

VILLAGE OF  
MILLBROOK  
BOARD OF TRUSTEES  
ANNUAL REORGANIZATION MEETING MINUTES  
January 3, 2017

Roll Call: Mayor Brown, Trustee Herzog, Deputy Mayor Rochfort, Trustee Hicks and Village Clerk Witt were in attendance. Trustee Spagnola was absent.

1. Mayor Brown called the meeting to order at 6:00 PM and made a motion to enter into executive session seconded by Trustee Rochfort, all were in favor. The Board then briefly discussed having executive session upstairs or downstairs and whether they should do the pledge at that time or when they reconvened.

The Board of Trustees entered into executive session at 6:02 PM to discuss personnel matters. Deputy Mayor Rochfort made a motion to designate Clerk Witt as Treasurer, seconded by Mayor Brown, all were in favor.

Deputy Mayor Rochfort made a motion to make Mayor Brown an interim full-time mayor until May 31<sup>st</sup>, 2017, the Mayor will get a salaried pay during that time of \$2500/month to assist in training the treasurer and deputy clerk, seconded by Trustee Herzog, all were in favor.

Deputy Mayor Rochfort made a motion to approve placing an advertisement in the paper and other website media for a bookkeeper/ deputy treasurer, seconded by Trustee Herzog, all were in favor.

Trustee Herzog made a motion to exit out of executive session at 6:32 PM, seconded by Deputy Mayor Rochfort, all were in favor.

2. Mayor Brown reconvened the Reorganization meeting at 6:42 PM and led the Pledge of Allegiance.
3. Clerk Witt then gave Mayor Brown, Deputy Mayor Rochfort, Trustee Herzog and Trustee Hicks their ceremonial Oath's of Office.  
Mayor Brown then gave Clerk Witt her Oath of Office as Treasurer.

4. Appointments:

Snow Removal/Hwy Services  
Official Newspaper

Town of Washington  
Poughkeepsie Journal

5. Official Depository: Bank of Millbrook

#### RESOLUTION

WHEREAS The Board of Trustees has determined that Village Law 4-412(3) (2) requires the designation of banks or trust companies for the deposit of village monies;

#### NOW THEREFORE BE IT RESOLVED:

That the board of trustees designates the Bank of Millbrook as the depository of all moneys received by the village treasurer, clerk, and receiver of taxes. This resolution is effective immediately.

Mayor Brown made a motion to accept this Resolution, seconded by Trustee Hicks and all were in favor.

6. Code of Ethics:

Conflict of Interest Forms are to be filled out annually by all members of the Board. No changes were made.

7. Official Undertaking: Mayor Brown read from the attached Blanket Undertaking Document, no changes were made.

8. Mayor Brown read from the following:  
Designation of Meetings:

The Board of Trustees shall meet the second and fourth Tuesday of each month, 6:30 PM, at Village Hall.

Special Meetings may be called by the Mayor or two trustees acting together. Notification to board members should be given through personal contact by the village clerk to ensure adequate notification is provided.

For meetings scheduled with less than one week advance notice, the village clerk must notify the news media to the extent practicable; preferably by fax transmission to the Poughkeepsie Journal and Millerton News. Notice shall also be posted at Village Hall, Town of Washington Town Hall and Millbrook Post Office.

For special meetings with more than one week notice the news media must be contacted as above with at least 72 hours notice and notices shall be posted at the above listed locations with at least 72 hours notice.

Meetings may be cancelled by the mayor following the notification procedures listed above. Persons scheduled to be on the agenda of a cancelled meeting shall also be notified to the extent practicable by the village clerk.

9. Mayor Brown read from the following:  
Rules of Procedure

The Mayor presides at all Board of Trustees meetings. In the Mayor's absence, the Deputy Mayor presides. In their absence, the Trustee with the most years of service will preside.

The first meeting of month is designated as the "Business Meeting" and will include departmental reports.

Minutes will be taken by the village clerk. They must include attendance, a record of communication presented to the board for consideration, all reports presented, and the outcome of voting. Minutes must also contain time of adjournment and the signature of the clerk.

Each member of the Board of Trustees has one vote. The mayor may vote on any item, but must vote in the case of a tie. A vote taken upon any question will be taken by "yea" or "aye" and "nay".

The agenda will be prepared by the mayor and trustees may add agenda items before or during the course of a meeting. The agenda will be prepared no later than by the Friday before the meeting and will be posted on the website that Friday.

Motions may be made by any member of the board and require a second in order to be considered for a vote.

Public participation will be allowed at the second meeting of the month as an agenda item as well as at the mayor's discretion. Speakers must be recognized by the presiding officer and must observe the commonly accepted rules of courtesy, decorum, dignity, and good taste.

Public participants attending the 1<sup>st</sup> meeting of month will be allowed to put items on the agenda of the 2<sup>nd</sup> meeting of the month.

The rules of procedure may be reviewed and amended as needed throughout the course of the year. Amendments require a majority vote of the Board.

#### 10. Advance Notice of Claims

##### RESOLUTION

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit claims for public utility services, postage, freight and express charges

WHEREAS all such claims shall be presented at the next regular meeting for audit, and

WHEREAS the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount the board of trustees disallows

##### NOW THEREFORE BE IT RESOLVED:

That the Board of Trustees authorizes payment in advance of audit of claims for public utilities, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees. This resolution shall take place immediately.

Mayor Brown made a motion to accept this Resolution, seconded by Trustee Hicks and all were in favor.

11. All vendors must receive authority from the Mayor or Deputy Mayor if any work performed on behalf of the Village will result in additional labor charges. In addition invoices for chemicals and materials purchased on behalf of the municipality must include the original invoices and item pricing.

#### 12. Mileage Allowance

WHEREAS the board of trustees has determined to pay a fixed rate for mileage as reimbursement to village officers and employees who use their personal vehicles while performing their official duties;

##### NOW THEREFORE BE IT RESOLVED:

That the board of trustees will approve reimbursements to such officers and employees at the rate of \$.50 per mile. This resolution shall take place immediately.

Mayor Brown made a motion to accept this Resolution, seconded by Trustee Hicks and all were in favor.

#### 13. Attendance at School and Conferences

Attendance by any trustee or village official at annual training and conferences must be approved in advance by the board of trustees on an individual basis with as much notice for consideration as possible.

Mayor Brown explained to the Board the importance of training/classes and encourages any Board member and staff to attend training/classes whenever possible.

14. Procurement Policy: Mayor Brown read from the attached Procurement Policy, no changes were made.
15. Investment Policy: No changes were made.
16. Employee Hand Book  
Includes Telephone/Cell Phone Use , Social Media Policy and Email Policy.  
Mayor Brown asked Trustee Herzog to look into replacing the current Debit Card Policy with a Credit Card Policy to be approved at next meeting
17. Violence in the Workplace Policy: to be completed annually by all staff and Board members.
18. Data Processing Backup Policy: Mayor Brown will be revisiting the County being the Village's offsite data backup holder, in the event the in-house sever is destroyed. He is also implementing portable storage devices that will have been backed-up from the server that a staff member of the office can take offsite weekly, in the event the in-house server is destroyed.
19. Breach Notification Policy: No changes were made.
20. Technology Security Plan and Disaster Recovery Policy: Mayor Brown stated the same options will be implemented to this plan as is with the Data Processing Backup Policy.
21. Emergency Plan: Trustee Herzog updates contact and equipment lists annually to the Emergency Plan.
22. Mayor Brown asked the Board and public if there were any questions, there were none. Mayor Brown then adjourned the meeting at 7:20 PM, seconded by Trustee Herzog, all were in favor.

Respectfully Submitted,



Sarah J. Witt  
Village Clerk/ Treasurer

VILLAGE OF  
MILLBROOK  
BOARD OF TRUSTEES  
ANNUAL REORGANIZATION MEETING  
January 3, 2017

1. Pledge of Allegiance/Call Meeting to Order
2. Executive Session – Personnel Matters
3. Swear in Mayor Rodney Brown
4. Swear in Trustees Mike Herzog, Brian Hicks, Joe Rochfort
5. Appointments  
    Snow Removal/Hwy Services Town of Washington  
    Official Newspaper Poughkeepsie Journal
6. Official Depository Bank of Millbrook

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7. Code of Ethics  
    Conflict of Interest Forms
8. Official Undertaking
9. Designation of Meetings

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15. Procurement Policy

16. Investment Policy

17. Employee Hand Book

Includes Telephone/Cell Phone Use , Social Media Policy, Email Policy

Replacing Debit Card Policy with Credit Card Policy to be approved at next meeting

18. Violence in the Workplace Policy

19. Data Processing Backup Policy – being reviewed for offsite storage of full backups – weekly.

20. Breach Notification Policy

21. Technology Security Plan and Disaster Recovery Policy

22. Emergency Plan

23. Adjourn

**Village of Millbrook**  
**Conflict of Interest Certification**

Name of Official \_\_\_\_\_

Position \_\_\_\_\_

**Pursuant to Chapter 15 of the Village of Millbrook Code titled ETHICS:**

I certify that I have received and reviewed said Code of Ethics as provided and hereby certify that I do not have a conflict of interest requiring disclosure.

\_\_\_\_\_  
Signed/Dated

OR

I certify that I have received and reviewed said Code of Ethics as provided and I hereby certify that I have an interest which must be disclosed, the nature of which is described below. This disclosure is to be made part of the public record.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signed/Dated



## APPROVAL OF OFFICIAL BLANKET UNDERTAKING

WHEREAS, Public Officer Law § 11(2) provides that in lieu of any individual undertaking, as required by law, the Village Board may approve the procurement of a blanket undertaking from any duly authorized corporate surety covering the officers, clerks and employees of the Village in order to indemnify the Village against losses caused by the failure of the officers or employees to faithfully perform their duties by their fraudulent or dishonest acts., and

WHEREAS, such blanket undertaking must be approved as to form, manner of execution and sufficiency of surety, by the Village Board and filed in the same manner as individual undertakings, and

WHEREAS, the Village Board of the Village of Millbrook has determined it is more beneficial and economical to provide the undertakings by a blanketed bond;

It Is, Therefore, Resolved, that all officers and/or employees of the Village of Millbrook will be bonded by a blanket bond in the amount of \$500,000 except that the following position will carry an additional surety bond in the amount of \$100,000: Receiver of Taxes.

Upon execution of the blanket undertaking, said undertaking shall immediately be filed in the Office of the Village Clerk of the Village of Millbrook, New York.

## **Chapter 37. PROCUREMENT POLICY**

### **§ 37-1. Adoption: applicability.**

The Village of Millbrook does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

### **§ 37-2. Determination of purchase.**

Every purchase made will be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

### **§ 37-3. Purchases not subject to competitive bidding.**

The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law:

- A.** Purchase contracts under \$20,000 and public works contracts under \$35,000.
- B.** Emergency purchases.
- C.** Goods purchased from correctional institutions.
- D.** Purchases under state and county contracts.
- E.** Surplus and secondhand purchases from another governmental entity.

### **§ 37-4. Documentation of decision regarding bidding.**

The decision that a purchase is not subject to competitive bidding will be documented, in writing, by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

**§ 37-5 Methods of purchase.**

**A.** The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<b>Estimated Amount of Purchase Contract</b>	<b>Method</b>
\$500- \$4,999	2 verbal quotations
\$5,000 to \$9,999	2 written/FAX quotations
\$10,000 to \$20,000	3 written/FAX quotations or written request for proposals

<b>Estimated Amount of Public Works Contract</b>	<b>Method</b>
\$500 to \$4,999	2 verbal quotations
\$5,000 to \$14,999	2 written/FAX quotations
\$15,000 to \$34,999	3 written/FAX quotations or written request for proposals

**B.** A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

**§ 37-6. Documentation required.**

**A.** Documentation is required of each action taken in connection with each procurement.

**B.** Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

**§ 37-7. Alternative proposals not required.**

Pursuant to General Municipal Law § 104-b, Subdivision 2f, a procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Millbrook to solicit quotations or document the basis for not accepting the lowest bid:

**A. Professional services or services requiring special or technical skill, training or expertise.**

**(1)** The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Board of Trustees shall take into consideration the following guidelines:

**(a)** Whether the services are subject to state licensing or testing requirements.

**(b)** Whether substantial formal education or training is a necessary prerequisite to the performance of the services.

**(c)** Whether the services require a personal relationship between the individual and municipal officials.

**(2)** Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.

**B.** Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This subsection does not preclude alternate proposals, if time permits.

**C.** Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the village is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.

**D.** Goods or services under \$1,500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition it is not likely that such small contracts would be awarded based on favoritism.

**§ 37-8. Effective date; annual review.**

This policy shall go into effect January 11, 2016 and will be reviewed annually.

## VILLAGE OF MILLBROOK INVESTMENT POLICY

### § 24-1. Objectives.

The objectives of the Investment Policy of the Village of Millbrook are to minimize risk, to ensure that investments mature when the cash is required to finance operations and to ensure a competitive rate of return.

### § 24-2. Authorized investments.

A. In accordance with this policy, the chief fiscal officer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

- (1) Certificates of deposit issued by a bank or trust company authorized to do business in New York State.
- (2) Time deposit accounts (including savings, money market, day of deposit/day of withdrawal) in a bank or trust company authorized to do business in New York State.
- (3) Obligations of New York State.
- (4) Obligations of the United States Government.

B. All other local government officials receiving money in their official capacity must deposit such funds in negotiable order of withdrawal accounts.

### § 24-3. Conditions on investments.

All investments made pursuant to this investment policy shall comply with the following conditions:

- A. Collateral. Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies, the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the local government or a custodial bank with which the local government has entered into a custodial agreement. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Collateral shall be monitored no less frequently than monthly, and market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service.

**B.** Delivery of securities. Payment shall be made by or on behalf of the local government for obligations of New York State, obligations the principal and interest of which are guaranteed by the United States, United States obligations, certificates of deposit and other purchased securities upon the delivery thereof to the custodial bank or, in the case of a book-entry transaction, when the purchased securities are credited to the Custodial Bank's Federal Reserve System account. All transactions shall be confirmed in writing.

**C.** Written contracts.

**(1)** Written contracts are required for repurchase agreements, certificates of deposit and custodial undertakings. With respect to the purchase of obligations of the United States, New York State or other governmental entities, etc., in which moneys may be invested, the interests of the local government will be adequately protected by conditioning payment on the physical delivery of purchased securities to the local government or custodian or, in the case of book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed in writing to the local government.

**(2)** It is, therefore, the policy of the local government to require written contracts as follows:

**(a)** Written contracts shall be required for all repurchase agreements. Only credit-worthy banks and primary reporting dealers shall be qualified to enter into a repurchase agreement with the local government. The written contract shall provide that only obligations of the United States may be purchased, and the local government shall make payment upon delivery of the securities or appropriate book-entry of the purchased securities. No specific repurchase agreement shall be entered into unless a master repurchase agreement has been executed between the local government and the trading partners. While the term of the master repurchase agreement may be for a reasonable length of time, a specific repurchase agreement shall not exceed 30 days.

**(b)** Written contracts shall be required for the purchase of all certificates of deposit.

**(c)** A written contract shall be required with the Custodial Bank.

**D.** Financial strength of institutions.

**(1)** All trading partners must be credit-worthy. Their financial statements must be reviewed at least annually by the chief fiscal officer to determine satisfactory financial strength, or the chief fiscal officer may use credit rating agencies to determine credit-worthiness of trading partners. Concentration of investments in financial institutions should be avoided.

**(2)** Investments in time deposits and certificates of deposit are to be made with banks or trust companies. Their annual reports must be reviewed by the chief fiscal officer to determine satisfactory financial strength.

**(3)** When purchasing eligible securities, the seller shall be required to deliver the securities to our custodial bank.

E. Operations, audit and reporting.

- (1) The chief fiscal officer or the deputy chief fiscal officer shall authorize the purchase and sale of all securities and execute contracts for repurchase agreements and certificates of deposit on behalf of the local government. Oral directions concerning the purchase or sale of securities shall be confirmed in writing. The local government shall pay for purchased securities upon the delivery or book-entry thereof.
- (2) At the time independent auditors conduct the annual audit of the accounts and financial affairs of the local government, the independent auditors shall audit the investments of the local government for compliance with these provisions.
- (3) Within 120 days of the end of the fiscal year, the chief fiscal officer shall prepare and submit to the Audit and Finance Committee an annual investment report, recommendations for change in these investment guidelines, the results of the annual independent audit, the investment income record, a list of total fees, commissions or other charges, if any, paid to the custodial bank and such other matters as the chief fiscal officer deems appropriate.

**§ 24-4. Review and approval of annual report.**

The Board of the local government shall review and approve the annual investment report, if practicable, at its June meeting.

**§ 24-5. Annual review of guidelines.**

At least annually, and if practicable, at the January meeting of the Governing Board, the members shall review and amend, if necessary these Investment Guidelines.

**§ 24-6. When effective.**

The provisions of these investment guidelines and any amendments hereto shall take effect prospectively, and shall not invalidate the prior selection of any custodial bank or prior investment.

# Village of Millbrook

## Computer Back Up Policy

### Introduction

The Village Clerk is responsible under the guidance of the N.Y.S. Archives Department for ensuring that all personal and identifiable data is recoverable in the event of accident loss or damage or technical obsolescence – the rapid advancement of computer technology that can render records inaccessible due to lack of planning.

Electronic records are to have a filing system that mirrors the Village's paper files. A series of electronic folders and subfolders will be created on the server, arranged hierarchically from the general to the specific in a series of directories. For easy retrieval, develop naming conventions that are logical, consistent, and allow sensible sorting. For example, create Village Board of Trustees minutes electronically, use the name of the records series followed by the month, day and year, indicated numerically so that the files sort in chronological sequence: "Minutes 1-1-2013".

The policy was last reviewed on January 14, 2014 and will be reviewed annually at the Re-Organizational Meeting by the Board of Trustees.

### Frequency and Timing of Backups

A full back up of Village data is taken every day including:

- All records and KVS, Email, software
- All files held on the server area of the network

The backup is scheduled to run automatically at a designated time daily.

The following should also be backed up where these are held on laptops and desktop computers. However, a separate backup routine may be required which should also be detailed in this policy.

- Calendar, appointments
  - Files held elsewhere on the network
  - Other relevant software
-



## **Storage of Backup Tapes**

The backup tapes when removed from the server are stored securely in a locked fire-proof media safe in the Village Hall.

## **Management of Tapes**

Tapes are clearly labeled with a day of the week and used in strict rotation to ensure even wear and immediate identification of any problems with a specific tape.

All data is backed up to tape on a daily basis overnight Monday to Friday. A cycle of one week tapes are used in rotation. Tapes are labeled by month and year to show age and are replaced according to the manufacturer's recommendations. Tapes should be replaced every 2 years.

## **Security**

In addition to fire, flood, and vandalism, computer users must contend with viruses, hackers and hard drive crashes. The physical security of computers will be increased by locking doors and installing fire detection systems. In addition, the Village must implement and update virus protection software and firewalls, and use a system of passwords to protect the Village's information. Additionally the Village contracts with Crash Plan Pro (a pre-approved Dept. of Education Records Management Vendor) for the storage of computer backup data. Daily reports are submitted and logged.

**VILLAGE OF MILLBROOK  
CITIZEN CYBER SECURITY POLICY  
(BREACH POLICY)**

For purposes of this Citizen Cyber Security Policy, the terms "personal information" and "private information" shall have the meanings prescribed by sections 202 and 208 of the State Technology Law. New York State *values* the protection of private information of individuals. This Policy requires notification to impacted New York residents and non-residents of the individual's private information in compliance with the Information Breach and Notification Act and this Policy.

The Village of Millbrook (village) is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Notification Breach Policy.

The Village, after consulting with its Information Technology Vendor to determine the scope of the breach, and restoration measures, shall notify an individual when it has been determined that there has been a breach of data. A compromise of private information shall mean the unauthorized acquisition of unencrypted electronic *data* with private information.

Such notice shall be directly given to affected persons by one of the following methods:

1. written notice;
2. electronic notice, provided that the person to whom notice is required has expressly consented to receiving such electronic notification.
3. telephone notification provided that a log of each such notification is kept by the *Village*.

The Village shall provide notification to the Attorney General and the Consumer Protection Board., via official incident reporting forms.

Adopted January 14, 2014