

Minutes of the Town Board Worksession held at Town Hall on October 18, 2010 at 7:30PM

Present: John Burke, Supervisor  
Amidee Haviland, Carlton Levine, Frank Palermo and James Skoufis, Councilmen  
Absent: None  
Also Present: Peter Stabile, Highway Superintendent

**1. Discussion – Small Business Energy Efficiency:**

Supervisor Burke stated, as a result from the NYSEDA Energy Audit program, a study was done of the electrical usage at the Highway garage. Orange & Rockland offers a “Small Business Energy Efficiency” grant program where they will pay 70% of the costs for upgrading the electrical units and fixtures for better efficiency. The total cost of the upgrades is \$19,261.11. Orange & Rockland will pay \$13,482.97 and the Town will pay \$5,778.14. He would like to move forward with the Highway Garage and see if there is a decrease in the amount of kilowatts. If these improvements work successfully, then the other buildings will be surveyed as well. Bob Melvin, from Orange & Rockland, stated they offer the program because it not only saves the customers money but it also lessens the stress on their system. Anthony DeFelice, President of AMD Electric, stated the total upgrades should take no longer than 1½ weeks to complete, once the materials are received. Supervisor Burke stated he would like to approve a modification to the budget so that a check can be cut this abstract for half the Town’s cost so that AMD Electric can order the materials needed. Supervisor Burke noted that the success of the project will be measured by kilowatt usage. Mr. Melvin noted that the cost savings is based on the current electrical conditions at the time the survey was conducted.

**EXTRA ITEM – Estrada Road Bridge Update:**

Al Fusco updated the Board on the status of the Estrada Road Bridge replacement project. The bid opening was held on October 14 and the apparent low bidder was CMC Construction Group at \$229,000.00. He has worked with this company before and the references have been checked. He also noted that the approvals and permits have been received from the DEC for the work to be done. Once the Board accepts the bid received, a notice of award will be sent so CMC can obtain the necessary bonds that are needed for the contract signing. He anticipates the project beginning mid- to late-November and, depending on the weather, it should be completed by the end of the year. If the weather does not cooperate, then the construction will halt and continue in early Spring. If this were to occur, there would be no additional costs.

**2. Public Update – County Lawsuits:**

The two attorneys representing the Town, James Bacon and David Gordon, were present to update the Board on the following three pending lawsuits:

*Town of Woodbury, et al. v. County of Orange – Article 78 Proceedings/Declaratory Judgment:*

On June 4, 2010 a petition was filed to annul the County’s SEQRA determination on the Orange County Sewer District #1 (OCSD#1) sewage allocations and capacity issues relating to the Harriman Waste Water Treatment Plant (HWWTP). Action was also sought to annul the County’s agreement with OCSD#1 to expand the HWWTP upon the plant reaching 85% capacity.

*County of Orange v. Village of Kiryas Joel – Motion of Intervention/Vactur/Consolidation/Preliminary Injunction:*

On July 9, 2010 a motion to intervene and reinstate the County’s original petition from July 2009 to annul Kiryas Joel’s amended final environmental impact statement (AFEIS) which reviewed the impacts associated with Kiryas Joel’s connection to the New York City aqueduct. The County and Village

of Kiyras Joel opposed this motion with answering papers and they have responded accordingly. A decision is expected within 60 days.

Town of Woodbury, et al. v. County of Orange – Article 78 Proceeding:

On September 10, 2010 a petition was filed to overturn's the County's determination to extend the OCSD#1 to service the Montco (Camp LaGuardia) development in the Towns of Blooming Grove and Chester and the Village of Chester. The petitions alleges that, although co-lead agencies were already working on reviewing the aspects of the project, the County improperly issued a negative declaration for a significant element of the project (i.e., the provision of sewage capacity). The petition alleges that the County's action violated SEQRA as those regulations required the County to allow the co-lead agencies to complete their SEQRA process before completing the County's own independent SEQRA review. It was noted that the Town of Blooming Grove has also brought suit against the County under Section 266 of County Law.

The Board asked some questions of the attorneys regarding these lawsuits. It was decided that both attorneys will provide regular updates to the Board regarding the status of each case.

**3. Adjournment:**

With no further business to discuss, a motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adjourn the meeting at 8:25PM.

**ADOPTED**      AYES    5            Burke, Haviland, Levine, Palermo, Skoufis  
                     NOES    0

Desiree Potvin, Town Clerk