

RESOLUTIONS - BOARD OF TRUSTEES REGULAR MEETING OF JULY 5, 2016

43:16 AUTHORIZATION TO SIGN MODIFICATION TO 2003 CONSENT DECREE

WHEREAS, Hudson Riverkeeper Fund, Inc., now known as Riverkeeper, Inc. (“Riverkeeper”), the Village of Hastings-On-Hudson (the “Village”) and Atlantic Richfield Company (“ARCO”) entered into a Consent Decree (the “2003 Consent Decree”) that was duly entered by the Court on December 19, 2003 in settlement of the litigation entitled “Hudson Riverkeeper Fund, Inc. and Village of Hastings-On-Hudson vs. Atlantic Richfield Company,” Civil Action No. 94-2741, in the United States District Court for the Southern District of New York; and

WHEREAS, the 2003 Consent Decree related to the remediation of the approximately 28 acres of land bordering the Hudson River and known as 1 River Street, Hastings-on-Hudson, NY, currently owned by ARCO, that was the site of former industrial activities (the “Site”, also referred to as “Operable Unit 1” or “OU-1”); and

WHEREAS, the 2003 Consent Decree was based, in part, on a proposed remedial action plan issued by the New York State Department of Environmental Conservation (“NYSDEC”) for the Harbor at Hastings Site Operable Unit No. 1 Village of Hastings-On-Hudson, Westchester County New York Site Number 3-60-022, which remedy was ultimately set forth in a Record of Decision issued by NYSDEC in June 2004 (the “OU-1 ROD”); and

WHEREAS, based on new information which indicated a need to modify the remedy set forth in the OU-1 ROD, the NYSDEC issued an amended Record of Decision for the Harbor at Hastings Site Operable Unit No. 1 in March 2012 (the “OU-1 ROD Amendment”); and

WHEREAS, the Village, Riverkeeper and ARCO negotiated a proposed “Modification to the 2003 Consent Decree” based in part on the changes contained in the OU-1 Rod Amendment and certain issues of concern to the Village (the “2016 Consent Decree Modification”); and

WHEREAS, the Village held public meetings at which public comment was sought and received on the proposed 2016 Consent Decree Modification; and

WHEREAS, the Village Board of Trustees carefully considered the public comments received at the foregoing meetings, as well as comments received thereafter in writing and at the Board’s regularly scheduled meetings, and each of the Board members provided comments of their own; and

WHEREAS, as the result of the various comments, additional negotiations took place between the parties which resulted in additional changes to the 2016 Consent Decree Modification; and

WHEREAS, the Board has concluded that the 2016 Consent Decree Modification contains benefits for the Village in addition to those set forth in the 2003 Consent Decree, including but not limited to the following:

- The bulkheading of the northwest corner of the Site to support a ramp to a floating dock;
- The remainder of the Site shoreline may be a vegetated, armored slope, and in such event the Village and ARCO will cooperate on the design (which will include a 30-foot wide walkway);
- Boathouses/boat storage building, public seating area and ancillary facilities (such as a café) for the service of light foods, restrooms and similar services, may be constructed within 60 feet of the coves and/or within the northwest corner of the Site;
- The sloped shoreline will be designed to include a kayak/canoe boat ramp or similar boat launch to provide access to the Hudson River;
- The developable portion of the site will be at least 11 feet above low mean sea level, to facilitate resiliency;
- Provision for a potential funding mechanism to save, or replace or refurbish, the water tower;
- Funding to restore and reopen Quarry Park and for the Village Historical Society to preserve the history of the waterfront;
- Additional funding for Village monitoring of the remediation.

NOW, THEREFORE BE IT

RESOLVED: The Mayor and the Board of Trustees hereby authorize the Mayor to sign the 2016 Consent Decree Modification in settlement of the litigation entitled Hudson Riverkeeper Fund, Inc. and Village of Hastings-On-Hudson vs. Atlantic Richfield Company, Civil Action No. 94-2741, in the United States District Court for the Southern District of New York.

ROLL CALL VOTE

AYE

NAY

Trustee Meg Walker
 Trustee Nicola Armacost
 Trustee Daniel Lemons
 Trustee Walter Stugis
 Mayor Peter Swiderski