

Meeting of the Town Board, Town of Yorktown held on October 2, 2015 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Susan M. Siegel, Councilwoman  
Gregory M. Bernard, Councilman  
Thomas P. Diana, Councilman

Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney

### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

Supervisor Grace explained that the purpose of this meeting was to discuss events that took place earlier this week. On Monday, Supervisor Grace said he received numerous calls from residents who received campaign literature from Councilman Patel at their email address they receive town notices and/or agendas,

Supervisor Grace explained that he contacted the Town's computer maintenance company in an attempt to find out if the Town's server had been hacked. It was not. He later discovered that the Town Clerk received two Freedom of Information Requests for emails collected by the Town; prior to fulfilling these requests, the Clerk had each sign an affidavit which states that the person would not use these emails for solicitation or fund raising purposes.

The Town Clerk explained that prior to fulfilling this FOIL request she contacted the Committee on Open Government which oversees the FOIL Law. She was sent an Advisory Opinion which states that the emails in question must be disclosed.

The Supervisor said he was disturbed that a sitting Councilman would have his political campaign use a Town Resource. These people signed up to receive agendas or other notices from the Town of Yorktown; they never signed up to receive political information.

Councilwoman Siegel stated that the use of the addresses was not against the law. She read advisory opinions from the Executive Director of Committee on Open Government. One opinion dated July 7, 2011 relates to the issue of "solicitation" and "personal privacy". The second opinion dated December 8<sup>th</sup> relates to emails in general and concludes

"E-mail communications involve a lesser invasion of privacy than a phone call or contact at a person's home address because an email address does not divulge the geographic location of a person's home, and in many instances, does not include a person's name or other identifying information. Further, individuals may maintain multiple email accounts, reserving one for internet business and other for social communications. Consequently, I believe that disclosure of an email address would be less likely to cause an unwarranted invasion of personal privacy than disclosure of a home or cell phone number and must be disclosed

Councilman Gregory Bernard read a statement made by then Supervisor Siegel in September, 2011 in which she states that the email addresses of the people who signed up for the Emergency Notification System would never be used for anything but for the dissemination of emergency notices.

Councilwoman Siegel stated that at the time that statement was made, she didn't know the FOIL law as it relates to email addresses.

Supervisor Grace stated that he would like Councilman Patel to give his office the names of the people who were contacted by his campaign using emails from town lists. He also asked the Town Board for authorization to write a letter of apology that will be sent to people who were on those lists.

Supervisor Grace asked the Town members to accept the following Pledge:

Councilman Patel read from a prepared statement explaining why he would vote against the resolution.

Councilwoman Siegel stated that she would like to see the resolution in writing before a vote is taken.

PLEDGE TO NOT USE INFORMATION OBTAINED FROM TOWN'S EMAIL LIST FOR POLITICAL CAMPAIGN  
RESOLUTION #372

Upon motion made by Supervisor Grace, seconded by Councilman Bernard,

“Pledge, not to use the information obtained from the Town’s email lists in a political campaign.”

Grace, Bernard, Diana	Voting Aye
Patel, Siegel	Voting Nay

Pledge adopted.

ADJOURN

Upon motion made by Councilman Bernard, seconded by Supervisor Grace, the Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown