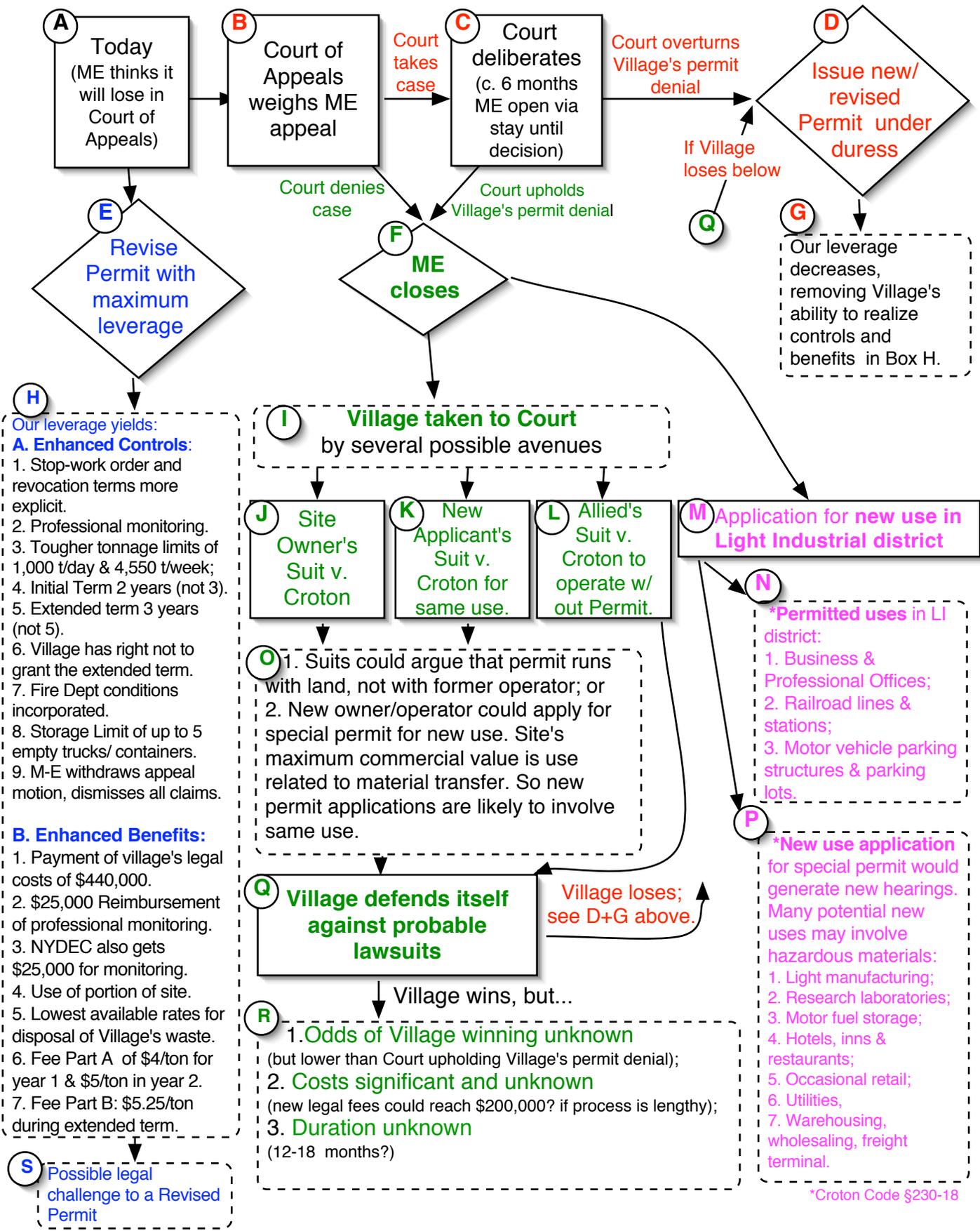


# Village of Croton-on-Hudson's Options Regarding Metro-Enviro Transfer LLC

7 September 2004



- H** Our leverage yields:
- A. Enhanced Controls:**
1. Stop-work order and revocation terms more explicit.
  2. Professional monitoring.
  3. Tougher tonnage limits of 1,000 t/day & 4,550 t/week;
  4. Initial Term 2 years (not 3).
  5. Extended term 3 years (not 5).
  6. Village has right not to grant the extended term.
  7. Fire Dept conditions incorporated.
  8. Storage Limit of up to 5 empty trucks/ containers.
  9. M-E withdraws appeal motion, dismisses all claims.
- B. Enhanced Benefits:**
1. Payment of village's legal costs of \$440,000.
  2. \$25,000 Reimbursement of professional monitoring.
  3. NYDEC also gets \$25,000 for monitoring.
  4. Use of portion of site.
  5. Lowest available rates for disposal of Village's waste.
  6. Fee Part A of \$4/ton for year 1 & \$5/ton in year 2.
  7. Fee Part B: \$5.25/ton during extended term.

- O**
1. Suits could argue that permit runs with land, not with former operator; or
  2. New owner/operator could apply for special permit for new use. Site's maximum commercial value is use related to material transfer. So new permit applications are likely to involve same use.
- R**
1. Odds of Village winning unknown (but lower than Court upholding Village's permit denial);
  2. Costs significant and unknown (new legal fees could reach \$200,000? if process is lengthy);
  3. Duration unknown (12-18 months?)

- N**
- \*Permitted uses in LI district:
1. Business & Professional Offices;
  2. Railroad lines & stations;
  3. Motor vehicle parking structures & parking lots.
- P**
- \*New use application for special permit would generate new hearings. Many potential new uses may involve hazardous materials:
1. Light manufacturing;
  2. Research laboratories;
  3. Motor fuel storage;
  4. Hotels, inns & restaurants;
  5. Occasional retail;
  6. Utilities,
  7. Warehousing, wholesaling, freight terminal.

\*Croton Code §230-18