

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Greenwood Lake

FILED
STATE RECORDS

APR 02 2024

DEPARTMENT OF STATE

Local Law No. 3 of the year 2024

A local law to repeal and replace Chapter 23 of the Village Code (Records, Public Access to).
(Insert Title)

Be it enacted by the _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Greenwood Lake

as follows:

See attached local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the (County)(City)(Town)(Village) of Greenwood Lake was duly passed by the Board of Trustees (Name of Legislative Body) on 20²⁴, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

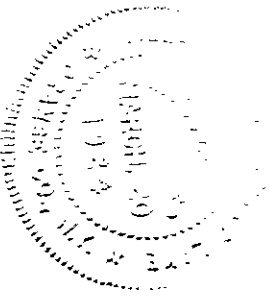
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Kathleen H. [Signature]

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/28/24

(Seal)



VILLAGE OF GREENWOOD LAKE

LOCAL LAW NO. 3 OF 2024

**A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 23
(RECORDS, PUBLIC ACCESS TO)**

BE IT ENACTED by the Village Board of the Village of Greenwood Lake, County of Orange New York ("Village Board") as follows:

Section 1. Legislative Intent.

The following Local Law is adopted for use by the Village of Greenwood Lake to regulate public access to Village records. The intent of these rules is to develop an orderly process whereby the public may request access to the records of the Village and simultaneously assure that Village personnel may be reasonably expected to react to those requests on a timely basis and in conformance with law.

Section 2. Purpose and scope.

Amendments to Chapter 23 of the Village Code is hereby repealed and replaced as follows:

§ 23-1. Purpose and Intent

A. The Freedom of Information Law requires that each municipality make and publish rules and regulations pertaining to public access to records. The Village is authorized to establish and amend such rules from time to time. This Local Law is adopted to continue to revise established regulations related to records access consistent with NYS Public Officers Law, Article 6 and 21 NYCRR § 1401, et. seq. Such rules are adopted and amended with the intent that they be the least restrictive possible in consonance with the needs of the public, the news media, the municipality and the legislative intent of providing public access to records.

B. The purpose and scope of this Local Law is as follows:

- (1) 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.
- (2) This Local Law requires establishment and amendment of regulations concerning the procedures by which records may be obtained from the Village.
- (3) The Village personnel shall furnish to the public the information and records required by the Freedom of Information Law and regulations adopted by the Village pursuant to this Local Law and New York State Public Officers Law, Article 6.
- (4) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 23-2. Regulations Regarding Access to Public Records.

The Village Board shall, by resolution, adopt and amend, as necessary, regulations governing public access to records consistent with the New York State Public Officers Law, Article 6 and 21 NYCRR §1401, et. seq. Such regulations shall be maintained by the Village Clerk, made available to the public, and posted on the Village website. A freedom of information request shall be required to be filed in order to obtain a copy of the regulations adopted pursuant to this Chapter and shall be made readily available to the public.

Section 3. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Code Preparation.

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

Section 5. SEQRA

This Local Law is a Type II action and not subject to further environmental review pursuant to 6 NYCRR 617.5(26) and (33).

Section 6. Effective date.

This Local Law shall be effective immediately upon filing with the Secretary of State.

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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 or confidentiality.
- B. These Regulations provide information concerning the procedures by which records may be obtained from the Village as set forth in Article 6 of the Public Officers Law (Freedom of Information Law). No Village regulations shall be more restrictive than this the provisions of Article 6 of the Public Officers Law.
- C. Village 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.
- E. The Village shall amend existing regulations or adopt new regulations to implement the Freedom of Information Law in conformity with Article 6 of the Public Officers Law.

Section 2. Designation of records access officer.

- A. The Village Board shall be responsible for insuring compliance with the regulations herein, and shall designate one or more persons as Records Access Officer by name or by specific job title and business address, and when requests are accepted via email, an email address, who shall have the duty of coordinating Village response to public requests for access to records. The designation of one or more Records Access Officers 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.
- B. The Village Clerk is hereby designated as the Records Access Officer for the Village and is the person from whom all records of the Village must be obtained.
- C. The Records Access Officer is responsible for assuring that Village personnel:
 - 1. Maintain an up-to-date subject matter list.

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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 sought involves substantial effort, so that Village personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested.
4. Upon locating the records, take one of the following actions:
 - a. make records promptly available for inspection; or
 - b. deny access to the records in whole or in part and explain in writing the reasons therefor.
5. Upon request for copies of records:
 - a. make a copy available upon payment or offer to pay established fees, if any; or
 - b. permit the requester to copy those records.
6. Upon request, certify that a record is a true copy.
7. Upon failure to locate records, certify that:
 - a. the Village is not the custodian for such records; or
 - b. the records of which the Village is a custodian cannot be found after diligent search; or
 - c. the search submitted does not reasonably describe records.
8. Responds with any combination of the above responses as appropriate to address requests for multiple records.

Section 3. Records Location.

- A. The Village shall designate the locations where records shall be available for public inspection and copying and update these regulations if such location is changed.

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- B. The Office of the Village Clerk at Village of Greenwood Lake Village Hall, 18 Church Street, Greenwood Lake, New York 10925 is hereby designated as the location within the Village from which all records of the Village will be made available. All requests for access to records should be submitted in writing to the Records Access Officer either at the Village Offices, at 18 Church Street, Greenwood Lake, New York 10925 or via email at clerk@villageofgreenwoodlake.org. If a record is not available at the Village Hall, the Village Clerk shall inform the requester of the location of such records.

Section 4. Hours for public inspection.

- A. The Village shall accept requests for public access to records and produce records during all hours they are regularly open for business, except in unusual circumstances, including states of emergency or other circumstances rendering records access temporarily impracticable.
- B. Absent such unusual circumstances, records of the Village will be made available for public inspection and copying during each day the Village offices are regularly open for business between the hours of 8:00 AM and 4:00 PM.
- C. If, for any reason, the Village does not presently have daily regular business hours, a written procedure shall be established by which a person may arrange an appointment to inspect and copy records. Such procedure shall include the name, position, address and phone number of the party to be contacted for the purpose of making an appointment.

Section 5. Responses to requests for records.

- A. All requests for Village Records shall be in writing, but the Village shall not mandate that any particular form be used for such purposes, but may provide a request form for convenience.
- B. In circumstances when the Village maintains copies of requested records on the Village website or elsewhere on the Internet, a response may, in lieu of providing copies, inform a requester that the records are accessible via the Internet and provide the link to such documents.
- C. The Village shall respond to a records request within five business days of the receipt of the request by:

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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 stating 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 stating 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, Village 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 Village, and similar factors that bear on the Village's 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 by the requester. Such failure to comply shall include situations in which the Village:
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;

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2. acknowledges the receipt of a request within five business days but fails to furnish an approximate date when it will grant or deny a request 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 and provides no explanation for such approximate date;
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 its acknowledgment of the receipt of a request;
5. determines to grant a request in whole or in part within twenty business days of its acknowledgment of the receipt of a request, but fails to do so, unless the Village 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 its acknowledgment of the receipt of a request and fails to provide the reason in writing explaining its inability to do so and a date certain by which the request will be granted in whole or in part.

Section 6. Subject matter list.

- A. The Village shall maintain a reasonably detailed current list, by subject matter, of all records in its possession, whether or not records are available pursuant to Article 6 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 Village shall update its subject matter list annually, and the date of the most recent update shall be conspicuously indicated on the list.
- D. The Village shall post its current subject matter list on its website.

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Section 7. Denial of access to records.

- A. A denial of access to records shall be in writing stating the reason therefor and advising the person denied access of their right to appeal to the Appeals Officer designated by the Village Board within 30 days and such denial shall include the identity and address of the Appeals Officer and shall include the manner in which such appeal shall be submitted. The Records Access Officer shall not be designated as the Appeals Officer.
- B. Any person denied access to records shall be required to appeal within 30 days of a denial and failure to appeal within 30 days of the denial shall be deemed a waiver of the right to appeal.
- C. The Village Mayor of Greenwood Lake is hereby designated as the Appeals Officer and shall determine appeals from the denial of access to records under the Freedom of Information Law.
- D. The time for deciding an appeal by Appeals Officer shall commence upon receipt of written appeal identifying:
 - 1. the date and location of requests for records;
 - 2. a description, to the extent possible, of the records requested that were denied; and
 - 3. name, email and return address of the appellant.
- E. 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.
- F. The Village shall transmit to the Committee on Open Government copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, New York 12231
- G. The Appeals Officer 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.

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H. A final denial of access to a requested record after appeal shall be subject to court review, as provided for in Article 78 of the New York Civil Practice Laws and Rules.

Section 8. Fees. Except when a different fee is otherwise prescribed by statute:

A. The Village shall not charge a fee for the following:

1. inspection of records for which no redaction is permitted;
2. search for, administrative costs of, or employee time to prepare photocopies of records;
3. review of the content of requested records to determine the extent to which records must be disclosed or may be withheld; or
4. any certification required pursuant to under these rules unless a statute or regulation authorizes a fee.

B. The Village may charge a fee for photocopies of records, provided that:

1. the fee shall not exceed 25 cents per page for photocopies not exceeding 8.5 by 14 inches.
2. the fee for photocopies of records in excess of 8.5 by 14 inches shall not exceed the actual cost of reproduction.
3. the Village may impose the 25 cents per page fee where the Village must manually redact documents and re-copy them prior to distribution.

C. The fee the Village 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

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3. the actual cost to the Village of engaging an outside professional service to prepare a copy of a record, but only when the Village's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- D. When the Village 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 Village shall be required to retrieve or extract such record or data electronically. In such case, the Village may charge a fee in accordance with these regulations. The Village shall not accept and use digital media (e.g. flash drives) from requesters and shall only use Village authorized media which shall be subject to the fees herein for the actual cost of such media.
- E. The Village shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of the Village employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- F. The Village shall require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

Section 9. Public notice.

- A. Within thirty days of adoption of these regulations, the Village shall publicize by posting in a conspicuous location and/or by publication in a local newspaper of general circulation:
 1. The locations where records shall be made available for inspection and copying.
 2. The name, title, business address and business telephone number of the designated Records Access Officer and Designated Appeals Officer.
 3. The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.

Section 10. Severability.

If any provision of these Regulations or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the

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validity of the other provisions of such Regulations or the application thereof to other persons and circumstances.