

LICENSE AGREEMENT

This License Agreement made this ^{12th}~~3th~~ day of ~~Sept.~~ 2002 by and between the CITY OF NEW YORK (hereinafter called "the City"/Licensee), acting by and through the Department of Environmental Protection of the City of New York (hereinafter called "DEP"), with an office at 59-17 Junction Boulevard, Corona, New York 11368-5107 and Our Lady of Victory Church ("Landowner/Licensor") the owner of the premises at 60 WILLIAM STREET (the "Premises").

WHEREAS, the facades, roofs and setbacks ("exterior areas") of many structures in close proximity to the site of the former World Trade Center have been found to contain debris, refuse and other deposits ("the foreign material") of unknown origin;

WHEREAS, the owners of said structures are desirous of having the foreign material removed;

WHEREAS, the City believes that it is in the interest of the public to undertake a clean up of these exterior areas;

WHEREAS, the City's willingness to undertake such a cleanup should not in any way be construed as an acknowledgment or admission that the City is in any way responsible for any condition, environmental or otherwise, that may exist in or on the exterior areas or that the foreign material is a risk to the public health or safety;

NOW THEREFORE, it is hereby agreed by and between the parties to this agreement, for and in consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged,

1. **Permission to Perform Cleaning Work.** Subject to the terms and conditions hereof, Licensor hereby grants permission to Licensee and its authorized contractor(s) to perform the cleaning work on the exterior areas of the structure(s) located on the Premises, as described in the Scope of Work attached hereto as Exhibit A and made a part hereof (the "Cleaning Work").

2. **Grant of Access.** Subject to the terms and conditions hereof, Licensee and its agents, contractors and employees shall have the right, at all times while this License Agreement is in effect, to enter in and on the Premises, and to cross the Premises, with personnel, material and equipment, for the purpose of performing the Cleaning Work. It is expressly understood that the right granted under this Section 2 includes:

(a) the right to access all portions of the Premises deemed necessary by Licensee or its contractor(s) in order to properly perform the Cleaning Work, including (without limitation) roofs, parapets, window ledges, and other building exterior surfaces; and

(b) the right to temporarily occupy portions of the ground outside of the building located on the Premises, with personnel, material and equipment, in order to perform the Cleaning Work; and

(c) the right to erect, maintain, and store temporary scaffolding on the Premises, and to utilize such scaffolding for the purpose of performing the Cleaning Work.

3. **Limitations And Conditions:**

- a) In no event shall the Licensee, its agents, contractors, or subcontractors enter the Licensors's property for the purposes of performing the Cleaning Work other than between the hours of 8:00 a.m. and 8:00 p.m.
- b) Licensee shall provide the Licensors with written notification of its intention to begin the Cleaning Work at least two (2) days prior to the commencement of such Work.
- c) Licensee shall pay the entire cost of all work, labor, and material in connection with the Cleaning Work undertaken by it hereunder except that the Licensors shall supply and pay for all power and water usage in connection with the Cleaning Work.
- d) Licensee, its agents, contractors, and employees, shall perform all Cleaning Work promptly and in a workmanlike manner with a minimum of disturbances to the Licensors's property.
- e) Licensee shall maintain such flags, lights, barricades and enclosures as required for the safety of persons, property and traffic flow.
- f) All Cleaning Work shall be performed by qualified contractors in accordance with applicable federal, state and local rules and regulations;
- g) Any contractor or subcontractors performing the Cleaning Work on behalf of the Licensee shall obtain, prior to the commencement of any Cleaning Work, insurance in the amounts and types as set forth herein in Exhibit B;
- h) All City employees, and any contractor or subcontractor performing any activities on the City's behalf, shall, at all times, wear proper identification which, at a minimum shall include, an identification card with the name and photograph of the person.

4. **Reimbursement.** Licensors shall reimburse Licensee for the removal of the foreign material provided for in this license from any compensation it receives from any source for the

IN WITNESS WHEREOF, the parties have caused this License Agreement to be executed and acknowledged on the day and year which first appears above.

Dated: Sept. 5, 2002

Our Lady of Victory Church

Licensors

By:

Rev. Msgr. Edward J. Mitty, Pastor

Licensee

Licensee

By:

Dated: 9-12-02

Approved as to Form

Acting Corporation Counsel

DATED: _____

STATE OF NEW YORK)

COUNTY OF **NEW YORK**)^{s.:}

On this 5th day of September 2002, before me personally came the individual described in and who executed the foregoing instrument and acknowledged to me that he/she resides at 60 William St. New York, NY and that he/~~she~~ executed the foregoing instrument as the owner/licensor of the property.



NOTARY PUBLIC
STATE OF NEW YORK

Ronald Melnyk
Notary Public, State of New York
No. 41-4606770
Qualified in Queens County
Term Expires May 31, 20 03

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

On this 12 day of September 2002, before me personally came Robert C. Avaltrem and acknowledged to me that he is the ~~Acting~~ Deputy Commissioner of the New York City Department of Environmental Protection, and that he/~~she~~ authorized to executed the foregoing instrument and that he/she did so on behalf of the City of New York pursuant to authority of law duly delegated.



NOTARY PUBLIC
STATE OF NEW YORK

Russell Pecunias
Commissioner of Deeds,
New York City
4-6227
Term Expires December 13, 2003

Exhibit A**New York City Department of Environmental Protection
Bureau of Environmental Compliance****Asbestos Control Program****Building Exterior Clean-up****Scope of Work**

All work performed shall be in compliance with all applicable, relevant, and appropriate regulations, including but not limited to those of the United States Environmental Protection Agency (USEPA), the United States Department of Labor Occupational Safety and Health Administration (OSHA), the New York State Department of Labor (NYS DOL), the New York State Department of Environmental Conservation (NYS DEC), the New York State Historic Preservation Office (SHPO), the New York City Department of Sanitation (DOS), the New York City Department of Health (DOH), the New York City Landmarks Preservation Commission (NYC LPC), and the New York City Department of Environmental Protection (DEP).

Background

The DEP with assistance from representatives of the NYS DOL and US EPA performed follow-up site visits at buildings in the vicinity of the World Trade Center. The visual assessments disclosed the presence of various amounts of debris with various dispersal patterns at the building exteriors. The majority of buildings had isolated areas of debris specifically at the perimeter of the roofs, at the base of parapet walls, and in gutters. Debris was also visible at horizontal surfaces on some of the building facades. For some buildings, building facades facing the street were cleaned while the facades at the rear remained dirty.

The observed debris was characteristic of the debris from the impact of September 11, 2001. The debris appears to have reformed into a dense mass (caked). During the DEP follow-up visits, samples of the debris were collected from various roofs. The uneven dispersal identified above was also evident in the sample collection. Samples collected from various buildings indicated that some of the debris was asbestos-containing material (ACM). Based on these results and the most stringent assessment and evaluation, this material may be ACM and shall be cleaned by NYS DOL licensed contractors with DEP and NYSDOL certified workers.

Purpose

A NYS DOL licensed asbestos contractor with DEP and NYSDOL certified workers shall perform the clean-up of building roofs, setbacks, and/or building facades within the vicinity of the WTC. The scope of work for the clean-up activities is attached. The clean-up activities shall consist of collection of debris and wet cleaning/HEPA vacuuming until the surfaces are clean of visible debris.

Contract Term and Specifications

The contract shall be in force for 120 consecutive calendar days from the DEP commencement date. Services shall be directed by the DEP. Contractors shall be prepared to mobilize within 72 hours of the contract award. The DEP expects contractors to provide four to five crews with a minimum of five handlers per day at each of the areas. Multiple building roofs shall be cleaned simultaneously.

Work shall not be performed at any building found to be structurally unsound.

Roof Clean-Up

Application: This procedure utilizes wet methods and careful hygiene protocol for cleaning roofs contaminated with asbestos containing material (ACM).

1. The entire roof shall be considered the work area for entry/access determinations. All abatement will be performed by NYSDOL licensed contractors with NYC DEP certified workers.

For non-gravel or stone covered roofs with localized accumulations of visible debris, the clean-up areas shall be specified ("specified area") by DEP.

For gravel/stone covered roof surfaces, the entire roof shall be included in the specified roof area for clean-up. The gravel/stone shall be taken to a clean-up staging area on the roof and washed. Water shall be collected, filtered, and discharged into the drain/sewer as applicable.

2. A changing area consisting of two adjacent step-off pads located on the roof immediately adjoining the roof entrance/exit. This area shall consist of a clean pad and a change pad. The clean pad shall be adjacent to the building interior access way (or at the point of entry to the roof for exterior access). The change pad shall be adjacent to the contaminated roof areas. Each pad (change pad and clean pad) shall consist of two layers of 10-mil reinforced plastic on the roof/access way surface and shall be large enough to facilitate changing and decontamination as described herein. A minimum of 4' x 4' is recommend, though the exact configuration will be specific to the roof.
3. Workers shall first step from the building interior (or exterior at the point of entry to the roof) directly onto the clean pad. On the clean pad, each worker shall be double suited with disposable coveralls, plastic booties, gloves, and head coverings. Rubber boots may be used instead of the plastic booties. The boots shall be wet wiped and HEPA vacuumed prior to leaving the roof. Each worker shall wear a minimum of a half-face air-purifying respirator equipped with HEPA cartridges.
4. All penetrations at the roof within 10 feet of the specified roof area included in the clean-up shall be cleaned by wet methods/HEPA vacuum and sealed with 6-mil polyethylene sheeting.
5. Roof cleanup shall begin at the entrance/exit and proceed in a path working away from the entrance/exit. Water shall be the primary engineering control to minimize the potential for fiber release.
6. Roof surfaces shall be wetted and then wet cleaned using wet wiping techniques with water, mops, rags, brushes, etc. HEPA vacuuming may also be used as alternative to or in combination with wet cleaning.
7. Throughout the procedure, all personnel entering or existing the roof shall observe the personal decontamination practices. Attention shall be paid to limiting unnecessary walking on or disturbance of material on the roof. These personal decontamination procedures shall be strictly adhered to, in order to minimize the potential for spreading contamination to the interior of the buildings.
8. Solid nonporous objects, such as metal patio furniture, plant potters, and plastic furniture cushions, shall be wet wiped with damp rags. Wooden objects such as decking shall be HEPA vacuumed, wet wiped, and lightly brushed with a bristle brush utilizing simultaneous misting and local HEPA exhaust. Woven materials shall either be disposed as ACM or bagged and removed off-site for proper laundering in accordance with 29 CFR 1901. 1001. Potted plants with visual contamination should be disposed as ACM waste unless the owner requests decontamination. Potted plants will be repeatedly rinsed, and provisions shall be made to catch the runoff water (i.e. into ACM disposal bags or by using rags and HEPA wet-vacuums).
9. After completion of the above, the specified area roof shall be carefully washed.

Building Facade Clean-up

Work shall be performed by a NYSDOL licensed asbestos contractor with NYCDEP and NYSDOL asbestos certified workers.

The contractor performing the cleaning should be experienced in cleaning building facades.

The clean up area shall be specified ("specified area") by DEP. The area below the façade cleaning shall be covered with a layer of polyethylene sheeting. All debris must be collected for disposal as ACM directly upon removal from the surface. (i.e. All waste must be double bagged in ACM waste labeled bags.) Running water or water runoff on the building façade is not permitted.

Building occupants shall be notified prior to the façade cleaning. Access to the street below the façade cleaning shall be restricted and marked with caution tape. Cleaning shall not be performed during wind speeds greater than 20 mph.

All HVAC systems and air conditioners shall be turned off. All windows shall be closed during the cleaning of the building. Some air conditioners and windows may require sealing with duct tape to prevent water penetration.

In cases where equipment is rigged from the roof: All clean-up activities on the roof must be completed prior to rigging equipment from the roof.

All horizontal surfaces and all windows on the facade shall be cleaned of large bulk material by wetting and hand brushing or scraping with non-metallic bristle brushes or non-metallic scrapers, by wet wiping and/ or by HEPA vacuuming from top to bottom. Only water shall be used for wet wiping and low-pressure washing. Detergents, solvents, additives, and any other chemical cleaning agents are prohibited. The removed material shall be immediately placed into containers (e.g. bags). Windows shall be wet wiped. Free running water shall not be evident during this procedure. Power for HEPA vacuums shall be supplied through ground fault interrupters.

After completion of debris removal, the specified area shall be carefully washed. A low pressure washing technique, moving from top to bottom, shall be employed to minimize water bounce-back. Facades shall be washed with a low-pressure wash not to exceed 250 psi.

At the completion of work, a visual inspection of the abated surfaces and sidewalk shall be performed to verify the absence of visible debris.

Air monitoring shall be performed by an independent NYSDOL licensed third party air monitoring firm with certified workers.

In order to minimize disruption to the public and to the building occupants, it is recommended this work be performed during off-hours.



60 William Street
New York, NY 10005
(212) 422-5535

September 5, 2002

*Mr. R. Radhakrishnan, P.E.
Director, Asbestos Control Program
59-17 Junction Blvd.
Flushing, NY 11373-5108*

Dear Mr. Radhakrishnan:

Thank you for your letter of September 5th.

Enclosed is our signed license agreement. We will wait to hear from you regarding any procedures or directions which you want us to follow.

Thank you for helping us.

Sincerely yours,

Edward J. Mitty
Rev. Msgr. Edward J. Mitty
Pastor

MEMORIAL CHURCH OF WALL STREET