



THE BULLETIN

VOLUME 64, ISSUE #3

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President's Message

Paula DiSanto, President

Greetings and Happy Fall!!

Can you believe the Fall Season is here? Before you know it the winter season and the holidays will be upon us. Where does the time go?

I am very proud and excited to be serving as President of our Association. Thank you for this opportunity. I'd like to thank the Executive Committee for their continued dedication and hard work and offer a special warm welcome to Bob Juliano (Village of Port Jefferson), our newest member of the Executive Committee, and congratulate him on being presented with the Clerk of the Year Award. I would also like to thank Past-President, Brenda McConnell (Village of Brownville) for the exceptional leadership she has provided over the past two years.

It was great seeing so many of you at Fall School in Saratoga this past September! This year we had 70 new attendees. A big thank you to the staff of NYCOM and the NYS Comptroller's Office for once again organizing and executing an exceptional training week. The training and education received at this conference each year is invaluable; as well as the sharing of ideas with fellow clerks and enjoying the camaraderie with one another. I encourage all clerks to attend.

The Executive committee and I will be working throughout the year to continue to keep you informed on upcoming training opportunities, current events that may impact you and your municipalities and facilitating continued discussion among our members.

If anyone would like to serve on a committee or has suggestions, please contact any committee member.

Also, don't forget to submit articles about events taking place in your community or a

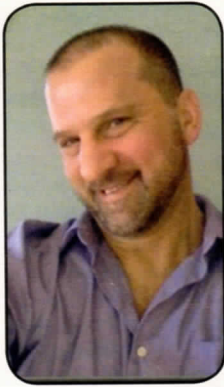
"Spotlight on your Village" article to Jim Koury, our Bulletin Editor, at clerkbulletineditor@gmail.com for our newsletter. It's always interesting to read about what is taking place in other communities around our State.

I look forward to the coming year and wish all of you a very Happy, Healthy and Safe Holiday Season!

www.nysclerks.com

"Knowing others is wisdom, knowing yourself is Enlightenment."

-- Lao Tzu



Editor's Message

James R. Koury, Bulletin Editor

Welcome to the last Bulletin of 2017! It is amazing how fast this year has gone. I hope your year has been a good and productive one!

As I have said before, it is an honor to be able to continue to do The Bulletin for the association that I spent many years being part of. I

do miss all you folks, and one of these years, I will get up to the Fall Training School for an overnight! I know there will be many new faces if I do, but there will also be many familiar ones as well, I am sure.

There is a lot of good stuff in this issue. I hope you all enjoy it. Of special note, Bob Freeman returns answering many of the questions you have on Open Meetings and FOIL.

I would like to welcome the return of a past advertiser -- NY Class. If you need their services, please consider contacting them!

This issue's Spotlight is on the Village of Croton-On-

Hudson. Many thanks to Paula for submitting the information and pictures. If anyone wishes to spotlight their community in a future issue, please shoot me an e-mail at clerkbulletineditor@gmail.com.

I would like to extend congratulations to Bob Juliano for winning the Clerk of the Year Award. As a past recipient, I know what an honor it is to receive it, as it comes from our peers. Congrats Bob!

As always, I hope your New Year is a good one. Have a great Christmas and Holiday Season, as well. See you soon ... maybe. :-)

The NYSACVC needs YOU!

If you are interested in serving on a committee, helping out at the NYCOM/OSC Fall Training School, or just wanting to participate in a way that you are comfortable, please contact any member of the Executive Committee! They will help you and direct you to the best option to utilize your skills and expertise to the maximum benefit of the association.

For a listing of Executive Committee members please refer to the listing below.

2017 - 2018 NYSACVC Officers

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(914) 271-2013 pdisanto@crotononhudson-ny.gov

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(516) 746-0750, info@mineola-ny.gov

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Village of Fishkill
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Village of Camden
(315) 245-0560, camdengov@yahoo.com

Immediate Past President: Brenda McConnell, MMC
Village of Brownville
(315) 782-7650, bville@nnymail.com

Association Counsel: Shawn Cullinane
Village of Lindenhurst
(631) 957-7504, voladmin@optonline.net

The Executive Committee wants to hear from you! Let us know what your thoughts are about our Association and things it can do for you to make you a better clerk!

Bob Juliano Receives Clerk Of The Year Award

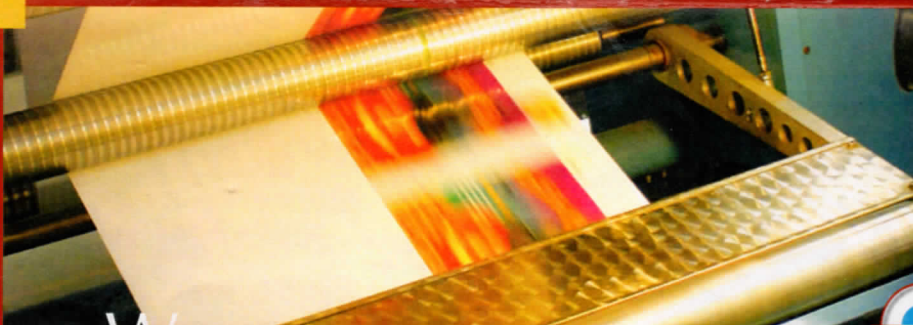
By Brenda McConnell, MMC, Village of Brownville

September 14, 2017 at the Annual Meeting of the New York State Association of City & Village Clerks Bob Juliano was awarded the prestigious Clerk of the



Year award. Bob has been in local government for over 25 years and has dedicated his profession to helping others both on a professional and personal level. One of his many accomplishments was putting in countless hours to help his community during Hurricane Sandy; because of this he received the Man of the Year in

Government from the Port Times. He has served on committees and always been willing to help our association in any way. Because of his unwavering dedication to his village and our association we felt he was very deserving of this award.



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NYCOM/OSC Fall Training School

Held September 11 - 15, Saratoga Springs, NY

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The following is a pictorial summary of the most recent school held in Saratoga Springs, NY from September 11-15, 2017.



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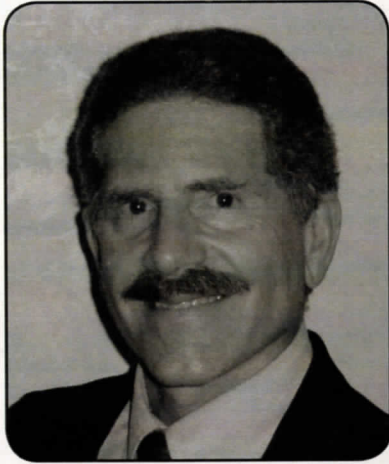


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Questions, Questions, Questions

By Robert Freeman, Committee on Open Government



I always received questions about FOIL requests. I thought I would repeat some of those questions and do my best to offer brief answers.

Q. How many days do we have to respond to a request and produce the records, and can we count holidays or weekends?

A. When the municipality receives a request, it has five business days to respond in some manner. Option one: the records access officer may inform the person making the request that the records are available for inspection or that copies can be made upon payment of the proper fee, or the request might be denied in whole or in part with an indication of the reason and the right to appeal to the board or the board's designee. Option two: if more than five business days will be needed to determine rights of access, the receipt of the request must be acknowledged within that time with an approximate date, not to exceed twenty additional business days, indicating when a response can be expected. Option three: In the case of the unusually expansive and difficult request, if more than twenty business days will be needed to grant or deny access in whole or in part, the law requires that an explanation for the delay be given in writing, with a "date certain", a self-imposed deadline indicating when a response will be given. Note that any delay beyond five business days must be reasonable based on the facts and circumstances. Also, holidays and weekends aren't business days.

Q. Can you charge for your time when there is "personal information that must be hand-redacted?"

A. No. No fee may be charged for the time needed to "hand redact." However, when you make a photocopy from which a redaction is made, you may charge up to 25 cents per photocopy, and you may require payment in advance of preparing the copies.

Q. The issue involves "paying attention" to surroundings when taking pictures", especially when children or other personal information may be seen "because these photos become records."

A. True. FOIL applies to all agency records and defines the term "record" broadly to include "any information kept, held, filed, produced or reproduced by, with or for an agency...in any physical form whatsoever." When my daughter sends photos of my grandchildren to my office, they are "records" that fall within the coverage of FOIL. If they are requested, I believe that they could be withheld based on the exception concerning "unwarranted invasions of personal privacy." However, since we breed only unusually adorable grandchildren, I'd consent to disclosure!

Q. What do we do about "pulling records for those who want to review them and never returning to review them?"

A. There is no provision of law dealing with the is-

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sue, but I believe that reasonableness should serve as your course of action. It has been suggested that the applicant be notified in writing that if that person does not arrive to review the records within a week, for example (you set the reasonable deadline), the request will be deemed to have been withdrawn. Also, if you've made copies and the person has not paid the appropriate fee, you may indicate that no new request will be honored until payment is made.

Q. Clarification regarding "asking the person/agency who makes a FOIL request to sign a 'certification' that they are not using them for professional purposes."

A. There is only one instance in which the purpose of a request is important in determining rights of access. The general rule is that the use of the records is irrelevant. The one exception relates to the authority to withhold a list of names and addresses (that is, names of humans and their home addresses) on the ground that disclosure would constitute an unwarranted invasion of personal privacy if the list "would be used for solicitation or fund-raising purposes." If you're unaware of the intended use of the list, buried in section 89(3)(a) of FOIL is the following: "An agency may require a person requesting lists of names and addresses to provide a written certification that such person will not use such lists...for solicitation or fund-raising purposes", nor will that person give the list to another person to be used for solicitation or fund-raising.

Q. When a person is denied access to a record and appeals the denial, is there an obligation to inform the Committee on Open Government?

A. Yes. FOIL has for years required that an agency

in receipt of an appeal "shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination thereon." Most agencies send copies of the appeals with their final determinations (which is ok with us).

Q. What do we do about "accessing emails from municipal agencies and the differences between intra- and inter agency records?"

A. This could take a long time, but I'll try to make it short. First, FOIL pertains to all agency records and defines the term "record", as indicated in response to a previous question, to include email. That being so, the email received at or sent from your office would consist of records. Second, if a board member, using his/her own computer from the member's office using a personal email address, transmits or receives email in that person's capacity a board member, those emails also constitute "records" subject to FOIL. If a board member frequently engages in email communications of that nature, it has been suggested that the member be given an email address associated with the municipality in order identify the government-related email, as opposed to the Amazon, pictures of grandchildren, etc. It has also been suggested that all such email that comes in or goes out be sent to the clerk, so that the clerk can efficiently respond to a FOIL request, abide by records retention requirements, etc. Third, based on my vast knowledge of Latin (I even took a Latin regents exam!), "inter" means "between" or "among"; "intra" means "within". "Inter-agency materials" would be those between or among agencies, i.e., from you at your agency to me at mine. "Intra-agency materials" are the in-house communications, i.e., from you to a board member or the reverse. Finally, all of this is explained in an advisory opinion that is frequently shared in an effort to address the issue. Go to our website (simply google "coog"), scroll to "Freedom of Information Law" on our home page, click on to the drop down box entitled "Advisory opinions" and you'll see the alphabet, click on to "E", scroll down to "Email" and then onto #15893.

Make sure you visit the website of the Committee on Open Government. The Committee is an invaluable resource for municipal clerks.

Thank you Bob Freeman for your dedicated efforts on behalf of all municipal officials. Your guidance is priceless!

Look for more from the COOG in the next issue of The Bulletin!

Season's Greetings



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Spotlight On The Village Of Croton-On-Hudson

By Paula DiSanto, RMC, Village Clerk/Registrar

The Village of Croton is located within the Town of Cortlandt in the northwest area of Westchester County. It is nearly five square miles in area, and borders the Hudson River on the west, the Croton River on the south and the unincorporated areas of the Town of Cortlandt to the east and north.



Croton-on-Hudson has a population of 8,070 residents (2010 U.S. Census) and was formally incorporated as a village in the Town of Cortlandt in 1898, although its history begins much earlier

than that. In fact, its colonial-era history dates back to the 17th Century as archaeological evidence indicates that it was populated by Native American Indians as early as 4950 BC.

Croton is a family-friendly village, ranging from descendants of the Italian stone masons and Irish laborers who built the nearby New Croton Dam to artists and writers who have been attracted to the area since the early 1900s, when radicals and bohemians settled on Mt. Airy and in Harmon.

Our small village is rich in natural beauty. Its rugged topography and location on both the Hudson and Croton Rivers provide a dramatic landscape with parks and open spaces offering a wide range of passive and active outdoor activities. There are nearly 13 miles of wooded trails in the village, including the beautiful Croton Landing Park along the Hudson River that is home to the Croton, Buchanan, and Cortlandt 911 Memorial.

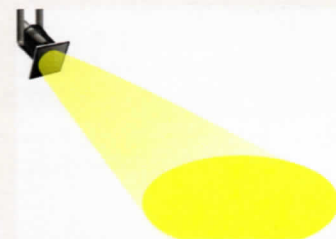


There are places to launch boats and put in kayaks and canoes on both the Croton River and the Hudson. In the summer you can swim at Silver Lake and in the winter you can ice skate on the Duck Pond.

There's always something happening—whether its concerts and outdoor films in the summer at Senasqua Park, lectures and story time at the Croton Free Library or yoga classes at the Municipal Building. Annual events include Summerfest in the upper village, the Clearwater Festival and Teatown's Hudson River Eaglefest at Croton Point Park, the Harry Chapin Memorial Run Against Hunger Race and the Great Jack O'Lantern Blaze at historic Van Cortlandt Manor.



In The Spotlight



Interested in showcasing your community
"In The Spotlight?"

Contact the Editor at:
clerkbulletineditor@gmail.com
(607) 435.1587

2017 Education And Scholarship Report

Submitted By Tamara Bonomo, Chair, Education Committee

After 1 ½ years of planning and preparation, the “new” New York Municipal Clerks Institute (NYMCI) held its inaugural training event at the Rockefeller Institute Of Government in Albany from Sunday, July 10th thru Wednesday, July 12th. There 12 1st year students and a total of 31 attendees...21 of those were City & Village Clerks!!

There were 6 graduates this year, 3 of which were members of the New York State Association of City and Village Clerks. Namely,

- Catherine Kopf, Village of West Haverstraw
- Martha Dygert, Village of Manlius
- Amanda Detschner, Village of Barker

Congratulations!!!

Upon conclusion of the 1st Institute, the NYMCI education planning committee met in August to review the attendee’s feedback. Overall the feedback was very positive and the presentation content and instructors were highly rated. Some of the presentations of-

ferred at the Institute were Board Management; Public Issues & Local Public Policy; Demographics & Your Community & Understanding Local Governments as Organizations.

Additionally, in consideration of the student’s evaluations, and the corresponding requests and suggestions, the Institute Director plans to modify the institute in a couple of ways:

- Hold the school for 4 rather than 3 days, so as Clerks will earn 32 rather than 24 credit hours at one venue. The 8 hrs of on-line training will continue and there will be 2-4 hrs of “catch up” training offered at the NYCOM Fall Training School.
- He will also be exploring the option of a capitol city “field trip” and hold some off-site training at the chosen location.

In regard to the MMC program, it is important to

Report - Con’t on page 12



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Report - Con't from page 10

mention that we are continuing to work on building the curriculum in hopes that it will be available next year.

In summation, we are excited to be able to offer this valuable and distinctive certification-based educational program to our members. Please contact any of the Executive Committee members on how to get started with this tremendous opportunity and the scholarships that are available to attend.

2017 Scholarships:

This year we awarded close to \$5,000 in scholarships toward attending the New York Municipal Clerks Institute.

We were able to award the following 3 individuals with full ride scholarships.

- Alexandra Hart, V/O Colonie
- Jennifer Mazur, V/O Gloversville
- Victoria Rowland, V/O Churchville

Also, the following 6 individuals were awarded a continuing education scholarship.

- Annette West, V/O Brownville
- Jamie Blott, V/O Colonie
- Patrica Coon, V/O Rhinebeck
- Amanda Detschner, V/O Barker
- Cheryl Douglas, V/O Malone
- Liz Gaynor, V/O Sands Point

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About IIMC

Taken from www.IIMC.com

The Mission of IIMC

The International Institute of Municipal Clerks (IIMC) is a professional, nonprofit association that promotes continuing education and certification through university and college-based institutes and provides networking solutions, services and benefits to its members worldwide.

Leading Professional Association Since 1947

Founded in 1947, the International Institute of Municipal Clerks is the leading professional association serving the needs of municipal clerks, secretaries, treasurers, recorders and other allied associations from cities and towns worldwide.

Inspiring Advancement & Development

IIMC's primary goal is to actively promote the continuing education and professional development of municipal clerks through extensive education pro-

grams, certification, publications, networking, annual conferences and research. As an educational catalyst, IIMC inspires clerks to expand and advance beyond their present levels of development.

IIMC also engages in municipal research administration, enhances critical professional skill development and fosters a spirit of mutual assistance and good fellowship among municipal clerks around the globe.

Membership & Board of Directors

IIMC's 9,500-plus members represent municipalities with populations ranging from 250 people to more than 10 million people in North America and 15 other countries. Find out how to join IIMC.

IIMC is governed by a 26-member Board of Directors with 22 directors from IIMC's 11 regions.

Local Clerks Associations

Contact Your Local Organization and Join!

North Country Association (Meets 2nd Thursday March, May, October, December)

President: Geneva Phelps Miller, Village of Clayton
(315) 686-5552 / treasurer@villageofclayton.org

Municipal Administrative Officers - Erie County (Meets 2nd Tuesday Each Month)

Mary McKee, Village of Hamburg
(716) 649-0200 / mmckee@villagehamburg.com

Association of Monroe County Village Clerks

President: Gina Hurley, Village of Honeoye Falls
(585) 624-1711 / clerk@villageofhoneoyefalls.org

Westchester County Mun. Clerks/Treas. Association (Meets 4th Thursday Each Month)

President: Sara DiGiacomo, Village of Sleepy Hollow
(914) 366-5106

Central New York Association

President: Deborah Barron, Village of Groton
(607) 898-3966

Long Island Vil. Clerks/Treas. Association

President: Marianne Rogers Lobaccaro, Village of North Hills, villageadministrator@villageofnorthhills.com

Capital District Chapter

Contact: Betsy Cothren, Village of Catskill
(518) 943-3830 / bcothren@villageofcatskill.net

**Your local association needs
YOU! Please consider joining!**

NYALGRO School Coming Up In June!

By Angela Arasim, Village Clerk/Assistant to the Mayor, Village of Fishkill

The New York Association of Local Government Records Officers (NYALGRO) will hold its annual Records Management School from Sunday, June 3rd to Tuesday, June 5th at the lovely High Peaks Resort in Lake Placid, New York in the beautiful Adirondacks region.

The school will feature a number of educational sessions covering such topics as managing social media records, supervising a digitization project, managing e-mail, and cloud computing.

For those of you unaware of NYALGRO, this is a great organization for all RMO's to be a part of; to learn how to make the most of records management through networking with others from Villages, Cities, Towns, Counties, Fire Districts, and School Districts, along with all the workshops offered at the annual School. Membership fee is minimal and every year scholarships are given to attend the Annual School for those whose budget does not al-



low for the expense.

For information please visit the NYALGRO website at: <http://www.nyalgro.org/>. The website also has information from last year's school, including presentations given and handouts.

Please spread the word! Hope to see you there!



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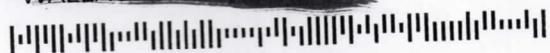
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