



ECONOMIC DEVELOPMENT GROWTH ENTERPRISES CORPORATION
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October 8, 2008

Mr. Edward J. Wiatr, Jr. – ewiatrjr@roadrunner.com
Co-Founder
Concerned Citizens for Honest & Open Government

Catherine R. Lawrence
Co-Founder
Concerned Citizens for Honest & Open Government

RE: October 1, 2008 FOIL Request from Concerned Citizens for Honest and Open
Government to Mohawk Valley EDGE

Dear Mr. Wiatr and Ms. Lawrence:

Economic Development Growth Enterprises Corporation (“Mohawk Valley EDGE”) acknowledges that on October 1, 2008 it received an e-mail request from you pursuant to the New York Freedom of Information Law seeking the disclosure of various records “with regard to the creation of an Empire Zone for approximately 13.9 acres owned (in part) by Lawrence Adler” situate in the New Hartford Business Park, New Hartford, New York (the “FOIL Request”). Actually, an Empire Zone already exists in the New Hartford Business Park. What has been discussed as of late is a technical boundary amendment to the existing Empire Zone. Because the technical boundary amendment in question relates to 13.9± acres of land, we assume that this is the matter which is the subject of your FOIL Request.

Mohawk Valley EDGE is a New York not-for-profit corporation. In 1963, at the behest of various private individuals, Mohawk Valley EDGE was incorporated under the New York Membership Corporation Law (which has since been superseded by the New York Not-For-Profit Corporation Law). Mohawk Valley EDGE is managed by a Board of Directors composed entirely of private individuals. None of the voting directors or members of Mohawk Valley EDGE is a government official, appointed by a government official or government entity, or subject to removal by a government official or government entity. And, while Mohawk Valley EDGE may from time to time enter into contracts with government entities and/or public benefit corporations, no government official or government entity has substantial control over its operations. By virtue of the foregoing, Mohawk Valley EDGE has long taken the position that it is not an “agency” within the meaning of the New York Freedom of Information Law and, therefore, has no responsibility to comply with it.

Notwithstanding the above, Mohawk Valley EDGE has decided, in this instance, to voluntarily respond to your FOIL Request. We have assembled those of Mohawk Valley EDGE's records which appear to fall within the scope of your request, except for various inter-agency and/or intra-agency materials of a non-final or pre-decisioned nature which we have elected not to disclose.

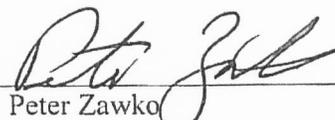
Bearing in mind that we are voluntarily responding to your FOIL Request, you may inspect the records at Mohawk Valley EDGE's offices during its regular business hours (8:00 AM to 5:00 PM Monday through Friday, except holidays). In the alternative, we would be happy to send you hard copies of the records by regular mail or scan the records and transmit PDF copies to you via e-mail provided, however, that you first pay Mohawk Valley EDGE a photocopy/scan charge of \$.25 per page. We have counted a total of 180 pages of records. Thus, the photocopy/scan charge would be \$45.00.

Please let us know how you intend to proceed.

Very truly yours,

ECONOMIC DEVELOPMENT GROWTH
ENTERPRISES CORPORATION

By: _____


Peter Zawko
Vice President