

Frank S. ~~AS~~
File

Don

March 2, 1998

William H. Helferich, III, Esq.
Harter, Secrest & Emery
700 Midtown Tower
Rochester, New York 14604-2070

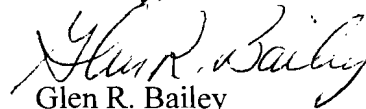
Re: The Former General Circuits Site, Site # 8-28-085: Order on Consent

Dear Mr. Helferich:

Enclosed is an Order on Consent in its final form, as a fully endorsed original.

The effective date of the Order is the date of this letter. The Work Plan schedule remains the primary guide for activities. Thank you for your cooperation in this matter.

Sincerely,



Glen R. Bailey
Senior Attorney
Division of Environmental
Enforcement

GRB:B:JAB
B076GC7

Enclosure

cc: (W/Encl.)
T. Caffoe
E. Belmore

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Development
and Implementation of a Remedial
Investigation/Feasibility Study
for an Inactive Hazardous Waste
Disposal Site, Under Article 27,
Title 13, and Article 71, Title 27
of the Environmental Conservation Law
of the State of New York by:

ORDER

ON

CONSENT

INDEX # B8-0400-92-03

THOMAS G. MAGUIRE,
Respondent.

Site Code # 8-28-085

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." This Order is issued pursuant to the Department's authority under ECL Article 27, Title 13 and ECL Section 3-0301.

2. Thomas G. Maguire ("Respondent") purchased real property at 95 Mt. Read Boulevard in the City of Rochester, Monroe County, New York ("the Site") in 1991 from the Trustee in Bankruptcy for the liquidation of General Circuits Incorporated. General Circuits had operated a facility which manufactured printed electrical circuit boards at the Site, and earlier occupants had operated an off-set printing facility at the Site. During the course of environmental assessments at the Site, areas of contamination consisting of volatile organic compounds and an area of chromium contamination, including hexavalent chromium, were

identified.

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 8-28-085. The Department has classified the Site as a Classification "2" pursuant to ECL Section 27-1305.4.b.

4. A. 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."

B. Any person under order pursuant to ECL Section 27-1313.3.a has a duty imposed by ECL Article 27, Title 13 to carry out the program committed to under the Order. ECL Section 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

C. The Department also has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL Section 3-0301.1.i.

5. The Department and Respondent agree that the goals of this Order are for Respondent to (i) develop and implement a Remedial Investigation/Feasibility Study ("RI/FS") for the Site; and (ii) reimburse the State's administrative costs.

6. Respondent, having waived Respondent's 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. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms.

7. Nothing contained in the preceding paragraphs of this Order shall be deemed as or be construed to constitute an admission by Respondent as to any finding of fact or conclusion of law.

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

I. Initial Submittal

Within 30 days after the effective date of this Order, Respondent shall submit to the Department all data within Respondent's possession or control regarding environmental conditions on-Site and off-Site, and other information described below, unless the Department advises Respondent that such data

have 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 other releases of such wastes;

B. A concise summary of information held by Respondent and Respondent's attorneys and consultants with respect to all persons responsible for such disposal or release of hazardous wastes, including but not limited to names, addresses, dates of disposal or release, and any proof linking each such person responsible with the hazardous waste identified pursuant to Subparagraph I.A., above; and

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.

II. RI/FS WORK PLAN CONTENTS AND SUBMITTALS

Within 45 days of the effective date of this Order, Respondent shall begin implementation of the work plan as approved by the Department for the Remedial Investigation and Feasibility Study ("RI/FS") developed in conjunction with the Department by Day Environmental, Inc., (the "Work Plan"). The Work Plan, as

approved by the Department, shall be incorporated into this Order as Appendix "A" and shall be an enforceable part hereof.

III. Performance and Reporting of Remedial Investigation

A. Respondent shall perform the Remedial Investigation in accordance with the Work Plan and the schedules contained therein and as approved by the Department.

B. During the performance of the Remedial Investigation, Respondent shall have on-Site a full-time representative who is qualified to supervise the work done.

C. Within the time frame set forth in the approved Work Plan, Respondent shall prepare and submit a Remedial Investigation Report that shall:

1. include all data generated and all other information obtained during the Remedial Investigation;

2. provide all of the assessments and evaluations set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA")

[42 U.S.C. 9601 et seq.], as amended, the National Contingency Plan ("NCP") of March 8, 1990 [40 CFR Part 300], the United States Environmental Protection Agency ("USEPA") guidance document entitled "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA," dated October 1988, and any subsequent revisions to that guidance document in effect at the time the Work Plan is approved, and appropriate USEPA and Department technical and administrative guidance documents;

3. identify any additional data that must be collected;

4. include a certification by the individual or firm with the primary responsibility for the day-to-day performance of the Remedial Investigation that all activities that comprised the Remedial Investigation were performed in full accordance with the Work Plan as approved by the Department.

IV. Feasibility Study

A. Within 60 days after receipt of the Department's approval of the Remedial Investigation Report, Respondent shall submit a Feasibility Study evaluating on-Site and off-Site risks related to contaminants found on the Site and proposing remedial actions to eliminate, to the maximum extent practicable, all health and environmental hazards and potential hazards attributable to hazardous wastes released at the Site. The Feasibility Study shall be prepared by and have the signature and seal of a professional engineer who shall certify that the Feasibility Study was prepared in accordance with this Order.

B. Respondent shall perform and prepare the Feasibility Study in accordance with the Department-approved Work Plan and in a manner consistent with CERCLA, the NCP, and in accordance with the guidance and suggestions conveyed by the Department during the development of the Feasibility Study.

C. After the Department's approval of the Feasibility Study, Respondent shall cooperate and assist the Department in

soliciting public comment on the RI/FS and the proposed remedial action plan developed for the Site, in accordance with CERCLA, the NCP, and with any 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 preferred remedial alternative for the site in a Record of Decision ("ROD"). Except for the terms of Paragraphs IX, XII, and XIII, as they may be applicable, Respondent's obligations pursuant to this Order shall be fulfilled upon issuance of the ROD.

V. Interim Remedial Measures

A. 1. Respondent may propose one or more Interim Remedial Measures ("IRMs") for the Site on an as-needed basis.

2. In proposing each IRM, Respondent shall submit to the Department a work plan which includes a chronological description of the anticipated IRM activities together with a schedule for the performance of those activities (an "IRM Work Plan") for the Site.

3. Upon the Department's determination that the proposal is an appropriate IRM and upon the Department's approval of such work plan, the IRM Work Plan shall be incorporated into and become an enforceable part of this Order; and Respondent shall submit to the Department for its review and (as appropriate) approval, in accordance with the schedule contained in the Department-approved IRM Work Plan, detailed documents and

specifications prepared, signed, and sealed by a professional engineer to implement the Department-approved IRM. Such documents shall include a health and safety plan, contingency plan, and (if the Department requires it) a citizen participation plan that incorporates appropriate activities outlined in the Department's citizen participation program for the Site. Respondent shall then carry out the IRM in accordance with the requirements of the approved IRM Work Plan, detailed documents and specifications, and this Order. Respondent shall notify the Department of any significant difficulties that may be encountered in implementing the IRM Work Plan, and shall not modify any documents, specifications, details or obligations unless first approved by the Department.

4. During the implementation of all construction activities identified in the IRM Work Plan, Respondent shall have on-Site a full-time representative who is qualified to supervise the work done.

5. Within the schedule contained in the Department-approved IRM Work Plan, Respondent shall submit to the Department a final engineering report prepared by a professional engineer that includes a certification by that individual that all activities that comprised the IRM were performed in full accordance with the Department-approved IRM Work Plan, detailed documents and specifications, and this Order.

i. If the performance of the Department-

approved IRM encompassed construction activities, the final engineering report shall include a detailed post-remedial operation and maintenance plan ("O&M Plan"); "as-built" drawings and a final engineering report (each including all changes made to the Remedial Design of IRM Work Plan during construction); and a certification by a professional engineer that the IRM was implemented and all construction activities were completed in accordance with the Department-approved detailed documents and specifications for the IRM. The O&M Plan, "as-built" drawings, final engineering report, and certification must be prepared, signed, and sealed by a professional engineer.

ii. Upon the Department's approval of the O&M Plan, Respondent shall implement the O&M Plan in accordance with the requirements of the Department-approved O&M Plan.

6. After receipt of the final engineering report and certification, the Department shall notify Respondent in writing whether the Department is satisfied that the IRM was completed in compliance with the Department-approved IRM Work Plan and design.

VI. Progress Reports

A. Respondent shall submit to each party set forth in Paragraph XIV.A. a copy of written quarterly progress reports that:

1. describe the actions which have been taken toward achieving compliance with this Order during the previous

quarter;

2. include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous quarter, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent;

3. identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous quarter;

4. describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next quarter and provide other information relating to the progress at the Site;

5. include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays;

6. include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and

7. describe all activities undertaken in support of the Citizen Participation Plan during the previous quarter and those to be undertaken in the next quarter.

B. Respondent shall submit these progress reports to

the Department by the tenth day of every fourth month after the month next beginning after the effective date of this Order.

C. Respondent shall allow the Department to attend, and shall provide the Department at least seven days advance notice of, any or the following activities: prebid meetings, job progress meetings, substantial completion meetings and/or inspections, and final inspections and/or meetings.

VII. Review of Submittals

A. 1. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

2. a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within 30 days after receiving written notice that Respondent's submittal has been disapproved, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

b. After receipt of the revised submittal,

the Department shall notify Respondent in writing of its approval or disapproval. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order and the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so, if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary.

C. 1. In the event of a dispute between Respondent and the Department pursuant to this paragraph, Respondent may, within ten (10) days of receipt of notice of disapproval or of additional requirements from the Department, raise the issues in dispute for review and determination by the Director of the Division of Environmental Remediation (the "Director"). Respondent may raise such issues by serving a written statement of the issues in dispute along with the relevant facts upon which the dispute is based and the factual data, analyses or opinions supporting its position, and all other supporting documentation on which Respondent relies ("Statement of Position"). The Department staff shall serve its Statement of Position no later than ten (10) business days after receipt of Respondent's Statement of Position.

In the event that any issues in dispute may cause a delay in the work being performed under this Order, these time periods for the exchange of Statements of Position may be reduced by mutual agreement.

2. An administrative record of any dispute pursuant to the terms of this Order shall be compiled by the Department. The record shall include the Statement of Position of each party served pursuant to this paragraph and any other identified relevant information. The record shall be available for review to all parties and to the public.

3. Upon review of the administrative record, the Director shall issue a final decision and order resolving the dispute. Respondent shall have the burden of proving that there is no rational basis for the Department's position giving rise to the dispute. Respondent shall retain those rights available pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York ("CPLR"), provided that a petition under Article 78 is filed within ten (10) business days of receipt of the decision and order issued by the Director.

4. The invocation of the procedures stated in this subparagraph shall not extend, postpone or modify Respondent's obligations under this Order with respect to any undisputed items. Respondent shall not be in violation of this Order for failure to perform tasks or obligations which are directly related to the issues in dispute or which may be altered

or revised in the resolution of issues in dispute. The invocation of the procedures provided in this subparagraph shall constitute an election of remedies by the party initiating the proceedings, and such election of this remedy shall constitute a waiver of any and all other remedies which may otherwise have been available to the party regarding the issue in dispute.

VIII. Penalties

A. Respondent's failure to comply with any term of this Order constitutes a violation of this Order and the ECL.

B. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of war, riot, or an unforeseeable disaster arising exclusively from natural causes which results in conditions which the exercise of ordinary human prudence could not have prevented. Respondent shall, within ten days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such ten-day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order pursuant to this subparagraph.

IX. Payment of State Costs

A. Within forty-five (45) days after the effective date of this Order, Respondent shall pay to the Department a sum of \$13,055.81 for the State's past direct expenses, including but not limited to: direct labor, travel, analytical costs, and contractor costs incurred by the State of New York for work performed in relation to the Site.

B. Within forty-five (45) days after receipt of an itemized statement from the Department, Respondent shall pay to the Department a sum of money, not to exceed \$20,000.00, which shall represent reimbursement for the Department's recoverable expenses including, but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs and contractor costs incurred by the State of New York for work performed in relation to the Site pursuant to this Order. Such payments shall be made by check payable to the Department of Environmental Conservation. Payment shall be sent to the Bureau of Program Management, Division of Environmental Remediation, N.Y.S.D.E.C., 50 Wolf Road, Albany, New York 12233-7010. Itemization of such costs shall consist of a listing of personal services indicating the employee name, title, biweekly salary, and time spent (in hours) on the project during the billing period, as identified by an assigned time and activity code. This information shall be documented by reports of Direct Personal Service. Approved agency fringe benefit and indirect cost rates shall be applied. Non-personal service costs shall be summarized by category of expense

(e.g., supplies, materials, travel, contractual) and shall be documented by expenditure reports.

X. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of the Respondent by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order.

XI. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's criminal, civil, administrative or equitable rights or authorities.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

XII. Indemnification

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, and/or Respondent's directors, officers, employees, servants, agents, successors, and assigns.

XIII. Public Notice

A. Within thirty (30) days after the effective date of this Order, Respondent shall have filed a Declaration of Covenants and Restrictions with the Monroe County Clerk to give all parties who may acquire any interest in the Site notice of this Order.

B. If Respondent proposes to convey the whole or any part of Respondent's ownership interest in the Site, Respondent shall, not fewer than sixty (60) days before the date of conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed date of the conveyance and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

XIV. Communications

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

Communication from Respondent shall be sent to:

Mary Jane Peachey, P.E.
Division of Environmental Remediation
Department of Environmental Conservation
6274 East Avon - Lima Road
Avon, New York 14414-9519

with copies sent to:

G. Anders Carlson, Ph.D, Director,
Bureau of Environmental Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203

and to:

Edward R. Belmore, P.E.
Department of Environmental Conservation
Division of Environmental Remediation
50 Wolf Road
Albany, New York 12233-7010

and to:

David Napier
NYS Department of Health
42 S. Washington Street
Rochester, New York 14608

and to:

Richard Elliott, P.E.
Principle Public Health Engineer
Monroe County Department of Health
100 Westfall Road - Caller 632
Rochester, New York 14692

and to:

Glen R. Bailey, Esq.
Department of Environmental Conservation
Division of Environmental Enforcement
270 Michigan Avenue
Buffalo, New York 14203-2999

B. Copies of work plans and reports shall be submitted as follows:

1. Four copies (one unbound) to Mary Jane Peachey, P.E.;
2. Two copies to G. Anders Carlson, Ph.D.
3. One copy to Edward Belmore, P.E.;
4. One copy to David Napier;
5. One copy to Richard Elliott; and
6. One copy to Glen R. Bailey.

C. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit

such additional copies of approved reports as may be requested in the manner, place and format designated by the Project Manager.

D. Communication to be made from the Department to the Respondent shall be sent to:

Thomas G. Maguire
770 Rock Beach Pond
Rochester, New York 14617

and to:

William P. Helferich, III, Esq.
Harter, Secrest & Emory
700 Midtown Tower
Rochester, New York 14604-2070

and to:

David E. Day, P.E.
Day Environmental, Inc.
2144 Brighton - Henrietta Town Line Road
Rochester, New York 14623

E. The Department and Respondent reserve the right to designate additional or different addressees for communication on written notice to the other.

XV. Miscellaneous

A. All activities and submittals required by this Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous waste at the Site.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel and data validators 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 shall be submitted to the Department. Respondent shall be solely responsible for assuring that the performance of the professionals retained by Respondent results in compliance with this Order and approval of the Department.

C. 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 also shall have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be conducted pursuant to this Order.

E. Respondent shall be responsible obtaining whatever permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations are necessary to perform Respondent's obligations under this Order. If, despite its best efforts, Respondent is unable to obtain such access, approval or authorization, Respondent shall notify the Department in writing setting forth the steps it has taken and describing constraints and viable alternatives as a result of the failure to obtain such access, approvals or authorizations. The Department may, at its

discretion and within its authority, assist Respondent in obtaining access, approvals or authorizations or the Department may approve modifications to the Work Plan or take any other action which may be appropriate and is otherwise available to the Department.

F. Respondent and Respondent's officers, directors, agents, servants, employees successors, and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order. Respondent's officers, directors, employees, servants, and agents shall be obliged to comply with the relevant provisions of this Order in the performance of their designated duties on behalf of Respondent.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into hereunder upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work to be done under this Order in accordance with this Order.

H. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law. If such individual is a member of a firm, that firm must be authorized to offer professional engineering services in New York in accordance with Article 145 of the New York State Education Law.

I. All references to "days" in this Order are to calendar days unless otherwise specified.

J. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

K. (1) The terms of this Order shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.

(2) If Respondent desires that any provision of this Order be changed, Respondent shall make timely written

application, signed by the Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to Mary Jane Peachey and Glen Bailey.

L. The effective date of this Order shall be the date a copy of this Order, signed by the Commissioner or his designee, is transmitted to Respondent.

DATED: 2/18/98 , New York
1997

JOHN P. CAHILL
Commissioner
New York State Department of
Environmental Conservation

By:



Michael J. O'Tople, Jr.

CONSENT BY RESPONDENT

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

Thomas G. Maguire
Thomas G. Maguire
Respondent

Date: 1/18/98

STATE OF NEW YORK)
COUNTY OF Monroe) s.s.:

On this 2nd day of February, 1998,
before me personally came THOMAS G. MAGUIRE, to me known, who
being duly sworn, did depose and say that he resides in
New York;

that he is the individual described in and who executed the
foregoing instrument; and that he signed his name and seal
thereto.

Selma Stambach
Notary Public