

W3-078-97-01

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Implementation of
Response Program for
29 Bridge Street and
Irvington, New York
by

MODIFICATION OF
AGREEMENT

(INDEX NUMBER: W3-078-97- 01)

The Scenic Hudson Land Trust, Inc. and
the Village of Irvington,
Volunteers.

CONSIDERING,

1. The Scenic Hudson Land Trust, Inc. ("Scenic Hudson") and the Village of Irvington ("Irvington") (collectively, the "Volunteers") entered into an Agreement, Index No. W3-078-97-01, with the Department of Environmental Conservation (the "Department") dated February 11, 1997 (the "Agreement"). A copy of the Agreement is attached as Appendix "A".
2. Except as provided in, and as modified by, this Modification of Agreement, all provisions of the Agreement remain in full force and effect.
3. The parties contemplated at the time the Agreement was entered into that Volunteers would acquire title to 29 Bridge Street and 100 Bridge Street (collectively, "the Site"). Volunteers intend to develop the Site for the Contemplated Use as defined in Subparagraph 3.B of the Agreement. Volunteers acquired title to 29 Bridge Street on February 11, 1997 and 100 Bridge Street on April 3, 1997.
4. Irvington and the Department entered into a State Assistance Contract on April 22, 1997. Subparagraph I.B.1 of the Agreement provides that the work plan will be modified to require more stringent remedial requirements that the State Assistance Contract for remedial action, should a contract be entered into, will impose.
5. Appendix "B" of this Modification of Agreement, titled "Revised Workplan for Site Investigation Activities on the Property Located at 29-100 Bridge Street, Village of Irvington, Westchester County, New York, revised July 16, 1997", hereby replaces Exhibit "C" of the Agreement effective on 11 February 1997.
6. Together the Revised Workplan for Site Investigation Activities and the Remediation Work Plan (which will be attached to and made part of this Modification of Agreement as Appendix "B" and which shall be developed after the Department's issuance of the Record of

of the Record of Decision for the Site) shall constitute the complete workplan for the Site under this Modification of Agreement.

7. The definition of "Site" set forth in Subparagraph 2.A of the Agreement is hereby revised to mean 29 Bridge Street and 100 Bridge Street.

8. Subparagraph 2.A of the Agreement is hereby revised to read as follows:

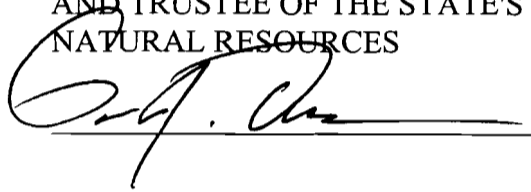
The Site is located at 29 Bridge Street and 100 Bridge Street, Irvington, New York and is adjacent to the Hudson River and designated as Town of Greenburgh, Village of Irvington, Tax Lot Numbers: Sheet 7, Lots P-87, P-4B2, P-87A, P-85, P-75 and P-4B2A. Exhibit "A" of this Agreement is a map of the Site showing its general location.

9. Subparagraph 2.B of the Agreement is hereby revised to read as follows:

The 29 Bridge Street portion of the Site is subject to an existing remedial monitoring program regarding a petroleum spill which occurred at that address. In addition, the Department has determined that other environmental conditions of concern are present at 29 Bridge Street as of the effective date of this Agreement. The 100 Bridge Street portion of the Site has additional environmental concerns.

DATED: AUG 29 1987

GAVIN J. DONOHUE, SENIOR DEPUTY
COMMISSIONER
NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
AND TRUSTEE OF THE STATE'S
NATURAL RESOURCES



Consent by Volunteer

THE SCENIC HUDSON LAND TRUST, INC.

Volunteer, The Scenic Hudson Land Trust, Inc. hereby consents to the issuing and entering of this Agreement, waives its right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

The Scenic Hudson Land Trust, Inc.

By: Klara B Sauer

Title: Asst Secretary

Date: 8-13-97

STATE OF NEW YORK)
) s.s.:
COUNTY OF Dutchess)

On this 13th day of August, 1997, before me personally came Klara B. Sauer, to me known, who being duly sworn, did depose and say that he/she resides in Hopewell Twp. NY; that he/she is the Asst Secretary of The Scenic Hudson Land Trust, Inc., the corporation described in and which executed the foregoing instrument; and that he/she knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; and that it was so affixed by the order of the Board of Directors of said corporation and that he/she signed his/her name thereto by like order.

Linda B. Vittone
Notary Public
LINDA B. VITTORE
NOTARY PUBLIC, State of New York
Qualified in Dutchess County
Commission Expires Jan 27, 1999
4946118

Consent By Volunteer

Village of Irvington

Volunteer Village of Irvington, hereby consents to the issuing and entering of this Agreement, waives Volunteer's rights to a hearing herein as provided by law, and agrees to be bound by this Agreement.

Village of Irvington

By : *[Signature]*

Title : Clerk-Treasurer

Date : 8/21/97

STATE OF NEW YORK)
)s.s.:
COUNTY OF WESTCHESTER)

On the 21st day of August, 1997, before me personally came Lawrence Schopfer, to me known who being duly sworn, did depose and say that he/~~she~~ resides at Sherman, CT; that he/~~she~~ is the Clerk Treasurer of the Village of Irvington, the municipality described herein, and which executed the foregoing instrument; that he/~~she~~ knew the seal of said municipality; that the seal affixed to this instrument was such municipal seal; that it was so affixed by a resolution of the Village Board of Trustees of the Village of Irvington, and that he/~~she~~ signed his/~~her~~ name thereto by like order.

[Signature]
Notary Public
Edward F. Devine
Notary Public, State of New York
Qualified in Rockland County
Commission Expires Oct 21, 1997
4987688

RESOLUTION
VILLAGE OF IRVINGTON

At the meeting of the Board of Trustees of August 21, 1997, Trustee Pouch made a motion, seconded by Trustee McNiff, to adopt the following resolution:

RESOLVED that authorization is hereby granted to Mayor Dennis Flood, Administrator Steve McCabe, or Clerk-Treasurer Lawrence Schopfer to execute a Modification of the Voluntary Cleanup Agreement with the New York State Department of Environmental Conservation dated February 11, 1997.

Voting (Present):

<u>Mayor Flood</u>	<u>Aye</u>
<u>Trustee McNiff</u>	<u>Aye</u>
<u>Trustee Pouch</u>	<u>Aye</u>

I certify that the above resolution is a true and accurate copy of the Minutes of the meeting of the Board of Trustees of the Village of Irvington.



Lawrence S. Schopfer
Clerk-Treasurer

APPENDIX "A"

APPENDIX "B"