

New York Coalition for Open Government Meeting Minutes March 11, 2021

Meeting held via Zoom called to order at 6:34 p.m. Present: Paul Wolf, Maria Tisby, Steven Lyle, Alberta Roman, Janet Vito, Larry Vito, Sonia Dusza, Robert Godlewski, Mary Lou Cebula, Brian Miller.

Meeting Minutes: The meeting minutes from February 11, 2021, were approved on a motion made by Alberta and seconded by Maria.

Treasurer's Report: Janet Vito provided a written report showing our account balance as of February 28, 2021 being \$1,417.92. We currently have twenty-three paid members.

Niagara County Disclosure Forms: We are waiting for a decision from the Judge regarding the payment of attorney fees. Hopefully as a message and penalty to Niagara County, the Judge will order the County to pay for the attorney fees incurred by the University at Buffalo Law School Civil Liberties and Transparency Clinic.

Sunshine Week March 15-21: We have a press conference planned with Legislator Amy Paulin to celebrate Sunshine Week and to draw attention to two bills introduced by Legislator Paulin and Legislator Kaplan.

A.1228/S01150 - requires (1) meeting documents to be posted online at least 24 hours prior to the public body meeting; (2) meeting must be streamed on public body's website (to the extent practicable); (3) video of meeting must be posted on website within 5 business days of the meeting; and (4) public body must maintain recordings for at least 5 years.

A.4677/S4863 - eliminates the fee agencies charge individuals for obtaining records through a FOIL when an electronic copy already exists.

Report Regarding Villages: Our report regarding villages received good media coverage across the state. The report found that 70% of the villages reviewed are not posting meeting documents; 35% are not posting meeting agendas online and 35% are not posting meeting minutes.

Next Project Regarding Planning/Zoning Boards: Our next project is to review Planning Boards across New York State.

Joining the National Freedom of Information Coalition (NFOIC): Paul discussed the resources available through NFOIC, such as conferences, webinars, newsletter etc. The new outreach director hired by NFOIC, has a lot of upcoming things planned. Steve made a motion to pay \$250 to becoming a dues paying member of NFOIC. Motion was seconded by Maria and unanimously approved.

Guest Speaker Chip Rowe, Highlands Current Reporter: Mr. Rowe spoke about how the Highlands Current is structured as a member supported news website and paper based in the Hudson Valley area of NY. Mr. Rowe has written a series of articles focusing on government

transparency issues in Putnam County. A great discussion with questions and answers took place.

New Business: Robert brought up the issue of attorney client privilege. This issue has come up in the town of Rotterdam. There is an exception under NY's FOIL law that allows the withholding of documents created by an attorney for a client. Just because an attorney creates a document does not mean that an entire document can be withheld.

Tracking contacts by individuals seeking advice from our organization. Paul has begun to track when we are contacted by reporters and members of the public.

Sonia raised the issue of having the Open Meetings Law enforced like the State of Massachusetts does. In MA, the Attorney General has the authority to investigate and fine government officials who violate their Open Meetings Law. The same enforcement power does not exist in NY.

Brian brought up how he had to file a FOIL in the town of Newfane just to get contact info for Town Board and Planning Board members.

Adjourn: The meeting adjourned at 7:33 pm. Next meeting will be April 15th at 6:30 pm, via Zoom. Motion to adjourn by Maria, seconded by Alberta. Meeting adjourned at 8:03 pm.