

New York State Department of Environmental Conservation

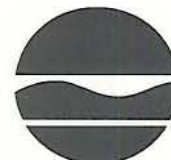
Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

AUG 30 2011

Honorable Ann Thane
Mayor
City of Amsterdam, City Hall
61 Church Street
Amsterdam, NY 12010

RE: Certificate of Completion
Former Mohasco Mills Complex Site
Site No. B00052
SAC No.: C302571
City of Amsterdam, Montgomery County

Dear Mayor Thane:

Congratulations on having satisfactorily completed the remediation phase of the environmental restoration project that the City of Amsterdam undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (Department) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result, the Department is pleased to inform you that the Certificate of Completion (COC) is hereby issued for the above referenced site. Enclosed please find an original, signed COC. The City of Amsterdam is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the City of Amsterdam fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC. A standard notice form is enclosed with this letter;

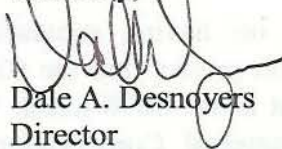


- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Site Contact list within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in February 2013.

The final payment will be made after the execution of all SAC amendments which may be required and the issuance of the COC.

If you have any questions, please do not hesitate to contact Larry Alden, the Department's project manager, at (518) 402-9767.

Sincerely,



Dale A. Desnoyers

Director

Division of Environmental Remediation

Enclosures

cc w/ enclosures:

S. Bates – NYSDOH

A. DeMarco - NYSDOH

cc w/o enclosures:

L. Alden

M. Komoroske

R. Cozzy

K. Goertz

Y. Ward

B. Conlon

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

City of Amsterdam

Address

61 Church Street, Amsterdam, NY 12010

SITE INFORMATION

Site No.: B00052 **Site Name:** Former Mohasco Mills Complex

State Assistance Contract No.: C300941
C302571

Site Owner: City Of Amsterdam

Street Address: Lyon Street & Forest Avenue

Municipality: Amsterdam **County:** Montgomery **DEC Region:** 4

Site Size: 15.960 Acres

Tax Map Identification Number(s): 40.13-7-2

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the ERP: Commercial and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Montgomery County with recording identifier 2011- 43060.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

(1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;

(2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;


(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

(5) the environmental easement as implemented, if applicable, is not protective or enforceable;
or

(6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By: 
Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: 8/30/11

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program Pursuant to 6 NYCRR Part 375-1.9(d)

Site Name: *Former Mohasco Mills Complex*
Site Address: *Lyon Street & Forest Avenue*

Site ID No.: *B00052-4*

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the City of Amsterdam for a parcel approximately 15.96 acres located at the Corner of Lyon Street & Forest Avenue in the City of Amsterdam, Montgomery County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Montgomery County as Instrument #2011-43060.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

Former Mohasco Mills Complex, B00052-4, Lyon Street & Forest Avenue

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 4 located at 1130 North Westcott Road, Schenectady, NY 12306-2014 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Amsterdam

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20 __, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) 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(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:

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

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
8/3/2011



SITE DESCRIPTION

SITE NO. B00052

SITE NAME Former Mohasco Mills Complex

SITE ADDRESS: Lyon Street & Forest Avenue ZIP CODE: 12010

CITY/TOWN: Amsterdam

COUNTY: Montgomery

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan ☒ ☐

Monitoring Plan ☒ ☐

Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: 1 year

Description of Institutional Control

City of Amsterdam

Lyon St. & Forest Ave.

Environmental Easement

Block: 7

Lot: 2

Sublot:

Section: 40

Subsection: 13

S_B_L Image: 40.13-7-2

Ground Water Use Restriction

Landuse Restriction

Site Management Plan

Description of Engineering Control

City of Amsterdam

Lyon St. & Forest Ave.

Environmental Easement

Block: 7

Lot: 2

Sublot:

Section: 40

Subsection: 13

S_B_L Image: 40.13-7-2

Cover System

SCHEDULE "A" ENVIRONMENTAL EASEMENT AREA DESCRIPTION

**DESCRIPTION
PORTION OF LANDS OF THE
CITY OF AMSTERDAM, NEW YORK
CITY OF AMSTERDAM, COUNTY OF MONTGOMERY, STATE OF NEW YORK
AREA = 16.31± ACRES OF LAND**

All that certain tract, piece or parcel of land situate, lying and being in the City of Amsterdam, County of Montgomery, State of New York, lying West of Forest Street, South of Lyon Street, Southeast of Locust Avenue, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Westerly street boundary of Forest Avenue with the Southerly street boundary of Lyon Street and runs thence from said point of beginning along said Westerly street boundary South 19 deg. 18 min. 45 sec. West 81.23 feet to its intersection with the Southwesterly street boundary of Forest Avenue; thence along said Southwesterly street boundary South 23 deg. 48 min. 10 sec. West 139.19 feet to its point of intersection with the division line between the lands of the City of Amsterdam, New York on the North and the lands now or formerly of Peter Demitraszek as described in Book 730 of Deeds at Page 62 formerly lands conveyed to the City of Amsterdam Industrial Development Agency as described in Book 609 of Deeds at Page 83 on the South; thence along said division line North 82 deg. 35 min. 16 sec. West 117.30 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northwest and said lands of Peter Demitraszek on the Southeast; thence along said division line South 23 deg. 48 min. 10 sec. West 95.71 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Southwest and said lands of Peter Demitraszek on the Northeast; thence along said division line South 66 deg. 11 min. 50 sec. East 112.55 feet to its intersection with the Northwesterly street boundary of Forest Street; thence along said Northwesterly street boundary South 23 deg. 48 min. 10 sec. West 140.20 feet to its point of the intersection with the division

line between the said lands of the City of Amsterdam, New York on the Northeast and the lands now or formerly of Thomas B. Constantino on the Southwest; thence along said division line North 66 deg. 13 min. 35 sec. West 319.37 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the North and said lands of Thomas B. Constantino on the South; thence along said division line South 70 deg. 03 min. 00 sec. West 167.56 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the West and said lands of Thomas B. Constantino on the East; thence along said division line South 16 deg. 25 min. 05 sec. East 12.53 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northwest and other lands now or formerly of Thomas B. Constantino (d.b.a. The Noteworthy Company) as described in Book 414 of Deeds at Page 127 and Book 412 of Deeds at Page 263 on the Southeast; thence along said division line South 38 deg. 48 min. 55 sec. West 111.21 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the North and said other lands of Thomas B. Constantino on the South; thence along said division line South 75 deg. 50 min. 25 sec. West 145.75 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the West and said other lands of Thomas B. Constantino on the East; thence along said division line South 07 deg. 16 min. 20 sec. East 114.43 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northwest and said other lands of Thomas B. Constantino on the Southeast; thence along said division line South 38 deg. 48 min. 55 sec. West 61.45 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Southwest and said other lands of Thomas B. Constantino on the Northeast; thence along said division line South 51 deg. 11 min. 05 sec. East 82.25 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northwest and said other lands of Thomas B.

Constantino on the Southeast; thence along said division line South 38 deg. 35 min. 40 sec. West 188.25 feet to its point of intersection with the common division line between the said lands of the City of Amsterdam, New York on the West and reputed lands of the City of Amsterdam and lands now or formerly of Thomas B. Constantino (d.b.a. The Noteworthy Company) as described in Book 412 of Deeds at Page 266 on the Southeast; thence along said common division line South 46 deg. 00 min. 00 sec. West 206.44 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northwest and said other lands of Thomas B. Constantino as described in Book 412 of Deeds at Page 266 on the Southeast; thence along said division line South 36 deg. 48 min. 20 sec. West 279.78 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northeast and said other lands of Thomas B. Constantino as described in Book 412 of Deeds at Page 266 on the Southwest; thence along said division line North 51 deg. 48 min. 50 sec. West 65.65 feet to its point of intersection with the common division line between the said lands of the City of Amsterdam, New York on the Southeast and the lands now or formerly of Edward L. Mazur and Gloria Anne Mazur as described in Book 318 of Deeds at Page 389 and reputed lands of Owner Unknown on the Northwest, said point also being the Northeasterly terminus of Elias Street; thence along said common division line North 38 deg. 31 min. 45 sec. East 210.35 feet to its point of intersection with the common division line between the said lands of the City of Amsterdam, New York on the Northeast and said reputed lands of Owner Unknown and the Northeasterly terminus of Krull Street on the Southwest; thence along said common division line North 51 deg. 48 min. 50 sec. West 260.25 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on Southeast and the lands now or formerly of Carmella E. Petrosino as described in Book 412 of Deeds at Page 354 on the Northwest; thence along said division line North 38 deg. 31 min. 45 sec. East 80.00 feet to its point of intersection with the division line between the said lands of the City of

Amsterdam, New York on the Northeast and said lands of Carmella E. Petrosino on the Southwest; thence along said division line North 50 deg. 15 min. 00 sec. West 81.77 feet to its point of intersection with the common division line between the said lands of the City of Amsterdam, New York on the Southeast and the lands now or formerly of Philip P. Caldarone and Nancy L. Caldarone as described in Book 701 of Deeds at Page 36, lands now or formerly of Carlos Alvarez and Maria D. Parex as described in Book 576 of Deeds at Page 290 and lands now or formerly of Edward C. Tolson and Carol Tolson as described in Book 344 of Deeds at Page 449 on the Northwest; thence along said common division line North 39 deg. 39 min. 40 sec. East 130.00 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northeast and said lands of Edward C. Tolson and Carol Tolson on the Southwest; thence along said division line North 51 deg. 59 min. 10 sec. West 53.00 feet to its point of intersection with the common division line between the said lands of the City of Amsterdam, New York on the Southeast and said lands of Edward C. Tolson and Carol Tolson, lands now or formerly of Benedict A. Isabel as described in Book 501 of Deeds at Page 239 and lands now or formerly of Mohawk Valley Properties Inc. as described in Book 690 of Deeds at Page 13 on the Northwest; thence along said common division line North 38 deg. 00 sec. 50 sec. East 95.50 feet to its point of intersection with the division line between the said lands of the City of Amsterdam, New York on the Northeast and said lands of Mohawk Valley Properties Inc. on the Southwest; thence along said division line North 51 deg. 59 min. 10 sec. West 100.00 feet to its intersection with the Southeasterly street boundary of Locust Avenue; thence along said Southeasterly street boundary the following two (2) courses: 1) North 38 deg. 05 min. 30 sec. East 478.72 feet to a point; and 2) North 43 deg. 29 min. 00 sec. East 8.23 feet to its point of intersection with the Southeasterly street boundary of Lyon Street; thence along said Southeasterly street boundary 61 deg. 44 min. 15 sec. East 10.82 feet to its point of intersection with the Southerly street boundary of Lyon Street; thence along said Southerly street boundary

the following seven (7) course: 1) North 71 deg. 39 min. 50 sec. East 105.38 feet to a point; 2) North 72 deg. 49 min. 35 sec. East 350.45 feet to a point; 3) North 74 deg. 41 min. 00 sec. East 146.58 feet to a point; 4) North 88 deg. 22 min. 30 sec. East 89.17 feet to a point; 5) South 77 deg. 23 min. 30 sec. East 184.62 feet to a point; 6) South 81 deg. 30 min. 25 sec. East 119.02 feet to a point; and 7) South 78 deg. 08 min. 45 sec. East 87.35 feet to the point or place of beginning and containing 16.31± acres of land.

Excepting and reserving from the above described parcel, all that certain tract, piece or parcel of land situate in the City of Amsterdam, County of Montgomery, State of New York, and being more particularly bounded and described as follows:

COMMENCING at the point of intersection of the division line between the lands now or formerly of the City of Amsterdam, New York as described in Book 587 of Deeds at Page 123 on the Northeast and the lands now or formerly of Mohawk Valley Properties Inc. as described in Book 690 of Deeds at Page 13 on the Southwest with the Southeasterly street boundary of Locust Avenue and runs thence from said point of commencement along the above first mentioned division line South 51 deg. 59 min. 10 sec. East 100.00 feet to a point; thence through the said lands of the City of Amsterdam, New York South 81 deg. 03 min. 02 sec. East 130.83 feet to the point of beginning of the herein described exception parcel; thence from said point of beginning through the said lands of the City of Amsterdam, New York the following twenty-three (23) courses: 1) South 78 deg. 04 min. 13 sec. East 37.96 feet to a point; 2) North 12 deg. 53 min. 47 sec. East 160.86 feet to a point; 3) South 77 deg. 10 min. 56 sec. East 41.04 feet to a point; 4) South 13 deg. 34 min. 10 sec. West 70.45 feet to a point; 5) South 78 deg. 49 min. 11 sec. East 35.57 feet to a point; 6) North 57 deg. 51 min. 51 sec. East 28.29 feet to a point; 7) South 32 deg. 54 min. 47 sec. East 9.06 feet to a point; 8) South 57 deg. 05 min. 13 sec. West 18.54 feet to a point; 9) South 77 deg. 25 min. 34 sec. East 21.42 feet to a point; 10) South 12 deg. 58 min. 37 sec. West 25.99 feet to a point; 11) North 77 deg. 01 min. 23 sec. West 18.31 feet to a point; 12) South 12 deg. 40 min. 51 sec. West 28.16 feet to a point; 13) North 77 deg. 09 min. 03 sec. West

47.52 feet to a point; 14) South 14 deg. 46 min. 35 sec. East 11.81 feet to a point; 15) South 12 deg. 50 min. 43 sec. West 27.51 feet to a point; 16) South 81 deg. 58 min. 44 sec. East 21.37 feet to a point; 17) South 12 deg. 50 min. 43 sec. West 29.09 feet to a point; 18) North 81 deg. 58 sec. 44 sec. West 21.37 feet to a point; 19) South 12 deg. 46 min. 54 sec. West 37.46 feet to a point; 20) North 77 deg. 04 min. 37 sec. West 50.31 feet to a point; 21) North 12 deg. 37 min. 54 sec. East 46.29 feet to a point; 22) North 77 deg. 11 min. 57 sec. West 37.96 feet to a point; and 23) North 12 deg. 48 min. 03 sec. East 19.73 feet to the point or place of beginning and containing 0.35± acre of land.

Intending to describe the outside perimeter of an existing abandoned 3-story brick building located on the lands of the City of Amsterdam, New York.

Subject to any covenants, easements, or restrictions of record.

October 7, 2008

Revised October 16, 2008

Revised November 19, 2008

JFC/jam/amb/jfc/jfc

C.T. Male Project No. 08.8345

