

Joseph Cerini | Citation Services
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Tel. (315)797-2319
New, Used, Copiers & Service for both Office & Home

August 2, 2021

McPhillips, Fitzgerald, Cullum LLP
c/o Mr. Dennis Phillips, Esquire
288 Glen Street
Glens Falls NY 12801

Sent Via FAX (518)792-1675, USPS & E-Mail

Re: Oneida County Eminent Domain / Parking Garage FOIL

Dear Mr. Phillips,

I'm very grateful you were able to bring our Oneida County eminent domain case before New York State's courts. Not only was the public kept out of our new hospital decision until "unknown others" decided it would forever alter 25 to 34-acres of downtown, now public information is also being withheld over a proposed hospital parking garage.

On April 19, 2021 I submitted the attached letter and form to Oneida County seeking their records regarding a parking garage related to the downtown hospital. My request was first acknowledged per the attached letter dated May 13, 2021, after which Mr. Pronteau and I had multiple conversations. Then on June 2, 2021 Mr. Pronteau provided a memory stick containing two appraisals (both of my property) and a transcript of the December 23, 2020 public hearing held by Oneida County on eminent domain. These documents were already in my possession, thus added nothing new to my understanding. No further information has been provided to date.

Numerous media reports (over six years) reveal a considerable amount of activity within the Oneida County government surrounding a new downtown hospital parking garage. Attached is a partial list of news headlines indicating this activity (Exhibit A attached). They also reveal \$3 million has been authorized by the Oneida County legislature for said parking garage planning and design.

I'm pretty confident that fulfillment of my FOIL request is not meeting the legal requirements as dictated by Article 6 (Sections 84-90) of the NYS Public Officers Law. It's also my belief there are numerous land options for new parking facilities, yet all the public has seen are a few illustrations showing a rectangular-shaped object created by hospital architects, that represent a 1,500-car parking garage placed on top of my business and properties!

(continue)

Seeking discovery of Oneida County's documents (Exhibit B attached) regarding my government's work and communications are of paramount importance. They are records also critically important to our pending court case/appearance.

I've fully documented my actions in my attempts to procure these public records. Would you please advise what legal action(s) we may take to obtain these public records? My livelihood is at stake and additional discover is of paramount importance.

Sincerely,

Joe Cerini, Owner
Citation Service

Encl.

Cc Mr. Brett Truett, Mr. Dennis Corrigan, The Zoghlin Group PLLC, City of Utica, Mohawk Valley Health System, Utica Observer-Dispatch, WUTQ FM, Rome Sentinel, #NoHospitalDowntown, City of Utica, and Oneida County

Time Stamp

Index Number

Application for Public Access to Records (FOIL)

Records Management Officer - Richard D. Allen, Oneida County Clerk
800 Park Ave., Utica, New York 13501

I am interested in the records in the possession of the Government of Oneida County

SEE ATTACHED LETTER DATED 4/19/21
RE: DOWNTOWN UTICA PARKING GARAGE(S)

(Please continue on the reverse side or on a separate sheet if necessary.)

I believe that these records are in the possession of the following County department(s):

- 1) COUNTY EXEC
- 2) PLANNING DEPT
- 3) ATTORNEY'S OFFICE
- 4) LEGISLATIVE, FULL BOARD / COMMITTEES

☒ I wish to have access to these records (reserving the right to copies of any or all.)

☐ I wish to have copies made at \$.25 per (regular size 8 1/2 x 11) and agree to pay for these copies (SEE LETTER)

☐ I would like an estimate of the number of pages involved prior to any copies being made.

☒ I WOULD LIKE A PDF FILE(S) IF POSSIBLE

Name: _____

Organization represented: _____

CITATION SERVICES / 418 LAFAYETTE ST

Mailing address: _____

PO BOX 4205 UTICA NY 13504 CORP

Day time phone number _____

(315) 797-2319

Fax Number _____

(315) 797-2319

Signature: _____

[Handwritten Signature]

Date: _____

4/19/21

Oneida County Records Department
c/o Richard D. Allen, Records Management Office
800 Park Avenue
Utica, NY 13501

UPS & FAX TO (315)

April 19, 2021

Dear Oneida County Records,

This is a request under the Freedom of Information Act.

I'm requesting that a copy of the following documents and any other related records regarding the building of a **parking garage(s) in downtown Utica (for the MVHS hospital project/municipal facility)** be provided to me:

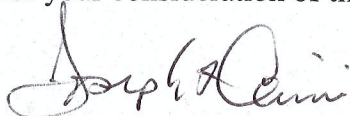
1. Financial transaction(s) and all related meeting records in planing of said parking garage(s).
2. County Executive meetings, phone calls, and emails, etc regarding the planning, funding, and property acquisition for said parking garage(s).
3. Oneida County legislation, meeting minutes, voting records by committees and the full board, as well as subsequent actions in seeking construction of said downtown Utica parking garage(s).
4. County attorney records in the study, discovery, and implementation of eminent domain for said downtown Utica parking garage(s).
5. Records of meetings, communications, presentations, etc. between; MVEDGE, MVHS, Hammes Company, NBBJ, and any other vendors in the planning for said downtown Utica parking garage(s).
6. Oneida County's eminent domain "Findings and Determination" document and related communications for said downtown Utica parking garage(s).

In order to help to determine my status to assess fees, you should know that I am a property owner involved in eminent domain by Oneida County for said purpose.

I am willing to pay fees for this request up to a maximum of \$100 if you estimate that the fees will exceed this limit, please inform me first. If at all possible, I'd like to request a waiver of all fees for this request as disclosure of the requested information to me is in the public interest as it will contribute significantly to public understanding of the operations and activities of Oneida County government. To avoid costs, an electronic PDF response is acceptable.

Thank you for your consideration of this request.

Sincerely,



Joe Cerini, Owner
Citation Services
418 Lafayette Street
Utica, NY 13502
(315)797-2319



ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building
800 Park Avenue ♦ Utica, New York 13501-2975
(315) 798-5910 ♦ fax: (315) 798-5603
www.ocgov.net

ANTHONY J. PICENTE, JR.
COUNTY EXECUTIVE

PETER M. RAYHILL
COUNTY ATTORNEY

May 13, 2021

Mr. Joe Cerini
Citation Services
P.O. Box 4205
Utica, New York 13504

Re: Your recent request for documents under the Freedom of Information Law

Dear Mr. Cerini:

As you are aware, your request for records under the Freedom of Information Law was received by the Oneida County Clerk on April 19, 2021. It was thereafter forwarded to me for review and response. We are still in the process of retrieving the records that respond to your request. We anticipate that **on or before Thursday, May 27, 2021**, we will grant and/or deny access in whole or in part to the records that you have requested. Please feel free to contact me with any questions you may have.

Thank you in advance for your kind attention to this matter, and I hope you have a pleasant day.

Very truly yours,

Robert E. Pronteau, Esq.
Assistant County Attorney

Exhibit A
Downtown Hospital & Parking Garage News Headlines (Partial)

November 19, 2014 - [Mohawk Valley Health CEO: New Hospital 'Worth Exploring'](#) (Oneida County residents publicly hear words “new hospital” for first time)

July 11, 2015 - [Downtown Utica suggested for new hospital site](#) (“...the taller the new hospital building and the greater the odds for a parking garage”)

September 22, 2015 - [Downtown First Choice For New Hospital](#)

April 3, 2016 - [Decision Made: New Hospital To Be Built In Downtown Utica](#)

August 18, 2016 - [Our View: Be Transparent On Hospital](#)

November 3, 2016 - [Downtown Hospital Price Tag Downsized](#)

January 9, 2017 - [Architect, Construction Manager Named For MVHS Hospital Project](#)

July 25, 2017 - [Warning To City: No Garage, No New Hospital](#)

August 22, 2017 - [County Utica Reach Tentative Deal On Downtown Parking Garage](#)

November 16, 2017 - [MVHS Unveils Site Plan For Downtown Utica Hospital](#)

December 7, 2017 - [MVHS Hospital Forum Shows Downtown Divided](#)

June 7, 2018 - [Hospital Hearing: A Community Divided](#)

August 8, 2018 - [Oneida County Earmarks \\$500,000 For Downtown Hospital Parking Garage](#)

September 1, 2018 - [Parking Garage For Proposed Utica Hospital Lands Design Firm](#)

October 10, 2018 - [Oneida County Approves Design Firm For Hospital Parking Garage](#)

May 8, 2020 – [Appraisals finish for hospital parking garage properties](#)

May 19, 2021 - [Lawsuit filed over Oneida County's use of eminent domain for parking garage](#)

June 9, 2021 - [Oneida County To Spend \\$2.5 Million For Utica Parking Garage Design](#)

June 24, 2021 - [Downtown Parking: Utica, Oneida County Spat Over Hospital Garage Only Part Of The Problem](#)

July 13, 2021 - [How Deal To Fund Utica NY Downtown Hospital Parking Garage Fell Through](#)

July 22, 2021 – [Palmieri Announces Plans To Sell Kennedy Garage In Utica; Picente, MVHS Caught Off Guard](#)

Exhibit B

FOIL For Oneida County records of interest, dated between 2014 and 2021, pertaining to downtown parking facilities for a hospital garage and or other public needs, including but not limited to...

- Minutes of meetings
- Emails and letter correspondences
- Phone call and meetings schedules/records
- Studies and Reports; Traffic flow, space requirements
- Request for bids/proposals; specifications
- Agreements (MOU/MOA)
- Financial records; calculations, spreadsheets, invoices, remittances,
- Drawings; illustration, plans of possible design concepts, site plans, etc.

Parties, entities, probable participants, etc....

- County of Oneida (Planning, Board of Legislators, Executive, Legislative, and all other implicated offices/divisions)
- City of Utica
- Mohawk Valley Health System
- Faxton St. Luke's Healthcare
- St. Elizabeth Medical Center
- Hammes Company
- Mohawk Valley EDGE
- NBBJ
- Turner Construction
- Utica Police Department
- Utica City Court
- Joint city-county "Project Committee", per news reported on July x, 2017 add link) on parking garage
- Schrader Group (Engineering firm who studied a new Utica police department station/relocation, which implicates parking requirements, locations, etc.
- Upper Mohawk Valley Memorial Auditorium Authority
- Mohawk Valley Garden Corporation
- Smith Seckman Reid Inc
- Gilbane, Inc
- The Community Foundation of Herkimer & Oneida Counties
- O'Brien & Gere Engineers Inc
- Ramboll
- Elan Planning, Design & Landscape Architecture, PLLC
- Nagle Tatich Cranston LLC
- Oneida County Industrial Development Agency