Records Requested, and What Came Back

Town of East Greenbush - Flock Safety automated license plate readers
A status report on ten requests under the Freedom of Information Law
Prepared for the Town Board meeting of November 18, 2026

Summary

Ten requests were filed under the Freedom of Information Law between July 16 and August 31, 2026. Together they contain **57 numbered items**.

Status	Items
Produced	4
Partially produced	9
Answered, no responsive records	4
No response of any kind	**40**

An administrative appeal covering six of the ten requests was filed on August 21, 2026. A written determination was due September 4. None has issued, which is **75 calendar days and 50 business days** past the statutory deadline as of this meeting.

Separately, seven questions were put to the Town Attorney on September 4, 2026. Six remain unanswered.

Nothing in this report alleges bad faith. The Town Clerk has been responsive and courteous throughout, acknowledged most requests promptly, confirmed in writing that no fee would apply, and provided status updates when asked. The Police Department reported a backlog of other pending requests, and two of these requests are genuinely voluminous. This document records where the requests stand, not why.

How to read this

"**No response**" means no response of any kind was given to that numbered item. It does not mean a record was refused, or that an exemption was claimed. It means the item was neither answered nor declined.

That distinction matters because of a pattern in the Town's own paperwork, described next.

The reply form

The Town closes a records request using a printed form. The form offers two options:

> **REPLY:** ☐ REQUESTED RECORD/S ATTACHED ☐ UNABLE TO LOCATE RECORD/S

There is no option for a partial response.

On **August 24, 2026** the first box was checked for both July 16 requests. On **September 23, 2026** the first box was checked for Request G. In neither case was the second box checked. In both cases, numbered items within those requests had received no response of any kind.

Each of those three requests had expressly asked for the opposite:

> "If no records exist that are responsive to any numbered item above, I request, pursuant to Public Officers Law § 89(3), a written certification that the Town does not possess such records for that item." (both July 16 requests)

> "If a record identified above does not exist, please state that in writing rather than omitting the item." (Request G)

That certification was renewed, item by item, on August 25, 2026. It has not been provided for any item.

The requests

1. Records of any ALPR devices currently installed or in trial

Filed	July 16, 2026
Acknowledged	July 17, 2026
Open as of this meeting	125 calendar days, 86 business days
Closed	Form marked "Requested Record/s Attached", 24 Aug 2026
Overall	Partially produced

#	Item requested	Status	What happened
1	All records identifying any ALPR device installed or operating within the Town, including location, owner, operator, installation date, and the agency whose database receives its data.	Partially produced	Camera list with locations and current status produced 24 Aug. Install date, owner, operator and receiving agency not produced.
2	All records regarding any device operating	Produced	Answered in the 24 Aug production.

#	Item requested	Status	What happened
	under a trial, demonstration, pilot, evaluation or pre-contract arrangement.		
3	All agreements, permits, licenses, right-of-way authorizations, pole attachment agreements or approvals relating to ALPR devices within the Town.	No responsive records	Nothing responsive produced.
4	All records regarding Department access to, searches of, or participation in any Flock database or sharing network, including user accounts and data-sharing agreements.	No responsive records	Nothing responsive produced.

The request asked, under Public Officers Law § 89(3), for written certification where no records exist for a numbered item. That certification was renewed item by item on 25 August and has not been provided.

2. Flock contract, cost, procurement, grant funding, and ALPR policy records

Filed	July 16, 2026
Acknowledged	July 17, 2026
Open as of this meeting	125 calendar days, 86 business days
Closed	Form marked “Requested Record/s Attached”, 24 Aug 2026
Overall	Partially produced

#	Item requested	Status	What happened
1	Any contract, vendor agreement, purchase order, quote or proposal, including amendments, renewals, addenda and attached terms.	Partially produced	Agreements and amendments produced. The quote named in Resolution 148-2022 and any renewal documents were not. Invoice INV-71462 is marked “Renewal -

#	Item requested	Status	What happened
			2024", which indicates a renewal record exists.
2	All records of total cost, payment schedule and funding sources, including budget line, appropriation, resolution, or state or federal grant.	Partially produced	One invoice produced, for 2025. Other years, and the budget line for account code 31204.01 named in Resolution 148-2022, were not.
3	All records of any grant application, award or correspondence about potential grant funding, including work by Lexipol or another consultant.	No responsive records	Nothing responsive produced.
4	All records of the procurement method used or planned, including competitive bidding, cooperative purchasing, or an exemption under General Municipal Law § 103.	No responsive records	Nothing responsive produced.
5	Any written policy, draft policy or procedure governing use, retention, sharing, audit or access controls.	Partially produced	Draft Policy 426 dated 8/11/2026 produced, marked DRAFT on every page and apparently ending mid-section at 426.7. No adopted policy, and nothing covering 2021 to date.
6	All records of the number, type and proposed or planned locations of devices under any executed, pending or proposed agreement.	Partially produced	Currently installed devices covered. Proposed or planned devices, including other camera types, were not.

#	Item requested	Status	What happened
7	Any penalty, liability, indemnification or termination clause relating to unauthorized access, breach, misuse or early cancellation.	Produced	Answered in the 24 Aug production.
8	Any Town Board resolution, minutes or authorization relating to approval, consideration or execution of any such agreement.	Partially produced	Resolution 148-2022 produced. Minutes, any authorization for the trial period that resolution refers to, and any authorization for the agreement executed 28 Sept 2021 were not.

Same § 89(3) certification request, renewed 25 August, not provided.

3. Communications with Flock representatives, and vendor-provided goods, services or hospitality

Filed	July 20, 2026
Acknowledged	August 5, 2026
Open as of this meeting	121 calendar days, 84 business days
Overall	No response

The only response within five business days was an automatic out-of-office reply. Acknowledged twelve business days after filing. On 1 September the Clerk wrote: "*I estimate that I will be able to gather this information by September 11th, 2026.*" Nothing has been produced. That is 68 days past the Town's own estimate.

4. Request A - Network and organization audit logs, since inception

Filed	July 27, 2026
Acknowledged	August 5, 2026
Open as of this meeting	114 calendar days, 79 business days
Overall	No response

#	Item requested	Status	What happened
1	**Network audit.** Every search run by an outside agency against Town cameras, with searching user and agency, date and time,	**No response**	-

#	Item requested	Status	What happened
	stated reason or case reference, parameters, and scope.		
2	**Organization audit.** Every search run by Town personnel or with Town credentials against any camera or network, same fields.	**No response**	-
3	The complete field schema or data dictionary for audit and search logs, including fields absent from a standard export.	**No response**	-
4	The retention period applicable to audit and search logs, and all logs retained.	**No response**	-
5	Hot list matches, alerts and notifications, and any evidence exports, saved searches or case attachments.	**No response**	-

Plate numbers were expressly not requested and their redaction accepted in advance. Redaction of searching user, agency, date, reason, case number or scope was not accepted. On 1 September the Clerk wrote that an organizational audit could be produced "*within 2 months of this email*", and explained that the audits are run by a single Sergeant, only in 30-day periods, depending on call volume. That estimate expired 1 November.

5. Request B - Detection records, full retention period

Filed	July 27, 2026
Acknowledged	August 5, 2026
Open as of this meeting	114 calendar days, 79 business days
Overall	No response

#	Item requested	Status	What happened
1	All detection or capture records retained, with every associated field: plate, date and time, camera identifier and GPS,	**No response**	-

#	Item requested	Status	What happened
	direction of travel, and derived vehicle characteristics, together with the images where retained.		
2	If denied, the specific subsection of § 87(2) relied on, and whether the Town asserts § 87(2)(b) personal privacy and whose interest.	**No response**	Not answered.

The request noted at the time that these records delete on a rolling basis and that the responsive set shrinks each day the request is pending. **Under the thirty-day retention setting, the records sought expired before the Town's response period ran.**

6. Request C - ALPR policy, sharing agreements, and system configuration

Filed		July 27, 2026	
Acknowledged		August 5, 2026	
Open as of this meeting		114 calendar days, 79 business days	
Overall		Partially produced	
#	**Item requested**	**Status**	**What happened**
1	Any policy, general order, SOP, directive or user agreement governing use of the system, including the internal policy described by the Chief on 15 July.	Partially produced	Draft Policy 426 produced 24 Aug, marked DRAFT throughout.
2	Records of the **monthly audit reviews** described at the 15 July meeting: who conducted each, period covered, findings, corrective action.	**No response**	-
3	Any records of misuse, policy violation, discipline or corrective	**No response**	-

#	Item requested	Status	What happened
	action arising from use of the system.		
4	Training materials or acknowledgment forms provided to or signed by users.	**No response**	-
5	All records identifying agencies the Town shares data with, and the Town's requests to search other agencies' data, including the **monthly sharing report** the Chief referenced.	**No response**	-
6	Any written sharing agreement, memorandum of understanding or reciprocal arrangement with another agency.	**No response**	-
7	Records showing whether any **federal agency** has had access to Town ALPR data, and on what basis.	**No response**	-
8	Current retention period for detection records and the complete history of changes, with dates and who authorized each.	**No response**	-
9	Whether the system **requires** a search reason and case number at time of search, and the history of that setting. If either is optional rather than enforced, to so state.	**No response**	-
10	Whether the Town enabled the filters	**No response**	-

#	Item requested	Status	What happened
	described on 15 July preventing searches related to immigration or reproductive care, and the date enabled.		
11	Whether the Town participates in the vendor’s data use for product improvement under Section 4.1, and any election made.	**No response**	-
12	The current agreement and all amendments, including the amendment reducing deployment from nine cameras to five, and any renewal or quotation under consideration.	Partially produced	The executed agreement was provided 20 August by the Supervisor, outside the FOIL process.

7. Request D - Vendor materials provided to the Police Department

Filed	August 18, 2026
Acknowledged	August 20, 2026
Open as of this meeting	92 calendar days, 63 business days
Overall	No response

#	Item requested	Status	What happened
1	Sales presentations, slide decks, brochures, product literature, one-pagers and any other marketing or informational materials.	**No response**	-
2	Written proposals, quotes, price sheets, order forms, statements of work and scoping documents.	**No response**	-
3	Demonstration and pilot materials, including trial or demo agreements, loaner or	**No response**	-

#	Item requested	Status	What happened
	evaluation equipment agreements, and any records describing a **free trial, pilot or demonstration period**.		
4	Product documentation, user guides, administrator guides, training materials, release notes and feature descriptions.	**No response**	-
5	Screenshots, screen recordings, video or webinar recordings provided to or viewed by Department personnel.	**No response**	-
6	Correspondence between any Town officer or employee and any ALPR vendor representative, including all attachments.	**No response**	-
7	Any non-disclosure, confidentiality or similar agreement executed with an ALPR vendor.	**No response**	-
8	Any written question-and-answer document, FAQ, talking points or response-to-questions record supplied by a vendor to Town or Department personnel.	**No response**	-

Period 1 January 2019 to the date filled. The request specifically asked that this include records provided to the Police Department or the Chief but **not** presented to the Town Board. Acknowledged 20 August with the standard twenty-business-day notice. Nothing has been produced.

8. Request E - Town Board records of prior ALPR presentations and approvals

Filed		August 18, 2026	
Acknowledged		August 20, 2026	
Open as of this meeting		92 calendar days, 63 business days	
Overall		No response	
#	**Item requested**	**Status**	**What happened**
1	Agendas, minutes and audio or video recordings of any Board meeting, workshop, work session or special meeting at which ALPR, Flock or any vendor was presented, demonstrated, discussed or voted upon.	**No response**	-
2	Any record identifying attendance by a vendor representative at a Board meeting, workshop or work session, including sign-in sheets, agendas listing the presenter, and correspondence scheduling the appearance.	**No response**	-
3	The text of any resolution, motion or authorization approving, amending or declining to approve the acquisition, installation, lease or use of ALPR cameras, with the recorded vote on each.	**No response**	-
4	Any record reflecting an amendment to the number of cameras authorized, including	**No response**	-

#	Item requested	Status	What happened
	any change from a larger to a smaller number.		
5	Minutes of any **executive session** at which ALPR or Flock was discussed, and the motion stating the statutory basis for entering it under Public Officers Law § 105.	**No response**	-
6	Any staff memorandum, department request, budget request, grant application or written recommendation to the Board concerning acquisition, renewal or expansion.	**No response**	-
7	Any record reflecting Board review, approval or authorization of a **renewal, extension or auto-renewal** after the original approval.	**No response**	-
8	Any procurement record generated under the Town's General Municipal Law § 104-b policy, including any determination that competitive bidding was not required.	**No response**	-

Period 1 January 2019 to 15 July 2026. Where a recording exists, the recording itself was requested, not only the written minutes. Acknowledged 20 August with the standard twenty-business-day notice. Nothing has been produced.

9. Request F - Hotlist topic selections and system policy settings

Filed	August 20, 2026
Acknowledged	August 21, 2026

Open as of this meeting	90 calendar days, 61 business days
Overall	No response

#	Item requested	Status	What happened
1	The list of NCIC hotlist topics currently selected by the Department, showing which are enabled and which disabled. A single screen in the Flock administrative interface.	**No response**	-
2	The Department's Flock "Policies" settings page, showing configuration for audit assistance, federal agency sharing, and any restricted search categories.	**No response**	-

The request was expressly narrow, noted that each item is a single screen, asked for no search of files or correspondence, and asked that Item 1 be produced separately if Item 2 would take longer. Another New York department, Elmira, has produced the same record. Nothing produced.

10. Request G - Purchasing and procurement records

Filed	August 31, 2026
Acknowledged	September 1, 2026
Open as of this meeting	79 calendar days, 54 business days
Closed	Form marked "Requested Record/s Attached", signed by Purchasing 23 Sept, sent 24 Sept 2026
Overall	Partially produced

#	Item requested	Status	What happened
1	The Purchasing Policy and Procedures in effect during 2021 and 2022, meaning the policy Resolution 132-2023 amended and replaced.	Partially produced	Clerk replied "I have asked for this policy - will send separately." Resolution 132-2023 and May 2023 minutes were sent.
2	Records of the annual review and Town Board approval of the	**No response**	No response given.

#	Item requested	Status	What happened
	purchasing policy required by General Municipal Law § 104-b, each year from 2019.		
3	Any **sole source or single source determination** for Flock, including the Board's written findings, the alternatives considered, the basis for finding the cost reasonable, the Sole Source Justification Form, and any vendor letter supporting it.	**No response**	No response given.
4	Any **Purchase Justification Form** or documentation supporting use of another government's contract, state contract, OGS or GSA contract as the basis for the procurement.	**No response**	No response given.
5	Any resolution, written designation or record authorizing a person other than the Supervisor to sign Flock contracts or amendments, specifically the amendment executed 16 December 2024.	**No response**	No response given. This is the record that bears on who holds title to the equipment.
6	All purchase requisitions, purchase orders and vouchers relating to any payment to Flock from 1 January 2021.	Produced	Documents attached.

#	Item requested	Status	What happened
7	All **quotes** obtained in connection with the procurement, and if fewer than the required number were obtained, the documentation stating why.	**No response**	No response given.
8	All Town Board resolutions or Supervisor approvals authorizing renewal, extension or continuation of the agreement for each contract year from 17 May 2023.	Produced	Documents attached.

The request stated: "*If a record identified above does not exist, please state that in writing rather than omitting the item.*" Five of the eight items received no response of any kind. The reply form offers only two options, records attached or unable to locate. The first was checked; the second was not.

The appeal

Filed	August 21, 2026
Covering	The six requests of July 16, July 20 and July 27
To	David Gruenberg, Esq., Attorney to the Town and Records Access Appeals Officer
Submitted through	Ellen Pangburn, Town Clerk and Records Access Officer
Copied	New York State Committee on Open Government
Authority	Public Officers Law § 89(4)(a); 21 NYCRR 1401.5(e)
Written determination due	**September 4, 2026**
Determination issued	**None**
Overdue as of November 18	**75 calendar days, 50 business days**

The appeal raised four grounds: that no date certain had been provided for any request; that the July 17 acknowledgments furnished no approximate date; that four requests were acknowledged outside the five-business-day period; and, as an observation offered with a standing invitation to withdraw it, whether a search of the agency rather than of one department had occurred.

The Committee on Open Government's Senior Attorney set out the consequence in writing on

August 20, 2026:

> “The appeals officer must issue a written determination within ten business days of receipt. Failure to do so constitutes a constructive denial of the appeal and the requestor may seek judicial review by initiating an Article 78 proceeding in state supreme court.”

Two further points belong in this record.

The appeal’s fifth item of relief asked for confirmation of the name and address of the officer designated to determine appeals for the Town. The Clerk answered that on August 27, confirming in writing that the appeal had been forwarded on August 24 to David Gruenberg, “attorney to the Town and also FOIL Appeals Officer”, and giving the mailing address shown on the Town’s FOIL request form. No email address has ever been provided. A telephone number was given the following day, and every communication intended for the Attorney to the Town has been routed through the Clerk’s office since.

Three days after the appeal was filed, the August 24 production substantially answered parts of both July 16 requests. That was put on the record the following day, with a request that the appeal be narrowed accordingly to the items that remained in dispute rather than the requests as a whole. That narrowing has never been acknowledged, because no determination has issued.

The Town’s own estimates

Where the Town gave a date, these are the dates it gave.

Date given	For	What was said	Days past, as of Nov 18
September 1, 2026	The July 20 request	“I estimate that I will be able to gather this information by September 11th, 2026.”	**68**
September 1, 2026	The organization audit	“I approximate that an organizational audit can be produced within 2 months of this email.”	**17**

The same message explained the constraint: the audits are run by a single Sergeant, can only be run in thirty-day periods, and depend on call volume. That explanation is accepted. It is recorded here because it is the only timetable the Town has given, and both dates have passed.

Questions to the Town Attorney

Seven questions were put to the Town Attorney on September 4, 2026, seventy-five days before this meeting. **Six remain unanswered.** The seventh has had no answer from the Attorney either. It was closed by a records request instead: Request G item 5 sought the same written designation of signing authority, and the Town marked that request complete without producing the document and without saying it does not exist.

#	Question	Status
1	Whether the Town has assessed if the Flock retention configuration conforms to Resolution 214-2020 and LGS-1 Item 1241(b).	Unanswered
2	Whether the Town takes the position that ALPR data held on Flock's systems is a Town record for retention and disposition purposes under Public Officers Law § 86(4).	Unanswered
3	Whether the Town had any mechanism in July 2026 to preserve ALPR records on receipt of a records request, and whether one was used.	Unanswered
4	Whether the Town has assessed if it can comply with a records request for detection data, given the retention configuration and the statutory response period.	Unanswered as a question. Answered in fact: the records sought on July 27 would ordinarily have expired before the response period ran. No record confirming deletion has been produced.
5	Whether the agreement gives the Town a contractual right to a complete audit record of system activity, including activity by vendor personnel, and whether the Town has ever requested one.	Unanswered
6	Whether the Town can independently verify that the audit records available through the vendor console are complete.	Unanswered
7	Whether the amendment	Answered indirectly. Request

#	Question	Status
	executed December 16, 2024 by the Chief of Police was signed under any written designation of signing authority.	G item 5 sought that designation and received no response; the request was then marked complete.

At the July 15, 2026 meeting, at 01:10:00 in the Town's own recording, the Supervisor made the point himself: "there are questions that if you can't answer, the answer is no."

What remains outstanding

- The **network audit**, which would show every search run by an outside agency against East Greenbush cameras. Requested July 27. 114 days.
- The **organization audit**, the outbound side of the same record.
- The **detection records**, which under the thirty-day retention setting would ordinarily have expired before the response period ran. No record confirming deletion has been produced.
- **Ten of the twelve items** in Request C, including the monthly audit reviews and the monthly sharing report that the Chief of Police described at the July 15 meeting as existing practice.
- **All eight items** of Request D, vendor materials, including any free trial or demonstration agreement and any non-disclosure agreement.
- **All eight items** of Request E, Board records, including any executive session minutes and any record of Board approval of a renewal or auto-renewal.
- **Both items** of Request F, which asked only for two screens from the vendor's administrative interface and expressly required no search of files.
- **Five of the eight items** in Request G, including the sole source determination, the purchase justification form, the quotes obtained, and the signing authority designation.
- The **§ 89(3) written certification** for every item where no record exists.
- A **written determination** of the August 21 appeal.
- **Six of seven** questions to the Town Attorney.

The published record

The complete correspondence file behind this report is published as a single archive: ten requests, thirty-four emails from July 16 to November 16, 2026, and every document the Town produced. It is linked from the records page of the published reports.

Three changes were made to those files before posting, and nothing else was altered, reordered or removed.

Email routing headers were stripped, leaving From, To, Subject, Date and the message body.

Those headers carry no substance and do carry the network addresses of the machines that handled each message.

Hidden document metadata was cleared from the PDF and ODT files. One exception: the Town's resolutions were produced as Word documents carrying the name of the Town employee who prepared them. That is official authorship of a public record, and removing it would weaken the authenticity of the production, so it was left as produced.

Two invoice pages were redacted. The Flock Safety invoices print a payment remittance block containing the company's own bank account number and routing code. Those two fields are blacked out on page 2 of `doc00275020260915102815.pdf` and page 1 of `doc00274720260915102649.pdf`, both from the Request G production of September 15, 2026. Each bar is marked **REDACTED BY PUBLIUS**, so that it is clear the redaction was made at publication and not by the Town.

Nothing else on those invoices was touched. The invoice numbers, dates, payment terms, line items and dollar amounts are intact and legible. The information redacted is a public record lawfully obtained, and the unredacted originals can be obtained from the Town by anyone who files for them. It was withheld here only because publishing a company's account and routing numbers enables payment fraud against that company, which serves no purpose in this record.

Sources

This report is compiled entirely from the Town's own correspondence and productions:

- Ten request emails, July 16 to August 31, 2026
- Acknowledgments and status replies from the Town Clerk dated July 17, August 5, August 20, August 21, August 28 and September 1, 2026
- The scanned reply form dated August 24, 2026, covering both July 16 requests, 56 pages
- The reply to Request G dated September 15, 2026, with attached documents
- The scanned reply form signed September 23 and sent September 24, 2026, marking Request G complete
- The administrative appeal of August 21, 2026
- The written response of the New York State Committee on Open Government, dated August 20, 2026

A note on how these are labelled. The Town modifies the subject line when it replies. Numbers appear that were not in the original request, among them 78, 79, 100, 101 and 102, sometimes alongside variations of my first name. Those are the Town's own, added for reasons it has not stated. They are not numbers I assigned, and they do not correspond to the request lettering used in this report. Replies also sometimes arrive on a different thread than the request they answer, which is why the correspondence file is ordered by date rather than by conversation.

The complete correspondence file is available on request.

Eric publiusnewyork@gmail.com