

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**315 Main Street, Port Washington, New York**  
**July 7, 2016**  
**7:30PM**

**Meeting Minutes**

**Present:** Mayor Nora Haagenon  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Alice M. Peckelis  
Trustee Christopher A. Ficalora  
Village Clerk-Treasurer Chrissy Kiernan  
Village Attorney Chris Prior

**Also present:** Brian Reardon and Stephen Romano (Port Washington Times)

**Mayor Haagenon opened the meeting at approximately 7:30PM with the Pledge of Allegiance and a verification of a quorum.**

**1. Approval of Meeting Minutes**

On motion of Deputy Mayor Comer, seconded by Trustee Peckelis it was unanimously RESOLVED that the reading of the minutes of the June 2, 2016 Meeting of the Board of Trustees be waived and they be and hereby are approved as presented by Clerk-Treasurer Kiernan, attached hereto as Exhibit A.

**2. Reardon, 7 Sandy Hollow Lane, Tree Removal Permit Application Denial Appeal**

Brian Reardon of 7 Sandy Hollow Road appealed a tree removal permit application denial. Deputy Mayor Comer read the Tree Inspection Report provided by Deputy Tree Commissioner Joshua Speisman. Mr. Reardon provided photographs of the tree and noted that the roots had been damaged due to construction work.

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED, that the tree designated on the tree removal permit application by Brian Reardon, as owner of 7 Sandy Hollow Road, attached hereto as Exhibit B, may be removed.

**3. Ilardo, 22 Hilltop Road, Tree Removal Permit Application**

Deputy Mayor Comer read the Tree Inspection Report provided by Tree Commissioner Lance Wagner, which indicated that the tree is 50% dead.

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED, that the tree designated on the tree removal permit application by Dolores Ilardo as owner of 22 Hilltop Road, attached hereto as Exhibit C, may be removed.

**4. Appointment of Tree Commissioner Lance Wagner**

Mayor Haagenon made the following appointment subject to the approval of the Board of Trustees: Lance Wagner, Tree Commissioner, 1 year term to expire April 2017.

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin it was unanimously RESOLVED that the aforesaid appointment made by Mayor Haagenon be hereby approved.

## **5. Retaining Wall at the end of High Street**

Trustee Ficalora reported that the retaining wall at the end of High Street adjacent to Baxter Pond Park has begun to collapse and is in need of repair. The Board of Trustees directed Clerk-Treasurer Kiernan to contact Nassau County to inquire as to whether said retaining wall lies on Nassau County property. Village Attorney Prior advised the village to contact the Nassau County Department of Public Works, Nassau County Parks Department and Nassau County Legislator Delia Derrigi-Whitton to notify them of the dangerous situation. Trustee Baldwin emphasized the importance of safety regarding this matter.

## **6. Road Condition Survey Proposals**

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was RESOLVED to authorize the Mayor to approve an expenditure not to exceed \$2,400 for a Condition Assessment and Pavement Management Proposal by Sidney B. Bowne & Son LLP.

## **7. Cyber Security Policy & Notification Letter**

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously resolved to adopt the Cyber Security Policy and Notification Letter, attached hereto, as Exhibit D.

Clerk-Treasurer Kiernan was asked by the Board of Trustees to obtain a cost estimate for a cyber security audit.

## **8. August Board of Trustee Meeting**

The Board of Trustees has determined that its August 4th, 2016 Board of Trustees Meeting Agenda will be limited to the financial report and approval of the vouchers, the next Board of Trustees meeting will take place on September 1st, 2016, at 7:30pm.

## **9. Approval of Voucher Claims**

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Audited Vouchers dated July 7, 2016 for the General Fund totaling \$214,621.71 be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

## **10. Financial Report & Audit**

Clerk-Treasurer Kiernan provided the Board of Trustees with a Financial Report & Audit.

## **11. Public Works & Public Safety Report Prepared by Clerk-Treasurer Kiernan**

Public Works Report: Prepared by Clerk-Treasurer Kiernan

1. PW Water Pollution Control District- Nothing to report.
2. Meadow Carting- Garbage- Nothing to report.
3. Trees-Frank Hefferin- Nothing to report.
4. Landscaping- Nothing to report.
5. Public Works- Miscellaneous
6. Catch Basin/Road/Curb Projects - We are gathering estimates for Shore Road curb and sidewalk repair as well as road repair.
7. Solid Waste Management- NH Recycling Center on West Shore Road-Nothing to report.
8. Albertson Electric- Lighting Poles- Nothing to report.
9. Signs- "No Trespassing Between Sunset and Sunrise" signage was ordered for the parkland adjacent to Chase Bank.

Public Safety Report

1. Police - No report provided.
2. Fire Department - No report provided.

Utility Report

1. PSEG Long Island- Nothing to report.

2. National Grid- Nothing to report.

**12. Village Roads and Curbs**

The Board of Trustees is pursuing cost estimates for road and curb repair on Harborview Road and in front of 4 Sandy Hollow Lane.

**13. Street Lighting in front of #2 Sandy Hollow Lane**

After receiving a complaint regarding the street light in front of #2 Sandy Hollow Lane, the Board of Trustees directed Clerk-Treasurer Kiernan to contact the village's street lighting maintenance contractor, Albertson Electric, and notify them to restore the bulb, photocell, ballast and lens cover to the same standard as the rest of the village in front of #2 Sandy Hollow Lane.

The Board of Trustee is also reviewing the village street lighting policy.

**14. Parking on the bottom of Hilltop Road near the corner of Overlook Drive**

The Board of Trustees received a complaint regarding a large number of vehicles parked at the bottom of Hilltop Road during the day and are exploring ways to ensure that vehicle owners are adhering to village parking rules and regulations.

**15. Code Enforcement Official**

On motion of Trustee Baldwin seconded by Deputy Mayor Comer, it was RESOLVED to retain Joshua Speisman at an hourly rate of \$40 per hour as an Assistant to the Building Inspector conditioned upon his applying for and obtaining within the requisite time period his New York State certification as a Certified Enforcement Official.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin	Aye	
Trustee Peckelis	Aye	
Trustee Ficalora		Not present

**16. Street Light In Front of #7 Harborview**

On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was RESOLVED to approve the estimate from Albertson Electric in an amount not to exceed \$2,890.00 for the repair of the street light at #7 Harborview Road.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin	Aye	
Trustee Peckelis	Aye	
Trustee Ficalora		Not present

**Executive Session 9:20PM**

On motion of Trustee Baldwin seconded by Deputy Mayor Comer, it was RESOLVED to enter into Executive Session to consider personnel matters.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin	Aye	
Trustee Peckelis	Aye	
Trustee Ficalora		Not present

At 9:50PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

There being no further business before the Board, on motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED that the meeting be and hereby is adjourned at 9:55PM.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin	Aye	
Trustee Peckelis	Aye	
Trustee Ficalora		Not present

  
Chrissy Kiernan, Village Clerk-Treasurer  
Clerk to the Board

# Exhibit A

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**315 Main Street, Port Washington, New York**  
**June 2, 2016**  
**7:30PM**

**Meeting Minutes**

**Present:** Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Alice M. Peckelis  
Trustee Christopher A. Ficalora  
Village Clerk-Treasurer Chrissy Kiernan  
Village Attorney Chris Prior

**Also present:** Simon Tong and Sarah Minkiewicz (Port Washington Times)

**Mayor Haagenson opened the meeting at approximately 7:30PM with the Pledge of Allegiance and a verification of a quorum.**

**1. Village Justice Court**

Mayor Haagenson reported that the TV Evidence Monitor for Village Justice Court has been installed and that other updates to Village Court will be made this summer.

**2. Approval of Meeting Minutes**

On motion of Deputy Mayor Comer, seconded by Trustee Peckelis it was unanimously RESOLVED that the reading of the minutes of the May 5, 2016 Meeting of the Board of Trustees be waived and they be and hereby are approved as amended and presented by Clerk-Treasurer Kiernan, attached hereto as Exhibit A, as corrected.

**3. Simon Tong, 50 Sandy Hollow Road, Tree Removal Permit Application Denial Appeal**

Simon Tong of 50 Sandy Hollow Road appealed a tree removal permit application denial. After discussion at the May 5, 2016 Board of Trustees Meeting, the resolution on this matter was tabled for the June board meeting so that the Board Members could have time to visit the property and re-examine the tree.

Deputy Mayor Comer noted that the tree is large, provides shade and should it be removed, will open the canopy, but that neighboring homes should not be affected by it. Trustee Peckelis stated that roots growing in close proximity of the house foundation are problematic for the homeowner.

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was unanimously RESOLVED, that the tree designated on the tree removal permit application by Simon Tong as owner of 50 Sandy Hollow Road, attached hereto as Exhibit B, may be removed conditioned upon replacement with one tree, of species and placement acceptable to the Building Inspector, of a height eight to ten feet above grade when planted and planted no later than October 31<sup>st</sup>, 2016, with the costs thereof to be borne by the applicant, and the work to be performed by a properly insured contractor, and inspected and approved by the Building Inspector upon planting.

**4. Resolution to dispose of furniture, computers, and hard-drives**

Mayor Haagenson reported that new furniture secured through a Village Justice Court Grant will be delivered this month. The Village Clerk-Treasurer identified items of furniture and computer equipment not needed for Village purposes, and having no or minimal value.

After discussion, upon motion made by Mayor Haagenson, seconded by Deputy Mayor Comer, it was unanimously RESOLVED, to dispose of the board room chairs, any additional unused computers and hard-drives upon properly removing data.

**5. Estimates to cut up trees in parkland adjacent to Chase Bank**

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Peckelis, it was unanimously RESOLVED to accept the estimate of Keogh Inc., in the amount of \$1,430.00, for the cutting and disbursing of 3-4 trees in the Parkland adjacent to Chase Bank.

Clerk-Treasurer Kiernan was further directed to order "No Trespassing between Sunset and Sunrise" signage to place in the parkland.

**6. Street Opening Permits**

Mayor Haagenson suggested creating better parameters for monitoring street repairs completed after a Street Opening Permit is issued. Clerk-Treasurer Kiernan was directed to ask the Building Inspector to inspect all of the open Street Opening Permits received to ensure that road repairs are done properly.

**7. Property Maintenance**

Upon receiving complaints from village residents, the Board reiterated that homeowners must be compliant with Chapter 144 of the Village Code related to property maintenance.

**8. Retaining Wall at High Street**

Trustee Ficalora directed Clerk-Treasurer Kiernan to contact Nassau County regarding a retaining wall at the northerly end of High Street which is on Nassau County property and may be in need of repair or replacement.

**9. Budget Modifications**

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED to adopt the modified budget for 2015-2016 as presented by Clerk-Treasurer Kiernan, attached hereto as Exhibit C.

**10. Approval of Voucher Claims**

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was unanimously RESOLVED that the Audited Vouchers dated June 2, 2016 for the General Fund totaling \$26,189.79 be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

**11. Financial Report & Audit**

Clerk-Treasurer Kiernan provided the Board of Trustees with a Financial Report & Audit.

**12. Bond Principal**

After discussion, upon motion made by Deputy Mayor Comer, seconded by Trustee Ficalora, it was unanimously RESOLVED to pay the principal in the amount of \$85,000 and interest in the amount of \$2,543.75 for the bond on Village Hall at 315 Main Street.

**13. Village Map**

Mayor Haagenson reported that she and Clerk-Treasurer Kiernan met with James Pagano, CADD Director/IT Manager, of Thayer and Associates regarding a request to have a new Village Map made.

Trustee Ficalora suggested developing a list of specifications of data the Village Board would like included in a new Village Map. Clerk-Treasurer Kiernan was asked to circulate a list of specifications to the Board of Trustees.

**14. Public Works & Public Safety Report Prepared by Clerk-Treasurer Kiernan**

Public Works Report: Prepared by Clerk-Treasurer Kiernan

1. PW Water Pollution Control District- Nothing to report.

Exhibit B



Village of Baxter Estates  
APPLICATION FOR TREE REMOVAL PERMIT



A TREE MAY NOT BE REMOVED WITHOUT A PERMIT IF:  
It has a trunk twenty (20) inches or greater in circumference at a point three (3) feet above grade. For further requirements see Section 161.12 of Article II of the Zoning Ordinance.

Date: 5/16/16  
Owner Name: Brian Reardon  
Tel. No.: 315 447 1756

Address: 7 Sandy Hollow Lane

Tree Removal Name: ~~MD Sunshine Pine~~  
Tel. No.: 516-637-2405

Company: MD Sunshine Tree Service  
Address: \_\_\_\_\_

REASON FOR REMOVAL (If reason is disease, submit written statement by qualified persons stating nature and prognosis of disease).

MARK TREES REQUESTED TO BE REMOVED.

- SUBMIT:
1. Survey of property
  2. Sketch a plan of area indicating:
    - a) Location and size of trees to be removed.
    - b) Location of any proposed improvement on the property.
    - c) Any additional information the Board of Trustees may deem necessary for evaluation of the application including documentation as to the condition of the tree.

PROPERTY OWNER GIVES PERMISSION FOR THE TREE COMMITTEE TO INSPECT THE TREE IN THE OWNERS ABSENCE.

Property Owner Signature: Brian Reardon

This application is for a permit authorizing the removal of the specific trees identified by the applicant. Once issued the permit will authorize the removal of the specifically identified trees and none other.

APPROVED

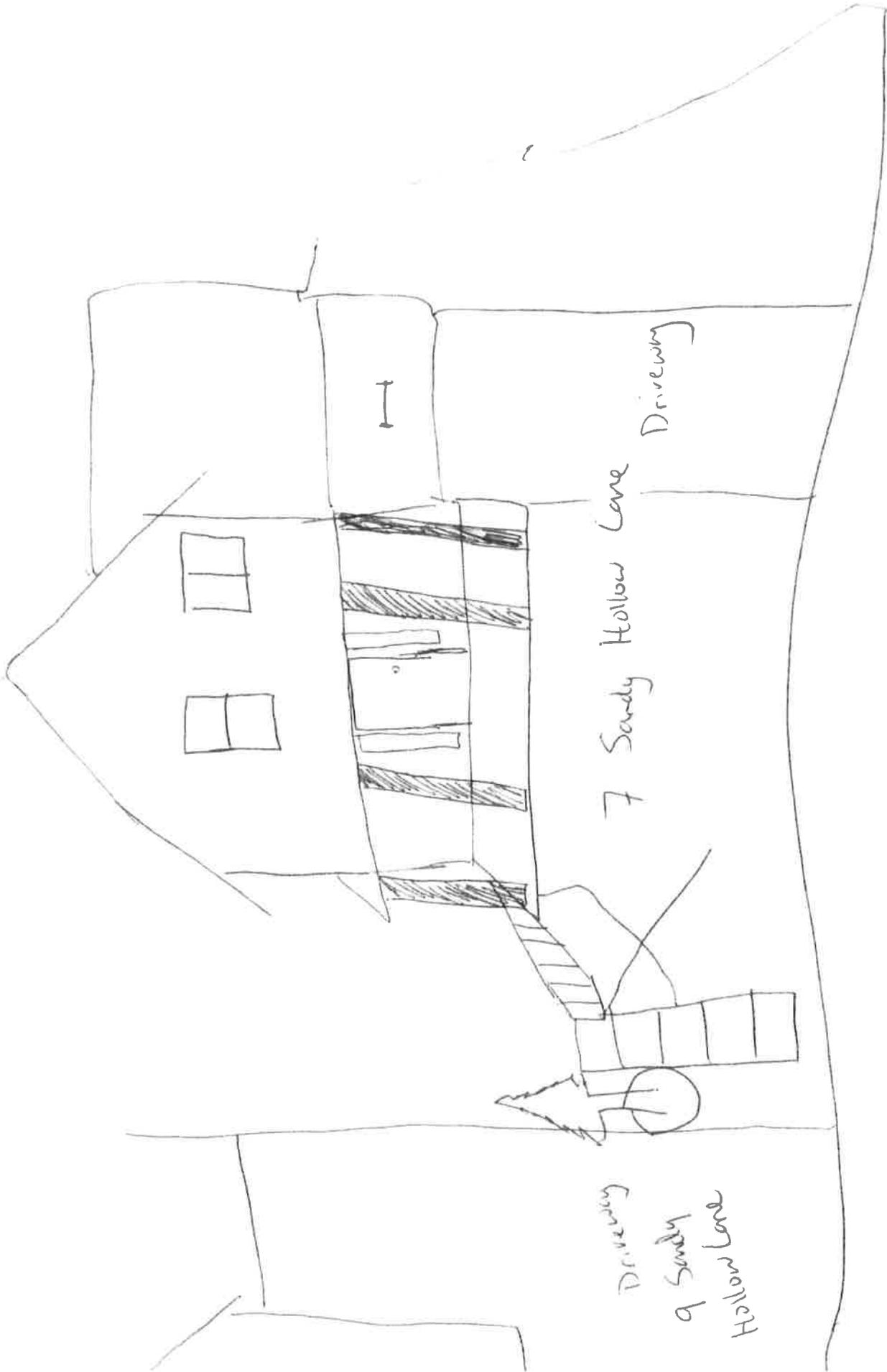
DISAPPROVED

BY: Christina R. Dever

DATE: July 14, 2016

*ER*

VILLAGE OF BAXTER ESTATES  
PORT WASHINGTON, N.Y. 11050  
Telephone (516) 767-0096  
Facsimile (516) 767-0058



7 Sandy Hollow Lane  
Driveway

Driveway  
9 Sandy Hollow Lane

STREET



**Village of Baxter Estates**  
**315 Shore Road, Port Washington, NY 11050 (516) 767-0096**

**TREE INSPECTION REPORT**

Resident Reardon  
 Address 7 Sandy Hollow Lane  
 Phone# 516 637 2405  
 Work# \_\_\_\_\_

Date 6/19/16 Tree Inspector Spencer

Tree Location Front yard to left of steps  
 Tree Species White Pine  
 Size (DBH) 57" circumference

Special value	Specimen	Historic	Street Tree
	Shade	Screen	Other
Tree Health	Normal	Chlorotic	Necrotic
Foliage	Excellent	Average	Poor/None
Callus Development	Excellent	Average	Fair/Poor
Vigor Class			

Major Pests/Diseases \_\_\_\_\_

Site Conditions Construction site  
 Site Character Residence Commercial Park  
 Soil problems Drainage Shallow Compacted

Construction Damage \_\_\_\_\_

Prune	Yes	No
Cable/Brace	Yes	No
Remove Tree	Yes	<u>(No)</u>
Replace	Yes	No

Comments Tree ~~has~~ appears to have had significant root cutting due to construction. This may have caused the somewhat chlorotic looking pine needles.

There are 5 trees in a row at this site all the same species. This the removal of one might be used as a precedent to remove the rest.

⊛ I would allow the removal of the 2nd tree (from the street) in the row as it is much smaller and closer, planted to its neighbors

Exhibit C



Village of Baxter Estates  
APPLICATION FOR TREE REMOVAL PERMIT

A TREE MAY NOT BE REMOVED WITHOUT A PERMIT IF:

It has a trunk twenty (20) inches or greater in circumference at a point three (3) feet above grade. For further requirements see Section 161.12 of Article II of the Zoning Ordinance.

Date: 6.6.16  
Owner Name: John + Dolores Iardo Address: 22 Hilltop Rd.  
Tel. No.: 516.944.8422

Tree Removal Name: \_\_\_\_\_ Company: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Address: \_\_\_\_\_

REASON FOR REMOVAL (If reason is disease, submit written statement by qualified persons stating nature and prognosis of disease). *Requesting verification that tree is dead or dying. Thank you.*  
MARK TREES REQUESTED TO BE REMOVED.

- SUBMIT: 1. Survey of property  
2. Sketch a plan of area indicating:  
a) Location and size of trees to be removed.  
b) Location of any proposed improvement on the property.  
c) Any additional information the Board of Trustees may deem necessary for evaluation of the application including documentation as to the condition of the tree.

PROPERTY OWNER GIVES PERMISSION FOR THE TREE COMMITTEE TO INSPECT THE TREE IN THE OWNERS ABSENCE.

Property Owner Signature: Dolores Iardo

This application is for a permit authorizing the removal of the specific trees identified by the applicant. Once issued the permit will authorize the removal of the specifically identified trees and none other.

APPROVED  
 DISAPPROVED

BY: [Signature]  
DATE: 7/18/16



driveway

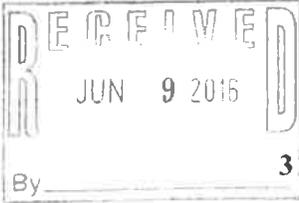
property line



walkway

driveway

22 Hilltop Rd



Village of Baxter Estates  
315 Main Street, Port Washington, NY 11050 (516) 767-0096

TREE INSPECTION REPORT

Resident ILARDO  
Address 22 Hilltop  
Phone# \_\_\_\_\_  
Work# \_\_\_\_\_

Date 6/9/16 Tree Inspector LW

Tree Location LEFT SIDE YARD  
Tree Species ASH  
Size (DBH) 36" DIA

Special value	Specimen	Historic	Street Tree
	Shade	Screen	Other
Tree Health			
Foliage	Normal	Chlorotic	Necrotic
Callus Development	Excellent	Average	Poor/None
Vigor Class	Excellent	Average	Fair/Poor

Major Pests/Diseases \_\_\_\_\_

Site Conditions Tree is 50% Dead

Site Character	<u>Residence</u>	Commercial	Park
Soil problems	Drainage	Shallow	Compacted

Construction Damage \_\_\_\_\_

Prune	Yes	No
Cable/Brace	Yes	No
Remove Tree	<u>Yes</u>	No
Replace	Yes	No

Comments Tree is Dead/Dying - OK TO TAKE OUT

# Exhibit D

## Cyber Incident Response Policy Inc. Village of Baxter Estates

### **Purpose**

This policy is established by the Village of Baxter Estates (the "Municipality") to clarify roles and responsibilities in the event of a cyber incident. The availability of cyber resources is critical to the operation of government and a swift and complete response to any incidents is necessary in order to maintain that availability and protect public and private information.

### **Responsible Elected Official**

The Mayor shall be the Responsible Elected Official. The responsibilities of the Mayor in such capacity include, but are not limited to;

- Receiving initial notification and status reports from the Incident Response Manager (defined below)
- Consulting with other elected officials on public notification, involvement of the municipal attorney and notification of law enforcement
- Preparing and delivering press releases
- Consulting with other elected officials and appropriate staff on priorities for response and recovery
- Advising the Incident Response Manager on priorities

### **Incident Response Manager**

The Municipality designates the Village Clerk-Treasurer as the Designated Individual Responsible for Information Security, who shall have responsibility for preparing for and coordinating the response to a cyber incident. Responsibilities include, but are not limited to:

- Training users to recognize and report suspected incidents
- Developing and testing response plans
- Being the point of contact should any employee or official believe an incident is or has occurred
- Involving the identified technical support to address the incident
- Notifying the appropriate elected officials that an incident has occurred if significant
- Advising elected officials they should notify law enforcement and the Village attorney if appropriate
- Providing information to elected official[s] responsible for notifying the press and public
- Coordinating the logging and documentation of the incident and response to it
- Make recommendations to reduce exposure to the same or similar incidents

### **Technical Support**

Millenium Software Inc. shall provide technical support to the Incident Response Manager. Responsibilities include, but are not limited to:

- Assess the situation and provide corrective recommendations to the Incident Response Manager
- Help the Incident Response Manager make initial response to incidents

- Follow the lead of the Incident Response Manager
- Respond to the incident to contain and correct problems
- Report to the Incident Response Manager on actions taken and progress
- Participate in review of the incident and development of recommendations to reduce future exposure
- Consulting with other elected officials on public notification, involvement of the municipal attorney, notification of law enforcement
- Preparing press releases
- Consulting with other elected officials and appropriate staff on priorities for response and recovery
- Advising the Incident Manager on priorities

**Legal Counsel**

The village attorney shall provide advice as called upon.

## VBE Cyber Security Citizens' Notification Policy

- A. This policy is consistent with the State Technology Law § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of *private information* of individuals. The Inc. Village of Baxter Estates, (the "municipality") is required to notify an individual when *data*, which is maintained by the municipality and contains the individual's *private information*, has been, or is reasonably believed to have been, compromised.
- B. The municipality, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures of its compromised *data*, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual's *private information* through unauthorized disclosure.
- C. A compromise of *private information* means the unauthorized acquisition of unencrypted computerized *data* with *private information*.
- D. If encrypted *data* is compromised along with the corresponding encryption key, the *data* is considered unencrypted and thus falls under the notification requirements.
- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- F. The municipality will notify the affected individual directly 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 notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form;
  - 3. Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
  - 4. Substitute notice, if the municipality demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:
    - a. E-mail notice when the municipality has an e-mail address for the subject persons;
    - b. Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and
    - c. Notification to major statewide media.
- G. The municipality must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The municipality must notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- I. Regardless of the method by which notice is provided, the notice must include contact *information* for the municipality making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of *personal information* and *private information* were, or are reasonably believed to have been, so acquired.
- J. This Policy applies not only to *information* maintained by the municipality itself, but also to *information* maintained on behalf of the municipality by a *third party*.
- K. When more than 5,000 New York residents must be notified at one time, the municipality must notify the *consumer reporting agencies* as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

## Definitions

**Consumer Reporting Agency:** Any person or entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state attorney general is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.

**Data:** Any *information* created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. *Data* may include, but is not limited to personally identifying *information*, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.

**Information:** The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

**Personal Information:** Any *information* concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.

**Private Information:** *Personal information* in combination with any one or more of the following *data* elements, when either the *personal information* or the *data* element is not encrypted or encrypted with an encryption key that has also been acquired:

1. social security number; or
2. driver's license number or non-driver identification card number; or
3. account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

**Third Party:** Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc.