

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

HILMAR KUSMIERZ and INGE KUSMIERZ,

Plaintiffs,

-against-
P&T REALTY OF NEW WINDSOR, INC. and THE
STATE OF NEW YORK, Defendants.INDEX NO. 2348/95
REFEREE'S NOTICE OF SALE
OF FORECLOSURE

PLEASE TAKE NOTICE that pursuant to a judgment of foreclosure and sale, duly made and entered in the above-captioned action on November 29, 1995, and entered in the office of the Clerk of the County of Orange, as well as an Order of Reference dated January 6, 2000, L. John Hicks, Esq., the undersigned substituted Referee named in said Order of Reference, will sell in one parcel at public auction on January 3, 2001, at 10:00 a.m. at the Judicial Wing of the Orange County Government Center, 255 Main Street, Village of Goshen, New York, the premises described in said judgment and in Exhibit A annexed hereto.

The premises shall be sold subject to any state of facts an accurate survey would show, and to covenants, restrictions and easements, if any, of record affecting said mortgaged premises and any violations thereof, and to zoning regulations and ordinances of the city, town, or village in which said mortgaged premises lies and any violations thereof.

DATED: December 1, 2000

JOHN HICKS, ESQ.
Referee

SCHEDULE A

PARCEL I:

ALL that certain plot, piece or parcel of land, situate, lying and being partly in the City of Newburgh and partly in the Town of New Windsor, County of Orange, State of New York bounded and described as follows:

BEGINNING at the point of intersection of the westerly line of Mill Street with the southerly right-of-way line of the Erie-Lackawanna Railroad Company, said point being the northeasterly corner of lands conveyed by the City of Newburgh to National Gypsum Company by deed recorded in the Orange County Clerk's Office in Liber 1075 of Deeds at Page 489; thence along said southerly right-of-way line the following courses and distances:

- (1) North 66° 59' 30" West 55.03 feet;
- (2) North 66° 02' 30" West 588.68 feet;
- (3) South 80° 35' 30" West 60.00 feet;
- (4) North 58° 07' 30" West 239.50 feet;
- (5) South 88° 37' 30" East 21.48 feet; and
- (6) North 66° 02' 30" West 325.63 feet to the northwesterly corner of Parcel One of lands conveyed by the City of Newburgh to National Gypsum Company by deed recorded in the Orange County Clerk's Office in Liber 917 of Deeds at Page 489; thence along the westerly line of lands conveyed by Windsor Paper Mills, Inc. to National Gypsum Company by deed recorded in the Orange County Clerk's Office in Liber 845 of Deeds at Page 574 the following course and distance:

(7) South 26° 35' West 392.03 feet to the southwesterly corner of lands so conveyed by Windsor Paper Mills, Inc. the following courses and distances:

- (8) South 64° 24' 30" East 88.44 feet;
- (9) South 77° 53' 30" East 132.00 feet;
- (10) North 36° 22' East 12.42 feet;
- (11) South 57° 46' 15" East and partly along the northerly side of John Street 495.98 feet;
- (12) North 27° 11' East 100.38 feet;
- (13) South 57° 46' 15" East 60.00 feet to the lands now or formerly of Hudson River Woolen Mills and;

(14) along said lands North 28° 22' East 272.46 feet to the southwesterly corner of lands conveyed by the City of Newburgh, by the aforesaid deed recorded in Liber 1075 of Deeds at Page 205, thence along the southerly line of lands so conveyed by the City of Newburgh the following courses and distances:

- (15) South 61° 44' East 267.1 feet in a concrete monument;
- (16) South 63° 15' East 178.2 feet to an iron pipe; and
- (17) South 65° 10' East 22.12 feet to the westerly line of Mill Street; thence along the westerly line of Mill Street the following courses and distances:

(18) North 18° 17' 30" East 85.1 feet to the point of BEGINNING.

PARCEL II:

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being bounded and described as follows:

BEGINNING at the southwesterly corner of that certain plot, piece or parcel of land conveyed by Cornwall Paper Mills Company FKA Cornwall Paper Mills, Inc. to H.C. Davis Boiler Works, Inc. by deed dated 1/13/87 and recorded in the Office of the Orange County Clerk on 3/2/87 at L 2668 of deeds at page 53 at a point 7.76 feet east along a course N 64-24-30 W and running thence the following courses and distances: North 36-21-50 East 93.08 feet; South 64-35-35 East 203.32 feet; South 36-22 West 62.42 feet; North 77-53-30 West 132.00 feet and North 64-24-30 West 88.44 feet to the point of

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ANNOUNCES ITS PROPOSED REMEDIAL ALTERNATIVE
FOR THE
HUDSON RIVER PCBs SUPERFUND SITE

The US Environmental Protection Agency (USEPA) recently completed a Reassessment Remedial Investigation/Feasibility Study (RI/FS) that evaluated alternatives for the remediation of the Hudson River PCBs Superfund Site in New York. Based on this study, USEPA has developed its Proposed Plan, for the preferred remedial alternative for this site. USEPA is issuing the Proposed Plan as part of its public participation responsibilities under Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and Section 300.430(f)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

The Proposed Plan is being provided as a supplement to the Agency's Hudson River PCBs Reassessment reports, including the Feasibility Study, to inform the public of USEPA's preferred remedy, and to solicit public comments pertaining to all the remedial alternatives evaluated, as well as the preferred alternative. The remedial alternatives that were considered for the site that are summarized in the Proposed Plan are described in the Feasibility Study and other documents contained in the Administrative Record file for this site. USEPA encourages the public to review these documents to gain a more comprehensive understanding of the site and Superfund activities that have been conducted at the site.

USEPA will hold public meetings to discuss the results of the Reassessment RI/FS and the Proposed Plan, and to receive public comment. The first two meetings will be on Tuesday, December 12, 2000, at 7:00pm at the Saratoga Springs City Center, 522 Broadway, Saratoga Springs, New York, and on Thursday, December 14, 2000, at the Sheraton Civic Center Hotel, 40 Civic Center Plaza, Poughkeepsie, New York. On both days, the public is invited to view the project exhibit starting at 4:30 PM.

USEPA's preferred remedy consists of removal (dredging) of 2.65 million cubic yards of contaminated sediment from the Upper Hudson River using environmental dredging techniques which minimize adverse environmental impacts, including the resuspension of sediments during dredging. The preferred remedy also includes Monitored Natural Attenuation (MNA) of the residual PCB contamination that remains in the dredged areas and the unremediated areas until the concentration of PCBs in fish tissue are at an acceptable level. Institutional controls such as fish consumption advisories and fishing restrictions/bans will remain in place (although perhaps in a modified form) until these acceptable levels are achieved. Some of the dredged areas will be back-filled with approximately one foot of clean material to isolate residual PCB contamination and to replace habitat for biota. Dredged sediments will be dewatered and stabilized at treatment/transfer facilities and then transported via rail to off-site permitted disposal facilities outside of the Hudson River Valley. A new landfill will not be constructed in the Hudson River Valley to receive the dredged sediments. The dredging will occur in conjunction with a separate Non Time Critical Removal Action to be implemented to control upstream PCB sources in the vicinity of the General Electric Hudson Falls plant.

The remedy described in this Proposed Plan is the preferred remedy for the site. Changes to the preferred remedy or a change from the preferred remedy

to another remedy may be made if public comments or additional data indicate that such a change will result in a more appropriate remedial action. The final decision regarding the selected remedy will be made after USEPA has taken into consideration all significant public comments. USEPA is soliciting public comment on all of the alternatives considered in the detailed analysis of the FS because the Agency may select a remedy other than the preferred remedy.

Public Comment Period on Proposed Plan
December 12, 2000 to February 16, 2001

USEPA relies on public input to ensure that the concerns of the community are considered in selecting an effective remedy for each Superfund site. To this end, the Reassessment reports, including the Feasibility Study and the Proposed Plan, have been made available to the public for a public comment period which begins on December 12, 2000 and concludes on February 16, 2001.

In addition to the meetings on December 12 and 14, 2000, to discuss the preferred remedial alternative and the Proposed Plan, additional public meetings/availability sessions will be held during the public comment period, after the public has had an opportunity to review and consider the preferred alternative and supporting documents. These additional public meetings will be announced by USEPA in the media to allow for participation by interested individuals.

Comments received at the public meeting, as well as written comments, will be documented and responded to in the Responsiveness Summary appended to the Record of Decision, the document that formalizes the selection of the remedy. USEPA will accept comments postmarked by Friday, February 16, 2001. Written comments on this Proposed Plan should be addressed to:

Alison Hess/Doug Tomchuk
Hudson River PCBs Public Comment
U. S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, NY 10007-1866

The administrative record file, which contains the information upon which the selection of the response action will be based, is available at the following locations:

Crandall Library
City Park
Glens Falls, NY 12801
Phone: 518-792-6508
Hours: Mon., Tues., Wed. 9am to 9pm
Thurs. & Fri. 9am to 6pm
Sat. 9am to 5pm; Sun. 1pm to 5pm

Adriance Memorial Library
93 Market Street
Poughkeepsie, NY 12601
Phone: 845-485-3445
Hours: Mon.-Thurs. 9am to 9pm
Fri. & Sat. 9am to 5pm
Sun. 1pm to 5pm

USEPA-Region 2
Superfund Records Center
290 Broadway, 18th Floor
New York, NY 10007-1866
Phone: 212-637-4308
Hours: Mon.-Fri. 9am to 5pm