

TIME Chairman Mannone convened the meeting at 6:30pm

ROLL CALL Commissioners Mannone, Samoles and Beckman

MOTION PREVIOUS MINUTES On Motion by Vice Chairman Beckman and seconded by Commissioner Samoles to waive the reading of the minutes and approve the minutes from the General Board meeting held on September 7, 2023, 3-0, Motion passed

COMMUNICATIONS None

TREASURER'S REPORT Subject to audit

TRANSFERS AND PAYMENTS On Motion by Vice Chairman Beckman and seconded by Commissioner Samoles to approve payments of District operating expenses, including payroll, for the period from September 7, 2023 - October 5, 2023, Approved, 3-0. Motion passed.

APPROVALS OF CLAIMS On Motion by Commissioner Samoles and seconded by Vice Chairman Beckman to approve payment to each claimant included in the abstract of claims provided by the District Treasurer and audited by The Board for the period from September 7, 2023 - October 5, 2023, Approved, 3-0. Motion passed.

REPORTS
Reports:
 Chairman's Report: See Copy of Report
 Supervisors Report: The guys did a great job, as the town had a lot of water damage during the storm.

UNFINISHED BUSINESS
PERB Filing:
 PERB Filing (Approved 10/6/2022) Board approved lawyer signature for application on 3/2/2023 – (Report by District Counsel) - on hold

RFP Insurance Agent interviews held August 17, 2023 The Board is scheduled to vote on proposals at the November General Meeting on November 2, 2023.

MOTION On Motion by Chairman Mannone and seconded by Commissioner Samoles to officially amend the solar panel RFP response date to November 2, 2023. Approved, 3-0. Motion passed.

MOTION On Motion by Vice Chairman Beckman and seconded by Commissioner Samoles to adapt and approve a policy and procedure for a district credit card. Approved, 3-0. Motion passed.

MOTION On Motion by Commissioner Samoles and seconded by Vice Chairman Beckman to adapt and approve an internal FOIL policy process. Chairman Mannone included timeframes, reviewed bi-laws, and made sure it complies. Approved, 3-0. Motion passed.

MOTION On Motion by Commissioner Samoles and seconded by Vice Chairman Beckman to incorporate and attach as exhibits the "Procedure for District Credit Card" and the Internal Process for FOILS. Approved, 3-0. Motion passed.

PUBLIC COMMENTS
 Janet Pearsall ask about the minutes, as she could not find them posted on the District website. We instructed her to press "NEXT" at the bottom of the page.

Joe Cibellis asked if the policy changed on how raises are given out, as there are rumors merit raises were given out. Chairman Mannone shared there were CSEA promotion raises and pay balance adjustments, no merit raises. There have been 2 negotiations in the past 4 years. Chairman Mannone said we follow the agreement, Cibellis asked if that is in the minutes? Vice Chairman Beckman said no as no one brought it up. Cibellis said the Hernandez FOIL was incomplete. Vice Chairman Beckman asked why Mr. Cibellis is asking. He responded he wanted this on record. Counsel confirmed the FOIL was sent out. Some of the items on the list were not available. Mr. Hernandez may contact Mr. Ciampoli.

Mr. Pearsall said the last election my wife and I were not on the voting list. We have voted for 38 yrs., and don't understand how our names were expunged from the voter registration at Sanitation. Vice Chair Beckman shared she was not on the regular election when she went to vote, and she has been living here for 32 yrs. Unfortunately, sometimes there are clerical glitches. You were not expunged, and we know you are voters. All you had to do was bring this to someone's attention and it would have been corrected. Mr. Pearsall said this was a couple of months after being told I would be taken down by Mr. Mannone and that was apparently fine with everybody. Now I show up to vote, and I'm not on the list I have been on for decades, you can appreciate how I might have a question. How do I ensure that will not happen again? Both items? Vice Chair Beckman suggests to call the town or county. Chairman Mannone shared in analyzing the facts, interestingly, Pat Dougherty was not on the list and you live next door to him.

The Chairman added, I believe what happened when the Town Board of Election provided us with the list of voter registration, they seem to have omitted the street you and Pat are on, accidentally. I assure you, it's not the case that I have pull over the town. Mr. Pearsall asked if the Sanitation voter registration is different than the National Election. Chairman Mannone said the General Election is the same plus property owners, unregistered individuals that own property are entitled by statue to vote in the Sanitation Election. The process we go through to make sure we have a comprehensive list more complicated. There was an error in the service company. We took affidavit ballots and that were counted. We will double check next election to make sure you two are on the list.

While we are on the subject don't you think you should offer my wife and I an apology for the outburst a few months ago. Chairman Mannone said yes, I did get heated and lost my cool. Sir, you went beyond losing your cool, you are an elected official and I offered to help you and the next week you tell me I am going to take your library down. I am burying it now, it is the last you will hear of me saying anything. Chairman Mannone said I will take it as an offer of truce and if you will except my apology for being out of line and upset with you. There is a long history that Mr. Pearsall you are not privy to and you were brought here at the last moment. I think you suffered from being included in past history. Mr. Pearsall shared his wife appreciates it and thank you.

Chairman Mannone said maybe my response directed at you was mis judged. Mr. Pearsall said again, a couple of week earlier I offered to help you. Did I not? Chairman agreed with that statement. Mr. Pearsall said I had no agenda. Chairman Mannone said and I offered to accept that and thought we were off on a good foot, and I think what made me mad was that I thought you came in with a clear agenda to create chaos. Mr. Pearsall accepted the apology. Chairman Mannone said he is willing to say I misjudged that. Both Mr. and Mrs. Pearsall said thank you. Chairman Mannone said again sorry for losing my cool.

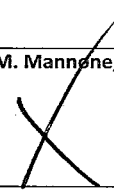
MOTION EXECUTIVE SESSION On Motion by Commissioner Samoles and seconded by Vice Chairman Beckman to enter executive session at 7:00pm. Approved, 3-0. Motion passed.

MOTION EXECUTIVE SESSION On Motion by Commissioner Samoles and seconded by Vice Chairman Beckman to exit executive session at 7:22pm. Approved, 3-0. Motion passed.

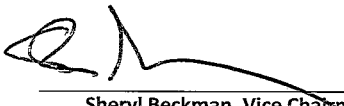
MOTION On Motion by Vice Chairman Beckman, seconded by Commissioner Samoles to approve the buybacks, **Employee # 142- \$3762.69** Motion approved, 3-0

MOTION On Motion by Chairman Mannone, seconded by Commissioner Samoles to approve the buybacks, **Employee # 114- \$3344.24** Motion approved, 3-0

MOTION On Motion by Commissioner Samoles and seconded by Vice Chairman Beckman to adjourn the meeting. Approved 3-0, Motion approved.



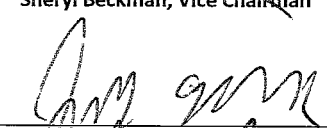
John M. Mannone, Chairman



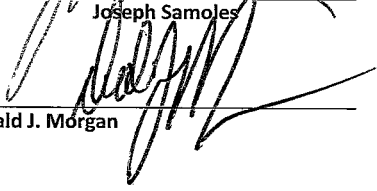
Sheryl Beckman, Vice Chairman



Patrick Doherty



Joseph Samoles



Donald J. Morgan

REPORT OF THE TREASURER Prepared by Treasurer Lazansky and subject to audit.

The folling irrevocable standby letters of credit serve as security for the District funds on deposit with TD Bank:

FLH Bank Pittsburg	\$7,000,000	Irrevocable standby letter of credit HLB831522060034
J.P. Morgan Chase Bank	1,340,087.08	FDIC Coverage, collateral for amount in excess of \$250,000
CHASE BANK		
Ck. Acct. Bal 9/8	\$ 1,340,087.08	
9/30/2023 Interest	721.20	
10/1/2023 void	4,821.00	
10/4/2023 void	4,791.00	
	<u>\$ 1,350,420.28</u>	
Disbursed thru 10/5	<u>\$ 564,236.63</u>	
Total Ck. Acct. Bal 10/5/23		\$ 786,183.65
TD BANK		
Ck. Acct. Bal 9/8/23	\$ 4,772,800.79	
Deposits:		
9/15/2023 Interest	2,033.43	
9/26/2023 Refunds	4,032.07	
9/26/2023 PILOT	115,617.70	
9/26/2023 Medical	1,194.72	
	<u>\$ 4,895,678.71</u>	
Disbursed thru 10/5/23	<u>865,282.77</u>	
Total Ck. Acct. Bal 10/5/23		\$ 4,030,395.94
Total Combined Balances as of October 5, 2023		\$ 4,816,579.59

Sanitary District No.7 T.O.H

12/1/2023 9:25 AM

Register: 10200 · Chase

From 09/08/2023 through 10/05/2023

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
09/08/2023	AWD	ADP Services	65080 · Payroll Proces...		2,714.63	X		1,337,372.45
09/13/2023	AWD	New York State Defe...	24175 · EE Deferred C...	9/9/23 - entere...	3,257.00	X		1,334,115.45
09/14/2023	PRPMT0...		27300 · Payroll Federa...		38,515.09	X		1,295,600.36
09/14/2023	PRPMT0...		27100 · Payroll Checks...		83,693.62	X		1,211,906.74
09/20/2023	AWD	New York State Defe...	24175 · EE Deferred C...	9/16/23	3,387.00	X		1,208,519.74
09/21/2023	PRPMT0...		27300 · Payroll Federa...		36,391.42	X		1,172,128.32
09/21/2023	PRPMT0...		27100 · Payroll Checks...		77,689.01	X		1,094,439.31
09/27/2023	AWD	New York State Defe...	24175 · EE Deferred C...	9/23/23	29,187.00	X		1,065,252.31
09/28/2023	PRPMT0...		27300 · Payroll Federa...		64,013.83	X		1,001,238.48
09/28/2023	PRPMT0...		27100 · Payroll Checks...		106,131.36	X		895,107.12
09/29/2023	AWD	ADP Services	65080 · Payroll Proces...		1,980.40	X		893,126.72
09/30/2023			45000 · Investments:45...	Interest		X	721.20	893,847.92
10/01/2023	AWD	New York State Defe...	66000 · Personal Servi...	To void AWD t...		X	4,821.00	898,668.92
10/01/2023	AWD	New York State Defe...	66000 · Personal Servi...	To void AWD t...		X	4,791.00	903,459.92
10/04/2023	AWD	New York State Defe...	24175 · EE Deferred C...	9/30/23	3,187.00	X		900,272.92
10/05/2023	2804	Teamsters National 4...	24400 · Teamsters 401K	T. Freudenberg...	162.42	X		900,110.50
10/05/2023	2805	teamsters local 553	24300 · Union Dues	October Dues	4,217.00	X		895,893.50
10/05/2023	2806	CSEA	24300 · Union Dues	October Dues	1,698.23	X		894,195.27
10/05/2023	PRPMT1...		27300 · Payroll Federa...		36,340.95	X		857,854.32
10/05/2023	PRPMT1...		27100 · Payroll Checks...		71,670.67	X		786,183.65

Sanitary District No.7 T.O.H

12/1/2023 9:24 AM

Register: 10150 · TD Bank

From 09/08/2023 through 10/05/2023

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
09/11/2023	AWD	adobe	65000 · Operations:65...		651.62	X		4,772,149.17
09/12/2023	AWD	Staples	65000 · Operations:65...		60.58	X		4,772,088.59
09/15/2023			45000 · Investments:45...	Interest		X	2,033.43	4,774,122.02
09/26/2023			-split-	Deposit		X	120,844.49	4,894,966.51
			Medical				298.68	
			Medical				298.68	
			Medical				298.68	
			Medical				298.68	
			Recycling Refunds				137.60	
			Refunds				3,894.47	
			PILOT				111,578.37	
			PILOT				4,039.33	
09/30/2023			65080 · Payroll Proces...	Service Charge	35.00	X		4,894,931.51
10/01/2023	Chk 32640	National Safety Coun...	65100* · Other Types ...	To void Check ...		X	495.00	4,895,426.51
10/01/2023	Chk 32751	AT&T	65000 · Operations:65...	To void Check ...		X	7.59	4,895,434.10
10/01/2023	Chk 32127	Jefremow, Zachary	66130 · Shoes	To void Check ...		X	450.00	4,895,884.10
10/01/2023	Chk 33365	Security & Camera N...	62875 · Building Main...	To void check ...		X	600.00	4,896,484.10
10/01/2023	check 33...	Marlene D. Patrella	65035 · Election Expe...	To void check t...		X	510.30	4,896,994.40
10/05/2023	34136	Ace Hardware	20000 · Accounts Paya...	Claim NO. 320	77.22	X		4,896,917.18
10/05/2023	34137	Airweld Inc.	20000 · Accounts Paya...	Claim No. 321	536.69	X		4,896,380.49
10/05/2023	34138	All Systems Brake Se...	20000 · Accounts Paya...	Claim No. 322	3,725.12	X		4,892,655.37
10/05/2023	34139	Barnwell House of Ti...	20000 · Accounts Paya...	Claim No. 323	3,580.44	X		4,889,074.93
10/05/2023	34140	Cablevision	20000 · Accounts Paya...	Claim No. 324	160.83	X		4,888,914.10
10/05/2023	34141	Capital Tire Service	20000 · Accounts Paya...	Claim No. 325	5,134.30	X		4,883,779.80

Sanitary District No.7 T.O.H

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From 09/08/2023 through 10/05/2023

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
10/05/2023	34142	Comply	20000 · Accounts Paya...	Claim No. 326	305.00	X		4,883,474.80
10/05/2023	34143	CSEA-EBF	20000 · Accounts Paya...	Claim No. 327	3,173.00	X		4,880,301.80
10/05/2023	34144	Drum Industrial Sale...	20000 · Accounts Paya...	Claim No. 328	245.70	X		4,880,056.10
10/05/2023	34145	Fastenal Company	20000 · Accounts Paya...	Claim No. 329	137.89	X		4,879,918.21
10/05/2023	34146	Gabrielli Truck Sales	20000 · Accounts Paya...	Claim No. 330	5,310.61	X		4,874,607.60
10/05/2023	34147	Global Montello Gro...	20000 · Accounts Paya...	Claim No. 331	18,053.51	X		4,856,554.09
10/05/2023	34148	Grade A Petroleum C...	20000 · Accounts Paya...	Claim No. 332	2,692.88	X		4,853,861.21
10/05/2023	34149	Hess Fleet Card	20000 · Accounts Paya...	Claim No. 333	450.66	X		4,853,410.55
10/05/2023	34150	Home Depot	20000 · Accounts Paya...	Claim No. 334	909.96	X		4,852,500.59
10/05/2023	34151	Interstate Batteries	20000 · Accounts Paya...	Claim No. 335	715.76	X		4,851,784.83
10/05/2023	34152	Long Island Sanitatio...	20000 · Accounts Paya...	Claim No. 336	3,554.60	X		4,848,230.23
10/05/2023	34153	National Grid	20000 · Accounts Paya...	Claim No. 337	40.27	X		4,848,189.96
10/05/2023	34154	Nawrocki Smith	20000 · Accounts Paya...	Claim No. 338	2,037.50	X		4,846,152.46
10/05/2023	34155	NYSIF	20000 · Accounts Paya...	Claim No. 339	1,917.04	X		4,844,235.42
10/05/2023	34156	Perillo & Hill, LLP	20000 · Accounts Paya...	Claim No. 340	3,450.00	X		4,840,785.42
10/05/2023	34157	Peterbilt of New Yor...	20000 · Accounts Paya...	Claim No. 341	938.07	X		4,839,847.35
10/05/2023	34158	Poland Spring Water	20000 · Accounts Paya...	Claim No. 342	442.22	X		4,839,405.13
10/05/2023	34159	PSEG Electric	20000 · Accounts Paya...	Claim No. 343	1,359.92	X		4,838,045.21
10/05/2023	34160	PSEG Recycling	20000 · Accounts Paya...	Claim No. 344	279.26	X		4,837,765.95
10/05/2023	34161	S&M Tire Recycling ...	20000 · Accounts Paya...	Claim No. 345	122.00	X		4,837,643.95

Sanitary District No.7 T.O.H

12/1/2023 9:24 AM

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From 09/08/2023 through 10/05/2023

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
10/05/2023	34162	SE Solutions	20000 · Accounts Paya...	Claim No. 346	875.00	X		4,836,768.95
10/05/2023	34163	Sele-Dent	20000 · Accounts Paya...	Claim No. 347	1,612.00	X		4,835,156.95
10/05/2023	34164	Sele-Dent Admin Fee	20000 · Accounts Paya...	Claim No. 348	126.00	X		4,835,030.95
10/05/2023	34165	The Brake Service Gr...	20000 · Accounts Paya...	Claim No. 349	81.33	X		4,834,949.62
10/05/2023	34166	The Parts Authority	20000 · Accounts Paya...	Claim No. 350	1,030.30	X		4,833,919.32
10/05/2023	34167	TIAA Bank	20000 · Accounts Paya...	Claim No. 351	155.00	X		4,833,764.32
10/05/2023	34168	Voipx	20000 · Accounts Paya...	Claim No. 352	412.79	X		4,833,351.53
10/05/2023	34169	Ambort,Mark	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,832,362.13
10/05/2023	34170	Dennis Heuer	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,831,372.73
10/05/2023	34171	Eugene Patrella	20000 · Accounts Paya...	Claim No. 353	494.70	X		4,830,878.03
10/05/2023	34172	Farinella,Joseph	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,829,888.63
10/05/2023	34173	George Beyer	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,828,899.23
10/05/2023	34174	Jean & Charles Thuren	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,827,909.83
10/05/2023	34175	John & catherine Ro...	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,826,920.43
10/05/2023	34176	John Holmes	20000 · Accounts Paya...	Claim No. 353	494.70	X		4,826,425.73
10/05/2023	34177	Legault,James	20000 · Accounts Paya...	Claim No. 353	989.40	X		4,825,436.33
10/05/2023	34178	Samoles, Christine	20000 · Accounts Paya...	Claim No. 353	494.70	X		4,824,941.63
10/05/2023	34179	Samoles,Joseph	20000 · Accounts Paya...	Claim No. 353	494.70	X		4,824,446.93
10/05/2023	34180	Scarlata,Charles	20000 · Accounts Paya...	Claim No. 353	692.40	X		4,823,754.53
10/05/2023	34181	James Mitchell	20000 · Accounts Paya...	Health Insuran...	90,400.00	X		4,733,354.53

Sanitary District No.7 T.O.H

12/1/2023 9:24 AM

Register: 10150 · TD Bank

From 09/08/2023 through 10/05/2023

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
10/05/2023	34182	Sanitary District No.7	20000 · Accounts Paya...		700,000.00	X		4,033,354.53
10/05/2023	34183	Vitulano,Anthony	20000 · Accounts Paya...	Claim No. 353	494.70	X		4,032,859.83
10/05/2023	34184	Vurture, Lisselote	20000 · Accounts Paya...	Claim No. 353	692.24	X		4,032,167.59
10/05/2023	34185	Vurture, Wayne	20000 · Accounts Paya...	Claim No. 353	692.24	X		4,031,475.35
10/05/2023	34186	Drum Industrial Sale...	20000 · Accounts Paya...	Claim No. 358	711.90	X		4,030,763.45
10/05/2023	34187	H.O. Penn	20000 · Accounts Paya...	Claim No. 355	18.43	X		4,030,745.02
10/05/2023	34188	Liberty American Wa...	20000 · Accounts Paya...	Claim No. 356	325.62	X		4,030,419.40
10/05/2023	34189	Chardonas	20000 · Accounts Paya...	Claim No. 357	23.46	X		4,030,395.94

(516) 766-8700

Thursday, August 11, 2023

Fax: (516) 766-2430

OCEANSIDE SANITATION DEPARTMENT



COMMISSIONERS

John M. Mannone

Sherlye Beckman

Patrick Doherty

Joseph Samoles

Donald J. Morgan

Sanitary District No. 7

Town of Hempstead

90 Mott Street

Oceanside, N.Y. 11572

Policy and Prodecdure for District Credit Card

- Credit card will be in the name of Oceanside Sanitary District #7
- Authorized users will be the General Supervisor, and the Secretrary to the Board
- Secretary to the Board shall keep a detailed record of each transaction
- All purchases will need to be approved by the Treasuer, and signed off by either the General Supervisor or the Secretary to the Board
- The physical card will be kept in a locked cabinet, and will need to be taken out only for approved uses
- The keys for the cabinet will be in the Treasuers possession

INTERNAL POLICY PROCEDURE FOR FOIL REQUESTS

This internal Procedure for Freedom of Information requests is made in accordance with the By-Laws of the Town of Hempstead Sanitary District No. 7, Article X, entitled Availability of District Records. This Internal Procedure is intended as a guide for the District's Secretary and our staff to help comply with the existing District FOIL policy.

HOW TO RESPOND TO A FOIL REQUEST

STEP 1: DETERMINE SCOPE OF REQUEST.

Upon receipt of a written foil request, the foil officer needs to determine the nature and scope of the request. If the request is a simple document request, the foil officer should comply with the request under the 5 DAY REVIEW PROCESS (See below). However, if the Foil request seek large scope of documents, and potential is seeking privileged documents, the foil officer should follow the FULL LEGAL REVIEW PROCESS. SEE, Two part test for whether FOILS require FULL Legal review at Appendix A.

5 DAY REVIEW PROCESS (Simple FOILS)

STEP 1: COLLECT DOCUMENT

STEP 2: VERIFICATION EMAIL

Prior to release the FOIL, the FOIL officer should email a copy of FOIL request with a copy of collected document to the District Lawyer, Chairman, and Vice Chairman for comment.

STEP 3: GRANT RESPONSE

If the FOIL officer does not receive objection to the release from the District Lawyer, Chairman, or Vice Chairman by the 5 day, the FOIL request should be release to the request by mail with transmittal letter, or in person, by having requester sign acknowledgment of receiving document.

FULL LEGAL REVIEW PROCESS (COMPLEX FOILS)

STEP ONE – ACKNOWLEDGEMENT LETTER (WITHIN 5 DAYS)

FOIL officer should acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that

circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

STEP TWO - EMAIL REQUEST FOR LEGAL REVIEW.

The FOIL OFFICER should email the District Lawyer requesting legal review of the Foil request, and cc copies to the Chairman and Vice Chairman.

STEP THREE - COLLECT DOCUMENTS.

FOIL OFFICER should collect all available documents requested and forward to the District Lawyers for review. In the event, a document is not available or could not be found, the missing documents should be noted for the FOIL response document.

AT THE END OF 20 DAYS, EITHER:

STEP FOUR - TWENTY DAY FOIL RESPONSE.

At the end of the twenty days after the date of acknowledge, the District Lawyer should prepare a response letter and authorize the District to release all or part of the FOIL Request. Upon production of the District Lawyer Reponse letter, the FOIL office should forward the Foil response letter together with any fees associated with the Foil. See, Appendix B for Fees.

OR

STEP FOUR- ADDITIONAL TIME LETTER.

If circumstances prevent disclosure within 20 days, the Foil Officer should provide a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

THIS PROCESS SHOULD KEEP CONTINUE UNTIL THE FOIL RESPONSE IS MADE.

APPENDIX A

TWO PART TEST FOR WHETHER FOIL REQUIRES FULL LEGAL REVIEW?

When deciding whether to use a full legal review, the Foil Officer is looking at two factors. One, how large and complex is the request? Second, whether the request raises potential objections.

PART ONE - LARGE REQUEST

In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

PART TWO- POTENTIAL PRIVILEGED DOCUMENTS REQUESTED

There are numerous legal objections to FOIL requests, the purpose of the FULL LEGAL REVIEW PROCESS is to make sure our disclosures full comply with the laws. Examples of objections includes:

- Employee medical records
- Attorney Client Privilege (such as district lawyer's correspondence)
- Certain Private Employee records (like telephone numbers, home address, credit records, etc.)
- Certain confidential documents received in District bids.
- Anything that could possibly endanger safety.
- Emails and communications between district actors that reflection nonfinal, deliberative expressions of opinion.

As a general rule, if in doubt about the nature of the FOIL request then apply the FULL LEGAL REVIEW PROCESS.

APPENDIX C

FEES

1. COPING FEE

The fee for copies is 25 cents per page for photocopies not exceeding 9 by 14 inches.

2. Labor Cost (Over 2 hours)

The District may charge an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so.

3. Cost of Storage Devices. The actual cost of the storage devices or media provided to the person making the request in complying with such request.

NOTE THE BOARD CAN WAIVE ALL OR PART OF THE FEES. IF THERE IS AN ISSUE with Requestor over fees, the foil issue should bring up with the Board.

APPENDIX C
EXCERPT OF THE DISTRICT BY-LAWS
ARTICLE X

PUBLIC ACCESS TO RECORDS OF
TOWN OF HEMPSTEAD SANITARY DISTRICT NO. 7

Section 1. Purpose and scope

Section 2. Designation of records
access officer Section 3. Location

Section 4. Hours for public inspection

Section 5. Requests for public access
to records Section 6. Subject matter
List

Section 7. Denial of access to
records Section 8. Fees

Section 9. Public notice

Section 10. Severability

Section 1 Purpose and scope:

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer:

- (a) The Board of Commissioners is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):
 - District Secretary
 - Sanitary District

No. 7 90 Mott
Street
Oceanside, New York 11572

(b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that;
 - (i) Town of Hempstead Sanitary District No. 7 is not the custodian for such records,

or
 - (ii) The records of which Town of Hempstead Sanitary District No. 7 is a custodian cannot be found after diligent search.

Section 3 Location:

Records shall be available for public inspection and
copying at: Town of Hempstead Sanitary
District No. 7
District
Headquarters 90
Mott Street
Oceanside, New York 11572

Section 4 Hours for public inspection:

Requests for public access to records shall be accepted and records produced from 9:00 a.m. to 3:00 p.m., Monday through Friday.

Section 5 Request for public access Records:

- (a) Requests for public access to records shall be made in writing.
- (b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) A response shall be given within five business days of receipt of a request by:
 - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) granting or denying access to records in whole or in part;
 - (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
 - (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such

acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

(5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) Responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6: Subject Matter List

(a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7: Denial of access to records:

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
- (b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:
 - Board of Commissioners
 - Town of Hempstead Sanitary
 - District No. 7 90 Mott Street
 - Oceanside, New York 11572
- (d) Any person denied access to records may appeal within thirty days of a denial.
- (e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) the date and location of requests for records;
 - (2) a description, to the extent possible, of the records that were denied; and
 - (3) the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- (g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650

(h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 8 Fees:

(a) There shall be no fee charged for:

(1) inspection of records;

(2) search for records; or

(3) any certification pursuant to this part.

(b) The fee for copies is 25 cents per page for photocopies not exceeding 9 by 14 inches.

(1) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

(2) an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(e) When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.

(f) An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(g) An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(h) An agency may waive a fee in whole or in part when making copies of records available.

Section 9 Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability:

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

