Town of Cape Elizabeth
Ad Hoc Privacy Advisory Committee
Wednesday, November 20, 2024
Meeting Minutes

Committee Members Present:

Al Romano
Curtis Kelly
Jon Stanley

Others Present:

Detective Ben Davis, Staff

Committee Members Absent:

Greg Reid
Michael Hussey

Call to Order:

Chair Romano called the meeting to order at 1:02pm. Chair Romano congratulated Jason Lund on his appointment as IT Coordinator for the town.

Approve Meeting Minutes from October 10th

Meeting minutes were approved, 3-0

Public Comment Period

Chris A. Gorski, 36 Cliff Avenue

Mr. Gorski shared his concern that the Committee was exceeding its charge by pursuing an audit review of the Town IT environment (applications and infrastructure) and in doing so would/could expose the Town to risk. He believes the Committee should be focused on policies, with emphasis on public facing policies. Mr. Gorski suggested that the Committee had "pressured" CE IT associates in pursuit of information.

Mr. Gorski had previously emailed the committee regarding policies he feels the committee should focus on within the town. Chair Romano thanked him for his excellent input.

Debrief of conversation with PD Captain Sinclair regarding town surveillance systems

Part of the committee's charge is surveillance, and CK immediately thought of "what does the police department currently have for surveillance technologies?" In speaking with Captain Sinclair, the town has changed a lot since he began. Instances of this would be the type/level of crime and the town changing from blue collar to families/professionals. Most surveillance is conducted by police officers, not by technology.

Curt reviewed the draft sent out. Curt thinks the committee needs to define "surveillance". Curt provided two surveillance documents for review/to be added to the agenda items for the next meeting.

Discuss options for making progress on the charge given current limitations on collection of detailed information

Al spoke about the committee's progress and how his conversations with Manger Fox led us to believe that we will not be able to review the town's current IT infrastructure due to current FOAA laws. The committee is able to use their knowledge to draft a potential RFP for a third party audit and help the IT Department create internal policies.

Curt shared that IT Coordinator Lund has requested an audit to ensure the department stays aligned with the latest standards. He believes Manager Fox and Coordinator Lund should be included in future discussions. JS inquired whether this was the only area where the committee's expertise could be applied. If so, the focus will need to shift toward a third-party audit.

JS asked about the two third party audit proposals and whether or not they are serious candidates for an audit. JS asked about the IT department cooperating with a third party company and not the committee. How is this possible?

JS noted that both a third-party company and attorneys must be involved. He emphasized that decisions will arise throughout the process, and attorneys will want to ensure information remains protected by confidentiality. JS also pointed out that the $24,000 packages likely exclude attorney fees, meaning the total cost may be significantly higher.

CK mentioned that any town RFP will include the stipulation that anyone who bids is qualified to bid. Specialists who focus on this area are different from our committee members. Our status is as private citizens who are governed by transparency (FOAA) laws. CK believes that if we are not able to meet in private, then we are ruled out to complete an audit ourselves. JS concurs with this, but he wants to ensure those who created the charge didn't expect the committee to do the work ourselves.

JS doesn't want the town to pay for an audit when the committee members are willing to do it for free. JS has never argued as hard to do pro bono work as he has had to do with this committee. JS mentioned that the town most likely wants to hire a third party company so they can have some control over what they do.

CK wants to ensure we work collaboratively with the IT department. CK said this committee was created by the outgoing town council chair and has never been done in Maine before. The committee can put out an RFP and have the town council make the final decision, but the committee should be able to suggest who does the work. JS hopes that's the case but believes the town would make the final decision.

JS hopes that at the end of the day, he believes what we have done is good because we have started the discussion. CK said the discussion needs to be had on what their wishes are and he would also suggest having a town council liaison on the committee moving forward.

AR spoke about needing clarity on the charge. It was decided that Det. Davis would reach out to Manager Fox to request a town councilor at the next meeting as well as Tim Reiniger. The goal of this discussion would be to get clarity on the charge from a member of the town council.

A motion was made to allow Chris A. Gorski to speak again. This motion was approved, 3-0.

Chris stated this committee is an advisory committee and not an oversight committee and there is a clear distinction between the two. The committee's goal should be to advise on policy. The town council ultimately has the authority.

Due to the town council's full agenda next month, it was decided to cancel the December 12th meeting. The goal of the January 9th meeting would be to discuss the charge with the town council representative as well as Tim Reiniger.

Next Meeting

Thursday January 9, 2025 6:00pm, Town Hall Jordan Conference Room

Adjournment

2:46pm

Respectfully Submitted,

Ben Davis