

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF COLUMBIA

MICHAEL SCHROM and
KEVIN DELAHANTY,

Petitioners,

NON-PARTY AFFIDAVIT

For a Judgment Pursuant to Article 78 of the
Civil Practice Law & Rules and other relief

Index No. _____

-against-

THE COUNTY of COLUMBIA, New York,

Respondent.

Affidavit of Non-Party Patricia Matheney

Non-party PATRICIA MATHENEY, being first duly sworn, deposes and says:

1. My name is Patricia Matheney and I am not a party to this proceeding.
2. I reside at 66 Old Mill Road, Ghent, New York.
3. Appendices A, B, C, and D, affixed to this affidavit, truly and accurately reflect the content of the email chains depicted, except that attachments to such emails, if any, are not included in such appendices.
4. On or about February 11, 2013, I submitted to the County of Columbia, by email, a FOIL request for financial records and Federal Aviation Administration reports in connection with the Columbia County Airport. (Matheney Affidavit Exhibit A, p. 9)

5. On or about February 21, 2013, I submitted to the County of Columbia clarifications and additional FOIL request for records in connection with the Airport. (Matheney Affidavit Exhibit A, pp. 6-8)
6. From February through May, 2013, I exchanged numerous emails, phone calls, and other communications with Assistant County Attorney Brent Stack and other County officials and employees in connection with my efforts to obtain the records I had sought in my FOIL requests. (Matheney Affidavit Exhibits A, B, C, D)
7. In a conversation with Assistant County Attorney Stack on or about March 12, 2013, he acknowledged that the material I had requested was subject to disclosure through FOIL.
8. In such conversation, attorney Stack also told me that he was not getting “cooperation” from the County departments where the records were located.
9. I recorded my recollections of the events connected to my attempts to obtain records through my FOIL requests to the County of Columbia in a document entitled “Timeline of Airport FOIL Request(s),” which I believe to be accurate. (Matheney Affidavit Exhibit E)
10. After extensive efforts on my part to obtain the requested records, on or about April 26, 2013, I was ultimately told by attorney Stack to have my attorney call him.
11. The County has been under a legal obligation, since February, 2013, pursuant to FOIL and the requests that I made, to search for and produce records 1) related to the financial matters of the Columbia County Airport; 2) reflecting communications between the County and the Federal Aviation Administration (FAA) and between the County and the NYS Department of Transportation; 3) related to County dealings with Stanwyck

Avionics and C & S Engineering; and 4) otherwise related to the Columbia County Airport.

12. As of October 1, 2013, the County of Columbia has produced very few records in response to my FOIL requests of February, 2013.

13. I believe the County has been evasive and unresponsive to my FOIL requests and has grossly failed to meet its statutory obligations under FOIL for more than half a year.

PATRICIA MATHENEY, being first duly sworn on oath according to law, deposes and says that the matters stated herein are true to the best of her information, knowledge and belief.

Patricia Matheney

SUBSCRIBED AND SWORN to before me
This 2nd day of October, 2013.

Notary Public-State of New York