

ATTACHMENT NO. 2

MOHAWK VALLEY HEALTH SYSTEM

AFFIDAVIT

State of New York
Oneida County

Mohawk Valley Health System
CON – 172305 – construct a new replacement hospital

AFFIDAVIT

I, Traci A. Boris, being duly sworn, depose and say that:

1. I am the General Counsel for the Mohawk Valley Health System (MVHS), which is an affiliation of Faxton-St. Luke's Healthcare (FSLH) and St. Elizabeth Medical Center (SEMC). As such, I also serve in the role of General Counsel for both FSLH and SEMC.

2. By letter dated November 27, 2017, the NYS Department of Health sent a 14-day letter seeking responses to various queries. As part thereof the Department of Health sought an Affidavit relative to any relationships between the seller and the proposed operator/owner.

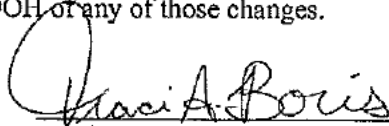
3. In my role as the General Counsel I have reviewed contract databases and reached out to pertinent departments and personnel to ascertain the relationships between MVHS and any of the property owners within the hospital's site plans. Based upon that review and those discussions I have determined that there is no conflict of interest between any of the property owners and MVHS. However, MVHS has the following relationships with property owners whose property is within the site plan and intended for acquisition:

- a. The following property owners are, or have been in the past, third party vendors who provide services and/or products that are used for hospital operations:
 - i. Schmalz Mechanical (unsure of relationship to property owner [REDACTED])
 - ii. Urbanik Paint (owned by Greg Urbanik)
 - iii. Niagara Mohawk
 - iv. Cavo's on Jefferson (unsure of relationship to property owner [REDACTED])
 - v. Park Outdoor Advertising
 - vi. Clemente's
 - vii. City of Utica
 - viii. O'Brien in Rome (unsure of relationship to property owner [REDACTED])
 - ix. Mohawk Hospital Equipment
 - x. H.J. Brandeles

- b. The Board Chair for Resource Center For Independent Living is the [REDACTED] of an MVHS Board Member.
- c. The owner of Mohawk Hospital is a Board Member on the SEMC Foundation and FSLH Foundation Boards.
- d. SEMC has a Power Purchase Agreement with Niagara Mohawk for power generated by SEMC's co-generation plant.

4. It is important to note that at this stage the property owners' list was developed by use of county databases and tax record searches. As property acquisition moves forward ownership will be verified and if there are any changes relative to relationships between any owners and MVHS, we consider this a continuing obligation and will notify DOH of any of those changes.

Dated: December 8, 2017



Traci A. Boris, Esq,
General Counsel

Sworn to before me this 8th day
of December, 2017



Notary Public

MARGARET H. JACOBSEN
Notary Public, State of New York
Appointed in Oneida County
My Commission Expires 2/18/2018