

EXHIBIT

6-A-06, 6/12/06

STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN }

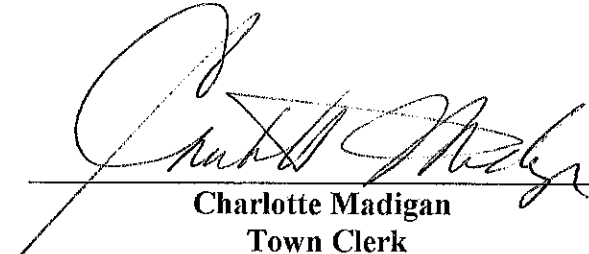
SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected,
Qualified and acting Town Clerk of the *TOWN of ORANGETOWN*, in the County of
Rockland, State of New York.

That, on the 30th day of May
2006, she caused to be conspicuously posted and fastened up a notice, a true copy of
which is annexed hereto and made a part of hereof, in the following places, at least one of
which is a public place within the *TOWN of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.


Charlotte Madigan
Town Clerk

Subscribed and sworn to before me

This 30th day of May, 2006



ROBERT R. SIMON
Notary Public, State of New York
No. 01SIS005857
Residing in Rockland County
Commission Expires December 21, 2006

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a continuance of a public hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, No. 26 Orangeburg Road, Orangeburg, New York 10962 on the 12th day of June, 2006 at 8:00PM to consider the request for a zone change for Skyview Plaza Development Corporation, (the Mews at Pearl River), 21 East Central Avenue, Pearl River, NY 10965, Orangetown Tax Map No. 68.16-6-62, from a Community Shopping (CS) Zone District to a Planned Adult Community (PAC) Floating Zone, pursuant to Local Law No. 1, 2004, Subsection 4.6.1 of Chapter 43 of the Code of the Town of Orangetown.

All persons interested in the proposed zone change are entitled to be heard at the Public Hearing. A copy of the petition may be examined by any interested part at the Office of the Town Clerk of the Town of Orangetown (tel.#845-359-5100 ext. 263), during Town Hall's regular business hours, and copies may be made upon request for a fee.

By order of the Town Board of the Town of Orangetown.

Dated: February 14, 2006
Orangeburg, New York

CHARLOTTE MADIGAN
Town Clerk

TERESA M. KENNY
Town Attorney
Town of Orangetown

AFFIDAVIT OF PUBLICATION

from

The Journal News

Florence Bonilla ~~Florence Bonilla~~ being duly sworn s is the
principal clerk of The Journal News, a newspaper published in the County of W State
of New York, and the notice of which the annexed is a printed copy, was publi paper
area(s) on the date(s) below:

Note: The two-character code to the left of the run dates indicates the zone(s) ti
published. (See Legend below)

JN 06/02/06

Signed _____

Sworn to before me

This _____

day of _____

20 _____

Notary Public, Westchester County

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN
that a continuance of a public
hearing will be held by the Town
Board of the Town of Orange-
town at the Orangetown Town
Hall, No. 26 Orangeburg Road,
Orangeburg, New York 10962 on
the 18th day of June, 2006 at
8:00PM to consider the request
for a zone change for Skyview
Plaza Development Corporation,
(the Mews at Pearl River), 21 East
Central Avenue, Pearl River, NY
10985) Orangetown Tax Map No.
68.16-6-62, from a Community
Shopping (CS) Zone District to a
Planned Adult Community (PAC)
Floating Zone, pursuant to Local
Law No. 1, 2004, Subsection 4.6.1
of Chapter 43 of the Code of the
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may be made upon request for a
fee.

By order of the Town Board
of the Town of Orangetown.

Dated: February 14, 2006
Orangeburg, New York

CHARLOTTE MADIGAN
Town Clerk

TERESA M. KENNY
Town Attorney
Town of Orangetown

LOLA M. HALL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01146112683
QUALIFIED IN WESTCHESTER COUNTY
TERM EXPIRES JULY 6, 2008

Legend:

Northern Area (AN):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

Central Area (AC):

Ardsey, Ardsley on Hudson, Dobbs Ferry, Elmsford, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Laramoneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains, Greenburgh

Southern Area (AS):

Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

Rockland Area (JN or RK):

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, West Haverstraw, West Nyack, Pearl River, Piermont, Valley Cottage, Pomona

Patent Trader (PT):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff, Chappaqua, Cortlandt Manor, Cross River, Croton Falls, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdys, Shrub Oak, Somers, South Salem, Thornwood, Verplanck, Waccabuc, Yorktown Heights

Review Press (BVW):

Bronxville, Eastchester, Scarsdale, Tuckahoe

6-B-06, 6/12/06

**CHERRY BROOK DRAINAGE IMPROVEMENTS
PROJECTS 1(Phase 2), 4, 5 and 6**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: May 8, 2006

LEAD AGENCY: The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg, NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION:

Cherry Brook Drainage Improvements, Projects 1(Phase 2), 4, 5 and 6.

SEQR STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The proposed action consists of the expansion of the Project 1 detention basin constructed in Phase 1 and the construction, repair and upgrading of storm water conveyances and ancillary structures.

REASONS SUPPORTING THIS DETERMINATION:

A. Background

In late 2004 through July 2005, the Town of Orangetown conducted a study of the flooding problems on the Cherry Brook, a mostly culverted stream that rises within the Town boundaries, and flows across the Town/New Jersey border south of Gilbert Avenue in the hamlet of Pearl River, also within the Town boundaries. Flooding has been prevalent on this brook for many years, particularly near the northern, upstream end, and just north of Gilbert Avenue, near the southern, downstream end.

The study, contracted to the firm of HDR, examined the physical characteristics of the drainage basin and the downstream system from Crooked Hill Road to the New Jersey state line. The study also examined the flooding effects of rainfall events of varying severities on the storm water drainage system, the alternative methods of ameliorating the effects, and the costs of these alternatives. The findings of the study were reported in the HDR report of July 2005, and a course of action was developed by the Town.

In addition to the Crooked Hill Road Detention Basin Project 1(Phase 1) which has already been constructed, Projects 1(Phase 2), 4, 5 and 6 consisting of upgrading and expanding the existing detention basin and drainage systems, are proposed to alleviate flooding in areas that are downstream of the detention basin. The detention basin and the other improvements are not functionally or materially dependent upon each other, but will serve the overall goal of reducing the flooding problems.

PROJECT DESCRIPTIONS

Project No. 1 - Phase 2

Detention Basin Expansion

Phase 1 of Project No. 1 included the excavation of a 7+/- acre-feet detention basin in the open field on the southerly side of Crooked Hill Road. The current project, Phase 2 of Project No. 1 includes increasing the usable volume of the detention basin to 20 acre-feet by constructing a maximum four feet high berm around the west, south and east sides of the excavated basin. Ancillary items including inlet and outlet structures will also be constructed.

Diversion Storm Sewer

The Project No. 1 - Phase 2 diversion sewer includes approximately 1,800-ft of 18 to 42-in HDPE storm sewer from Forest Avenue, northerly across side and rear yards to Charles Street, then north in Charles Street past Carroll Street to the end of Charles Street and then westerly to the Detention basin. A drainage chamber will be constructed at each point where the new sewer changes direction. Some of the new chambers will be designed to pick up drainage from existing storm sewers that join the new sewer, as well as overland flow that will be directed to the new chambers and ultimately to the detention basin.

Project No. 4

Project No. 4 includes 48 and 54-in HDPE sewer between Brightwood Avenue to about 100-ft south of Bogert Street that will replace the existing open channel and sections of existing storm sewers and culverts. The new sewer would be approximately 350-lf long. A new drainage chamber will be constructed in Brightwood Avenue (that will replace an existing headwall) and one in Bogert Street (that will replace an existing headwall and drainage chamber). Additional chambers will also be constructed at a low point approximately 100-ft north of Bogert Street.

Project No. 5

Project No. 5 will include approximately 330-ft of 42 and 48-in HDPE sewer from the point where the existing open channel ends at an existing headwall to an existing drainage chamber at West Central Avenue. The sewer will turn south in the parking lot and run in the alley(driveway) between the two buildings and cross West Central Avenue where it will turn west until it discharges into an existing 48-in sewer. Drainage chambers will be constructed at each point where the new sewer changes direction. Water main and gas line relocations will be required.

Project No. 6

Project No. 6 includes approximately 2,000-ft of 60-in HDPE relief sewer from an existing drainage chamber in the Town park north of Madison Avenue, continuing south along the town walking trail to Meyer Oval, then turning east on Meyer Oval to Cherry Lane, then south on Cherry Street to the south shoulder of Gilbert Avenue and then east in the shoulder of Gilbert Avenue to a new headwall into Cherry Brook. A drainage chamber will be constructed at each point where the new sewer changes direction. Some of the new chambers will be designed to pick up drainage from existing storm sewers that join the new sewer.

B.2 Project Summary

A SEQR Long Form EAF (Parts 1 and 2) has been completed and filed for the proposed projects. No negative, immediate or long-term impacts associated with the projects have been identified. These projects will correct the existing and documented flooding problems downstream of the Crooked Hill Road Detention Basin which will reduce the potential for flooding and resultant property damage. The watercourse is not regulated by the New York State Department of Environmental Conservation under Article 15 and the appropriate permits will be sought from the U. S. Army Corps of Engineers for the future improvements downstream of the detention pond. The work will be to the benefit of the public.

In summary, after evaluating all of the potential environmental impacts relating to the proposed action, the Town Board concludes that there will be no significant environmental effect caused by the construction, repair and upgrading of storm water detention basin, conveyances and ancillary structures, known as Cherry Brook Drainage Improvements Projects 1(Phase 2), 4, 5 and 6.

In reaching this determination of non-significance, as noted, the Town Board has considered various other alternatives, some of which may, and can still, be implemented in the future to provide a more comprehensive solution to the drainage problems that exist along the course of the Cherry Brook. That said, none of the other proposed alternatives will provide the significant and immediate relief that can be achieved by implementing Projects 1(Phase 2), 4, 5 and 6.

For Further Information, Contact:

Thom Kleiner, Town Supervisor
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

Copies of this Notice Sent to:

Margaret Duke, Regional Permit Administrator
NYSDEC, Region 3
21 South Putt Corners
New Paltz, NY 12561

Salvatore Corallo, Commissioner
Rockland County Department of Planning
50 Sanatorium Road, Building T
Pomona, New York 10970

Thomas Micelli, P.E.
Rockland County Department of Health
50 Sanatorium Road, Building D
Pomona, New York 10970

Ed Devine
Rockland County Drainage Agency
23 New Hempstead Road
New City, NY 10956

Charles H. Vezzetti
Rockland County Highway Department
23 New Hempstead Road
New City, NY 10956

Allan Beers
Rockland County Soil & Water Conservation District
50 Sanatorium Road, Building P
Pomona, New York 10970

Bruce Bond, Chairman
Town of Orangetown, Planning Board
20 Greenbush Road
Orangeburg, NY 10962

6-C-06 6/12/06

6-C-06
RESOLUTION NO. OF 2006
A CAPITAL IMPROVEMENT PLAN FOR THE TOWN OF ORANGETOWN -
CHERRY BROOK DRAINAGE IMPROVEMENT PROJECT WITH REGARDS
TO EMINENT DOMAIN PROCEEDINGS

DETERMINATION AND FINDINGS

WHEREAS, the Town Board for the Town of Orangetown ("Town Board") has previously contracted with an engineering firm known as HDR/LMS in order to study options with regard to possible public improvements in and around the area of the Cherry Brook in Pearl River in order to alleviate drainage and flooding problems therein, and

WHEREAS, said engineering firm prepared a report entitled "Cherry Brook Drainage Study - Expanded" in August, 2005 (since amended by letter dated April 11, 2006) detailing possible options and plans to address this problem, and

WHEREAS, said engineering firm (principally its members Harvey Goldberg and Packy Lawlor), and employees of the Town's Department of Environmental Management and Engineering, addressed the Town Board at numerous meetings in 2005 wherein a public discussion occurred with regard to the options and plans presented in the aforementioned reports, which included a detailed presentation of maps and materials to illustrate the various aspects of the alternatives that were under consideration, and,

WHEREAS, as a result of the careful consideration paid by the Town Board to matters contained in said report, and discussed in said public meetings, the Town Board chose to construct the Crooked Hill Road Detention Basin Project, and to acquire property rights in order to do so, said approval having occurred on September 12, 2005, and,

WHEREAS, the Town Board, when approving the Crooked Hill Road Detention Basin Project as noted above, carefully considered the environmental consequences of same, and determined that same was an unlisted action under the State Environmental Quality Review Act ("SEQRA"), and thereafter issued a "negative declaration" regarding any significant negative environmental impacts, all through Resolution No. 568 of 2005 (with exhibit 9-D-05), and Resolution No. 667 of 2005 (with exhibit 10-D-05), and

WHEREAS, the Town Board now desires to continue constructing improvements by completing Projects 4, 5, and 6 of the aforementioned HDR/LMS report, as well as a further improvement of the Crooked Hill Road Detention Basin Project (deemed now to be Phase 2 of Project 1), and,

WHEREAS, the on May 8, 2006, the Town Board approved and adopted a bond resolution in the amount of \$3,570,000 in order to construct these new improvement projects, as more fully set forth in the bond resolution language of this same date, and concerning "Project Discriptions" dated this same date, and,

WHEREAS, attached to this document, and approved and dated May 8, 2006 are SEQRA Negative Declaration Notice of Determination of Non-significance and Full Environmental Assessment Form for these planned improvements. Said documents, and principally the former, contain a description of Projects 4, 5, 6, and Phase 2 of Project I, as well as a project summary, and,

WHEREAS, the attached documents also set forth a determination that these portions of the Cherry Brook Drainage Improvement Project are, individually and collectively, unlisted actions under SEQRA, and that same do not result in any significant adverse environmental impacts, such that a "negative declaration" shall be issued, and

WHEREAS, in order to complete part of Projects 4, 5, 6, and Phase 2 of Project I, the Town must acquire easements (both temporary and permanent) from private property, and may have to exercise its rights under the Eminent Domain Procedure Law (EDPL) in order to so acquire said easements, and

WHEREAS, the attached documents set forth the approximate locations for this proposed public project and the reasons for the selection of those locations; and

WHEREAS, the properties upon which easements (permanent or temporary) might be needed are as follow: (all addresses are in Pearl River unless otherwise noted) 100 East Lewis Avenue, 106 East Lewis Avenue, 100 East George Avenue, 95 East George Avenue, 84 East George Avenue, 96 East George Avenue, 44 Brightwood Avenue, 45 Bogert Avenue, 83 East Central Avenue, 89-91 East Central Avenue, 121 Gilbert Avenue, 36 Cherry Lane, "Meyer Oval Condominiums", 173 South John Street, 2 Kerry Court, 40 Bogert Avenue, 46 Bogert Avenue, 45 Hunt Avenue, 47 Hunt Avenue, 283 North Middletown Road, 140 East Lewis Avenue, 146 East Lewis Avenue, 145 Forest Avenue, 143 Forest Avenue, American Cyanamid Property on Middletown Road, as noted on the aforementioned maps and at the aforementioned Public Hearing, and,

WHEREAS, Section 201 of the Eminent Procedure Law of the State of New York requires that a condemnor must, prior to acquisition, conduct a public hearing to inform the public and to review the public use to be served by the proposed public project and the impact on the environment and the residents of the locality where the project will be constructed, and,

WHEREAS, at the hearing, the condemnor must outline the purpose, proposed location or alternative locations of the public project, and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels (EDPL §203), and,

WHEREAS, a record of the hearing must be kept and any person in attendance must be provided with a reasonable opportunity to present an oral or written statement and to submit other documents concerning the project (EDPL §203), and,

WHEREAS, the notice of hearing appended hereto as Exhibit "A" (the Notice") was approved by the Town Board on the 10th day of April, 2006 and was published in the Journal News on April 24, 25, 26, 27, 28, of 2006, and,

WHEREAS, the aforementioned notice of hearing was mailed to each property owner, as listed in the assessment records of the Town, via certified mail, return receipt requested, within the time period proscribed by EDPL §203, and failures to so provide notice to any particular property owner, if any such failure occurred, was inadvertent and not deemed to effect the jurisdiction of the Town Board to act pursuant to law, and,

WHEREAS, pursuant to the terms of the Notice a public hearing was held on the 8th day of May, 2006 at approximately 8:00 P.M. at Town Hall, and was thereafter continued to May 22, 2006 (the "Public Hearing"), and,

WHEREAS, public comment was specifically extended to May 22, 2006 so that the public could comment further on this date, and the stenographic minutes of the hearing on May 8, 2006 were made available to the public at the Office of the Town Supervisor, the Office of the Town Clerk, and the Office of the Rockland County Clerk so that it may be reviewed on or before May 22, 2006, and the public was specifically advised that it may submit written or demonstrative evidence between May 8, 2006 and May 22, 2006 so that same shall be included in the record before the Town Board, and

WHEREAS, relevant maps were made available to the public at Town Hall prior to the meeting on May 8, 2006, during and after the meeting on May 8, 2006, during business hours between May 8, 2006 and May 22, 2006, and during and after the meeting held on May 22, 2006, and

WHEREAS, at the Public Hearing, the purpose, proposed location or alternative locations of the Project were outlined and described utilizing oral and demonstrative evidence, including maps and property descriptions, and,

WHEREAS, all persons in attendance at the Public Hearing, on both dates, were thereafter given the opportunity to present oral and/or written statements and to submit other documents concerning the Project, and,

WHEREAS, there being no further comments, the Public Hearing was closed, and,

WHEREAS, subsequent to the Public Hearing, the Town Board met on the 12th day of June 2006 at Town Hall to make its determination and findings relating to the Project, and,

NOW, THEREFORE, BE IT

DETERMINED AND FOUND as follows:

1. The Town Board has considered all of the following in making these findings: a) all items contained in the "whereas" portion of this document, including all documents referenced therein; b) all persons heard, and all documents and demonstrative evidence submitted and displayed, during all sessions of the Public Hearing; c) any documents and demonstrative evidence submitted by anyone seeking to make same a part of this record; d) all documents attached to these findings; e) the aforementioned Crooked Hill Road Detention Basis Project, and any and all prior proceedings and resolutions concerning same; f) any and all prior findings and resolutions regarding this project which concerned the State Environmental Quality Review Act ("SEQRA") and all documents relating thereto.

2. The Town Board finds that flooding and drainage problems within the Town may compromise the health, safety and welfare of persons residing in areas affected by such problems, and that, additionally, persons within and without the Town may be so affected to the extent that they may travel to and through these areas. The Town Board also finds that problems of this nature may adversely affect property values within the affected area, which may compromise the health, safety, welfare and prosperity of all Town residents. The Town Board also finds that problems of this nature may interrupt emergency and police response to affected areas, and may divert finite resources of the Town to the area of the Cherry Brook when said resources may be needed elsewhere. The Town Board also finds that residents of the affected area may have to continually spend finite resources of their own in order to fix and repair property and structures that may be damaged by indefinite flooding events, causing economic harm and a diminished quality of life. The Town Board desires to improve drainage in the affected areas in order to minimize as much as possible any flooding that may occur in the future, and the Town Board desires to construct improvements in a cost-effective, safe, and environmentally friendly manner. Further, flooding, which this improvement is meant to address, may cause pollution, and degrade water quality.

3. Based upon the report of HDR/LMS, the multiple public meetings held in relation thereto (as more fully noted above), and all facts before the Board, the Town Board has chosen a solution that it believes would best address the drainage and flooding problems afflicting this area of the Town, factoring into its analysis issues such as cost, practicality, likelihood of success, disruption to area residents, and environmental concerns. This entire process, including all decisions relating thereto (which included the decision to construct the aforementioned Crooked Hill Road Detention Drainage Project and SEQRA findings relating thereto), addressed whether or not an improvement to be constructed by the Town could adequately address the problems aforementioned, and if yes, whether said improvement could be constructed with reasonable costs, without any adverse effect on the environment, and with only a minimal disruption to area residents. Through this process, the Town Board selected an improvement plan that would benefit the public, would not adversely affect the environment, would minimize inconveniences to area residents, and would not be so expensive as to constitute an excessive burden on the finances of the Town and/or its taxpayers.

4. The chosen plan necessarily contained a selected location. Said location was chosen, in the general sense, because it was the only location that could sufficiently collect and transport water in a manner that would be effective. Based on issues such as topography, gravity, locations of the water which is causing the flooding, and locations of deposit points where the water can be diverted to, the Town Board was limited in choosing a location. The approximate location of this project was chosen due to the fact that the drainage systems must be in specific locations due to the need to address drainage issues in specific locations. These drainage problems exist because current drainage facilities are inadequate to transport current water volume that occurs when significant storms occur. Because this water can not be made to disappear, and because the Town is limited in options as to where the water can be diverted to, drainage facilities and pipes must be placed in specific areas in order to move the water from one fixed location to another. As to specific routing points within the chosen location, the Town Board selected a plan that would be routed around structures and significant topographic features such that homes and buildings would not be torn down, and such that significant topographic features could be preserved. The Town Board understands that some disruption to trees and landscaping will be necessary to complete this project, but finds that the selected plan provides for the minimal amount of disruption to trees and landscaping needed to complete the plan, and finds as credible the statements of Town employees who pledge to avoid trees and landscaping if at all possible. The Town Board also notes that, pursuant to law, all decisions to seek condemnation shall be preceded by a Town Board resolution approving same, such that the Town Board can chose to not proceed with a certain condemnation if it believes at the time that there exists an alternate location on or near the affected property that would be a better choice, factoring into its analysis all relevant facts. The Town Board also notes that, pursuant to law, land owners from which easements are needed will be compensated pursuant to law.

5. Numerous persons spoke at either, or both, sessions of the public hearing. The Town Board finds that no one was unequivocally adverse to it constructing a drainage improvement in this area of the Town, and in fact, some speakers were clearly in favor of the project. The majority of speakers did not speak for or against the project, but instead commented on issues about the project, and the legal and practical processes needed to complete it. Many speakers stated that they owned residential property upon which easements are needed, and that they were concerned with what the Town was going to do on their property. Other speakers indicated concerns over whether or not the planned improvement would be effective, and whether or not the planned improvement would increase drainage problems elsewhere. Some speakers indicated that they did not understand the process that the Town was considering, and did not understand exactly what was happening. Some speakers asserted that the Town should have disclosed their plans earlier, although it was left unsaid how early this disclosure should have occurred, or in what form. Others said that the Town should have mailed maps to residents, instead of making them available at Town Hall. Finally, some individuals did not believe that notices were sent to the correct addresses.

6. The Town Board has carefully considered all of the comments submitted to them at each portion of the hearing. The Town Board has also carefully considered all

documents that were submitted, which are now part of the record, and has carefully considered all prior documents, reports, and proceedings. While not unmindful of the issues raised, the Town Board nonetheless finds that the project, as planned, benefits the public, addresses a significant drainage and flooding problem within the Town, is designed and engineered to work correctly, should not increase flooding in other areas of the Town, has no adverse effect on the environment, will have a positive effect on the residents of the Town, and will cause only minor inconveniences for a relatively small number of Town residents. The Town Board also finds that these inconveniences, to which owners will be compensated as per applicable law, are, individually and collectively, outweighed by the greater public good that will occur if this project is constructed.

7. The matter now before the Town Board concerns the acquisition by the Town of easements (permanent and temporary) that are needed in order to construct the aforementioned project. The Town Board finds that based upon the entire record before it, it is necessary to seek these property interests, because without them, this project could not go forward. Based upon the aforementioned HDR/LMS report, the multiple public discussions associated with it, and all other information before it, The Town Board finds that because of the topography of the area, the density of the residential homes, and the locations and flow of existing water sources and conduits, easements are needed so that, in the main, water transport pipes can be run underground, through various properties, in order to transport water from a point where it is accumulating to a point where flooding will not occur, and where water can be diverted in a manner that is lawful. To the extent possible, the project will simply replace existing water transport pipes with larger and more capable pipes. Because pipes have existed under these properties for many years, the Town Board finds that the insertion of larger and more capable pipes in these same locations should not lead to negative collateral consequences. The Town Board also finds that the amount and type of property interests to be acquired are the minimum amount and type necessary to construct this project in a safe, efficient, cost-effective, and environmentally friendly manner. The only adverse affect occasioned by already existing pipes is that they are not capable to transporting water in a manner sufficient to alleviate flooding. The record does not contain any facts or evidence that these pipes, in and of themselves, are harmful to the environment or the area residents. Nor does it contain any facts or evidence that replacing them with larger pipes would result in similar harms.

8. This Town Board finds that this is an "unlisted action" pursuant to "SEQRA", the implementation of which as proposed will not result in any significant negative environmental impacts and for which a Negative Declaration will be issued, as more fully set forth in the attached documents, and as noted above.

9. The goal of the project is to protect the environment and the health of the residents, while also minimizing long term costs, by improving and upgrading drainage systems, in order to minimize and alleviate flooding.

10. The Town Board finds that the public will greatly benefit from having a reliable drainage system that will function correctly, with minimal breakdowns and interruptions of service, while minimizing adverse effects to the environment, of which none are

foreseeable. The Town also finds that by performing comprehensive drainage repairs, Town residents will save money in the long run, since such repairs should be less costly in the long term than continual repairs and upgrades that would have to be performed in perpetuity if compressive repairs and upgrades were not to be performed. Further, the Town finds that without constructing this project, no real drainage relief can be experienced within this area of the Town.

11. After conducting the Public Hearing, and the eliciting of oral statements, written statements and/or documentation concerning the Project by all persons in attendance at the Public Hearing, the Town Board determines and finds that the Project as proposed remains the best alternative design type and location to satisfy the public purpose served by the Project.

12. The Town Board directs that the Town's Department of Environmental Management and Engineering, and any other relevant departments of the Town, shall take all necessary steps to complete the Project including the acquisition of all necessary real property pursuant to the Eminent Domain Procedure Law of the State of New York and all other applicable laws, now, therefore, be it,

RESOLVED, that the Town Board approves and adopts this Determination and Findings, and, be it,

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the the Town's Department of Environmental Management and Engineering, and any other relevant departments of the Town to take such steps as may be necessary to carry out the intent of this resolution, and, be it,

FURTHER RESOLVED, that the Town Board directs that the Town's Department of Environmental Management and Engineering, or any other relevant department of the Town, cause to be published in the "The Journal News" on two consecutive days, within 90 days of the closure of the aforementioned Public Hearing, a brief synopsis of this determination and findings, said synopsis to include the factors set forth in EDPL Section 204(B) and shall also state that copies of this determination and findings shall be forwarded upon written request without costs., and be it,

FURTHER RESOLVED, that the Town Board directs that the Town's Department of Environmental Management and Engineering, or any other relevant department of the Town, cause to be mailed to the assessment record billing owner (or his or her attorney) of property that may be acquired a copy of the brief synopsis noted above, via personal service and/or certified mail, return receipt requested, and that said mailing shall include all of the information set forth in EDPL Section 204(C), as amended in 2004.

NOTICED, that copies of the record of the Public Hearing on the Project shall be available for examination without cost during normal business hours of 9:00 AM to 5:00 PM at the offices of the Orangetown Town Supervisor at 26 Orangeburg Road,

Orangeburg, NY 10962, at the offices of the Orangetown Town Clerk, address same, and at the office of the Clerk for the County of Rockland located at One South Main Street, Suite 100, New City, NY 10956. Further, copies of the record of the Public Hearing shall be reproduced upon written request and payment of the cost thereof by any interested party.

Dated: June , 2006

Town Board for the Town of Orangetown

6-D-06 6/12/06

RESOLUTION NO. OF 2006
PHASE I OF THE CAPITAL IMPROVEMENT PLAN FOR THE TOWN OF
ORANGETOWN SEWER DISTRICT WASTEWATER FACILITIES WITH
REGARDS TO EMINENT DOMAIN PROCEEDINGS

DETERMINATION AND FINDINGS

WHEREAS, the Town Board for the Town of Orangetown has previously established the Town of Orangetown Sewer District, and has previously approved Phase I of the Capital Improvement Plan for the Town of Orangetown Sewer District Wastewater Facilities pursuant to Resolutions No. 321 and 326 of 2006, as amended, at an amount of \$26,800,000.00 and \$8,100,000.00, and,

WHEREAS, the Town Board, pursuant to Resolution No. 242 of 2006 has received and accepted a Map, Plan, and Report entitled "Capital Plan Amendment", dated March 22, 2006, amending a previous Map, Plan and Report entitled "Report on the Establishment of the Orangetown Sewer District and Implementation of the Phase I Capital Improvement Plan", dated July 18, 2005, and has directed that same be filed with the Town Clerk,

WHEREAS, said Map, Plan and Report, as amended, details a comprehensive capital improvement project to repair and upgrade the sewer wastewater facilities of the Town of Orangetown Sewer District. Said project entails the repair and upgrade of the Town's sole sewer treatment facility, the repair and upgrade of many of the Town's sewer wastewater pumping stations, and the repair and upgrade of many of the Town's sewer wastewater transport lines and,

WHEREAS, the aforementioned capital improvement, as noted above, and more fully described in the Map, Plan and Report, will require the potential exercise of the Town's powers under the Eminent Domain Procedure Law in the following areas and/or situations: upgrade of 17 pumping stations and the replacement or repair of existing sewer lines, or the laying of sewer lines immediately parallel to existing sewer lines, spread out over project areas known as the Pearl Street Force Main (between Route 304 and South Main Street in Pearl River), Hunt Road Force Main and Siphon (along Hunt Road, Henry Street, across Western Highway to the west side of Route 303), Nyack Pump Station (interior of municipal parking facility), Upper Nyack Co-op (interior of parking area of a co-op or apartment complex), Better Brands Pump Station, and Force Main and Gravity Sewer (Bradley Park Drive up to Route 303, and running south along the western side of Route 303), Volkswagon Pump Station (29 Corporate Drive), Grandview Middle, Upper, and Lower Pump Stations (along River Road), Kennedy Park (along Sickletown Road), Pine Street Lane (near Kings Highway), Sunset Pump Station (Somerset Road), Stokes Pump Station (Margaret Drive), and,

WHEREAS, the properties upon which easements (permanent or temporary) might be needed are as follow: 115 Route 303, Tappan; 29 Corporate Drive, Pearl River; 49 Margaret Keahon Drive, Pearl River; 43-45 Margaret Keahon Drive, Pearl River; 128

Sunset Road, Blauvelt; 124 Sunset Road, Blauvelt; 25 Robin Court, Pearl River; 445 Western Highway, Orangeburg; 170 Route 303, Orangeburg; 150 Route 304, Pearl River; 11 Sgt. Ingram Court, Pearl River; 195 South Main Street, Pearl River; 181 South Main Street, Pearl River; 103 Gedney Street, Nyack; 700 Bradley Hill Road, Blauvelt; 600 Bradley Hill Road, Blauvelt; 614 Route 303, Blauvelt; 606 Route 303, Blauvelt; 608 Route 303 Blauvelt; 610 Route 303, Blauvelt; 612 Route 303, Blauvelt; 24A Henry Street, Orangeburg; 34 Henry Street, Orangeburg. The properties upon which the Town may need to acquire an ownership position with regard to a portion of the property are as follows: 1 River Road, Grandview; 118 River Road, Grandview; 213 River Road, Grandview; 215 River Road, Grandview; 15 Station Lane, Grandview; 1 Ackerman Place, Nyack; 900 Bradley Hill Road, Blauvelt.

WHEREAS, the Project may require that the Town Board exercise its power of eminent domain to commence and maintain actions to acquire certain interests in real property, including temporary and permanent easements and fee simple takings, and,

WHEREAS, Section 201 of the Eminent Procedure Law of the State of New York requires that a condemnor must, prior to acquisition, conduct a public hearing to inform the public and to review the public use to be served by the proposed public project and the impact on the environment and the residents of the locality where the project will be constructed, and,

WHEREAS, at the hearing, the condemnor must outline the purpose, proposed location or alternative locations of the public project, and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels (EDPL §203), and,

WHEREAS, a record of the hearing must be kept and any person in attendance must be provided with a reasonable opportunity to present an oral or written statement and to submit other documents concerning the project (EDPL §203), and,

WHEREAS, the notice of hearing appended hereto as Exhibit "A" (the Notice") was approved by the Town Board on the 10th day of April, 2006 and was published in the Journal News on April 24, 25, 26, 27, 28, of 2006, and,

WHEREAS, the aforementioned notice of hearing was mailed to each property owner, as listed in the assessment records of the Town, via certified mail, return receipt requested, within the time period proscribed by EDPL §203, and,

WHEREAS, pursuant to the terms of the Notice a public hearing was held on the 8th day of May, 2006 at approximately 8:00 P.M. at Town Hall, and was continued to May 22, 2006 (the "Public Hearing"), and,

WHEREAS, public comment was specifically extended to May 22, 2006 so that the public could comment further on this date, and the stenographic minutes of the hearing on May 8, 2006 was made available to the public at the Office of the Town

Supervisor, the Office of the Town Clerk, and the Office of the Rockland County Clerk so that it may be reviewed on or before May 22, 2006, and the public was specifically advised that it may submit written or demonstrative evidence between May 8, 2006 and May 22, 2006 so that same shall be included in the record before the Town Board, and

WHEREAS, relevant maps were made available to the public at Town Hall prior to the meeting on May 8, 2006, during and after the meeting on May 8, 2006, and during business hours between May 8, 2006 and May 22, 2006, and

WHEREAS, at the Public Hearing, the purpose, proposed location or alternative locations of the Project was outlined and described utilizing oral and demonstrative evidence, including maps and property descriptions, and,

WHEREAS, all persons in attendance at the Public Hearing, on both dates, were thereafter given the opportunity to present oral and/or written statements and to submit other documents concerning the Project, and,

WHEREAS, there being no further comments, the Public Hearing was closed, and,

WHEREAS, subsequent to the Public Hearing, the Town Board met on the 12th day of June, 2006 at Town Hall to make its determination and findings relating to the Project, and,

NOW, THEREFORE, BE IT

DETERMINED AND FOUND as follows:

1. The Town Board has considered all of the following in making these findings: a) all items contained in the "whereas" portion of this document; b) all persons heard, and all documents and demonstrative evidence submitted and displayed, during all sessions of the Public Hearing; c) any documents and demonstrative evidence submitted by anyone seeking to make same a part of this record; d) all documents attached to these findings; e) the aforementioned Map, Plan, & Report, as amended; f) any and all prior findings and resolutions regarding this project which concerned the State Environmental Quality Review Act ("SEQRA") and all documents relating thereto.

2. The Town Board, as governing body for the Town of Orangetown Sewer District, provides wastewater sewer service to properties within the Town of Orangetown, including all of its incorporated areas, as well as, by contract, to properties within the Village of Upper Nyack and other small, miscellaneous areas. The Town Board considers this provision of services to be vital to the health, safety, welfare, and prosperity of its residents, and those outside the Town who are served via contract. As such, the Town Board strives to ensure that these services are adequately provided in a safe, cost-effective, and environmentally friendly manner, and that these services function continually, without breakdown or interruption.

3. In pursuit of the goals noted above, the Town Board has formed a Sewer District, pursuant to Article 12A of the Town Law, and has approved Phase I Capital Improvements for its facilities. In approving said items, the Town Board engaged the public in many public hearings, reviewed numerous documents including the filed Map, Plan, & Report, and carefully considered environmental issues as required under the State Environmental Quality Review Act ("SEQRA").

4. The matter now before the Town Board concerns the acquisition by the Town of easements (permanent and temporary) and fee simple takings that are necessary in order to effectively construct Phase I of the Capital Improvement Plan. These property interests are limited in scope in that they do not relate to all areas of Phase I of the Capital Improvement Plan. The Town Board finds that based upon the entire record before it, it is necessary to seek these property interests, because without them, this project could not go forward. The Town Board also finds that the amount and type of property interests to be acquired are the minimum amount and type necessary to construct this project in a safe, efficient, cost-effective, and environmentally friendly manner.

5. This improvement has been determined to be a "Type II Action" pursuant to "SEQRA", the implementation of which as proposed will not result in any significant negative environmental impacts and for which a Negative Declaration has been issued, all via Resolutions No. 243, 245, 320, 325 of 2006, and exhibits thereto, as well as similar Resolutions in 2005 prior to amendments upon which Resolutions No. 243, 245, 320, 325 concerned.

6. The goal of the project is to protect the environment and the health and welfare of the residents, while also minimizing long term costs, by improving and upgrading sewer pump stations and sewer transport lines. The project also concerns similar improvements and upgrades at the Town's treatment plant, upon which easements and property interests need not be acquired.

7. Sites and locations of the needed property interests, and the project in general, were chosen because they already exist as sites and locations of sewer facilities. Since this project only concerns the repair and upgrade of an already existing, and comprehensive, sewer transport and treatment system, additional or new locations were not needed or desired. The Town Board finds that introducing sewer facilities to areas where none currently exist would be disruptive to the residents and to the environment, whereas repairing and improving current facilities would create only minimal amount of disruption, and no measurable negative environmental impact. Further, by merely repairing and improving facilities at current locations, costs are minimized, which limits increases in taxes. Additionally, there is nothing about the current structure, logistics, and engineering of the sewer wastewater system that would require it to be extended to new areas, or moved to new areas. The system as designed will work correctly, provided that certain portions of it are repaired and upgraded. Stated simply, the reason that these locations were chosen is because these are locations upon which, and within which, sewer pumps, lines and facilities are located. Since this project merely entails the repair

and upgrade of already existing systems and facilities, there exists no logical reason supporting any other location.

8. The Town Board finds that the public will greatly benefit from having a reliable sewage disposal system that will function correctly, with minimal breakdowns and interruptions of service, while minimizing adverse effects to the environment, such as sewer overflows and excessive odors. The Town also finds that by performing comprehensive capital repairs, Town residents and users of the system will save money in the long run, since such repairs should be less costly in the long term than continual repairs and upgrades that would have to be performed in perpetuity if comprehensive repairs and upgrades were not performed. The Public will greatly benefit from having a system that minimizes back-ups, sewer overflows, odors, and costs. In fact, the Town has recently entered into a consent agreement with the New York State Department of Environmental Conservation, wherein the Town is required to perform certain repairs and/or upgrades to its sewer system. Thus, if the Town does not go forward with this project, the Town may be subject to escalating fines and prosecutions that will be costly to its taxpayers and users. One of the benefits, therefore, of this project is that it will result in compliance with said consent order.

9. After conducting the Public Hearing, and the eliciting of oral statements, written statements and/or documentation concerning the Project by all persons in attendance at the Public Hearing, the Town Board determines and finds that the Project as proposed remains the best alternative design type and location to satisfy the public purpose served by the Project.

10. The Town Board directs that the Town's Department of Environmental Management and Engineering, and any other relevant departments of the Town, shall take all necessary steps to complete the Project including the acquisition of all necessary real property pursuant to the Eminent Domain Procedure Law of the State of New York and all other applicable laws, now, therefore, be it,

RESOLVED, that the Town Board approves and adopts this Determination and Findings, and, be it,

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the the Town's Department of Environmental Management and Engineering, and any other relevant departments of the Town to take such steps as may be necessary to carry out the intent of this resolution, and, be it,

FURTHER RESOLVED, that the Town Board directs that the Town's Department of Environmental Management and Engineering, or any other relevant department of the Town, cause to be published in the "The Journal News" on two consecutive days, within 90 days of the closure of the aforementioned Public Hearing, a brief synopsis of this determination and findings, said synopsis to include the factors set forth in EDPL Section 204(B) and shall also state that copies of this determination and findings shall be forwarded upon written request without costs., and be it,

FURTHER RESOLVED, that the Town Board directs that the Town's Department of Environmental Management and Engineering, or any other relevant department of the Town, cause to be mailed to the assessment record billing owner (or his or her attorney) of property that may be aquired a copy of the brief synopsis noted above, via personal service and/or certified mail, return receipt requested, and that said mailing shall include all of the information set forth in EDPL Section 204(C), as amended in 2004.

NOTICED, that copies of the record of the Public Hearing on the Project shall be available for examination without cost during normal business hours of 9:00 AM to 5:00 PM at the offices of the Orangetown Town Supervisor at 26 Orangeburg Road, Orangeburg, NY 10962, at the offices of the Orangetown Town Clerk, address same, and at the office of the Clerk for the County of Rockland located at One South Main Street, Suite 100, New City, NY 10956. Further, copies of the record of the Public Hearing shall be reproduced upon written request and payment of the cost thereof by any interested party.

Dated: June , 2006

Town Board for the Town of Orangetown

6-E-06, 6/12/06

ORANGETOWN DEMOCRAT ELECTION INSPECTORS JUNE 13, 2006Piermont Village Hall District #1

Raymond Sheehan	501 De Vries Crt, Piermont	359-1832	D
Carol Nudelman	305 Harbor Cove, Piermont	613-7145	D
Roberta Turner	210 Lawrence Park, Piermont	359-0905	D
Ann Savino	21 Eimer Street, Tappan	359-5453	D

Depew Manor District #2

Anita McGrath	62D Depew Manor, Nyack	353-6939	D
Mary White	14 Anna Street, Nyack	353-3404	D
Shirley Chalke	27 Summit Street, Nyack	358-5758	D

Blauvelt Fire House District #3

Irene Schutz	470 Blauvelt Road, Blauvelt	359-4012	D
Genevieve Dellolio	83 Cortwood Village, Orangeburg	359-9448	D
Charlotte Gross	74 Moison Road, S. Blauvelt	359-7438	D

John Paulding Fire House District #6

Mary Clifford	P.O. Box 45, 25 Edward St. Sparkill	359-3236	D
Madeline Ventriglia	48 Edward St, Sparkill	359-1522	D

St. Margaret's School Dist #10

Joyce Marsico	106 S. Middletown Road, PR	735-6850	D
David Freundlich	6 Nancy Road, Nanuet	623-1732	D
Susan Freundlich	6 Nancy Road, Nanuet	623-1732	D

Nauraushaun Presbyterian Church Dist #45

Maureen Agosti	26 Washington Place, PR	215-5147	D
Jennifer Fiertag	3 Henry Street, Orangeburg, NY	613-7028	D
Alex Yannis	19 Grant Street, Tappan	359-7367	D
Gloria Carroll	25 Noyes Street, Pearl River	735-4598	D

Manse Barn District #47

Robert Tobin	30 Bennington Drive, Tappan	359-5809	D
Marjorie Tobin	30 Bennington Drive, Tappan	359-5809	D
Helen Will	6 Flitt Street, Tappan	359-5275	D

Orangetown Town Hall District #56

<i>Sidney Singer</i>	<i>14 So. Prkwy Drive, Orangeburg</i>	<i>359-3248</i>	<i>D</i>
Joseph Pollack	18 Chestnut Oval, Orangeburg	359-0175	D
Julie Pollack	18 Chestnut Oval, Orangeburg	359-0175	D
Madeline Roimisher	25 Revere Place, Tappan	359-4846	D

ORANGETOWN REPUBLICAN ELECTION INSPECTORS JUNE 13, 2006

Piermont Village Hall District #1

<i>Ted Jessup</i>	<i>28 Ash St, Piermont</i>	<i>359-0041</i>	<i>R</i>
<i>Ruth Jessup</i>	<i>28 Ash St, Piermont</i>	<i>359-0041</i>	<i>R</i>

Depew Manor District #2

<i>Irene Hollands</i>	<i>820 Depew Manor, Nyack</i>	<i>353-0799</i>	<i>R</i>
<i>Margaret Horton</i>	<i>36 S. Brdwy, Apt 1F, Nyack</i>	<i>358-0536</i>	<i>R</i>
<i>Joseph Hanbury</i>	<i>36 S. Brdwy, Apt 5C, Nyack</i>	<i>358-6590</i>	<i>R</i>

Blauvelt Fire House District #3

<i>Philomena McGrory</i>	<i>107 Old Pascack Road, PR</i>	<i>735-7709</i>	<i>R</i>
<i>LeyRoy Holmes</i>	<i>581 Western Highway, Blauvelt</i>	<i>359-0690</i>	<i>R</i>
<i>Agnes Cacciola</i>	<i>47 Cedar Street, Tappan</i>	<i>359-1174</i>	<i>R</i>

John Paulding Fire House District #6

<i>Jean DeLongis</i>	<i>2 Salisbury Crt, Apt 6E, Nyack</i>	<i>353-4833</i>	<i>R</i>
<i>Judy Scandiffio</i>	<i>78 Yale Terrace, Blauvelt</i>	<i>359-1023</i>	<i>R</i>
<i>Angelina Benicassa</i>	<i>Box 3, 337 Rte. 340, Sparkill</i>	<i>359-2245</i>	<i>R</i>
<i>Natalie Tregubov</i>	<i>32 Cleveland Street, Pearl River</i>	<i>735-3295</i>	<i>R</i>

St. Margaret's School Dist #10

<i>Thomas Gallagher</i>	<i>69 Meadow Street, PR</i>	<i>735-3789</i>	<i>R</i>
<i>Marie Killeen</i>	<i>206 N. Lincoln Avenue, PR</i>	<i>735-7347</i>	<i>R</i>
<i>Micheal Killeen</i>	<i>206 N. Lincoln Avenue, PR</i>	<i>735-7347</i>	<i>R</i>

Naurashaun Presbyterian Church Dist #45

<i>Marie DeFelice</i>	<i>9 Graney Court, Pearl River, NY</i>	<i>735-6477</i>	<i>R</i>
<i>Constantini DeFelice</i>	<i>9 Graney Court, Pearl River, NY</i>	<i>735-6477</i>	<i>R</i>

Manse Barn District #47

<i>Madeline Tacetta</i>	<i>6 Bennington Drive, Tappan</i>	<i>359-4258</i>	<i>R</i>
<i>Sylvia Donato</i>	<i>3 Bennington Drive, Tappan</i>	<i>359-2142</i>	<i>R</i>
<i>Mario Donato</i>	<i>3 Bennington Drive, Tappan</i>	<i>359-2142</i>	<i>R</i>

Orangetown Town Hall District #56

Bernie Kelly	66 Amory Lane, PR	627-3032	R
Robert Crane	37 Bluefields Lane, Blauvelt	359-5817	R