NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1996 CLEAN WATER/CLEAN AIR BOND ACT
ENVIRONMENTAL RESTORATION PROGRAM
STATE ASSISTANCE CONTRACT

IN RE:

Municipality Name: City of Amsterdam
Site Name: Mohasco Complex
Site Address: Lyon Street & Forest Avenue — Contract Number: C302571
Site Number: B-00052-4 — Amendment Number: 1

This CONTRACT (Amendment No. 1), is made between the New York State Department of Environmental Conservation (Department), acting for and on behalf of the State, and the City of Amsterdam (Municipality), with offices located at 61 Church Street, Amsterdam, NY 12010.

WITNESSETH

WHEREAS, the Department and the Municipality entered into a contract on November 26, 2004, (Original Contract), which was duly assigned Contract No. C302571 by the Office of the State Comptroller (State Comptroller); and

WHEREAS, State Assistance to the Municipality is being increased by this Amendment No. 1 in the amount of Zero Dollars ($0), for a total of One Million Six Hundred Twenty-Six Thousand Dollars ($1,626,000); and

WHEREAS, there are circumstances necessitating a modification of the Original Contract and the parties desire to amend said Original Contract.

NOW THEREFORE, in consideration of the mutual covenants, promises, representations, and conditions made herein, the parties agree that the Original Contract is hereby revised as follows:

(1). Section XVII, entitled "Miscellaneous U." of the Original Contract is hereby repealed and rescinded in its entirety and is replaced with the following:

U. The term of this Contract shall start January 29, 2004. This Contract shall end on December 31, 2006. The Municipality agrees to proceed expeditiously with and to complete the Project in accordance with Work Plans approved by the Department, and any revisions thereto, and to carry out its other obligations under this Contract.

(2). Section XV of the Original Contract, entitled "Communications A.", is hereby repealed and rescinded in its entirety and is replaced with the following:

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

1. Communication from Municipality shall be sent to:

Lawrence J. Alden, P.E.
Project Manager
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, NY 12233-7013

Michael J. Komoroske, P.E.
Section Chief
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, NY 12233-7013
(*Correspondence Only*)

Mary von Wergers
Project Attorney
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-5500
(*Correspondence Only*)

Gary Litwin
Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, New York 12180-2216

2. Communication from the Department to Municipality shall be sent to:

City Engineer
City of Amsterdam, City Hall
61 Church Street
Amsterdam, NY 12010

(3). This Contract and Amendment No. 1 will be effective upon approval and filing by the State Comptroller in accordance with Section 112 of the State Finance Law.

(4). Except as specifically modified herein, all terms and conditions of the Original Contract remain in full force and effect.

CONTRACT NUMBER C302571

In witness whereof, the parties have signed this Contract on the date indicated opposite each signature. The signatory for the Department provides the following Agency Certification: "In addition to the acceptance of this Contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract."

FOR MUNICIPALITY

State of New York)
) ss:
County of Montgomery)

By: Joseph Emanuele III
Title: Mayor
Date: Sept 22, 2005

On this 22nd day of September, 2005, before me, the undersigned, personally appeared Joseph Emanuele III (name) or (names) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ties), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

JANE DiCAPRIO
Notary Public in New York
Montgomery County
Commission Expires Oct. 25, 2005

By: Jane DiCaprio
Signature and office of the individual taking acknowledgment

Date: 9-22-05

FOR DEPARTMENT

By:
Title: DIRECTOR OF MANAGEMENT & BUDGET
Date:

Approved as to form:

By:
for the Attorney General

Date:

Approved:

APPROVED
DEPT. OF AUDIT & CONTROL
NOV 08 2005
Rosanne Courter
FOR THE STATE COMPTROLLER

By:
for the State Comptroller

Date:

The contract is not effective until it is approved by the State Comptroller and filed in his office (Section 112, State Finance Law).

AMEND NEW SACS (FEB 2005)