool?  Yes  No

Feedback/Employee Work Plan:

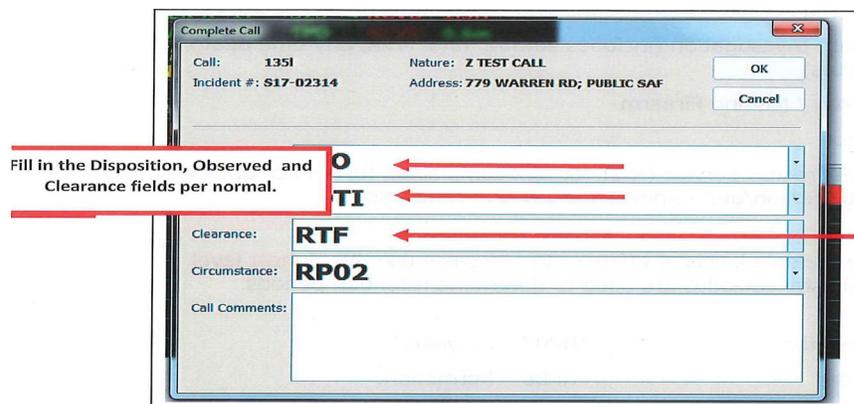
Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

*It is not the intent of the Office to review OBRD files to proactively discover policy violations. Supervisors who inadvertently discover minor, non-criminal policy violations will continue to have discretion to resolve the violation with training or informal counseling. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to the policies set forth in the General Orders. An OBRD file may be utilized as a training tool for individuals, specific units, and the Office as a whole with the involved officer(s)' permission. Office members recommending utilization of a body-worn camera file for training purposes will submit the recommendation through the chain of command.*

I give my permission to the Cayuga Heights Police Department to utilize the OBRD file as a training tool.

Signature of Officer(s) Involved: \_\_\_\_\_

Closing a Spillman call with Body Cameras:



Filling in the Circumstances field in Spillman is MANDATORY,

**The first code for the field has to be one of the following eleven choices:**

RPOI - Non-Arrest Violation / Warning (warning issued for V&T, noise, etc., tag & tows, any violation level, or less, without a ticket issued) RP02 - Violation (any tickets issued for violations, including UTT's)

RP03- Misdemeanor / DIR (any misdemeanor level offense, regardless of whether an arrest was made, so even if there is no arrest that is going to be made; also any time that a DIR is filed, unless the offense is higher)

RP04 - Non-Arrest DWI SFST (if you pull someone over and run them through SFSTs, but do not make an arrest, ALSO for DWAI violations)

RP05 - MVA Non-Fatal

RP06 - DWI — Misdemeanor

RP07 - Felony (all felony offenses (including DWI), except for the next four codes)

RP08 - Missing Person (when the missing person returns home, use RPOI)

RP09 Death Investigation (includes suicide, fatal MVA, any time death occurs)

RPIO - Stolen / Missing Firearm

RPII - Arson

RP12 - Civil Process Service (NOT for civil complaints, for service of OOP's with person/gun removal and eviction removals)

**If you have multiple levels of offenses in one case, use the highest level. These Circumstance codes are used to determine retention periods.**

RPOI - 6 months RP07 - 25 years

RP02 - 1 year RP08 — Permanent RP03 - 5 years RP09 — Permanent

RP04 - 5 years RPIO — Permanent

RP05 - 10 years RPII — permanent RP06 10 years RP12 - 2 years

# **EXHIBIT 2021-051**

Village of Cayuga Heights

Mike Wiese – B.O.T Report

Feb 17<sup>th</sup>, 2020

## **COVID-19 –**

Every individual working for the DPW has been given a mask. The DPW facility is disinfected daily and the trucks are disinfected nightly. Precautions are being taken to maintain the six-foot distancing when possible.

## **DPW Site Improvement –**

The work for this storm water improvement continues. We anticipate having this work completed by May of 2021.

## **Snow -**

The crew worked a total of 143.5 hours of overtime during the month of December. The bulk of this overtime was due to the storm on 12/16 and 12/17 which required a crew to be here throughout the night.

The county attempted to submit for reimbursement through FEMA however the area did not meet the required financial threshold to open a claim.

## EXHIBIT 2021-052

### A Resolution in support of expanded local discretion in the fight against COVID-19

#### RESOLUTION

**Whereas**, the novel coronavirus (COVID-19) constitutes arguably the most serious health threat facing the United States in the past century, the pandemic having afflicted more than 26 million persons in our nation and costing up to 450,000 lives, including nearly 45,000 fatalities within New York State, at least 25 of whom resided within Tompkins County; and

**Whereas**, federal, New York State and local authorities agree that widespread public vaccination, particularly of the elderly and other vulnerable populations, serves as the most effective long-term measure to combat this disease; and

**Whereas**, Tompkins County, in cooperation with its hospital and local health agencies and providers, has responded by constructing and staffing a modern, efficient, and highly effective Point of Distribution for COVID-19 vaccinations, a facility that has received statewide and national recognition, and whose personnel stand ready to vaccinate as many persons as State-supplied vaccine allocations permit; and

**Whereas**, New York State authorities have in recent weeks severely curtailed vaccine allocations to this facility, preferring to divert large quantities of vaccine to State-run facilities far removed from our community, and also to rely exclusively upon pharmacy distribution to provide vaccine to elderly populations, a system that has proven to be haphazard, uncoordinated and unreliable, and has frustrated many senior citizens to the point of despair; and

**Whereas**, Tompkins County officials, have repeatedly expressed concern about the State's denial of adequate vaccine to this community and most immediately about the State's explicit prohibition against use of Health Department vaccine allocations to inoculate persons over age 65; and

**Whereas**, those local officials have also objected to the State's categorical prohibition against local initiation and establishment of any waiting list or lists of prospective vaccine recipients, or of those local staff's facilitating appointments for said vaccinations unless and until the State determines local vaccine supplies are adequate to schedule appointments; and

**Whereas**, senior citizens and their advocates within the Village of Cayuga Heights and elsewhere locally have voiced to members of this Board and to other Boards their immediate desire for advance registration opportunities for vaccination, and also their need for an easily-accessible, human-staffed, telephone-based local registration system, one designed to best suit the knowledge and abilities of the elderly and of those with limited computer skills; and

**Whereas**, the chaotic, overly-complex, and State-micromanaged vaccine distribution system has led one local municipal official to declare that seniors in search of vaccination feel "hopeless and abandoned," and has also prompted a recognized local leader of this Village to assert that our "elected officials are failing our elderly residents," sentiments shared by members of this Board;

**Therefore be it Resolved**, that the Village of Cayuga Heights Board of Trustees strongly urges and recommends that New York State authorities, including its Governor and its State Health Commissioner, delegate expanded discretion in the fight against COVID-19 to local community officials and assign increased priority to locally-managed distribution plans for the coronavirus vaccine, including but not limited to utilization locally of the Tompkins County Health Department's coordinated vaccine distribution system; and be it further

**Resolved**, that the Village of Cayuga Heights Board of Trustees recommends that New York State authorities immediately and significantly relax their overly-rigid and unnecessarily-centralized control of coronavirus vaccine

distribution so as to permit local Health Departments, including the Tompkins County Health Department, to prioritize vaccinations based on local conditions and needs within the broad categories otherwise defined by applicable State and Federal government regulations; and be it further

**Resolved**, that the Village of Cayuga Heights Board of Trustees recommends New York State authorities permit local communities to establish telephone-based and actively-staffed vaccine registration hotlines, and that those services be authorized to compile waiting lists of eligible vaccine recipients; that said services permit local officials to exercise sufficient flexibility and discretion and to design systems in a user-friendly format that senior citizens and other vulnerable populations can most effectively utilize; and that local officials, indeed, establish such services; and be it further

**Resolved**, that a copy of this Resolution shall be shared with the following State and Tompkins County officials: The Hon. Andrew M. Cuomo, New York Governor; Dr. Howard A. Zucker, M.D., New York State Commissioner of Health; the Hon. Thomas F. O'Mara, New York State Senator; Dr. Anna R. Kelles, New York State Assemblymember; the Hon. Leslyn McBean-Clairborne, Chair, Tompkins County Legislature; Jason Molino, Tompkins County Administrator; Frank Kruppa, Tompkins County Public Health Commissioner; and the Secretary of the Tompkins County Council of Governments.