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ERIE COUNTY LEGISLATURE

HON. JOSEPH C. LORIGO
10TH DISTRICT LEGISLATOR
MINORITY LEADER

March 29, 2018

Thomas Hersey, Commissioner
Department of Environment and Planning
95 Franklin Street
Buffalo, New York 14202

Commissioner Hersey,

Thank you for your department's response to the FOIL request I sent on behalf of myself and the other members of the Erie County Legislature. Unfortunately, I continue to be disappointed by your department's lack of cooperation on Comm. 2E-15 (2018). I am confident my colleagues feel the same.

Based on my experiences with the administration, and specifically your department related to this item, I anticipated a certain amount of opposition to my FOIL request. However, I am shocked and dismayed that your department would so blatantly try and prevent the Legislature from receiving information necessary to make our decision. In claiming exemptions, charging exorbitant fees for preparation of copies, and making veiled threats to redact any useful information from those costly copies, you not only disrespect the Erie County Legislature, you disrespect the hard working taxpayers of Erie County.

As you are aware, my primary area of interest surrounds the specific locations of additional sites being considered in the latest amendment to the study. To foster an easier process, I hereby amend my previous request, and limit the information sought to the following:

- 1) The most recent contract between Erie County and HVS Consulting detailing the scope of work and any payments made thereto;
- 2) The proposed contractual amendment referenced in the memo to Comm. 2E-15 (2018);
- 3) Any written communication from HVS Consulting indicating an inability to complete the initial contract and their request for an expanded scope of the project;



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- 4) Any reports, emails, and/or meeting minutes created by any individual, committee, department head, elected official, or any other entity, which directly or indirectly, either alone or in conjunction with HVS, set the final list of sites for HVS Consulting to examine;
- 5) All emails from HVS Consulting to ANY county official, employee, or department head in relation to the Market Analysis and Feasibility Study for a New or Expanded Convention Center in Erie County sent within the past six (6) months;

Additionally, I anticipate that your department will waive any fee for copies or work necessary to redact information related to my amended request. The fact that the Legislature even needs to utilize FOIL requests when seeking information from the administration shows a jaw dropping level of audacity from this administration that borders on governmental obstruction. Members of the Legislature asked for public documents necessary to make a decision on a contract with public money. Every other party to this agreement knows the locations of these sites, except the Legislature--whose approval you require and have sought for the past three months.

A simple request for public information should never have come to this, and allowing this to continue is unacceptable. Instead of trying to hide information and prevent cooperation, we should be working together. If your department is willing to publically release the additional site choices, I would be willing to withdraw my FOIL request. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Lorigo", is written over a horizontal line.

Joseph C. Lorigo
Erie County Legislature

Cc: Lisa Matthies-Wiza – FOIL Officer
Department of Environment and planning