

Citizens to Preserve Our Neighborhood, Inc.

2230 Douglas Crescent
Utica, NY 13501

May 30, 2008

St. Elizabeth Medical Center
2209 Genesee St.
Utica, NY 13501-5999

Attn: Matthew Babcock CFO

Re: **Citizens to Preserve Our Neighborhood, Inc./Conservation Easement**

Dear Matt:

In response to a recent letter dated May 20, 2008 forwarded to Jerry Zamorski by Chris Connors, and as a follow up to our recent telephone conversation I am enclosing herewith:

- 1) A copy of Chris Connors' letter of May 20, 2008.
- 2) A copy of the Certificate of Incorporation of Citizens to Preserve Our Neighborhood, Inc.
- 3) A copy of the filing receipt for such incorporation.
- 4) A copy of a 501 (4) – (c) letter from the U.S. Treasury Department
- 5) A copy of a Settlement Agreement dated March 12, 1999.
- 6) A copy of a Conservation Easement dated March 12, 1999.

As discussed in our recent telephone conversation we are extremely disappointed that St. Elizabeth's Medical Center (St. E's) plans to breach its Settlement Agreement with Citizens to Preserve Our Neighborhood, Inc. (The Neighbors) and the Conservation Easement which was negotiated between such entities. When we reached these agreements we firmly believed that we would no longer have to engage in any more development and expansion disputes with St. E's.

We call to your attention the Settlement Agreement, signed by Sister Rose Vincent, which provides for a permanent Conservation Easement to be granted to the Neighbors and also states that:

"This easement to act as a permanent buffer between the Medical Center and Neighbors to the benefit of both the Medical Center and the Neighbors so that the Medical Center can continue its operations in peace, to enable the Medical Center to provide services to the community that it serves without interference from activities of the Neighbors, and the Neighbors can continue to live their lives in their homes without interference or nuisance (noise, glare, visual intrusion) from the Medical Center."

Also the Conservation Easement granted by you to the Neighbors provides that:

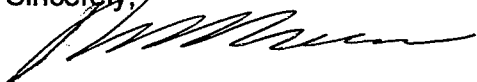
"This is a Conservation Easement being granted consistent with ss.49-0303(1) of the Environmental Conservation Law of the State of New York. This easement is being granted for the purpose of preserving and maintaining the scenic, open, historic, architectural and natural condition and character, significance and amenities of the real property affected by this easement, that being the real property both the Donor and Grantee."

St. E's rezoning proposal for the development of the Ballantyne Brae properties totally goes against the spirit of these agreements, if not the letter. It also is not in line with the Environmental policies posted on St. E's website.

Unfortunately several years ago when St E's developed the new parking area at Genesee and Ballantyne Brae, St. E's failed to seek the Neighbors consent to disturb the Conservation Easement. As a result an architecturally significant home, located within our easement, was torn down and the area was paved over. As Chris Connors' letter appropriately points out, the enclosed documents establish that the Neighbors hold the Easement and we would point out to you that paragraph 4, sub-paragraph A, allows for our redress of St E's encroachment of the Easement. Moreover it is our opinion that fencing that was placed in the Conservation Easement likewise is a violation. The Neighbors will not allow these encroachments to continue much less be expanded. We will vigorously enforce the terms of the Settlement Agreement and of the Conservation Easement. We will also vigorously oppose any further development and any rezoning requests, made by St. E's involving any property located in our neighborhoods.

We feel that St. E's should abide by the agreements that are negotiated in good faith and which were intended to last in perpetuity. Our neighborhood is one of the last areas of the city not showing signs of blight and neglect. It is a beautiful residential area that will be severely compromised if St. E's continues to expand without consideration for its neighbors and completely contrary to the intent of the agreements that were made with us.

Sincerely,



Ronald A. Cuccaro
Citizens to Preserve Our Neighborhood, Inc.

cc City of Utica Zoning Board of Appeals – c/o City Clerks office
City of Utica Planning Board – c/o City Clerks office
Members of the City of Utica Common Council – c/o City Clerks office
Corporation Counsel – c/o City Clerks office
Mayor David Roefaro