

EXHIBIT "A"

EXHIBIT A

August 16, 2021

Town of Hempstead
Records Access Officer
Marie Jerome
mjerome@tohmail.org

Dear Ms. Jerome:

Pursuant to the Freedom of Information Law, I request **all records** pertaining to ALL Television advertising by the Town of Hempstead that aired in 2020.

These records shall include but not be limited to invoices, claim forms, and the actual audio, video, images, and text used in the advertisements.

I request that the records be provided to me in pdf format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. Therefore, I would appreciate a response via email as soon as possible and look forward to hearing from you shortly.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "B"

EXHIBIT B

AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

FELIX PROCACCI, being duly sworn, deposes and says:

In the year 2020 I, Felix Procacci viewed Television commercials on cable TV produced by the Town of Hempstead and these commercials spoke about the COVID-19 pandemic. These commercials mentioned the name of the Town Supervisor, Don Clavin and recommended residents go to the Town's website for more information.


Felix Procacci

Sworn to before on the
11th day of October, 2022



Notary Public

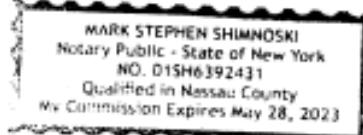


EXHIBIT "C"

EXHIBIT C

September 20, 2021

Town of Hempstead
FOIL Appeals Officer
Donald Derham
donader@tohmail.org

Re. Appeal of FOIL request 202107362, submitted on August 16, 2021

Mr. Derham

Pursuant to the Freedom of Information Law, I am appealing the **implicit denial** of FOIL Request #202107362 which requested **all records** pertaining to ALL Television advertising by the Town of Hempstead that aired in 2020.

These records shall include but not be limited to invoices, claim forms, and the actual audio, video, images, and text used in the advertisements.

I request that the records be provided to me in pdf format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. Therefore, I would appreciate a response via email as soon as possible and look forward to hearing from you shortly.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "D"

EXHIBIT D

DONALD X. CLAVIN, JR.
SUPERVISOR



KATE MURRAY
TOWN CLERK

OFFICE OF THE TOWN CLERK
ONE WASHINGTON STREET • HEMPSTEAD, N.Y. 11550-4923
(516) 489-5000

September 20, 2021

Felix Procacci
1165 Barnes Street
Franklin Square, NY 11010

RE: F.O.I.L. Request #202107362 – All records pertaining to All Television Advertising by
The Town of Hempstead that aired in 2020

Dear Mr. Procacci,

Please be advised that your Freedom of Information Law request of August 16, 2021,
Whereby you requested several documents could not be accommodated within the 20 day
period. Therefore, I am informing you that a more reasonable amount of time for us to
respond to your request would be November 2nd, 2021. Please be advised that this does not
waive the Town's right to withhold records in accordance with FOIL. All production of
records is subject to redaction in accordance with FOIL.

Should you have any questions, please feel free to call me at your convenience at 516-812-
3036 or via email at: mjerome@tohmail.org.

Yours truly,

A handwritten signature in black ink that reads "Marie Jerome".

Marie Jerome
Records Access Officer

EXHIBIT "E"

EXHIBIT E

December 13, 2021

Town of Hempstead
FOIL Appeals Officer
Donald Derham
donader@tohmail.org

Re: Appeal of FOIL #202107362

Mr. Derham,

Pursuant to the Freedom of Information Law, I am appealing the implicit denial of FOIL #202107362. These records were requested in my FOIL request of August 16, 2021 but were not provided.

On September 20, 2021, Ms. Jerome informed me that the records would be made available on Nov. 2, 2021, but they were not provided.

I request that the records be provided to me in a pdf document format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

The Freedom of Information Law requires that an agency respond to a FOIL appeal within 10 business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "F"

EXHIBIT F

DONALD X. CLAVIN, JR.
SUPERVISOR



KATE MURRAY
TOWN CLERK

OFFICE OF THE TOWN CLERK
ONE WASHINGTON STREET • HEMPSTEAD, N.Y. 11550-4923
(516) 489-5000

January 20, 2022

Felix Procacci
1165 Barnes Street
Franklin Square, NY 11010

Re: FOIL Request #202107362 – All records pertaining to All Television advertising by the Town of Hempstead that aired in 2020.

Dear Mr. Procacci,

I am writing in response to your recent Freedom of Information Law request referenced above.

Please be advised that after a diligent search of the Town's files, no documents that are responsive to your request were found.

If you believe you have been denied access to Town records, you may make an appeal in writing within 30 days to: Donald Derham, Deputy Town Attorney/FOIL Appeals Officer, Office of the Town Attorney, One Washington Street, Hempstead, NY 11550 or by email to: donader@tohmail.org@tohmail.org.

Yours truly,

A handwritten signature in black ink that appears to read "Marie Jerome".

Marie Jerome
Records Access Officer

EXHIBIT "G"

EXHIBIT G

January 21, 2022

Town of Hempstead
FOIL Appeals Officer
Donald Derham
donader@tohmail.org

Re: 2nd Appeal of FOIL #202107362

Mr. Derham,

Pursuant to the Freedom of Information Law, I am appealing Town's January 20, 2022 determination that no records exist regarding the Town's TV advertising in 2020. In December 2020, I viewed such commercials on several occasions.

On September 20, 2021, Ms. Jerome informed me that the records would be made available on Nov. 2, 2021, but they were not provided. Then on November 19, 2021 Ms. Jerome notified me that Mr. Martir would address this at my Nov. 22nd court date. This response is illegal under FOIL (and Mr. Martir did not provide me with any records or a written status of this FOIL request).

NOTE: It is required by FOIL that the Town submit all FOIL appeals and their determinations to the Committee on Open Government.

I request that the records be provided to me in a pdf document format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

The Freedom of Information Law requires that an agency respond to a FOIL appeal within 10 business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "H"

EXHIBIT H

FOIL 202107362 appeal.

Donald Derham <donader@tohmail.org>
To: Felix Procacci <felixguyprocacci@gmail.com>, fprocacci@hotmail.com

Wed, Mar 2, 2022 at 2:42 PM

Dear Mr. Procacci:

You requested responsive documents "pertaining to ALL Television advertising by the Town of Hempstead that aired in 2020."

When the Clerk's office communicated with several other Town departments, it appears that someone may have assumed – as with many of your other requests – that this related to the Town's use of CARES Act funds.

The Town didn't spend any CARES Act money on television advertising – even though you may have seen Town officials promoting free CoVid testing in television announcements.

So, the answer is the Town spent no CARES Act money on television and no responsive documents exist.

If you want responsive documents about the Town's television expenses, please let me know.

I will gladly expedite a reply.

Sincerely,

Donald Derham, Deputy Town Attorney
Town of Hempstead
1 Washington St
Hempstead NY 11550-4921
516.812.3132

EXHIBIT "I"

EXHIBIT I

From: **Felix Procacci** <felixguyprocacci@gmail.com>
Date: Wed, Mar 2, 2022 at 3:35 PM
Subject: Re: FOIL 202107362 appeal.
To: Donald Derham <donader@tohmail.org>

Thank you.

Yes, I would like documents related to the Town's television expenses in 2020 (regardless of whether CARES Act funds were used or not).

Felix Procacci

EXHIBIT "J"

EXHIBIT J-PAGE 1 OF 2

October 18, 2021

Re: Ethics complaint against Town of Hempstead's Compliance Officer, Thomas Willdigg

Mr. Leventhal,

I am sending this ethics complaint to you, in your capacity as counsel to the Town of Hempstead Ethics Board. I request that it be filed with the Board as a formal ethics complaint against Thomas Willdigg, the Compliance Officer of the Town of Hempstead.

The evidence I present in this document provides IRREFUTABLE EVIDENCE that Thomas Willdigg and his company, TCK Investigations made illegal political contributions to Supervisor Clavin, DA Candidate Anne Donnelly, and the Nassau Republican Committee (shown below).

Expend	Contribution Date	Amount	Contributor Name	Contributor Address	Transaction Type	Contributor Type	Transfer Type	Recipient	Disclosure Report	Committee Type	Filer Type	Filer County
①	09/09/2021	\$1,600.00	Thomas Willdigg	101 Ray Street Massapequa NY 11758 United States	A - Monetary Contributions Received From Ind & Part	Individual		Friends Of Dan Clavin - ID# 3549	2021 State/Local 32-Day Pre-General	Authorized Single Candidate Committee	County	Nassau
②	09/21/2021	\$675.00	TCK Investigations Inc	Po Box 1294 North Massapequa NY 11768 United States	B - Monetary Contributions Received From Corporation			Anne Donnelly For District Attorney - ID# 100152	2021 State/Local 32-Day Pre-General	Authorized Single Candidate Committee	County	Nassau
③	09/08/2021	\$268.00	TCK Investigations Inc	P O Box 1294 N Massapequa NY 11768 United States	B - Monetary Contributions Received From Corporation			Friends Of Dan Clavin - ID# 3549	2021 State/Local July Periodic	Authorized Single Candidate Committee	County	Nassau
④	01/28/2021	\$160.00	TCK Investigations Inc	PO Box 1294 Massapequa NY 11768-0905 United States	B - Monetary Contributions Received From Corporation			Nassau County Republican Committee - (ID# 1422)	2021 State/Local July Periodic	Authorized County Committee	County	Nassau

According to the Town's Compliance Officer's law, §65-4 Political activities prohibited, the compliance officer is prohibited from making political contributions , as shown below. Click on the following link to see the entire law: [TOH Compliance Officer Law](#) .

C. Solicit funds for, pay an assessment to, or make a contribution to a political organization, a sitting public officer, or a candidate for public office;

D. Attend or purchase tickets for dinners or other events sponsored by a political organization, a sitting public officer, or a candidate for public office;

In 2019 when Mr. Willdigg was asked about political contributions his company made, Newsday reported that Mr. Willdigg said he did not make the contributions but refused to say who did (see: [Sept. 10, 2019 Newsday](#)). Clavin, then a candidate for Town Supervisor was quoted as saying: "*if Willdigg said he hasn't made any contributions, then he hasn't*"

EXHIBIT J-PAGE 2 OF 2

There is clearly a conflict of interest when the Compliance Officer of the Town gives political contributions to a board member who, in part, controls his employment. There is clearly a conflict of interest when a Candidate for Office is willing to take a person's word (without any investigation), that he did not make any illegal contributions.

Mr. Willdigg also continues to cover-up his illegal activity by not publishing the documents referring to case #8-2019.

To be clear, the allegations I am making in this ethics complaint are the following:

1. Mr. Willdigg INTENTIONALLY gave political contributions to Supervisor Clavin's campaign committee, and other political allies, to protect his \$150k job.
2. Mr. Willdigg is covering up his illegal activity relating to ethics case #8-2019 where Mr. Willdigg interfered with his own investigation. Mr. Willdigg refuses to publish a complete report on this case because it will show that he committed a crime. The report he published on the Town's website (shown below) provides no insight into the complaint made against the Town Board or Mr. Willdigg's response to that complaint (that shows he interfered with the investigation).

#8-2019	4/10/2019		Affidavit of Complaint	Authorized under the TOH Procurement Policy & Procedures - Guideline 3	Compliant
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I hope the Ethics Board will do a comprehensive investigation of Mr. Willdigg's illegal actions.

Felix Procacci
516-233-1562

EXHIBIT "K"

EXHIBIT K-PAGE 1 OF 2

BOARD OF ETHICS

WATSON G. DELL
Acting Chair
JOSEPH NOCELLA
Town Attorney
GRACE MORAN
ROBERT G. SULLIVAN

STEVEN G. LEVENTHAL
Counsel
DENISE VODA
Acting Secretary

Town of Hempstead

Board of Ethics

1 WASHINGTON STREET, HEMPSTEAD, N.Y. 11560-4823



DONALD X. CLAVIN, JR.
Supervisor

March 3, 2022

Mr. Felix Procacci
via email: felixguyprocacci@gmail.com

Re: Complaint dated October 18, 2021: Alleged Prohibited Political Activities

Dear Mr. Procacci:

The Board of Ethics has reviewed your complaint alleging that Compliance Officer Thomas R. Willdigg violated Town Code §65-4 (Political activities prohibited), by making prohibited contributions to the election campaigns of the Town Supervisor, the District Attorney and the Nassau Republican Committee.

GOVERNING AUTHORITY

Town Code Chapter 65 (Compliance Officer), §65-4 (Political activities prohibited), provides, in pertinent part, that:

The Compliance Officer and staff shall avoid any appearance of bias or impropriety, and shall adhere to the highest ethical standards. Except as otherwise provided by law, the Compliance Officer, Deputy Compliance Officer and their subordinate officers shall not:

Solicit funds for, pay an assessment to, or make a contribution to a political organization, a sitting public officer, or a candidate for public office;

DISCUSSION

Publicly available records maintained by the New York State Board of Elections indicate that the following contributions were made on the respective dates indicated:

Date	Contributor	Recipient	Amount
09-09-21	Thomas Willdigg	Friends of Don Clavin	\$1,600.00
01-28-21	TCK Investigations	Nassau Republican Comm.	\$ 160.00

EXHIBIT K-PAGE 2 OF 2

Mr. Felix Procacci -2- March 3, 2022

<u>Date</u>	<u>Contributor</u>	<u>Recipient</u>	<u>Amount</u>
06-08-21	TCK Investigations	Friends of Don Clavin	\$ 250.00
09-21-21	TCK Investigations	Anne Donnelly for DA	\$ 675.00

Prior to his appointment as Town Compliance Officer on February 1, 2019, Mr. Willdigg served as President of a private investigation firm, TCK Investigations, Inc. At a meeting of the Board of Directors of TCK Investigations convened on January 30, 2019, Mr. Willdigg resigned as President effective February 1, 2019. Mr. Willdigg reported that he has not received any salary or other compensation from TCK Investigations since his resignation as President.

Compliance Officer Thomas R. Willdigg's resignation as President of TCK Investigations was memorialized in minutes of the meeting executed by the voting members, as were the appointments of Katy Thompson as President, and Mr. Willdigg's son, Thomas W. Willdigg, as Vice President. The appointment of Ms. Thompson as President is also reflected in publicly available records of the Department of State, Division of Corporation.

Mr. Willdigg reported that he divested himself of his ownership interest in TCK Investigations on September 7, 2021. On September 9, 2021, TCK purchased a ticket to a golf outing in support of the election campaign of Supervisor Clavin. Credit card and banking records provided to the Board of Ethics indicate that the purchase price of the ticket, \$1,600.00, was paid by TCK Investigations, not by Mr. Willdigg. The golf outing was attended by Mr. Willdigg's son, Thomas W. Willdigg and other employees of TCK Investigations. The golf outing was not attended by Compliance Officer Thomas R. Willdigg.

CONCLUSION

Based on the evidence presented, the Board of Ethics finds that Compliance Officer Thomas R. Willdigg did not violate Town Code §65-4 (Political activities prohibited), by making prohibited contributions to the election campaigns of the Town Supervisor, the District Attorney and the Nassau Republican Committee.

The foregoing constitutes the opinion of the Board of Ethics.

Dated: Hempstead, New York
March 3, 2022

Watson G. DeJill
Watson G. DeJill, Chair

EXHIBIT "L"

EXHIBIT L

From: **Denise Voda** <denivod@tohmail.org>
Date: Wed, May 18, 2022 at 11:31 AM
Subject: Board of Ethics Response
To: <felixguyprocacci@gmail.com>

Please see the attached response to your ethics complaint.

Denise Voda
(516) 812-3188

EXHIBIT "M"

EXHIBIT M-PAGE 1 OF 4

May 23, 2022

Town of Hempstead
FOIL Officer
Marie Jerome
mjerome@tohmail.org

Ms. Jerome,

Pursuant to the Freedom of Information Law, I request the following information:

1. The minutes of TCK Investigations meeting that show that Thomas Willdigg resigned as President of TCK Investigations.
2. The minutes of TCK Investigations meeting that show the appointment of Katy Thompson as President of TCK Investigations.
3. The minutes of TCK Investigations meeting that show the appointment of Thomas W. Willdigg as Vice President of TCK Investigations.
4. Records that show Mr. Willdigg has not received any salary or compensation from TCK Investigations since his resignation as President.
5. Records that show that Thomas Willdigg divested himself of his ownership interest in TCK Investigations on September 7, 2022.
6. Bank records that show a September 9, 2021, \$1600 campaign contribution to Friends of Don Clavin was made by TCK Investigations.
7. Records that show that Thomas W. Willdigg attended a 2021 golf outing in support of the election campaign of Supervisor Clavin.
8. Records that show that Thomas R. Willdigg DID NOT attend a 2021 golf outing in support of the election campaign of Supervisor Clavin.
9. Records that show all employees of TCK Investigations that attended a 2021 golf outing in support of the election campaign of Supervisor Clavin.
10. All other records, **not mentioned in items 1 through 9**, that the Town's Ethics Board gathered during its investigation of the October 18th 2021 Ethics complaint against Thomas Willdigg.

PLEASE NOTE: The Town's Ethics Board letter dated March 3, 2022 regarding "Complaint dated October 18, 2021: Alleged Prohibited Political Activities" to Felix Procacci (see attached letter) mentions that the information asked for in this FOIL request was used as "evidence" by the Town's Ethics Board to render its decision.

EXHIBIT M-PAGE 2 OF 4

I request that the records be provided to me in pdf format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. Therefore, I would appreciate a response via email as soon as possible and look forward to hearing from you shortly.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010

felixguyprocacci@gmail.com

516-233-1562

EXHIBIT M-PAGE 3 OF 4

BOARD OF ETHICS

WATSON G. DELL,
Acting Chair
JOSEPH MOCELLA,
Town Attorney
GRACE MORAN
ROBERT G. SULLIVAN

STEVEN G. LEVENTHAL
Counsel
DENISE VODA
Acting Secretary

Town of Hempstead

Board of Ethics

1 WASHINGTON STREET, HEMPSTEAD, N.Y. 11526-4020



DONALD X. CLAVIN, JR.
Supervisor

March 3, 2022

Mr. Felix Procacci
via email: felixguyprocacci@gmail.com

Re: Complaint dated October 18, 2021: Alleged Prohibited Political Activities

Dear Mr. Procacci:

The Board of Ethics has reviewed your complaint alleging that Compliance Officer Thomas R. Willdigg violated Town Code §65-4 (Political activities prohibited), by making prohibited contributions to the election campaigns of the Town Supervisor, the District Attorney and the Nassau Republican Committee.

GOVERNING AUTHORITY

Town Code Chapter 65 (Compliance Officer), §65-4 (Political activities prohibited), provides, in pertinent part, that:

The Compliance Officer and staff shall avoid any appearance of bias or impropriety, and shall adhere to the highest ethical standards. Except as otherwise provided by law, the Compliance Officer, Deputy Compliance Officer and their subordinate officers shall not:

Solicit funds for, pay an assessment to, or make a contribution to a political organization, a sitting public officer, or a candidate for public office;

DISCUSSION

Publicly available records maintained by the New York State Board of Elections indicate that the following contributions were made on the respective dates indicated:

Date	Contributor	Recipient	Amount
09-09-21	Thomas Willdigg	Friends of Don Clavin	\$1,600.00
01-28-21	TCK Investigations	Nassau Republican Comm.	\$ 160.00

EXHIBIT M-PAGE 4 OF 4

Mr. Felix Procacci -2- March 3, 2022

4

March 3, 2022

Date	Contributor	Recipient	Amount
06-08-21	TCK Investigations	Friends of Don Clavin	\$ 250.00
09-21-21	TCK Investigations	Anne Donnelly for DA	\$ 675.00

Prior to his appointment as Town Compliance Officer on February 1, 2019, Mr. Willdigg served as President of a private investigation firm, TCK Investigations, Inc. At a meeting of the Board of Directors of TCK Investigations convened on January 30, 2019, Mr. Willdigg resigned as President effective February 1, 2019. Mr. Willdigg reported that he has not received any salary or other compensation from TCK Investigations since his resignation as President.

Compliance Officer Thomas R. Willdigg's resignation as President of TCK Investigations was memorialized in minutes of the meeting executed by the voting members, as were the appointments of Katy Thompson as President, and Mr. Willdigg's son, Thomas W. Willdigg, as Vice President. The appointment of Ms. Thompson as President is also reflected in publicly available records of the Department of State, Division of Corporation.

Mr. Willdigg reported that he divested himself of his ownership interest in TCK Investigations on September 7, 2021. On September 9, 2021, TCK purchased a ticket to a golf outing in support of the election campaign of Supervisor Clavin. Credit card and banking records provided to the Board of Ethics indicate that the purchase price of the ticket, \$1,600.00, was paid by TCK Investigations, not by Mr. Willdigg. The golf outing was attended by Mr. Willdigg's son, Thomas W. Willdigg and other employees of TCK Investigations. The golf outing was not attended by Compliance Officer Thomas R. Willdigg.

CONCLUSION

Based on the evidence presented, the Board of Ethics finds that Compliance Officer Thomas R. Willdigg did not violate Town Code §65-4 (Political activities prohibited), by making prohibited contributions to the election campaigns of the Town Supervisor, the District Attorney and the Nassau Republican Committee.

The foregoing constitutes the opinion of the Board of Ethics.

Dated: Hempstead, New York
March 3, 2022

Watson G. Delt, Chair

EXHIBIT "N"

EXHIBIT N

From: Marie Jerome <mjerome@tohmail.org>
Date: Wed, Jun 22, 2022 at 4:20 PM
Subject: FOIL Request #2022103760 - TCK Investigations
To: <felixguyprocacci@gmail.com>

June 22, 2022

Felix Procacci
1165 Barnes Street
Franklin Square, NY 11010

Dear Mr. Procacci,

I am writing in response to your recent Freedom of Information Law request referenced above.

Please be advised that there are no responsive documents for items 1 through 9. We are following up on item 10. We will let you know if there are responsive documents for this item.

If you believe you have been denied access to Town records, you may make an appeal in writing within 30 days to: Donald Derham, Deputy Town Attorney/FOIL Appeals Officer, Office of the Town Attorney, One Washington Street, Hempstead, NY 11550 or by email to: donader@tohmail.org@tohmail.org.

Yours truly,

Marie Jerome
Records Access Officer

EXHIBIT "O"

EXHIBIT O

July 5, 2022

Town of Hempstead
FOIL Appeals Officer
Donald Derham
donader@tohmail.org

Re: Appeal of FOIL #2022103760-TCK Investigations.

Mr. Derham,

Pursuant to the Freedom of Information Law, I am appealing the implicit denial of FOIL #2022103760.

This FOIL request was submitted to the Town's FOIL Officer Marie Jerome on May 23, 2022. On June 22, 2022, Ms. Jerome notified me that there were *no responsive documents for items 1 through 9 of my FOIL request BUT the Town is following up on item 10.*

Item 10 is the following:

10. All other records, **not mentioned in items 1 through 9**, that the Town's Ethics Board board gathered during its investigation of the October 18th 2021 Ethics complaint against Thomas Willdigg.

Being that the Town's Ethics board feels they have completed its investigation by March 3, 2022 (**the date provided on the response they sent me**), I see know reason why this information (specified by item 10), **if it exists**, cannot be provided to me immediately.

Ms. Jerome's response **DID NOT** provide any reason for the delay, nor did she provide an approximate date as required by FOIL.

NOTE: It is required by FOIL that the Town submit all FOIL appeals and their determinations to the Committee on Open Government.

I request that the records be provided to me in a pdf document format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

The Freedom of Information Law requires that an agency respond to a FOIL appeal within 10 business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "P"

EXHIBIT P

July 29, 2022

Felix Procacci

Dear Mr. Procacci,

Please be advised that your FOIL request is being denied in its entirety on the following two grounds:

1. Disclosure of the responsive records would result in an unwarranted invasion of personal privacy (the Board of Ethics did not find that Mr. Willdigg violated any duty), and
2. The responsive records are protected by the Deliberative Process Privilege (below is a description of the privilege).

The deliberative process privilege is designed to promote the quality of agency decisions by preserving and encouraging candid discussion between officials. It is based on "the obvious realization that officials will not communicate candidly among themselves if each remark is a potential item of discovery and front page news." An inter- or intra-agency document may be subject to the privilege if it is both (1) predecisional and (2) deliberative. A document is predecisional "when it is prepared in order to assist an agency decision maker in arriving at his decision. The Second Circuit has noted some factors to consider in determining whether a document is "predecisional," including whether the organization asserting the privilege can (1) "pinpoint the specific decision to which the document correlates" and (2) "verify that the document precedes, in temporal sequence, the 'decision' to which it relates." A document is deliberative when it is "actually...related to the process by which policies are formulated." In other words, "the privilege does not protect a document that is merely peripheral to actual policy formulation; the record must bear on the formulation or exercise of policy oriented judgment." Thus, the privilege "focuses on documents reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated."

If you believe you have been denied access to Town records, you may make an appeal in writing within 30 days to: Donald Derham, Deputy Town Attorney/FOIL Appeals Officer, Office of the Town Attorney, One Washington Street, Hempstead, NY 11550 or by email to: donader@hempsteadny.gov

Yours truly,

Marie Jerome
Records Access Officer
Town of Hempstead
Office of the Town Clerk
1 Washington Street
Hempstead, New York 11550
516-812-3036
marijer@hempsteadny.gov

EXHIBIT "Q"

EXHIBIT Q-PAGE 1 OF 3

July 31, 2022

Town of Hempstead
FOIL Appeals Officer
Donald Derham
donader@tohmail.org

Re: 2nd Appeal of FOIL #2022103760-TCK Investigations.

Mr. Derham,

REMINDER: §89(4)(a) states the following: "*In addition, each agency shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination thereon.*"

I am appealing, FOR THE SECOND TIME, the denial of my FOIL request for the records regarding my Ethics Complaint against the Town's Compliance Officer Thomas R. Willdigg.

I sent you the first appeal on July 5,2022 after the Town DID NOT respond to my FOIL request within 20 business days or provide me with a date when I could expect the records.

The most recent response, dated July 29,2022, from FOIL officer Marie Jerome states that my entire FOIL request is being denied as shown below. This response differs from Ms. Jerome's June 22,2022 response in which Ms. Jerome wrote: "**there are no responsive documents for items 1 through 9. We are following up on item 10.**" (**I am not sure if the Town is backing away from its original determination or not), PLEASE CLARIFY.**

Please be advised that your FOIL request is being denied in its entirety on the following two grounds:

1. Disclosure of the responsive records would result in an unwarranted invasion of personal privacy (the Board of Ethics did not find that Mr. Willdigg violated any duty), and
2. The responsive records are protected by the Deliberative Process Privilege (below is a description of the privilege).

I am appealing this decision because the Town failed to specify which records, if disclosed, would be an unwarranted invasion of personal privacy. In addition, why can't these records be redacted accordingly?

The records I specifically requested have to do with campaign contributions and the transfer of control of Mr. Willdigg's business and to this Ms. Jerome indicated, on June 22,2022 that there are **no responsive documents**.

EXHIBIT Q-PAGE 2 OF 3

As for records Ms. Jerome claims are protected by "***Deliberative Process Privilege***", I DID NOT ask for records containing any advisory opinions, recommendations, or deliberations.

My FOIL request asked for the records the ethics board claimed they used to make their decision. I also asked for any other records gathered during the Ethics Board investigation.

Opinions, recommendations, and deliberations are created from the results of evaluating evidence gathered, and is not gathered during the course of an ethics investigation.

So, once again, I am asking for a PROPER FOIL RESPONSE to the records I requested in my original FOIL request which is provided at the end of this document.

I request that the records be provided to me in pdf format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. Therefore, I would appreciate a response via email as soon as possible and look forward to hearing from you shortly.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010

felixguyprocacci@gmail.com

516-233-1562

EXHIBIT Q-PAGE 3 OF 3

FOIL REQUEST 202103760

Pursuant to the Freedom of Information Law, I request the following information:

1. The minutes of TCK Investigations meeting that show that Thomas Willdigg resigned as President of TCK Investigations.
2. The minutes of TCK Investigations meeting that show the appointment of Katy Thompson as President of TCK Investigations.
3. The minutes of TCK Investigations meeting that show the appointment of Thomas W. Willdigg as Vice President of TCK Investigations.
4. Records that show Mr. Willdigg has not received any salary or compensation from TCK Investigations since his resignation as President.
5. Records that show that Thomas Willdigg divested himself of his ownership interest in TCK Investigations on September 7, 2022.
6. Bank records that show a September 9, 2021, \$1600 campaign contribution to Friends of Dan Clavin was made by TCK Investigations.
7. Records that show that Thomas W. Willdigg attended a 2021 golf outing in support of the election campaign of Supervisor Clavin.
8. Records that show that Thomas R. Willdigg DID NOT attend a 2021 golf outing in support of the election campaign of Supervisor Clavin.
9. Records that show all employees of TCK Investigations that attended a 2021 golf outing in support of the election campaign of Supervisor Clavin.
10. All other records, not mentioned in items 1 through 9, that the Town's Ethics Board gathered during its investigation of the October 18th 2021 Ethics complaint against Thomas Willdigg.

PLEASE NOTE: The Town's Ethics Board letter dated March 3, 2022 regarding "Complaint dated October 18, 2021: Alleged Prohibited Political Activities" to Felix Procacci (see attached letter) mentions that the information asked for in this FOIL request was used as "evidence" by the Town's Ethics Board to render its decision.

EXHIBIT "R"

EXHIBIT R-PAGE 1 OF 1

September 6, 2022

Town of Hempstead
Records Access Officer
Marie Jerome
mjerome@tohmail.org

Dear Ms. Jerome:

Pursuant to the Freedom of Information Law, I request the records that were provided to Moody's to produce a credit opinion report for the Town of Hempstead in 2022.

I request that the records be provided to me in pdf format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing BY EMAIL and provide the name, email address (if available), and postal address of the person or body to whom an appeal should be directed.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. Therefore, I would appreciate a response via email as soon as possible and look forward to hearing from you shortly.

If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "S"

EXHIBIT S-PAGE 1 OF 1

From: **Marie A Jerome** <marijer@hempsteadny.gov>
Date: Thu, Oct 6, 2022 at 3:04 PM
Subject: FOIL Request #2022105832 - Records that were provided to Moody's to produce a credit opinion report for the Town of Hempstead in 2022
To: felixguyprocacci@gmail.com <felixguyprocacci@gmail.com>

October 6, 2022

Felix Procacci

Dear Mr. Procacci,

Please be advised that your Freedom of Information Law request of September 8th, whereby you requested several documents cannot be accommodated within the 20 day period. I was made aware that the majority of the reliance is in the 2020 audit. Therefore, I am informing you that a more reasonable amount of time for us to respond to your request would be October 31st. Please be advised that this does not waive the Town's right to withhold records in accordance with FOIL. All production of records is subject to redaction in accordance with FOIL.

EXHIBIT "T"

TOWN OF HEMPSTEAD
MOODYS INVESTMENT SERVICES
FINANCIAL PRESENTATION
AUGUST 22, 2022 11AM



DONALD X. CLAVIN, JR. TOWN SUPERVISOR
JOHN A. MASTROMARINO, CPA - TOWN COMPTROLLER
MUNISTAT SERVICES INC. - FINANCIAL ADVISOR

TOWN BUDGET STAFF

MICHAEL J. CAPOBIANCO, EA – Acting Deputy Comptroller
John Grzan, CPA – Accountant III

EXHIBIT T-PAGE 2 OF 8

FINANCIAL OVERVIEW

THE TOWN HAS PERSERVERED THROUGH THE COVID 19 CHALLENGES OF 2021 WITH BETTER-THAN-EXPECTED FINANCIAL RESULTS

- 2021 ADOPTED BUDGET PROPOSED USING \$19.8m OF TOWNWIDE FUND BALANCE
- CURRENT 2021 PROJECTIONS ANTICIPATE THE TOWN ADDING \$31.6m TO TOWNWIDE FUND BALANCE
- TOTAL ADJUSTED REVENUES YIELDED A \$33.1 MILLION SURPLUS (\$9.9M SALES TAX, \$17.3m MORTGAGE TAX AND \$4.6m WATER & \$1.3m ALL OTHER REVENUES)
- POSITIVE ADJUSTED EXPENDITURE VARIANCE OF \$3.1m
(See page 3 of the Reference Document for detail)

2021 NON-RECURRING

- AMERICAN RESCUE ASSISTANCE FUNDING OF REPURPOSED PAYROLL AND PAYROLL EXPENSES PER TREASURY GUIDELINES \$15.2m

2022 PROJECTIONS AS OF AUGUST 2022

- 2022 ADOPTED BUDGET PROPOSED USING \$22.6m IN FUND BALANCE
- 2022 TOWNWIDE PROJECTIONS ANTICIPATE THE TOWN ADDING \$1.8m
- PROJECTED REVENUES ARE UP BY \$22.5 m
LEAD BY POSITIVE BUDGET TO ACTUALS IN:
 - I. SALES TAX \$5.6m OR 12.5% OVER 2022 BUDGET
 - II. MORTGAGE TAX \$2.9m OR 9.7% OVER BUDGET

2022 NON-RECURRING

- AMERICAN RESCUE ASSISTANCE FUNDING OF REPURPOSED PAYROLL AND PAYROLL EXPENSES PER TREASURY GUIDELINES \$17.0m
(See page 4 of the Reference Document for detail)

2023 PROJECTIONS AS OF AUGUST 2022

- 2023 PROPOSED BUDGET ANTICIPATES A PLANNED SPEND DOWN OF FUND BALANCE AS PROJECTED TOTAL FUND BALANCE IS ESTIMATED TO BE \$231m AT 12/31/22 WHICH IS \$ 110m OVER REQUIRED FUND BALANCE POLICY LEVELS
(See page 9 of the Reference Document for detail)
- THE FUND BALANCE USAGE OF \$49.9m IS A PRELIMINARY ESTIMATE AS BUDGET REQUESTS FROM THE DEPARTMENTS FOR 2023 HAVE NOT BEEN EVALUATED AT THE TIME OF PRODUCTION OF THIS PRESENTATION
(See page 6 of the Reference Document for detail)

EXHIBIT T-PAGE 3 OF 8

WATER INFRASTRUCTURE PROJECTS & FUNDING

THE TOWN AUTHORIZED \$138.4m IN WATER IMPROVEMENTS VIA THE ANNUAL CAPITAL PLAN. THESE IMPROVEMENTS ARE PRIMARILY FOR THE 1,4 DIOXANE ISSUE.

THE TOWN HAS BEEN AWARDED BY NYS A \$68.0m WATER GRANT FOR THE 1.4 DIOXANE ISSUE.

THIS GRANT WILL DRAMATICALLY REDUCE THE AMOUNT OF DEBT REQUIRED FOR THE \$138.4m 1,4 DIOXANE ISSUE.

AUTHORIZED	\$138.4m
DEBT ISSUED 2021	46.5m
NYS GRANT	68.0m
BALANCE TO BE RAISED	\$ 23.9m

The \$68.0 million dollar grant will avoid approximately \$5.9 in annual debt service at an estimated rate of 6% for the next 20 years.

OUTSTANDING DEBT OBLIGATIONS

LONG TERM OBLIGATIONS AS OF 1/1/22	\$ 440,714,299
GARBAGE TAX LITIGATION* (BANS 10/21)	
TO LONG TERM DEBT	26,031,844
ADJUSTED LONG TERM OBLIGATIONS AS OF 1/1/22	\$ 466,746,073
NEW MONEY ISSUED AUGUST 2022	58,954,799
2022 PRINCIPAL TO BE PAID	(42,706,205)
LONG TERM OBLIGATIONS AS OF 12/31/22	\$ 482,994,737
INCREASE IN LONG TERM DEBT OBLIGATIONS	\$ 42,280,438

*Per the 2017 Agreement with Nassau County, the County is responsible for reimbursing the Town for 70% of the Judgment amount over ten (10) years.

EXHIBIT T-PAGE 4 OF 8

SUMMARY OF THE PROPOSED SALE

PAYMENT OF TWO TORTS	\$ 1,135,000
LONG TERM GARBAGE TAX LITIGATION (BANS 10/21)	26,031,844
NEW FUNDING FOR CAPITAL PROJECTS	57,819,799
TOTAL TOWN DIRECT DEBT	\$ 84,986,643
COMMISSIONER OPERATED WATER DISTRICT	1,247,000
TOTAL BOND ISSUE	\$ 86,233,643

EXHIBIT T-PAGE 5 OF 8

ECONOMIC DEVELOPMENT UPDATES IN THE TOWN

AVALONBAY COMMUNITIES COMPLEX , ISLAND PARK



This 11.6 acre development sits on the site of what was a previously used as a petroleum-storage facility containing contaminated soil and groundwater. The developer remediated the site at a cost of \$9 million dollars and took a blighted piece of property and created luxury multifamily homes. The property was approved for a 15 Year PILOT by the Town of Hempstead IDA. The property previously generated \$ 97,000 a year in property taxes and will generate \$400,000 by year 4 and more importantly cleaned up an environmental hazard while repurposing the vacant land at no additional cost to the taxpayers. Apartments are now being rented.

EXHIBIT T-PAGE 6 OF 8

\$43 MILLION HILTON GARDEN INN, FREEPORT NAUTICAL MILE



NBD Holding plans to construct the 89,836 square foot tourist destination overlooking the Woodecleft Canal on the once existing Hunter Pointe Marina and the Schooner Restaurant property. The planned project will have 100 rooms, 125-person capacity ballroom with an attached restaurant. Site approval on the vacant land has been granted by the Village of Freeport. The Town of Hempstead IDA has proposed a 20-year PILOT. Currently, the real estate taxes being paid annually on the 1.6-acre lot is \$ 133,151. The project will generate approximately \$ 772,825 in annual property taxes after the two-decade PILOT agreement runs its course. The project is estimated to create 166 construction jobs and 35 full-time positions. The projected opening of this hotel is Spring 2024.

EXHIBIT T-PAGE 7 OF 8

DIOCESE OF ROCKVILLE CENTRE FORMER HEADQUARTERS



As a result of the Diocese of Rockville Centre filing for Bankruptcy, the former headquarters at 50 N. Park Ave was sold to Synergy Holding Partners for \$5.2 million dollars. The building was resold to Phillips International for \$ 9.8 million. Phillips plans to turn the building into a "Class A" office building by investing \$19 million dollars in renovation costs into the 60,000 square foot building. The Town of Hempstead IDA has approved a PILOT and the building will generate \$300,000 in PILOT revenue for 20 years and \$ 630,000 in annual Property Taxes once the 20-year PILOT runs its course.

EXHIBIT T-PAGE 8 OF 8

CLIMATE AND ENVIRONMENTAL INITIATIVES IN THE TOWN

- THE TOWN RECIPIENT OF A \$87.9M GRANT BY THE NYS GOVENOR'S OFFICE OF STORM RECOVERY FOR INFRASTRUCTURE DEFICIENCIES DISCOVERED DURING SUPER STORM SANDY. SINCE 2016 THE TOWN HAS BEEN MAKING INFRASTRUCTURE IMPROVEMENTS SUCH AS ROAD RAISINGS, BULKHEADS, TIDAL CHECK VALVES, HARDENING OF STRUCTURES AND INSTALLATION OF CRITICAL BACKUP GENERATORS.
- BULKHEAD REPLACEMENTS – THE TOWN IS THE RECIPIENT OF A FEDERAL GRANT FOR 75% OF THE COSTS TO REPLACE EXISTING BULKHEADS LOCATED IN VARIOUS TOWN PARKS DUE TO SOIL MIGRATION INTO EXISTING CANALS. THE ESTIMATED COST OF THE PROJECT IS \$8.8M AND WILL BE STARTING IN 2023.
- THE TOWN WAS THE RECIPIENT OF A \$60,000 GRANT FROM THE NYS ENVIRONMENTAL FACILITIES CORPORATION FOR THE PURCHASE OF A PUMPOUT BOAT. THE TOTAL COST OF THE PUMPOUT BOAT WAS \$84,510.71 AND IS CURRENTLY IN SERVICE.
- THE TOWN IS A RECIPIENT OF A \$297,125 NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION GRANT FOR THE HEAD OF THE BAY LOCATED WITHIN JAMAICA BAY OYSTER BED RESTORATION PROJECT. THIS PROJECT WILL SEED, INCUBATE AND MONITOR THE BREEDING OF OYSTERS TO REPOPULATE THE BAY AND AID IN THE INCREASE OF THE WATER QUALITY.
- SUPERSTORM SANDY DESTROYED THE TOWNS MARINE NATURE STUDY BUILDING LOCATED IN OCEANSIDE. THE BUILDING WAS USED FOR EDUCATIONAL PURPOSES IN WHICH STUDENTS AND RESIDENTS ARE ABLE TO LEARN ABOUT THE LOCAL WATERWAYS MARINE LIFE AND ECOLOGY.

EXHIBIT "U"

EXHIBIT U-PAGE 1 OF 1

From: Felix Procacci <felixguyprocacci@gmail.com>

Date: Mon, Oct 24, 2022 at 12:58 PM

Subject: Re: FOIL Request #2022105832 - Records that were provided to Moody's to produce a credit opinion report for the Town of Hempstead in 2022

To: Marie A Jerome <marijer@hempsteadny.gov>

Ms. Jerome,

The document you sent me references another document.

For example:

- POSITIVE ADJUSTED EXPENDITURE VARIANCE OF \$3.1m
(See page 3 of the Reference Document for detail)

Would you be able to provide this document to me?

Felix Procacci

EXHIBIT "V"

EXHIBIT V-PAGE 1 OF 2

From: Marie A Jerome <marijer@hempsteadny.gov>
Date: Tue, Oct 25, 2022 at 3:42 PM
Subject: FOIL Request #2022105832 - Records that were provided to Moody's to produce a credit opinion report for the Town of Hempstead in 2022 - page 3
To: Felix Procacci <felixguyprocacci@gmail.com>

Mr. Procacci,

As per your request. Please see attached.

EXHIBIT V-PAGE 2 OF 2

**TOWN OF HEMPSTEAD
2021 BUDGET TO UNAUDITED ACTUAL**

AS OF: October 25, 2022

PRINTED
10/25/22 9:48 AM

SOURCE OF FUNDS	(\$ IN MILLIONS)				PERCENTAGE
	2021 UNAUDITED ACTUAL	2021 AMENDED BUDGET	DIFFERENCE	CHANGE	
REAL PROPERTY TAXES	\$ 253.1	\$ 253.1	\$ 0.0	0.01%	
REVENUE	<u>281.1</u>	<u>180.6</u>	<u>100.5</u>	<u>55.66%</u>	
SALES TAX	48.0	38.1	9.9	25.61%	
MORTGAGE TAX	42.3	25.0	17.3	69.31%	
PER CAPITA	3.8	3.8	0.0	1.29%	
REFUSE DISPOSAL-CARTERMAN	15.1	16.5	(1.4)	-2.71%	
NC REINS GARBAGE TAX JUDGMENT	5.8	5.8	-	0.00%	
HOTEL FEE - COVANTA	4.3	4.2	0.1	1.60%	
FRANCHISE FEES	10.6	10.7	(0.1)	-1.02%	
INTEREST INCOME	1.4	1.6	(0.2)	-11.72%	
BUILDING DEPT FEES	13.3	15.2	(1.9)	-12.75%	
ZONING FEES	0.5	0.7	(0.2)	-31.19%	
PARK FEES	5.1	6.0	(0.9)	-18.20%	
WATER FEES	19.3	14.7	4.6	31.17%	
MARINA FEES	0.9	0.9	0.0	2.78%	
LIPA PILOT	5.9	5.9	-	0.00%	
PILOTS OTHER	4.6	4.6	-	0.00%	
CARES FUNDING	18.8	-	18.8	100.00%	
ARA RENTAL ASSISTANCE	7.4	-	7.4	100.00%	
ARA FUNDING	15.2	-	15.2	100.00%	
ACCRUAL OF GARB TAX BAN	26.0	-	26.0	100.00%	
ALL OTHER	32.9	27.9	5.0	17.88%	
FUND BALANCE USAGE(SURPLUS)	<u>(31.6)</u>	<u>19.8</u>	<u>(51.4)</u>	<u>-259.71%</u>	
	<u>\$ 502.6</u>	<u>\$ 453.5</u>	<u>\$ 49.1</u>	<u>10.83%</u>	
USE OF FUNDS					
SALARIES	\$ 173.3	\$ 171.3	2.0	1.17%	
REFUSE DISPOSAL FEES	41.9	42.0	(0.1)	-0.25%	
DEBT SERVICE	56.8	59.0	(2.2)	-3.73%	
UTILITIES	9.7	9.1	0.8	7.01%	
FIRE PROTECTION CONTRACTS	5.1	5.0	0.1	1.62%	
LIBRARY FUNDING SERVICES	1.4	1.4	0.0	1.40%	
SNOW REMOVAL COSTS	1.9	1.4	0.5	32.72%	
COLLEGE CHARGEBACK	8.5	8.5	-	0.00%	
PENSION COSTS	29.2	29.1	0.1	0.19%	
HEALTH INSURANCE COSTS	56.4	60.4	(4.0)	-6.63%	
EMPLOYEE BENEFITS - OTHER	24.8	26.1	(1.3)	-5.10%	
ARA RENTAL ASSISTANCE	7.4	-	7.4	#DIV/0!	
GARBAGE TAX UTILITY SETTLEMENT	26.0	-	26.0	#DIV/0!	
ALL OTHER CONTRACTUAL ITEMS	60.3	40.2	20.1	49.99%	
TOTAL SPENDING (SEE NOTE BELOW)	<u>\$ 502.6</u>	<u>\$ 453.5</u>	<u>\$ 49.1</u>	<u>10.83%</u>	
RECAP					
TAX LEVY	\$ 253.1	\$ 253.1	0.0	0.01%	
REVENUE	<u>281.1</u>	<u>180.6</u>	<u>100.5</u>	<u>55.66%</u>	
SPENDING	<u>(502.6)</u>	<u>(453.5)</u>	<u>(49.1)</u>	<u>10.83%</u>	
FUND BALANCE SURPLUS	<u>\$ 31.6</u>	<u>\$ (19.8)</u>	<u>\$ 51.4</u>	<u>-259.71%</u>	
SPENDING RECAP					
SALARIES	34.5%	\$ 173.3	\$ 171.3	\$ 2.0	1.17%
EMPLOYEE BENEFITS	21.9%	110.3	115.6	(5.3)	-4.57%
DEBT SERVICE	11.3%	56.8	59.0	(2.2)	-3.73%
ALL OTHER	32.3%	162.2	107.8	54.6	50.74%
	<u>100.0%</u>	<u>\$ 502.6</u>	<u>\$ 453.5</u>	<u>\$ 49.1</u>	<u>10.83%</u>

DRAFT - ALL NUMBERS PROPOSED AND ARE SUBJECT TO REVISION

EXHIBIT "W"

EXHIBIT W-PAGE 1 OF 1

From: Felix Procacci <felixguyprocacci@gmail.com>

Date: Tue, Oct 25, 2022 at 5:19 PM

Subject: Re: FOIL Request #2022105832 - Records that were provided to Moody's to produce a credit opinion report for the Town of Hempstead in 2022 - page 3

To: Marie A Jerome <marijer@hempsteadny.gov>

Ms. Jerome,

This page (page 3) is dated October 25, 2022. The presentation was dated August 2022.

I would like all the pages of the reference document.

The original document references other pages. ie:

- 2023 PROPOSED BUDGET ANTICIPATES A PLANNED SPEND DOWN OF FUND BALANCE AS PROJECTED TOTAL FUND BALANCE IS ESTIMATED TO BE \$231m AT 12/31/22 WHICH IS \$ 110m OVER REQUIRED FUND BALANCE POLICY LEVELS
(See page 9 of the Reference Document for detail)
- THE FUND BALANCE USAGE OF \$49.9m IS A PRELIMINARY ESTIMATE AS BUDGET REQUESTS FROM THE DEPARTMENTS FOR 2023 HAVE NOT BEEN EVALUATED AT THE TIME OF PRODUCTION OF THIS PRESENTATION
(See page 6 of the Reference Document for detail)

Can I have all the pages of the Reference Document?

Felix Procacci

EXHIBIT "X"

EXHIBIT X-PAGE 1 OF 3

From: **Felix Procacci** <felixguyprocacci@gmail.com>
Date: Wed, Nov 2, 2022 at 8:41 AM
Subject: 1st Appeal of FOIL #2022105832
To: Donald Derham <donader@tohmail.org>
Cc: John Maccarone <johnmac@hempsteadny.gov>

Mr. Derham,

Please process the attached FOIL appeal.

NOTE: It is required by FOIL, PBO §89(4)(a), that the Town immediately submit all FOIL appeals and their determinations to the Committee on Open Government.

Felix Procacci
516-233-1562

EXHIBIT X-PAGE 2 OF 2

November 2, 2022

Town of Hempstead
FOIL Appeals Officer
Donald Derham
donader@tohmail.org
cc: johnmac@hempsteadny.gov

Re: Appeal of FOIL #2022105832-Moody's Presentation dated August 22, 2022 11AM.

Mr. Derham,

Pursuant to the Freedom of Information Law, I am appealing the implicit denial of FOIL #2022105832.

Background Information

This FOIL request was submitted to the Town's FOIL Officer Marie Jerome on Sept. 6, 2022. On Oct. 24th I received a partial response. The records provided did not include the document referred to as the "*Reference Document*" in the presentation. When I notified Ms. Jerome about this, on Oct 25th she provided me with just page 3, and that page was dated Oct. 25th. *She should have provided me with the entire document as it existed on Aug. 22nd*, the date of the presentation. On Oct. 25th I emailed Ms. Jerome asking for all the pages of the "*Reference Document*".

NOTE: It is required by FOIL, PBO §89(4)(a), that the Town immediately submit all FOIL appeals and their determinations to the Committee on Open Government.

I request that the records be provided to me in a pdf document format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

The Freedom of Information Law requires that an agency respond to a FOIL appeal within 10 business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,
Felix Procacci
1165 Barnes Street
Franklin Square, New York, 11010
felixguyprocacci@gmail.com
516-233-1562

EXHIBIT "Y"

EXHIBIT Y

From: "Felix Procacci (JTFM)" <felixprocacci@justthefactsmedia.com> 12/10/2022 10:04 AM
To: <coog@dos.ny.gov>

Subject: Town of Hempstead FOIL Appeals

I would like a list of all FOIL Appeals the Town of Hempstead has submitted to the Committee on Open Government in 2022 (in accordance with §89(4)(a)).

Thanks,
Felix Procacci

EXHIBIT "Z"

EXHIBIT Z

From: dos.sm.Coog.InetCoog <dosCOOG@dos.ny.gov>
To: Felix Procacci (JTFM) <felixprocacci@justthefactsmedia.com>
Date: 10/6/2022 8:42 AM
Subject: RE: Town of Hempstead FOIL Appeals

Good Morning Mr. Procacci,

In response to your October 5, 2022 Freedom of Information Law (FOIL) request for “a list of all FOIL Appeals the Town of Hempstead has submitted to the Committee on Open Government in 2022,” I certify that the Committee on Open Government does not possess a record responsive to your request. I further certify that in addition to not possessing “a list” of such appeals, I certify that after a diligent search we were unable to locate any “FOIL Appeals the Town of Hempstead has submitted to the Committee on Open Government in 2022.”

Sincerely,

Kristin O'Neill

Assistant Director

Pronouns: she/her/hers

New York State Committee on Open Government

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