TOWN OF NEWBURGH
1496 Route 300, Newburgh, New York 12550

October 13, 2026

VIA E-MAIL mail@joshhuckabee.com
Mr. Joshua Huckabee
[redacted]
Newburgh, NY 12550

Re: Town of Newburgh; F.O.I.L Appeal Received September 28, 2026
Our File No. 800.1(F)( )(2026)

Dear Mr. Huckabee:

This letter serves as the decision with regard to your e-mailed and hand delivered Freedom of Information Law Appeal dated and received September 28, 2026 from the partial denial and "constructive denial" of access to certain records listed in your F.O.I.L. application dated August 21, 2026 to Lisa M. Vance Ayers, Town of Newburgh Town Clerk and Records Access Officer.

I address the multiple requested records in the same order of categories as set forth in your appeal:

1. Category (5): "the Deployment Plan under section 10.2, device location lists, and installation permits."

   Your appeal is granted, including but not limited to any Flock record to which the Town Police Department has access through the referenced "Link to Location of Services" provided that private individuals' names and personal/home contact information shall be redacted as invasions of personal privacy. "Installation permits" shall be deemed to include any executed Non Standard Pole Attachment Agreement with Central Hudson Gas & Electric for which a record/copy has been maintained, any written permit or authorization from the State, including the New York State Department of Transportation, any executed license with Orange County for placement of cameras on poles along County highways in addition to any written agreements with private property owners, including businesses and private individuals (subject to the redaction of private individual information referenced above). If a Deployment Plan, location list or installation permits does not exist or cannot be located after diligent search, the Town Clerk/Records Access Officer shall provide certification to that effect.

2. Category (7): " all records identifying any federal, state, county, municipal, or

non-governmental agency or entity that has requested or obtained access to Town data" and the date and time of the search but, excluding "any plate data, images, or information identifying any vehicle or person."

Your appeal is granted.

3. Category (6): the Town's network sharing settings and any agreement under which an agency or entity has obtained access, such as a sharing agreement with the Regional Crime Analysis Center.

   Your appeal is granted. I'm informed the Regional Crime Analysis Center agreement is the only such agreement in place. The Town Clerk/Records Access Officer will provide certification that no records of other agreements have been identified upon diligent search.

4. Audit logs not previously provided or provided in part.

   Your appeal is granted. If any of the audit log cannot be located after diligent search, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

5. Category (1): any sole-source or procurement records, including any written sole-source determination made by the Town and any record of compliance with General Municipal Law § 10 and any Purchase Order, a copy of which is held by the Police Department, in addition to those records already provided.

   Your appeal is granted. If there are no additional records, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

6. Category (2): any amendments, and any Special Terms under § 11.7 of the agreement, including any amendment, change order or statement of work behind the separate billing phases the invoices label "Falcon Contract Split (Phase 1)," "Contract Split Phase 2 Existing Infrastructure" and "Contract Splits DOT Phase 3," the Statement of Work that the Order Form (Exhibit A) names as the start of the Falcon Flex term, if that is a document other than the Order Form

   Your appeal is granted. If there are no such records, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

6. . Category (3). All renewal records, including any record showing the current term expiration date, or when any billing phase's term began or will renew, such as a Flock validation or activation notice.

   Your appeal is granted. If there are no such records, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

7. Category (6): records showing which features are enabled on the Town's account, the network sharing settings for the Falcon cameras and the Falcon Flex devices, and the criteria for and count of any privacy opt-out list.

   Your appeal is granted. If there are no such records, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

8. Category (8). copy of Policy 424.5 in effect on 03/25/2026 and the referenced retention schedule. Pursuant to Municipal Code Section 144-12, the referenced retention schedule is Retention and Disposition Schedule for New York Local Government Records LGS-1,

   The Town is currently making another effort to contact the vendor, who has been non-responsive to both telephone calls and e-mails. If those efforts are unsuccessful, the Town will certify that it does not have possession of the record and a copy cannot be found after diligent search.

9. Category (9): any signed or certified copy of the resolution authorizing the County license, as adopted (the copy produced is an unsigned form captioned "26th day of March, 2024," with an unsigned Clerks certificate stating adoption on August 26, 2024, the day the minutes record the Board's vote.)

   While a certification is typically only prepared upon request or in accordance with certain procedural or third party requirements and accordingly, not an existing record, the Town Clerk typically will certify records de novo upon request as a matter of course. I am informing the Town Clerk of the request for certification of the adopted resolution by copy of this letter.

10. Category (9): (1) any other Town Board resolution after March 25, 2024 referencing this system; (2) any no cost trial agreement; and (3) the online attestation form that, according to the Grant Award Notice, the Town had to sign and return in place of a DCJS grant contract for the Law Enforcement Technology award, (4) with any other page of that notice.

    Your appeal is granted. If such records in any of the four categories can be located upon diligent search, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

I recognize that the responsibility of the FOIL Appeals Officer to provide access in accordance with this decision. In light of my limited technological expertise and the categorization of certain of the records as law enforcement records, however, a certain degree of reliance on Town officials is a necessity in this case. The Town Clerk/Records

Access Officer will notify you as the records are ready for delivery and/or certifications completed.

By copy of this letter, I am forwarding a copy of this decision to the Committee on Open Government in accordance with POL §89(4)(a).

Very truly yours,

Mark C. Taylor,
Attorney for the Town of Newburgh and
Freedom of Information Appeals Officer

MCT/sel

cc: Supervisor (via e-mail)
Town Board (via e-mail)
Records Access Officer (via e-mail)
Chief of Police (via e-mal)
Committee on Open Government