

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
[www.dec.ny.gov](http://www.dec.ny.gov)

December 30, 2020

Kirk F. Roth  
Getinge USA Sales, LLC  
Getinge USA, Inc.  
40 Continental Blvd.  
Merrimack, NH 03054

Sean Donohoe  
Kerry Ventures Tech Park, LLC  
195 Middle Road, Suite 400  
Henrietta, New York 14467

Re: Certificate of Completion  
1777 East Henrietta Road Site  
Town of Henrietta, Monroe County  
Site No. C828192

Dear Mr. Roth and Mr. Donohoe:

Congratulations on having satisfactorily completed the remedial program at the 1777 East Henrietta site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the 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 the Notice of Certificate of Completion 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 the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.

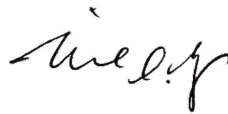
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Todd M. Caffoe, P.E. – Region 8  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, NY 14414

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- 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 on April 15, 2022.

If you have any questions regarding any of these items, please contact Todd Caffoe at (585) 226-5350.

Sincerely,



Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

Enclosure

cc w/ enclosure:

K. Roth, [kirk.roth@getinge.com](mailto:kirk.roth@getinge.com)  
S. Donohoe, [sean@donohoemgmt.com](mailto:sean@donohoemgmt.com)  
K. Hogan, [khogan@phillipslytle.com](mailto:khogan@phillipslytle.com)  
J. Gillen, [jgillen@labellaPC.com](mailto:jgillen@labellaPC.com)  
C. Vooris – NYSDOH, [Christine.Vooris@health.ny.gov](mailto:Christine.Vooris@health.ny.gov)  
J. Deming – NYSDOH, [Justin.Deming@health.ny.gov](mailto:Justin.Deming@health.ny.gov)

S. Bogardus – NYSDOH, [Sara.Bogardus@health.ny.gov](mailto:Sara.Bogardus@health.ny.gov)  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

T. Caffoe, [Todd.Caffoe@dec.ny.gov](mailto:Todd.Caffoe@dec.ny.gov)  
D. Pratt, [David.Pratt@dec.ny.gov](mailto:David.Pratt@dec.ny.gov)  
M. Cruden, [Michael.Cruden@dec.ny.gov](mailto:Michael.Cruden@dec.ny.gov)  
L. Schwartz, [Lisa.Schwartz@dec.ny.gov](mailto:Lisa.Schwartz@dec.ny.gov)  
J. Andalaro, [Jennifer.Andalaro@dec.ny.gov](mailto:Jennifer.Andalaro@dec.ny.gov)  
K. Lewandowski, [Kelly.Lewandowski@dec.ny.gov](mailto:Kelly.Lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Getinge USA Sales, LLC

Getinge USA, Inc.

**Address**

40 Continental Blvd., Merrimack, NH 03054

40 Continental Blvd., Merrimack, NH 03054

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 6/9/16    **Agreement Execution:** 7/20/16

**Agreement Index No.:** 828192-6-16

**Application Approval Amendment:** 5/28/19

**Agreement Execution Amendment:** 5/28/19

**Application Approval Amendment:** 12/18/20

**Agreement Execution Amendment:** 12/28/20

**SITE INFORMATION:**

**Site No.:** C828192    **Site Name:** 1777 East Henrietta Road

**Site Owner:** Kerry Ventures Tech Park, LLC

**Street Address:** 1777 East Henrietta Road

**Municipality:** Henrietta    **County:** Monroe

**DEC Region:** 8

**Site Size:** 35.006 Acres

**Tax Map Identification Number(s):** 162.10-1-1

**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:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit is 10%. Comprised of 10% Base.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

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 Monroe County as 202012030956.

#### **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 is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: 12/30/2020

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

1777 East Henrietta Road, Site ID No. C828192  
1777 East Henrietta Road, Rochester, New York, 14623  
Town of Henrietta, Monroe County, Tax Map Identification Number 162.10-1-1

**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 Getinge USA Sales, LLC and Getinge USA, Inc. for a parcel approximately 35.006 acres located at 1777 East Henrietta Road in the Town of Henrietta, Monroe 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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ 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 Monroe County as 202012030956.

**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

***1777 East Henrietta Road Site, C828192, 1777 East Henrietta Road, Rochester, NY 14623***

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**, 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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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

**PLEASE TAKE NOTICE**, the Certificate may 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**, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 located at 6274 East Avon-Lima Road, Avon, NY 14414, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C828192/>.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Kerry Ventures Tech Park, LLC

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:**

Kirk Roth  
Getinge USA Sales, LLC  
Getinge USA, Inc.  
40 Continental Boulevard  
Merrimack, NH 03054

Exhibit A  
Metes and Bounds



MORE MODERNLY DESCRIBED AS FOLLOWS BASED ON THIS SURVEY:

ALL THAT TRACTOR PARCEL OF LAND SITUATED AND BEING PART OF TOWN LOTS 5&60F THE THIRD RANGE OF LOTS, TOWNSHIP 12, RANGE 7 OF THE PHELPS AND GORHAM PURCHASE, TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY PROPERTY LINE OF LANDS NOW OR FORMERLY OF GENESEE VALLEY REGIONAL MARKET AUTHORITY, HAVING A TAX ACCOUNT NUMBER OF 162.06-1-10./1 AND THE WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A) AS APPROPRIATED, SAID POINT BEINGS 54°22'43" E 149.95 FEET MEASURED ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A) FROM A CONCRETE MONUMENT WITH REBAR & CAP MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF EAST HENRIETTA ROAD (NYS ROUTE 15A) AS APPROPRIATED AND THE SOUTHERLY RIGHT-OF-WAY OF JEFFERSON ROAD (NYS ROUTE 252) AS APPROPRIATED.

THENCE THE FOLLOWING COURSES AND DISTANCES:

1. CONTINUING SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A) ON A BEARING OF S 64° 22'43" EA DISTANCE OF 133.70 FEET TO A POINT;
2. 2. THENCE CONTINUING SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A) ON A BEARING OF S 16°54'59" EA DISTANCE OF 191.03 FEET TO A POINT;
3. 3. THENCE CONTINUING WESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A) ON A BEARING OF S 73°05'01" WA DISTANCE OF 10.00 FEET TO A POINT;
4. 4. THENCE CONTINUING SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A) ON A BEARING OF S 16° 54'59" EA DISTANCE OF 397.67 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS APPROPRIATED BY THE STATE OF NEW YORK FOR THE GENESEE EXPRESSWAY, INTERSTATE ROUTE 390,
5. 5. THENCE SOUTHERLY ALONG SAID NORTHERLY LINE OF LANDS APPROPRIATED BY THE STATE OF NEW YORK FOR THE GENESEE EXPRESSWAY, INTERSTATE ROUTE 390 ON A BEARING OF S 01°01'11" EA DISTANCE OF 64.97 FEET TO A POINT;
6. 6 THENCE CONTINUING SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF LANDS APPROPRIATED BY THE STATE OF NEW YORK FOR THE GENESEE EXPRESSWAY, INTERSTATE ROUTE 390 ON A BEARING OF S 28° 36'06" WA DISTANCE OF 166.58 FEET TO A POINT;
7. THENCE CONTINUING SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF LANDS APPROPRIATED BY THE STATE OF NEW YORK FOR THE GENESEE EXPRESSWAY, INTERSTATE ROUTE 390 ON A BEARING OF S 51°36'51" WA DISTANCE OF 167.59 FEET TO A POINT;
8. THENCE CONTINUING SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF LANDS APPROPRIATED BY THE STATE OF NEW YORK FOR THE GENESEE EXPRESSWAY, INTERSTATE ROUTE 390 ON A BEARING OF S 58°14'14" WA DISTANCE OF 565.34 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF CLAY ROAD PROPERTIES, LLC AS DESCRIBED IN LIBER 12011 OF DEEDS PAGE 162, SAID POINT BEING MARKED BY A CONCRETE MONUMENT 0.3 FEET SOUTHEAST OF SAID POINT;
9. THENCE WESTERLY ALONG SAID NORTHERLY LINE OF LANDS NOW OR FORMERLY OF CLAY ROAD PROPERTIES, LLC ON A BEARING OF N 88°21'15" WA DISTANCE OF 1048.78 FEET TO A POINT, SAID POINT BEING MARKED BY A REBAR FOUND 0.2 FEET EAST & 0.1 FEET NORTH;

10. THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LANDS NOW OR FORMERLY OF CLAY ROAD PROPERTIES, LLC AND THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF 330 CLAY ROAD PARTNERS ON A BEARING OF N 21 ' 04'30" EA DISTANCE OF 1101.28 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF GENESEE REGIONAL MARKET AUTHORITY, HAVING A TAX ACCOUNT NUMBER OF 162.06-1-10./D;
11. THENCE EASTERLY ALONG THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF GENESEE REGIONAL MARKET AUTHORITY AND MONRO MUFFLER BRAKE, LLC ON A BEARING OF N 88°22'01" EA DISTANCE OF 446.78 FEET TO A POINT MARKED BY A 1-INCH IRON PIPE FOUND;
12. THENCE NORTHEASTERLY ALONG THE AFOREMENTIONED SOUTHERLY PROPERTY LINE OF LANDS NOW OR FORMERLY OF GENESEE VALLEY REGIONAL MARKET AUTHORITY, HAVING A TAX ACCOUNT NUMBER OF 162.06-1-10./1 ON A BEARING OF N 73°25'01" EA DISTANCE OF 653.12 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EAST HENRIETTA ROAD (NYS ROUTE 15A), SAID POINT BEING THE TRUE POINT AND PLACE OF BEGINNING.

BEING AND INTENDING TO DESCRIBE A 35.006 ACRE PARCEL OF LAND NOW OR FORMERLY OF KERRY VENTURES TECH PARK, LLC AS SHOWN ON AN INSTRUMENT SURVEY MAP OF 1777 EAST HENRIETTA ROAD PREPARED BY THE DDS COMPANIES DATED 9/25/2019 BEING PROJECT NUMBER 70190083.

# Exhibit B

## Survey







NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/29/2020



SITE DESCRIPTION

SITE NO. C828192

SITE NAME 1777 East Henrietta Road

SITE ADDRESS: 1777 East Henrietta Road ZIP CODE: 14623

CITY/TOWN: Henrietta

COUNTY: Monroe

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

Periodic Review Report Submitted Date: 04/15/2022

Description of Institutional Control

**Kerry Ventures Tech Park, LLC**

195 Middle Road, Suite 400

**1777 East Henrietta Road**

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 162

Subsection: 10

S\_B\_L Image: 162.10-1-1

Ground Water Use Restriction

IC/EC Plan

Land use Restriction

Monitoring Plan

O&M Plan

Soil Management Plan

**Description of Engineering Control**

**Kerry Ventures Tech Park, LLC**

195 Middle Road, Suite 400

**1777 East Henrietta Road**

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 162

Subsection: 10

S\_B\_L Image: 162.10-1-1

Cover System

Groundwater Treatment System

Vapor Mitigation