

EXHIBIT A

STATE OF NEW YORK
APPELLATE DIVISION FOURTH DEPARTMENT

525-527 ORISKANY ST. LLC,

Petitioner

vs.

Index No. _____

ONEIDA COUNTY BOARD OF LEGISLATORS,
ONEIDA COUNTY, JOHN DOE CORPORATIONS
AND JOHN DOES,

Respondents.

DEMAND PURSUANT TO EDPL §207(A)

PLEASE TAKE NOTICE that Petitioner 525-527 Oriskany Street, LLC hereby demands that the Oneida County Board of Legislators produce and deliver to the Appellate Division Fourth Department, and all parties, a written transcript of the entire administrative record of the proceeding and a copy of its determination and findings with regard to acquisition of property in the City of Utica on Oriskany and Lafayette Streets by Eminent Domain for Construction of a Public Parking Facility, in accordance with EDPL §207(A).

Dated: May 10, 2021
Rochester, New York



THE ZOGHLIN GROUP PLLC
Bridget O'Toole, Esq.
Attorneys for Petitioner
300 State Street, Suite 502
Rochester, New York 14614
Tel.: (585) 434-0790
E-mail: Bridget@ZogLaw.com

EXHIBIT B

X

525 NY-5S
Utica, New York
Google
Street View



Google



EXHIBIT C

From: [Snyder, Phillip R](#)
To: [Eminentdomain](#)
Cc: [Dan Walker \(dan@walkerglobal.net\)](#)
Subject: 525-527 Oriskany St West, Utica, NY
Date: Monday, December 28, 2020 11:12:23 AM
Attachments: [image003.png](#)

Warning - This email originated from an external source.

Do not click links or attachments unless you recognize the sender and know the content is safe.

Dear Attorney Peter Rayhill,

I was unable to attend the hearing on December 23, 2020. Please consider this message as what we would have stated if we had been present.

Enterprise Rent A Car has enjoyed doing business at 525-527 Oriskany St West since we opened in 2018. We have a long term lease with options totaling 25 years. We are a good neighbor and give back to the community and bring value to the city through the service that we provide. We have invested \$433,000 into this property and it would cost us even more to relocate. We have no desire to move.

We would ask that one of the other 3 hospitals in the Utica area be expanded if more space is needed?

We respectfully request that you to let us continue operating where we are currently.

Please confirm that you received this message by replying to all.

Sincerely,



Phillip Snyder, CFM

Group Facility and Construction Manager

585 235 1655 office
585 370 4557 cell
585 563 1756 fax

Phillip.r.snyder@ehi.com

Enterprise Holdings Inc.
1320 Brooks Ave
Rochester, NY 14624
USA

enterpriseholdings.com

EXHIBIT D

KATHLEEN M. BENNETT
kbennett@bsk.com
P: 315-218-8631
F: 315-218-8741

December 6, 2017

525-527 Oriskany St. LLC
1601 Gibson Road
Utica, New York 13502

Re: *Mohawk Valley Health System – Medical Center Project*
Option to Acquire Tax Parcel 318.034-1-23.1 and 318.034-1-23.2

Dear Property Owner:

As you are aware, Mohawk Valley Health System (MVHS) has been awarded funding to construct and operate a new medical center to be located in the largest population center in Oneida County for the purpose of consolidating multiple licensed healthcare facilities into an integrated system of acute inpatient, outpatient, primary and other healthcare services. This project will improve healthcare in the region by providing an integrated healthcare delivery system in the Mohawk Valley.

In connection with the Project, MVHS desires to acquire an option to purchase the property you own in downtown Utica identified above (the "Property"). By law, MVHS must offer you the amount of its highest approved appraisal for the acquisition of the Property. The amount of the highest approved appraisal relative to the Property is as follows:

\$154,000.00 Purchase Price

By signing the enclosed Option Agreement, you will be granting MVHS the exclusive option to acquire the Property until December 31, 2018. Upon receipt of the signed Option, MVHS will send you a fully-signed copy of the Option Agreement and **pay you \$7,700.00 (now) as an option payment.** The remaining balance of the Purchase Price will be paid to you upon closing, if MVHS exercises its option to purchase your property. Generally, if MVHS does not exercise its option to purchase the Property prior to December 31, 2018, you will be entitled to retain the option payment. You should review the Option Agreement for the full terms of this option arrangement. MVHS plans to exercise its option shortly after completing its due diligence and obtaining the necessary approvals for the Project.

December 6, 2017
Page 2

Thank you in advance for your consideration in this matter. A response **on or before Monday, January 15, 2018** is appreciated.

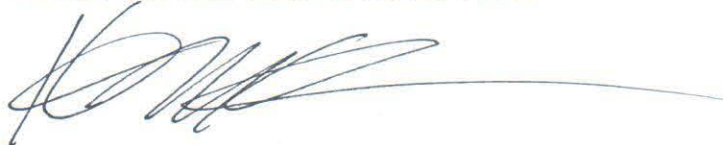
At this time MVHS anticipates groundbreaking for the project beginning in 2019.

If you have any questions, I can be reached at (315) 218-8631. If you have engaged an attorney to work with you on this, I would be happy to discuss this matter with them.

I look forward to completing this Option agreement with you and proceeding forward with this important public project.

Sincerely,

BOND, SCHOENECK & KING, PLLC

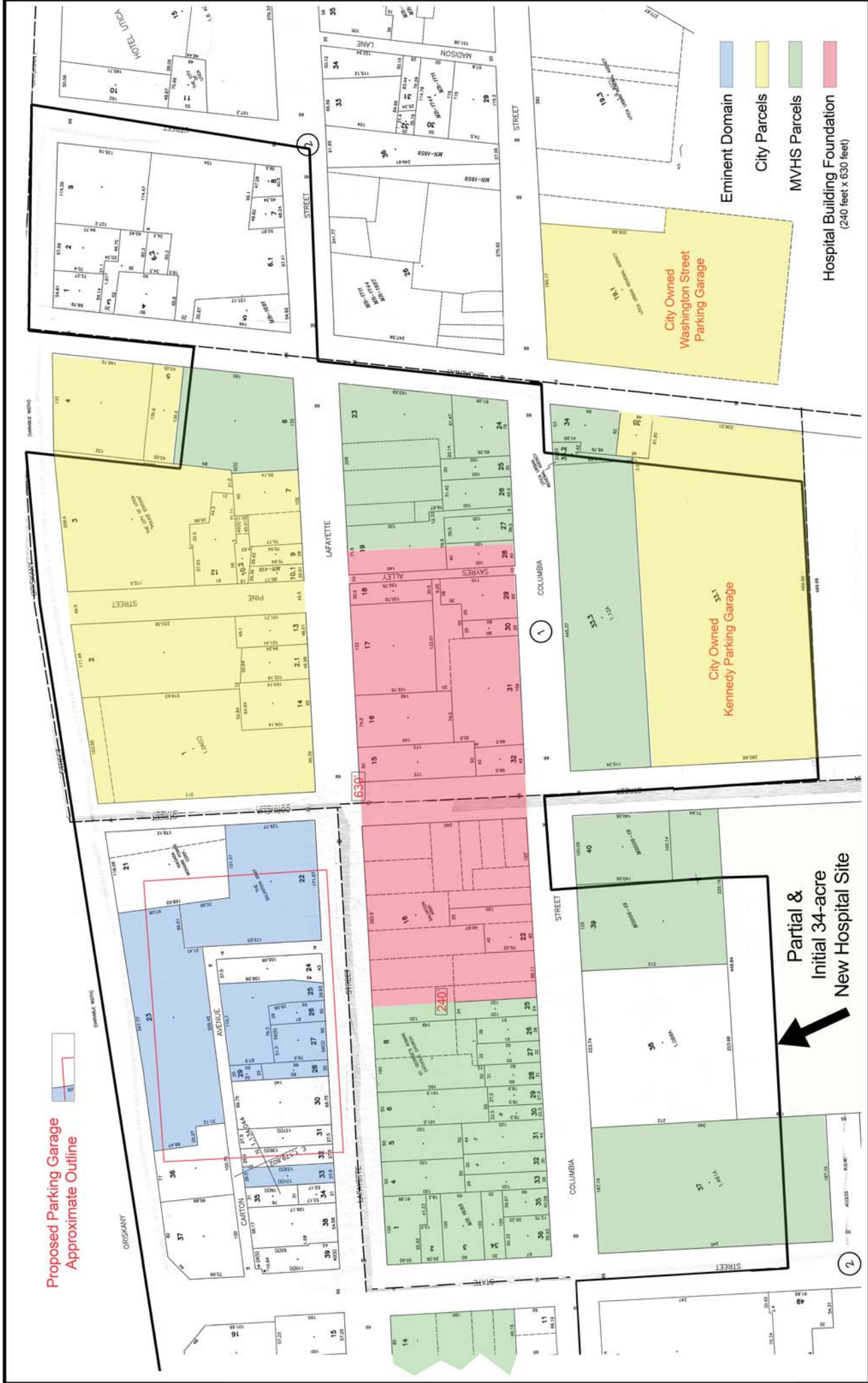
A handwritten signature in black ink, appearing to read 'K. Bennett', with a long horizontal line extending to the right.

Kathleen M. Bennett

cc: Traci Boris, Esq.

EXHIBIT E

Proposed Parking Garage
Approximate Outline



- Eminent Domain
- City Parcels
- MVHS Parcels
- Hospital Building Foundation (240 feet x 650 feet)

Partial &
Initial 34-acre
New Hospital Site

EXHIBIT F

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EMINENT DOMAIN -- PARKING GARAGE -- MVHS HOSPITAL

* * * * *

HELD AT: Via Zoom
December 23, 2020
Start time: 6:00 p.m.

APPEARANCES:

ROBERT E. PRONTEAU, ESQ.
Assistant County Attorney
Oneida County Department of Law
800 Park Avenue
Utica, New York 13501

PETER RAYHILL, ESQ.
Oneida County Attorney

Jaclyn Bellino-Conte,
Court Reporter.

1 ATTORNEY ROBERT PRONTEAU: This hearing
2 is being recorded, and the recording will become a
3 part of the public record. The recording will
4 also be uploaded to the Oneida County Government
5 Facebook page shortly after the meeting. This
6 virtual public hearing is being hosted tonight
7 from the Oneida County Office Building, located at
8 800 Park Avenue in the City of Utica. This is a
9 public hearing being held pursuant to Section 203
10 of the Eminent Domain Procedure Law of the State
11 of New York. The purpose of this hearing is
12 twofold. First, we will outline the purpose and
13 proposed location of the project, which is the
14 construction of a public parking garage in the
15 City of Utica. Secondly and more importantly, the
16 purpose of tonight's hearing is to give you, the
17 public, the opportunity to offer commentary,
18 express concerns and provide additional
19 documentation with respect to the proposed
20 project, whether you agree with it or not. We
21 will have speakers who will provide the basic
22 information about the project, after which we will
23 open the meeting up for public commentary. Please
24 keep in mind there will be no question-and-answer
25 format during this hearing. A public hearing,
under Section 203 of the Eminent Domain Procedure
Law is more a vehicle for the public to offer
their input and commentary about the proposed
project. You are welcome to ask questions as a
part of your statement, but there will be no
direct questions and answers. Anyone that wishes
to is also welcome to submit additional written
statements or other documentation to be included
as a part of the written record for this hearing.
In order to accommodate this, the record will
remain open from 30 days from today's date,
through January 23rd of 2021. Anyone wishing to
submit written statements or other additional
documentation, can email them to
eminentdomain - E-M-I-N-E-N-T D-O-M-A-I-N -
@ocgov.net or they can mail them to the Oneida
County Department of Law, 800 Park Ave, Utica, New
York 13501. With respect to the public
commentary, I will go through the list of
attendees one by one and unmute you one at a time
to ask if you wish to speak. When I unmute you,
will either receive a popup message on your
computer screen asking you to unmute yourself or a
verbal code on your phone telling you to press
star 6 to unmute yourself. If you do not wish to

1 speak, you do not have to unmute yourself. Anyone
2 wishing to speak will be limited to approximately
3 5 minutes, due to the number of persons that have
4 expressed an interest in attending and speaking at
5 this hearing. However, rather than abruptly
6 cutting anyone off, I will be monitoring the time
7 used and will give a gentle reminder to wrap up if
8 the speaking time is exceeded. Keep in mind,
9 though, that the record will remain open for
10 30 days from tonight. So if there is additional
11 documentation, other information or if you wish to
12 expand on your public commentary, you can send
13 that in and it will be included as a part of the
14 record. When speaking, I would ask that each
15 person begin by stating and then spelling their
16 first and last names. The reason for that is, we
17 do have stenographer writing down everything and
18 we are creating a transcript of this proceeding.
19 We also, as you can see, have a sign language
20 interpreter available, and she is translating
21 everything you say. Please speak slowly and
22 clearly. I would ask all our speakers also to
23 keep in mind that this hearing concerns the
24 building of a public parking garage in the City Of
25 Utica. Some latitude will be given to those
speaking with respect to their subject matter, but
drifting too far off topic may result in your
comments being cut short. Additionally,
profanity, shouting or other disruptive behavior
may also result in your remarks being cut short.

16 With that, I will now turn the meeting
17 over to Peter Rayhill, the Oneida County Attorney.
18 Peter, you're muted. You have to unmute yourself.
19 We'll have Mr. Rayhill in just a moment.

18 ATTORNEY PETER RAYHILL: All right. My
19 name is Peter Rayhill. I am the County Attorney
20 for the County of Oneida. And I first want to
21 thank everyone and welcome everyone who is
22 participating here tonight. The County of Oneida
23 is going to construct a parking garage in downtown
24 Utica. This garage will be centrally located in
25 the city, convenient to the city court, the
Adirondack Bank Center and the new hospital. Most
of the land where the garage will be built has
been acquired. Those parcels which have not been
acquired are necessary for the construction of the
parking garage. Accordingly, the county will
proceed to acquire title to those properties
pursuant to the provisions of New York's Eminent
Domain Procedure Law. The parcels to be acquired

1 are 525-527 Oriskany Street, Tax Map Number
2 318.34-1-23.1 and 23.2; 418 through 430 Lafayette
3 Street, Tax Map 318.34-1-25-26-27-28 and 29; 442
4 Lafayette Street, Tax Map Number 318.34-1-33 and
5 400 to 406 Lafayette Street, Tax Map Number
6 318.34-1-22. This public hearing is being
7 conducted pursuant to New York State's Eminent
8 Domain Procedure Law. It's an opportunity for
9 those who wish to provide comments and information
10 to the Oneida County Board of Legislators to do
11 so. At this point I'm going to turn these
12 proceedings over to Mark Laramie, who will provide
13 a description of the project. Mark?

14 MARK LARAMIE: Thank you, Peter. Give
15 me a moment; I'm trying to share a screen. Is
16 that screen sharing correctly?

17 ROBERT PRONTEAU: Yes, it is.

18 MARK LARAMIE: Okay. Thank you. As
19 Peter said, I'm Mark Laramie. I'm the
20 Commissioner of Public Works for Oneida County.
21 I'll give you a brief description of the project.
22 This project will construct a 1,050 space, 3 level
23 parking garage with public entrances on the east
24 and west ends. The garage will be located
25 immediately adjacent to Utica Auditorium, the
Utica City Courthouse and the new Mohawk Valley
Health System Hospital. More specifically, as
showing on the shared site plan, the parking
garage will be bordered by Oriskany Street on the
north, Lafayette Street on the south, Cornelia
Street on the east and State Street on the west.
This location was selected primarily due to its
joint proximity to the new Mohawk Valley Health
System Hospital, Utica Auditorium, Utica City
Courthouse and the future Nexus Center. No other
location under consideration could realistically
serve all of these facilities. The influence on
environmental and local impacts include reduced
demand for unsafe on-street parking, reduced
traffic congestion in the area adjacent to the
proposed parking garage and a reduced need for the
development of large surface parking lots in the
surrounding area. And with that, I will ask the
moderator to accept public comments.

26 ROBERT PRONTEAU: Thank you, Mark.
27 We're going to begin with Bohdan Rabarsky.
28 Mr. Rabarsky, I sent you an unmute request. Do
29 you wish to address -- I'm going to send it one
30 more time. If you wish to address the meeting,
31 please unmute yourself. Mr. Rabarsky, you may now

1 address the public hearing. Mr. Rabarsky, if
2 you're speaking, I can't hear you. Is anyone able
3 to hear Mr. Rabarsky? All right. Mr. Rabarsky,
4 I'm going to mute you again and we'll come back to
5 you at the end. Caller User number 2, I have sent
6 you an unmute request. Do you wish to address the
7 public hearing? Caller User number 2, I will send
8 you a second unmute request. Caller User number
9 4, I'm sending you an unmute request. Do you wish
10 to address the public hearing?

11 BRETT TRUETT: Yes. Good evening. My
12 name is Brett Truett. B-R-E-T-T. Last name
13 Truett, T-R-U-E-T-T. I just have some brief
14 comments. I'm an investor in downtown Utica. I'm
15 also the owner of 442 Lafayette Street. It's been
16 my hope that the parking garage and the hospital
17 would be relocated; we were told that there were
18 two locations, and that did not come to pass; they
19 ended up downtown, the hospital that is. I
20 believe parking facilities can be accomplished for
21 the hospital on land that the hospital has
22 purchased. The City of Utica has said they, as
23 partners, would work with the hospital, close
24 streets off and sell land at a dollar. The
25 hospital has use of Kennedy parking garage that
the city owns. I don't believe these properties
that are a part of this tonight should be taken,
because the parking facilities needed, whether it
be for the aud, the Nexus, the courthouse or the
hospital can be accomplished in another way. Just
because the hospital drew a parking garage on top
of properties they didn't own doesn't -- I don't
believe that should lead the government to these
properties. I will submit further statements
later. But thank you for letting me speak.

19 ROBERT PRONTEAU: Thank you,
20 Mr. Truett. Caller User Number 5, I'm sending you
21 an unmute request. Caller User Number 5, I'm
22 sending you a second unmute request. Do you wish
23 to address the public hearing? Okay. Caller User
24 Number 7, I'm sending you an unmute request. Do
25 you wish do address the public hearing?

22 JOSEPH CERINI: Hello?

23 ROBERT PRONTEAU: Yes. Please, sir,
24 proceed.

24 JOSEPH CERINI: My name is Joseph Cerini
25 C-E-R-I-N-I. I own the property 418 Lafayette
Street to 430 Lafayette Street. I've been here
20 years. I've invested into my building. It's
not blighted, in my opinion. I've been working on

1 it for 20 years. I was down here when Utica
2 wouldn't even consider anybody moving into
3 downtown. Eminent domain law states that property
4 can't be taken for a private entity or given to a
5 private owner. This hospital has always been a
6 hospital garage. The county executive has been on
7 the radio numerous times stating that it was for
8 the hospital. Now all of a sudden it's changed to
9 becoming a public garage. Funding hasn't even
10 been secured, as far as I know. The city is no
11 longer going to be funding. The county I don't
12 believe they have secured funding yet. To go
13 ahead with a project without funding is not a --
14 something that should really be done. I don't
15 even know if it's legal. There's -- this has
16 never been brought up to the common council for
17 funding. So this is only an agreement with the
18 mayor to the county. It has not even been
19 ratified by the common council. In that stance,
20 Steve DiMeo, which is an arm of the county, with
21 Mohawk Valley Edge, he was in the paper stating
22 June 6th -- June 17th of 2016 "Warning to City:
23 No garage, no new hospital." He was aggravated
24 that Enterprise received a variance to open, and
25 at the point that they did open, they weren't
 welcome. They are probably one of the largest
 sales tax revenue generating customers in my block
 at least. You know, it's a multimillion dollar
 business that Angela Elefante should be proud that
 she got that kind of business into downtown Utica.
 Once they got the variance to open, their first
 week they had nails thrown into their parking lot.
 I had tires slashed and also received threatening
 messages in my email from a fake account, which
 I'm sure I can trace back; and I would state their
 name, but that's going to be for legal authorities
 to pursue. But basically this was from the, yes,
 hospital side. I won't say who I believe it is.
 It says "Timber Brickman: "It seems to me that
 the problem here is more than just the
 stubbornness of MVHS. You appear to be the only
 business in the entire footprint zone refusing to
 go to the bargaining table and almost the sole
 holdout overall. You may have caught a rough
 deal, but this is happening whether you like it or
 not. We need this. You should consider trying to
 get the best deal for yourself rather than play
 martyr. In the end your point won't be remembered
 and you will be left with nothing." Now, I
 consider that a threat. And that was 44 weeks

1 ago. I probably -- if they had treated me a
2 little better, I may have been a little different
3 in this fight. I actually had my tires slashed on
4 two vehicles. There's a police report on it, so
5 I'm not making this up. The police said - you
6 know - this wasn't just kids off the street at
7 1:30 in the morning. They looked at my cameras.
8 We looked at them together. They knew where the
9 cameras were; they snuck in alongside of the
10 building. This wasn't just a random, somebody
11 walks off the street and slashes tires. This is
12 like they were looking to - you know - do some
13 damage. I think - you know - this could be
14 rectified by -- there's appropriate, other places
15 to put parking. There's -- you know, eminent
16 domain law states that you can't take property
17 without looking at other possible places to put
18 your garage. And I'd like to see the studies for
19 that. I have a lot more items I can go through.
20 I mean, for one thing, the appraisal on my
21 building, they're offering 158,000 -- or 154,000.
22 MVHS offered 280,000. Now, they came back and
23 offered me 280,000 again, so I'm not sure if
24 that's changing the county's valuation of my
25 building. But they're not taking into account
monies that they have paid. My next door neighbor
was ABC ChemDry; he was forced to move out at a
loss, and he received 385,000 for a property that
was probably about a quarter, maybe a third my
size, at least half the acreage. Now, my --

16 ROBERT PRONTEAU: You're about out of
17 time, Mr. Cerini. I would ask that you please
18 wrap up your remarks, if you can, sir.

18 JOSEPH CERINI: Okay. I'll just say, I
19 have all this. I can fax this over to you guys
20 over there. I'm sure you're probably sick of me
21 by now. Merry Christmas.

20 ROBERT PRONTEAU: Anything you wish to
21 submit, the record will remain open until the 23rd
22 of January.

21 JOSEPH CERINI: Okay. That sounds good.
22 I'll be -- how does information get remitted to
23 you? Do you want it by email?

23 ROBERT PRONTEAU: The email address
24 you've been using with respect to your invitation
25 is the same email address. Please just forward it
to that email address and we'll make sure it
becomes a part of the public record.

25 JOSEPH CERINI: Okay. The email address
is citationgraphics@aol.com?

1 ROBERT PRONTEAU: Well, I meant our
email address, eminentdomain@ocgov.net.

2 ROBERT CERINI: Okay, sir.

3 ROBERT PRONTEAU: Just send it to you.
Thank you, sir.

4 JOSEPH CERINI: Yep. Bye.

5 ROBERT PRONTEAU: Next up will be
Celeste Friend. Ms. Friend, I'm going to send you
an unmute request. She dropped off. Okay. We'll
6 come back to Ms. Friend when she reconnects.
Dan Walker, I'm sending you an unmute
7 request.

8 DANIEL WALKER: Thank you, Mr. Rayhill.
Thank you for the opportunity. I'll make it
brief. I'm the property manager for 525-527
9 Oriskany Street. We brought in Enterprise about 2
and a half years ago at a price and very proud of
10 it, thought it was a great value to the city. I
think there would be - you know - different
11 alternatives for parking for them for the garage.
I do -- with all respect do respect the hospital
12 coming to downtown. But for parking abilities, I
think they can work out different alternatives
13 than - you know - interrupting people's businesses
and taking property. And just one note that we're
14 trying to clarify, the differences in valuation of
properties and purchase offers of properties; for
15 example, RCIL, 2.5 million versus other properties
much lesser. So certain things like that has a
16 concern to us and - you know - any explanation is
greatly appreciated. Thank you for opportunity.

17 ROBERT PRONTEAU: Thank you, Mr. Walker.
I'm going to go back to Ms. Friend, who apparently
got disconnected.

18 CELESTE FRIEND: Hi. Thank you. Am I
connected. Sorry about that. I had a back
19 connection for a moment there. My name is Celeste
Friend. I'm a member of the Utica Common Council.
20 I just have a -- it's not at all obvious to me
that the hospital needs that much parking. So
21 what I'd really like to see - and I'd like to see
this reported to the common council officially -
22 is how many parking spots does St. Luke's and
St. E's currently use. I don't want to know how
23 many they have. I want to know how many they use.
And I want to see that compared to the new surface
24 parking lot spaces that the new downtown hospital
has and how many spaces are in both the Washington
25 Street garage and the Kennedy Street garage and I
would also like to see folded in the numbers from

1 an expanded Kennedy Street garage. It's not at
2 all obvious to me that this additional parking of
3 this new garage is in any way necessary. So
4 that's one thing. It's not at all obvious that
5 it's necessary. And I think using eminent domain
6 to seize private property from citizens for a
7 project that has not been shown to the public to
8 be necessary is extremely inappropriate. So
9 that's one thing. And then I also just want to
10 make it clear to everyone that the common council
11 has made no commitment to help pay for this
12 parking garage. And I myself - I can only speak
13 for myself - will be very skeptical to approve any
14 plan to help pay for the parking garage until it
15 has been really decisively established that these
16 extra parking spaces are necessary. So I would
17 really advise caution on the part of the county of
18 using the strong arm of the government to seize
19 private property from citizens when it is not at
20 all obvious it is in the interest of the public to
21 do so. Thank you.

12 ROBERT PRONTEAU: Thank you, Ms. Friend.
13 Next up I will send an unmute request to Donna
14 Becket. Ms. Becket, would you like to address --
15 Ms. Becket, I did see a -- Ms. Becket does not
16 appear to have a microphone, so we're going to
17 move on to Douglas Joslyn. I'm sending the unmute
18 request to you, Mr. Joslyn.

15 MR. JOSLYN: Thank you, sir. No
16 comment.

16 ROBERT PRONTEAU: Thank you, sir. Next
17 up will be Gary Holyoke. Mr. Holyoke, I'm sending
18 you an unmute request.

18 GARY HOLYOKE: Thank you. My name is
19 Gary Holyoke, H-O-L-Y-O-K-E. I don't think any of
20 that is necessary, because you got, like I put in
21 the chat, the parking lot at the old Boston Store,
22 the one across from City Hall. How many -- what
23 are we going to do about the other three
24 hospitals, like Faxton which is your cancer
25 research, St. Luke's which is your birthplace,
St. Elizabeth which is your heart -- the heart
association basically, three emergency rooms? How
are you going to deal with one downtown hospital?
What is the plan of this downtown hospital, one?
And I ask for the stopping of the misspending of
money between the Nexus Center and this crazy
building, because we had the arterial project.
What else have we done? 840, and until just right
recently the loss of New Hartford business, like

1 Gander Mountain and all that. So I don't know
2 what is going to happen here with parking garage
3 and parking spaces. And I'm trying to move them -
4 you know - to put my business, Images by Gary
5 Holyoke, which is just right now online. And -
6 you know - I'm internationally recognized in
7 different ways, through different peers. And
8 against Mohawk Valley Health System I have
9 complaints of a different type of kidnapping
10 charge that I'm trying to bring against them,
11 where I was not allowed to go to the
12 Munson-Williams to go to Steve McCurry's gallery,
13 which is one of my true peers. That's all I have
14 to say, pretty much. But I just would like to
15 know where all of this money is coming from some
16 time, besides our treasury department, because I'm
17 early retirement. I've been retired for -- since
18 I was the age of 26. And I'm 51 now.

19 ROBERT PRONTEAU: Thank you,
20 Mr. Holyoke.

21 GARY HOLYOKE: You're very welcome.

22 ROBERT PRONTEAU: Next up will be
23 Heather Mouat. Ms. Mouat, I'm going to send you
24 an unmute request. Ms. Mouat, you're unmuted, but
25 I can't hear you. Next up we have Jubile Harshon
(sic). Mr. Harshon, I'm sending you an unmute
request. Mr. Harshon, one more time, I'll send
you an unmute request. Next up we have Katie
Aiello. Ms. Aiello, I'll send you an unmute
request.

16 KATIE AIELLO: Hi there. Can you guys
hear me?

17 ROBERT PRONTEAU: We can. Please
proceed with your statement.

18 KATIE AIELLO: Sure. So my name is
19 Katie Aeillo - K-A-T-I-E, A-E-I-L-L-O - and I'm a
20 business owner in downtown Utica. So I want to
21 thank all of the officials who are here tonight
22 present and watching this, both city and county.
23 We don't see a lot of that. So kind of -- I guess
24 to start, I just want to lay out some facts what
25 eminent domain is. And eminent domain itself, in
its simplest form, is when people don't want to
sell their property, what we have right now is
Oneida County saying "Well, we're going to take it
anyway." And couple issues with that, especially,
well, one, that just shouldn't happen. Two, if
we're looking at the proof of why this garage is
needed, it's not evident. And it's been over
3 years of this. So that's either a reflection

1 that the project isn't stable or that's a
2 reflection of the leadership behind it. Either
3 way that's not effective of to see how this is
4 going to play out. And definitely doesn't use
5 Definitely doesn't justify a use for eminent
6 domain in my opinion. So, yes, we have to see
7 over the years and the amount of surface parking
8 for St. Luke's. I see that Bob Scholefield is on
9 here, too; that's great, because he can probably
10 answer questions on this. So, yes, we have a few
11 things: Frank Meola, the Common Council 4th Ward
12 Chairman, had already went ahead and said that
13 Utica is -- very likely can't hold up their end of
14 the deal in paying for this. That right there is
15 also -- it reminds me of versus Kelo versus the
16 City of New London. If you're familiar with their
17 eminent domain case there; they took a woman's
18 house in the end -- that was for Pfizer, and in
19 the end Pfizer never came, because a few things
20 came up and they couldn't fulfill the project. So
21 these are the concerns that we have when we're
22 looking at these three properties, here, too. I
23 am thankful (inaudible) request and how many
24 parking spaces are out there elsewhere. From what
25 I've learned the years and the amount of surface
parking for St. Luke's. I see that Bob
Scholefield is on here too; that's great, because
he can probably answer questions on this parking
that went for St. Luke's. But it appears that
these parking spots for surface parking are
suffice -- it's sufficient, rather. So I guess
when we look at the eminent domain, it doesn't sit
well with me to -- sure, eminent domain has been
used in the name of healthcare. But to use it in
the name of the auditorium or Nexus and put a bow
around it as healthcare, that doesn't add up, and
we all see it for what it is. And not to mention
the state of Nexus right now; that's another
point. So are we really building a parking
garage, when we don't even know what facilities we
have or don't and the need and the reason for it.
Aside from, obviously, we have the three
properties. So I personally been in 442 Lafayette
quite a bit and it is a stunning building. It is
built in 1835. I don't want to lose it. Again, I
want reasons. I came back to Utica because of the
history here that I foresee and -- and we're
losing that, the history one by one, and for
things, again, like the parking garage we don't
know that there's proof we need it. We can't

1 afford it. And I
2 think -- I'm just going through my notes here,
3 too. But in the end it's just that eminent domain
4 is such and I would like to see more elected
5 officials in these meetings. If you guys have
6 questions, I'd love to hear from you one on one or
7 if you can reach out to me so I ask questions
8 (inaudible). But thank you.

9 ROBERT PRONTEAU: Thank you, Ms. Aiello.
10 Next up Lilly Wrensack (sic). One more attempt
11 for Lilly Wrensack (sic). I'm going to ask
12 Legislator Washburn if she wishes to address. I
13 can see her face, so if she can either shake her
14 head or nod her head. She does not wish to speak.
15 So we'll move on to -- next up will be Mike
16 Gentile.

17 MIKE GENTILE: Hi. Mike Gentile.
18 M-I-K-E, G-E-N-T-I-L-E. Three simple facts. I'll
19 be very quick. Eminent domain eminent domain is
20 theft. There hasn't been a valid argument to say
21 that the parking garage is necessary and we do not
22 have the funding and I don't want to see another
23 building with metal structures and nothing else to
24 complete it. And that's all I need to say. I
25 appreciate everybody's time today. Thank you.

ROBERT PRONTEAU: Thank you,
Ms. Gentile. I apologize for mispronouncing your
name.

MIKE GENTILE: That's okay. It's a
debate for everyone.

ROBERT PRONTEAU: Next up we have Peter
Bianco.

PETER BIANCO: Can you hear me?

ROBERT PRONTEAU: We can, sir. Please
go ahead.

PETER: Wonderful. Thank you for taking
our comments here. I'd like to start by
mentioning that the acquisition --

ROBERT PRONTEAU: Sir, if I could just
interrupt for a second. If you can start by
speaking and then spelling your name for the
record.

PETER BIANCO: Sure. Peter Bianco,
B-I-A-N-C-O. The acquisition of the properties of
various citizens is unwarranted and unnecessary.
Multiple private citizens would be negatively
impacted by the theft of their property by this
procedure. Not only do private citizens take
issue with the hospital's destruction of
downtown's historical buildings, the

1 Landmarks-Society of Greater Utica also has taken
2 issue. MVHS knew that the site where they wanted
3 to build a parking garage was unavailable before
4 they started building the hospital in that
5 downtown location. MVHS has made a gamble that
6 they would acquire these properties of private
7 citizens for their own use. The fact that MVHS
8 began building their project should not be used to
9 justify the taking of property of private
10 citizens. Alternate sites do exist for parking in
11 the downtown location. There are adjacent parcels
12 to the north, east, west and south of the current
13 hospital. And I do have a map of that. Is that
14 something that I can share at this point or --
15 it's digital.

16 ROBERT PRONTEAU: You can email that map
17 into the eminentdomain@ocgov.net email address and
18 that will become part of the record.

19 PETER BIANCO: Got it. Thank you. The
20 public already has two operational hospitals with
21 adequate parking. In fact, the alternate site --
22 I'm sorry. In fact, the alternate site that has
23 64 acres for the hospital exists at MVHS's own
24 St. Luke's campus. This was admitted by MVHS and
25 the City of Utica's attorney at oral arguments
made on October 31st, 2019. At that time Judge
Mackey asked these attorneys if it was true that
MVHS owned an alternate property at the St. Luke's
campus. They reluctantly admitted this was the
case. So for all these reasons and the reasons of
preserving what's left of these buildings there, I
would say that it's not right to be taking these
properties. It's not to the public benefit.
There's alternatives. And stealing people's land
and businesses is wrong. Thank you.

ROBERT PRONTEAU: Thank you,
Mr. Bianco. Next up we have Richard Cohen.
Mr. Cohen, do you wish to address the public
hearing?

RICHARD COHEN: No. Thank you. I will
submit any comments that I have on behalf of my
client who owns 525-527.

ROBERT PRONTEAU: Thank you, sir.

RICHARD COHEN: Thank you.

ROBERT PRONTEAU: Next up we have
Legislator Julian. Mr. Julian, I will send you an
unmute request.

LEGISLATOR TIMOTHY JULIAN: Am I in?

ROBERT PRONTEAU: We can hear you.

TIMOTHY JULIAN: I am speaking tonight

1 on behalf of Michael Galime, who is the Utica
2 Common Council President, who could not be present
3 at this meeting. He sent me something this
4 morning and asked me if I could read it for him,
5 because we, basically, agree on this. It starts
6 "Dear Oneida County Department of Law: I am
7 writing regarding the proposed use of eminent
8 domain in the footprint of proposed Oneida County
9 parking garage. Eminent domain is unjust and
10 should not be used for the following reasons:
11 One, related to the MVHS hospital project, the
12 parking garage was originally justified in the
13 OCIDA filing for the overall MVHS hospital
14 project. B, the parking garage was removed from
15 the project through SEQR for MVHS. It was
16 justified that surface parking alone was enough
17 parking for the MVHS hospital build out. To my
18 knowledge" - and I'm speaking of Mr. Galime -
19 "SEQR has not been conducted for the proposed
20 parking garage that it was segmented from the MVHS
21 hospital SEQR plan. The hospital project is a
22 private project, albeit funded in part by public
23 dollars, but the garage would not be justified for
24 public use, and at this juncture the land was
25 taken for the purpose of a private entity.
Planning and executing development in and around
the premises of the hospital footprint and making
future claims that more parking is needed after
the fact are not just cause for eminent domain,
especially in the case where OCIDA, Edge and other
county entities have been privy, in part, of all
current developments. If this is the case, it
should not be a burden on the current property
owners. Related to Oneida County developments,
Oneida County has proposed a U District and is
currently developing the Nexus Center. If the
county created a need for more parking, that was
under their own volition. There is no need for
additional parking and developing creates facility
in need of parking next door to other private
owners, this does not just eminent domain. If
more parking was necessary, then site control
should have been obtained for whatever parking was
necessary before all other planned developments
were either sanctioned or created by the county.
Regarding property owners in general, the city and
county have seen an incredible influx of state
funding across many buildings and developers
throughout the past 3 years in and around the
proposed MVHS hospital footprint, as well as the

1 aud and the Nexus building. The only property
2 owners who been the subject to negotiate bids on
3 their own property under duress eminent domain
4 have been the property owners within the footprint
5 of the hospital and proposed garage. They have
6 not received ESD funding, DRI funding or any other
7 special funding. Some of them have had to close
8 permanently. Some went from owning to leasing and
9 others have found good, solid permanent homes. It
10 would seem the only case where people do not want
11 pay reasonable amounts of money for valuable
12 property or help pre-existing businesses with
13 millions of dollars in state funding is in the
14 footprint of the MVHS project and now the proposed
15 county garage. Eminent domain should not be used
16 in this case. Private and public developments
17 took place, and after the fact eminent domain is
18 being proposed to take private property from
19 individuals who have a right to their ownership.
20 In the case the proposed project is both not
21 warranted, and if wanted, may be placed in other
22 reasonable locations where other parking garages
23 exist. Regards, Michael Galime, Council
24 President, City of Utica.

13 Just my own two sense, for the small
14 time I do have left: An original part of this
15 plan was there had to be a re-use plan for
16 St. Elizabeth Hospital, in the 19th District,
17 which I do represent, on Genesee Street in South
18 Utica. We met in the St. Luke's conference room
19 back on January 20th of this year, where I was
20 told by Mr. Scofield and other MVHS
21 representatives that they would have some sort of
22 plan available to us by that Friday. It has been
23 a couple of months -- almost a year since that
24 conversation has taken place, and I still hear
25 "We're almost there. We're almost there." This
needs to be done and taken care of, first and
foremost, before any talks on taking any other
properties or doing any -- construction-wise take
place. These things need to happen. As one last
comment, good housekeeping, I think this whole
setup is atrocious. I think it's terrible. I
think really limiting the public's input. It was
very difficult for me as a county legislator to
find out information about this meeting. And I
think the public should be allowed to vet
proceedings like this a little bit better than
what they are at this time. Thank you very much,
sir.

1 ROBERT PRONTEAU: Thank you, Mr. Julian.
2 Last up we have WKTV, who I will attempt to send
3 an unmute request; although, I'm assuming they do
4 not wish to address the hearing. I'm going to
5 make a second pass to Bohdan Rabarsky.
6 Mr. Rabarsky, I'm going to send another unmute
7 request to you, sir. Again, sir, you are unmuted.
8 I'm not hearing anything at the moment. I'll give
9 you a few moments to try to get your microphone
10 operational, sir.

11 I'll repeat what I said at the beginning
12 of the meeting, that the record will remain open
13 for 30 days. We'll accept any statements, any
14 documentation. A recording of this meeting is
15 being made and will be considered a part of the
16 proceeding. I'll go through the list one more
17 time. I see we do have Councilman Delvin Moody,
18 who has joined us, so I will send an unmute
19 request to Mr. Moody.

20 COUNCILMAN MOODY: Thank you. I will be
21 brief in regard to this eminent domain. I wanted
22 to come on tonight to not really give too much of
23 an opinion, but mostly listen and begin to form my
24 own ideas about the issue. I will suggest this,
25 that - you know - on both sides there is the
argument that eminent domain should be used for in
all projects whereby which advance the public
interest. On this particular issue I do stand on
the side of Utica Common Council President Galime
and so many others who have spoke tonight that
there is concern not only about the eminent domain
process, but in particular about the totality of
use. I would like to see development go toward
those other parking garages that we have in the
downtown area. Because my fear is, that if we use
eminent domain to build a parking garage, that
everyone is saying we cannot afford, that in 15 or
20 years we'll be right back here with another
parking garage that is underutilized and using a
lot of money to pay for it. I think we need to be
forward thinking, but also I think that we need to
let the data and the need lead the conversation.
So for me I would like someone on record to say
that I am not as opposed to the eminent domain if
merited. I mean, I think for me it is the
question of is this garage merited in terms of
parking and is that answer driven by the data. So
that would be my opinion and idea with regard to
the eminent domain discussion.

ROBERT PRONTEAU: Thank you, sir. I'm

1 going through the entire list of attendees and
2 request if anyone wishes to speak. With that I
will turn this back over to Mr. Rayhill.

3 ATTORNEY PETER RAYHILL: Thank you.
4 Again, I want to thank all of the participants for
5 taking their time to give us their input. And as
6 Bob has said, please, if you have further
7 submissions, please take advantage of that. The
8 record will be kept open for 30 days. Again,
9 thank you very much and have a good night.

10 ROBERT PRONTEAU: One final time, To All
11 Attendees, any additional information that you
12 wish to submit can be submitted to eminentdomain -
13 E-M-I-N-E-N-T-D-O-M-A-I-N - @ocgov.net. If you
14 have additional oral comments or if you have
15 confusion as to how to get the written comments
16 in, you can call the Oneida County Attorney's
17 Office at area code 315-798-5910. You can also
18 mail in any commentary to the Oneida County
19 Department of Law, 800 Park Avenue, Utica, New
20 York 13501.

21 A recording of this hearing will be made
22 available shortly on the Oneida County Government
23 Facebook page, so you can play that back and get
24 the information if you missed anything on how to
25 send in the information. Thank you very much.
Thank you for your patience and your cooperation
and your participation. I wish you all a very
Merry Christmas and a very Happy New Year. Thank
you.

(End Time: 7:00 p.m.)

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C E R T I F I C A T E

I, **JACLYN B. CONTE**, a Shorthand Reporter and Notary Public in and for the State of New York, **DO HEREBY CERTIFY** that the foregoing is a true and correct transcript of my shorthand notes in the above-entitled matter

Date: January 15, 2021

JACLYN B. CONTE,
COURT REPORTER.

WEBVTT

1

00:00:32.454 --> 00:01:03.024

Eva.

2

00:01:32.549 --> 00:02:16.530

Silence.

3

00:04:21.569 --> 00:04:25.800

Good evening everyone and welcome to tonight's public hearing.

4

00:04:25.800 --> 00:04:30.569

This hearing is being recorded and the recording will become a part of the public record.

5

00:04:31.678 --> 00:04:37.769

The recording will also be updated, uploaded to the United county government, Facebook page shortly after the meeting.

6

00:04:38.788 --> 00:04:46.439

This virtual public hearing is being hosted tonight from the United county office building, located 800 park in the city of Utica.

7

00:04:46.439 --> 00:04:53.158

This is a public hearing being held pursuant to section 20, 3 of the eminent domain procedural law.

8

00:04:53.158 --> 00:04:57.718

Of the state of New York, the purposes of this hearing is 2 fold.

9

00:04:57.718 --> 00:05:05.819

1st, we will outline the purpose and proposed location of the project, which is the construction of a public parking garage in the city of.

10

00:05:06.293 --> 00:05:20.843

2nd, and more importantly, the purpose of tonight is to give you the public, the opportunity to offer commentary, express concerns and provide additional documentation with respect to the proposed project, whether you agree with it or not.

11

00:05:21.809 --> 00:05:29.189

We will have speakers will provide the basic information about the project after which we will open the meeting up for public commentary.

12

00:05:29.874 --> 00:05:43.793

Please keep in mind that there will be no question and answer format during this, hearing a public hearing under section 2, or 3 of the eminent domain procedure law is more a vehicle for the public to offer their input and commentary about the proposed project.

13

00:05:44.218 --> 00:05:50.608

You are welcome to ask questions as a part of your statement that there will be no direct questions and answers.

14

00:05:50.608 --> 00:05:59.488

Anyone that wishes to is also welcome to submit additional written statements or other documentation to be included as a part of the written record for this hearing.

15

00:06:00.658 --> 00:06:08.819

In order to accommodate this, the record will remain open for 30 days from today's state through January 23rd of 2021.

16

00:06:08.819 --> 00:06:16.499

Anyone wishing to submit written statements, or other additional documentation can email them to eminent domain.

17

00:06:16.499 --> 00:06:21.329

M, I. N. E. N. T. D. O. M. A. N.

18

00:06:21.329 --> 00:06:27.899

At O. C. Gov. Dot net or they can mail them to the United County Department of law.

19

00:06:27.899 --> 00:06:32.338

800 park in New York 13501.

20

00:06:33.389 --> 00:06:41.459

With respect to the public commentary, I will go through the list of attendees 1 by 1 and 1 at a time to ask if you wish to speak.

21

00:06:41.459 --> 00:06:47.939

When I am muted, you will either receive a pop up message on your computer screen asking you to unmute yourself.

22

00:06:47.939 --> 00:06:52.678

Or a verbal code on your phone telling you to press star 6 to unmute yourself.

23

00:06:52.678 --> 00:06:56.069

You do not wish to speak. You do not have to unmute yourself.

24

00:06:56.069 --> 00:07:07.468

Anyone wishing to speak will be limited to approximately 5 minutes due to the number of persons that have expressed an interest in attending and speaking at this hearing. However.

25

00:07:07.468 --> 00:07:15.569

Rather than abruptly cutting anyone off, I'll be monitoring the time used and we'll give her a gentle reminder to wrap up at the speaking time is exceeded.

26

00:07:15.569 --> 00:07:29.668

Keep in mind, though, that the record will remain open for 30 days from tonight, or is additional documentation other information or if you wish to expand on your public commentary, you can send that in and it will be included as a part of the record.

27

00:07:29.668 --> 00:07:36.149

When speaking, I would ask that each person begin by stating and then spelling their 1st and last names.

28

00:07:36.149 --> 00:07:46.588

The reason for that is, we do have a stenographer writing down everything, and we are creating a transcript of this proceeding. We also, as you can see have a sign language interpreter available.

29

00:07:46.588 --> 00:07:49.829

And she is translating everything you say.

30

00:07:49.829 --> 00:07:59.908

Please speak slowly and clearly, I would ask all of our speakers also to keep in mind that this hearing concerns the building of a public parking garage in the city of you to.

31

00:07:59.908 --> 00:08:04.348

Some Latitude will be given to those speaking with respect to their subject matter.

32

00:08:04.348 --> 00:08:15.178

But drifting too far off topic may result in your comments being cut short. Additionally, profanity, shouting or other disruptive behavior may also result in your remarks being cut.

33

00:08:15.178 --> 00:08:19.918

With that I will not turn the meeting over to Peter Ray Hill, the United county attorney.

34

00:08:27.629 --> 00:08:31.918

Peter, you're muted on mute yourself.

35

00:09:09.749 --> 00:09:13.078

We'll have Mr rail in just a more.

36

00:10:59.604 --> 00:11:02.693

It'll be just a moment folks we're switching. Computers will be right there.

37

00:14:41.458 --> 00:14:51.389

Can you hear me? Yes, we can. Yes. I'm just looking for someone to know.

38

00:14:51.833 --> 00:14:55.943

All right, I'm sorry about that. Hopefully you can all hear me.

39

00:14:55.943 --> 00:15:07.313

Now, my name is Peter and the county attorney for the county, the nighter and i1st want to thank everyone and welcome everyone who is participating here tonight.

40

00:15:08.278 --> 00:15:15.269

The county of an item is going to construct a parking garage in downtown.

41

00:15:15.269 --> 00:15:24.808

This garage will be centrally located in the city. Convenient to the city court the Adirondack bank center, and the new hospital.

42

00:15:24.808 --> 00:15:31.889

Most of the land where the garage will be built, has been acquired.

43

00:15:31.889 --> 00:15:44.369

Those parcels, which have not been acquired are necessary for the construction of the parking garage accordingly. The county will proceed.

44

00:15:44.369 --> 00:15:53.609

To acquire title to those properties pursuant to the provisions of new York's and domain procedure law.

45

00:15:53.609 --> 00:16:02.369

The parcels to be acquired are 525 dash 527 a risk in history.

46

00:16:02.369 --> 00:16:05.969

Tax map number 308.

47

00:16:05.969 --> 00:16:12.869

Point 3, 4 dash 1 dash 23.1.

48

00:16:12.869 --> 00:16:16.379

And 23.2.

49

00:16:16.379 --> 00:16:24.509

418 to 430 lafayette street tax map 3 1 8.

50

00:16:24.509 --> 00:16:30.028

Point 3 form Dash, Dash, 25.

51

00:16:30.028 --> 00:16:37.979

Dash 26 dash 27 dash 2829.

52

00:16:37.979 --> 00:16:41.849

442 lafayette street.

53

00:16:41.849 --> 00:16:47.999

Tax map number 3 1 8.34.

54

00:16:47.999 --> 00:16:52.229

Dash 1 dash 33.

55

00:16:52.229 --> 00:17:00.239

And 400 to 406, lafayette street tax map number 3, 1, 8.

56

00:17:00.239 --> 00:17:06.088

34 dash 1 dash 22.

57

00:17:07.288 --> 00:17:14.489

This public hearing is being conducted pursuant to New York States, eminent domain procedure law.

58

00:17:14.489 --> 00:17:20.368

There's an opportunity for those who wish to provide comments and information.

59

00:17:20.368 --> 00:17:24.209

To the United county board of legislators to do so.

60

00:17:24.209 --> 00:17:32.429

At this point, I'm going to turn these proceedings over to mark Laramie. We'll provide a description of the project.

61

00:17:32.429 --> 00:17:39.148

Thank you Peter.

62

00:17:40.558 --> 00:17:44.999

I'm trying to share a screen. Is that screen sharing correctly?

63

00:17:46.739 --> 00:17:56.969

Yes, it is. Okay. Thank you as Peter said, and Mark Laramie and the commissioner public works for NetIQ county. I'll give you a brief description of the project.

64

00:17:56.969 --> 00:18:00.328

This project will construct a 1050 space.

65

00:18:00.328 --> 00:18:05.368

3 level parking garage with public entrances on the East and West ends.

66

00:18:05.368 --> 00:18:10.288

The garage will be located immediately adjacent to the unique terrarium.

67

00:18:10.288 --> 00:18:15.118

Because the courthouse and the new model Valley, health system hospital.

68

00:18:15.118 --> 00:18:18.269

More specifically is showing on the shared site plan.

69

00:18:18.269 --> 00:18:22.348

Parking garage will be bordered by the street in the North.

70

00:18:22.348 --> 00:18:28.108

lafayette street on the South Cornelia street on the East and state street on the West.

71

00:18:28.108 --> 00:18:32.068

This location was selected primarily due to its joint proximity.

72

00:18:32.068 --> 00:18:44.729

To the Newmark Valley, health system hospital auditorium. You do see a courthouse in the future Nexus center no other location consideration could realistically serve.

73

00:18:44.729 --> 00:18:52.528

All of these facilities, the influence and environmental and local impacts include reduced demand for onsite.

74

00:18:52.528 --> 00:18:58.979

On street, parking reduced traffic congestion in the area adjacent to the proposed parking garage.

75

00:18:58.979 --> 00:19:03.179

And it reduced need for development of large surface parking, lots.

76

00:19:03.179 --> 00:19:09.358

In the surrounding area that I will ask the moderator to accept public comments.

77

00:19:14.368 --> 00:19:18.239

Thank you mark. Um.

78

00:19:18.239 --> 00:19:22.138

Going to begin with Bowden rubarski.

79

00:19:35.243 --> 00:19:37.794

On mute request, do you wish to address the.

80

00:19:39.239 --> 00:19:43.618

I'm going to send it 1 more time if you wish to address the meeting, please on mute yourself.

81

00:19:53.009 --> 00:20:03.898

Mr. rubarski you may now address the.

82

00:20:03.898 --> 00:20:04.078

Hold.

83

00:20:21.239 --> 00:20:34.409

Mr. rubarski if you're speaking, I can't hear you.

84

00:20:51.659 --> 00:20:55.199

Is anyone able to hear Mr rubarski?

85

00:20:57.598 --> 00:21:01.828

I'm going to mute you again and we'll come back to you at the end.

86

00:21:04.169 --> 00:21:11.489

Calling user, number 2 I have sent you an on mute request. Do you wish to address the public hearing?

87

00:21:25.979 --> 00:21:31.709

Call end user number 2 I will send you a 2nd on the request.

88

00:21:44.068 --> 00:21:50.189

Calling user, number 4, I'm sending you on meet request. You wish to address the public hearing.

89

00:22:02.909 --> 00:22:06.868

Yes, good evening. My name's Brett. True? It B. R. E. T.

90

00:22:06.868 --> 00:22:14.669

Last name true. T. R. U. E. T. I just have some brief comments. An investor in downtown.

91

00:22:14.669 --> 00:22:18.179

I'm also the owner of 442 Lafayette street.

92

00:22:18.179 --> 00:22:32.009

It's been my hope that the parking garage in the hospital would be relocated. We were told there were 2 locations and that did not come to pass. It ended up downtown a hospital. That is, I believe.

93

00:22:32.009 --> 00:22:37.739

Parking facilities can be accomplished for the hospital on land that the hospital.

94

00:22:37.739 --> 00:22:41.818

Has purchased the city of Utica has said they.

95

00:22:41.818 --> 00:22:46.949

As partners would work with the hospital close streets off and sell land at a dollar.

96

00:22:46.949 --> 00:22:51.868

The hospital has use of Kennedy parking garage that the studios.

97

00:22:51.868 --> 00:22:56.009

I don't believe these properties that are targeted.

98

00:22:56.009 --> 00:23:00.598

Tonight, I should be taken because the parking facilities needed.

99

00:23:00.598 --> 00:23:04.229

Whether it be for the all the Nexus, the courthouse.

100

00:23:04.229 --> 00:23:07.949

For the hospital can be accomplished.

101

00:23:07.949 --> 00:23:15.449

In another way, just because the hospital drew a parking garage on on top of properties, they didn't own.

102

00:23:15.449 --> 00:23:19.019

Doesn't I don't believe that's move the government.

103

00:23:19.019 --> 00:23:23.969

To take these properties, I will submit further statements.

104

00:23:23.969 --> 00:23:27.148

Later, but thank you for letting me speak.

105

00:23:31.648 --> 00:23:38.189

Thank you. Mr. Troy, I'm calling. Is your number 5? I am sending you an on mute request.

106

00:23:47.878 --> 00:23:53.969

Calling using number 5 I'm sending you a 2nd.

107

00:23:53.969 --> 00:23:57.598

New request you wish to address the public hearing.

108

00:24:05.999 --> 00:24:11.429

Okay, calling these are number 7. I am sending you and unmute request. You wish to address the public hearing.

109

00:24:20.788 --> 00:24:25.409

Hello.

110

00:24:25.409 --> 00:24:29.759

Yes, please, sir. My name.

111

00:24:29.759 --> 00:24:35.159

Joseph serine. C. E. R. I. N. I.

112

00:24:36.298 --> 00:24:41.878

I own property for 18 lafeyette street to 430 lafeyette street.

113

00:24:43.469 --> 00:24:48.239

I've been here 20 years I've been invested into my building.

114

00:24:48.239 --> 00:24:52.348

It's not in my.

115

00:24:52.348 --> 00:24:56.788

Opinion I've been working on it for 20 years.

116

00:24:56.788 --> 00:25:00.808

I was down here when.

117

00:25:00.808 --> 00:25:05.969

Want to even consider anybody moving into downtown.

118

00:25:05.969 --> 00:25:15.088

Domain law states that property can't be taken for a private entity, or given to a private owner.

119

00:25:15.088 --> 00:25:18.628

This hospital has always been.

120

00:25:18.628 --> 00:25:25.919

A hospital garage county executive has been on the radio numerous times stating.

121

00:25:25.919 --> 00:25:31.019

That it was for the hospital now, all of a sudden it's changed to.

122

00:25:31.019 --> 00:25:35.638

Becoming a public garage.

123

00:25:35.638 --> 00:25:41.068

Funding hasn't even been secured.

124

00:25:41.068 --> 00:25:44.729

As far as I know the city is no longer.

125

00:25:44.729 --> 00:25:48.449

Going to be funding the.

126

00:25:48.449 --> 00:25:52.019

County, I don't believe they have secured funding yet.

127

00:25:52.019 --> 00:25:57.419

To go ahead with a project without funding is not.

128

00:25:57.419 --> 00:26:01.739

Something that should really be done.

129

00:26:01.739 --> 00:26:05.278

I don't even know if it's legal.

130

00:26:06.538 --> 00:26:10.169

There's this has never been brought up.

131

00:26:10.169 --> 00:26:17.308

To the council for funding so this is only agreement.

132

00:26:17.308 --> 00:26:20.788

With the mayor 2.

133

00:26:20.788 --> 00:26:27.659

The county, it's not even been ratified by the common Council.

134

00:26:27.659 --> 00:26:32.969

And in that stance.

135

00:26:32.969 --> 00:26:38.848

Steve meal, which is an arm of the county with Mohawk the all the edge.

136

00:26:38.848 --> 00:26:42.808

He was in the paper stating.

137

00:26:42.808 --> 00:26:47.999

June 6, June, 17th, 2016.

138

00:26:47.999 --> 00:26:51.598

Warning to city no garage.

139

00:26:51.598 --> 00:26:58.439

No, new hospital, he was aggravated the enterprise received variance to open.

140

00:26:59.638 --> 00:27:03.659

And at the point that they did open.

141

00:27:03.659 --> 00:27:07.259

They weren't welcome they.

142

00:27:07.259 --> 00:27:12.959

Are probably 1 of the largest sales tax revenue generating.

143

00:27:12.959 --> 00:27:17.578

Customers in my block, at least.

144

00:27:17.578 --> 00:27:21.689

You know, it's a multi 1M dollar.

145

00:27:21.689 --> 00:27:26.699

Business that Angela.

146

00:27:26.699 --> 00:27:30.118

Should be proud that she.

147

00:27:30.118 --> 00:27:34.439

Got that kind of business into downtown Utica.

148

00:27:36.209 --> 00:27:41.278

Once they got the variance, opened their 1st week, they had nails thrown into their parking lot.

149

00:27:42.689 --> 00:27:46.769

I had tires slashed.

150

00:27:46.769 --> 00:27:52.048

And also, um.

151

00:27:53.068 --> 00:27:57.239

Receive threatening messages in my email.

152

00:27:57.239 --> 00:28:01.949

From a bank account, which I sure I can trace back.

153

00:28:01.949 --> 00:28:08.878

And I would state their name, but that's going to be for legal authorities to pursue.

154

00:28:08.878 --> 00:28:14.009

But, basically this was from.

155

00:28:14.009 --> 00:28:18.088

The yes, hospital side, I won't say who I believe it is.

156

00:28:18.088 --> 00:28:24.028

It says temporary it seems to me that the problem here is more of the.

157

00:28:24.028 --> 00:28:27.088

Then just to stubbornness of.

158

00:28:27.088 --> 00:28:30.959

You appear to be the only business in an entire footprint and.

159

00:28:30.959 --> 00:28:36.778

Refusing to go to the bargaining table and Alice, the sole hold out overall.

160

00:28:36.778 --> 00:28:41.939

You may have caught a rough deal, but this is happening whether you like it or not.

161

00:28:41.939 --> 00:28:46.769

We need this, you should consider trying to get the best deal for yourself.

162

00:28:46.769 --> 00:28:53.459

Rather than play martyr in the end, your point won't be remembered and you will be left with nothing.

163

00:28:53.459 --> 00:28:56.909

Now, I consider that a threat.

164

00:28:56.909 --> 00:29:00.659

And that was 44 weeks ago.

165

00:29:00.659 --> 00:29:06.659

I probably if they had treated me a little better.

166

00:29:06.659 --> 00:29:12.328

I may have been a little different in this.

167

00:29:12.328 --> 00:29:15.868

I actually had my tires flashed.

168

00:29:15.868 --> 00:29:21.298

12 vehicles, there's a police report on it, so I'm not making this up.

169

00:29:21.298 --> 00:29:25.858

The police said, you know, this wasn't just kid's off the street.

170

00:29:25.858 --> 00:29:30.179

At 130 in the morning they looked at my cameras, we looked at them together.

171

00:29:30.179 --> 00:29:34.469

They knew where the cameras were, they snuck in.

172

00:29:34.469 --> 00:29:37.858

Side of the building this wasn't.

173

00:29:37.858 --> 00:29:41.249

Just a random somebody walks off the street and.

174

00:29:41.249 --> 00:29:44.638

And flashes tigers, this is like.

175

00:29:44.638 --> 00:29:48.929

They were looking to do some damage.

176

00:29:48.929 --> 00:29:55.378

I think, you know, this.

177

00:29:55.378 --> 00:30:01.318

Could be rectified by there's a appropriate other.

178

00:30:01.318 --> 00:30:04.409

Places to put parking, there's a.

179

00:30:04.409 --> 00:30:07.618

Domain law.

180

00:30:07.618 --> 00:30:11.398

States that you can't take.

181

00:30:11.398 --> 00:30:15.868

Property without looking at other.

182

00:30:15.868 --> 00:30:19.769

Possible places to put your.

183

00:30:19.769 --> 00:30:24.118

Right and I'd like to see the studies for that.

184

00:30:24.118 --> 00:30:28.528

I have a lot more, um.

185

00:30:28.528 --> 00:30:32.249

Items I can go through.

186

00:30:32.249 --> 00:30:37.229

I mean, for 1 thing, the appraisal of my building.

187

00:30:37.229 --> 00:30:41.699

They're offering 158000 or 154000.

188

00:30:41.699 --> 00:30:45.118

And VHF offered 280000.

189

00:30:45.118 --> 00:30:49.439

Now, they came back and offered me 280000 again.

190

00:30:49.439 --> 00:30:53.638

So, I'm not sure if that's changing the counties.

191

00:30:53.638 --> 00:30:56.669

Valuation of my building, but.

192

00:30:56.669 --> 00:31:00.358

They're not taking into account.

193

00:31:00.358 --> 00:31:06.959

Moneys that they have paid. My next door neighbor was ABC, come dry.

194

00:31:06.959 --> 00:31:10.108

He was forced to move out and loss.

195

00:31:10.108 --> 00:31:16.588

And he received 385000.

196

00:31:16.588 --> 00:31:20.219

For a property that was.

197

00:31:20.219 --> 00:31:23.729

Probably about a quarter.

198

00:31:23.729 --> 00:31:27.989

Maybe a 3rd of my size.

199

00:31:27.989 --> 00:31:31.318

At least half the acreage.

200

00:31:31.318 --> 00:31:39.239

Now, my building is 18 about out of time is training. I would ask that you please wrap up your remarks if you can sir?

201

00:31:39.239 --> 00:31:48.148

Okay, I'm just saying I have all this, I can fax this over to you guys over there. I'm sure you're probably sick of me. Bye now.

202

00:31:48.148 --> 00:31:55.558

Merry Christmas anything you wish to submit the record will remain open until the 23rd of January.

203

00:31:56.939 --> 00:32:00.328

Okay, that sounds good. That will be, uh, how, how.

204

00:32:00.328 --> 00:32:04.888

How does info get remitted to? Do you want it by email?

205

00:32:04.888 --> 00:32:14.068

The email press you've been using with respect to your invitation is the same email address so please just forward it to that email address and we'll make sure it it becomes a part of the public.

206

00:32:14.068 --> 00:32:18.598

Okay, in the email address, the citation graphics at AOL dot com.

207

00:32:18.598 --> 00:32:23.578

Well, I meant our email address eminent domain. We'll see Gov dot net.

208

00:32:23.578 --> 00:32:27.808

Okay, sir just send it to us. Thank you sir.

209

00:32:27.808 --> 00:32:30.868

Yep, bye.

210

00:32:30.868 --> 00:32:38.669

Next up will be. So, let's prime his friend going to send you and I'm your request.

211

00:32:53.038 --> 00:32:56.999

She dropped off.

212

00:32:56.999 --> 00:33:07.648

Okay, come back to his friend when she reconnects Dan Walker. Mr Walker I'm sending you an on mute request.

213

00:33:07.648 --> 00:33:17.608

Thank you. Mr.

214

00:33:17.608 --> 00:33:22.798

Thank you for the opportunity. I'll make it brief the property manager for.

215

00:33:22.798 --> 00:33:32.278

5 to 5, 5 to 7 rescue street we brought in enterprise about 2 and a half years ago and we're very proud of it.

216

00:33:32.278 --> 00:33:37.048

I thought it was a great value to the city.

217

00:33:37.048 --> 00:33:43.108

I think there would be different alternatives for parking.

218

00:33:43.108 --> 00:33:46.199

For them for the garage.

219

00:33:46.199 --> 00:33:49.679

I do, um, with all respect to.

220

00:33:49.679 --> 00:33:53.398

Respect the hospital I'm coming to downtown.

221

00:33:53.398 --> 00:33:56.969

But for abilities, I.

222

00:33:56.969 --> 00:34:01.259

I think they can work out different alternatives.

223

00:34:01.259 --> 00:34:06.419

Then interrupt people's businesses and taking property.

224

00:34:06.419 --> 00:34:10.139

Yeah, and just 1 note.

225

00:34:10.139 --> 00:34:15.298

That we're trying to clarify the differences in, um.

226

00:34:15.298 --> 00:34:22.079

Evaluation of properties and purchase offices of properties for example.

227

00:34:22.079 --> 00:34:26.278

2.25000.

228

00:34:26.278 --> 00:34:30.239

Versus other properties, much lesser.

229

00:34:30.239 --> 00:34:33.389

So certain things like that.

230

00:34:34.469 --> 00:34:38.039

As a has a concern to us and, um, you know.

231

00:34:38.039 --> 00:34:41.608

Any explanation is greatly appreciated.

232

00:34:41.608 --> 00:34:46.378

Thank you for the opportunity.

233

00:34:46.378 --> 00:34:53.909

Thank you Mr. water. I'm going to go back to miss friend who apparently got disconnected.

234

00:34:53.909 --> 00:35:00.208

Hi, thank you.

235

00:35:01.764 --> 00:35:16.043

Am I connected? Thank you. Sorry about that. I had a bad connection for a moment there. So, my name is Celeste friend. I'm a member of the Utica common Council. I just have a it's not at all obvious to me that the hospital needs that much parking.

236

00:35:17.184 --> 00:35:30.684

So, what I'd really like to see, and I'd like to see this reported to the common council officially is how many parking spots to St. Luke's and St. these currently use. And I don't want to know how many to have. I want to know how many they use.

237

00:35:30.989 --> 00:35:43.434

And I want to see that compared to the new surface parking lots spaces that the new downtown hospital has. And how many spaces are in both the Washington Street garage and the Kennedy street garage.

238

00:35:43.673 --> 00:35:57.864

And I'd also like to see folded in the numbers from an expanded Kennedy street garage. It's not at all obvious to me that this additional parking of this new garage is in any way necessary. So that's 1 thing.

239

00:35:57.893 --> 00:36:12.594

It's not at all opposite. It's necessary. And I think using eminent domain sees private property from citizens for a project that is not been shown to the public to be necessary is extremely inappropriate.

240

00:36:14.034 --> 00:36:22.403

So that's 1 thing. And then I also just want to make it clear to everyone. That's a common Council. Has made no commitment to help pay for this parking garage.

241

00:36:22.704 --> 00:36:36.833

And I, myself, I can only speak for myself will be very skeptical to approve any plan to help pay for the parking garage until it has been really decisively established that those extra parking spaces are necessary.

242

00:36:37.344 --> 00:36:37.884

So,

243

00:36:38.003 --> 00:36:52.824

I would really advise caution on the part of the county of using the strong arm of the government to seize private property from citizens when it is not at all obvious that is in the interest of the public to do.

244

00:36:52.824 --> 00:36:53.693

So, thank you.

245

00:36:56.188 --> 00:37:02.998

Thank you MS friend next up I will send that request to Donna back in perspective, which we'll have to address them.

246

00:37:02.998 --> 00:37:09.628

Actually, he's back and I don't see what I see.

247

00:37:09.628 --> 00:37:15.568

Where do you work in? You did that okay. I'm on the conference council and you should probably figure that out.

248

00:37:15.568 --> 00:37:18.958

Oh, okay, okay. I used to live in.

249

00:37:18.958 --> 00:37:25.378

This friend and that's my job is, that's me.

250

00:37:25.378 --> 00:37:31.139

Hey, Katie, I'm still on.

251

00:37:31.139 --> 00:37:35.489

My screen is for.

252

00:37:39.059 --> 00:37:47.278

Miss Becca does not appear to have a microphone, so if we're going to move on to Douglas Joslin, I'm sending a request to you. Mr. Johnson.

253

00:37:50.639 --> 00:37:54.509

Thank you, sir. No comment.

254

00:37:54.509 --> 00:37:58.768

Thank you, sir.

255

00:38:00.628 --> 00:38:05.278

Next up will be Gary Holyoke. Mr. Holyoke. I'm sending you an on mute request.

256

00:38:08.128 --> 00:38:14.789

Thank you names Gary Holyoke. It's all April. Okay.

257

00:38:14.789 --> 00:38:21.599

I don't think any of that is necessary because you got the like, I put in the chat.

258

00:38:21.599 --> 00:38:31.320

The parking lot at the old Boston storm, the 1 across from city hall. How many are we gonna do about the other 3 hospitals?

259

00:38:31.320 --> 00:38:40.199

Like facts, and which is your cancer research? St Luke's which is your birth place? San Elizabeth, which is your heart.

260

00:38:40.199 --> 00:38:48.449

The heart association basically, 3 emergency rooms. How are you going to deal with 1 downtown hospital?

261

00:38:48.449 --> 00:38:52.440

And what is the plan of the downtown hospital for 1?

262

00:38:52.440 --> 00:39:03.059

And I asked for the stopping of the miss spending the money between the Nexus center, and it's crazy building because we had the arterial project.

263

00:39:03.059 --> 00:39:07.349

What else have we done? 840.

264

00:39:07.349 --> 00:39:12.599

And so just recently the loss of new Hartford business.

265

00:39:13.920 --> 00:39:21.690

Of, like gander mountain and all that. So I don't know what is going to happen here.

266

00:39:21.690 --> 00:39:25.260
Garage and parking spaces.

267
00:39:25.260 --> 00:39:32.070
And I'm trying to move down to put my business images by Gary Holyoke.

268
00:39:32.070 --> 00:39:42.510
Which is just right now I'm and I'm internationally recognised differently in different ways.

269
00:39:42.510 --> 00:39:47.250
Through different pairs and against family health system.

270
00:39:47.250 --> 00:39:51.539
Complaints of a different type of kidnapping charge.

271
00:39:51.539 --> 00:40:02.219
That I'm trying to bring against them where I was not allowed to go to the months and Williams to seek to go to Steve macquarie's gallery.

272
00:40:02.219 --> 00:40:11.550
Which is 1 of my true peers and that's all. I have to say, pretty much.

273
00:40:11.550 --> 00:40:17.460
I just would like to know where all this money's coming from. Sometimes besides our Treasury Department.

274
00:40:17.460 --> 00:40:22.739
An early retirement been retired for since I was the age of 26.

275
00:40:22.739 --> 00:40:30.780
And I'm 51 now Thank you. Mr. Holyoke.

276
00:40:30.780 --> 00:40:38.190
Well, next up will be Heather mala this morning. I'm going to send you a mute request.

277
00:40:50.789 --> 00:41:04.349
It's not your own muted, but I can't hear you.

278

00:41:04.349 --> 00:41:10.500

Next up, we have Mr. harsh. I'm sending you. And your request.

279

00:41:26.250 --> 00:41:31.110

Start show 1 more time I'll send you an, on your request.

280

00:41:42.690 --> 00:41:49.260

Okay, next next up we have Katie is I will send you a.

281

00:41:49.260 --> 00:41:53.519

Hey, there can you guys hear me.

282

00:41:53.519 --> 00:41:57.179

We can please proceed with your statement.

283

00:41:57.179 --> 00:42:04.380

So, my name's Katie. Yellow. K. T. I. E. E. L. L. O. and I'm a business owner in downtown Utica.

284

00:42:04.380 --> 00:42:07.530

So, I want to thank the elected officials who are here tonight.

285

00:42:07.530 --> 00:42:13.920

President and watching this both city and county we don't see a lot of that.

286

00:42:13.920 --> 00:42:21.269

So, kind of, I guess to start, I just want to lay out some facts of what I'm going to domain.

287

00:42:21.269 --> 00:42:25.289

Is an eminent domain is theft and it's mostly simplest form.

288

00:42:25.289 --> 00:42:32.940

When people don't want to sell their property what we have right now is Oneida county saying, well, we're going to take it anyways and.

289

00:42:32.940 --> 00:42:43.170

Couple issues with that, especially well, 1 that just shouldn't happen. But 2, if we're looking at the proof of why this grad is needed, it's not evident and it's been over 3 years.

290

00:42:43.170 --> 00:42:49.349

Of this, so that's either a reflection that the project isn't.

291

00:42:49.349 --> 00:43:01.530

Stable or that the reflection of the leadership behind it either way that's not effective of to see how this could play out. And now it definitely doesn't justify enough use remedy domain. In my opinion.

292

00:43:01.530 --> 00:43:08.610

So, yes, we have a few things. Uh, Frank, Mila, the common council a 4th board chairman had already went ahead and said that.

293

00:43:08.610 --> 00:43:13.349

Utica is very likely. Can't hold up their end of the deal and paying for this.

294

00:43:13.349 --> 00:43:21.840

So that right, there is also it reminds me of in kilo versus city of New London. If you guys are familiar with the domain case there.

295

00:43:21.840 --> 00:43:27.090

They took the woman's house, and in the end that was for Pfizer and in the end, Pfizer never came.

296

00:43:27.090 --> 00:43:30.480

Because they new things came up, they couldn't fulfill a project.

297

00:43:30.480 --> 00:43:34.679

So these are the concerns that we have, and we're looking at these 3 properties here. 2.

298

00:43:34.679 --> 00:43:41.849

I am, I'm thankful that personalize this request in how many parking spots are elsewhere.

299

00:43:41.849 --> 00:43:51.059

From what I've learned over the years, and the amount of surface parking that will

be available for St Luke's. I see the Bob school fields on here too. So that's great. He could probably answer questions on this.

300

00:43:51.059 --> 00:43:55.469

But, uh, it, it appears that these parking spots for surface parking already.

301

00:43:55.469 --> 00:43:59.400

Suffices, it's sufficient rather so.

302

00:43:59.400 --> 00:44:04.500

I guess when we look at the eminent domain, it doesn't sit well with me to.

303

00:44:04.855 --> 00:44:05.155

Sure,

304

00:44:05.155 --> 00:44:07.434

I'm gonna domain has been used in the name of healthcare,

305

00:44:07.614 --> 00:44:11.034

but to use it in the name of the auditorium or Nexus,

306

00:44:11.065 --> 00:44:13.074

and put a bow around as healthcare,

307

00:44:13.074 --> 00:44:20.934

that doesn't add up and we all see it for what it is and not to mention the state of Nexus right now that's another point.

308

00:44:21.239 --> 00:44:29.099

So, are we really building a parking garage when we don't even know what facilities we have or don't and the needs and the reason for it.

309

00:44:29.099 --> 00:44:33.119

Aside from obviously we have the 3 properties, so.

310

00:44:33.119 --> 00:44:36.269

I've personally been in 4, 4, 2 off at.

311

00:44:36.269 --> 00:44:45.900

Quite quite a bit, and it is a stunning building. It is a bill in 1835. I don't want to lose it again. I want reasons.

312

00:44:45.900 --> 00:44:50.250

I came back to you because of the history here in the diversity and.

313

00:44:51.269 --> 00:45:01.289

And we're losing that the, the, the history 1 by 1 for things again, like the parking garage. We don't know that it, there's proof that we need it.

314

00:45:01.289 --> 00:45:05.849

We can't afford it and I think I'm just going through my notes here too.

315

00:45:08.244 --> 00:45:20.784

In the end, it's just that I'm going to domain is theft and I would like to see more elected officials in these meetings. If you guys have questions, I'd love to hear from you 1 on 1 or if you can reach out to me. So, I can ask questions moving on to, since tonight, Sunday night for that.

316

00:45:21.389 --> 00:45:28.829

Thank you thank you. Ms next up will be Lily.

317

00:45:47.969 --> 00:45:54.239

2nd, on your attempt to Zach.

318

00:45:54.239 --> 00:46:02.519

I'm going to ask legislator Washburn if she wishes to.

319

00:46:02.519 --> 00:46:05.940

I could see her face, so she can just shake her head or not her head.

320

00:46:05.940 --> 00:46:11.219

She does now wish to speak. So we'll move on to next up will be Mike genteel.

321

00:46:17.844 --> 00:46:27.534

Mike Centel her my K. E. T. N. T. E3 simple fast. I'll be very quick eminent domain as staff.

322

00:46:27.534 --> 00:46:41.755

There hasn't been a valid argument to say that the parking garages and necessary and we do not have the funding and I don't want to see another building with metal structures and nothing else to complete.

323

00:46:42.690 --> 00:46:47.969

And that's all I need to say, and I appreciate everybody's time today.

324

00:46:47.969 --> 00:46:54.179

Thank you. Thank you. Mr. Jen. I apologize for misspelling for mispronouncing your name.

325

00:46:54.179 --> 00:46:58.590

And it's okay to debate for everyone.

326

00:46:58.590 --> 00:47:04.440

Next up we have Peter.

327

00:47:04.440 --> 00:47:10.289

Can you hear me.

328

00:47:10.289 --> 00:47:13.619

We can, sir. Please go ahead. Wonderful.

329

00:47:13.619 --> 00:47:24.989

Thanks for taking our comments here started by mentioning that the acquisition for sure. If I can just interrupt for a 2nd, if you could start by.

330

00:47:24.989 --> 00:47:29.849

Speaking, and then spelling your name for the record? Sure. Peter.

331

00:47:29.849 --> 00:47:33.960

Bianco B. and C. O.

332

00:47:36.239 --> 00:47:45.960

The acquisition of the properties of various citizens is unwarranted and unnecessary multiple private citizens would be negatively.

333

00:47:45.960 --> 00:47:50.849

Impacted by the of their property by this procedure.

334

00:47:50.849 --> 00:47:59.010

Not only do private citizens take issue with the hospital's destruction of downtown's historical buildings.

335

00:47:59.010 --> 00:48:04.860

The landmarks Society of greater Utica also has taken issue.

336

00:48:06.420 --> 00:48:11.730

M, DHS knew that the site where they wanted to build a parking garage.

337

00:48:11.730 --> 00:48:17.579

Was unavailable before they started building the hospital in that downtown location.

338

00:48:19.079 --> 00:48:25.110

Has made a gamble that they would acquire these properties of private citizens.

339

00:48:25.110 --> 00:48:31.320

For their own use the fact that began building their project.

340

00:48:31.320 --> 00:48:35.670

Should not be used to justify the taking.

341

00:48:35.670 --> 00:48:38.969

Of property of private citizens.

342

00:48:40.050 --> 00:48:45.090

Alternate sites do exist for parking in the downtown location.

343

00:48:45.090 --> 00:48:49.110

There are adjacent parcels to the Northeast.

344

00:48:49.110 --> 00:48:53.010

West and south of the current hospital.

345

00:48:54.090 --> 00:48:58.739

And I do have a map of that is that something that I can share at this point or.

346

00:48:58.739 --> 00:49:08.159

It's a digital you can, you can email that map into eminent domain.

347

00:49:08.159 --> 00:49:18.480

And she goes gotten that email address and that will become part of the record got it. Thank you. The public already has 2 operational hospitals with adequate parking.

348

00:49:18.480 --> 00:49:27.599

In fact, the alternate site I, I'm sorry, in fact, an alternate site that has 64 acres for the hospital exists.

349

00:49:27.599 --> 00:49:30.659

At an owned.

350

00:49:30.659 --> 00:49:37.949

St Luke's campus this was admitted by because attorney at oral arguments.

351

00:49:37.949 --> 00:49:42.150

Made on October 31st, 2019.

352

00:49:42.150 --> 00:49:51.750

At that time judge Mackey asked these attorneys was true. The mvs owned an alternate property as a saint loops campus.

353

00:49:51.750 --> 00:49:55.230

They reluctantly admitted this was the case.

354

00:49:56.460 --> 00:50:00.630

So, for all these reasons, a.

355

00:50:00.630 --> 00:50:03.809

And the, the reasons of.

356

00:50:04.914 --> 00:50:15.385

Preserving what what's left of these buildings there. I would say that it's not right to be taking this property. It's not to the public benefit.

357

00:50:15.385 --> 00:50:21.114

There's alternatives and, uh, stealing people's land and businesses is wrong. Thank you.

358

00:50:23.820 --> 00:50:32.280

Thank you. Mr. BIANCO next up. We have Richard Coleman. Mr Cohen. Do you wish to address the.

359

00:50:32.280 --> 00:50:41.969

No, thank you. I will submit any comments that I have on behalf of my client on 525 527 in writing.

360

00:50:41.969 --> 00:50:49.469

Thank you, sir. Thank you. Next up. We have legislator Julia. Mr Julian I will send you an email request.

361

00:50:52.679 --> 00:51:01.019

My in sure we can hear you. Okay. I am.

362

00:51:01.019 --> 00:51:07.679

Speaking tonight on behalf of Michael gleaming, who's the unit of common council president who could not be president this meeting.

363

00:51:07.679 --> 00:51:12.510

And he sent me some some morning and asked me if I could read it for him.

364

00:51:12.510 --> 00:51:15.510

Because we basically agree on this.

365

00:51:15.510 --> 00:51:18.539

Starts your accounting department of law.

366

00:51:18.539 --> 00:51:24.510

I'm writing regarding the proposed use of eminent domain in the footprint of the proposed at night, a county parking garage.

367

00:51:24.510 --> 00:51:29.130

Eminent domain is unjust and should not be used for the following reasons.

368

00:51:29.130 --> 00:51:32.309
1, related to the DHS hospital project.

369
00:51:32.309 --> 00:51:36.510
The parking garage was originally justified in the filing.

370
00:51:36.510 --> 00:51:39.900
For the overall hospital project.

371
00:51:39.900 --> 00:51:47.730
B, the parking garage was removed from the project for seeker for MBA chess. It was justified that the surface parking along was enough parking.

372
00:51:47.730 --> 00:51:51.869
For the hospital build out to my knowledge.

373
00:51:51.869 --> 00:52:00.539
Speaking as Mr gleaming seeker has not been conducted for the proposed parking garage as it was segmented from the hospital seeker plan.

374
00:52:00.539 --> 00:52:09.570
The hospital project is a private project, I'll be funded in part by public dollars, but the grad would not be justified for public use. If at this juncture.

375
00:52:09.570 --> 00:52:17.280
The land was taken for the purpose of a private entity planning and executing development in and around the premises of the hospital footprint.

376
00:52:17.280 --> 00:52:22.920
In the making future claims that more parking is needed after the fact, are not just cost or eminent domain.

377
00:52:22.920 --> 00:52:29.699
Especially in the case where edge and other county entities have been premium part of all current developments.

378
00:52:29.699 --> 00:52:33.150
If this is the case, it should not be the burden on the current property owners.

379

00:52:33.150 --> 00:52:40.050

Related to the county developments and had a county has proposed a U district and is currently developing the Nexus.

380

00:52:40.050 --> 00:52:43.710

The county created a need for more parking that was under their own volition.

381

00:52:43.710 --> 00:52:49.980

There is no need for additional parking and a developer creates a facility in need of parking next door to other private property owners.

382

00:52:49.980 --> 00:52:57.960

This does not justify eminent domain if more parking was necessary than site control should have been obtained for whatever parking was necessary.

383

00:52:57.960 --> 00:53:02.280

Before all other planned developments for either sanctioned or created by the county.

384

00:53:02.280 --> 00:53:09.869

Regarding property owners in general, the city and county have seen an incredible influx of state funding across many buildings and developers.

385

00:53:09.869 --> 00:53:15.929

Throughout the past 3 years and around the proposed hospital footprint as well as the on the Nexus.

386

00:53:15.929 --> 00:53:25.500

The only property owners that have been subject to negotiate based on their own property on the rest of eminent domain, had been the property owners within the footprint of the hospital and the proposed garage.

387

00:53:25.500 --> 00:53:30.090

They have not received E. S. D funding funding or any other special fund.

388

00:53:30.090 --> 00:53:37.110

Some of them have had to close permanently someone to owning from, from owning to leasing and others have found good, solid, permanent homes.

389

00:53:37.110 --> 00:53:45.119

It would seem the only case where people do not want to pay reasonable amounts of money for valuable property or help preexisting businesses with millions of dollars in state funding.

390

00:53:45.119 --> 00:53:50.730

Is in the footprint of the project and now the proposed county garage.

391

00:53:50.730 --> 00:54:04.619

Emma domain should not be used in this case, private and public developments took place. And after the fact eminent domain is being proposed to take private property from individuals who have a right to their ownership. In the case with the crows project is both not warranted.

392

00:54:04.619 --> 00:54:10.409

And if wanted, maybe place in other reasonable locations, where other parking garages exist in regards.

393

00:54:10.409 --> 00:54:17.280

Michael gleaming Council, president city of Utica uh, just my own to a sense for the small I do have left.

394

00:54:17.280 --> 00:54:21.090

An original part of this plan was there had to be a reuse plan.

395

00:54:21.090 --> 00:54:26.280

For saying Elizabeth hospital in the 19th district, which I do represent on genesis street and South Utica.

396

00:54:26.280 --> 00:54:37.409

We met in the St, Luke's conference room back in January 20th of this year, where I was told by Mister scotland and other representatives that they would have some sort of plan.

397

00:54:37.409 --> 00:54:46.409

Available to us by that Friday it has been a couple of months, almost a year since that conversation has taken place and I still here.

398

00:54:46.409 --> 00:54:54.869

We're almost there, we're almost there this needs to be done and taken care of 1st and foremost before any talks. I'm taking any other properties or doing anything.

399

00:54:54.869 --> 00:54:59.610

Construction wise takes place. These things need to happen.

400

00:54:59.610 --> 00:55:07.170

Uh, is 1 last comment a bit of housekeeping? I think this whole set up was atrocious. I think it's terrible. I think it's really limiting the public's input.

401

00:55:07.170 --> 00:55:16.409

Was very difficult for me as a county legislator to find out information about this meeting and I think the public shouldn't be allowed to, uh, to that proceedings like this a little bit better than what they are at this time.

402

00:55:16.409 --> 00:55:20.010

Thank you very much.

403

00:55:20.010 --> 00:55:26.699

Thank you Mr. Julian last up we have W. K. TV into attempt.

404

00:55:26.699 --> 00:55:31.199

To send her a mute request and I'm assuming you do not wish to address the.

405

00:55:39.150 --> 00:55:49.829

We're going to make a 2nd pass to Bowden rubarski. rubarski. I'm going to send another new request.

406

00:55:49.829 --> 00:55:57.869

Again, sir, you are muted I think anything at the moment.

407

00:56:08.309 --> 00:56:12.869

Give me a few moments to try to get your microphone operational sir.

408

00:56:21.000 --> 00:56:25.980

Still not hearing anything, sir I apologize.

409

00:56:28.440 --> 00:56:37.409

I'll repeat what I said at the beginning of the meeting that the record will remain open for 30 days. We accept any statements, any documentation.

410

00:56:37.409 --> 00:56:44.820

A recording of this meeting is being made and will be considered a part of the proceeding.

411

00:56:44.820 --> 00:56:53.429

Go through the list 1 more time. I see. We do have councilman delving Moody has joined us, so I will send that request to Mr. Moody?

412

00:56:57.030 --> 00:57:04.230

Thank you, um, I, I will be brief and regard to the eminent domain. I wanted to come on.

413

00:57:04.230 --> 00:57:07.320

A tonight to, uh, not really give.

414

00:57:07.320 --> 00:57:10.679

Too much of an opinion, but mostly listen.

415

00:57:10.679 --> 00:57:14.429

Um, and and begin to form my own ideas about the issue.

416

00:57:14.429 --> 00:57:18.480

I will suggest this that.

417

00:57:18.480 --> 00:57:22.949

You know, on both sides, there is the argument that eminent domain can be used.

418

00:57:22.949 --> 00:57:27.090

For good can be used in, on, on projects whereby, which.

419

00:57:27.090 --> 00:57:33.510

I'm advanced the public interest. Um, I, I, on this particular issue, I, I do stand on the sign of, um.

420

00:57:33.510 --> 00:57:37.530

You could comment council president limit to so many others who have spoke tonight.

421

00:57:37.530 --> 00:57:41.639

That there is concern, not only about the imminent domain process.

422

00:57:41.639 --> 00:57:46.289

But in particular, um, in particular about the, the totality of use.

423

00:57:46.289 --> 00:57:49.710

I would like to see development.

424

00:57:49.710 --> 00:57:54.445

Go toward those other parking garages that we have in the downtown area,

425

00:57:54.864 --> 00:58:05.425

because my fear is that if we use them in a domain to build a parking garage with everyone is saying that we cannot afford that in 15 or 20 years it will be right back here.

426

00:58:05.670 --> 00:58:14.789

With another parking garage, um, that is under utilized and we spent a lot of money to, to, to, to pay for um, I think we need to be forward thinking, but also.

427

00:58:14.789 --> 00:58:20.849

I think that we need to lift the data and the, and the need lead the conversation.

428

00:58:20.849 --> 00:58:24.719

So, for me, I would like going on record to to say.

429

00:58:24.719 --> 00:58:30.030

That that I am not as opposed to the eminent domain if merited.

430

00:58:30.030 --> 00:58:36.300

I mean, I think for me, it is the question of is the garage.

431

00:58:36.300 --> 00:58:44.670

Uh, um, in terms of the parking, and is that answered driven by the data? Um, so so that will be my opinion and, and idea.

432

00:58:44.670 --> 00:58:51.960

Uh, with regard to the, in the domain discussion.

433

00:58:53.880 --> 00:58:59.099

We have gone through the entire list of attendees and requests if anyone wish to speak.

434

00:58:59.099 --> 00:59:03.809

So, with that, I will turn this back over to Mr.

435

00:59:09.894 --> 00:59:12.054

Thank you again,

436

00:59:12.054 --> 00:59:20.155

I want to thank the all the participants for taking the time to give us their input as Bob has said,

437

00:59:20.155 --> 00:59:20.844

please,

438

00:59:20.934 --> 00:59:21.565

um,

439

00:59:21.985 --> 00:59:22.284

if,

440

00:59:22.375 --> 00:59:24.775

if you have further submissions,

441

00:59:24.775 --> 00:59:26.005

please take advantage of that.

442

00:59:26.005 --> 00:59:28.195

The record will be kept open for 30 days.

443

00:59:28.530 --> 00:59:33.420

Again, thank you very much and have a good night.

444

00:59:33.420 --> 00:59:38.820

one one point time to all attendees .

445

00:59:38.820 --> 00:59:48.420

Any additional information that you wish to submit can be submitted to eminent domain. E. M. I. N. E. N. T. T. O. M. A. I. and.

446

00:59:48.420 --> 01:00:01.440

Gov, dot net, if you have additional oral comments, or if you have confusion as to how to get the written comments in, you can call the United county Attorney's office very code. 3 1 5.

447

01:00:01.440 --> 01:00:15.565

79859 1, 0T you can also mail in your common, the United County Department of law, 800 park. If you could New York, 105 a 1 recording of this hearing will be made available shortly on the United county government page.

448

01:00:15.565 --> 01:00:21.324

So, you can play that back and get the information if you missed anything on how to send the information.

449

01:00:23.639 --> 01:00:31.769

Thank you very much. Thank you for your patience and your cooperation and your participation. I wish you all a very merry Christmas and very happy New year.

450

01:00:31.769 --> 01:00:34.860

Thank you.

451

01:01:13.500 --> 01:01:13.829

Hello.

From: pencil@riseup.net
To: [Eminentdomain](#)
Subject: Pete Bianco eminent domain not necessary
Date: Saturday, January 23, 2021 11:44:30 PM
Attachments: [parking2.webp](#)
[parking.webp](#)

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On the December 23rd public hearing, titled "Oneida County eminent domain public hearing for the public parking garage for downtown Utica hospital," the Commissioner of Public Works for Oneida County, Mark Laramie noted that the project entails the construction of a 1,050 space, three-level parking garage.

According to Mr. Laramie, this location was selected primarily due to its joint proximity to the new Mohawk Valley Health System Hospital, Utica Auditorium, Utica City Courthouse, and the future Nexus Center. "No other location under consideration," he said "could realistically serve all these facilities."

What were the other locations under consideration?

It is not necessary to provide parking for a hospital and three non-hospital entities all in one location?

The hospital can use the space they already own for parking.

The use of eminent domain is not necessary for this proposed project.

Providing parking for the Utica Aud, Utica City Courthouse, and the future Nexus Center has nothing to do with the proposed hospital and its parking needs.

It is worth noting that the justification of what gets considered and what gets left out, shifts to suit the needs of MVHS. Mr. Laramie is using the Nexus Center as justification for the use of eminent domain. However when the hospital was conducting its environmental review, Nexus was left out. The effect of the Nexus Center on traffic patterns could have caused the downtown site to be deemed unsuitable as a hospital location.

This hospital project has been full of examples of 'hokey pokey,' putting things in and then taken them out.

Common council president Mike Galime pointed out the parking garage was originally justified with County filing for the overall MVHS hospital project. It was then removed from the project and parking was justified with the surface parking.

Council president Galime is under the impression that no environmental review has been conducted for the proposed parking garage since it was segmented from the original project.

Regarding parking for the Nexus Center, "If more parking was necessary, then site controls should have been obtained for whatever parking was necessary before all other plan developments were sanctioned or created by the county," said Council president Galime. He also cited concern regarding hospital project being a private project, albeit funded by public dollars; but the garage would not be justified for public use. "[At] this juncture, the land was taken for the purpose of a private entity," said the council president.

There seems to be a shift in who is paying for the garage and what it is being used for. Early on the parking garage was said to be for the hospital and the Utica Aud and the city would pay 40% of the cost. Now it is being advertised as public parking garage that is also for the City Court and the Nexus Center.

The County's Facebook page description of the hearing says, "Oneida County eminent domain public hearing for the public parking garage for downtown Utica hospital." This contradicts Mr. Laramie who says taking private property from citizens is necessary because this is the only site that can serve these other non-hospital facilities.

Removing the burden of parking for the non hospital buildings reduces the number of spaces needed at the hospital site.

If the county solely responsible for paying for this parking garage shouldn't the public vote on this expenditure? Especially with the uncertainty of the economy.

MVHS was quite aware that the site where they wanted to build a parking garage was unavailable before they started building the hospital in that downtown location. This is the business plan of the Hammes company who MVHS contracted with. In their video "Real Estate 101 for Healthcare Executives," Hammes says "don't limit your 'universal potential opportunities' to sites that are 'on-the-market.'"

<https://www.youtube.com/watch?v=qvS7-xZtnHM&feature=youtu.be&t=1444>

MVHS made a gamble that they would acquire these properties of private citizens for their own use.

The fact that MVHS began building their project should not be used to justify the taking of property of private citizens. Alternate sites do exist for parking in the downtown location. There are adjacent parcels to the northeast, west, and south of the current hospital.

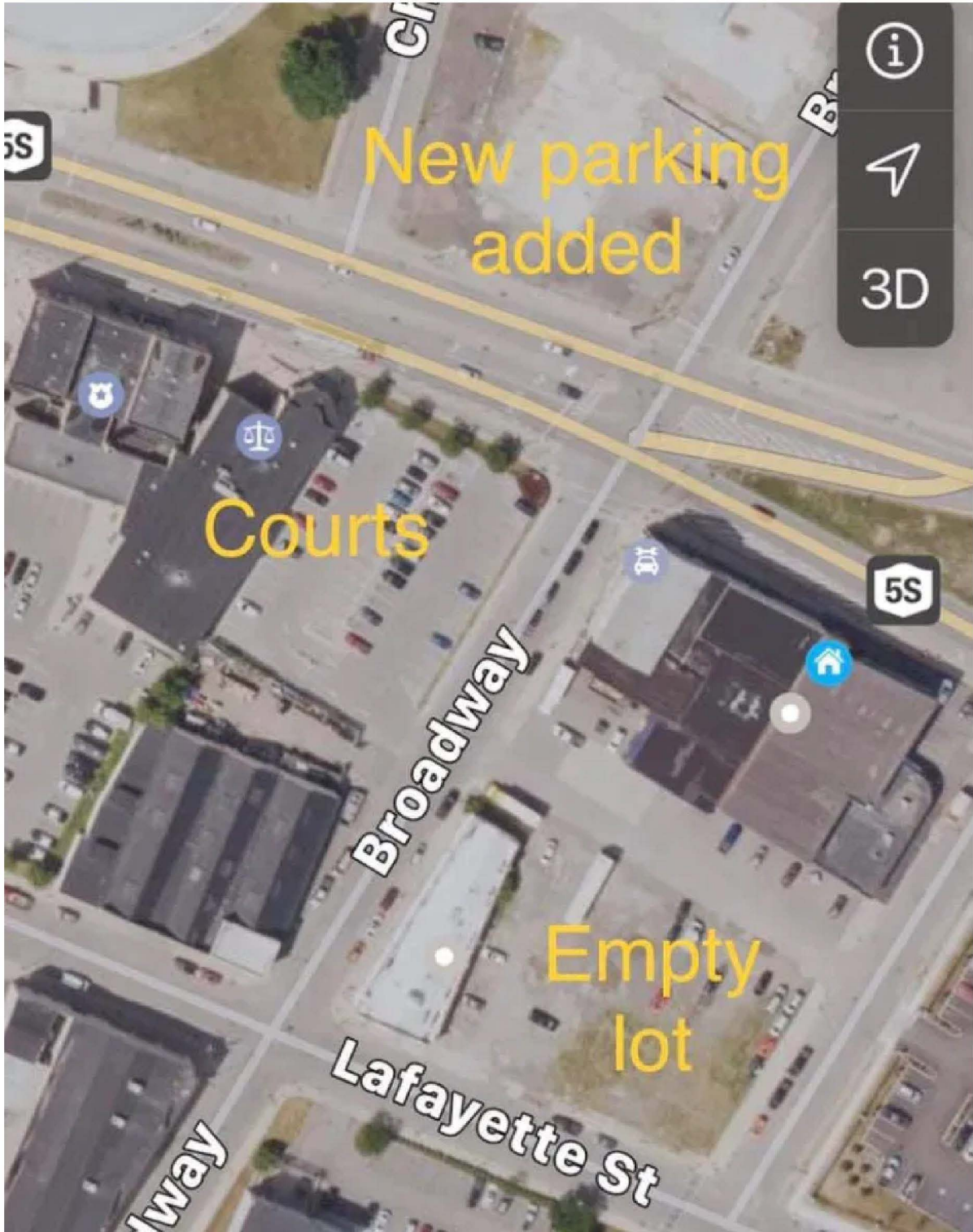
From: pencil@riseup.net
To: [Eminentdomain](#)
Subject: Pete Bianco eminent domain not necessary
Date: Saturday, January 23, 2021 11:47:35 PM
Attachments: [parking2.webp](#)
[parking.webp](#)

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In case it was not clear the attached images are of alternate sites for hospital parking.

-Pete Bianco



So much bulldozing- at least 5 places for a parking garage!
#noeminentdomaindowntown



Figure 3. Integrated Health Campus (IHC)

From: [Joseph Bottini](#)
To: [Eminentdomain](#)
Subject: shame
Date: Saturday, December 26, 2020 2:08:21 PM

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To Whom It May concern:

How much **shame** can anyone shoulder and still face he public.

The **lies made public** are enough to make one lose faith in our region's ability to accomplish great things.

Why not **tell the truth**? "We want a new hospital and want it built where we can rehabilitate an inner city neighborhood."

There is nothing wrong with this posture, even though **there is a better avenue or approach** to obtain the desired result: State-of-the-art medical facility.

The whole **sordid affair** of the new "state-of-the-art" hospital and location of its construction is a **shameful event** in Oneida County history.

It **undermined the U.S. Constitution**, and moral dignity to a place of total disgrace.

You all know it; as well as the majority of folks who live here (and will **pay the cost beyond the state gift**) in Central New York know it.

It was **named state-of-the-art to camouflage the creation** of a "community hospital" without the amenities of a real state-of-the-art medical complex.

As I have been led to believe, **any medical facility without a dedicated Pediatrics Department, can not be considered state-of-the-art.**

It has also been noted that the new hospital will have a **smaller Emergency Department** than presently available.

It is also, I am told, **lacking in a dedicated Neo-Natal Department, Burn Unit, Top Level Trauma Department.**

It may be wise to **recoup some respect** by exercising a fair dealing with the remaining properties.

Respect is something that **must be given in order to receive** it in return.

May I suggest **everyone**, Mohawk Valley Healthcare System leaders, all politicians and entrepreneurs who stand to gain by the downtown location, **come clean.**

Open the back-door agreements and behind-the-scenes agreements to those who will be

paying the freight for the next 50 years.

Let us start the new year with a new relationship with those (the voters) the local governments are obligated to SERVE!

You may emerge victorious from the law suit, but the price will be a lessened respect by the people for those of you in decision making positions.

I would rather be an honest poor man with my dignity in tact than a rich man with a shameful reputation of fraud.

I am afraid, "Mr. Smith Goes To Washington" has long been forgotten.

To cheat in order to win is not a victory; it is a reflection of one's poor character.

May God forgive your sins of lying to your constituents.

Joseph P. Bottini

shan

From: citationgraphics@aol.com
To: Eminentdomain; btruett@softnoze.com; beckhop69@yahoo.com; citationgraphics@aol.com
Subject: public comment
Date: Saturday, January 23, 2021 8:18:38 PM

Warning - This email originated from an external source.

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Replying as Joseph Cerini

on behalf of Citation Services tenant 418 Lafayette St Corporation

A parcel already owned by the city/ county or land whose owner is willing to sell should be considered prior to forcibly taking a contested site whose owner resists the governments desires. There are alternative sites available. I would go even further and say there should NEVER be a forcible taking of private property by the government, especially for use for another private entity. No government or entity is so important they should usurp my rights or that of any individual.

The reason to use force to take my property is ONLY because the county wants it at a lower price than the price I would be willing to accept. If I wanted to sell it at the price that MVHS would pay, that was based on a appraisal, already financed by the county through MVEDGE, the price was at \$280,000. The original appraisal, paid with public money by the county, through MVEdge, is higher, Why the difference?

I would have already. If you want to purchase my property, occupied by Citation Services, you could make an offer and I could refuse. I do so refuse your offer of \$154,000 and point out that my neighboring property at 430 Lafayette St .233 acres with a 6173 ft2 structure sold for \$385,000(which makes the footprint of that building alone \$62.00 a square foot) where as my building is on .451 acres with a 18,000 ft2 structure! The appraisers didn't take into consideration of nearby properties,

(UAP SCHWERTFEGER 5 LOTS \$ 575,000, SCHMALZ \$ 448,000,
ABC CHEM DRY \$ 385,000 440 Lafayette Elena Bravo \$60,000
447 Lafayette \$57,000 Guana Construction all well over \$20 a square foot)

Your current offer is lower than Mohawk Valley Health System's offer. On the surface that seems totally illogical. Consider that between these two offers; AUD has been expanded, Nexus Center started, Arterial and Oriskany Boulevard both improved, plus significant other roads and sidewalks improved, Irish Culture Center has open, Globe Mill has undergone a massive redevelopment, a new Stewards, a booming car rental business directly beside me, a near billion dollar hospital is going up across the street, downtown has been awarded \$10M for other projects near me like the "U District proposed by Oneida County was also announced and being touted along with Bagg's Square developments"... seems my acreage alone has easily increased in value, has it not?

In hopes of me taking the original offer from MVHS, the County Attorney after our conversation had MVHS lawyers reaffirm the \$280,000 offer 10/29/20, I didn't give a positive or negative response other than I felt it was worth more. Our local government shouldn't have the alternative of stealing it by force. You could make a much higher offer in hopes I would sell it. At some price point I may agree to sell it. Perhaps that price would be way above market value, but that is how much I values my property and that is my prerogative. Stealing it at a lower cost is stealing, the difference is theft. Moreover, we are seeing our elected officials who are apparently think they are above the law, are in violation of equal justice, violation of innocent unless proven guilty by forcing me to defend my property, with all forms of corruption and violation of our Constitution frequently within our government. The government is devaluing the life of the owner .

RCIL\$2,250,000.....401-409-COLUMBIA.....318.041-2-39¶
318.041-2-40→ ¶
 CLEMENTE.....\$1,750,000.....303,309,313-LAFAYETTE·
318.042-1-19··318.042-1-23··318.042-1-27··318.042-1-28¶
 MOHAWK·HOSP·EQUIPMENT.....\$1,480,000·301·COLUMBIA·315,336,337¶
318.042-33.1··318.042-33.2··318.042-33.3··318.042-33.4··318.042-33.5¶
 THORP·(WOODWORKING).....\$·757,000·319-325·LAFAYETTE.....318.042-1-17_¶
 ¶
 SALVTION·ARMY.....\$·725,000318.041-2-18¶
 CLARIS·CORRIGAN.....\$·600,000·333·LAFAYETTE318.042-1-15_¶
 PARK·OUTDOOR.....\$·580,000·514,·524·LAFAYETTE318.033-33-17··
 ¶
 UAP·SCHWERTFEGER·5·LOTS.....\$·575,000·431,43-435,444,446,450-454·LAFAYETTE ¶
318.041-2-5··318.041-2-6··318.034-1-34··318.034-1-35··318.034-1-38··318.034-1-39¶
 BRANDLEES.....\$·550,000·300-306·LAFAYETTE_318.042-1-6_¶
 ¶
 CP·READ·(URBANIKS)·3·LOTS.....\$·540,000·501·LAFAYETTE, ...318.041-2-1··318.041-2-2·····¶
318.041-2-3····318.033-3-14_¶
 SCHMALZ.....\$·448,000·529·ORISKANY·/VACANT·CARTON·318.034-1-31¶
318.034-1-34···318.034-1-35··318.034-1-36_¶
 MORRISEY·3·LOTS.....\$·400,000·446-454·LAFAYETTE.....318.041-2-29··318.041-2-30·······
 318.041-2-31··318.041-2-32··318.041-2-33_¶
 ABC·CHEM·DRY.....\$·385,000·432·LAFAYETTE318.041-1-30¶
 TEASERS·CAVO.....\$·380,000·308-310·COLUMBIA_318.041-1-25_¶
 ¶
 SEAKAN.....\$·350,000_318.042-1-31··318.042-1-32_¶
 BENGEE'S.....\$·260,000_318.042-1-24_¶
 FISHER·AUTO·/·EAST·GATE.....\$·210,000·327-331·LAFAYETTE_318.042-1-16_¶
 ¶
 ZANDRO·/·MAENNERCHOR.....\$·210,000.....460-464·COLUMBIA.....318.041-2-35¶
 ¶
 BOSCO·HOUSE.....\$·205,000·425-429·LAFAYETTE,442-444·COLUMBIA_·
318.041.2-8··318.041-2-27··318.041-2-28_¶
 ¶
 METZLER.....\$·155,000·317·LAFAYETTE.....318-042-1-18_¶
 POLANCO·next·to·teasers.....\$·145,000·312-316·COLUMBIA.....318.042.1-26_¶
 ¶
 GARRAMONE.....\$·105,000·420-422·430-432·COLUMBIA ¶
318.041··?.....318.041-2.22··318.041-2-25··
 -_¶
 TURNING·POINT·CHURCH.....\$·85,000_318.041-2-26¶
 500·COLUMBIA·LLC.....\$·8,000·466-470·COLUMBIA_318.041-2-36¶

From: citationgraphics@aol.com
To: Eminentdomain; btruett@softnoze.com; beckhop69@yahoo.com; citationgraphics@aol.com
Subject: public comment
Date: Saturday, January 23, 2021 7:42:47 PM

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public comment

Replying as Joseph Cerini
on behalf of Citation Services tenant 418 Lafayette St Corporation
At the public hearing the condemner shall outline the purpose, proposed location or alternate locations of the public project and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels.

WHERE WERE THESE documents that outline the alternate locations of the public project and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels.

Alternative sites exist, were if any alternative sites researched ?
If this is for use for downtown ,the courthouse, the Aud, and coviently the hospital (warning to city: No garage, no new hospital Observer-Dispatch Jul 25,2017) Why would a entity, funded by the county, declare if there's no garage, there's no hospital? The courthouse already has parking , the auditorium has some parking with additional space on the north side of Whitesboro st ...the Hospital has available surface parking with property they have already acquired and the new medical office building are far from reality with that space available until there is a project ...the Kennedy Garage space is also available and empty space between the proposed garage is also available that would far better suit a garage for downtown.....traffic studies also show

Lafayette is also a major east west connection for Utica, and I don't see any studies for a unfunded Nexus Center

....why are properties closer to those locations not being looked at?

Eminent Domain Procedure Law The acquisition of property required for a public improvement occurs after an extensive and thorough engineering process that includes a series of planning and design phases which lead to a determination that the property is necessary in order to construct the public improvement. You showed no such report that was extensive and thorough.

All documents should have been available to view for the public hearing

From: citationgraphics@aol.com
To: [Eminentdomain](#); btruett@softnoze.com; beckhop69@yahoo.com; citationgraphics@aol.com
Subject: public comment
Date: Saturday, January 23, 2021 7:26:59 PM

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public comment

**Replying as Joseph Cerini
on behalf of Citation Services tenant 418 Lafayette St
Corporation**

My name is Joe Cerini, owner of Citation Services in Downtown Utica. In 2001 my office equipment repair, sales, and IT business setup at 418 Lafayette Street. My buildings are circa ~1880 and were the manufacturing site of Utica's first boilers, produced by the International Heater:

Back in 2001, before even closing on these properties, I was repairing their roofs and fixing some failing brick walls. Much sweat equity and hard work has kept these historical properties intact and there was steady improvement to the property.

For almost seven years I've fought plans for a hospital that would bulldoze my properties. My business is not going anywhere. My supporters and I vow to fight eminent domain in successive court battles, Other business and building owners are voicing similar opinions.

This is a matter of principle and personal property rights. I haven't spent the last 20 years maintaining history, that my children and friends have invested too, just to see it taken by eminent domain to be bulldozed.

Politicians promoting this hospital concept have done a great disservice to taxpayers, residents, and the many that love historic Downtown Utica. The day the hospital concept started was the beginning of the demise of a historic part of Utica, but please be assured the fight is not over.

If any issue of blight or derelict conditions are raised, be it known that these properties have been under threat by the City, County and MVHS hospital for the past few years and would have been further upgraded without those threats. In my building the front is a unfinished deli with all equipment, and plans to restore the vintage windows that are under the plywood are ready on my desk...in hopes of making this Erie Canal vintage building a gem for Utica. New York Court of Appeals has issued a strong statement to municipalities and agencies in the past that land taken for blight must indeed be substandard.

I was told it's rare to find a intact Erie Canal Warehouse still standing and have always treated my building as such....wish me luck!

From: citationgraphics@aol.com
To: Eminentdomain; btruett@softnoze.com; beckhop69@yahoo.com; citationgraphics@aol.com
Subject: public comment #4
Date: Saturday, January 23, 2021 10:54:51 PM

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**Replying as Joseph Cerini
on behalf of Citation Services tenant 418 Lafayette St
Corporation**

**Public Hearing Transcript with comments proceeding the
transcript**

Peter Rayhill: I'm just looking for someone to nod.

OK, I'm sorry about that. Hopefully you can all hear me now, my name is Peter Rayhill. I am the county attorney for the county of Oneida, and I first want to thank everyone and welcome everyone who is participating here tonight.

The county of Oneida **is** going to construct a parking garage in downtown Utica. This garage will be centrally located in the city, convenient to the city court, the Adirondack Bank Center, and the new hospital. **Most of the land** where the garage will be built **has been acquired**. Those parcels which have not been acquired are necessary

for the construction of the parking garage. Accordingly, the county will proceed to acquire title to those properties pursuant to the provisions of New York's Eminent Domain Procedure Law. The parcels to be acquired are: 525-527 Oriskany Street, Tax Map Number 318.34-1-23.1 and 23.2; 418-430 Lafayette Street, Tax Map 318.34-1-25-26-27-28 and 29; 442 Lafayette Street, Tax Map Number 318.34-1-33; and 400-406 Lafayette Street, Tax Map Number 318.34-1-22.

This public hearing is being conducted pursuant to New York State's Eminent Domain Procedure Law. It is an opportunity for those who wish to provide comments and information to the Oneida County board of legislators to do so. At this point, I'm going to turn the proceedings over to **Mark Laramie, who will provide a description of the project.** Mark...

Mark Laramie: Thank you, Peter.

Give me a moment. I'm trying to share a screen. Is that screen sharing correctly?

Unknown: Yes, it is.

Mark: OK, thank you.

As Peter said, I am Mark Laramie. I am the Commissioner of Public

Works for Oneida County. I will give you a brief description of the project. This project will construct a 1,050 space, three-level parking garage with public entrances on the east and west ends. The garage will be located immediately adjacent to the Utica Auditorium, Utica City Court House, and the new Mohawk Valley Health System hospital. More specifically, as shown on the shared site plan, the parking garage will be bordered by Oriskany Street on the north, Lafayette Street on the south, Cornelius Street on the east, and State Street on the west. This location was selected primarily due to its joint proximity to the new Mohawk Valley Health System Hospital, Utica Auditorium, Utica City Courthouse, and the future Nexus Center. No other location under consideration could realistically serve all these facilities. The influence and environmental and local impact include reduced demand for on-street parking, reduced traffic congestion in the area adjacent to the proposed parking garage, and a reduced need for development of large surface parking lots in the surrounding area.

With that, I will ask the moderator to accept public comments.

Your meeting starts off as the County of Oneida is going to construct a parking garage in downtown Utica. If this is a Public Meeting, shouldn't you be asking, if this meeting is to get public input that the county would say like too instead of going too? , This garage will be centrally located in the city, convenient to the city court, the Adirondack Bank Center, and the new hospital. this garage will be centrally located, and you start with the City

Court when they already have their own lot , and property up for sale (Eggars Carl & Corrigan building) available with lot behind and to the east of it.

Your garage location is not at all convenient to the city court and pedestrians going to the Adirondack Bank Center, sharing space with the hospital does not take into account that Comets games start to fill spaces or leaving just when visitors would be visiting their families 4:30 PM until later.

Most of the land where the garage will be built has been acquired. You stated that most of the land has been acquired by the county per your map.

Is not the property acquired still the majority of the property needed? 525-527 Oriskany Street tax ID 318.34-23-1 and 318.34.23-2, 400-406 Lafayette Street, tax ID 318.34-1-22, 442 Lafayette St, tax ID 318.34-1-33 and 418-430 Lafayette St , tax ID 318.34-1-25, 318.34-1-26, 318.34-1-27, 318.34-1-28, 318.34-1-28, 318.34-1-29 adds up to a majority and has not been acquired. Isn't all property not acquired by the county needed ?

Is Eminent domain being applied uniformly? If any of these properties are not owned by the county then Eminent Domain is not being applied uniformly. Is Carton Ave and 416 Lafayette St 318.034-1-24 in your hands or does the city own it. Does the county own 318.034-1-21(Niagara Mohawk)..Does MVHS own 318.041-1-30 , 318.034-1-32 318.034-1-34, 318.034-1-35, 318.034-1-38, 318.034-1-39

Mark Laramie.states The garage will be located immediately adjacent to the Utica Auditorium, Utica City Court House Immediately adjacent, in legal usage, generally means "adjoining or abutting, rather than in the vicinity Mohawk Valley Health System Hospital, Utica Auditorium, Utica City Courthouse, and the future Nexus Center. No other location under consideration could realistically serve all these facilities. The influence and environmental and local impact include reduced demand for on-street parking, reduced traffic congestion in the area adjacent to the proposed parking garage,

**With a parking garage filling with cars are we not increasing
Traffic congestion off of Oriskany Boulevard**

alternate sites are available

**Was not the Kennedy Garage oked for a overhead link to the
hospital, with sufficient surface parking on Columbia St enough
parking for the hospital, since the MOB (Medical Office Buildings)
is another unfunded project and there are no plans for those as of
yet?**

**Has there been a study on traffic or was this one of Oneida
County/Utica just check the box?**

From: [Snyder, Phillip R](#)
To: [Eminentdomain](#)
Cc: [Dan Walker \(dan@walkerglobal.net\)](#)
Subject: 525-527 Oriskany St West, Utica, NY
Date: Monday, December 28, 2020 11:12:23 AM
Attachments: [image003.png](#)

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Dear Attorney Peter Rayhill,

I was unable to attend the hearing on December 23, 2020. Please consider this message as what we would have stated if we had been present.

Enterprise Rent A Car has enjoyed doing business at 525-527 Oriskany St West since we opened in 2018. We have a long term lease with options totaling 25 years. We are a good neighbor and give back to the community and bring value to the city through the service that we provide. We have invested \$433,000 into this property and it would cost us even more to relocate. We have no desire to move.

We would ask that one of the other 3 hospitals in the Utica area be expanded if more space is needed?

We respectfully request that you to let us continue operating where we are currently.

Please confirm that you received this message by replying to all.

Sincerely,



Phillip Snyder, CFM

Group Facility and Construction Manager

585 235 1655 office
585 370 4557 cell
585 563 1756 fax

Phillip.r.snyder@ehi.com

Enterprise Holdings Inc.
1320 Brooks Ave
Rochester, NY 14624
USA

enterpriseholdings.com

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From: [Brett Truett](#)
To: [Eminentdomain](#)
Cc: [Joe Cerini](#); [Donna Beckett](#)
Subject: Truett, Additional Public Comments
Date: Saturday, January 23, 2021 2:34:57 PM
Attachments: [Additional Comments, Brett Truett, Oneida County Eminent Domain Public Hearing.pdf](#)
[ATT00001.htm](#)

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Dear Oneida County,

Please find and attach the accompanying PDF to the eminent domain public hearing comments.

I may be reached at (315)794-0410, and would very much appreciate a call to confirm receipt.

Lastly is there a location online to see (or may I stop by), to inspect any other and all documents that the county, or other parties have submitted in this proceeding?

Thank you!

Sincerely,
Brett Truett

PS- A online version of the attached PDF is also available at
<http://betteruticadowntown.com/pdfs/additional-comments-brett-truett-oneida-county-eminent-domain-public-hearing.pdf>

Truett: Additional Comments, Oneida County Eminent Domain Proceedings for a Proposed Municipal Parking Garage, Dated January 22, 2021

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A. Background

I, Brett B. Truett I'm the owner of the parcel, and a historic building, at 442 Lafayette Street (tax map number 318.34-1-33)¹ herein "442", and a party to this proceeding.

I've been a resident in Utica since 1986. Subsequently, have purchase multiple properties, pay considerable taxes to both the City of Utica and Oneida County, and have made significant investments in downtown. Please see "AFFIDAVIT OF BRETT TRUETT," Appendix I, which offers more context. Additionally, Appendix E offers a few acronyms that may be used throughout this document.

My opposition to locating a hospital into downtown began in August of 2015. It came after learning a large hospital concept threatened numerous blocks of surround Columbia and Lafayette Streets. **This targeted area was home to numerous businesses, over 40², significant and historical buildings key to Downtown Utica's rebirth.** Utica media initially portrayed the targeted hospital site as a smaller 12-acre site, and only a "few or several businesses," but if you located a hard-to-find public record it outlined 34-acres.³

I later acquired the 442 parcel with the purpose of saving this historic building, and others, but is now threatened by this eminent domain proceeding and demolition. To make way for a "Project," a.k.a. a parking garage. Persevering old buildings is what Utica's Master Plan⁴ called for, as did the Gateway⁵ project, and numerous other initiatives carried out to bolster downtown. Myself and others were doing just this, redeveloping historical buildings, both in the immediate area, and throughout downtown. But then a giant hospital project, one that would wipe-out an entire neighborhood, was being quietly planned.

¹ See, "History of 442 Lafayette Street," at <http://betteruticadowntown.com/442-lafayette-history-of.php>

² See "40+ Businesses Utica Is Pushing-out of Downtown for a 5th Hospital District!," per www.nohospitaldowntown.com/businesses-to-be-displaced-within-the-downtown-utica-hospital-zone.php

³ See, "Additional References" citation #4

⁴ See "Master Plans", at <http://www.nohospitaldowntown.com/master-plans.php>

⁵ See "Gateway Historic Canal District," at <http://www.nohospitaldowntown.com/gateway-historic-canal-district.php>

In my investigations I came to know the former owner of the 442 parcel, he ran an upholstery shop there. However, he was not in a position to fight to save it, so I acquired this historic property intending to save it from the wrecking ball. While I knew a lawsuit was likely, I was not deterred. **I'm opposing Oneida County's effort to use eminent domain for the same and additional reasons many people opposed Oneida County's new hospital in Downtown Utica, see "Community Voices Of Opposition".**⁶ Both decisions (the hospital location and this Project) were arbitrary and capricious- and ignored many facts. Many issues⁷ needed to be analyzed out in the opened, but never were. Public support was a fabrication and highly contrived⁸. Emails clearly show political and economic development forces orchestrated the hospital into downtown. For example:

"My whole thought process in bringing Elan on board is to make sure that we guide siting decision in favor of downtown," DiMeo said in the email to other project partners.⁹

All the emails that reveal the hospital and parking garage "backstory" can be read on the "Oneida County Email Dump" webpage at: www.nohospitaldowntown.com/oneida-county-hospital-email-dump.php

While the most recent "Clark Decision"¹⁰ ended myself and others' efforts in opposing the new hospital's location, my feeling remains that the Columbia and Lafayette Street neighborhood (and downtown's development) is much better with a more compact hospital layout. My overarching belief is just because MVHS's architects drew a parking garage (on land they did not own), does not mean Oneida County needs these parcels.

Other plans, I believe better plans, would accommodate the new hospital, parking facilities, and allow much better downtown development to occur without the use of eminent domain. A large parking garage, as proposed¹¹, is wrongheaded. Why not look at alternate designs? An alternate design would still allow parking options for all uses named in these proceedings, but also introduce greater mixed-use elements, especially room for historic preservation! Respectfully I request that my following comments, all citations per the "Additional References" and "Appendix," be made part of my remarks already offered at

⁶ See "Community Voices of Opposition," per www.nohospitaldowntown.com/voices.php

⁷ See "Index of Issues," per www.nohospitaldowntown.com/index-of-issues.php

⁸ See "Astroturfing," per www.nohospitaldowntown.com/astroturfing.php

⁹ See, "Officials: Email about Utica hospital wasn't attempt to rig site study" <https://www.timestelegram.com/news/20181210/officials-email-about-utica-hospital-wasnt-attempt-to-rig-site-study>

¹⁰ See, Additional References, citation #4, "Clark Decision"

¹¹ See "Proposed Project", per

<https://www.facebook.com/photo.php?fbid=3900194316708964&set=p.3900194316708964&type=3>

the December 23, 2020 Public Hearing¹²- to all be used and answered within the subsequent “Findings and Determination” proceedings.

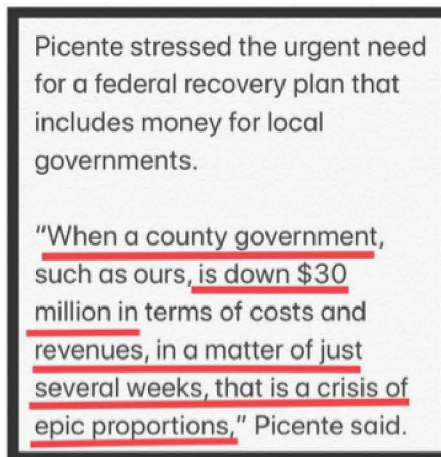
In closing, I fully understand stopping eminent domain in NYS is very difficult, but I hope my comments WILL NOT be quickly disregarded out-of-hand as “not pertinent,” Please consider my over 5-years investigating the hospital project. It has been out of deep caring and concern for Downtown Utica’s long-term redevelopment. An immense amount of study in downtown urban developments (here and in numerous other cities), as well as researching urban hospitals, especially those benchmarked by MVHS¹³ was completed. The proposed parking garage as not ideal, for the hospital being built in downtown, nor for Downtown Utica’s development. It should be reconsider, as should the use of eminent domain by Oneida County.

B. Comments

1. Oneida County’s Budget Cannot Afford the Project

Oneida County and taxpayers are in a very poor position to fund this project. Consider, “Coronavirus: Picente calls for federal relief for local governments”

<https://www.uticaod.com/story/news/coronavirus/2020/07/22/coronavirus-picente-calls-for-federal-relief-for-local-governments/113413402/>



There are numerous other media reports where the County Executive explains dire budget problems. For example, Picente’s request for federal money went to Washington with this statement, “a threat of layoffs and more joblessness” and explained Oneida

¹² See, “Oneida County’s Public Hearing Transcript”, per <http://betteruticadowntown.com/oneida-county-public-hearing-on-executive-picente-eminant-domain-threat.php>

¹³ See, “MVHS Benchmarking Hospitals,” per www.nohospitaldowntown.com/mvhs-benchmarking-hospitals.php

County's budget has "dried up". On June 4, 2020, per the UticaOD¹⁴, Federal funding requests were broken into sections, but two sections clearly indicate Oneida County needed money and also wanted to build a "MVHS parking garage"...

Economic Development

\$30M MVHS parking garage

\$37.8M Marcy Nanocenter

Transportation

\$11M Intelligent transportation systems for

Oneida & Herkimer counties

This request was further covered on June 25, 2020 as New York State Counties sought Federal help, see "Counties Renew Call for Federal Funding in Response to Report Warning that Millions of Jobs May be Lost Without Further Stimulus"¹⁵ Oneida County cannot afford this project, eminent domain should be halted.

Oneida County does not have the cash to build the garage, it would come from additional bonding and supported by taxpayer debt. Per this story,¹⁶ "Oneida County earmarks \$500,000 for downtown hospital parking garage" we read,

"Envisioned as a shared endeavor between the city and county, the county is taking the lead on funding, with plans to borrow for a majority of the costs."

The county's finances were not strong enough to build a garage without financing, and today the virus makes this much more evident.

2. City of Utica's Budget Cannot Afford the Project

Robert Palmieri, Mayor City of Utica Mayor made a Memorandum of Agreement (MOA)¹⁷ to fund a Mohawk Valley Health System (MVHS) parking garage with Oneida County and MVHS. It was signed by the mayor on August 21, 2017. It was used by MVHS to advance the application to New York's Department of Health in order to prove the

¹⁴ June 20, 2020 – "Oneida County Goes To The Top For Help With Infrastructure"

<https://www.uticaod.com/news/20200626/oneida-county-goes-to-top-for-help-with-infrastructure>

¹⁵ New York State Association of Counties press release, https://www.nysac.org/blog_home.asp?display=974

¹⁶ "Oneida County earmarks \$500,000 for downtown hospital parking garage," per

<https://www.uticaod.com/news/20180808/oneida-county-earmarks-500000-for-downtown-hospital-parking-garage>

¹⁷ Memorandum of Agreement (MOA) Between City Of Utica, Oneida County, and MVHS, see

<http://nohospitaldowntown.com/city-of-utica-county-of-oneida-mvhs-moa.php>

hospital project was completely funded and a Certificate of Need (CON)¹⁸ would be issued.

However, since then Common Councilmembers have stated the City cannot afford it. According to WKTV, Fourth Ward Councilman Frank Meola says he doesn't think the city can afford their portion. "I don't think we'll be able to afford the \$300,000. We don't have it. I'll tell you right now we do not have...the money for that parking garage,"¹⁹

Furthermore, numerous stories in the Utica news have reported on multiple existing downtown parking garages facing very expensive repairs, for example "Officials: Utica parking garages need major repairs"²⁰ which reads,

*"To repair the Washington, Utica Place, Kennedy and City Hall parking garages, Stantec estimates **it will cost between \$15.5 million to \$20.5 million.** The low end cumulative cost includes no contingency; the upper range of the estimate includes 20 percent contingency and 10 percent for soft costs."*

Also, per a City of Utica debt schedule²¹, parking garages already significantly impact Utica's budgets for many years to come.

Early math that related to the hospital's cost, and this Project, and how it was advantageous to Utica's budget was poor and unrealistic. For example, Mr DiMeo of MVEDGE, supplied a spreadsheet²² to the Utica Common Council, one projection it offered was inaccurate and misleading, blatantly deceptive, for instance "Taxable Sales" and formula "3,500 x \$15.00 x 365 days." There will not be 3,500 employees in downtown 365 days per year. And as notes indicate on the spreadsheet, numerous current hospital employees (Faxton, St. Elizabeth, and even those at St. Luke's) are probably already spending money in Utica, so the forecast offered is even less accurate.

Additionally, from the time when taxpaying business were removed from Utica's tax base, until a time when taxable sales (and an unknown taxpaying MOB arrives), it will

¹⁸ "Certificate of Need Blog", see links at <http://nohospitaldowntown.com/con.php>

¹⁹ "Future funding for downtown hospital parking garage uncertain until budgets finalized", per <https://www.wktv.com/content/news/Future-funding-for-downtown-hospital-parking-garage-uncertain-until-budgets-finalized-573070501.html>

²⁰ "Officials: Utica parking garages need major repairs" per <https://www.uticaod.com/news/20200126/officials-utica-parking-garages-need-major-repairs>

²¹ MVEDGE's City Debt Schedule, per <http://www.nohospitaldowntown.com/images/2-mvhs-ccp-spreadsheet.jpg>

²² MVEDGE's "Estimated- Revenues & Avoided Cost – City of Utica" spreadsheet per, <http://www.nohospitaldowntown.com/images/mvhs-edge-math-on-downtown-utica-hospital-concept-revenue-and-avoided-costs.png>

more likely five years (or more) of lost revenues- NOT the three years of hospital construction time as Mr. DiMeo offered²³ to city legislators.

To illustrate that City of Utica legislators were made to believe they had no authority on the hospital, and this Project, listen to Common Councilmember Mark Williams speak during a South Utica Neighborhood Association meeting...

Mark Williams, Common Council at Large, December 17, 2017

<https://www.facebook.com/commoncentsnewyork/videos/739428679600785>

To further show that City of Utica officials were missing the true impacts of the hospital and this Project, Michael Galime, Common Council President warned, "We have a lot to lose"...

Michael Galime, Common Council President, January 19, 2017

<https://www.facebook.com/mikeforutica/videos/625723570962804>

Ask any member of the Utica Common Council²⁴ today, and you'll find answers on the impacts to the City of Utica's budget remain missing and unknown. With "the virus" of 2020-2021, municipal budgets are even more perilous and unpredictable. Finally, looking at the famed "Pink House" eminent domain case, in "Kelo v. City of New London"²⁵ where a neighborhood was eliminated, private owners removed, only to have the intended project canceled due to an economic downturn.

3. MVHS 's Budget Cannot Afford the Project

More recently officials have tried to separate MVHS from this proposed Project. What was first clearing parking garage(s) for a new downtown hospital, in more recent months MVHS is not immune from their influence on it, nor impact and outcomes to the downtown environment.

MVHS has the implications of paying the would be operation and maintenance costs²⁶ of the proposed Project, thus making them and their finances party to this eminent domain proceeding...

²³ MVEDGE's "MVHS Downtown Hospital Project" per, <http://www.nohospitaldowntown.com/images/1-mvhs-ccp-spreadsheet.jpg>

²⁴ Utica Common Council, per <http://www.cityofutica.com/government/common-council/index>

²⁵ "The Little Pink House, 15 Years Later," per <https://www.theamericanconservative.com/articles/the-little-pink-house-15-years-later>

²⁶ From "County says it will pay 60% of Utica parking garage cost," per <https://www.uticaod.com/news/20170810/county-says-it-will-pay-60-of-utica-parking-garage-cost>

“The health system has pledged to handle the costs of operating and maintaining the garage, and would receive any parking revenues to offset those costs.”

MVHS hospitals have not been reliably profitable²⁷, and this was before the new downtown hospital started. During the promotional talks, the MVHS CEO projected a new and single hospital would provide MVHS with “\$15M to \$17M is efficiencies.”

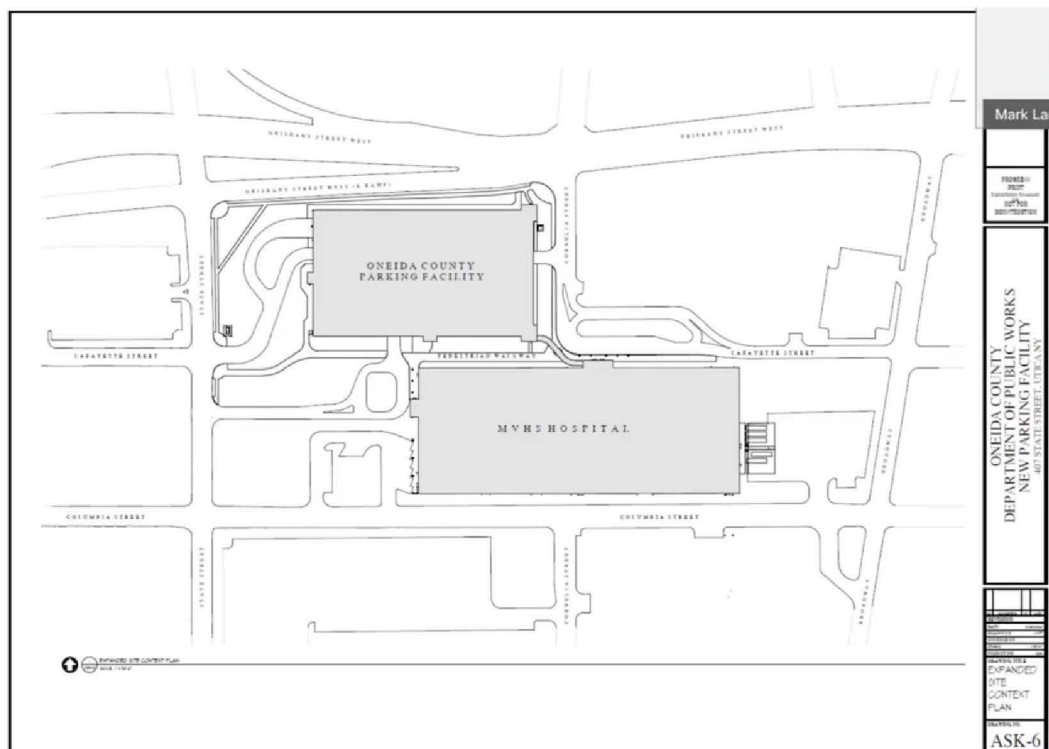
Scott Perra, MVHS CEO, speaks to Oneida County Legislature, May 14, 2017

<http://nohospitaldowntown.com/audio/new-hospital-in-black-maybe-but-theres-big-bogies.mp4>

In 2016 MVHS looking to add \$98M²⁸ to their debt for construction of a new downtown hospital, but in the fall of 2019 they borrowed \$ and now owe \$15M+/- every year to bondholders until 2049. But the plan changed and elements of each of the three hospital campuses will remain, so one integrated hospital is forecasted to have four footprints.

4. Oneida County Project Site Plan, Drawing No. ASK-6

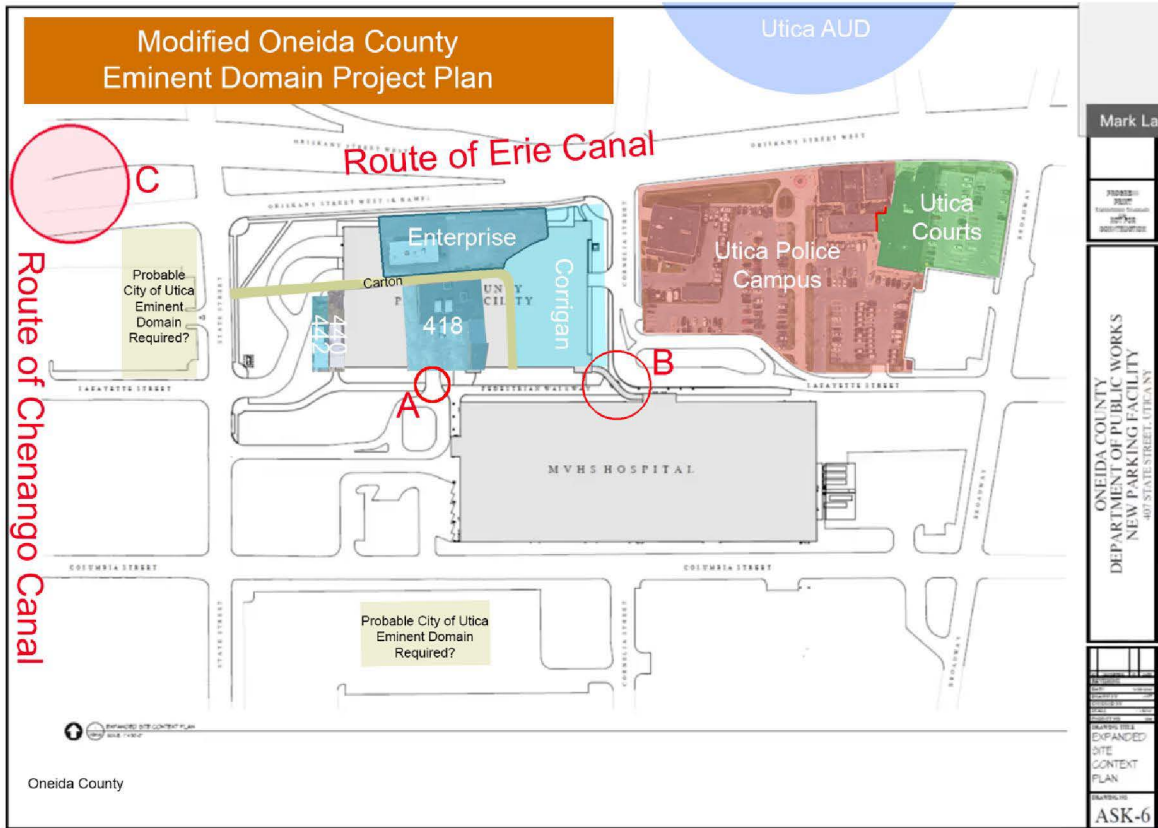
The site plan was very basic and did not reveal much detail...



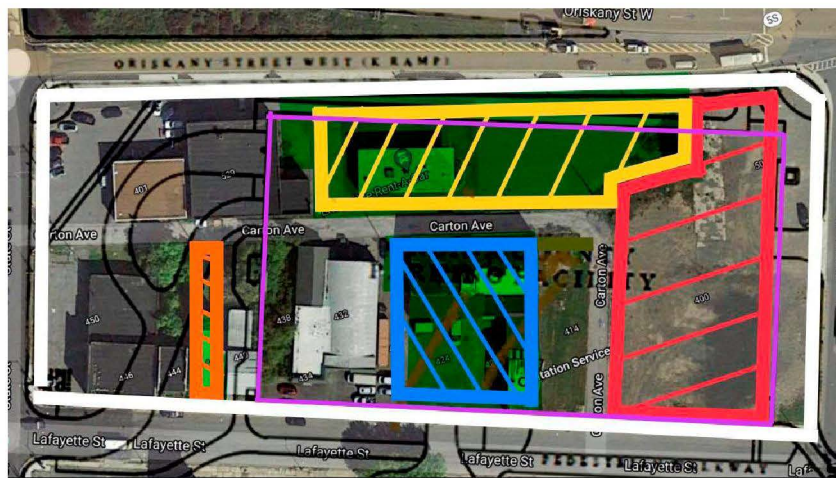
²⁷ “IRS 990 Tax Forms Utica Hospitals & MVHS,” per <http://nohospitaldowntown.com/990.php>

²⁸ “Health system to appraise downtown site,” per <https://www.uticaod.com/news/20160808/health-system-to-appraise-downtown-site>

I have added elements to this site plan that I feel are important to this proceeding...



The targeted Project area is a historic area, one of Utica’s oldest neighborhoods, where once the paths of the Erie and Chanango Canals converged, see “C”. As one sees comparing the footprints of the parking garage structure in both site plans, “most of the land” where the proposed parking garage is shown, is not owned by Oneida County, it is 60% (or more) is privately owned, i.e. the 418, 442, Enterprise, and Corrigan properties. Another illustration shows this as well...



Why did Oneida County not show the Utica AUD/Nexus Center, Utica Courts, as well as the Utica Police Campus in their site plan? Why wasn't the Utica Police Campus named as one of the "public needs" by Oneida County? The Utica Police building is physically connected to the courts, and as shown, the new hospital consumes (and reduces) the police department's parking. Numerous media stories²⁹ reported on the police station's relocation, and the city has paid for relocation study. If the station is to be moved, a parking facility opportunity unfolds making this eminent domain process even more unjustifiable.

Per EDPL, Article Two, Section 203, paragraph one reads, "...property descriptions of the property to be acquired and adjacent parcels." Oneida County has provided no description or the impacts on adjacent parcels; the old "Columbia Bar" at the corner of State and Columbia, the historic German Athletic Hall on Lafayette Street, nor the archeological assets possibly buried along the meeting place of the Erie and Chenango Canals. Even the MVHS SEQR Review wasn't able to complete this inventory and it appears Oneida County made no effort, and is in violation of state SEQRA laws.

5. NOT a "Public" Project

In the last figure above, circles "A" (a driveway) and "B" (an elevated pedestrian bridge) show connections between the new MVHS hospital grounds and this Project. While the Utica AUD is further away and on the opposite of the very busy Oriskany Boulevard.

I believe locals bundled their needs for AUD parking, with MVHS 's new hospital, so Albany and MVHS would foot their parking bill. In fact it is why the new hospital concept was pushed into downtown. But MVHS's weak financials prevented them to pay for two or even one parking garages. Unable to get the hospital funded, locals began separating the parking garage as they pushed for Oneida County taxpayers to pay the bill.

As MVHS advanced plans for a downtown hospital, funding was a worry. In fact the new hospital story only started when local leaders told Utica hospital administrators, "Albany has money for a new hospital." Oddly residents never saw a plan for a new hospital, never heard our hospitals' physical plants were unantiquated, nor ever seeing a list of code violates. For year I have been waiting for the NYS Department of Health to supply a copy of such a study, but for years after my first letter they've stalled³⁰ since June 2016, and have sent "FOIL extension" requests continuously- with the latest one dated, January 7, 2021³¹.

²⁹ See "Utica's Police Station," per www.nohospitaldowntown.com/utica-police-station-another-excuse-for-a-downtown-hospital.php

³⁰ NYSDOH's first FOIL response: <https://twitter.com/NoHospitalDwtn/status/741809387195486208/photo/1>

³¹ NYSDOH's latest FOIL response letter: <https://pbs.twimg.com/media/EsZYJmW4AA936o?format=jpg&name=large>

The MVHS board controls two hospitals that lose money on the services they provide, and historically have million dollar losses- only showing profits if investment funds are moved between accounts. As a result, the MVHS board only voted for downtown when another unanimous vote was casted stating, "In the event the downtown site proves not to be financially viable, we will move on to our second site option at the St. Luke's campus, which the board feels will also serve the community well,"³² For 4-5 years throughout the Utica-Rome news residents have read headlines like this, "**Oneida County earmarks \$500,000 for downtown hospital parking garage,**" as story after story always portrayed the downtown garage as a "hospital garage".³³

In another 2018 reporting, a caption reads "**About the proposed hospital**" and states **the parking garage is part of the hospital and in "their" footprint ...**

About the proposed hospital

- **Estimated cost:** \$480 million
- **Campus size:** 25 acres
- **Also on the campus:** Parking garage, five parking lots, medical office building (to be built by private developers)
- **Location:** Neighborhood of Oriskany, Columbia and State streets, and Broadway

See, "[Utica hospital secures \\$180 million loan.](#)"

Early talks called for a hospital, **two parking garages**³⁴, plus at least one (privately owned) Medical Office Building (MOB). The hospital was going to pay for everything beyond Albany's promise of \$300 million. Later, on November 3, 2016, the hospital shrunk in both size and cost. At the time, in 2016, their \$27 million parking garage or garages were off-loaded to other "interested parties."³⁵

In 2016 Utica-area residents read this newspaper passage³⁶...

³² "Downtown Utica location top choice for new hospital" per <https://romesentinel.com/stories/downtown-utica-location-top-choice-for-new-hospital,42077>

³³ "Oneida County earmarks \$500,000 for downtown hospital parking garage," per <https://www.uticaod.com/news/20180808/oneida-county-earmarks-500000-for-downtown-hospital-parking-garage>

³⁴ "Community forum next week to discuss downtown hospital," per <https://www.uticaod.com/news/20170103/community-forum-next-week-to-discuss-downtown-hospital>

³⁵ "Downtown Hospital Price Tag Downsized," per <https://www.uticaod.com/news/20161103/downtown-hospital-price-tag-downsized>

³⁶ "Health system to appraise downtown site," per <https://www.uticaod.com/news/20160808/health-system-to-appraise-downtown-site>

The Mohawk Valley Health System has chosen three firms to conduct appraisals of the downtown Utica properties that sit in the area proposed for a new hospital. "We want to begin the valuation of the downtown properties as we anticipate it will take three to six months to complete the appraisals," said health system President/CEO Scott Perra in a news release. "We have been working with Mohawk Valley EDGE, which will be the entity who will retain the appraisal firms and assist MVHS in the valuation process. EDGE will manage the outreach and scheduling with property owners and assist us in the formulation of our acquisition strategy." The appraisal will include private properties between Oriskany and Columbia streets, Broadway and Route 12, as well as properties on the far side of Columbia Street. The properties bounded by Oriskany, Columbia, Broadway and State Street are all expected to be included within the hospital footprint. Properties on the other side of Columbia and between State and Route 12 are under consideration as sites for a parking garage or two and a medical office building, but it's still not certain how many of those properties will end up being included in the plan. Letters have been sent to affected property owners informing them of the appraisal process and timeline, hospital officials said.

This passage clearly shows the property for this Project was being purchased for a parking garage (or two) for a private hospital. [Note: At this time there was a "single" new hospital "footprint" It later became "two footprints," and still later it became "three footprints." This as MVHS had to reduce their "new hospital footprint" to ONLY describe land and parcels required for the new hospital's main structure³⁷, as a way to obtain, what I continue to suggest was a fraudulent site plan approval process.

In 2017 we read, *"It has been made clear in recent meetings to both the city and county that without the garage, there is no \$480 million hospital."*³⁸ **Clearly this was a parking garage for a privately owned hospital system.** Placing a point on this, one morning the Utica newspaper headline rang out, **"No Garage, No Downtown Hospital"**³⁹ Citizen closely followed the story of all parking related stories in downtown, the proposed hospital, and beyond.⁴⁰

³⁷ "Downtown Utica hospital site plan approved," per <https://www.uticaod.com/news/20190919/downtown-utica-hospital-site-plan-approved>

³⁸ "County says it will pay 60% of Utica parking garage cost," see <https://www.uticaod.com/news/20170810/county-says-it-will-pay-60-of-utica-parking-garage-cost>

³⁹ "Warning to city: No garage, no new hospital" <https://www.uticaod.com/news/20170725/warning-to-city-no-garage-no-new-hospital>

⁴⁰ "Hospital Parking: Surfaces, Garage, Oh the Cars!," see www.nohospitaldowntown.com/parking.php

The public has always been told this was a “**hospital parking garage**”, see the story, See, "Appraisals finished for hospital parking garage properties."⁴¹

Then there is the traffic study within the MVHS SEQR FEIS⁴², hundreds of pages, but the SEQR was not for the parking garage per a MVS lawyer. So where is Oneida County’s SEQR and their traffic analysis? Also, what roadways in and around the proposed parking garage changed? Were traffic studies adjusted by a private company’s vendors, but adopted by Oneida County?

Also, two hospital garages became one hospital garage, and still another Utica concept shown below, offered to place a garage at the Utica “AUD.” This concept makes sense as it would keep; the teams, fans and visitors on the northern side of the very busy Oriskany Boulevard, City Hall’s concept:



Baseball, Parking Garage, Apartments

Opened in 1960, the AUD is a 3,860-seat arena with capacity for 5,700 concert-goers.⁴³ The newly expanded property has very little dedicated parking, just a small lot with the majority of parking done on surrounding city streets and lots. Much of this capacity has been wiped out by the new hospital construction and street abandonments/closings.

⁴¹ <https://www.uticaod.com/news/20200508/appraisals-finished-for-hospital-parking-garage-properties>

⁴² MVHS FEIS, Appendix D, “Traffic Impact Study Addendum” <http://nohospitaldowntown.com/pdfs/feis/x-feis-appendix-d.pdf>

⁴³ The Utica Memorial Auditorium (AUD), now the “Adirondack Bank Center.” See https://en.wikipedia.org/wiki/Adirondack_Bank_Center

Newly expanded box seats, a new restaurant, the partially constructed Nexus Center⁴⁴, and planned “U District”⁴⁵ is creating growing parking demands.

It’s clear the AUD’s parking needs were bundled with a proposed hospital’s needs. AUD-centered managers apparently attempted to use the new hospital (and Albany’s deep pockets) for funding purposes. However the parking garage(s) and hospital project were “segmented” when MVHS had funding troubles. New York’s SEQRA laws cover issues regarding, for example see “Cumulative Impacts and Segmentation”⁴⁶

The Utica media’s positive reporting has been declaring “hundreds of thousands of visitors” with new AUD-based expansions, however the parking plans have never been comprehensively shown nor rationally explained.

Lastly, yes the AUD is a municipal building, however the revenues vastly flow to private operators. One only as to compare payrolls of MV Gardens (It’s subsidiaries) vs. AUD authority and government share of revenue. It’s an entertainment complex and private individuals and their businesses are deriving the revenue, not taxpayers. Oneida County’s claim this a “Public” Project is dubious.

It is also troublesome that Mr. Rayhill incorrectly stated “Most of the land where the garage will be built has been acquired.” This appears untrue and misleading. Furthermore Legislator Julian reported, it was difficult to find out about this public hearing, and nothing was placed into monthly informational packets send to the Oneida County legislators. Many facts have be hidden, not addressed, and Oneida County appears to be using significant obfuscation in matters very material to this Project.

6. 442 Lafayette Street (442)

The parcel and building at 442 Lafayette Street⁴⁷ is historically significant and eligible to on the National Register of Historic Places, per the MVHS SEQR Review. It is a mid-1800’s row house (circa. ~1835), is nearly as solid as day it was constructed. The backyard opens to an Erie Canal-era cobblestone street, Carton Avenue.

Per the Greater Utica Landmarks Society:⁴⁸

*“[442] is one of three remaining townhouses on a thoroughfare once lined with similar dwellings. **These three structures [now***

⁴⁴ Nexus Center, see <https://nohospitaldowntown.com/nexus.php>

⁴⁵ U District, see <https://nohospitaldowntown.com/u-district.php>

⁴⁶ “Cumulative Impacts and Segmentation” (PDF) <https://www.nyenvlaw.com/wp-content/uploads/2014/11/Cumulative-Impacts-and-Segmentation.pdf>

⁴⁷ 442 Lafayette Street, www.betteruticadowntown.com/442-lafayette-street.php

⁴⁸ 442 Lafayette Street, The Bington/Isele House (Circa.1835), By Michael Lehman, AIA,per www.betteruticadowntown.com/442-lafayette-history-of.php

only two] are the last evidence of their existence. They are part of only a handful of examples of early-19th century residential buildings remaining in Utica.”

And per MVHS’s SEQR FEIS:⁴⁹

*“More specifically, a Phase IA archaeological investigation was completed for the Project area, resulting in a finding that **the Downtown Site is sensitive for pre-contact archaeological sites and a variety of historic archaeological resources, including a historic site (442 Lafayette Street)**. A Phase IA architectural survey of existing buildings within the Downtown Site was also conducted, resulting in a finding of 49 architectural resources, including a portion of the Downtown Genesee Street Historic District (which is listed in the State and National Register of Historic Places), three contributing buildings to that historic district, and ten other buildings eligible for inclusion in the State and National Registers. See generally, DEIS Section 3.6 & Appendix E.”*

The 442 building is solid and some interior work was been started. A full historical restoration only awaits the outcome of what I knew would be a battle against eminent domain.⁵⁰ See Appendix II for a photograph.

Hopes were that the new hospital architects would reach out and desire to integrate 442, 418 and Carton Avenue into the campus design.⁵¹ While more could have been done to make 442’s exterior more appealing, I had zero confidence investing \$10,000 or \$50,000 to do further exterior renovations would motivate my opponents from deciding to save the property. I believe this because backing of the hospital and MVHS have already bulldozed what were totally functional historical building, for example...

The former Wilcor building on Lafayette Street:

<https://pbs.twimg.com/media/EOP5WnyXUAI3nus?format=jpg&name=900x900>

⁴⁹ MVHS’s SEQR FEIS,” (PDF) per www.nohospitaldowntown.com/pdfs/mvhs-final-environmental-impact-statement-combined-3-21-19.pdf

⁵⁰ “Downtown hospital opponent: I’m ‘buying myself a lawsuit’”, per <https://www.uticaod.com/news/20180226/downtown-hospital-opponent-im-buying-myself-lawsuit>

⁵¹ “County prepares for eminent domain in Utica hospital project,” per <https://www.uticaod.com/story/news/2020/09/24/county-prepares-for-eminent-domain-in-utica-hospital-project/42685253/>

Finally the purchase of 442 was done to save this historic building⁵² and others too. It was also just one of many tactics used to save as much (or all) of the “Columbia Lafayette Neighborhood”⁵³ as we could- by motivating the hospital to build elsewhere.

Two websites, [#NoHospitalDowntown](#) and [BetterUticaDowntown](#), plus over \$100,000 dollars was personally spent trying to keep the new hospital on what I coined, but is very factually, the current Oneida County Medical District.⁵⁴ My comments here and in opposition to this current Project remains to save 418, 442, and Carton Avenue, all key assets to Utica’s Erie Canal past.

7. 418 Lafayette Street (418)

My friend and neighbor on Lafayette Street, Joe Cerini has placed twenty-years of care into his building at 418 Lafayette Street.

NY’s EDP laws, [Article 3, Section 303](#), reads... **“In no event shall such amount be less than the condemnor's highest approved appraisal.”** Oneida County has worked hand-in-hand, as has their agent MVEDGE, to carryout appraisals with and for MVHS. Owner of 418 had a much higher offer from MVHS, which was not offered by Oneida County, and as a result these parties negotiated in bad faith and did not meet this statute.

The owner’s buildings should be preserved. They date back to the Erie Canal and offers Utica a chance to recreate celebrate the city’s heritage as home to furnace and boilermakers, see [“Utica Boilermaker?”](#) to learn that “Carton Boilers”, were produced in Columbia Lafayette neighborhood during the 1800’s, Joe’s building played a role!



Citation Services, looking southwest from Oriskany Boulevard, 2018

⁵² “Downtown Utica hospital opponent buys property,” per <https://www.wrvo.org/post/downtown-utica-hospital-opponent-buys-property-prevent-it#stream/0>

⁵³ The Columbia Lafayette Neighborhood (CoLa), per www.betteruticadowntown.com/cola.php

⁵⁴ The “Oneida County Medical District,” per www.nohospitaldowntown.com/ocmd.php

The front of his building was first Coles Hotel and then a showroom for The International Heater Company. The picture above is worth saving and can add the hospital neighborhood if only officials were willing.

Historic preservation⁵⁵ is a known economic driver. A mixed use neighborhood is much more ideal when creating a downtown neighborhood, much more so than a homogenous hospital "healthcare only" district.

Oneida County as not addresses the environmental issues that SEQR requires, and in doing so they failed to realize what preserving history can do for municipal budgets, consider...

"Cities and towns that have embraced their heritage and allowed it to remain often take on a vibrant, eclectic feel, a trick that could not be pulled off in a new construction by the cleverest architects."

This passage is from, "[National Park Service Historic Preservation Economic Impact.](#)"

Utica has an opportunity, Oneida County has an opportunity. In Utica on June 10, 1898, The International Heater Company was organized by merging five firms: Russel Wheeler & Son, est. 1842 The Carton Furnace Company, est. 1847 J. F. Pease Furnace Company, est. 1870 Howard Furnace Company, est 1888 Kernan Furnace Company, est 1890. **At the time Utica was said to be the largest producer of heating equipment for homes and businesses.**

The 418 buildings are poised to become a greater historical asset for residents, and tourists, and even an attraction for who access the new hospital. The rear of 418 forms one side of Carton Avenue, an original and restorable cobblestone street.

8. Carton Avenue

Named after the founder of the [Carton Furnace Company](#), Carton Avenue is perhaps the last of Utica's original streets.⁵⁶ While paved-over, cobblestone are visible and could be resurrected. Carton Avenue, and infill developments, could create a powerful attraction along with 418 and 442.

Consider, "the terms "adaptive reuse" and "infill development" reveals a wide range of award-winning projects across the country reflecting just such a collaborative

⁵⁵ See our research on, "Preservation", per www.nohospitaldowntown.com/preservation.php

⁵⁶ See, "The Streets of Downtown Utica's CoLa Neighborhood," per www.betteruticadowntown.com/the-streets-of-cola.php

approach.”⁵⁷ NBBJ, MVHS, and now Oneida County are missing a great opportunity. Eminent domain should be called off and the proposed Project’s design and implementation revisited.

Finally were the laws abided by correctly, did the City of Utica, MVHS, and Oneida County convey the Carton Avenue land properly? This will become an issue if I must take legal action against Oneida County Project, as well as other land/parcel transfers.

9. Federal Funding?

Federal laws and Federal funding, Utica-area Congressman Brindisi states, “...**this project will provide easier access for residents and generate real economic development downtown.**”⁵⁸

MVHS has stated that money from the Federal government’s “CARES” Act allowed them to meet “bond obligations,” this makes hospital and related components a federal project. “[The Federal Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#)” was passed by Congress and signed into law on March 27, 2020. This, along with Oneida County request for Federal funding of the Project, seem very relevant to and future legal challenge to this eminent domain effort by Oneida County.

10. “Grabbing Land” for Future Private Businesses

The Oneida County Executive states, “hospital looking at future growth, in their best interest to get it now, than later...” listen-in at minute 19:55...

Anthony Picente talks about Downtown Utica Hospital

<https://www.youtube.com/watch?t=829&v=rfOEPHOL51A&feature=youtu.be>

The threat of eminent domain has displaced private businesses only to make way for future private businesses. This is not what eminent domain was intended for and will scare developers away from the city and county, because who could say who’d be next?

11. Neighborhood Mischaracterized, Environmental Impacts Ignored

According to EDPL, Article Two, Section 204, paragraph (3), one reads “...the general effect of the proposed project on the environment and residents of the locality;”

⁵⁷ See, "Infill housing on historic sites? Preservationists say 'yes, in our backyards.'," per https://napavalleyregister.com/opinion/letters/infill-housing-on-historic-sites-preservationists-say-yes-in-our-backyards/article_45c8203a-89cf-585e-8f27-c3895b638c84.html

⁵⁸ See, “Brindisi welcomes groundbreaking new Mohawk Valley health system medical center,” per <https://brindisi.house.gov/media/press-releases/brindisi-welcomes-groundbreaking-new-mohawk-valley-health-system-medical-center>

Oneida County has failed to explain the impacts on the environment and residents. Oneida County has made no attempt to explain the neighborhood's history and archeological assets, and appears to have skipped this and buy into the mis-characterized of the few remaining buildings. Where is the Project's SEQR Review, all it entails and the necessary public hearings? The new hospital has destroyed much, but the effects of this proposed Project would do more damage that is totally avoidable,

The Columbia Lafayette neighborhood had 40+ businesses and many investments had and were being made. Joe Cerini (party to this proceedings and owner of 418 Lafayette Street) and his son were staging a fitness center business and an Italian restaurant, however the hospital project and threats of eminent domain halted these plans. Many other investments and projects were listed and a total investment was being complied, see "Developments & Investments: Downtown Utica Neighborhoods,"⁵⁹ as well as "Downtown Utica Development Stories"⁶⁰

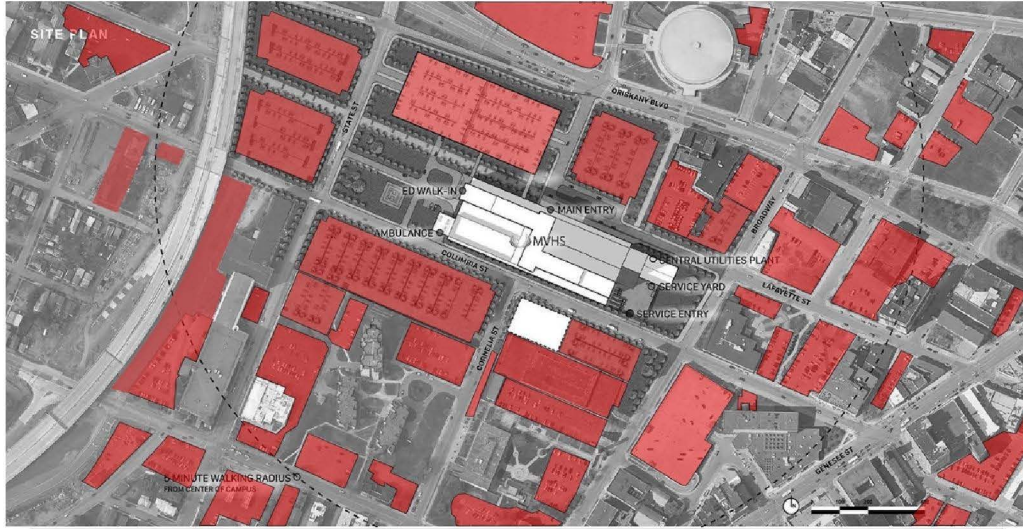
Unfortunately these good stories were overrun by the \$300M and a big hospital project. It is my belief Downtown Utica was better without the hospital project and still has a chance to save history by relocating the huge parking garage, or splitting the uses so the AUD/Nexus have a parking faculty and the hospital has a smaller and more compact foot print.

12. Too Much Parking, Too Many Building Already Lost

As shown below in red, the image illustrates existing or planned parking facilities. Knocking down more buildings, especially ones that have historical and tourism potential, is unwise. Oneida County should not use eminent domain, but instead allow parcels 442 and 418 to remain and be redeveloped. Doing so would allow Utica-Rome residents and tourists from afar, a chance to experience, feel, and live Utica's historic past.

⁵⁹ "Developments & Investments: Downtown Utica Neighborhoods," per www.nohospitaldowntown.com/developments.php

⁶⁰ "Downtown Utica Development Stories," per <http://nohospitaldowntown.com/downtown-utica-development-stories.php>



Downtown Utica Parking: Colorized hospital site plan

13. Alternative Parking Facilities/Designs Possible

Eminent Domain is not required, as shown above (Fig. 1, Comment number 5) and below other designs and proposed parking garage solutions are possible. In Comment 14 below, the City Court has its own parking and other better option than the proposed Project. In the online hearing portion of this Project, Oneida County’s Mr Laramie stated, “No other location under consideration could realistically serve all these facilities.” Okay, “under consideration,” but it clearly possible other locations do exist surround the hospital, AUD and City Courts, see below.

14. Traffic Congestion- Where is the SEQR?

The public was told the new downtown hospital SEQR was not for the parking garage at the first SEQR Public Hearing. Has traffic truly been addressed? Consider,

*“Echoing statements made at the Feb. 12 Oneida County Board of Legislators meeting by Utica Comets President and Mohawk Valley Garden CEO Robert Esche, Zemsky said **Nexus is expected to hold 24 hockey and 26 lacrosse tournaments and bring in over 300,000 people from around the northeastern United States and Canada.**”*

This is from a press release at [“Groundbreaking Held at Nexus.”](#)

And then Oneida County Executive states,

"I'm concerned about it, obviously," says Oneida County Executive Anthony Picente, Jr. " ...People are going to have to walk a little further, or maybe there's some shuttle things we can work in conjunction with the city and the Aud Authority to do. So... I think we've got to see what happens first."

This from news story titles "[Few On-Street Parking Spaces for Comets Home Opener](#)"

15. Public "Need"?

The public "need" is dubious, for a number of reasons; first the hospital system is made up of private entities; MVHS is a private nonprofit, so are the two separate hospitals and other entities they manage. The tax returns of both hospitals and MVHS are offered and reveal their EIN numbers and financial results.⁶¹ Citizens have had very little visibility of plans and studies, and current status of their hospitals' financials. The CEO are on record saying they are private and did not need to disclose their "new hospital site study" (most likely funded by MVEDGE via Oneida County taxpayers), nor their "hospital reuse study." When they made the study public, they had no details, just a descriptive paragraph and a single photo for each of four campuses.

The revenues generated at the AUD largely flow to privately held management entities and operations they control. The proposed Nexus Center is not charging tickets.

The Utica Courts have a dedicated parking lot, as shown below. There is street parking on Broadway. Also, more recently, a new city parking lot was added at the corner of Broadway and Oriskany Boulevard. Current enhancements underway are adding more parking lots as well. Finally there is a vacant lot on the corner of Washington and Lafayette Streets...



⁶¹ "IRS 990 Tax Forms Utica Hospitals & MVHS," per <http://nohospitaldowntown.com/990.php>

15. Why am I fighting this to the bitter end?

I fear the hospital project, if given “free rein”, will act as has St. Elizabeth and Faxton have (and countless, if not every urban, hospital have) they will eat further-and-further into their neighborhoods. They consume more historical buildings and community character in the name of healthcare and development. This was NOT in Utica’s Master Plan. Meanwhile, MVEDGE created economic justification for Utica by stating three MOB would offset income from 40+ former businesses. Where is the study of those impacts. Downtown Utica was better without the hospital, and will be better without this parking garage Project.

16. Environmental Impact, Carton Avenue

Carton Avenue, is of broken asphalt, and cobblestones below. What happens with cobblestone vs. a massive concrete catchment pad (a parking garage) in rainy weather? MVHS claimed their hospital project satisfied rainwater runoff, storm water drainage, etc., but what of a parking garage that wasn’t yet designed and NOT part of the MVHS concept or SEQR review process? What of the oil and gas consuming vehicles, perhaps electric vehicles (their charging station’s components), and impacts on the environment? What of the salt debris-collecting winter traffic deposited in the garage? Where has Oneida County fulfilled their SEQRA requirements for their Project?

17. Necessary?

Per EDPL [Article 3, Section 301 on Policy](#), “The condemnor, at all stages prior to or subsequent to an acquisition by eminent domain of real **property necessary for a proposed public project** shall make every reasonable and expeditious effort to justly compensate persons for such real property by negotiation and agreement.”

As others have during the online public hearing, I’d like to challenge Oneida County regarding the word “necessary,” where is the data supporting the parking needs at the City Courts? As shown above, they have options without eminent domain. What is the status of the police station? As the AUD expands, Nexus Center, U District, it appears that public use should be located on the north side of Oriskany Boulevard. Thousands of people traversing this business road seems unwise.

19. Prevesting Discovery

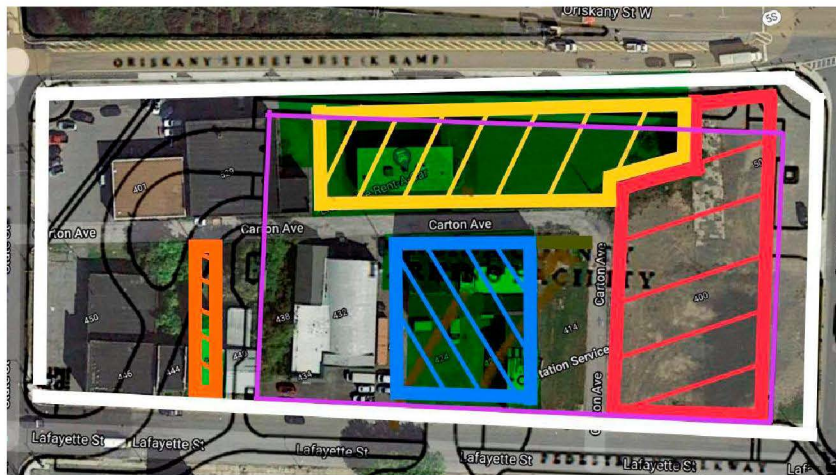
According to [EDPL Article 3, Section 302](#), Appraisals; prevesting discovery, “In order to adequately prepare such appraisal upon which the condemnor's offer is based, the condemnor shall have the right to inspect such property prior to vesting.” Oneida County has not seen, nor has its appraiser seen the interior of 442, nor its grounds? Built

in 1835, there are likely archeological assets to investigate. I believe Oneida County has once again failed to abide by NYS's SEQRA laws.

20. Unequal Treatment

Per EDPL, [Article 2, Section 101](#), the law reads "...to establish rules to reduce litigation, and to ensure equal treatment to all property owners." Oneida County violated the EDP law here and used "unequal treatment." I have heard a "deal" was offered to the owner of the Enterprise parcels, it was to allow them to remain and become part of the proposed Project. Myself and others were not made such an offer. Additionally, offering Enterprise to become part of the Project would add a new number of employees, vehicles (those of Enterprise staff and customers), as well as vehicular traffic not part of any traffic studies, thus making any traffic studies obsolete. Oneida County has acted illegally and in bad faith.

To this point, the 442 parcel that I own (shown in "orange") could easily be integrated into the Project. 442 fits in a grassy area between parking garage access roads, as shown here...



21. Wording "May be required..."

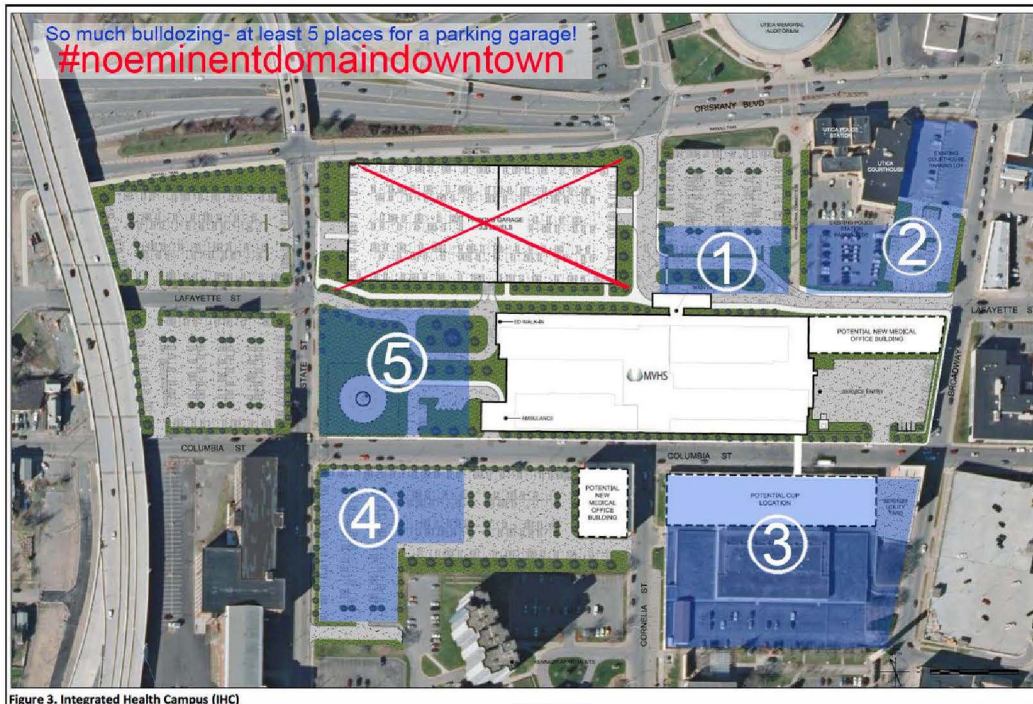
Per EDPL, [Article 2, Section 103](#), (G) "Public project", the reads "... means any program or project for which acquisition of property may be required for a public use, benefit or purpose." The word "may" should give us great pause. To use eminent domain to seize property and then not have Oneida County use it is HIGHLY troublesome. Consider that there is a track record of failed eminent domain projects, "**20 Failed Projects Involving Eminent Domain Abuse.**"⁶² The City of Utica should avoid being on such a list

⁶² See "20 Failed Projects Involving Eminent Domain Abuse," (PDF) per <http://castlecoalition.org/pdf/publications/Redevelopment%20Wrecks.pdf>

at all costs, as so many budget and legal issues surround this proposed Oneida County Project.

22. Alternate Locations

NY EDP law, [Article 2, Section 203](#), “Conduct of the public hearing” reads... “At the public hearing **the condemnor shall outline the purpose, proposed location or alternate locations** of the public project...” No alternative location were offered, but are obviously possible, see below illustration (blue) showing five (5) options...



It was unreasonable for Oneida County to suggest there are no alternative locations based on the acquired parcels by MVHS (the largest proposed user of the proposed Project). Plus lands own or controlled by the City of Utica (a hospital project partner) has parcels to lend. As explained earlier, if the police department relocates, significant additional acreages becomes available.

Oneida County appears to have simply “lifted” the schematic from MVHS’s architects and made zero attempts to consider alternatives.

22. Public Participation

According to NYS EDP law, [Article 1, Section 101](#) – the law reads “It is the purpose of this law... **to establish opportunity for public participation in the planning** of public projects necessitating the exercise of eminent domain...” Oneida County failed to create an “opportunity for public participation in the planning,” we were only invited to a hearing

stating they were taking our land and had zero planning input. The Oneida County public was not made part of this Project's planning, Oneida County has violated SEQRA laws of New York State.

Eminent Domain law also reads, **"to give due regard to the need to acquire property for public use..."** and elsewhere **"due process."** However a private company, MVHS, hired their "hospital architects" who drew an illustration of a parking garage (years prior), and Oneida County simply adopted the location. Oneida County offer no 'due regard' they simply used a private firm's (MVHS) concept who simply used Oneida County "as only a tool for land acquisition". **Oneida County's "regard" was limited to, "We need your land, no study, no alternatives, we're taking it."** Oneida County has violated NYS's eminent domain law.

As an example, from December 22, 2017⁶³ (three years ago!), **"MVHS attorneys to meet with downtown business owners as eminent domain looms."** Where not only elected officials threatened eminent domain, but lawyers representing a private company (MVHS) threatened eminent domain to the same parcel owners in this very Project! Story reads...

"The [MVHS] attorney, however, is pretty confident. "We probably resolve I'd say a good 80% of them, 80-90%, but there's always (sic) a handful who continue to hold out and in that situation we're kind of forced to go through the court process, the eminent domain process," says Bennett."

Again in 2018, in a news story with MVHS officials, residents read, **"Eminent domain proceedings could be initiated if agreements cannot be reached."**⁶⁴

There are obvious legal implications here. I plan to support whatever efforts are allowed by the law to save the historic buildings at 442 and 418 Lafayette streets.

23. "LOR", MVHS SEQR Review

A "Letter of resolution" in MVHS's SEQR Review allowed demolition of historic buildings before a total investigation. However, this Project has been said to not be legally tied of MVHS's project (thus justifying use of eminent domain), then the LOR doesn't apply to Oneida County. Furthermore, Oneida County nor MVHS, has complete a complete archeological investigation of 442, a violation of SEQRA laws.

⁶³ See, "MVHS attorneys to meet with downtown business owners as eminent domain looms," per <https://www.wktv.com/content/news/MVHS-attorneys-to-meet-with-downtown-business-owners-as-eminent-domain-looms-465769233.html>

⁶⁴ See "Utica hospital project secures \$180 million loan," per <https://www.uticaod.com/news/20180831/utica-hospital-project-secures-180-million-loan>

C. Additional References

1. Website and links on **#NoHospitalDowntown**, see <http://www.nohospitaldowntown.com>, and an index page at <http://www.nohospitaldowntown.com/index-of-issues.php>
2. Website of and links on **#BetterUticaDowntown**, see <http://betteruticadowntown.com>
3. **“Changing MVHS Downtown Maps”**, <http://www.nohospitaldowntown.com/pdfs/nhd-changing-mvhs-maps-rev3.pdf>
4. **“Clark Decision”**, The Landmarks Society of Greater Utica, et al v. Planning Board of the City of Utica and Mohawk Valley Health System, Index No.: CA2020-001365, RJI No.: 32-20-0370. Posted at <http://www.nohospitaldowntown.com/october-judge-clark-ruling.php>
5. **Commissioner Policy 29, Environmental Justice and Permitting**
<https://www.dec.ny.gov/regulations/36951.html>
6. **NYSDEC (2020), SEQR Handbook**
https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf
7. **The Laws Of New York, Consolidated Laws, Environmental Conservation**
<https://www.nysenate.gov/legislation/laws/ENV/A8>

D. Appendix

- I. Truett Affidavit
- II. Photograph, 442 Lafayette Street

Appendix I

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY**

THE LANDMARKS SOCIETY OF GREATER UTICA,
JOE BOTTINI, #NOHOSPITALDOWNTOWN, BRETT B. TRUETT,
JAMES BROCK, JR., FRANK MONTECALVO, JOSEPH CERINI,
AND O'BRIEN PLUMBING & HEATING SUPPLY, a division of
ROME PLUMBING
AND HEATING SUPPLY CO. INC.,

Petitioners-Plaintiffs,

**AFFIDAVIT OF
BRETT TRUETT**

For a Judgment pursuant to Article 78 and Section 3001
of the Civil Practice Law and Rules,

-against-

Index No. _____

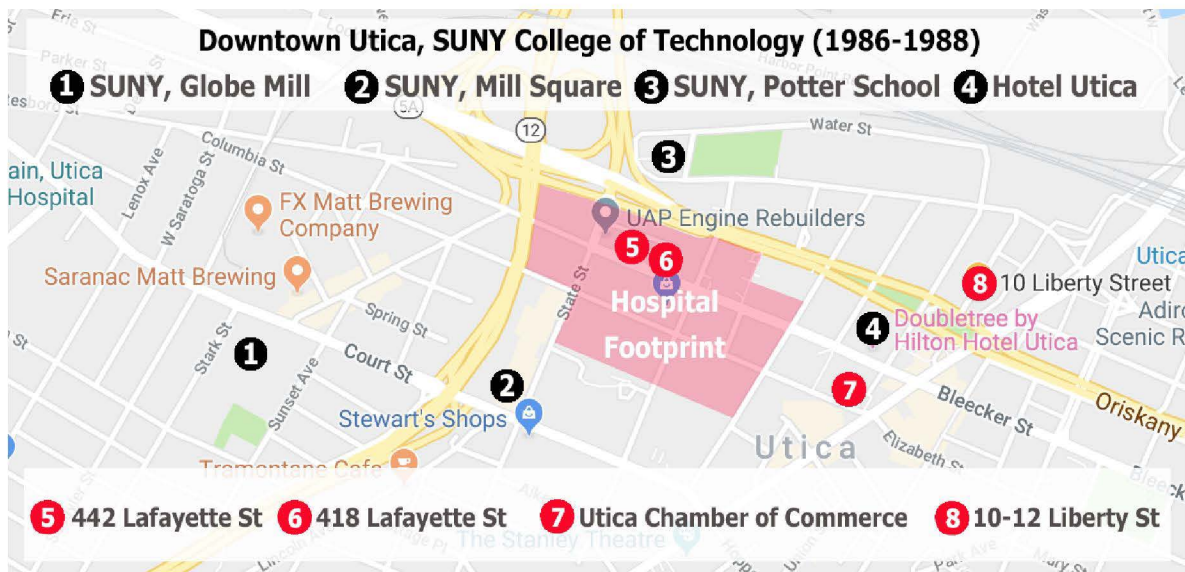
PLANNING BOARD OF THE CITY OF UTICA, NEW YORK
STATE OFFICE OF PARKS, RECREATION
AND HISTORIC PRESERVATION, ERIK KULLESEID, ACTING
COMMISSIONER, DORMITORY AUTHORITY OF THE STATE
OF NEW YORK AND MOHAWK VALLEY HEALTH SYSTEM,

Respondents-Defendants.

BRETT B. TRUETT, being duly sworn, deposes and says as follows under the
penalties of perjury:

1. I have been a resident of the City of Utica since 1986.
2. Presently, I and my family live in South Utica at 88 Emerson Street, 1-1/2 miles south of proposed hospital downtown site.
3. Since 2002, I have also owned 10-12 Liberty Street, which is a 20,000 square foot Erie Canal-era historic property located just 900 feet from the proposed hospital footprint.

4. Much of my adult life has revolved around downtown Utica. Addresses of college classes, as well as my current property interests, surround the proposed MVHS hospital's footprint ("Downtown Site").



5. I have also been active in community matters. For example, in 2000, I was elected to serve on the Board of Directors for the Mohawk Valley Chamber of Commerce (now called the "Greater Utica Chamber of Commerce") and have been active in community groups and activities relative to the development of downtown Utica.

6. While serving at the Chamber, I met board member Jim Brock.

7. In mid-2015, I became aware of the proposal by MVHS to site the hospital project at the Downtown Site. Jim Brock had called me seeking my help to prevent demolition of the Downtown Site to make way for the hospital.

8. Working together, Jim Brock and I co-founded #NoHospitalDowntown.

9. #NoHospitalDowntown is an unincorporated organization, specifically a Facebook Community Group, whose purpose is to save the historic Columbia-Lafayette neighborhood, its businesses and its historic assets, from being demolished to make way for the hospital.

10. Since the time of Jim Brock’s call in 2015, I have dedicated my fulltime efforts to our group #NoHospitalDowntown and opposition to the hospital’s downtown concept.

11. A second group, named Better Utica Downtown (BUD), was created by property owners opposing being displaced. I have also worked tirelessly to advance BUD’s effort.

12. As a BUD and NHD member, I came to know the then-owner of a ~1840’s townhouse at 442 Lafayette Street.

13. I ultimately purchased 442 Lafayette Street and have engaged in repair/restoration work on the building, begun redevelopment of the interior, and improved the property’s curb appeal. My intention is to protect and fully restore the property.

14. 442 Lafayette Street is eligible for listing on the National Register, is archeologically sensitive, has been designated by the Landmarks Society of Greater Utica as being among its “Sixteen to Save” endangered buildings list, and, therefore, is certainly historically significant. See Table 1.

Per MVHS DEIS: Page 61 - The archaeological site reported within the APE is a historic period site (NYSM 12153; USN A06540.001655). A scatter of historic materials (e.g., ceramics, glass, nails, and bricks) was found at the site. National Register eligibility of the site is undetermined. Based on field reconnaissance, the site is located within the yard of the extant building. Access was not available during the Phase 1A field reconnaissance, but	
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aerial imagery and site photographs show this to be a small grass yard. A view toward the site from outside the property limits is presented in Appendix E, Photograph 18).

Page 62 - The site's National Register eligibility is presently undetermined and, therefore, the site will likely require Phase 2 investigation to assess its significance.

Page 63 - Four existing National Register-eligible architectural resources are in the Project APE, one is 442 Lafayette Street (USN 06540.001490).

Archaeological Sensitivity-
In correspondence dated June 18, 2018 (Appendix E), SHPO identified the following potential project-related impacts on archaeological resources: Disturbance of a known archaeological site – 442 Lafayette Street (NYSM 12153; USN A06540.001655)



Per The Landmarks Society of Greater Utica

In 2016, The Landmarks Society of Greater Utica included the #440-444 Lafayette Street townhouses on its "Sixteen to Save" endangered buildings list. All three townhouses are currently threatened by demolition for the proposed MVHS downtown hospital campus parking garage as are several other National Register Eligible Buildings in this historic neighborhood.

Reference, The Landmarks Society Of Greater Utica, March/April 2016 Newsletter. Digital reproduction at: <http://betteruticadowntown.com/442-lafayette-history-of.php>

15. On all sides of 442 Lafayette Street are additional canal-era buildings and Carton Avenue which retains its original cobblestone foundation.

16. Locating the MVHS hospital project at the Downtown Site will result in the destruction of these significant historic resources (including my property) and the fabric of the existing Columbia-Lafayette neighborhood.

17. It is my belief that the City of Utica's Master Plan and numerous other initiatives are being violated by MVHS's out-of-scale, single-use hospital footprint.

18. Troublingly, it also appears that selection of the Downtown Site was a political one which was forced upon the MVHS Board.

19. In addition, state-mandated review processes have been ends-oriented and truncated at both the state and local level, resulting in a lack of sufficient information to support the ultimate result – namely, the unbridled destruction of irreplaceable historic resources that make this area culturally unique and an abrupt, irreversible change to the vision of Utica espoused in the City of Utica's Master Plan and regulations pertaining to the Gateway Historic Canal District (of which the Downtown Site is a part).

20. Given the politically-motivated decision-making, public deception and blatant short-cuts that have plagued this process, I remain passionately opposed to the downtown hospital concept. And I respectfully request this Court to force decisionmakers, at the very least, to abide by the procedures and substantive requirements imposed by State law.

Brett B. Truett

Sworn to before me to this
____ day of May, 2019.

Notary Public

Appendix II



442 Lafayette Street

E. Acronyms

- **ED:** Eminent domain
- **Project:** This ED proceeding/the proposed Oneida County parking garage
- **442:** Parcel at 442 Lafayette Street
- **418:** Parcels at and connected to 418 Lafayette Street
- **MVEDGE:** Mohawk Valley EDGE
- **MVHS:** Mohawk Valley Health System
- **SEQRA:** New York's "State Environmental Quality Review Act"
- **FEIS:** Final Environmental Impact Statement

From: vaccaropaul04@gmail.com
To: [Eminentdomain](#)
Subject: Hospital
Date: Saturday, January 23, 2021 6:48:10 PM

Warning - This email originated from an external source.

Do not click links or attachments unless you recognize the sender and know the content is safe.

As a business owner! Tax increases in a county already over burdened financial will be devastating! We are all on the verge of closing, and moving out of state!!! Yes really

Sent from my iPhone

From: [josh vanatta](#)
To: [Eminentdomain](#)
Subject: Downtown Utica
Date: Saturday, January 23, 2021 6:01:29 PM

Warning - This email originated from an external source.

Do not click links or attachments unless you recognize the sender and know the content is safe.

My family and I, who own properties and pay taxes in Oneida County, are strongly against taking of these properties by eminent domain for the use of a parking garage. Not only will these people be losing their property, all county residents will be on the hook for the taxes to cover this garage. No. Park on the street or in hospital lots. We were never asked in northern Oneida County if we would like to support this. We do not want to pay for this. Many of us use Rome or Lowville hospitals, and would never even get use of this that we would be burdened by.

Thank you

Joshua VanAtta

EXHIBIT G



ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Philip M. Sacco
Minority Leader

**ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS
NUMBERED 064 THROUGH 093 THAT WERE ACTED UPON
BY THE BOARD OF COUNTY LEGISLATORS AT THEIR REGULAR
SESSION HELD ON APRIL 14, 2021.**

**OFFICE, CLERK BOARD OF COUNTY LEGISLATORS)
COUNTY OF ONEIDA) SS:**

I, hereby certify that I have compared the foregoing extract from the minutes of meeting of the Board of County Legislators of Oneida County held on the 14th day of April, 2021 with the original record thereof on File in this office and that the same is a true and correct transcript therefrom, and of the whole of such original.

**IN TESTIMONY WHEREOF, I have hereunto affixed the seal of
said Board this 14th day of April, 2021.**




Mikale Billard

Clerk

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 083

INTRODUCED BY: Mr. D'Onofrio

2ND BY: Mr. Joseph

RE: RESOLUTION ADOPTING DETERMINATIONS AND FINDINGS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF A PUBLIC PARKING FACILITY IN THE CITY OF UTICA

WHEREAS, The Oneida County Board of Legislators, by Resolution 2019-53 passed on February 13, 2019 authorized and directed the County Attorney to perform any and all tasks necessary and appropriate to acquire real property in connection with the construction of a public parking facility in the City of Utica, and

WHEREAS, In accordance with Article 2 of the New York State Eminent Domain Procedure Law ("EDPL"), Oneida County held a virtual Public Hearing on December 23, 2020 at 6:00 p.m., where public comment was heard regarding the public uses, benefits and purposes to be served by the proposed acquisition; and

WHEREAS, After consideration of the record of the proceedings related to the location and construction of the public parking facility in the City of Utica, including the record of the Public Hearing held pursuant to the Eminent Domain Procedure Law; now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby adopts the Determinations and Findings for the acquisition of property as described herein, in the form attached hereto, and directs the County Attorney to arrange for publication and service of a synopsis of the attached Determinations and Findings in accordance with the provisions of the Eminent Domain Procedure Law; and it is further

RESOLVED, That the Oneida County Attorney is hereby authorized and directed to proceed to have the necessary acquisition maps prepared to satisfy the requirements of the Eminent Domain Procedure Law, and to prepare and file the necessary petition and accompanying documents with the Supreme Court, Oneida County, New York for an Order granting the County permission to file the acquisition maps in order to obtain title to the subject properties for the purpose of constructing the public parking facility.

APPROVED: Government Operations (April 8, 2021)

Ways and Means Committee (April 14, 2021)

DATED: April 14, 2021

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

DETERMINATIONS AND FINDINGS
OF THE
ONEIDA COUNTY BOARD OF LEGISLATORS
IN CONNECTION WITH THE PROPOSED ACQUISITION OF REAL PROPERTY FOR
CONSTRUCTION OF A PUBLIC PARKING GARAGE

Pursuant to Section 203 of the Eminent Domain Procedure Law, a Public Hearing was conducted on December 23, 2020 by the County Attorney. At that Public Hearing, the County of Oneida outlined the purpose, proposed location and alternate locations of the public parking garage, provided maps and descriptions of the properties to be acquired and adjacent parcels. Every person in attendance was given a reasonable opportunity to present an oral or written statement and to submit other documents concerning the proposed public project. The Public Hearing was held open for thirty days in order to allow the submission of written comments relative to the project.

The Public Hearing commenced with presentations by the County Attorney, Peter M. Rayhill, Esq. and the Commissioner of Public Works, Mark E. Laramie, P.E., outlining the purpose of the project, a description of the project, its location, the anticipated impact on the environment and the residents and the identity of the parcels to be condemned. Twelve members of the public spoke on December 23, 2020. The Public Hearing was continued for further comments and written submissions by the public which were accepted up to and including January 23, 2021. Seven members of the public submitted further comment and written materials for consideration which were included in the Hearing Record (five of which were submitted on January 23, 2021, three of which were from parties holding ownership or possessory rights to the identified properties). With the acceptance of the comments and written submissions, the Public Hearing was concluded on January 23, 2021.

The Oneida County Board of Legislators has considered the proposed acquisitions pursuant to the Eminent Domain Procedure Law, the comments made by the speakers at the hearing, the submissions made following the hearing and other matters pertinent to the acquisition of the properties by Eminent Domain. The Board adopts relevant determinations and findings as set forth below:

1. That Mohawk Valley Health System is currently constructing a state-of-the-art Regional Medical Center in Downtown Utica, which will serve all the residents of Oneida County. This new Medical Center will result in a substantial increase in the number of people traveling to and working in Downtown Utica on a daily basis, and will also result in the closing of certain blocks of Lafayette and Cornelia Streets, further reducing the already insufficient parking resources in that vicinity.
2. Additionally, significant and positive change has occurred in the City of Utica including the repurposing of the Landmarc Building, the redevelopment of the commercial corridor on Genesee Street South, the improvements to the Utica Memorial Auditorium, various investments and renovations in the Varick Street district. These developments, while positive, have demonstrated a need for off street parking in that area of the City of Utica.
3. That the Upper Mohawk Valley Memorial Auditorium Authority has commenced construction on a multi-surface athletic facility for tournament based athletic competitions adjacent to the Utica Memorial Auditorium. This will also increase demand on parking resources in downtown Utica near the Regional Medical Center.
4. That following selection of the site for the Regional Medical Center and the design for the Regional Medical Center, the location for the parking garage was identified and the owners of the parcels where the parking garage was proposed to be located were contacted to negotiate the purchase of their properties. Several of the owners agreed to sell and their properties were purchased. Four owners declined to sell. Their properties are identified on the on the Assessment Map of the County of Oneida as Tax Map ID# 318.34-1-23./1 and 318.34.23./2, also known as 525-527 Oriskany Street, Utica, New York; Tax Map ID# 318.34-1-22, also known as 400-406 Lafayette Street, Utica, New York; Tax Map ID# 318.34-1-33, also known as 442 Lafayette Street, Utica, New York; and Tax Map ID# 318.34-1-25, 318.34-1-26, 318.34-1-27, 318.34-1-28, and 318.34-1-29, also known as 418-430 Lafayette Street, Utica, New York (the "Properties").
5. That the acquisition by the County of Oneida of the Properties for use as public space is necessary and will achieve the following purposes: to construct a public parking garage within the City of Utica for the benefit of all public visitors to the new Regional Medical Center currently under construction, as well as for the Adirondack Bank Center, the Nexus

Center currently under construction, and all other downtown business and offices, including Utica City Court.

6. That the County of Oneida will benefit by the construction of a parking garage at the location of the Properties through the creation of additional parking to offset on-street and other surface parking that is or will be eliminated due to the construction of the new Regional Medical Center. This parking garage will also relieve traffic congestion.
7. That the Properties are located in the City of Utica between Oriskany Street on the North, Lafayette Street on the South, Cornelia Street on the East and State Street on the West. They consist of vacant buildings, buildings with active businesses, as well as vacant land, and have been selected for acquisition due to their proximity to the new Regional Medical Center as well as other downtown attractions and businesses.
8. That there will be no significant adverse effect to the environment or upon the residents of the area and locality immediately adjacent and in close proximity to the Properties from the aforesaid land acquisition and the construction of the parking garage. There will be positive environmental effects on the surrounding area, through the reduction of traffic congestion, reduction of on-street parking, and the prevention of over-development of surface parking lots in the area.
9. That, by Resolution No. 2019-53, passed February 13, 2019, the Oneida County Board of Legislators authorized and directed the County Attorney to perform any and all tasks necessary and appropriate to acquire those properties within the footprint of the proposed public parking facility, including the use of proceedings pursuant to the Eminent Domain Procedure Law of the State of New York.
10. That, pursuant to Section 202 of the Eminent Domain Procedure Law, a Notice of Public Hearing was published in the Observer-Dispatch from December 8, 2020 through December 14, 2020. This same Notice of Public Hearing was personally served on all interested property owners, by personal service, more than ten (10) days prior to the Public Hearing.
11. That pursuant to Section 203 of the Eminent Domain Procedure Law, a Public Hearing was conducted on December 23, 2020 and concluded on January 23, 2021. At that Public Hearing, the County of Oneida outlined the purpose and proposed location of the public parking garage, provided maps and descriptions of the properties to be acquired. Every

person in attendance was given a reasonable opportunity to present an oral or written statement and to submit other documents concerning the proposed public project. Twelve members of the public spoke.

12. That the Public Hearing was kept open until January 23, 2021, to allow for the submission of additional commentary or documentation concerning the public parking garage. Significant additional submissions were made which have been considered by this body.
13. That, following the closing of the Public Hearing, copies of the complete record of the hearing were filed with the Oneida County Clerk, and were also made available for download on the Oneida County website.
14. That the County of Oneida has considered the proposed taking, the comments made by the speakers at the hearing, the additional comments and materials submitted, and other matters related to the prospect of litigating the acquisition of the Properties.
15. That despite repeated and continuing negotiations with the remaining property owners, agreements cannot be reached for purchase of the Properties by the County.
16. That the County of Oneida hereby accepts the Findings Statement issued by the City of Utica Planning Board pursuant to the State Environmental Quality Review Act (SEQRA), dated April 30, 2019.
17. That the County of Oneida accepts and adopts the testimony of Peter M. Rayhill, Oneida County Attorney and Mark E. Laramie, Commissioner of the Oneida County Department of Public Works, submitted at the hearing, in its entirety.
18. That the County is satisfied that, as required under Section 204(B) of the Eminent Domain Procedures Law that: (1) the public use, benefit, or purpose of the project has been established in the record; (2) the approximate location of the proposed public project has been established and an explanation of the reasons for the selection of that location has been provided; and (3) the general effect of the proposed project on the environment and the residents of the localities in which the project will be located has been comprehensively examined. Accordingly, the County finds that the necessary justification exists to proceed to condemn the parcels identified above.
19. Copies of all documentation concerning the above acquisition and condemnation are on file at the offices of the Oneida County Clerk at 800 Park Avenue, Utica, New York, which include the transcript of public hearing held on December 23, 2020, and all documentation

submitted to the County concerning said acquisition. The same is available for download on the Oneida County Web Page at <http://www.ocgov.net>.

Dated: March 19, 2021

EXHIBIT H

From: [Pronteau, Robert E](#)
To: [Bridget O'Toole](#)
Cc: [Billard, Mike](#); [Rayhill, Peter M.](#)
Subject: Request for Eminent Domain record for MVHS Parking Structure
Date: Monday, May 10, 2021 1:09:31 PM
Attachments: [image003.png](#)

Dear Ms. O'Toole,

Your email to the clerk of the Board of Legislators was forwarded to me. Both the hearing record from December and the Determinations & Findings may be found and downloaded at the following link:

<https://ocgov.net/content/eminent-domain>

If digital copies are not sufficient, or if for whatever reason the link doesn't work, please advise, and I can make arrangements for hard copies to be produced. Please let me know if there's anything else you need. Thank you.

Sincerely,

Bob Pronteau

ROBERT E. PRONTEAU
ASSISTANT COUNTY ATTORNEY
ONEIDA COUNTY DEPARTMENT OF LAW
800 PARK AVENUE
UTICA, NEW YORK 13501
PH. 315.798.5910
FAX. 315.798.5603



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From: Bridget O'Toole <bridget@zoglaw.com>
Sent: Monday, May 10, 2021 12:00 PM
To: Eminentdomain <Eminentdomain@ocgov.net>; Billard, Mike <mbillard@ocgov.net>
Subject: Request for Eminent Domain record for MVHS Parking Structure

Warning - This email originated from an external source.

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Dear Clerk Billard:

Kindly provide the record of the of the proceeding pursuant to EDPL §203 for Oneida County Board of Legislator's determinations and findings pursuant to EDPL §204 in connection with acquisition of property for the construction of a public parking facility in the City of Utica on Oriskany Street and Lafayette Street.

Thank you for your assistance,

Bridget

Bridget O'Toole, Esq.
Partner

The Zoghlin Group, PLLC
300 State Street, Suite 502
Rochester, NY 14614
Office (585)434-0790 ext.102
Cell (585) 615-7561
Fax (585)563-7432



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AFFIDAVIT OF SERVICE

STATE OF NEW YORK APPELLATE DIVISION FOURTH DEPARTMENT

Index Number:
Date Filed:

Plaintiff(s):

525-527 ORISKANY ST. LLC,

vs

Defendant(s):

**ONEIDA COUNTY BOARD OF LEGISLATORS,
ONEIDA COUNTY, JOHN DOE CORPORATIONS
AND JOHN DOES,**

STATE OF NEW YORK
COUNTY OF ONEIDA SS.:

BRENT WHITTINGTON, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the State of New York.

On **05/13/2021** at **9:59 AM**, deponent served the within **DEMAND PURSUANT TO EDPL §207(A)** on **ONEIDA COUNTY BOARD OF LEGISLATORS** at **ONEIDA COUNTY 800 PARK AVENUE, UTICA, NY 13501** in the manner indicated below:

By delivering a true copy of each to and leaving with **JUDI SMITH, DEPUTY CLERK ONEIDA COUNTY BOARD OF LEGISLATORS** who stated he/she is authorized to accept service on behalf of the corporation/government entity:

Description:

Gender: **Female** Race/Skin: **CAUCASIAN** Age: **36 - 46 Yrs.** Weight: **161-200 Lbs.** Height: **5' 4" - 5' 8"** Hair: **BROWN** Glasses: **No**
Other:

Subscribed and Sworn to before me on May 13, 20 21

Rachel Lynn Renodin



X

BRENT WHITTINGTON

Job #: 98667

RACHEL LYNN RENODIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RE6406058
Qualified in Herkimer County
My Commission Expires 03-23-2024

AFFIDAVIT OF SERVICE

STATE OF NEW YORK APPELLATE DIVISION FOURTH DEPARTMENT

Index Number:
Date Filed:

Plaintiff(s):

525-527 ORISKANY ST. LLC,

vs

Defendant(s):

**ONEIDA COUNTY BOARD OF LEGISLATORS,
ONEIDA COUNTY, JOHN DOE CORPORATIONS
AND JOHN DOES,**

STATE OF NEW YORK
COUNTY OF ONEIDA SS.:

BRENT WHITTINGTON, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the State of New York.

On **06/13/2021** at **9:58 AM**, deponent served the within **DEMAND PURSUANT TO EDPL §207(A)** on **ONEIDA COUNTY C/O SANDRA J. DEPERNO** at **ONEIDA COUNTY 800 PARK AVENUE, UTICA, NY 13501** in the manner indicated below:

By delivering a true copy of each to and leaving with **SARAH HUGHES, ASSISTANT COUNTY ATTORNEY** who stated he/she is authorized to accept service on behalf of the corporation/government entity.

Description:

Gender: **Female** Race/Skin: **CAUCASIAN** Age: **18 - 25 Yrs.** Weight: **100-130 Lbs.** Height: **5' 4" - 5' 8"** Hair: **BROWN** Glasses: **No**
Other:

Subscribed and Sworn to before me on May 13, 20 21

Rachel Lynn Renodin



X
BRENT WHITTINGTON

Job #: 98655

RACHEL LYNN RENODIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RE8406058
Qualified in Herkimer County
My Commission Expires 03-23-2024