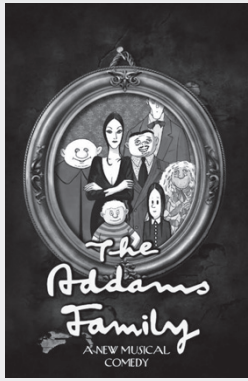


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# Enforcement of open government laws needed

BY PAUL WOLF

The importance of open government and a free press is celebrated as Sunshine Week across the United States during the week of March 14. As part of Sunshine Week, the New York Coalition For Open Government is highlighting the need for enforcing the Open Meetings Law and the Freedom of Information Law.

As a nonprofit nonpartisan organization dedicated to addressing government transparency issues, the New York Coalition For Open Government has studied whether public bodies across the state are complying with the law. Our studies have determined that there is massive noncompliance with open government laws across the state.

For example:

- ✓ 75% of planning boards reviewed did not post meeting documents online as required;
- ✓ 61% of school board executive session motions did not comply with the law;
- ✓ Only 53% of county election boards complied with a Freedom of Information Law request.

In New York state, if you want to hold government officials accountable for violating your right to know, you have to spend thousands of dollars to hire an attorney to sue. Most people cannot afford to hire an attorney, and government officials know this. Other than a negative news article from a diligent reporter, there are no consequences when government officials

violate your right to know.

In Rhode Island and other states, the state attorney general has an open government unit that will investigate violations of the public's right to know. The state attorney general will issue determinations of whether the law has been violated. The attorney general's office in many states will also file lawsuits, which can result in court determinations of illegality as well as fines being imposed against public bodies.

In Connecticut, there is a Freedom of Information Commission, which has the authority to investigate and address complaints from the public when requests for information are improperly denied or ignored.

Violations of open government laws are occurring across New York state without any consequences, as well as without the public having anywhere to turn for assistance to enforce their right to know. The New York State governor, attorney general and legislators need to address this lack of compliance with the law by providing resources to the attorney general or some other entity to assist the public with enforcing their rights that goes beyond just advisory letters or opinions. We should not tolerate violations of the public's right to know without any consequence whatsoever.

*Paul Wolf, Esq., is president of the New York Coalition For Open Government*

## Spring into safety

### Time to change your clocks – and check your smoke alarms

BY THE FIREFIGHTERS ASSOCIATION OF THE STATE OF NEW YORK

As New Yorkers prepare to set their clocks forward one hour on Sunday, March 13 (Daylight Saving Time), the Firefighters Association of the State of New York (FASNY) is urging everyone to check their smoke alarms and carbon monoxide detectors. Homeowners with alarms that have sealed, non-removable batteries should test the alarms to see if they are functional and check their expiration dates. Alarms equipped with removable batteries should have their batteries replaced.

New York state currently leads the nation in home fire deaths in 2022 with 51 deaths. Working smoke alarms save lives. According to the National Fire Prevention Association (NFPA) three of

every five home fire deaths occur in homes without working smoke alarms or in homes lacking smoke alarms. A quarter of all smoke alarm failures are caused by dead batteries.

"Working smoke alarms and carbon monoxide detectors are critical to saving lives during emergencies," FASNY President John P. Farrell said. "We encourage all New Yorkers to check their smoke and CO alarms monthly to ensure that they are functional. The additional time a smoke or CO alarm provides can be the difference between life and death. In addition, fire sprinkler systems are proven to save lives, and these systems should be installed whenever possible."

In 2019, a New York state law was passed requiring all newly installed or replacement smoke alarms in the state of New York to be powered

by a 10-year, sealed, non-removable battery, or hardwired to the home. It banned the sale of smoke alarms with removable batteries. Smoke alarms equipped with sealed-in, non-removable batteries are nearly impossible to disable and require little maintenance. If you're not sure when you last replaced the batteries, or bought a smoke alarm, FASNY encourages you to purchase a new one with 10-year batteries

#### Smoke Alarm Tips from FASNY and NFPA

- ✓ Test alarms at least once a month by using the test button.
- ✓ If you have an alarm with a removable battery, be sure to check the batteries every six months, and change the batteries every year. If a battery is starting to lose its power, the unit will usually chirp to warn you. Do not disable the unit.
- ✓ Vacuum or blow out any dust

that might accumulate in the unit.

- ✓ Never borrow a battery from an alarm to use somewhere else.
  - ✓ Never paint a smoke or CO alarm.
  - ✓ Install at least one smoke alarm on every floor of your home, including the basement, and in or near each sleeping area.
  - ✓ Smoke alarms should not be installed near a window, because drafts could interfere with their operation.
  - ✓ Families should also develop and practice a home fire escape plan.
  - ✓ Always follow the manufacturer's instructions for testing smoke alarms and replacing the batteries.
- For more information on smoke alarms, carbon monoxide alarms, and other information on fire safety and prevention, visit [www.fasny.com](http://www.fasny.com) and [www.nfpa.org](http://www.nfpa.org).

## DEC: Residential brush burning prohibition starts March 16

New York State Department of Environmental Conservation Commissioner Basil Seggos announced the annual statewide ban prohibiting residential brush burning will begin March 16 and run through May 14. DEC enforces the annual brush burning ban to prevent wildfires and protect communities during heightened conditions for wildfires each spring.

"The start of spring in New York comes with an increased risk of wildfires," Seggos said. "Starting March 16 and ending May 14, New York state prohibits residential brush burning to protect our communities and our natural resources. Since 2009, New York's burn ban has reduced the number of wildfires in our communities and we're looking forward to continuing that trend in 2022."

DEC explained, "Even though

some areas of the state remain blanketed in snow, warming temperatures can quickly cause wildfire conditions to arise. Open burning of debris is the single-largest cause of spring wildfires in New York state. When temperatures warm and the past fall's debris and leaves dry out, wildfires can start and spread easily, further fueled by winds and a lack of green vegetation. Each year, DEC forest rangers extinguish dozens of wildfires that burn hundreds of acres. In addition, local fire departments, many of which are staffed by volunteers, all too often have to leave their jobs and families to respond to wildfires caused by illegal debris fires. DEC will post the fire danger map for the 2022 fire season on DEC's website once there is a moderate risk anywhere in New York."

New York first enacted strict

restrictions on open burning in 2009 to help prevent wildfires and reduce air pollution. The regulations allow residential brush fires in towns with fewer than 20,000 residents during most of the year, but prohibit such burning in spring when most wildfires occur.

Backyard fire pits and campfires less than 3 feet in height and 4 feet in length, width or diameter are allowed. Small cooking fires are allowed. Only charcoal or dry, clean, untreated or unpainted wood can be burned. DEC noted people should never leave these fires unattended, and must extinguish them. Burning garbage or leaves is prohibited year-round.

For more information about fire safety and prevention, go to DEC's FIREWISE New York website.

Some towns, primarily in and around the Adirondack and

Catskill parks, are designated "fire towns." Open burning is prohibited year-round in these municipalities unless an individual or group has a permit from DEC. To find out whether a municipality is a designated fire town or to obtain a permit, contact the appropriate DEC regional office. A list of regional offices is available on DEC's website.

Forest rangers, DEC environmental conservation police officers (ECOs), and local authorities enforce the burn ban. Violators of the state's open burning regulation are subject to criminal and civil enforcement actions, with a minimum fine of \$500 for a first offense.

To report environmental law violations, call 1-833-RANGERS, or report online on DEC's website.

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