

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Program for an
Inactive Hazardous Waste Disposal
Site, Under Article 27, Title 13,
of the Environmental Conservation
Law of the State of New York
by

ORDER
ON
CONSENT

INDEX # W-3-0309-89-05

SITE # 3-60-021

VILLAGE OF MAMARONECK,

Respondent.

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites".

2. Village of Mamaroneck ("Respondent"), is a municipality within the meaning set forth in section 27-1301(3) of the ECL. From approximately 1950 to the present, Respondent owned real property located in the area of Greenhaven and Old Boston Post Roads and Taylor Lane, Village of Mamaroneck, Town of Rye, County of Westchester (the "Site"). A map of the Site is attached hereto as Appendix A. The Site has been operated as an municipal landfill and also accepted industrial wastes. At present a leaf composting program is being conducted on the Site.

3. The Site is an inactive hazardous waste disposal site, as that term is defined at ECL Section 27-1301(2) and

presents a significant threat to the public health or environment. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 3-60-021. The Department has classified the Site as a Classification "2" pursuant to ECL Section 27-1305(4)(b).

4. Pursuant to ECL Section 27-1313(3)(a), whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the Department, at such site, and (ii) to implement such program within reasonable time limits specified in the order."

5. The Department and Respondent agree that the goals of this Order shall be the development and implementation of a Remedial Program for the Site by Respondent, which program shall include a Remedial Investigation/Feasibility Study and the design and implementation of the selected remedial alternative.

6. Respondent has entered into this Order as a precondition to eligibility for financial assistance pursuant to ECL Article 52, Title 3 and ECL §27-1313(5)(g). Respondent has placed its insurer on notice of the Department's

determination that the Site constitutes a significant threat to the environment and of the Department's claim, pursuant to ECL Article 27, Title 13, against Respondent. Respondent has agreed to continue to exercise all reasonable efforts to obtain indemnification or a commitment to indemnify from its insurance carriers. Further, Respondent has agreed to assist the Department to identify all other responsible parties and to compel other responsible persons to bear the cost of the development and implementation of an inactive hazardous waste disposal site remedial program at the site.

7. Respondent, having waived its right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. All activities and submittals required by this Order shall address both on-Site and off-Site contamination and shall be in accordance with Requisite Remedial Technology. As used in this Order, Requisite Remedial Technology means the proper application of scientific and engineering principles and practices, subject to the Department's approval, which will identify and mitigate or eliminate any present or potential threat to the public health or environment posed by the presence of hazardous waste at the Site and any release or threatened release of

hazardous waste at or from the Site.

II. Respondent shall retain professional consultants, contractors and laboratories acceptable to the Department to perform the technical, engineering and analytical obligations required by this Order. The experience, capabilities and qualifications of the firms or individuals selected by Respondent, together with copies of the contracts (and supporting cost data in a format acceptable to the Department) between the Respondent and their consultants shall be submitted within 30 days after the effective date of this order, consultant selection or contract execution, whichever is later, to the Department for approval prior to initiation of any activities for which the Respondent and their consultants will be responsible.

III. Within 30 days after the effective date of this Order, Respondent shall submit to the Department their scoping effort completed in accordance with EPA's "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA", dated October 1988, and all data within its possession or control regarding environmental conditions on-Site and off-Site, and other information described below, to the extent that such data have not previously been provided to the Department. The data and other information shall include:

a. A brief history and description of the Site, including the types, quantities, physical state, location and

dates of disposal of hazardous waste including methods of disposal and spillage of such wastes;

b. A concise summary of information held by the Respondents and their attorneys with respect to all persons responsible for such disposal of hazardous wastes. Person responsible or responsible party means any or all of the following:

- (1) the current owner and operator of the site;
- (2) the owner and operator of the site at the time or subsequent to the time any hazardous waste disposal occurred;
- (3) any person who generated any hazardous waste that was disposed of at the site;
- (4) any person who transported any hazardous waste to the site;
- (5) any person who disposed of any hazardous waste at the site;
- (6) any person who by contract, agreement or otherwise arranged for the transportation of any hazardous waste to the site or the disposal of any hazardous waste at the site;
- (7) any other person determined to be responsible according to applicable principles of statutory or common law liability.

Such information shall include, but not be limited to, names, addresses, dates of disposal and any proof linking each such person responsible with hazardous wastes identified

pursuant to Paragraph III (a) herein;

c. A comprehensive list and copies of all existing relevant reports with titles, authors and subject matter, as well as a description of the results of all previous investigations of the Site and areas in the vicinity of the Site, including copies of all available topographic and property surveys, engineering studies and aerial photographs.

d. An application in a format acceptable to the Department for State assistance pursuant to ECL Article 52, Title 3 together with a resolution in a format acceptable to the Department which authorizes the signing of a contract for State assistance pursuant to ECL Article 52, Title 3.

IV. Within 30 days after the effective date of this Order, Respondent shall submit to the Department a signed copy of the State Assistance Contract together with a Work Plan for a Remedial Investigation/Feasibility Study.

The Work Plan shall address all elements of a Remedial Investigation/Feasibility Study as set forth in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sections 9601 et seq., as amended ("CERCLA"), the National Contingency Plan then in effect ("NCP"), the USEPA draft guidance document entitled "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA" dated October 1988, and any subsequent revisions thereto, and appropriate technical and administrative guidelines. In addition, the Work Plan shall

include:

a. A Work Plan which shall consist of a chronological description of the anticipated RI/FS activities together with an anticipated schedule for the performance of these activities.

b. A Sampling and Analysis Plan which shall include:

(i) A Quality Assurance Project Plan that describes the quality assurance and quality control (QA/QC) protocols necessary to achieve the initial data quality objectives.

(ii) A Field Sampling Plan that defines the sampling and data gathering methods in a manner consistent with the "Compendium of Superfund Field Operations Method" (EPA/540/P-87/001, OSWER Directive 9355.0-14, December 1987) as supplemented by the Department.

c. A Health and Safety Plan for the protection of persons at and in the vicinity of the Site during the performance of the Remedial Investigation which shall be prepared in accordance with 29 C.F.R. Section 1910 by a certified health and safety professional.

d. A Citizen Participation Plan which is prepared in a manner consistent with the Department's publication "New York State Inactive Hazardous Waste Site Citizen Participation Plan".

V. The Department shall notify Respondent in writing of its approval or disapproval of the Work Plan.

If the Department disapproves the Work Plan, the Department shall notify Respondent in writing of the Department's objections. Within 45 days after receipt of notice of disapproval, Respondent shall revise the Work Plan in accordance with the Department's specific comments and submit a Revised Work Plan.

The Department shall notify Respondent in writing of its approval or disapproval of the Revised Work Plan.

If the Department disapproves the Revised Work Plan, the Respondent shall be deemed to be in violation of this Order.

The Work Plan or the Revised Work Plan, whichever the Department approves, (the Approved Work Plan), shall be attached as Appendix B and incorporated into this Order.

Respondent shall perform the Remedial Investigation/Feasibility Study in accordance with the Approved Work Plan.

VI. In accordance with the time schedule contained in the Approved Work Plan, Respondent shall perform the Remedial Investigation and submit the status reports and other deliverables (as defined in the Work Plan) and the Remedial Investigation Report. During the Remedial Investigation, Respondent shall have on-Site, full-time, a representative qualified to inspect the work. The Report shall include all data generated and all other information obtained during the Remedial Investigation, provide all of the assessments and evaluations set forth in CERCLA, the NCP then in effect, and

in the guidance documents referred to above and identify any additional data that must be collected. The Feasibility Study shall be prepared and certified by an engineer licensed to practice by the State of New York. This licensed engineer may be an employee of Respondent, or an individual or member of a firm which is authorized to offer engineering services in accordance with Article 145 of the New York State Education Law. The engineer shall certify that all activities that comprised the Remedial Investigation were performed in full accordance with the approved Work Plan.

VII. After receipt of the Report, the Department shall determine if the Remedial Investigation was conducted and the Report prepared in accordance with the Approved Work Plan and this Order, and shall notify Respondent in writing of its approval or disapproval of the Report.

If the Department disapproves the Report, the Department shall notify Respondent in writing of the Department's objections. Respondent shall revise the Report and/or reperform or supplement the Remedial Investigation in accordance with the Department's specific comments and shall submit a Revised Report. The period of time within which the Report must be revised or the Remedial Investigation reperformed or supplemented shall be specified by the Department in its notice of disapproval.

After receipt of the Revised Report, the Department shall notify the Respondent in writing of its approval or disapproval of the Revised Report.

If the Department disapproves the Revised Report, the Respondent shall be deemed to be in violation of this Order.

The Report or Revised Report, whichever the Department approves (the "Approved Report") shall be attached as Appendix C and incorporated into this Order.

VIII. The Department reserves the right to require a modification and/or an amplification and expansion of the Remedial Investigation and Report by Respondent if the Department determines, as a result of reviewing data generated by the Remedial Investigation or as a result of reviewing any other data or facts, that further work is necessary.

IX. Within 90 days after receipt of the Department's approval of the Report, Respondent shall submit a Feasibility Study evaluating on-Site and off-Site remedial actions to eliminate, to the maximum extent practicable, all health and environmental hazards and potential hazards attributable to the Site. The Feasibility Study shall be prepared and certified by an engineer licensed to practice by the State of New York, and approved by the Department. This engineer may be an employee of Respondent, or an individual or member of a firm which is authorized to offer engineering services in accordance with Article 145 of the New York State Education Law.

The Feasibility Study shall be performed in a manner that is consistent with CERCLA, the NCP then in

effect, the USEPA draft guidance document entitled "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA," dated October 1988 and any subsequent revisions thereto and appropriate technical and administrative guidelines.

X. After receipt of the Feasibility Study, the Department shall determine if the Feasibility Study was prepared in accordance with this Order, and shall provide written notification of its approval or disapproval.

If the Department disapproves the Feasibility Study, the Department shall notify Respondent in writing of the Department's objections. Within 45 days after receipt of notice of disapproval, Respondent shall revise the Feasibility Study in accordance with the Department's specific comments and submit a Revised Feasibility Study.

After receipt of the Revised Feasibility Study, the Department shall notify Respondent in writing of its approval or disapproval of the Revised Feasibility Study.

If the Department disapproves the revised Feasibility Study, the Respondent shall be deemed to be in violation of this Order.

The Feasibility Study or the Revised Feasibility Study, whichever the Department approves (the "Approved Feasibility Study"), shall be attached as Appendix D and incorporated into this Order.

XI. Within 60 days after the Department's approval of the Feasibility Study, the Department and Respondent shall

solicit public comment on the Remedial Investigation/ Feasibility Study and the recommended remedial program in accordance with CERCLA, the NCP, any other applicable law, and any relevant Department policy and guidance documents in effect at the time the public comment period is initiated. After the close of the public comment period, the Department shall select a final remedial program for the site in a Record of Decision ("ROD"). The ROD shall be attached as Appendix E and incorporated into this Order.

XII. Unless the ROD recommends the "no action" alternative, Respondent shall submit a Remedial Design within 90 days after the ROD is signed. The Remedial Design shall be prepared and certified by an engineer licensed to practice by the State of New York and approved by the Department. The engineer may be an employee of Respondent, or an individual or member of a firm which is authorized to offer engineering services in accordance with Article 145 of the New York State Education Law.

The Remedial Design shall include the following:

a. A detailed description of the means by which each essential element of the Remedial Program will be performed, to include but not be limited to:

1. the collection, destruction, treatment and/or disposal of hazardous wastes, and their constituents and degradation products, and any soil or other materials contaminated thereby;

2. the collection, destruction,

treatment, and/or disposal of contaminated groundwater, leachate and air;

3. the physical security of and the posting of signs at the Site;

4. the health and safety of persons living and/or working at or in the vicinity of the site;

5. the Quality Control and Quality Assurance (QA/QC) procedures and protocols to be applied during implementation of the Remedial Program; and

6. the Monitoring Program which adequately assesses the environmental conditions both on-Site and off-Site during implementation of the Remedial Program.

b. "Biddable Quality" documents for the Remedial Program, including plans and specifications prepared and certified by an engineer licensed to practice by the State of New York and approved by the Department. This engineer may be an employee of the Respondent, or an individual or member of a firm which is authorized to offer engineering services in accordance with Article 145 of the New York State Education Laws. These plans shall satisfy all applicable local, State and Federal laws, rules and regulations;

c. A time schedule for the Remedial Program and provisions for periodic work-in-progress reports during the Remedial Program;

d. The parameters, conditions, procedures and protocols to determine the effectiveness of the Remedial

Program, including a schedule for periodic sampling of groundwater monitoring wells on-Site and off-Site;

e. A description of operation, maintenance and monitoring (O & M) activities to be undertaken following completion of the Remedial Program, including the number of years during which such activities will be performed.

f. A Contingency Plan to be implemented in the event that any element of the Remedial Program fails to operate in accordance with the Remedial Design or otherwise fails to protect human health or the environment; and

g. A Health and Safety Plan for the protection of persons at and in the vicinity of the Site both during construction and after completion of the Remedial Program. The plan shall be prepared in accordance with 29 C.F.R. Section 1910 by a certified health and safety professional.

XIII. After receipt of the Remedial Design, the Department shall notify Respondent in writing of its approval or disapproval of the Remedial Design.

If the Department disapproves the Remedial Design, the Department shall notify Respondent in writing of the Department's objections. Within 45 days after receipt of notice of disapproval, Respondent shall revise the Remedial Design in accordance with the Department's specific comments and submit a Revised Remedial Design.

After receipt of the Revised Remedial Design, the Department shall notify Respondent in writing of its approval

or disapproval of the Revised Remedial Design.

If the Department disapproves the Revised Remedial Design, the Respondent shall be deemed to be in violation of this Order.

The Remedial Design or the Revised Remedial Design, whichever the Department approves ("Approved Remedial Design"), shall be attached as Appendix F and incorporated into this Order.

XIV. Respondent shall implement the Remedial Program in accordance with the Approved Remedial Design. Respondent must obtain prior written approval from the Department prior to deviating from the Approved Remedial Design in any way. During implementation of the Remedial Program, Respondent shall have on-Site, full-time, a representative qualified to inspect the work.

Within 60 days after completion of the Remedial Program, Respondent shall submit as-built drawings, a Final Engineering Report, and a Final Operation, Maintenance and Monitoring Report. These Reports shall reflect all changes made during construction and shall include a certification that the Remedial Program was completed in accordance with the Approved Remedial Design. The Reports shall be prepared by and the certification made by an engineer licensed to practice by the State of New York and approved by the Department. This engineer may be an employee of the Respondent, or an individual or member of a firm which is authorized to offer engineering services in accordance with

Article 145 of the New York State Education Law.

XV. After receipt of the as-built drawings, Final Engineering Report and certification, the Department shall notify Respondent in writing whether it is satisfied with the quality and completeness of the Remedial Program as being protective of human health and the environment.

If the Department concludes that any element of the Remedial Program fails to operate in accordance with the Approved Remedial Design or otherwise fails to protect human health or the environment, the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law.

XVI. Prior to its acceptance and approval of the engineer's certification that construction was completed in accordance with the Approved Remedial Design, the Department may require the Respondent to modify the Remedial Design and Construction if the Department determines that such modification is necessary due to:

(1) environmental conditions on-Site or off-Site which are related to the presence of hazardous wastes at the Site and which were unknown to the Department at the time of the effective date of this Order, or

(2) information received, in whole or in part, after the effective date of this Order, where such unknown environmental conditions or information indicates that the Remedial Program is

not protective of human health or the environment.

XVII. Respondent shall operate, maintain and monitor all elements of the Remedial Program for the period of years set forth in the Approved Remedial Design, implement the Contingency Plan contained in the Approved Remedial Design in the event any element of the Remedial Program fails after completion or otherwise fails to protect human health or the environment, and implement the Health and Safety plan contained in the Approved Remedial Design after completion.

XVIII. Within 60 days after the effective date of this Order and every six months thereafter (unless the Department informs Respondent otherwise), Respondent shall provide a written report to the Department of the efforts that it has made to obtain indemnification from its insurers and to assist the Department in compelling other responsible parties to bear the costs associated with the development and implementation of an inactive hazardous waste disposal site remedial program at the Site.

XIX. Any use of the Site must be approved in writing by the Division of Hazardous Waste Remediation, Special Projects Section and must not interfere with remediation or contribute to the contamination of the Site. Any use of the Site will be subject to all applicable local, State, and Federal laws, rules and regulations.

XX. Respondent will cease to operate the Site as a leaf composting facility. Respondent will not accept any refuse, trash or any other material for disposal, storage, or any

other purpose, including leaf composting, after midnight on December 31, 1989. There will be no extensions to this deadline.

XXI. There will be no physical alteration or activity of any kind including mitigation measures at the Site without written approval and field oversight by the Division of Hazardous Waste Remediation, Special Projects Section.

XXII. Within 15 days of the Respondent's signing this Order, Respondent shall submit approvable proposals for interim mitigation measures (IMM) which include time schedules and are not inconsistent with remediation. These IMM shall include the grading of the Site and the construction of a surface and leachate collection and retention system.

The Department will review the proposals and provide comments and additions, if necessary. The Respondent will implement the proposals as directed by the Department.

Respondent will notify the Department at least 5 business days prior to any and all implementation of these IMMs and make any scheduling changes necessary to insure that Department oversight is available.

XXIII. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent and the Department shall also have the right to take its own samples.

XXIV. Respondent shall provide notice to the Department at least 10 working days in advance of any field activities

to be conducted pursuant to this Order.

XXV. Respondent shall obtain whatever permits, easements, rights-of-way, rights-of-entry, approvals or authorizations are necessary to perform Respondent's obligations under this Order.

XXVI. Respondent shall permit any duly designated employee, consultant, contractor or agent of the Department or any State agency to enter upon the Site or areas in the vicinity of the Site which may be under the control of Respondent for purposes of inspection, sampling and testing and to assure Respondent's compliance with this Order. During implementation of the Remedial Program, Respondent shall provide the Department with suitable office space at the site, including access to a telephone, and shall permit the Department full access to all records and job meetings.

XXVII. Respondent shall not suffer any penalty under this Order, or be subject to any proceeding or action, if it cannot comply with any requirements hereof because of an act of God, war or riot. Respondent shall immediately notify the Department in writing when it obtains knowledge of any such condition and request an appropriate extension or modification of this Order.

XXVIII. The failure of the Respondent to comply with any term of this Order shall be a violation of this Order and the ECL.

XXIX. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way

affecting:

a. the Department's right to bring any action or proceeding against anyone other than Respondent, its officers, employees, servants, agents, successors and assigns;

b. the Department's right to enforce this Order against Respondent, its officers, employees, servants, agents, successors and assigns in the event that Respondent shall fail to satisfy any of the terms hereof;

c. the Department's right to bring any action or proceeding against Respondent, its officers, employees, servants, agents, successors and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous wastes or constituents at or from the Site or areas in the vicinity of the Site, and;

d. the Department's right to bring any action or proceeding against Respondent, its officers, employees, servants, agents, successors and assigns with respect to hazardous wastes that are present at the Site or that have migrated from the site and present a significant threat to human health or the environment.

XXX. This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

XXXI. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and

employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent, its officers, employees, servants, agents, successors or assigns.

XXXII. The effective date of this Order shall be the date it is signed by the Commissioner.

XXXIII. If Respondent desires that any provision of this Order be changed, it shall make timely written application to the Commissioner, setting forth reasonable grounds for the relief sought. A copy of such written application shall be delivered or mailed to:

1. Alice M. McCarthy, Esq.
Div. of Environmental Enforcement
N.Y.S. Dept. of Environmental Conservation
202 Mamaroneck Avenue - Room 304
White Plains, New York 10601-5381
2. and to the Project Manager:
Robert Cozzy, P.E.
Chief Special Projects Section
Bureau of Eastern Remedial Action/DHWR
N.Y.S. Dept. of Environmental Conservation
50 Wolf Road - Room 222
Albany, New York 12233-7010

XXXIV. Within 30 days after the effective date of this

Order, Respondent shall file a Declaration of Covenants and Restrictions with the Westchester County Clerk to give all parties who may acquire any interest in the Site notice of this Order.

XXXV. In the event Respondent proposes to convey the whole or any part of its ownership interest in the Site, Respondent shall, not fewer than 60 days prior to the proposed conveyance, notify the Department in writing of the identity of the transferee and of the nature and date of the proposed conveyance and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

XXXVI. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

A. Communication from Respondent shall be made to all the following:

1. David L. Markell
Director, Division of Environmental
Enforcement
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233
2. Michael J. O'Toole
Director, Division of Hazardous Waste
Remediation
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233

3. Ron Tramontano, P.E.
Director, Bureau of Environmental
Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203
4. Alice M. McCarthy, Esq.
Div. of Environmental Enforcement
N.Y.S. Dept. of Environmental Enf.
202 Mamaroneck Avenue - Room 304
White Plains, New York 10601-5381
5. Paul Keller, Director
Region 3
N.Y.S. Dept. of Environmental
Conservation
21 South Putt Corners Road
New Paltz, New York 12561

B. Copies of Work Plans and Reports shall be submitted as follows:

1. One copy to the Director, Division of Environmental Enforcement.
2. Six copies to the Director, Division of Hazardous Waste Remediation.
3. Two copies to the Director, Bureau of Environmental Exposure Investigation.
4. One copy to: Same as No. 4 above.
5. One copy to the Regional Director, Region 3.

C. Communication to be made from the Department to the Respondent shall be made as follows:

Joseph P. Fraioli, Manager
Village of Mamaroneck
169 Mt. Pleasant Avenue
Mamaroneck, N.Y. 10543

XXXVII. Respondent, its officers, agents, servants, employees, successors and assigns shall be bound by this Order.

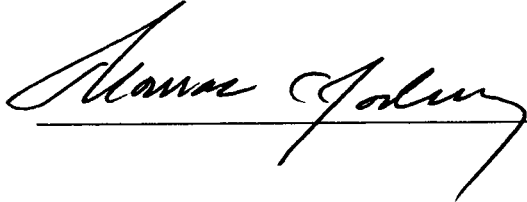
XXXVIII. The terms hereof shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No terms, conditions, understandings or agreements purporting to modify or vary the terms hereof shall be binding unless made in writing and subscribed by the party to be bound.

No informal advice, guidance, suggestions or comments by the Department, including but not limited to comments on reports, proposals, plans, specifications, schedules or any other submittals, shall be construed as relieving Respondent of its obligations to obtain such formal approvals as may be required by this Order.

DATED: Albany, New York

Aug. 17, 1989

THOMAS C. JORLING
Commissioner
New York State Department of
Environmental Conservation



CONSENT BY RESPONDENT

VILLAGE OF MAMARONECK

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: Joseph P. Fraioli
JOSEPH P. FRAIOLI
Title: MANAGER, VILLAGE OF MAMARONECK
Date: JUNE 30, 1989

STATE OF NEW YORK)
) S.S.:
COUNTY OF WESTCHESTER

On this 30th day of JUNE, 1989,
before me personally came JOSEPH P. FRAIOLI,
to me known, who being duly sworn, did depose and say that he
resides at 404 ENGLISH PLACE MAMARONECK, NY; that
he is the VILLAGE MANAGER of the Village
of Mamaroneck, the municipality described herein, and which
executed the foregoing instrument; that he knew the seal of
said municipality; that the seal affixed to this instrument was
such municipal seal; that it was so affixed by a resolution of
the Board of Trustees of the Village of Mamaroneck, and that
he signed his name thereto by like order.

Joyce Dean
Notary Public

JOYCE DEAN
Notary Public, State of New York
No. 60-4719358
Qualified in Westchester County
Commission Expires May 31, 1990

(AM-ORD-1/Doc #6 - 06/28/89)