

Exhibit N

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December 4, 2025

VIA EMAIL

Robert Cox
cityofnewrochelle@robertcox.8shield.net

Re: Administrative appeal pursuant to Public Officers Law § 89(4)(a)

Dear Mr. Cox:

After careful review of your administrative appeal pursuant to Public Officers Law § 89(4)(a), the City provides the following determination regarding your requests related to Bid Number 5820, "Request for Master Redeveloper Proposal".

1. Post-Termination Withholding Under POL § 87(2)(c)

Your appeal contends that once the RFP was terminated on November 13, 2025, the exemption under POL § 87(2)(c) no longer applied. The City acknowledges that this exemption relates only to present or imminent contract awards. However, this does not override other valid exemptions, including protection of bona fide trade secrets under POL § 87(2)(b) and personal privacy under §§ POL 87(2)(b) and 89(2)(b). Therefore, the City's redactions remain valid.

2. Alleged Improper Delegation to a Private Party

Your appeal asserts that redactions originated at the direction of The Young Companies and that this constitutes impermissible delegation. The City affirms that all FOIL redaction decisions were ultimately made by the City based on its independent review of the records and applicable legal standards. No redaction authority has been delegated to any private party.

3. Trade Secret Claims

You assert that no contemporaneous designation exists and that the trade secret exemption is inapplicable. Following review, the City determined that specific portions of the Proposal contain information qualifying as trade secrets under POL § 87(2)(d), and disclosure would cause substantial competitive harm. The redactions are narrowly tailored to those portions only. The appeal is therefore denied with respect to trade secret material.

4. Alleged Alterations and Integrity of Public Records

Your concerns regarding pagination and the site map have been reviewed. The City retains the unredacted Proposal in accordance with all applicable FOIL and record-retention laws. Any pagination differences arise from formatting in the redacted reproduction and do not reflect alteration or tampering of the official record.

5. Vaughn Index and Explanation of Redactions

While you request a detailed Vaughn-style index, FOIL does not require creation of a Vaughn Index. The City has adequately identified the basis for the redactions (POL § 87(2)(d)), and has provided all non-exempt portions of the records. To clarify, the limited redactions consist of information that meets the definition of protectable trade secrets, including detailed proprietary financial modeling and cost structures; confidential business strategies and competitive methodologies; internal operational processes and technical approaches, and; non-public market analyses that, if disclosed, would give competitors insight into the submitter's proprietary business model.

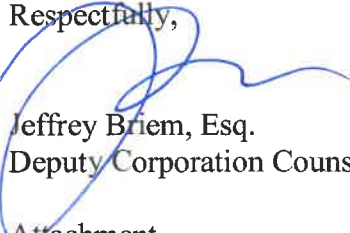
Based on the foregoing, your appeal is denied insofar as it seeks disclosure of trade secret redactions. Other requests in the appeal that do not pertain to trade secret material are not valid under this appeal and have not been considered. The City has otherwise complied with its FOIL and record retention obligations.

With respect to your November 21, 2025 request for “[a]ll emails sent or received this week that reference the return of spec 5820”, attached find all records responsive to this request that are required to be disclosed under FOIL. As for your new December 3, 2025 request for “termination announcement and public controversy” records directed to the City Manager, the City acknowledges, and has forwarded, this request to the City's Records Access Officer for processing. Because it is a new request, it is not treated as part of this appeal.

Finally, for future requests, the most efficient way to ensure timely handling is to use the online FOIL application form. If you are unable to access the online system, requests may also be sent directly to the City Clerk. Submitting FOIL requests elsewhere, particularly to individual employee emails, can result in delays.

This determination constitutes the final administrative decision pursuant to POL § 89(4)(a).

Respectfully,



Jeffrey Briem, Esq.
Deputy Corporation Counsel

Attachment

cc:

Wilfredo Melendez, City Manager

Kim Jones, City Clerk



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November 20, 2025

BY ELECTRONIC SUBMISSION

Karin Conca
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Purchasing Department
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Re: The Young Companies – Response to Spec. No. 5820
Request for Master Redeveloper Proposals (RFP) For A Portion of Flowers (City) Park

Dear Ms. Conca:

Pursuant to his Statement dated November 13, 2025, we are advised that the City Manager has withdrawn the above Request for Proposals for potential improvements to Flowers Park. Accordingly, on behalf of our client, The Young Companies LLC, we kindly ask for the return of their Response to Spec. No. 5820 and accompanying materials that were delivered to your attention on October 29, 2025.

Please let us know if we may assist in facilitating the return of the materials. Should you or City Staff have any questions, please do not hesitate to contact me directly.

Thank you for your time and consideration in this matter.

Very truly yours,

Anthony B. Gioffre III

Anthony B. Gioffre III

cc: Client

Jackson, Emanuella

Subject: FW: Return of Response to RFP Spec. No. 5820
Attachments: Request for the Return of Response to RFP.pdf

Importance: High

From: Conant, Daniel <DConant@cuddyfeder.com>
Sent: Thursday, November 20, 2025 4:43 PM
To: Conca, Karin <kconca@newrochelleny.gov>
Cc: Anthony B. Gioffre, III <AGioffre@CUDDYFEDER.COM>
Subject: Return of Response to RFP Spec. No. 5820

You don't often get email from dconant@cuddyfeder.com. [Learn why this is important](#)

EXTERNAL SENDER: DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe. If unsure, contact IT for guidance.

Good Afternoon, Karin,

Attached please find the letter from Anthony Gioffre regarding the matter in the subject line, dated today. Please acknowledge receipt at your earliest convenience, and we further ask that you contact Anthony or me directly with any questions.

Thank you,
Dan



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