

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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IN THE MATTER OF THE APPLICATION OF THE COUNTY  
OF ORANGE,

Petitioner,

IN A PROCEEDING UNDER ARTICLE 78 OF THE CIVIL  
PRACTICE LAW AND RULES

**STIPULATION OF  
DISCONTINUANCE  
WITH PREJUDICE**

v.

VILLAGE OF KIRYAS JOEL and BOARD OF TRUSTEES OF  
THE VILLAGE OF KIRYAS JOEL,

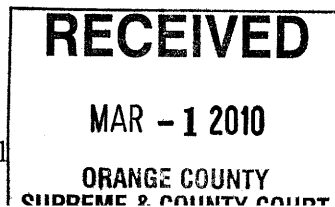
Respondents.

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PRESENT: Hon. Francis A. Nicolai  
Supreme Court Justice  
Environmental Claims Part

**WHEREAS**, the County of Orange (“County”) commenced the above-captioned Article 78 proceeding in the Supreme Court for Orange County, challenging the Village of Kiryas Joel’s (“Village”) Amended Final Environmental Impact Statement (“Amended FEIS”) and Amended Findings Statement prepared pursuant to the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law and the Decision and Order of the Appellate Division, Second Department (October 9, 2007); and

**WHEREAS**, in its verified petition, the County challenged the adequacy of the Village’s Amended FEIS with respect to the issues of potential impacts to wetlands along identified pipeline route alternatives, growth and sewage treatment capacity; and



FILED  
ORANGE COUNTY CLERK  
2010 MAR -1 P 1:40

**WHEREAS**, the County and the Village have met on numerous occasions to discuss resolution of the County's objections on these issues, among others; and

**WHEREAS**, in response to the County's objections, the Village has provided the County with additional data and maps with respect to identified wetlands along the portion of the New York State Thruway originally identified as an alternative pipeline route in the Draft EIS but which is no longer a viable alternative for the project; and

**WHEREAS**, the Village has prepared and agreed to implement a highway construction protocol for the pipeline construction work along public roadway right of ways that is acceptable to the County Department of Public Works and that is intended to mitigate any disruption to the communities along such roadways; and

**WHEREAS**, the County has completed an Amended FEIS and Findings Statement supplementing its 2001 FEIS regarding the expansion of its sewage treatment plant and that analyzed the issue of the adequacy of treatment capacity of the County's plant and concluded that there is sufficient capacity to accommodate waste from the Orange County Sewer District #1 for the next several years; and

**WHEREAS**, on February 19, 2010, the County entered into an enforceable agreement with the Orange County Sewer District #1 establishing a protocol for ensuring necessary expansions of its sewer facilities to accommodate future sewage capacity needs of the Orange County Sewer District #1; and

**WHEREAS**, the County is satisfied that the issues raised by its verified petition challenging the Village's Amended FEIS and Findings Statement have been adequately

addressed a nd that the Amended FEIS (March 3, 2009) and Amended Findings Statement (March 31, 2009) are therefore complete and final.

**BASED ON THE FOREGOING, IT IS THEREFORE, STIPULATED AND AGREED, by and between the undersigned attorneys for the respective parties herein, that** whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above captioned proceeding is hereby discontinued with prejudice and without costs to any party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: February 19, 2010

WHITEMAN OSTERMAN & HANNA LLP

MENTER, RUDIN & TRIVELPIECE, P.C.

Attorneys for Respondents, the Village of Kiryas Joel and the Board of Trustees of The Village of Kiryas Joel

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SO ORDERED:

Francis A. Nicolai  
Honorable Francis A. Nicolai, JSC

Date: 2/16/10