

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



Peter M. Iwanowicz
Acting Commissioner

DEC 16 2010

Mr. Patrick Davin
Vice President & General Manager
Pass & Seymour Legrand
PO Box 4822
Syracuse, NY 13221-4822

Re: Certificate of Completion
Site Name: P & S Boyd Avenue
Site No. C734102
Location: Onondaga County

Dear Mr. Davin:

Congratulations on having satisfactorily completed the remedial program at the P & S Boyd Avenue site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must 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; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A standard notice form is attached to 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 Brownfield Site Contact list within 10 days of issuance of the COC;
- 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 May 2012; and



- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Tara Blum at (315) 426-7452.

Sincerely,

Dale A. Desnoyers

Director

Division of Environmental Remediation

ec w/ enc:

S. Bates - NYSDOH

Melissa Menetti - NYSDOH

ec w/o enc.:

William Daigle

Tara Blum

Maura Desmond

Harry Warner

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

PASS & SEYMOUR, INC.

Address

50 Boyd Ave., Solvay, NY 13209

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/2/05 **Agreement Execution:** 3/7/05 **Agreement Index No.:** B7-0677-04-10

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION

Site No.: C734102 **Site Name:** P&S / Boyd Ave.

Site Owner: PASS & SEYMOUR LEGRAND

Street Address: 50 Boyd Avenue

Municipality: Solvay **County:** Onondaga **DEC Region:** 7

Site Size: 17.310 Acres

Tax Map Identification Number(s): 001.-01-04.0, 001.-01-05.0, 001.-03-04.0

Percentage of site located in an EnZone: 0 - 49 %

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 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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 Brownfield Site Cleanup Agreement, 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 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 BCP: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.

Tangible Property Credit Component Rate is 10 %.

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 Onondaga County as 05141/0275/33844.

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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

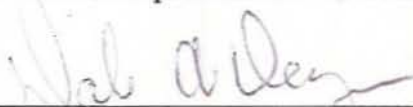
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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.

Peter M. Iwanowicz
Acting Commissioner
New York State Department of Environmental Conservation

By:


Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: DEC 16 2010

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION****Site Management Form**

12/16/2010

**SITE DESCRIPTION****SITE NO.** C734102**SITE NAME** P&S / Boyd Ave.**SITE ADDRESS:** 50 Boyd Avenue **ZIP CODE:** 13209**CITY/TOWN:** Solvay**COUNTY:** Onondaga**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: once a year

First Periodic Review Date: 05/01/2012

Description of Institutional Control**Patrick Davin**

35 Boyd Ave

Environmental Easement

Block: 01

Lot: 04.0

Sublot:

Section: 001

Subsection:

S_B_L Image: 001.-01-04.0

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Lot: 05.0

Sublot:

Section: 001

Subsection:

S_B_L Image: 001.-01-05.0
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan

Block: 03

Lot: 04.0

Sublot:

Section: 001

Subsection:

S_B_L Image: 001.-03-04.0
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

Patrick Davin

35 Boyd Ave

Environmental Easement

Block: 01

Lot: 04.0

Sublot:

Section: 001

Subsection:

S_B_L Image: 001.-01-04.0
Cover System
Vapor Mitigation

Lot: 05.0

Sublot:

Section: 001

Subsection:

S_B_L Image: 001.-01-05.0
Cover System
Vapor Mitigation

Block: 03

Lot: 04.0

Sublot:

Section: 001

Subsection:

S_B_L Image: 001.-03-04.0
Cover System
Vapor Mitigation

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

P & S Boyd Avenue, Site ID No. C734102

50 Boyd Avenue, Solway, NY 13209

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Pass & Seymour Legrand for a parcel approximately 17.3 acres located at 50 Boyd Avenue, 35 Boyd Avenue, and 2540 Milton Avenue in the Village of Solway, Town of Geddes, Onondaga 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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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 6NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6NYCRR 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 Onondaga County as 05141/0275/33844.

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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

P & S Boyd Avenue, Site ID No. C734102, 50 Boyd Avenue, Solvay, NY 13209

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.

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 ECL Section 27-1419.5 and 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 7 office located at 615 Erie Blvd. West, Syracuse, NY 13204-2400, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Pass & Seymour, Inc.

By:

Patrick Davin

Title: Vice President/General Manager

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:

(Applicant) _____

(Applicant address) _____

12/03/09

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE VILLAGE OF SOLVAY, TOWN OF GEDDES, COUNTY OF ONONDAGA AND STATE OF NEW YORK, BEING PART OF GREAT LOTS 136, 137 & 138 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ENVIRONMENTAL EASEMENT AREA PARCEL A

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF BOYD AVENUE AND THE NORTHERLY LINE OF THE LANDS OF THE FINGER LAKES RAIL ROAD CORPORATION, REPUTED OWNER;

THENCE, S 81° 09' 52" W, 265.47' ALONG THE DIVISION LINE BETWEEN SAID LANDS OF FINGER LAKES RAILROAD CORPORATION ON THE SOUTH AND THE LANDS OF PASS & SEYMOUR, INC., REPUTED OWNER, AS RECORDED IN THE ONONDAGA COUNTY CLERK'S OFFICE IN LIBER 4399 AT PAGE 104 ON THE NORTH TO A POINT;

THENCE, CONTINUING ON SAID DIVISION LINE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 2100.40' AN ARC LENGTH OF 1237.97' TO THE SOUTHEAST CORNER OF THE LANDS OF FRAZER & JONES, INC., REPUTED OWNER, AS RECORDED IN THE ONONDAGA COUNTY CLERK'S OFFICE IN LIBER 394 AT PAGE 244;

THENCE, N 04° 07' 51" W, 624.95' ALONG THE DIVISION LINE BETWEEN SAID LANDS OF FRAZER & JONES, INC. ON THE WEST AND SAID LANDS OF PASS & SEYMOUR, ON THE EAST TO AN EXISTING IRON PIPE MARKING THE NORTHEAST CORNER OF SAID LANDS OF FRAZER & JONES, INC.;

THENCE, ALONG THE DIVISION LINE BETWEEN THE LANDS ALLIED SIGNAL, INC., THE VILLAGE OF SOLVAY AND NATIONAL GRID, REPUTED OWNERS ON THE NORTH AND SAID LANDS OF PASS & SEYMOUR, INC. ON THE SOUTH, SAID DIVISION LINE ALSO BEING A PORTION OF THE BLUE LINE OF THE OLD ERIE CANAL (CLINTONS DITCH), THE FOLLOWING COURSES AND DISTANCES:

- 1) N 85° 05' 27" E, 33.73' TO AN EXISTING IRON PIPE;
- 2) N 72° 38' 47" E, 75.17' TO AN EXISTING IRON PIPE;
- 3) N 66° 47' 18" E, 402.81' TO A POINT;
- 4) N 85° 30' 17" E, 284.92' TO A POINT;
- 5) N 76° 43' 51" E, 639.23' TO A POINT IN THE WESTERLY LINE OF BOYD AVENUE;

THENCE, S 03° 29' 47" E, 406.91' TO THE POINT OF BEGINNING, CONTAINING 626, 524± SQUARE FEET OR 14.38 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ENVIRONMENTAL EASEMENT AREA PARCEL B

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF BOYD AVENUE AND THE NORTHERLY LINE OF THE LANDS OF THE FINGER LAKES RAIL ROAD CORPORATION, REPUTED OWNER;

THENCE, N 81° 09' 52" E, 303.17' ALONG THE DIVISION LINE BETWEEN SAID LANDS OF FINGER LAKES RAILROAD CORPORATION ON THE SOUTH AND THE LANDS OF PASS & SEYMOUR, INC., REPUTED OWNER, AS RECORDED IN THE ONONDAGA COUNTY CLERK'S OFFICE IN LIBER 4399 AT PAGE 104 ON THE NORTH, TO AN EXISTING IRON PIPE MARKING THE SOUTHWEST CORNER OF THE LANDS OF SKYTOP BUILDERS, INC., REPUTED OWNER, AS RECORDED IN THE ONONDAGA COUNTY CLERKS OFFICE IN LIBER 3047 AT PAGE 47;

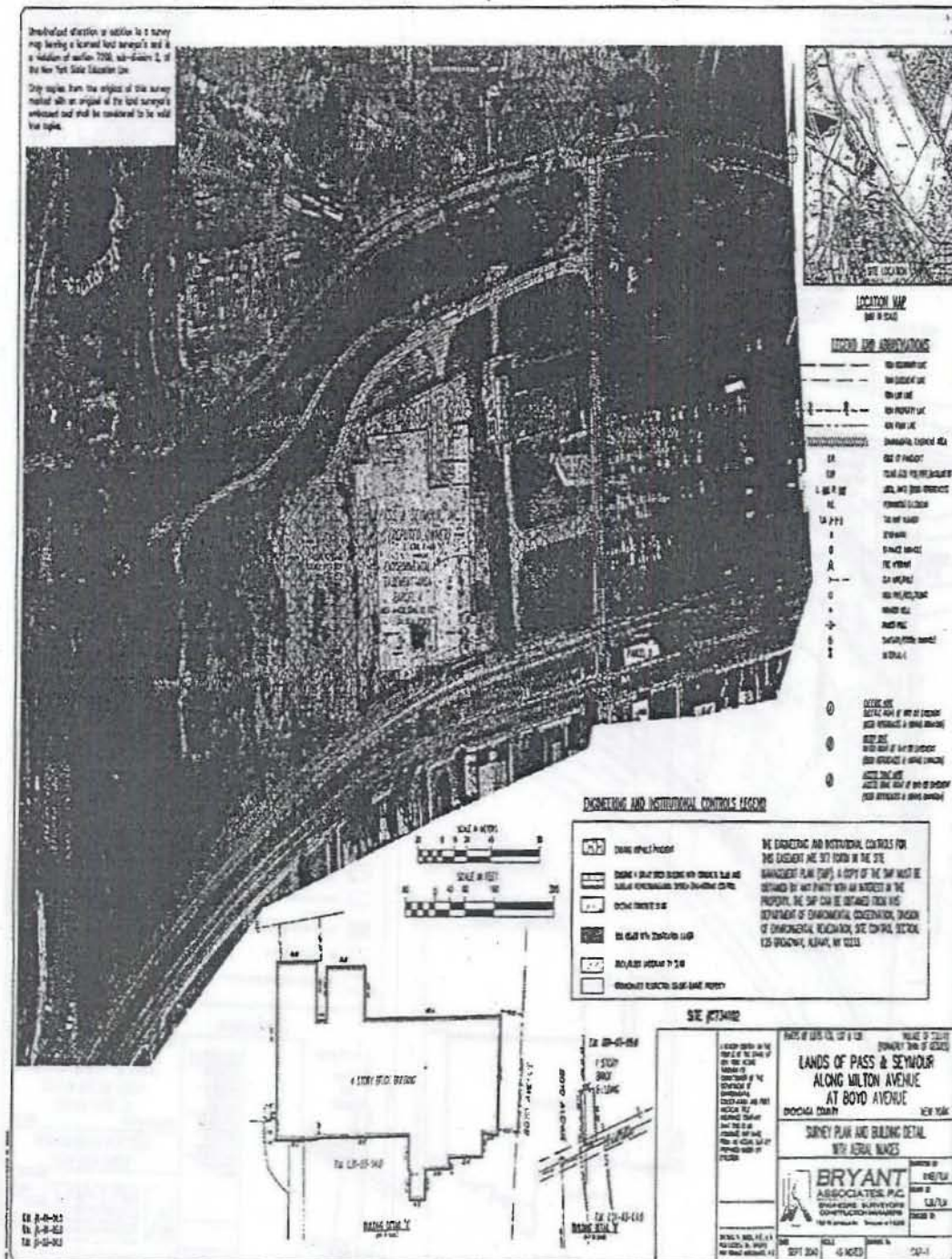
THENCE, N 03° 29' 47" W, 434.59' ALONG THE DIVISION LINE BETWEEN SAID LANDS OF SKY TOP BUILDERS, INC. ON THE EAST AND SAID LANDS OF PASS & SEYMOUR, INC. ON THE WEST TO AN EXISTING IRON PIPE BEING THE NORTHWEST CORNER OF SAID LANDS OF SKYTOP BUILDERS, INC. AND ON THE SOUTHERLY LINE OF THE LANDS OF NATIONAL GRID, REPUTED OWNER;

THENCE, S 76° 43' 51" W, 306.30' ALONG THE DIVISION LINE BETWEEN THE LANDS OF NATIONAL GRID, REPUTED OWNER ON THE NORTH, AND SAID LANDS OF PASS & SEYMOUR ON THE SOUTH TO A POINT IN THE EASTERLY LINE OF BOYD AVENUE;

THENCE, S 03° 29' 47" E, 410.81' ALONG THE EASTERLY LINE OF BOYD AVENUE TO THE POINT OF BEGINNING, CONTAINING 127, 595± SQUARE FEET OR 2.93 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SAID PARCELS ARE SHOWN ON A MAP MADE BY BRYANT ASSOCIATES, P.C. ENGINEERS, SURVEYORS AND CONSTRUCTION MANAGERS ENTITLED "LANDS OF PASS & SEYMOUR ALONG MILTON AVENUE AT BOYD AVENUE" DATED JULY 2010.

SURVEY

[illegible]

