

406-06-2002 12:41

P.01-04

*Made copy
for Krish
Mike*

Gulielmetti & Gesmer, P.C.
401 Broadway
New York, New York 10013
(212) 219-2114 FAX (212) 966-2162
Ellen Gesmer
Paul M. Gulielmetti
Jennifer A. Covell
Todd A. Krichmar
Justin Bebelak

TELECOPIER TRANSMITTAL SHEET

Robert M. Petrucci
On Counsel

PRIVACY AND CONFIDENTIALITY NOTICE

This facsimile is intended for the named recipients only. It may contain privileged and confidential information. If you have received this facsimile in error, please notify us immediately by telephone at (212) 219-2114 and return the original to the sender by mail. We will reimburse you for any loss or damage or disclose the contents to anyone. Thank you.

DATE: August 8, 2002

ATTENTION OF: Michael Gilsenan, Assistant
Deputy Commissioner

COMPANY: Department of Environmental Protection

TELECOPIER #: 718-595-4544

FROM TELECOPIER #: 212-966-2162

SENT BY: Ellen Gesmer

REFERENCE: 125 Cedar Street

NUMBER OF PAGES TRANSMITTED
(Not including this
transmittal sheet): 3

MESSAGE:

cc: Yvonne Morrow, Office of Speaker Sheldon Silver	Via Fax: 212-312-1425
Linda Rosenthal, Office of Congressman Nadler	Via Fax: 212-367-7356
Luis Reyes, Office of City Council Member Gerson	Via Fax: 212-788-7727
Meg Reid, Office of State Senator Connor	Via Fax: 212-298-5574

G&G, P.C. Client Reference: 638.01

AUG-08-2002 12:41

P.02/04

Gulielmetti & Casmer, P.C.

491 BROADWAY NEW YORK NY 10013

212 212 2114 FAX 212 966 2163

email: info@gulies.com

Paul M. Gulielmetti

Ellen Casmer

Jennifer A. Covell

Todd A. Krichmar

Kirstin Betelaar

Robert M. Petrucci

Of Counsel

August 8, 2002

VIA FAX: 718-595-4544

Michael Gilsenan

Assistant Deputy Commissioner

Department of Environmental Protection

59-17 Junction Boulevard

Corona, New York 11369

**Re: DEP Scope of Work
for 125 Cedar St.**

Dear Mr. Gilsenan:

As you know, I represent the tenants at 125 Cedar St. I am writing to provide you with the tenants' comments on the draft scope of work for cleaning procedures for 125 Cedar Street.

Purpose clause: This defines the scope of work as cleaning the building interiors consisting of 11 floors. This is incorrect. The building has 13 stories plus a basement. The entire building is supposed to be cleaned, not just the residential floors. This must be corrected, as it is contrary to what was promised by the EPA and the DEP, and it will not result in a safe and clean building.

This paragraph would probably also be the appropriate place to define the "work site" as the entire building known as 125 Cedar St. a.k.a. 110 Liberty St., including the storage rooms on each floor.

Scope of work:

(13) It has to be clear that items within apartments cannot be disposed of without prior authorization by the

Gulielmetti & Cosman, PC

Michael Gilsenan

August 8, 2002

Page 2

tenant, as opposed to the building owner. As written, the Scope provides that if the contractor cannot clean an item that is marked to be cleaned, the contractor will contact DEP. We need an agreement with DEP that DEP will then contact the tenant before the item is disposed of.

(14) During the walk through, the tenants were only directed to identify items to be cleaned, with the understanding that items not tagged are to be discarded. The Scope as written is not consistent with this.

(14)(a) The definition of what is included in this category has to be more specific. Specifically, it should apply to all personal property except built-ins and kitchen stoves and refrigerators.

Also, it must be made clear that it is the contractor's responsibility to dispose of items marked for disposal.

(14)(b) A sentence should be added that the contractor must take care not to damage built-ins, similar to the sentence in (14)(a) providing that "Care must be taken not to damage the item."

(14)(c) It must be clarified that it is the contractor's responsibility to dispose of all refrigerators and stoves, as well as any washing machines and dryers which cannot be cleaned.

(17) The clearance air standard must be listed in this document and must be the health-based standard for asbestos, and should include standards for metals, mercury and dioxin. This paragraph must also specify the testing methods to be used, which should include aggressive testing for air quality.

(25) This paragraph is critical. The purpose of the walk throughs of the building, attended by tenants and representatives of the DEP and the EPA, was to define specific cleaning needs in particular apartments. We need to see that these are defined correctly for each apartment before the Scope is sent out. In addition, this paragraph is probably

AUG-08-2002 12:42

P.04/04

Gulielmetti & Gesmer, P.C.

Michael Gilsenan
August 8, 2002
Page 3

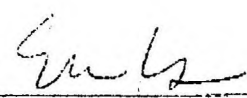
the place that should provide the special cleaning methods that will be necessary for the floors, because of the dust accumulated beneath the surface and between the boards.

(25) It must provide that the tenants will be provided with a copy of this report.

We look forward to speaking with you about these issues as soon as possible, so that the scope of work can be finalized and the cleaning of the building can finally begin.

Very truly yours,

GULIELMETTI & GESMER, P.C.

By: 

Ellen Gesmer

EG:cs

cc: 125 Cedar Street Tenants
Yvonne Morrow, Office of Speaker Sheldon Silver
Cathy Callahan, EPA
Bonnie Bellow, EPA
Bob Fitzpatrick, EPA
Walter Mugdan, General Counsel, EPA Region 2
Linda Rosenthal, Office of Congressman Nadler
Luis Reyes, Office of City Council Member Gerson
Meg Reed, Office of State Senator Connor

TOTAL P.04