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STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Investigation,
Feasibility Study and the 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 #A601468803
SITE #734039

CITY OF SYRACUSE

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", and 6 NYCRR Part 375, the regulations promulgated pursuant thereto.

2. The City of Syracuse ("Respondent"), a municipal corporation organized and existing under the laws of the State of New York, holds title to and operates the Syracuse Fire Training Center which is located at 312 State Fair Boulevard in Syracuse, New York (the "Site").

3. Respondent is a "person responsible", within the meaning of 6 NYCRR §375.2(p), as the owner and operator of the Site during a period beginning approximately in the mid-1940's and continuing until the present. During

Respondent's period of operation, certain substances which have since been classified as hazardous wastes were acquired by the Respondent, used by Respondent's agents for training purposes and may have been incidentally disposed of at the Site.

4. Samples of the soils at the site have revealed polychlorinated biphenyls (PCB's) at concentrations of up to 400 ppm.

5. The Site is an inactive hazardous waste disposal site, as that term is defined in ECL Section 27-1301(2), and has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 734031.

6. The Department has determined, pursuant to ECL Section 27-1305, that the Site constitutes a significant threat to the environment, having classified the Site as classification "2". As a result of that classification, action is required to address the threat which has been determined to exist at the Site.

7. 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."

8. The Department and the Respondent acknowledge that the goals of this Order are that:

- a. Respondent shall develop and implement a Remedial Program for the Site, including a Remedial Investigation and a Feasibility Study, which shall be subject to the approval of the Department.
- b. Respondent shall implement the Remedial Program, including the Remedial Investigation and Feasibility Study, within the time frames specified hereinafter.
- c. The Remedial Program shall be developed and implemented in such a way as to abate and/or eliminate any significant threat to the public health or environment posed by the Site.

9. The Department and Respondent further acknowledge that this Order on Consent satisfies the prerequisite, pursuant to 6 NYCRR 375.6(a)(2), for eligibility under Title 3 of ECL Article 52, the Environmental Quality Bond Act of 1986.

10. Respondent, having waived its right to a hearing in this matter in the manner provided by law, hereby consents to

the issuance and entry of this Order and agrees to be bound by its terms.

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

I. All investigations, proposals, reports, plans, remedial programs, and supplements and revisions thereto required by this Order shall address both on-Site and off-Site contamination and impacts caused by the disposal of hazardous wastes at the Site, and shall be prepared, designed and executed in accordance with Requisite Technology. As used in this Order, Requisite Technology shall mean engineering, scientific and construction principles and practices which:

- (a) are approved by the Department as accepted engineering practices;
- (b) are technologically feasible; and
- (c) will effectively abate and/or eliminate any significant threat to the environment posed by the disposal of hazardous wastes at the Site.

II. As used herein, "hazardous wastes" shall mean hazardous wastes, as defined at 6 NYCRR Part 371, and any constituents or degradation products of such wastes.

III. Within 30 days after the effective date of this Order, Respondent shall submit to the Department all data within its possession or control regarding environmental conditions on-Site and off-Site, to the extent that such data

have not heretofore been provided to the Department. At a minimum, this information shall include:

a. A brief history and description of the Site, including the types, quantities, physical state and location of hazardous wastes disposed of, including spills and the dates and methods of disposal and spillage of such wastes;

b. A concise summary of information held by the Respondent and its attorneys with respect to all "persons responsible" for such disposal of hazardous wastes, as that term is defined in 6 NYCRR Part 375, including but not limited to names, addresses, dates of disposal and any information linking each such person responsible with hazardous wastes identified in Paragraph III(a) herein;

c. The names and addresses of current and past employees of Respondent who may have further information regarding the disposal of hazardous wastes at the Site;

d. A description of the results of all previous investigations of the Site and of investigations known by Respondent to have been conducted of areas in the vicinity of the Site, including copies of all topographic and property surveys and engineering studies of the Site and areas in the vicinity of the Site;

e. A historical inventory of all aerial photography available for the Site, including date of flight, area of coverage, scale of reprints, and present owner of photography.

IV. Within the time limits set forth in the table below, the Department shall approve or disapprove each of the following submittals in writing.

Table No. 1
Submittals

Submittal	Consent Order Paragraph	Days after Receipt for Department Review	Days to Prepare and Submit Revision
Work Plan	VI	60 Days	60 Days
Report (R _r)	VII	90 Days	90 Days
Feasibility Study	VIII	90 Days	90 Days
Remedial Design	XI	90 Days	90 Days

If the Department approves a submittal, it shall so notify the Respondent in writing. The approved submittal ~~shall be appended to this Order and shall become an~~ enforceable part hereof.

If the Department disapproves a submittal, it shall so notify the Respondent in writing, and shall state the reasons therefor, making reference to any applicable standards or guidance that the Respondent should follow in developing a revised submittal. Within the time provided after receiving written notice that its submittal has been disapproved, Respondent shall make a revised submittal which addresses all of the Department's stated reasons for disapproving the first submittal. Within 30 days of its receipt of a revised submittal, the Department shall either approve or disapprove it.

If the Department approves the revised submittal, it shall so notify the Respondent in writing. The approved, revised submittal shall be appended to this Order and shall become an enforceable part hereof.

If the Department disapproves the revised submittal, it shall so notify the Respondent in writing, and shall state the reasons therefor. If within the following 15 days the parties cannot resolve their differences, either party may request that the dispute be settled in accordance with the dispute resolution procedures set forth in Paragraph V of this Order.

V. At the written request of either party, based on a dispute concerning the terms of a revised submittal or of a proposed modification to an approved submittal, the Commissioner may appoint an Administrative Law Judge (ALJ) to settle the matter.

If the ALJ deems it necessary to convene a hearing, the taking of evidence shall be concluded as soon as practicable after the ALJ's appointment. In all proceedings hereunder:

1. The parties shall be the Department and the Respondent.
2. Notice shall be provided to the other party by the party requesting resolution of the dispute.
3. The burden of going forward shall be on the Respondent.

4. The ALJ shall have all powers conferred by 6 NYCRR 622.12.

5. All proceedings conducted hereunder shall be stenographically recorded. The Respondent shall arrange at its expense for an expedited stenographic transcript to be made within 10 working days after conclusion of the proceeding, and for the original and two copies of the transcript to be delivered to the ALJ at the expense of the Respondent.

6. The ALJ shall prepare, within 45 working days after receipt of the transcript of the proceeding, a written summary of the documentation and testimony received during the proceeding, and a recommended decision. The summary and recommended decision shall be hand-delivered to the Department's representative and sent by certified mail, return receipt requested, and another copy by Express Mail, to the Respondent.

7. The ALJ's recommended decision shall become the final determination of the Commissioner unless, within 10 working days from receipt of the recommended decision, either the Respondent or the Department objects in writing. Any objections shall be submitted in writing to the ALJ with a copy sent by Express Mail, telecopier or hand-delivery to the other party, which shall serve and file in the same manner its response, if any, within 5 working days of receipt of the objections. Upon receipt of the objections and any response, the ALJ shall refer the matter to the Commissioner for final determination.

3. The final determination by the Commissioner shall be made as soon as practicable after receipt by him of the recommended decision by the ALJ.

VI. Within 60 days after the effective date of this Order, Respondent shall submit to the Department a revised Work Plan (the "Work Plan") for a Remedial Investigation/ Feasibility Study of the field environmental conditions on-Site and off-Site (the "RI/FS"). Respondent's revised Work Plan shall address all of the Department's comments on its first submittal. For the purposes of Paragraph IV above, the revised Work Plan shall be considered an initial submittal.

VII. Upon its approval by the Department, the Work Plan shall be attached to this Order as Appendix "A" and thereby made an enforceable part hereof. In the event that the approved Work Plan requires modification during implementation, such modification must be approved or requested by the Department in writing. Either party may request that a dispute regarding the terms of a proposed modification to the approved Work Plan be settled in accordance with the dispute resolution procedures set forth in Paragraph V of this Order. Modifications to the approved Work Plan shall be attached to this Order and shall be enforceable.

Respondent shall perform the Remedial Investigation according to the approved Work Plan and any approved modifications thereto, and shall submit to the Department a

Remedial Investigation Report (the "Report"). The Report shall include all data generated and all other information obtained during the Remedial Investigation and shall provide all of the assessments and evaluations which are set forth in the most current National Contingency Plan and are consistent with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sections 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. Law #99-499, 100 Stat. 1613 (1986) ("CERCLA").

VIII. Upon its approval by the Department, the Report shall be attached to this Order as Appendix "B" and thereby made an enforceable part hereof. Within 120 days after receipt of the Department's approval of the Report,

Respondent shall submit to the Department a study evaluating the feasibility of on-Site and off-Site remedial options to abate and eliminate the significant threat to the environment or public health (the "Feasibility Study"). The Feasibility Study shall be prepared and certified by an engineer licensed to practice by the State of New York, who 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 consistent with the NCP, CERCLA and the draft USEPA guidance document entitled, "Guidance on Remedial Investigations and Feasibility Studies under CERCLA", dated March 1988, or any subsequent revisions thereto.

IX. Upon its approval by the Department, the Feasibility Study shall be attached to this Order as Appendix "C" and thereby made an enforceable part hereof.

X. 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 6 NYCRR Section 375.7, CERCLA, the NCP, and any relevant Department policy and guidance documents in effect at the time the public comment period is to be 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").

XI. Unless the ROD recommends the "no action" alternative, Respondent shall submit to the Department a Remedial Design within 120 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, who 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.

The Remedial Design shall include the following:

a. A description of the means of effectuating the combination of technologies which has been selected from the alternatives identified by the approved Feasibility Study, and which therefore collectively constitutes the Remedial Program ("Remedial Program") to include:

1. the collection, treatment and disposition of hazardous wastes, constituents and degradation products, and any soil or other materials contaminated thereby;
2. the collection, treatment, and disposition of contaminated groundwater, leachate and air;
3. physical security and posting of the Site;
4. health and safety of persons living and/or working at or in the vicinity of the areas being remediated;
5. quality control and quality assurance procedures and protocols to be applied to Remedial Program construction operations;
6. integrated air monitoring on and off-Site during implementation of the Remedial Program.

b. "Contract-ready" documents for the construction of the elements of the Remedial Program, including plans and specifications prepared and certified by a licensed professional engineer registered in the State of New York, which plans shall satisfy all applicable state and federal laws, rules and regulations;

c. A time schedule for construction of the elements of the Remedial Program and provisions for periodic work-in-progress reports during the implementation of 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 existing and planned groundwater monitoring wells on-Site and off-Site;

e. A description of the maintenance and monitoring activities, procedures and protocols to be undertaken during the period commencing upon completion of the construction of the elements of the Remedial Program, including a provision for submission to the Department of periodic monitoring reports (post-closure monitoring);

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 prior to the date 30 years after satisfactory completion of construction pursuant thereto (Supplemental Remedial Program); and

g. A plan for the implementation of those measures identified by the ROD as necessary to protect the public's health and safety.

XII. Upon its approval by the Department, the Remedial Design shall be attached to this Order as Appendix "D" and thereby made an enforceable part hereof. In the event that the approved Remedial Design requires modification during implementation, such modification must be approved or requested by the Department in writing. Either party may request that a dispute regarding the terms of a proposed modification to the approved Remedial Design be settled in accordance with the dispute resolution procedures set forth in Paragraph V of this Order. Modifications to the approved Remedial Design shall be attached to this Order and shall be enforceable.

XIII. Within such period as may be allowed by the approved Remedial Design and any modifications thereto which have been approved or required by the Department or any Supplemental Remedial Program which may be required, Respondent shall complete construction of the Remedial Program pursuant to the approved Remedial Design and any modifications to the Remedial Design which have been approved or required by the Department. Within 120 days of completion of construction, Respondent shall submit to the Department as-built drawings and a certification that construction of the Remedial Program was completed in accordance with the approved Remedial Design and any approved modifications. Such certification shall be made by an engineer licensed to practice by the State of New York, who 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.

XIV. During the period after the effective date of this Order and prior to the Department's acceptance of the engineer's certification that construction of the Remedial Program was completed in accordance with the approved Remedial Design, the Department specifically reserves all of its rights to seek a modification or expansion of the Remedial Investigation, Feasibility Study, Remedial Design or Remedial Program if it determines that such modification or expansion is necessary due to:

(1) environmental conditions on-site or off-site 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, based on such environmental conditions or information, the Department determines that the Remedial Program may not abate and/or eliminate the significant threat to the environment or public health which exists at the Site.

XV. Within 45 days after receipt of the as-built drawings and certification, the Department shall review the same and provide comments to the Respondent. In the event that the Department believes that the quality and completeness of construction does not meet the requirements and specifications of construction documents, the Department may take any action and pursue any remedy to which it may be entitled by law.

If, after review, the Department accepts the engineer's certification that construction of this Remedial Program was completed in accordance with the approved Remedial Design, then, unless a Supplementary Remedial Program is required hereby, and except for the requirements of Paragraphs XVII and XXV hereof, such acceptance shall constitute a full and complete satisfaction and release of each and every claim, demand, remedy or action whatsoever against Respondent, its directors, officers, employees, agents, successors and assigns, which the Department has or

may have pursuant to Article 27, Title 13, of the ECL relative to or arising from the disposal of hazardous waste at the Site; provided, however, that the Department specifically reserves all of its rights concerning, and any such release and satisfaction shall not extend to, any investigation or remediation the Department deems necessary due to:

- (1) environmental conditions on-site or off-site which were unknown to the Department at the time of its approval of the Remedial Investigation Report, or
- (2) information received, in whole or in part, after the Department's approval of the Remedial Investigation Report,

where, based on such environmental conditions or information, the Department determines that the significant threat to the environment or public health posed by the Site has not been abated and/or eliminated. The Department shall notify the Respondent of such environmental conditions or information and its basis for determining that the significant threat to the environment or public health posed by the Site has not been abated and/or eliminated.

This release shall inure only to the benefit of Respondent, its directors, officers, employees, agents, successors and assigns, with respect to the aforesaid matter.

Nothing herein shall be construed as barring, diminishing, adjudicating or in any way affecting any legal

or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent, its directors, officers, employees, agents, successors and assigns.

XVI. The right of the Department to enforce the terms of this Order shall not be affected by any release contained herein.

XVII. Notwithstanding any provision contained in this Order to the contrary, for a period of up to 30 years from the date of the Department's written acknowledgment that Respondent has completed the implementation of the construction and other elements in accordance with the approved Remedial Design, or for a longer period of time commensurate with Respondent's obligations pursuant to this Order, Respondent shall operate, maintain and monitor the areas at which the elements of the Remedial Program were implemented in accordance with the approved Remedial Design ("Post-Closure Period"). During such Post-Closure Period, Respondent shall provide the Department with the periodic monitoring reports, as set forth in the approved Remedial Design and shall provide immediate notice to the Department of any failure of the Remedial Program.

Within five years of the date of the inception of the Post-Closure Period, and at least every five years thereafter for its duration, the Department shall evaluate whether Respondent's obligation to operate, maintain and monitor the areas at which the elements of the Remedial

Program were implemented, in accordance with the approved Remedial Design, should be modified. If the Department determines that such a modification is necessary, it shall so notify the Respondent in writing, describing the proposed modification and the reasons therefor. Unless the Respondent objects to the proposed modification within 30 days of its receipt of such notice, the proposed modification shall become a part of this Order and shall be enforceable hereunder. Any dispute concerning the terms of such a proposed modification shall be resolved in accordance with the procedures set forth in Paragraph V.

XVIII. The Department shall have the right to obtain "split samples", "duplicate samples", or both, of all substances and materials sampled by Respondent pursuant to this Order.

XIX. Respondent shall, to the greatest extent practicable, provide notice to the Department at least 10 working days in advance of any excavating, drilling or sampling to be conducted pursuant to the terms of this Order.

XX. Respondent shall obtain whatever permits, easements, rights-of-way, rights-of-entry, approvals or authorizations are necessary in order to perform the Remedial Investigation and all of Respondent's other obligations pursuant to this Order.

XXI. Respondent shall permit any duly designated officer, employee, consultant, contractor or agent of the Department to enter upon the Site or areas in the vicinity of the Site which may be under the control of Respondent, and any areas

necessary to gain access thereto, for purposes of inspection and of making or causing to be made such sampling and tests as the Department deems necessary, and for assurance of Respondent's compliance with the terms of this Order.

XXII. Respondent shall retain a third-party professional consultant, contractor and/or state-certified laboratory to perform the technical, engineering and analytical obligations required by this Order. The Feasibility Study must be certified by a New York State licensed professional engineer. Said professional engineer shall be an employee of the Respondent or an individual or member of an independent firm which is authorized to offer engineering services in accordance with the New York State Education Law governing professional engineers.

XXIII. Respondent shall not suffer any penalty under any of the terms of this Order, or be subject to any proceeding or actions for any remedy or relief, if it cannot comply with any requirements hereof because of an act of God, war, riot, or other condition as to which negligence or willful misconduct on the part of the Respondent was not a proximate cause, provided, however, that the Respondent shall immediately notify the Department in writing when it obtains knowledge of any such condition and shall request an extension or modification of the terms of this Order.

XXIV. The failure of the Respondent to comply with any term of this Order shall constitute a default and a failure to perform an obligation under this Order and under the ECL.

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

a. any legal or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent;

b. the Department's right to enforce at law or in equity the terms and conditions of this Order against Respondent in the event that Respondent shall fail to satisfy any of the terms hereof; and

c. the Department's right to bring any action at law or in equity against the Respondent with respect to claims for natural resource damages.

XXVI. Respondent shall continue to exercise reasonable efforts to obtain indemnification from its insurers and to assist the Department in compelling other responsible parties, including, but not limited to, Niagara Mohawk, to bear the costs associated with the development and implementation of an inactive hazardous waste disposal site remedial program at the Site. Upon request, Respondent shall advise the Department in writing within 10 business days of the request regarding the progress that it has made in relation to such efforts.

XXVII. The terms of this Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation. If the need for the exercise of the Commissioner's summary abatement powers is occasioned by a default on the part of the Respondent in fulfilling the terms of this Order, the Commissioner or his duly authorized representative shall endeavor, if circumstances permit, to notify the Respondent prior to exercising such powers.

XXVIII. 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 the terms of this Order by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

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

XXX. If the Respondent desires to deviate from the provisions of this Order in any way, the Respondent shall make timely written application therefor to the Commissioner, setting forth reasonable grounds for the relief sought.

XXXI. Within 90 days after the effective date of this Order, the Respondent shall file a Declaration of Covenants and Restrictions with the Onondaga County Clerk's Office for the purpose of providing notice of this Order to all

potential future purchasers of any portion of the Site. This Declaration must indicate that any successor in title to any portion of the Site shall be responsible for implementing any of the provisions of this Order which remain unfulfilled as of the date of transfer. A certified copy of this filing shall be provided to the Department.

XXXII. In the event that the Respondent proposes to convey the whole or any part of its ownership interest in the Site, the Respondent shall, not fewer than 30 days prior to the consummation of such proposed conveyance, notify the Department in writing of the identity of the transferee and of the nature and date of the proposed conveyance. In advance of such proposed conveyance, the Respondent shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

XXXIII. A. All communication required by this Order to be made between the Department and the Respondent shall be made in writing and transmitted by United States Postal Service Return Receipt Requested, or hand delivered to the address listed below.

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

1. Two copies to the Division of Hazardous Waste Remediation, Room 212, 50 Wolf Road, Albany, New York 12233. Attn: Michael J. O'Toole, Jr., Director.

2. Two copies to the Division of Environmental Enforcement, Room 415, 50 Wolf Road, Albany, New York 12233, Attn: Paul Van Cott, Esq.

3. Two copies to the NYS Department of Environmental Conservation, Region 7, 615 Erie Boulevard West, Syracuse, New York 13204 Attn: Bill Krichbaum, Regional Director.

4. Two copies to the NYS Department of Health, Attn: Ronald Tramontano, Bureau of Environmental Exposure Investigation, 2 University Place, Albany, New York 12203.

C. Communication to be made from the Department to the Respondent shall be made as follows: C. Frank Harrigan, Esq., Office of the Corporation Counsel, City of Syracuse, 301 City Hall, Syracuse, New York 13202.

XXXIV. The terms of this Order shall be deemed to bind the Respondent, its officers, directors, agents, servants, employees, successors and assigns.

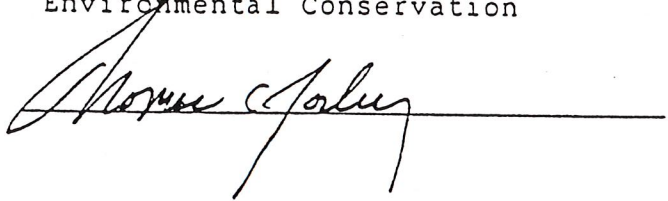
XXXV. Nothing contained herein shall be construed to bind any entity not specifically bound by the terms of this Order.

XXXVI. The terms hereof shall constitute the complete and entire Order between the 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 to by the party to be bound. No informal advice, guidance, suggestions or comments by the Department regarding reports,

proposals, plans, specifications, schedules or any other writing submitted by the Respondent shall be construed as relieving the Respondent of its obligation to obtain such formal approvals as may be required by this Order.

DATED: *Albany*, New York
March 23, 1989

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

A handwritten signature in cursive script, reading "Thomas C. Jorling", is written over a solid horizontal line.

CONSENT BY RESPONDENT

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 the provisions, terms and conditions contained in this Order.

CITY OF SYRACUSE

By: *Thomas C. Young*

Title: _____

Date: 2-6-89

STATE OF NEW YORK)
) s.s.:
COUNTY OF ~~MONROE~~)

On this 6th day of February, 1989, before me personally came Thomas C. Young, to me known, who being duly sworn did depose and say that he resides in Syracuse, New York; that he is the Manager of the City of Syracuse corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation that the seal affixed to said instrument was such corporate seal; that it was so affixed by the Order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Dennis S. Lerner
Notary Public

DENNIS S. LERNER
Notary Public in the State of New York
Qualified in Onondaga County No. 476423
My Commission Expires March 30, 1989
N64