

Chapter 35

RECORDS

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§ 35-18. Definitions.

[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 9-8-1976 as L.L. No. 3-1976; Art. II, 8-12-1992 as L.L. No. 5-1992. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

ARTICLE I
Public Access
[Adopted 9-8-1976 as LL No. 3-1976]

§ 35-1. Rules and regulations authorized.

The Town Board of the Town of Patterson shall be authorized from time to time to promulgate and publish such rules and regulations as it deems necessary to facilitate compliance with Article 6 of the Public Officers Law, which said Article is commonly known as the "Freedom of Information Law."

§ 35-2. Records available for inspection.

A. The Town Board of the Town of Patterson hereby designates, pursuant to the above-mentioned rules and regulations, that the following records shall be available for public inspection and copy, which records shall include the following information, and any additional records which the Town Board may designate from time to time:

- (1) Constable records, such as daily reports, arrests, accidents, complaints, blotter and booking records and miscellaneous reports, to the extent that said records are not determined by the Constables of the Town of Patterson to be of a confidential nature.
- (2) Final opinions, including concurring and dissenting opinions, as well as orders rendered by the Justice Court, the Assessors, the Planning Board, the Board of Zoning Appeals and the Code Enforcement Officer of the Town of Patterson.
- (3) Any statements of policy and interpretation which have been adopted by the Assessors, the Planning Board, the Zoning Board of Appeals, the Town Clerk and the Code Enforcement Officer of the Town of Patterson.
- (4) The minutes of any meetings held by the Town Board, the Assessors, the Planning Board, the Board of Zoning Appeals and the Code Enforcement Officer of the Town of Patterson.
- (5) Statistical or factual tabulations made by or for the Town of Patterson or any of its departments by the Department of Audit and Control of the State of New York or any other auditors.
- (6) Fire records as they may pertain to or be of interest to any member of the public.
- (7) Statistics and/or information pertaining to birth and death certificates and copies thereof.
- (8) Tax rolls, bills, water bills, assessments, budgets, payrolls, information pertaining to town bonding indebtedness, town ordinances, local laws and accounts payable and receivable of the Town of Patterson.

B. This section shall not apply to records that:

- (1) Are specifically exempted from disclosure by state or federal statute;
- (2) If disclosed would constitute an unwarranted invasion of personal privacy, as defined under Subdivision 2 of Public Officers Law §89 including:
 - (a) the disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - (b) the disclosure of items involving the medical or personal records of a client or patient in a medical facility;
 - (c) the sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
 - (d) the disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
 - (e) disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
 - (f) information of a personal nature contained in a workers' compensation record, except as provided by § 110-a of the Workers' Compensation Law.
- (3) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (4) Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- (5) Are compiled for law enforcement purposes and which, if disclosed would:
 - (a) Interfere with law enforcement investigations or judicial proceedings;
 - (b) Deprive a person of a right to a fair trial or impartial adjudication;
 - (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures;

- (6) If disclosed could endanger the life or safety of any person;
- (7) Are inter-agency or intra-agency materials which are not:
 - (a) Statistical or factual tabulations or data;
 - (b) Instructions to staff that affect the public;
 - (c) Final agency policy or determinations;
 - (d) External audits, including but not limited to audits performed by the comptroller and the federal government; or
- (8) Are examination questions or answers which are requested prior to the final administration of such questions.
- (9) If disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

§ 35-3. Location of records.

The above-mentioned records, documents and information pertaining to the Town of Patterson may presently be found in the following locations:

- A. Vital statistics, birth and death certificates are on file in the office of the Town Clerk located at the Town Hall, 1142 Route 311, Patterson, New York.
- B. Fire Inspector records are in the custody of the Building Department, Town Hall, 1142 Route 311, Patterson, New York.
- C. Legal documents, actions pending for and against the Town of Patterson, contracts, deeds and other miscellaneous legal documents are on file in the office of the Town Clerk located at the Town Hall, 1142 Route 311, Patterson, New York.
- D. Decisions and opinions issued by the Town Justices of the Town of Patterson are on file in the office of the Town Justices, Donald B. Smith Building, 1167 Route 311, Patterson, New York.
- E. Tax information, tax rolls, exemptions, property transfers, grievances and disposition of same are on file in the office of the Town Assessors and Tax Collector, Town Hall, 1142 Route 311, Patterson, New York.
- F. Planning Board information, zoning maps, records of recommendations to the Town Board and other miscellaneous information pertaining to the Planning Board of the Town of Patterson are on file in the Planning Department, Town Hall, 1142 Route 311, Patterson, New York.

G. Zoning appeals decisions of the Zoning Board of Appeals in regards to variances requested are on file in the Planning Department, Town Hall, 1142 Route 311, Patterson, New York.

H. Other miscellaneous documents, maps, bills and assessments, tax rolls, water bill assessments, budget records, minutes of the Town Board of the Town of Patterson, Zoning Board of Appeals and Planning Board, Zoning Board of Appeals decisions, ordinances and local laws are on file with the Town Clerk of the Town of Patterson, Town Hall, 1142 Route 311, Patterson, New York.

I. Building and plumbing permits are on file with the Code Enforcement Officer of the Town of Patterson, Town Hall, 1142 Routes 311, Patterson, New York.

J. Engineering diagrams, maps and other miscellaneous documents related to the Town Highway system are on file in the office of the Town Superintendent of Highways, Town Garage, 281 Cornwall Hill Road, Patterson, New York.

§35-4. Personnel in charge of records.

The Town Board of the Town of Patterson is responsible for ensuring compliance with the regulations herein and designates the following persons as records access officers: Town Clerk and Deputy Town Clerk of the Town of Patterson, Town Hall, P.O. Box 470, 1142 Route 311, Patterson, New York. They shall be in charge of all records and documents presently belonging to the Town of Patterson and may from time to time arrange for the acquisition of copies of said documents from the chairmen or department heads who are responsible for the custody and daily use of said documents.

§ 35-5. Designation of fiscal officer.

A. The Supervisor of the Town of Patterson, P.O. Box 470, 1142 Route 311, Patterson, New York, is designated the fiscal officer, who shall certify the payroll and respond to requests, in accordance with § 35-6, for an itemized record setting forth the name, address, title and salary of every officer or employee of the agency.

B. The fiscal officer shall make the payroll items listed above available to any person, including bona fide members of the news media, as required under the Freedom of Information Law.

35-6. Procedure for procuring documents.

A. Any individual desiring to obtain a copy of any document or record belonging to the Town of Patterson shall make written request for said document or record, specifically identifying the document or record which he wishes to procure, to the Town Clerk of the Town of Patterson

between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, excluding any recognized legal holiday, or such other daily business hours as determined by the Town Clerk.

B. The individual requiring the information in question will then, where practicable, be referred to the appropriate chairman or department head who has custody of the records which the individual wishes to examine.

C. If, however, the individual desires copies of certain records, he shall so advise the Town Clerk, who will procure the required copies for the individual in question, provided said copies do not pertain to confidential information, and will assess the fee to the individual requesting the said copies as said fee is set forth in § 35-8 below.

D. The above-mentioned photocopies or reproductions of any records presently owned by the Town of Patterson shall be rendered to individuals requesting same, upon payment advance of the fee set forth below, within a reasonable period of time after requesting said information from the Town Clerk of the Town of Patterson.

§ 35-7. 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 hear appeals.

B. If requested records are not provided promptly, as required in § 35-6 of these regulations, such failure shall also be deemed a denial of access.

C. The Patterson Town Board shall hear appeals from denial of access to records under the Freedom of Information Law.

D. The time for deciding an appeal by the body designated to hear appeals shall commence upon receipt of written appeal identifying :

- (1) The date of the appeal.
- (2) The date and location of the requests for records.
- (3) The records to which the requester was denied access.
- (4) Whether the denial of access was in writing or was by failure to provide records promptly, as required by Subsection B of this section.
- (5) The name and return address of the requester.

E. The designated body to hear appeals shall inform the requester of its decision in writing within seven (7) business days of receipt of an appeal.

F. A final denial of access to a requested record, as provided for in Subsection E of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 35-8. Fees for copies.

A. To the extent that an individual will require copies of the Town of Patterson ordinances, zoning code, subdivision regulations or the like upon which there has been established a set fee, that fee shall be charged to the individual in question upon the procurement of the desired ordinance or regulation.

B. To the extent that the established fee has not been set for a copy of the local law, ordinances or the like, the individual desiring the records in question shall pay to the Town Clerk well in advance a sum as set from time to time by resolution of the Town Board for photocopies not to exceed eight and one-half by fourteen (8 1/2 x 14) inches. The fee for copies of records other than photocopies which are eight and one-half by fourteen (8 1/2 x 14) inches or less in size shall be the actual copying costs.

§ 35-9. Authority to amend regulations.

The Town Board of the Town of Patterson shall from time to time have the authority to amend or modify the above-mentioned regulations, by resolution, by adding to the list of documents covered by said regulations or by amending the regulations and charge fees applicable to procurement of said documents, in a manner which the Town Board feels to be in the best interest of the public in general.

ARTICLE II

Management

[Adopted 8-12-1992 as L.L. No. 5-1992]

§ 35-10. Establishment of program; responsibility of government employees.

A. There is hereby established for the Town of Patterson a records management program, which shall be the continuing administrative function of the Town of Patterson.

B. It is the responsibility of all government employees to contribute to the accomplishment of the program objectives and to cooperate with the Records Management Officer (RMO).

§ 35-11. Objectives.

The objectives of the Records Management Program shall be as follows:

A. To facilitate the creation of usable records containing accurate and complete information.

- B. To save tax dollars through efficient administration of information resources.
- C. To prevent the creation of unnecessary records.
- D. To make recorded information available and readily accessible when needed, thereby minimizing time spent searching for files and documents.
- E. To ensure the systematic legal disposition of obsolete records.
- F. To encourage the lasting survival of records identified as having sufficient legal, administrative, fiscal or historical value to warrant their permanent retention as archival records.

§ 35-12. Officer.

There shall be a records management program established under the aegis of the Town Board and headed by a Records Management Officer (RMO). The RMO will be responsible for administering the noncurrent and archival public records and storage areas for the County of Putnam in accordance with local, state and federal laws and guidelines.

§ 35-13. Powers and duties.

The RMO shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the Town of Patterson.

- A. The RMO shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:
 - (1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition;
 - (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrants its permanent retention; or
 - (3) Records not subject to disposition according to state law.
- B. The RMO shall establish guidelines for proper records management in any department or agency of the Town of Patterson in accordance with local, state and federal laws and guidelines.
- C. The RMO shall report annually to the Patterson Town Board on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.

D. The RMO shall operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all departments and agencies of the Town of Patterson and may cooperate in the establishment and operation of a cooperative records management center for the county and participating Putnam County towns.

E. The RMO shall establish a Patterson archives and perform the following functions:

- (1) Advise and assist Town of Patterson departments in reviewing and selecting material to be transferred to the Patterson archives for preservation.
- (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.
- (3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.
- (4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.
- (5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.
- (6) Provide information services to other offices of the Town of Patterson.
- (7) Collect archival materials which are not official records of the Town of Patterson but which have associations] value to the County of Putnam or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.
- (8) Develop a procedure whereby historically important records are to be identified at the point of generation.
- (9) Serve as a member of the Putnam County Records Management Advisory Board in the establishment and operation of a cooperative records storage facility for inactive records of the county and participating towns and villages.

§ 35-14. Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the RMO. The Board shall consist of the Supervisor and a member of the Town Board, the Town Attorney, the Town Historian, the Town Finance Director or Comptroller and two (2) members of the general public who have a demonstrated knowledge of records management, historical records or Patterson history. The Board shall meet periodically and have the following duties:

- A. To provide advice to the RMO on the development of the records management program.
- B. To review the performance of the program on an ongoing basis and to propose changes and improvements.
- C. To review retention periods proposed by the RMO for records not covered by the state archives' schedules.
- D. To provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 35-15. Custody.

- A. The Town Clerk of the Town of Patterson is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives rather than the department which created or held them immediately prior to their being transferred to the archives.
- B. Records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the head of the department which created or held the records and the approval of the Records Advisory Board.
- C. Records may be permanently removed from the archives at the request of the RMO or the Town Clerk who had custody of the records immediately prior to the transfer of these records to the archives, subject to the approval of the Records Advisory Board.

§ 35-16. Recovery; actions of replevin.

The Town Attorney may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

§ 35-17. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the Town of Patterson unless approval has been obtained from the RMO. No records shall be destroyed or otherwise disposed of by the RMO without the express written consent of the department head having authority.

§ 35-18. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ARCHIVES - Those official records which have been determined by the officer and advisory committee to have sufficient historical or other value to warrant their continued preservation by the local government.

RECORDS - Any documents, books, papers, photographs, sound recordings, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official town business.

RECORDS CENTER - An establishment maintained by the Town of Patterson or cooperatively by the County of Putnam and participating towns primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION:

- (1) The removal by the Town of Patterson, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:
 - (a) The disposal of temporary records by destruction or donation; or
 - (b) The transfer of records to the record center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.
- (2) The transfer of records from one town agency to any other town agency.

RECORDS MANAGEMENT - The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

SERVICING - Making information in records available to any town agency for official use or to the public.