**Sent:** Wednesday, November 26, 2014 2:29 PM **To:** esd.sm.foil **Subject:** FOIL REQUEST: Niagara Bottling CFA

Empire State Development

Records Access Officer 633 3rd Ave 37th Floor New York, NY 10017

November 24, 2014

Via E-mail: FOIL@esd.ny.gov

Dear Records Access Officer:

Pursuant to New York’s Freedom of Information Law (FOIL) Public Officers Law §87 et. seq., KingstonCitizens.org hereby requests a copy of the 2014 Consolidated Funding Application for Niagara Bottling, LLC (AKA Niagara Bottling Northeast) for 2014.  In addition, we also request the minutes of all meetings of the Mid-Hudson Regional Economic Development Council at which the Niagara Bottling proposal was discussed.

We respectfully request that Empire State Development provide electronic copies of the requested records in lieu of providing hard copies to the extent that electronic copies of the requested records are available.  As you know, FOIL requires a response within five business days of receipt of a request.

We are requesting these records as representatives of KingstonCitizens.org, a community-based organization. We therefore request a waiver of any fees because our interest in the records is not primarily commercial, and disclosure of the information will contribute significantly to public’s understanding of the proposed Niagara Bottling Company’s facility. We do not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

If you deny this FOIL request, either whole or in part, please include a detailed explanation for the denial in your response.  If your office determines that any portions of the requested records are statutorily exempt from FOIL, we request, in accordance with FOIL, that we be provided with the remaining non-exempt portions and with an explanation, including legal authority, specifying the specific exemption you feel justifies the refusal to release the information.

Thank you for your prompt attention to this matter. Please contact Rebecca Martin by phone at (845) 750-7295 or email rebbytunes@gmail.com if you have any questions regarding this request

Sincerely,

Rebecca Martin, Founder