

Minutes of the Special Village Board meeting held on May 27, 2010 at 4PM.

Present: Michael Queenan, Mayor  
Neil Crouse, Thomas Flood and David Sutz, Trustees  
Absent: Timothy Egan, Trustee  
Also Present: Roxanne Donnery, County Legislator

**1. Authorize Litigation:**

Motion was offered by Trustee Sutz, seconded by Trustee Flood, to adopt the following resolution:

**WHEREAS**, the County of Orange ("County") operates the Harriman sewage treatment plan ("Harriman STP") on behalf of the municipalities in Orange County Sewer District #1 (the "District"); and

**WHEREAS**, substantial portions of the Village of Woodbury are either in or adjacent to areas in the District; and

**WHEREAS**, Supreme Court, Orange County, Environmental Claims Part directed the County to update the environmental impact statement for the upgrades to the Harriman STP to ensure the adequacy of capacity to handle growth in the District and in neighboring communities, including the Village of Woodbury; and

**WHEREAS**, the County Department of Environmental Facilities & Services completed an amended final environmental impact statement ("AFEIS") under the State Environmental Quality Review Act ("SEQRA") in January, 2010; and

**WHEREAS**, the AFEIS contains projections which do not appear to fully reflect the prospective growth of the municipalities intending to use the Harriman STP to treat wastes; and

**WHEREAS**, the Orange County Legislature issued a statement of SEQRA findings on February 4, 2010 ("Findings Statement"); and

**WHEREAS**, the AFEIS and Findings Statement reference and rely on a contract between the County and the District to expand the Harriman STP (the "Contract"); and

**WHEREAS**, there appear to be significant defects in the adoption of the AFEIS, the Findings Statement and the Contract; and

**WHEREAS**, the Village of Kiryas Joel ("Kiryas Joel") was directed by the Supreme Court, Appellate Division, Second Judicial Department to prepare an amended final environmental impact statement for its proposed pipeline into New York City's Catskill Aqueduct, to review issues of growth and capacity at the Harriman STP; and

**WHEREAS**, Kiryas Joel issued its amended final environmental impact statement ("Kiryas Joel AFEIS") during February, 2009 and issued an amended findings statement (Kiryas Joel Amended Findings Statement") in March, 2009; and

**WHEREAS**, among other things, the Kiryas Joel AFEIS and Kiryas Joel Amended Findings Statement should have analyzed the projected growth of Kiryas Joel, the extent that such growth would be increased by the proposed connection to the Catskill Aqueduct, and resulting impacts at the Harriman STP; and

**WHEREAS**, in October, 2009 the County filed an Article 78 petition to challenge the Kiryas Joel AFEIS and Kiryas Joel Findings Statement; and

**WHEREAS**, on February 16, 2010 the County's Article 78 petition against Kiryas Joel was discontinued by stipulation (the "Stipulation"), based in part on the existence of the Contract, and without approval or authorization of the County Legislature.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Village of Woodbury Board of Trustees to authorize such litigation against the County, Kiryas Joel and related respondents as necessary to annul the AFEIS, Findings Statement, Contract, Stipulation, Kiryas Joel AFEIS and Kiryas Joel Findings Statement, and, be it

**FURTHER RESOLVED** to retain James Bacon, Esq. and David Gordon, Esq. special attorneys at a rate of \$175.00 per hour to pursue such litigation.

**ADOPTED**      AYES    4            Queenan, Crouse, Flood, Sutz  
                     NOES    0

**2. Adjournment:**

With no further business to discuss, a motion was offered by Trustee Sutz, seconded by Trustee Flood, to adjourn the meeting at 4:20PM.

**ADOPTED**      AYES    4            Queenan, Crouse, Flood, Sutz  
                     NOES    0

Desiree Potvin, Village Clerk