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

November 6, 2026

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

Re: Town of Newburgh; F.O.I.L Appeal Received October 23, 2026
Our File No. 800.1(F)( )(2026)

Dear Mr. Huckabee:

This letter serves as the decision with regard to your e-mailed Freedom of Information Law Appeal dated and received October 23, 2026 from the partial denial and "constructive denial" of access to certain records listed in your F.O.I.L. application dated September 3, 2026 to Lisa M. Vance Ayers, Town of Newburgh Town Clerk and Records Access Officer.

I address the records in the same order as your original request:

1. "The 'Flock Facts' presentation in its native format (.pptx, .key or Google Slides export) with metadata intact, including author, company, template, and creation and modification dates. Not a PDF or other flattened copy in place of the native files"

Your appeal is granted. I am informed that the native format to be provided to you is PowerPoint (.pptx) and video.

2. "All drafts and prior versions, and the video made from it as posted to social media, in its original file format."

Your appeal is granted inasmuch as video and the native format "Flock Facts" presentation with metadata intact are being provided in response to number 1. The Town Clerk/FOIL Officer shall verify and provide certification that no other drafts and prior versions have been located upon diligent search.

3. "All records identifying each person who created, edited, reviewed or approved it, and reflecting the decision to publish it."

Your appeal is granted. In the event there is no record beyond the memorandum to you dated September 23,2026 from the Town of Newburgh Police Department and

the "native format" records provided pursuant to the decision regarding 1 above, the Town Clerk/FOIL Officer shall verify with the Police Department and provide certification

4. "Any template, slide deck, talking points, FAQ, "myth versus fact" document, community engagement guide or sample social media content received from Flock Group, Inc. or its employees, agents, resellers, contractors or public affairs staff, or from any other outside source."

Your appeal is granted. If such records from outside sources cannot be located after diligent search, the Town Clerk/Records Access Officer shall provide certification to you to that effect.

5. "All communications between Flock Group, Inc. and the Town or Police Department, including any concerning the Town's ALPR messaging, public criticism, media coverage, FOIL 2206-00897, and the presentation."

Your appeal is granted. Records of communications with Flock Group, Inc. shall be provided. The Police Department shall confer with the Department's IT support provider to establish whether or not the retired police administrator's e-mail account can be accessed and whether backups or archives exist that can be accessed. If the IT provider provides documented confirmation that access to the account, backups and archives cannot be obtained after diligent effort, then the Town Clerk/Records Access Officer shall provide certification to you to that effect.

6. "Internal communications among Town officers, employees or Board members about the presentation or the Town's public response to ALPR criticism."

Your appeal is granted to the extent any such communications include statistical or factual tabulations, data, instructions to staff, or final determinations and otherwise denied. As soon as possible, but in no event more than 5 business days, Town officers, employees and Board members shall confirm whether or not they possess any such records up to and including the September 3, 2026 date of the FOIL request to the Town Clerk/Records Access Officer and provide all such records to her. The Town Clerk/Records Access Officer shall prepare a list of the provided internal communications and they shall be reviewed to determine whether the "intra-agency exemption" applies. The internal communications which are not exempt shall immediately be released and those for which exemption or partial exemption is claimed shall be identified on the list. The marked list and any communications which have been partially redacted shall be provided to the applicant with the grounds for exemption noted. If there are questions with regard to the exempt status of any

particular internal communication, I should be contacted immediately for determination.

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)
Police Sergeant (vis r-mail)
Committee on Open Government