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July 3, 2026

Town of Pendleton
Attn: *Noreen Lemma*
Town Clerk
6570 Campbell Boulevard
Lockport, New York 14094

Re: FOIL Attorney

Dear Town of Pendleton Clerk and Town Board:

Please allow this letter to serve as notification of my interest in assisting the Town of Pendleton in the legal area related to FOIL. Many pitfalls exist in this unique area of law. My experience of handling FOILs for Niagara County and for six other municipalities over the course of 25 years has earned me a particular skillset required to efficiently handle FOILs. What I can offer Pendleton, in addition to my vast experience, is to create procedures for Pendleton, provide document templates, train staff and litigate Article 78 proceedings, if necessary.

Attorney Background

I've been an Attorney licensed to practice law in New York State since 1995. I worked in the public sector and operated my own law firm. I currently work for two public sector entities and some select municipal clients as well.

FOIL Experience

I have been involved in handling FOIL requests for over 25 years. I have served in the capacity as the FOIL Attorney for Niagara County. In some capacity, I currently touch every FOIL involving Niagara County.

In addition thereto, I have handled thousands of FOILs for all the municipalities I represent. Those currently involve, Niagara County, Village of Holley, Town of Kendall, Town of Clarendon, Town of Murray, Village of Albion and Town of Byron. I also respond to FOIL requests for the Genesee County District Attorney's Office. I have assisted other town attorneys in consulting with them regarding FOIL responses.

One of my goals in representing a municipality for the first time is to create uniform response procedures for town and village clerk's with sample letters for extensions, providing records, utilizing exemptions and redaction. I am well-versed in permissible situations for charging requestors for copies, in addition to the rules that apply to responding to voluminous record requests and the "actual cost of reproduction" set forth in the Public Officer's Law. I created procedures that Niagara County utilizes to this day in handling FOILs.

I am fully familiar with requirements necessary in customary responses and the mandatory notice regulations associated with FOIL Appeals. I am familiar with the application of statutory exemptions for non-disclosure and when redactions are permissible. I am also aware of recent revisions in the law for redactions and for requests involving municipal employees.

On many occasions, I have been in discussions with Attorneys and representatives of the NYS Committee on Open Government necessary to resolve issues and have been involved in many instances in which researching advisory opinions were required to successfully rebut claims of non-compliance from requestors.

In my town and village representations, I have created policies for clerks to follow creating a central location for all FOILs to go to, assessing a record-keeping system necessary to keep track of multiple FOILs from the same requestor, timeframe compliance and sample responses to ensure compliance with Public Officer's Law.

Training

I held "seminars" for the Niagara County Clerk's Office and Continuing Legal Education for Attorneys in the Niagara County District Attorney's Office.

I am available by cell phone from 6:00 a.m. to 9:00 p.m. Every municipal client I have praises my availability.

I will create a process to ensure the quick and efficient handling of FOILs. After this procedure is created, anyone involved in the FOIL process will know what is necessary to be done for each FOIL, along with the timeframe required for that task. I will be available to answer and handle any legal issue associated with a unique or non-customary FOIL request. I have experienced and handled essentially every issue possible as related to FOIL requests.

Duration and Compensation

I consider myself an expert in issues related to Public Officer's Law. I believe I could garner an hourly rate of \$350 -450 per hour in Western New York to handle FOILs for municipalities. Since I have been part of the Town of Pendleton as town prosecutor for about eight years now, I will reduce my rate to \$325 per hour. This would include all work associated with a FOIL, including any litigation that may result. All fees would be paid for up front by me and I would provide an accounting each month, similar to what I do now as town prosecutor.

I would suggest a two year agreement containing an automatic renewal for the second year, but with the ability to terminate for either side in the last 60 days of the first year term. In other words, one year with an automatic renewal unless terminated by either side for any reason in the last 60 days before expiration.

Alternatively, I would be open to discussing a set monthly amount to handle all FOILs for Pendleton. However, time associated with litigation would be billed hourly for that particular matter.

I am a sole proprietor law firm. I will personally be handling every aspect of the duties required of this position.

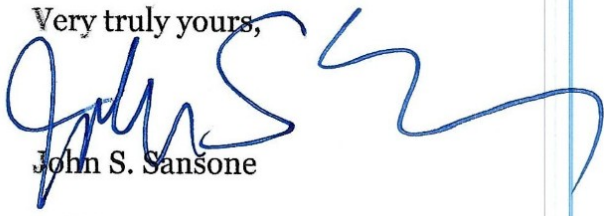
References

1. Claude Joerg, Esq. – Niagara County Attorney
2. Mark Bower – Village of Holley Mayor
3. Tony Camarata – Supervisor – Town of Kendall
4. Marc Major – Supervisor – Town of Clarendon

Conflicts of Interest

In the area of FOIL requests, I don't envision a situation where a conflict would exist. The exemptions set forth in Public Officer's Law are designed to be applied uniformly to any situation. The only occasion that a conflict could exist would be as to the Town of Pendleton Justice Court records. Thankfully, courts are not considered "agencies" for FOIL purposes, so no real conflict exists.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John S. Sansone", with a long, sweeping horizontal stroke extending to the right.

John S. Sansone

JSS/ms