Exhibit 3
January 8, 2020

VIA EMAIL

Attn: FOIL Officer (foil@budget.ny.gov)
NYS Division of the Budget
Room 128, State Capitol
Albany, NY 12224

Re: Village of Floral Park’s August 19, 2019 FOIL Request to NYS Division of Budget

Dear Sir or Madam:

We represent the Village of Floral Park concerning its Freedom of Information Law (“FOIL”) request placed to the Division of Budget (“DOB”) on August 19, 2019 and write concerning DOB’s unreasonable delay in providing a substantive response to the request. The Village demands the DOB immediately provide a status update and/or substantive response to the Village’s FOIL request, or the Village will consider the DOB’s lack of response a constructive denial of the request and seek all appropriate relief.

On August 19, 2019, this firm submitted a FOIL request to the DOB, among other State agencies and departments, via Open FOIL NY. A copy of the August 19, 2019 FOIL request is annexed hereto as Exhibit A. While ESD acknowledged receipt of the request on August 28, 2019, it has failed to produce responsive records for nearly five (5) months. The DOB (via Foil Officer Joel C. Lombardi) most recently requested an extension to November 25, 2019—on which date no records or update was provided. A copy of the correspondence from the DOB is annexed hereto as Exhibit B.1

1 The records that are the subject of the Village’s FOIL request relate to the Village’s pending action/proceeding, The Incorporated Village of Floral Park, New York v. New York State Urban Development Corporation d/b/a Empire State Development, et al., Nassau County Supreme Court Index No. 612399/2019 (Mahon, J.), in which the Village challenges the propriety of the bidding process for the Belmont Park Redevelopment Project and the approvals for that Project.
Pursuant to New York Public Officers Law Section 89(3)(a), within five (5) days of receipt of a FOIL request, an agency is required to acknowledge receipt of the request and provide an approximate date in which it will respond. N.Y. Pub. Off. L. § 89(3)(a). If an agency determines that circumstances prevent disclosure within twenty (20) business days of acknowledging receipt of the request, the agency must state in writing the reason for its inability to timely respond and a reasonable date certain in which the request will be granted in whole or in part. Id. Failure of an agency to comply with this provision constitutes a constructive denial of the request. N.Y. Pub. Off. L. § 89(4)(a); see also N.Y. Pub. Off. L. § 84 ("The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society").

The DOB failed to acknowledge the Village's FOIL request within the required five (5) business day period, and has since unreasonably delayed in providing a substantive response to the request without providing a reasoned basis for its inability to timely respond. Given the DOB's lengthy delay to date, if the DOB does not provide a status update and/or substantive response to the Village's FOIL request within ten (10) days, the Village will consider the request constructively denied and seek all appropriate relief, including but not limited to a formal appeal and an Article 78 proceeding seeking reasonable attorneys' fees for a continued denial. See N.Y. Pub. Off. L. § 89(4)(b), (c).

Thank you for your attention to this matter and do not hesitate to contact our office with any questions.

Sincerely,

Michael G. Murphy

Encls.
August 19, 2019

VIA OPEN FOIL NY

NYS Department of Financial Services  
Office of General Counsel  
Attn: Records Access Officer  
One State Street, 20th Floor,  
New York, NY 10004

Records Access Officer  
New York State Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

Records Access Officer  
NYS Department of Taxation and Finance  
W.A. Harriman Campus  
Bldg 9, Room 100

Records Access Office  
NYSDOT  
50 Wolf Road, 6th Floor  
Albany, NY 12232

Records Access Officer  
NYS Division of Homeland Security and Emergency Services (DSHES)  
Building 7A, Floor 7  
1220 Washington Ave,  
Albany, NY 12242

Records Access Officer  
New York State Division of the Budget  
Room 128, State Capitol  
Albany, NY 12224

Records Access Officer  
NYS Office of General Services  
Public Affairs Office  
Corning Tower Building, 41st Floor  
Empire State Plaza  
Albany, New York 12242-0001

Record Access Officer  
Empire State Development  
633 3rd Ave, 37th Floor  
New York, NY 10017

FOIL Access Administrator  
DASNY  
515 Broadway  
Albany, New York 12207
August 19, 2019
Page 2

Re: FOIL Request – Belmont Park Master Plan
Incorporated Village of Floral Park

Dear Sir or Madam:

This firm represents the Incorporated Village of Floral Park and is writing to request records under the Freedom of Information Law, Article 6 of the Public Officers Law. The requested records relate to the Belmont Park Redevelopment Project. However, in responding to the requests below, please do not view the requests as limited in any manner. In other words, responsive records to each request should be produced regardless of whether the records explicitly or implicitly reference the Belmont Park Redevelopment Project or regardless of whether the records are contained within files or folders relating to the Belmont Park Redevelopment Project.

To facilitate your search for records responsive to this request, a copy of one version of the draft Belmont Park Master Plan, dated November 14, 2016, can be found at this link: https://fpvillage.org/wp-content/uploads/2019/03/2019-03-19-Village-of-Floral-Park-Supplemental-Comments-to-Belmont-DEIS.pdf (See Exhibit 1). The foregoing references to this version of the Master Plan, however, are not intended to limit the scope of the requests in any manner.

Please provide electronic copies of the following records:

- Any and all records discussing, relating to, or concerning the attached draft Belmont Park Master Plan, dated November 14, 2016 ("Master Plan"), including, but not limited to all drafts of the Master Plan in the possession or control of any State official, employee, agent, consultant or other individual acting on the State’s behalf or at the State’s direction (collectively, “State Individuals”), including the name of the State Individual providing the record or document.

- Any and all correspondence discussing, relating to, or concerning the Master Plan or any draft thereof by and between any State Individual(s) and/or between a State Individual and any other party or individual.

It is requested that responsive documents be emailed to me at the email address provided below. If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or DVD, or please advise me of the appropriate time during normal business hours for inspecting the records prior to obtaining copies.
August 19, 2019
Page 3

Please contact me at (212) 702-5436 or at mmurphy@bdlaw.com if you have any questions.

Sincerely,

Michael G. Murphy

cc: Hon. Dominick Longobardi, Mayor, Floral Park
    Gerard Bambrick, Village Administrator, Floral Park
    Village Board of the Village of Floral Park
Via Electronic Mail

August 28, 2019

Michael G. Murphy
Beveridge & Diamond
mmurphy@bdlaw.com

Dear Mr. Murphy:

This is to acknowledge receipt of your Freedom of Information Law ("FOIL") request to the New York State Division of the Budget (the "Division") dated August 19, 2019, in which you seek: "Any and all records discussing, relating to, or concerning the attached draft Belmont Park Master Plan, dated November 14, 2016 ("Master Plan"), including, but not limited to all drafts of the Master Plan in the possession or control of any State official, employee, agent, consultant or other individual acting on the State's behalf or at the State's direction (collectively, "State Individuals"), including the name of the State Individual providing the records or document. Any and all correspondence discussing, relating to, or concerning the Master Plan or any draft thereof by and between any State Individual(s) and/or between a State Individual and any other party or individual."

Division staff has been asked to review applicable files and provide pertinent records in the possession of the Division, if any, that are responsive to your request. Any such pertinent records will be reviewed to determine what records and/or information should be disclosed under FOIL. We estimate that the Division will respond to your request by October 25, 2019. We need extended time to complete a response to your request because of (i) the limited resources available at the Division, and (ii) the time needed to collect and review the materials, if any, that are responsive to your request.

The Division will notify you in writing when/if any responsive materials with respect to your request are available for release or if the time needed to complete the processing of your request extends beyond the above date.

Sincerely,

Caitlin M. Goss
FOIL Officer
Michael G. Murphy
Beveridge & Diamond
mmurphy@bdlaw.com

Dear Mr. Murphy:

This is in further response to your Freedom of Information Law ("FOIL") request to the New York State Division of the Budget (the "Division") dated August 19, 2019, in which you seek: "Any and all records discussing, relating to, or concerning the attached draft Belmont Park Master Plan, dated November 14, 2016 ("Master Plan"), including, but not limited to all drafts of the Master Plan in the possession or control of any State official, employee, agent, consultant or other individual acting on the State's behalf or at the State's direction (collectively, "State Individuals"), including the name of the State Individual providing the records or document. Any and all correspondence discussing, relating to, or concerning the Master Plan or any draft therof by and between any State Individual(s) and/or between a State Individual and any other party or individual."

Additional time is required to respond to your FOIL request, and we estimate that the Division will respond to your FOIL request by November 25, 2019. The Division will notify you in writing when/if any responsive materials with respect to your request are available for release or if the time needed to complete the processing of your request extends beyond the above date.

Sincerely,

Joel C. Lombardi
FOIL Officer