



KingstonCitizens.org is a non-partisan, citizen-run organization focused on relevant and current issues about Kingston, N.Y. Our aim is to help to foster transparent communication via citizen participation.

Carly Williams, City Clerk/Registrar
City of Kingston
420 Broadway
Kingston NY 12401
cwilliams@kingston-ny.gov

Judith Hansen, Superintendent
Kingston Water Department
111 Jansen Avenue
Kingston, NY 12401
jhansen@kingston-ny.gov

Transmitted via e-mail and by hand

Re: Freedom of Information Law (FOIL)
Request

November 13, 2014

Dear Carly and Judith:

Pursuant to New York's Freedom of Information Law (FOIL) Public Officers Law §87 et. seq., KingstonCitizens.org hereby requests copies of the following documents from the City of Kingston's Water Department regarding the Niagara Bottling proposal, as discussed in the November 12, 2014 meeting and as noted in the "Will Serve" letter of September 15, 2014:

1. **DRAFT** CDM Smith Engineering Assessment (aka Demand Analysis as per Will Serve letter) of Cooper Lake, as discussed at the October 8, 2014 meeting of the Board of Water Commissioners;
2. **FINAL** CDM Smith Engineering Assessment of Cooper Lake (as noted yesterday's meeting, not yet available from consultant; anticipated on Monday, November 17, 2014):
3. CDM Smith "Technical Memorandum" as referred to by Judith Hansen at yesterday's meeting; and
4. Capital Budget provided to Board of Water Commissioners at yesterday's meeting.

We respectfully request that the Water Department 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. Please note that time is of the essence for the receipt of the CDM Smith

documents requested above, as they relate to the upcoming decision to close the coordination of Lead Agency decision. Until the involved and potentially involved agencies have an opportunity to review these documents, it would be improper for the Town of Ulster to proceed. As a consequence, we will appreciate a response as soon as possible and we look forward to hearing from you shortly.

We are requesting these records and responses as representatives of KingstonCitizens.org, a community-based organization. We therefore I 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 and the sale of water withdrawn from Cooper Lake by the City of Kingston to Niagara (i.e., the "Whole Action"). 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 Jennifer Schwartz Berky by phone at (845) 389-2404 or email (jennifer@kingstoncitizens.org) if you have any questions.

Sincerely,

Rebecca Martin



Rebecca Martin, Founder and Jennifer Schwartz Berky, Planning & Policy Advisor
KingstonCitizens.org