

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Implementation of an
Investigation of
10-16 East Chester Street
and 306-316 and 318 Broadway,
Kingston
by
Berkshire Acquisition Corporation,
Volunteer.

AGREEMENT

INDEX NUMBER: A3-0370-9807

CONSIDERING,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of the Environmental Conservation Law of the State of New York ("ECL"). This Agreement is entered into pursuant to the Department's authority under that law.

2. A. Berkshire Acquisition Corporation ("Volunteer") is a corporation formed under the laws of the State of Massachusetts with offices at 1500 Main Street, Suite 1400, Springfield, Massachusetts 01115.

B. The property which is the subject of this Agreement is located at 10-16 East Chester Street and 306-316 and 318 Broadway in the City of Kingston. The property consists of three city lots. Two lots are currently owned by the City of Kingston Consolidated School District. One is used as a vehicle storage and maintenance facility and the second is currently used as a service and storage area. The third lot is currently owned by Angelo Belmonte and is the site of the Econo-Wash, a laundry and drycleaning business. Volunteer intends to purchase all three lots, demolish the current structures and construct a 10,125 square foot CVS pharmacy on the property. A map of the site is attached hereto as Exhibit "A".

C. Volunteer represents, and for the purposes of this Agreement, the Department relies on those representations, that Volunteer's involvement with the Site and with the facility on that Site is limited to the following: Volunteer has not yet taken title to the Site, has not previously owned or operated the Site, and is not otherwise responsible under law to remediate contamination existing at the Site as of the effective date of this Agreement.