

Re: FW: Request for advisory opinion

3/3/21 11:09 AM

From: Anthony Casale <casalelawfirm@gmail.com>

To: "Oneill, Kristin (DOS)" <Kristin.ONeill@dos.ny.gov>

Cc: "tim@mohawkvalleycompass.com" <tim@mohawkvalleycompass.com>

Good morning Ms. Oneill. Thank you for the opportunity to contribute. I respectfully submit that in addition to the transcript and meeting minutes, Mr. Becker was present and made a video recording of both the Committee of the Whole (COW) and the actual meeting itself. This video was previously published on social media by Mr. Becker via Mohawk Valley Compass on facebook. While viewing the video in its entirety may not be absolutely necessary, given that the video actually exists, I submit that the video will serve to confirm the recital of the history of the event in question as set forth herein.

I will start with my own personal conclusions: If given the opportunity to re-state out loud the sentence that led to the motion, I would have made the sentence longer to include specificity that the Council would be interviewing prospective accountants to provide professional services for the City relating to the audit. Having said that, the COW was held immediately prior to the Common Council meeting in which this executive session occurred. During the COW, at more than one juncture, it was explained that the council would later be going into to executive session to interview a number of companies to prospectively provide accountant services regarding the audit. Moreover, I would estimate that less than thirty minutes lapsed from the time of this discussion and the actual executive session. There were no other other executive sessions on the evening in question.

It is believed that the City acted with complete transparency. There was no mystery or sheathing of the issue. It is not believed that the analysis should be limited to the sentence that preceded the motion. Mr. Becker recorded the whole thing.

The City has acted in good faith and with transparency and Mr. Becker appears to be taking action to find a 'gotcha' moment in a misguided watchdog effort of sorts. It is noted that he has not raised in his complaint that he was unaware as to the topic being discussed in the executive session.

The City and Mayor Cinquanti's administration takes great pride in acting above-board and with transparency. I remain available to assist the committee in any way requested. Thank for the opportunity to make the instant submission.

Very truly yours,

Anthony Casale
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On Wed, Mar 3, 2021 at 10:40 AM Oneill, Kristin (DOS) <Kristin.O'Neill@dos.ny.gov> wrote:

Good Morning Mr. Casale,

The Committee on Open Government received a request for an advisory opinion from Tim Becker (see below). We would like to afford the City an opportunity to provide any information it believes would be useful to the Committee in forming an opinion regarding the City's compliance with the Open Meetings Law.

If the City wishes to provide additional information, please do so by close of business, March 10, 2021.

Thank you in advance for any assistance you provide.

Sincerely,

Kristin O'Neill

Assistant Director, Committee on Open Government

New York State Department of State

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