STATE OF NEW YORK
SUPREME COURT   **COUNTY OF ALBANY**

THE LANDMARKS SOCIETY OF GREATER
UTICA, JOSEPH BOTTINI,
#NOHOSPITALDOWNTON, 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.,

**AFFIDAVIT OF
KATHRYN HARTNETT,
ESQ. IN OPPOSITION TO
PETITION**

PETITIONERS-PLAINTIFFS,

-against-

INDEX NO. 02797-19
RJI No.

PLANNING BOARD OF THE CITY OF UTICA,
NEW YORK STATE OFFICE OF PARKS,
RECREATION, AND HISTORIC PRESERVATION,
ERIK KULLESEID, ACTING COMMISSIONER,
DORMITORY AUTHOIRTY OF THE STATE OF
NEW YORK AND, MOHAWK VALLEY HEALTH
SYSTEM

RESPONDENTS-DEFENDANTS.

STATE OF NEW YORK   )
                                                    ss:
COUNTY OF ONEIDA   )

I, **KATHRYN HARTNETT,** being duly sworn, deposes and states as follows:

1.   I am over 21 years of age and am employed as an Assistant Corporation Counsel for the for the City of Utica, New York. I represent Respondent Planning Board of the City of Utica, and as such, I am fully familiar with the facts and circumstances of this case.

2.   I make this affidavit in Opposition to the Amended Verified Petition, and submit it in conjunction with Respondent Planning Board's Verified Answer, and the Affidavit of Brian Thomas dated February 13, 2020.

3.   I have had opportunity to review the Answering Papers of Co-Respondent Mohawk

Valley Health System (MVHS).

4. Respondent Planning Board fully joins in the answering papers of Co-Respondent MVHS, including all affidavits and a Memorandum of Law submitted in Opposition to the Amended Verified Petition.

WHEREFORE, your deponent respectfully requests that the Petitioners' Amended Verified Petition is dismissed, and for such other and further relief as the Court may deem just and proper.

KATHRYN F. HARTNETT, ESQ.
ASSISTANT COPORATION COUNSEL FOR
THE CITY OF UTICA

Sworn to before me this
14th day of February, 2020

Notary Public

MERIMA SMAJIC
Notary Public in the State of New York
Qualified in Oneida County 02SM6298695
My Commission Expires Mar. 17, 20 22