

[06/21/2005 DRAFT by Dennis D. Michaels, Deputy Town Attorney]

**LOCAL LAW NO. ___, 2005
OF THE TOWN OF ORANGETOWN**

**A LOCAL LAW AMENDING TOWN ORDINANCE OF JANUARY 10, 1955
(CURRENTLY KNOWN AS CHAPTER 30 OF THE CODE OF THE TOWN OF
ORANGETOWN ENTITLED "SEWERS - RULES AND REGULATIONS").**

Be it enacted by the Town Council of the Town of Orangetown that the Town Ordinance, adopted on January 10, 1955, as amended (currently known as Chapter 30 of the Code of the Town of Orangetown entitled "Sewers - Rules and Regulations"), be and hereby is amended by this Local Law No. ___, 2005, so as to **add** a new section to be designated as §30-35, as follows:

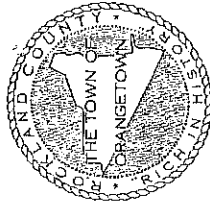
§ 30-35. Fats, Oils and Grease Interceptors.

Fats, oils and grease interceptors shall be required and provided when sewage and wastewater contains an excessive amount of fats, oils and/or grease, flammable substances and/or other harmful substances (all such substances hereinafter referred to as "FOG"), for multi-family residences and other buildings which generate a sufficient quantity of FOG to cause a buildup of FOG in the interceptor downstream of its connection to the public sewer, and for buildings which have large kitchens, cafeterias or centralized dining facilities; except that such interceptors shall not be required for a single-family dwelling or unit. All interceptors shall be of a type and capacity approved by the Superintendent or Director of the Town's Department of Environmental Management and Engineering ("DEME"), and shall be located where they shall intercept sewage and wastewater from the facilities generating FOG prior to being mixed with other sewage and wastewater, and where the interceptors shall be easily accessible for cleaning, maintenance and inspection. Where it is determined by the Superintendent or Director of DEME that a FOG trap is required for a building with multiple kitchens or cooking areas, and it is prohibitively expensive to separate the plumbing from those areas to a common FOG trap, individual FOG traps, approved FOG reclamation units, or other measures to control

the FOG, may be approved by the Superintendent or Director of DEME in his/her discretion. FOG interceptors shall be inspected, cleaned and repaired regularly, and as needed, by the owner of the real property where the interceptor is located (hereinafter referred to as "the owner"), at the owner's cost and expense. Records and receipts for cleaning the interceptors, including the date, quantity of waste removed, and the name and address of the contractor removing the waste, shall be maintained by the owner, and made available to the Town, for inspection upon request, for at least three years. If, after being directed by the Superintendent or Director of DEME to do so, FOG interceptors are not constructed, installed or maintained adequately, the Town may perform the work itself, or arrange to have it performed by private vendors and charge the owner for the cost of such work, and the owner shall be responsible for payment of such vendor's bill. If the owner does not pay the vendor's charges for said work, the unpaid bill shall be levied against the real property subject of the work as a lien against such property and collected as if said charges were unpaid property taxes. FOG removed from the interceptor shall not be discharged into the Town's Publicly Owned Treatment Works without prior written permission from the Superintendent or Director of DEME. The contractor shall maintain records of the location of the final disposition of the FOG removed from the interceptor, which records shall also be made available to the Town, for inspection upon request, for at least three years.

Excessive amounts of FOG shall be defined as a combined total of 100 milligrams per liter.

This Local Law No. _____, 2005, shall take effect immediately upon filing in the Office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law.



**Department of Environmental Management and Engineering
Town of Orangetown**

Route 303 Orangeburg New York 10962
Tel: (845) 359-6502 • Fax: (845) 359-6951

June 10, 2005

To: Teresa Kenny
Town Attorney

From: Ronald C. DeLo, P.E., *DEE R*
Director

Re: Fats, oils and grease ordinance

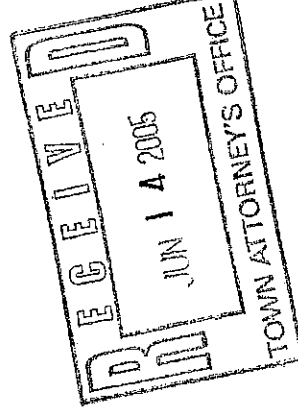
Enclosed for your review and comment is a copy of a proposed addition to the Code of the Town of Orangetown to address excessive amounts of fats, oils and grease entering the sanitary sewer system and causing sewer system back-ups and overflows.

Please note that pursuant to the Compliance Schedule of the Order on Consent from the NYSDEC the Town is required to develop and implement a program to control excessive amounts of fat/oil/grease (FOG) from entering the sewage collection system.

Should you have any questions on the above, please contact me.

Thank you for your assistance in this matter.

Cc: Thom Kleiner, Supervisor
Town Board



Chapter 30 – 35. Fats, Oils and Grease Interceptors

Fats, oils and grease interceptors shall be provided, when wastewater contains excessive amount of fats oils and/or grease (FOG), flammable substances or other harmful substances, except that such interceptors shall not be required for single private living quarters or single living units, whereas they shall be required for multiple dwelling units or other buildings which generate a sufficient quantity of FOG to cause a buildup of FOG in the interceptor downstream of its connection to the public sewer, and for buildings which have large kitchens, cafeterias or centralized dining facilities. All interceptors shall be of type and capacity approved by the Director and shall be located where they will intercept sewage from the facilities generating these substance prior to being mixed with other sewage, and where they will be easily accessible for cleaning and inspection. Where it is determined that a FOG trap is required for a building with multiple kitchens or cooking areas and it is prohibitively expensive to separate the plumbing from those areas to a common FOG trap, individual FOG traps or approved FOG reclamation units or other measures to control the FOG may be approved by the Superintendent or Director. Fats, oils and grease Interceptors shall be inspected cleaned and repaired regularly as needed by the owner, at his expense. Records and receipts for cleaning including the date, quantity of waste removed, and the name and address of the contractor removing the waste shall be maintained and made available to Town for inspection at their request for at least three years. If after being directed by the Town to do so, FOG interceptors are not constructed or maintained adequately, the Town may do this work or arrange to have it done by others, then back charge the owner for the cost of this work. If the owner does not pay the charges for this work, the unpaid charges shall be levied against the property owner as a lien against the property and collected as if they were unpaid property taxes. Fats, oils and grease removed from the interceptor shall not be discharged into the Town's POTW without written permission from the Director. The contractor shall keep records of the location of the final disposition of the fats, oils and grease removed from the interceptor. Those records shall also be made available for the Town's inspection as their request for at least three years.

Excessive amounts of fats, oils and grease shall be defined as a combined total of >100 mg/l.

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 7-A-05, and made a part of these minutes.

The public portion was opened and there were no public comments.

RESOLUTION NO. 465

**CLOSE PH/AMEND CODE/SEWERS-
RULES REGULATIONS FATS OILS
GREASE INTERCEPTORS**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that this public hearing is hereby closed.

Ayes: Councilpersons O'Donnell, Morr, Troy, Manning
Supervisor Kleiner
Noes: None

RESOLUTION NO. 466

**LEAD AGENCY/SEWERS RULES
REGULATIONS/FATS OILS
GREASE INTERCEPTORS**

Councilman Morr offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

RESOLVED, that the Town Board declares itself to be Lead Agency under S.E.Q.R.A. for purposes of revising Chapter 30 of the Code of Orangetown entitled "Sewers - Rules and Regulations" to add a new section to be designated Section 30-35, entitled "Fats, Oils and Grease Interceptors."

Ayes: Councilpersons Morr, O'Donnell, Troy, Manning
Supervisor Kleiner
Noes: None

RESOLUTION NO. 467

**SEQRA/SEWERS RULES
REGULATIONS/FATS OILS
GREASE INTERCEPTORS**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the Town Board adopt a negative declaration, pursuant to SEQRA, with regard to revision of the Chapter 30 of the Code of Orangetown entitled "Sewers - Rules and Regulations" to add a new section to be designated Section 30-35, entitled "Fats, Oils and Grease Interceptors" adopting the findings and conclusions of the Short Form Environmental Assessment Form (EAF) and the Negative Declaration Notice of Determination of Non-Significance, copy is labeled Exhibit 7-B-05 and made a part of these minutes.

Ayes: Councilpersons Troy, Manning, O'Donnell, Morr
Supervisor Kleiner
Noes: None

RESOLUTION NO. 468

**SEWERS RULES REGULATIONS
FATS OILS GREASE INTERCEPTORS
TOWN BOARD/DECISION**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

Resolution No. 471 - Continued

WHEREAS, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

WHEREAS, the two young men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty-five years to life in prison; and

WHEREAS, these men are now seeking parole and release from prison, having served the minimum sentence – twenty-five years; and

WHEREAS, Paula's family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

WHEREAS, Paula's mother, Lois Bohovesky, must now relive that day as she fights to keep Paula's killers in jail by asking the Parole Board not to authorize the men's release, a task that she will have to often undertake because State Law allows inmates seeking parole to reapply every two years; and

WHEREAS, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that the Town Board of Orangetown wishes to express its continuing condolences to and support for the family of Paula Bohovesky, who was brutally raped and murdered twenty-five years ago as Paula's family asks the New York State Parole Board not to release her killers; and be further

RESOLVED, the Town is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; and to such other persons proper in order to effectuate the purpose of this resolution.

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 472

**LAURA E MUNNO LODGE
ITALIAN FESTIVAL/STREET
FAIR/AID APPROVED**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that Resolution No. 422/05 is hereby amended as follows: the request of the Laura E. Munno Lodge, Inc. for their Italian Festival and Street Fair in Pearl River on September 10th and September 11th for the use of 2 portable toilets, the sound system, trash containers and close the portion of Central Ave between John St. and Main St. and waive any permit fees (the street closing only on 9/11/05) is hereby approved.

Ayes: Councilpersons O'Donnell, Morr, Troy, Manning
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 473

COMBINE AGENDA ITEMS

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

Resolution No. 477 – Continued

WHEREAS, the Director of the Dept. of Environmental Management & Engineer duly advertised for sealed bids for the roof repair to the Town Sewer Plant, which was received and publicly opened on June 29, 2005. The Director made a recommendation to the Town Board; a copy is labeled Exhibit 7-D-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to the lowest eligible bidder, Best Roof of New Jersey, of Wayne NJ, at a cost of \$224,000.00, to be charged to Account No. H8130022/50200.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 478 Amended See AWARD/PHASE1/SEWER
Resolution No. 689/2006 **CONTRACT \$2,000,000**
STEARNS AND WHEELER

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the contract for design and construction administrative services for the \$22.1 million Phase I Capital Improvement Program (Sewer) is hereby awarded to Stearns and Wheeler, Suffern, NY at a cost of \$2.0 million, to be charged to Account No. H8132513/50200.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 479

**PRIOR PROPOSED SEWER
DISTRICT/NOT IN PUBLIC
INTEREST/VILLAGE/TOWN
LAW/209-e(2)(a)**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

WHEREAS, a proposal has been made in the Town Board of the Town of Orangetown, New York, to establish a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack,

WHEREAS, on April 12, 2005 at 8:00 p.m. a public hearing was held with regard to the formation of a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack,

WHEREAS, at the conclusion of said public hearing the Town Board, through Resolution No. 271, reserved decision with regard to the formation of a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack, be it

RESOLVED, that the Town Board now finds, pursuant to Town Law Section 209-e(2)(a), that it is not in the public interest to accomplish the establishment of the said District because the Town Board presently lacks legal authority to include in said District properties that are outside the Town of Orangetown, said properties having been included in the proposal upon which the aforementioned Public Hearing was held.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

RESOLUTION NO. 484**POLICE RADIO DISPATCHER
ELIZABETH SHEEHAN-BONEY
NOMINATED**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that Elizabeth M. Sheehan-Boney is hereby nominated to the position of Police Radio Dispatcher (CAD), at an annual salary of \$40,411, effective July 23, 2005, pending successful completion of the Police Radio Dispatcher (CAD) test and police department background investigation.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 485**POLICE RADIO DISPATCHER
ADAM S. PERPER/NOMINATED**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that Adam S. Perper is hereby nominated to the position of Police Radio Dispatcher (CAD), at an annual salary of \$40,411, effective July 23, 2005, pending successful completion of the Police Radio Dispatcher (CAD) test and police department background investigation.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 486**LEADERSHIP CLASS 2006
POLICE/PERMISSION GRANTED**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that permission is granted to Police Officer Joseph Artrip to participate in Leadership Rockland's Class of 2006, in an amount not to exceed \$1,000 and to be charged to Account No. B30120164/50441.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 487**ARTS STUDENTS LEAGUE
ROAD WIDENING DEED
RECEIVE/FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, a copy of the Bargain and Sale Deed from the Art Students League of New York conveying an 8.5' road-widening strip (Section 74.16, Block 1, part of Lot 9) to the Town of Orangetown is accepted, received and filed in the Town Clerk's Office (the Town Attorney is to arrange for Title Insurance and send original deed for recording).

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

Resolution No. 491 – Continued

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, the firm of Beckmann Appraisal, Inc. is hereby retained to prepare pre-trial preliminary appraisals for the following premises whose property tax assessments are the subject of pending Tax Certiorari proceedings:

Gisondi Family Partnership – 66.37-2-7, preliminary appraisal \$5,000,000; trial ready appraisal report (if needed) will be an additional \$2,500.00 plus expenses.

Gisondi Family Partnership - 66.29-2-54, preliminary appraisal \$10,000.00; trial ready appraisal report (if needed) will be an additional \$5,000.00 plus expenses.

Gisondi Family Partnership - 66.38-2-54, preliminary appraisal \$6,000.00; trial ready appraisal report (if needed) will be an additional \$2,500.00 plus expenses.

Orange & Rockland Utilities – 74.20-3-21; 640.666-1; 645.666.52; 660.666-18, preliminary appraisal \$10,000.00; trial ready appraisal report (if needed) will be an additional \$7,500.00 plus expenses.

Wenger N.A. – 73.20-1-34, preliminary appraisal \$5,000.00; trial ready appraisal report (if needed) will be an additional \$2,500.00 plus expenses.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 492

**INTER-MUNICIPAL AGREEMENT
COUNTY OF ROCKLAND/SUPER
SAVER BUS TICKETS**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the Town Board for the Town of Orangetown, having reviewed a certain proposed inter-municipal agreement between the County of Rockland and the Town of Orangetown concerning the Town of Orangetown becoming a sales outlet for "Super Saver Tickets" to be used on the County of Rockland's Transportation of Rockland (TOR) buses, hereby approves same and authorizes the Town Supervisor to execute same on behalf of the Town of Orangetown.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 493**ACCEPT MINUTES**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the Regular Town Board Meeting minutes of June 13, 2005 and June 27, 2005, Audit Meeting minutes of June 27, 2005, Executive Session minutes of June 27, 2005, and Special Town Board Meeting minutes of June 29, 2005, July 11, 2005 and July 12, 2005 are hereby accepted.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 498**ORANGEBURG FIRE DEPT
HIGHWAY STORAGE YARD**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the request of the Orangeburg Fire Department, to use the Highway Department's Material Storage Yard lot, located adjacent to the Drop-Off Center, on Saturday, August 6, 2005, for training exercises/competitions with our local volunteer fire departments is hereby approved.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 499**COMMUNITY FUNDING \$200.00
ANONYMOUS DONATION
RIVERTOWN FILM SOCIETY**

Under new business Councilman Troy offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that an anonymous donation of \$200.00 for community based funding is hereby accepted and authorized this \$200.00 funding to Rivertown Film Society, to be charged to Account No. A732004/50457.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 500**ENTER AUDIT MEETING**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the Town Board entered the Audit Meeting at 10:41 p.m.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

Resolution No(s). 501, 502, 503, 504, 505 see Audit and Executive Session. After the Executive Session, the Town Board re-entered the RTBM and voted on the following.

RESOLUTION NO. 506**POLICE/REASSIGN DUTIES
MATTHEW RYDER/DETECTIVE**

Councilman Morr offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that upon the recommendation of the Chief of Police, reassign the duties of Matthew Ryder (Employee No. 1541) to those of a detective in his current county assignment at an annual salary of \$99,492, effective July 23, 2005 is hereby approved.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

NOTICE OF POSTING: NOTICE OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CODE OF THE TOWN OF ORANGETOWN (CURRENTLY KNOWN AS CHAPTER 30 ENTITLED "SEWERS-RULES-AND REGULATIONS") SO AS TO ADD A NEW SECTION TO BE DESIGNATED AS SECTION 30-35, FATS, OILS AND GREASE INTERCEPTORS.

EXHIBIT

7-A-05, 7/18/05

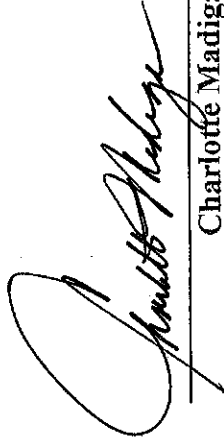
STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN } SS.

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 June 2005, 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 June 2005

ROBERT R. SIMON
 Notary Public, State of New York
 No. 01515005657
 Residing in Rockland County
 Commission Expires December 21, 2 ~~006~~



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a Public Hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, on the 18th day of July, 2005 at 8:05 p.m., to consider an amendment to the Code of the Town of Orangetown (currently known as Chapter 30 entitled "Sewers – Rules and Regulations") so as to add a new section to be designated as §30-35; a summary abstract of which new Section follows:

§ 30-35. Fats, Oils and Grease Interceptors.

Fats, oils and grease interceptors, of a type and capacity approved by the Superintendent or Director of the Town's Department of Environmental Management and Engineering, shall be required and provided when sewage and wastewater contains an excessive amount (a combined total of 100 milligrams or more per liter) of fats, oils and/or grease, flammable substances and/or other harmful substances ("FOG"), for multi-family residences and other buildings which generate a sufficient quantity of FOG to cause a buildup of FOG in the interceptor downstream of its connection to the public sewer, and for buildings which have large kitchens, cafeterias or centralized dining facilities; except that such interceptors shall not be required for a single-family dwelling or unit; which interceptors shall be located where they shall intercept sewage and wastewater from the facilities generating FOG prior to being mixed with other sewage and wastewater, and where the interceptors shall be easily accessible for cleaning, maintenance and inspection; and which

FOG interceptors shall be inspected, cleaned and repaired regularly, and as needed, by the owner of the real property where the interceptor is located ("the owner"), at the owner's cost and expense, which installation and/or maintenance may be performed by the Town itself (if not performed by the owner) and charge the owner for the cost of such work.

All persons interested in these proposed Local Laws are entitled to be heard at the Public Hearing. The complete text of the proposed Local Laws may be inspected 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: June 30, 2005

TERESA M. KENNY, ESQ.
TOWN ATTORNEY
TOWN OF ORANGETOWN

CHARLOTTE MADIGAN
TOWN CLERK

AFFIDAVIT OF PUBLICATION

from

The Journal News

STATE OF NEW YORK
COUNTY OF WESTCHESTER

Northern Area	Central Area	Southern Area
Aronauk Aronauk Baldwin Place Bedford Bedford Hills Berlin Manor Bithan Chappaqua Crompond Cross River Croton Falls Croton on Hudson Golden's Bridge Garrison Springs Jefferson Valley Kanawha Larchmont Milwood Mohagan Lake Montrose Mount Kisco	Pleasantville Port Chester Purchase Rye Scarsdale Tarrytown Thornwood Valhalla White Plains Hastings on Hudson	Eastchester New Rochelle Putnam
North Salem Ossining Peekskill Pound Ridge Purdy's Shenorock Strub Oak Stony South Salem Verplanck Waccabuc Yorktown Heights Brewster Canaan Cold Spring Garrison Lake Peekskill Mahopac Mahopac Falls Putnam Valley Putnamton	Pleasantville Port Chester Purchase Rye Scarsdale Tarrytown Thornwood Valhalla White Plains Hastings on Hudson	Eastchester New Rochelle Putnam
Suffern Blauvelt Cresskill Garnerville Haverstraw Hillborn Nanuet New City Nyack Orangeburg Palisades Pearl River Piermont	Pleasantville Port Chester Purchase Rye Scarsdale Tarrytown Thornwood Valhalla White Plains Hastings on Hudson	Eastchester New Rochelle Putnam
Suffern Blauvelt Cresskill Garnerville Haverstraw Hillborn Nanuet New City Nyack Orangeburg Palisades Pearl River Piermont	Pleasantville Port Chester Purchase Rye Scarsdale Tarrytown Thornwood Valhalla White Plains Hastings on Hudson	Eastchester New Rochelle Putnam

Nilma Avilar
 city sworn, says that he/she is the principal clerk of Westchester News, a newspaper published in the County of Westchester, State of New York, and the notice of which the annexed printed copy, was published in the newspaper indicated left and on the dates checked below.

Ad # 1772655

	1	2	3	4	5	6	7	8	9	10	11	12	13
JUL							X						
	19	20	21	22	23	24	25	26	27	28	29	30	31

Signed Nilma Avilar

Sworn to before me
 this 11th day of July 2005
LOLA M. HALL

Notary Public, Westchester County

LOLA M. HALL
 NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01HA6112696
 QUALIFIED IN WESTCHESTER COUNTY
 TERM EXPIRES JULY 6, 2008

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a Public Hearing will be held by the Town Board of the Town of Orangeburg, New York 10962, on the 18th day of July, 2005 at 8:05 p.m., to consider an amendment to the Code of the Town of Orangeburg (currently known as Chapter 30 entitled "Sewers - Rules and Regulations") so as to add a new section to be designated as Section 30-36; a summary abstract of which new Section follows:

Section 30-35. Fats, Oils and Grease Interceptors. Fats, oils and grease interceptors of a type and capacity approved by the Superintendent or Director of the Town's Department of Engineering, shall be installed and provided when sewerage wastewater contains an excessive amount (a combined total of 100 milligrams or more per liter) of fats, oils and grease, flammable substances and/or other harmful substances ("FOG"), for multi-family residences and other buildings which generate a sufficient quantity of FOG to cause a buildup of FOG in the interceptor downstream of its connection to the public sewer, and for buildings which have large kitchens, cafeterias or centralized dining facilities; except that such interceptors shall not be required for a single-family dwelling or unit located where they shall intercept sewage and wastewater from the facilities generating FOG prior to being mixed with other sewage and wastewater, and where the interceptors shall be easily accessible for cleaning, maintenance and inspection; and such FOG interceptors shall be regularly cleaned and repaired by the owner or as needed, by the owner of the interceptor ("the owner"), at the owner's cost and expense, which installation and or maintenance may be performed by the Town itself (if not charge the owner for the cost of such work.

All persons interested in these proposed Local Laws are entitled to be heard at the Public Hearing. The complete text of the proposed Local Laws may be inspected at the Office of the Town Clerk of the Town of Orangeburg, #845-393-5100, 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 Orangeburg.

Dated: June 30, 2005

TERESA M. KENNY, ESQ.
 TOWN ATTORNEY
 TOWN OF ORANGETOWN
 CHARLOTTE MADIGAN
 TOWN CLERK

7-B-05 7/18/05

6/17.20

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

<p>1. APPLICANT/SPONSOR Town of Orangetown - Dept. Environmental Man. & Eng.</p>	<p>2. PROJECT NAME Amendment of Town Code - "FOG" Program (Fats, oils, greases)</p>
<p>3. PROJECT LOCATION: Municipality Town of Orangetown County Rockland</p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town of Orangetown, both the unincorporated areas as well as the incorporated Villages of Piermont, Grandview-on-Hudson, South Nyack, Nyack, Upper Nyack and certain individual properties in unincorporated Clarkstown, excluding the Rockland County Sewer District No. 1 property located within the boundaries of the Town of Orangetown Sewer District.</p>	
<p>5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY: Fats, oils and grease interceptors shall be required and provided when sewage and wastewater contains an excessive amount (a combined total of 100 milligrams or more per liter) of fats, oils and/or grease, flammable substances and/or other harmful substances, for multi-family residences and commercial buildings which generate a sufficient quantity of FOG (i.e. kitchens, cafeterias, etc.)</p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly</p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Describe: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Ronald C. DeLo, P.E., DEE Date: June 30, 2005 Signature: _____</p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly.

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly.

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes No if Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No if Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of Orangetown - DEME

June 30, 2005

Name of Lead Agency

Date

Ronald C. Delo, P.E., DEE

Director

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

EXHIBIT

7-C-05-718105

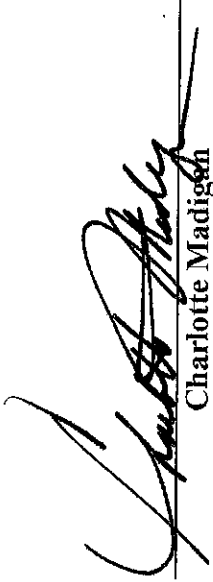
STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN } SS.

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 26th day of May 2005, 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 26th day of May _____, 2005

ROBERT R. SIMON
Notary Public, State of New York
No. 01515005557
Residing in Rockland County
Commission Expires December 21, 2 ~~006~~



NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangeburg Road, Orangeburg, New York, 10962 until 10:30 a.m. on June 22, 2005 and will be publicly opened and read aloud at 11:00 a.m. for the

**SHADYSIDE AVENUE
SEWER REPLACEMENT**

TOWN OF ORANGETOWN, ORANGEBURG, NEW YORK,

in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office. Copies of the Contract Documents will be on file after June 1, 2005 and may be examined during the usual business hours at the Office of the Town Clerk. A non-refundable fee of seventy-five (\$75.00) payable by check to the order of the Town of Orangetown will be required for each set of Contract Documents.

A pre-bid meeting will be held at the Department of Environmental Management and Engineering office at the Orangetown Wastewater Treatment Plant, 127 Route 303, Orangeburg, New York on June 9, 2005. The meeting will start promptly at 10:00 am. Prospective bidders are strongly encouraged to attend.

The Town Clerk and the Director of Environmental Management and Engineering will submit a report to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

The Town Board of the Town of Orangetown reserves the right to waive any informalities in the bidding and to reject any and all bids.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute

Notice to Bidders-1

such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

The successful bidder will be required to post a Performance Bond and a Payment Bond each in the amount of one hundred percent (100%) of the Contract Price.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Contractor warrants and represents that all employees and independent contractors affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage, including, where applicable wage rates mandated by the New York State Department of Labor for the work performed in connection with any project.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangetown, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

CHARLOTTE MADIGAN
TOWN CLERK

RONALD C. DELO, P.E.,
DIRECTOR OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING

Notice to Bidders-2

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 16th day of June 2005, 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.

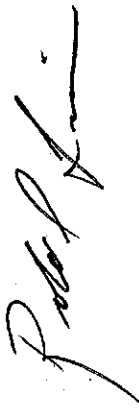
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.


Charlotte Madigan
Town Clerk

Subscribed and sworn to before me

This 16th day of June 2005

ROBERT R. SIMON
Notary Public, State of New York
No. 01515005867
Residing in Rockland County
Commission Expires December 21, 2006



ADDENDUM NO. 1

**Town of Orangetown
Department of Environmental Management and Engineering**

BIDS FOR

Shadyside Avenue Sewer Replacement

June 16, 2005

The attention of all Bidders is called to the following Addendum. This Addendum is hereby included in and made a part of the Contract Documents, whether or not attached thereto.

All requirements of the Project Manual shall remain in force except as may be amended by this Addendum.

The Bid opening date of June 22, 2005 stated in the Notice to Bidders has been changed to June 29, 2005.

The Bid opening date of June 22, 2005, stated in Article 2 of the Information for Bidders has been changed to June 29, 2005. The Bid opening date of June 22, 2005 stated in Article 4 of the Information for Bidders has been changed to June 29, 2005.

Sealed Bids for the Shadyside Avenue Sewer Replacement will be received by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangeburg Road, Orangeburg, New York until 10:30 am on June 29, 2005 and will be publicly opened and read aloud at 11:00 am.

END OF ADDENDUM NO. 1

AFFIDAVIT OF PUBLICATION

from

The Journal News

STATE OF NEW YORK
COUNTY OF WESTCHESTER

Northern Area

- | | |
|------------------|-----------------|
| Atamack | North Salem |
| Aumont | Ossining |
| Baldwin Place | Peekskill |
| Bedford | Pound Ridge |
| Bedford Hills | Putney |
| Canville Manor | Shenandoah |
| Catskill | Strub Oak |
| Chappaqua | Sounes |
| Crompond | South Salem |
| Cross River | Wappington |
| Croton Falls | Waxton |
| Croton on Hudson | Yonkown Heights |
| Golden Bridge | Brewster |
| Granite Springs | Cornell |
| Jefferson Valley | Cold Spring |
| Kanawh | Garrison |
| Lincroft | Lake Peekskill |
| Milwood | Mahopac |
| Mohagan Lake | Mahopac Falls |
| Monroe | Puram Valley |
| Mount Kisco | Patterson |

Central Area

- | | |
|-------------------|--------------------|
| Ardsley | Pleasantville |
| Ardsley on Hudson | Port Chester |
| Debbs Ferry | Purchase |
| Elmsford | Rye |
| Greenburgh | Scarsdale |
| Harrison | Tarrytown |
| Herkese | Tuckwood |
| Hawthorne | Valhalla |
| Irvington | White Plains |
| Larchmont | Hastings on Hudson |
| Yonamont | |

Southern Area

- | |
|--------------|
| Eastchester |
| New Rochelle |
| Pelham |

Rockland Area

- | |
|-----------------|
| Peterson |
| Shenandoah |
| Spring Valley |
| Stony Point |
| Tappan |
| Theresa |
| Tomkins Cove |
| Valley Cottage |
| West Haverstraw |
| West Nyack |

X

Charles B. Benson
I, Charles B. Benson, says that he/she is the principal clerk of the Journal News, a newspaper published in the County of Westchester, State of New York, and the notice of which the annexed printed copy, was published in the newspaper indicated and on the dates checked below.

ADD#	12194886											
1	2	3	4	5	6	7	8	9	10	11	12	13
						X						
19	20	21	22	23	24	25	26	27	28	29	30	31

Signed [Signature]

Sworn to before me

this 8th day of JUNE
[Signature]

Notary Public, Westchester Co

LOLA M. HALL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01HA6112693
QUALIFIED IN WESTCHESTER COUNTY
TERM EXPIRES JULY 6, 2008

NOTICE TO BIDDERS
SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Changeling Road, Orangetown, New York, 24, 2008 and will be publicly opened and read aloud at 11:00 a.m. for the

TOWN OF ORANGETOWN, NEW YORK
SHADYSIDE AVENUE
SEWER REPLACEMENT
In accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office, Copies of the Contract Documents will be on file after June 17, 2008 and may be examined during the usual business hours at the Office of the Town Clerk. A non-refundable fee of seventy-five (\$75.00) payable by check to the order of the Town of Orangetown will be required for each set of Contract Documents.

A pre-bid meeting will be held at the Department of Environmental Management and Engineering Office at the Orangetown Wastewater Treatment Plant, 127 Route 308, Orangetown, New York on June 9, 2008. The meeting will start promptly at 10:00 am. Prospective bidders are strongly encouraged to attend.

The Town Clerk and the Director of Environmental Management and Engineering will submit in addition to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

The Town Board of the Town of Orangetown reserves the rights to waive any informalities in the bidding and to reject any and all bids.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

The successful bidder will be required to post a Performance Bond in the amount of one hundred percent (100%) of the contract price.

No bid will be accepted without a Non-competition Statement as required pursuant to Section 103D of the General Municipal Law.

Contractor warrants and represents that all employees, independent contractor affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage, including where applicable wage rates mandated by the New York State Department of Labor for the work performance in connection with any project.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangetown, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

CHARLOTTE MADIGAN
TOWN CLERK
RONALD DELO, P.E.
DIRECTOR OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING

BID OPENING TIME:

11:00 AM

DATE 6/29/05

CONTRACTOR NAME & ADDRESS	DATE RECEIVED	TIME RECEIVED	NON-COLLISION STATEMENT	BID BOND OR CERTIFIED CHECK
211 York St, N.Y. N.Y. 10011	6/29/05	10:40 am	✓	✓
211 York St, N.Y. N.Y. 10011	6/29/05	9:27 am	✓	✓
211 York St, N.Y. N.Y. 10011	6/29/05	8:32 am	✓	✓
211 York St, N.Y. N.Y. 10011	6/29/05	9:56 am	✓	✓

Bid Item No. 1.

The Contractor shall provide all labor, materials and equipment necessary for the installation of a new 8 inch nominal diameter polyvinyl (PVC) sewer line in a trench with a new precast concrete manholes and abandoning the existing sewer and manholes in place.

PRICE \$318,176.00 \$888,583.00 \$490,000.00 \$315,986.17\$

Bid Item No. 2.

Allowance No. 1 - Rock Excavation (204 cubic yards, in - place measure)

PRICE \$ 8,160.00 \$ 16,320.00 \$204,000.00 \$ 47940.00\$

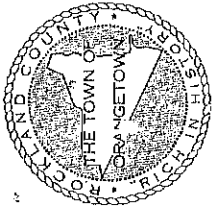
Bid Item No. 3.

Allowance No. 2 - Miscellaneous Additional Work

PRICE \$10,000.00 \$10,000.00 \$10,000.00 \$10,000.00

TOTAL BID AMOUNT (Bid Item No. 1, No. 2 and No.3)

PRICE \$356,336.00\$ 314,903.00\$ 704,000.00 \$373,926.17\$




Department of Environmental Management and Engineering Town of Orangetown

Route 303 Orangeburg New York 10962
Tel: (845) 359-6502 • Fax: (845) 359-6951

July 7, 2005

To: Thom Kleiner, Supervisor
Town Board

From: Ronald C. DeLo, P.E., DEE 
Director

Re: Shadyside Avenue Sewer Replacement

Bids were received on June 29, 2005 for the above referenced project and I recommend award to the lowest bidder, Hudson Canyon Construction, Inc. at a cost of \$314,903.00.

Attached is a summary of the bids received and a recommendation of award letter from HDR/LMS.

Should you have any questions, on the above, please contact me.

Thank you for your consideration in this matter.

Cc: Mr. George Sorensen, Project Manager
HDR/LMS
One Blue Hill Plaza
Floor 12
Pearl River, N.Y. 10965



July 5, 2005
File No.: 287-035

Mr. Ronald C. DeLo, P.E., Director
Town of Orangetown
Department of Environmental Management and Engineering
127 Route 303
Orangetown, NY 10962

RE: ShadySide Avenue
Sewer Replacement
Recommendation of Award

Dear Mr. DeLo:

HDR | LMS (formerly Lawler, Matusky & Skelly Engineers) has reviewed the Bid packages received on June 29, 2005 for the above named project. The enclosed table summarizes the Bid results.

The lowest responsible and responsive bidder is Hudson Canyon Construction, Inc. with a total Bid of \$314,903.00.

After reviewing the Bid documents, we believe that the above named Contractor will complete the work in a safe, timely, efficient and workmanlike fashion, and therefore recommend the award of a Contract to Hudson Canyon Construction, Inc.

If you have any questions please feel free to contact me.

Very Truly Yours,

George Sorensen
Project Manager

Enclosure

GBS 7/5/2005 287-Orangetown-287-035-Mgmt. Comm

HDR | LMS
Hensington, Durham & Richardson Architecture and Engineering, P.C.
in association with HDR Engineering, Inc.

One Blue Hill Plaza
Floor 12
East River, NY 10005-3104

Phone: (845) 735-8300
Fax: (845) 735-7456
www.hdrinc.com

TOWN OF ORANGETOWN, NY
SHADYSIDE AVENUE
SEWER REPLACEMENT

Bid Opening: June 29, 2005 @ 11:00 a.m.

BIDDER	TOTAL BID AMOUNT (\$)	SECURITY AMOUNT (\$)	ADDENDUM RECEIVED	ATTACHMENTS RECEIVED		
				1	2	3
Hudson Canyon Construction, Inc.	314,903.00	5% of Bid	#1 & 2	Yes	Yes	Yes
Cal Mart Enterprises, Inc.	336,336.00	5% of Bid	#1 & 2	Yes	Yes	Yes
Ruckel's Inc.	373,926.17	5% of Bid	#1	Yes	Yes	Yes
Montana Construction Corp.	704,000.00	5% of Bid	#1 & 2	Yes	Yes	Yes
HDR LMS Engineer's Estimate	243,000.00					

Attachment #1 – Statement of Bidder's Qualifications
Attachment #2 – Non Collusive Bidding Certificate
Attachment #3 – Bid Bond (5% of Bid Amount)

Note: Addendum #2 was faxed to Ruckel's Inc. on June 27, 2005

NOTICE OF POSTING: NOTICE TO BIDDERS: ROOF REPAIRS AT ORANGETOWN WASTEWATER TREATMENT FACILITY.

EXHIBIT

7-D-05, 7/18/05


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 3rd day of June 2005, 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 3rd day of June, 2005

ROBERT R. SIMON
Notary Public, State of New York
No. 01S15005857
Residing in Rockland County
Commission Expires December 21, 2 ~~006~~



NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangetown Road, Orangetown, New York, 10962 until 10:30 a.m. on June 29, 2005 and will be publicly opened and read aloud at 11:00 a.m. for the

**ROOF REPAIRS AT ORANGETOWN
WASTEWATER TREATMENT FACILITIES**

TOWN OF ORANGETOWN, ORANGETOWN, NEW YORK,

in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office. Copies of the Contract Documents will be on file after April 27, 2005 and may be examined during the usual business hours at the Office of the Town Clerk. A non-refundable fee of seventy-five (\$75.00) payable by check to the order of the Town of Orangetown will be required for each set of Contract Documents.

A pre-bid meeting will be held at the Department of Environmental Management and Engineering office at the Orangetown Wastewater Treatment Plant, 127 Route 303, Orangetown, New York on June 15, 2005. The meeting will start promptly at 10:00 am. Prospective bidders are strongly encouraged to attend.

The Town Clerk and the Director of Environmental Management and Engineering will submit a report to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

The Town Board of the Town of Orangetown reserves the right to waive any informalities in the bidding and to reject any and all bids.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute

Notice to Bidders-1

such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

The successful bidder will be required to post a Performance Bond in the amount of one hundred percent (100%) of the contract price.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Contractor warrants and represents that all employees and independent contractors affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage, including, where applicable wage rates mandated by the New York State Department of Labor for the work performed in connection with any project.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangeburg, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

**CHARLOTTE MADIGAN
TOWN CLERK**

**RONALD C. DELO, P.E.
DIRECTOR OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING**

Notice to Bidders-2

WASTEWATER TREATMENT FACILITIES

BID OPENING TIME:

11:00 AM

DATE

06/29/05

CONTRACTOR
NAME
&
ADDRESS

*Mark & Susan C. Williams
10000 E. Orange Blvd.
Orlando, FL 32837
Tel: 407-241-1111
Fax: 407-241-1112*

DATE RECEIVED	6/29/05	6/29/05	6/29/05
TIME RECEIVED	9:38 am	10:19 am	10:50 am
NON COLLISION STATEMENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BID BOND OF CERTIFIED CHECK	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

BID ITEM No. 1

Labor, Materials, and Equipment necessary

Price \$299,000.00 \$219,000.00 \$574,900.00 \$

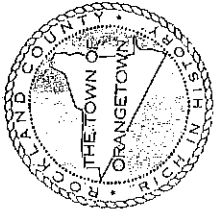
BID ITEM No. 2

Miscellaneous Additional Work

Price \$5,000.00 \$5,000.00 \$5,000.00 \$5,000.00

Total Bid Amount (Bid Item No.1 and No. 2)

Price \$297,000.00 \$224,000.00 \$579,900.00 \$



**Department of Environmental Management and Engineering
Town of Orangetown**

Route 303 Orangeburg New York 10962
Tel: (845) 359-6502 • Fax: (845) 359-6951

July 11, 2005

To: Thom Kleiner, Supervisor
Town Board

From: Ronald C. Delo, P.E., DEE *RD*
Director

**Re: Roof Repairs at Orangetown
Wastewater Treatment Facilities
Recommendation of Award**

Bids were received on June 29, 2005 for the above referenced project and I recommend award to the lowest bidder, Best Roofing of New Jersey, Inc.. at a cost of \$224,000.00.

Attached is a summary of the bids received and a recommendation of award letter from HDR/LMS.

Should you have any questions, on the above, please contact me.

Thank you for your consideration in this matter.

Cc: Mr. George Sorensen, Project Manager
HDR/LMS
One Blue Hill Plaza
Floor 12
Pearl River, N.Y. 10965



July 7, 2005

File No.: 287-045

Mr. Ronald C. Delo, P.E., Director
Town of Orangetown
Department of Environmental Management and Engineering
127 Route 303
Orangetown, NY 10962

RE: **Roof Repairs at Orangetown
Wastewater Treatment Facilities
Recommendation of Award**

Dear Mr. Delo:

HDR | LMS (formerly Lawler, Matusky & Skelly Engineers) has reviewed the Bid packages received on June 29, 2005 for the above named project. The enclosed table summarizes the Bid results.

The lowest responsible and responsive bidder is Best Roofing of New Jersey, Inc. with a total Bid of \$224,000.00.

After reviewing the Bid documents, we believe that the above named Contractor will complete the work in a safe, timely, efficient and workmanlike fashion, and therefore recommend the award of a Contract to Best Roofing of New Jersey, Inc.

If you have any questions please feel free to contact me.

Very Truly Yours,

George Sorensen
Project Manager

Enclosure

GBS 7/7/2005 287-Orangetown 287-035 Mgmt, Comm

HDR | LMS
Henningson, Durham & Richardson Architecture and Engineering, P.C.
in association with HDR Engineering, Inc.

One Blue Hill Plaza
Floor 17
Peart River, NY 11855-3104

Phone: (845) 735-8300
Fax: (845) 735-7466
www.hdrinc.com

TOWN OF ORANGETOWN, NY
 ROOF REPAIRS AT ORANGETOWN
 WASTEWATER TREATMENT FACILITIES

Bid Opening: June 29, 2005 @ 11:00 a.m.

BIDDER	TOTAL BID AMOUNT (\$)	SECURITY AMOUNT (\$)	APPENDUM RECV'D	ATTACHMENTS RECEIVED		
				1	2	3
Best Roofing of New Jersey, Inc.	224,000.00	5% of Bid	#1	Yes	Yes	Yes
Frank Stevens & Sons Roofing, Inc.	297,000.00	5% of Bid	#1	Yes	Yes	Yes
Precision Roofing, Inc.	579,900.00	5% of Bid	#1	Yes	Yes	Yes
HDR LMS Engineer's Estimate	261,353.00					

Attachment #1 - Statement of Bidder's Qualifications
 Attachment #2 - Non Collusive Bidding Certificate
 Attachment #3 - Bid Bond (5% of Bid Amount)

EXHIBIT

7-E-05, 7/18/05

At a regular meeting of the Town Board of the Town of Orangetown, in the County of Rockland, New York, which was held at the Town Hall, in said Town, on the 18th day of July, 2005.

PRESENT:

Honorable Thom Kleiner, Supervisor

Denis O'Donnell, Councilperson

Denis Troy, Councilperson

Marie Manning, Councilperson

Thomas Morr, Councilperson

-----X

In the Matter

:

of the

:

Establishment of The Orangetown Sewer District, in the Town of Orangetown, County of Rockland, New York, pursuant to Article 12-A of the

:

Town Law and the Transfer and/or Reallocation of Real

:

and Personal Property of the Town of Orangetown's

Sewer Collection and Treatment System to The Orangetown:

Sewer District, pursuant to Article 12 of the Town Law

-----X

ORDER CALLING PUBLIC HEARING

TO BE HELD ON

AUGUST 8, 2005

WHEREAS, the Board of Trustees of the Village of Grandview-on-Hudson has adopted a resolution, subject to permissive referendum, dated April 12, 2005 consenting to the establishment of a Town sewer district in said village; and

WHEREAS, the Board of Trustees of the Village of Nyack has adopted a resolution, subject to permissive referendum, dated January 27, 2005 consenting to the establishment of a Town sewer district in said village; and

WHEREAS, the Board of Trustees of the Village of Piermont has adopted a resolution, subject to permissive referendum, dated February 1, 2005 consenting to the establishment of a Town sewer district in said village; and

WHEREAS, the Board of Trustees of the Village of South Nyack has adopted a resolution, subject to permissive referendum, dated May 10, 2005 consenting to the establishment of a Town sewer district in said village; and

WHEREAS, the Town Board of the Town of Orangetown (herein called "Town Board" and "Town", respectively), in the County of Rockland, New York, has caused the Director of Environmental Management and Engineering, a competent engineer duly licensed by the State of New York, to prepare a general map, plan and report for the proposed establishment of The Orangetown Sewer District, in the Town (herein called "District") and the transfer and/or reallocation of real and personal property of the Town of Orangetown's Sewer Collection and Treatment System to the District and the acquisition of sanitary sewer systems of the villages of Grandview-on-Hudson, Nyack, Piermont and South Nyack (collectively, the "Villages"), in the Town and the reconstruction and/or replacement of existing screening and grit removal systems, reconstruction of the administration/control/laboratory buildings, the installation of new drive mechanisms for primary and secondary clarifiers, conversion of gaseous chlorination systems to

a liquid hypochlorite system and/or ultraviolet disinfection systems, reconstruction and/or replacement of odor control systems, improvements to the heating, ventilation, air conditioning and piping systems, roof and structural reconstruction, improvements to the security and drainage systems, landscape improvements; the installation and/or reconstruction of new pumps, motors, controls, emergency generators, telemetry systems at the Better Brands, Hunt Road, Pearl Street, Nyack and Upper Nyack pumping stations and the wastewater treatment plant, and the replacement and /or paralleling of the Better Brands force main, the Hunt Road force main, the Hunt Road siphon, the Pearl Street force main and the Pearl Street influent sewer; (collectively, the "Improvements"); all as more fully described in the map, plan and report, which map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has determined to proceed with the establishment and acquisition of such sewer system in the proposed District; and

WHEREAS, the proposed District is bounded and described as follows:

Beginning at a point which is the westernmost corner of the Town of Orangetown which point is also located on the dividing line between the State of New York and the State of New Jersey thence; (1) running generally in northeasterly direction along the division line between the Town of Orangetown and Town of Ramapo for approx. 5076' ± thence; (2) turning and running generally in a northwesterly direction along the division line between the Town of Orangetown and Town of Ramapo for approx. 4752' ± to a point where the boundaries of the Town of Orangetown, the Town of Clarkstown, and the Town of Ramapo meet thence; (3) turning and running generally in a easterly direction along the division line between the Town of Orangetown and the Town of Clarkstown to a point which being the intersection of said division line and the westerly line of the Village of South Nyack thence; (4) turning and running generally in a northwesterly direction along the division line of the Town of Orangetown and Town of Clarkstown which said line also being the westerly boundary of the Village of South Nyack thence; (5) turning and running generally in a northeasterly direction along the division line of the Town of Orangetown and Town of Clarkstown which said line also being the westerly boundary of the Village of South Nyack to a point on the boundary of the Village of South Nyack and Village of Nyack thence; (6) turning and running generally in a northeasterly direction along the division line of the Town of Orangetown and Town of Clarkstown through

the Village of Nyack to a point on the boundary of the Village of Nyack and Village of Upper Nyack which point is the dividing line of the Town of Orangetown and the Town of Clarkstown thence; (7) turning and running generally in a southeasterly direction along the division line of the Town of Orangetown and Town of Clarkstown which said line is division line of the Village of Nyack and the Village of Upper Nyack to a point which is on the eastern boundary of the of the Village of Nyack and Village of Upper Nyack thence; (8) turning and running generally in a southerly direction along the eastern boundary of the Village of Nyack to a point on the boundary of the Village of South Nyack and Village of Nyack thence; (9) turning and running generally in a southerly direction along the eastern boundary of the Village of South Nyack to a point on the boundary of Grand-View-On-Hudson and Village of South Nyack thence; (10) turning and running generally in a southerly direction along the eastern boundary of the Village of Grand-View-On-Hudson to a point on the boundary of the Village of Piermont and Village of Grand-View-On-Hudson thence; (11) turning and running generally in a southeasterly direction along the boundary of the Village of Piermont for approx. 6988'± to a point on the Village of Piermont and the Town of Orangetown thence; (12) turning and running generally in a southeasterly direction for approx. 333'± along the boundary of the aforesaid boundary of the Village of Piermont and the Town of Orangetown thence; (13) turning and running generally in a southerly direction along the boundary of the Village of Piermont and the Town of Orangetown thence; (14) turning and running generally in a southerly direction along the boundary of the Town of Orangetown to a point on the division line between the State of New York and the State of New Jersey thence; (15) turning and running generally in a northwesterly direction along the dividing line between the State of New York and the State of New Jersey for approx. 47,514± to the point or place of beginning.

BUT EXCLUDING FROM THE ABOVE, AND FROM THE PROPOSED DISTRICT ALL OF THE FOLLOWING EIGHT (8) DESCRIBED PROPERTIES:

1) All that certain plot, piece, or parcel of land lying situate and being in the Town of Orangetown, County of Rockland, and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly right-of-way line of Orangeburg Road, said point being the easternmost corner of lands n/f Abric (Tax Lot 78-763-9), and running thence;

1. Along said southwesterly right-of-way line of Orangeburg Road, the following two (2) courses and distances;
 - a. S 41° 50' 52" E distance 0.60 feet to a point of curvature; thence
 - b. Southeasterly, on a curve to the left having a radius of 196.00 feet and an arc length of 98.46 feet; thence
2. Along the northwesterly line of lands formerly of Majeros (Tax Lot 78-763-7), S 41° 14' 45" W distance 122.65 feet; thence

3. Along the southwesterly line of said lands formerly of Majeros and lands formerly of Zacharakis (Tax Lot 78-763-6), S 71°33'30" E distant 433.61 feet; thence
4. Still along the southwesterly line of said lands formerly of Zacharakis, S 61°00'15" E distant 181.24 feet; thence
5. Still along said southwesterly line of lands former of Zacharakis, and along lands n/f Abbot (Tax Lot 78-763-5), land n/f Parsell (Tax Lot 78-763-5), land n/f Parsell (Tax Lot 78-763-4), and lands n/f Perez (Tax Lot 78-763-3), S 46°43'45" E distant 544.25 feet; thence
6. Along the southeasterly line of said lands n/f Perez, N 43°21'25" E distant 100.00 feet; thence
7. Along the southwesterly right-of-way of Orangeburg Road, S 46°43'45" E distant 33.00 feet; thence
8. Along the northwesterly line of land n/f Vega (Tax Lot 78-763-2), S 42°28'25" W 352.60 feet; thence
9. S 30°36'06" E distant 699.46 feet to a point on the common boundary line between the lands described herein and lands n/f Dominican Convent (Tax Lot 78-763-1); thence
10. S 62°16'00" W distant 480.17 feet to an iron pipe; thence
11. Along the northeasterly right-of-way line of land n/f Erie Railroad, N 42°44'00" W distant 923.04 feet to an iron pipe; thence
12. Along the southerly line of lands formerly of Grantwood Lumber (Tax Lot 78-763-12) and lands formerly of Mallon, (Tax Lot 78-763-11), N 79°30'45" E distant 215.41 feet; thence
13. Along the northeasterly line of said lands formerly of Mallon, N 42°37'38" W distant 715.84 feet; thence
14. N 14°02'07" E distant 88.12 feet; thence
15. N 25°14'37" W distant 221.20 feet; thence
16. Along the southerly line of said lands n/f Abric, N 41°14'15" E distant 333.68 feet, back to the point of place of BEGINNING

Said parcel described above is a portion of Tax Lots 8 of Block 763 in Section 78 as shown on the Town of Orangetown Tax Maps, and contains 25.0957 acres, more or less.

2) All that parcel of land situate lying and being in the Hamlet of Orangeburg, Town of Orangetown, County of Rockland, State of New York, more particularly described as follows; Beginning at a point on the easterly line of Rte. 303 (S.H. #1898), where same is intersected by the northerly line of lands now or formerly of Grantwood Lumber Corporation; and running thence:

Along the easterly line of Rte. 303 North $14^{\circ}-02'-07''$ East, a distance of 321.55 feet, thence;

Partly along lands now or formerly of Abric and partly along lands of the Rockland County Sewer District No. 1 South $25^{\circ}-14'-37''$ East, a distance of 332.36 feet, thence:

Along lands of the Rockland County Sewer District No. 1 the following three (3) courses and distances:

1. South $14^{\circ}-02'-07''$ West, a distance of 88.12 feet, thence:
2. South $42^{\circ}-37'-38''$ East, a distance of 715.84 feet, thence:
3. South $79^{\circ}-30'-45''$ West, a distance of 114.45 feet, thence:

Along land now or formerly of Grantwood Lumber Corp. the following two (2) courses and distances:

1. North $42^{\circ}-15'-00''$ West, a distance of 326.73 feet, thence:
2. North $42^{\circ}-44'-00''$ West, a distance of 517.13 feet to the point or place of BEGINNING.

Containing 2.699 Acres of Land

Reserving to Orange and Rockland Utilities, Inc., its successors and assigns, forever, the right to enter upon, without notice, and use part of the premises herein conveyed as a right of way 100 feet in width for the purpose, from time to time, of constructing, reconstructing, altering, enlarging, repairing, removing, replacing, relocating, operating, maintaining, inspecting, excavating for, and laying one or more electric transmission and distribution lines, and one or more gas pipe lines, including all necessary poles, H-Frames, and/or towers, conductors, conduits, pipes, cables, grips, counterpoises, markers, vaults, manholes, and all necessary appurtenances thereto, upon, over, under and across that portion of property herein conveyed, described as follows: Beginning at a point in the easterly line of Route 303 (S.H. #1898), where same is intersected by the northerly line of lands now or formerly of Grantwood Lumber Corporation; and running thence:

Along the easterly line of Route 303, on a course North $14^{\circ}-02'-07''$ East a distance of 114.57 feet, thence;

Partly through the parcel to be conveyed and along lands of the Rockland County Sewer District No. 1 on a course South $42^{\circ}-37'-38''$ East, a distance of 967.70 feet, thence;

Still along lands of the Rockland County Sewer District No. 1 on a course South 79° -30' -45" West a distance of 114.45 feet, thence;

Along lands now or formerly of Grantwood Lumber Corporation the following two courses and distances:

1. North 42° -15' -00" West, a distance of 326.73 feet, thence;
2. North 42° -44' -00" West, a distance of 517.13 feet to the point or place of BEGINNING.

Also together with the right to trim, cut, chemically treat, and/or remove all trees, branches and other vegetation and to keep free from and remove all buildings and obstructions within the above described 100 foot wide right of way area, and the right to have access to the right of way area at all time on foot or by vehicle for any of the aforesaid purposes.

Subject to easements of record.

3) All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Orangeburg, Town of Orangetown, County of Rockland and State of New York, and more particularly described as follows:

BEGINNING at the southwest corner of said premises which is also the northwest corner of lands belonging to Erie Railroad Company where the lands of Katherine L. Hassan, Mary E. Cunningham, Helen A. Loughlin and Eleanor G. MacDonnell and lands of Erie Railroad Company join on the easterly side of Route # 303 and running thence (1) along lands of Erie Railroad Company south 42 degrees 25 minutes east a distance of 708.61 feet to a point, and thence (2) north 78 degrees 58 minutes east a distance of 98 feet to a point; and thence (3) along lands of Rockland Light and Power Co. north 41 degrees 56 minutes west a distance of 299 feet to a point and thence (4) still along lands of Rockland Light and Power Co. north 42 degrees 25 minutes west a distance of 517.13 feet to the east side of Route #303 and thence (5) along the east side of Route #303 south 14 degrees 18 minutes west approximately 102.83 feet to the point of beginning.

TOGETHER with all right, title and interest of the parties of the first part, in and to any streets and roads abutting the above described premises, if any.

BEING shown as lot 12, in block 763 in section 78 on the Assessment Map of the Town of Orangetown.

4) All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, Rockland County, New York, more particularly bounded and described as follows:

BEGINNING at a point distant the following two courses from a monument marking the northeasterly corner of lands of Terwilliger:

- (a) S 89° 11' 30" E 240 feet;
- (b) S 0° 48' 30" W 89.65 feet;

And running thence from said beginning point

- (1) N 71° 28' 50" E 150 feet;
- (2) S 18° 31' 10" E 150 feet;
- (3) S 71° 28' 50" W 150 feet;
- (4) N 18° 31' 10" W 150 feet, to the point or place of beginning.

TOGETHER WITH a right of way 20 feet in width, and being more particularly described as follows:

BEGINNING at a point North 1° 26' 30" West 166.00 feet from a monument in the northerly boundary of the Erie Railroad. Said monument is 515 feet more or less easterly from the easterly side of Sickletown Road, as measured along the northerly boundary of the Erie Railroad; said point of beginning also being distant 186.55 feet on a course South 1° 26' 30" East from a monument in the southerly boundary of lands nor or formerly of Kreisler and running thence (1) S 78° 15' 00" E. 176.11 feet to a point of curvature; thence (2) running easterly along a curve to the left with a radius of 197.38 feet an arc distance of 104.27 feet to a point in the fourth course in the above described parcel; thence (3) running N 18° 31' 10" W. 20 feet to a point in the arc of a curve; thence (4) running Westerly along a curve bearing to the right with a radius of 177.38 feet an arc distance of 93.71 feet to a point of tangency; thence (5) running N 78° 15' 00" West 180.79 feet to the easterly line of lands of Terwilliger; thence (6) running S 1° 26' 30" E. 20.54 feet to the point or place of beginning.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

5) BEGINNING at a point in the easterly line of Sickletown Road (41.25' wide), where the same is intersected by the southwesterly line of land nor or formerly of the Erie-Lackawanna Railroad. Said point being distant 205.42' on a course of N 21° -11' -15" E along the easterly line of Sickletown Road from a concrete monument marking the northeasterly line of 5th Avenue; and running thence,

- (1) N 21° -11' -15" E 88.04' along the easterly line of Sickletown Road to a point in the northeasterly line of lands now or formerly of the Erie-Lackawanna Railroad; thence,

- (2) Southeasterly along a curve to the right having a radius of 1,086.14', an arc distance of 140.48' and a chord of S 63°-28'15" E 140.39' along the northeasterly line of said railroad to a non-tangent point of compound curvature; thence,
- (3) Southeasterly along a curve to the right having a radius of 1,203.68', an arc distance of 422.84' and a chord of S 54°-25'49" E 420.67' continuing along the same to a point; thence,
- (4) S 44°-43'55" E 130.49' continuing along the same to a point; thence,
- (5) N 39°-46' 18" E 41.90' continuing along the same to a point; thence,
- (6) N 50°-13'42" E 16.00' continuing along the same to a point; thence,
- (7) S 39°-02'14" E 234.01' continuing along the same to a point; thence,
- (8) S 38°-12'-34" E 1100.41' continuing along the same to a point; thence,
- (9) S 34° -56' -20" E 474.78' continuing along the same to an iron pipe marking the southwesterly line of lands now or formerly of Gillen; thence,
- (10) S 39°-46'18" E 49.94' continuing along the northeasterly line of lands nor or formerly of the Erie-Lackawanna Railroad to a point; thence,
- (11) S 55° -54' -30" W 26.94' along the northerly line of Sunset Road (also known as Van Wyck Road) (41.25' wide) to a point of curvature; thence,
- (12) Westerly along a curve to the right having a radius of 27.17', an arc distance of 38.39' to a point of tangency; thence,
- (13) N 43° -08'04" W 1151.98' along the northeasterly line of 5th Avenue (33' wide), to a concrete monument, thence,
- (14) N 41° -49' -11" W 493.87' continuing along the same to a point of curvature; thence,
- (15) Northwesterly along a curve to the left having a radius of 718.64', an arc distance of 62.14 and a chord of N 44°-17'-49" W 62.12' continuing along 5th Avenue to a point; thence,
- (16) N 40°-59'-45" W 123.48' along the southwesterly line of lands now or formerly of the Erie-Lackawanna Railroad to a point; thence,
- (17) N50° -13'-42" E 21.00' continuing along the same to a point; thence,
- (18) N 39° -46'18" W 41.90' continuing along the same to a point; thence,

- (19) N 34° -48' -41" W 130.49' continuing along the same to a point; thence,
- (20) Northwesterly along a non-tangent curve to the left having a radius of 1,080.51', an arc distance of 380.17' and a chord of N 44° -34' -54" W 378.21' continuing along the same to a non-tangent point of compound curvature; thence,
- (21) Northwesterly along a curve to the left having a radius of 998.14', an arc distance of 126.59' and a chord of N 63° -23' -52" W 126.51' continuing along the southwesterly line of lands now or formerly of the Erie-Lackawanna Railroad to the point or place of beginning.

Containing 8.383 acres of land, more or less.

Together with the right, title and interest of Grantor in and to lands to the centerline of Van Wyck Road (Sunset Road), and being all of the lands of Grantor, whether or not included in the above description, between the centerline of Van Wyck Road (Sunset Road) and the easterly line of Sickletown Road; and

Being the premises conveyed by John J. Smith and Wife to New York and Erie Railroad Company by deed dated December 10, 1838 and recorded April 16, 1839 in Rockland County Book N, page 108, and part of the premises conveyed to said railroad company by deeds from Thomas Blanch and Wife dated April 25, 1846 and recorded May 5, 1846 in Book R, page 446; from Henry D. Bell and Wife dated October 1838 recorded November 20, 1838 in Book M, page 410; and from Cornelius Lydecker and Wife dated October 26, 1838 recorded November 23, 1838 in Book M, page 424.

There is also conveyed and assigned to Grantee any and all claims, if any, which may arise against the State of New York Department of Transportation in connection with the appropriation of an easement over said premises in connection with the construction of a new bridge carrying Fifth Avenue so-called over the Hackensack River.

EXCEPTING AND RESERVING from the above conveyance a perpetual easement and right to lay, construct, maintain, use, repair, relocate, replace and operate a certain water main or mains and appurtenances thereto, together with an easement for ingress and egress in, upon, across and under that part of the aforesaid property described as follows:

Beginning at a point in the easterly line of Sickletown Road (41.25' wide), where the same is intersected by the southwesterly line of lands now or formerly of the Erie-Lackawanna Railroad, said point being distant 205.42 feet on a course of North 21 degrees, 11 minutes, 15 seconds East along the easterly line of Sickletown Road from a concrete monument marking the northeasterly line of Fifth Avenue; thence

- (1) North 21 degrees, 11 minutes, 15 seconds East 88.04 feet along the easterly line of Sickletown Road to the northeasterly line of lands now or formerly of the Erie-Lackawanna Railroad; thence
- (2) Southeasterly along the northeasterly line of said railroad, on a curve to the right having a radius of 1,086.14 feet, an arc distance of 140.48 feet and a chord bearing of South 63 degrees, 28 minutes, 15 seconds East and a chord length of 140.39 feet to a non-tangent point of compound curve; thence
- (3) continuing southeasterly along the northeasterly line of said railroad, on a curve to the right having a radius of 1,203.68 feet, and arc distance of 159.52 feet and a chord bearing of South 60 degrees, 41 minutes, 51 seconds East and a chord length of 159.40 feet to a point; thence
- (4) southwesterly, crossing lands of said railroad, South 24 degrees, 51 minutes, 49 seconds West 120.29 feet to a point on the southwesterly line of lands now or formerly of the said railroad; thence
- (5) [part of ¶5 description is missing]... railroad, on a curve to the left and having a radius of 1,080.51 feet, an arc distance of 173.11 feet and a chord bearing of North 50 degrees, 03 minutes, 59 seconds West and a chord length of 173.11 feet to a non-tangent point of compound curve; thence
- (6) continuing northwesterly along the southwesterly line of said railroad on a curve to the left having a radius of 998.14 feet and arc distance of 126.59 feet and a chord bearing of North 63 degrees, 23 minutes, 52 seconds West and a chord length of 126.51 feet to the easterly line of Sickletown Road and the point and place of beginning.

It is the intention of Grantor to convey said easement to Riverdale Realty, Inc., in the form and substance agreed to between Grantee and Rivervale, and Grantee by acceptance of this deed agrees to assume any obligations of Grantor in said easement agreement.

Together with the appurtenances and all the estate and rights of Grantor in and to said premises.

Title to the above-described property is being conveyed to:

- (1) Statutory and municipal requirements relating to the land and buildings;
- (2) Any state of facts that an accurate survey and an inspection of the premises would disclose;

- (3) Easements, covenants and restrictions of restrictions of record, if any;
- (4) Leases, easements, license privileges or other agreement for the use of the subject property;
- (5) Assessments, if any, for public improvement;

ALSO TOGETHER WITH

All of Grantor's interest in the agreements mentioned in (4) above.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee and its successors and assigns, forever.

The premises conveyed herein do not constitute all or substantially all of the assets of Erie Lackawanna Inc.

The Erie-Lackawanna Railroad Company was the successor-in-interest of the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company by virtue of a Joint Agreement of Merger made as of June 24, 1959, Interstate Commerce Commission Finance Docket No. 20707, recorded with the Secretary of State of the State of New York, October 17, 1960.

The Erie Lackawanna Railway Company was the success-in-interest of the Erie-Lackawanna Railroad Company by virtue of Agreement and Plan of merge as of April 1, 1968, recorded with the Secretary of State of the State of New York, April 1, 1968.

Erie Lackawanna Railway Company filed its petition in the United States District Court, The Northern District of Ohio, Eastern Division, for reorganization under Section 77 of the Bankruptcy laws of the United States and said petition was granted by Order No. 1 in Case No. B72-2838, dated and filed June 26, 1972.

By Order No. 1222 of said Court, Grantor succeeded to the property of the Debtor and its Trustees free and clear of all liens.

6) Said premises are more particularly described as follows:

All that certain plot, piece or parcel of land situate, lying and being in the Town of Orangetown, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at a point on the southerly line of Route 340 (Orangeburg Road), said point being the northeast corner of lands of Majoros; running thence:

1. Along the southerly line of Route 340 (Orangeburg Road) S 70°-37'-45" E, 137.63 feet; thence along a curve to the right having a radius of 546.36 feet an arc distance of 227.91 feet; thence S 46°-43'-45" E, 241.50 feet, thence
2. Along lands of Abbot S 43°-21'-25" W, 100.00 feet; thence

3. Along lands of the Rockland County Sewer District No. 1 N 46°-43'-45" W, 246.25 feet; thence N 61°-00'15" W, 181.24 feet, thence N 71°-33'-30" W, 145.38 feet; thence

4. Along lands of Majoros N 18°-26'-30" E. 109.17 feet to the point of place of BEGINNING.

Containing 62,445 square feet of land.

The name of the condemnee of the real property described above, the only one known, is the following:

GUS ZACHARAKIS, residing at Christian Herald Road, Valley Cottage, New York, who is reputed to be the sole owner of the premises, as shown from a search of the records in the Office of the Clerk of the County of Rockland.

7) ALL that certain plot, piece of parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, County of Rockland, State of New York

Beginning at a point in the westerly line of the New York Central Railroad, West Shore Division, where the same is intersected by the assumed northeasterly line of Leber Road; and running thence,

- (1) N 29°-10'-57" W 125.00' Along the assumed northeasterly line of Leber Road to a point; thence,
- (2) N 18°-11'-52" W 108.96' continuing along the same to a point; thence,
- (3) N 02°-42'-52" W 168.17' continuing along the same to a point; thence,
- (4) N 30°-30'-27" E 121.18' along lands now or formerly of Gibson to a point; thence,
- (5) S 03°-50'-35" E 69.99' along the westerly line of the New York Central Railroad to a point; thence,
- (6) S 05°-03'-21" E 416.81' continuing along the same to the point or place of beginning.

Containing 25,200 square feet of land more or less

8) All that certain plot, piece or parcel of land situate, lying and being in the Town of Orangetown, County of Rockland and State of New York. Being more fully bounded and described as follows:
BEGINNING at a point on the southerly line of Route 340 (Orangeburg Road), said point being the northwest corner of lands of Zacharakis, running thence;

1. Along lands of Zacharakis S 18° 26' 30" W, 109.17 feet; thence
2. Along lands of the Rockland County Sewer District Number One N 71° 33' 30" W, 288.23 feet; thence N 41° 14' 15" E, 122.65 feet; thence
3. Along the southerly line of Route 340 (Orangeburg Road) S 70° 37' 45" E, 240.74 feet to the point or place of BEGINNING.

Containing 29, 434 square feet of land.

The name of the condemnee of the real property described above, the only one known, is the following:

STEVE MAJOROS, c/o Union & Main Streets, Sparkill, New York, who is reputed to be the sole owner of the premises, as shown from a search of the records in the Office of the Clerk of the County of Rockland.

WHEREAS, the maximum amount proposed to be expended for the Improvements is \$22,100,000 which is planned to be financed by the issuance of \$22,100,000 serial bonds of the Town and shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, a portion of such benefit to be determined and ascertained by virtue of the assessed value of all real property within the District, as further described in the map, plan and report;

WHEREAS, said village sewer systems, hereinabove described, are to be acquired by gift at no cost to the Town or the District; and

WHEREAS, said transfer and/or reallocation of real and personal property of the Town of Orangetown's Sewer Collection and Treatment System to the District, hereinabove described, is to be acquired by the District; and

WHEREAS, the expense of the establishment and maintenance of the District shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, a portion of such benefit to be determined and ascertained by virtue of the assessed value of all real property within the District, as further described in the map, plan and report;

Now, therefore, be it

DETERMINED AND STATED that the estimated cost of hook-up fees is \$200.00 for new connections and the estimated cost of the establishment of the District to the Typical Property (as defined in Town Law) is \$244.00, and the cost to the typical two family home is \$343.14; compared to the current town annual sewer cost of \$230.85 and \$263.80, respectively, and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed, and further that cost of the establishment to such typical property is not above the Average Estimated Cost to Typical Properties for the establishment of similar types of extensions as computed by the State Comptroller; and be it further

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 26 Orangeburg Road, Orangeburg, New York, in the Town, on the 8th day of August, 2005, at Eight (8) o'clock P.M., to consider (i) the establishment of the proposed District, (ii) the

transfer and/or reallocation of real and personal property of the Town of Orangetown's Sewer Collection and Treatment System to the District, and (iii) the reconstruction of sewer facilities as described in the map, plan and report, all as hereinabove referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in "*The Journal News*," a newspaper hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid, and mail by first class mail to each owner of the taxable real property in the District, a notice of such public hearing in substantially the form attached hereto designated Exhibit "A"; and be it


FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of a copy of this Order.

DATED: JULY 18, 2005

TOWN BOARD OF THE TOWN OF ORANGETOWN




Supervisor



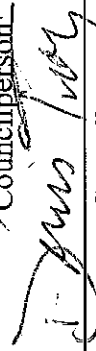
Councilperson



Councilperson



Councilperson



Councilperson

(SEAL)

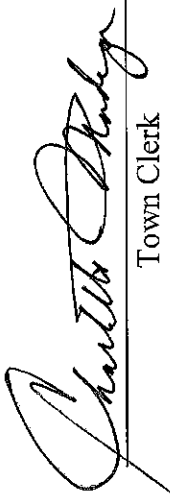
Members of the Town Board of the Town of Orangetown, in the County of Rockland, New York

STATE OF NEW YORK)
 :SS:
COUNTY OF ROCKLAND)

I, Charlotte Madigan, Town Clerk of the Town of Orangetown, in the County of Rockland, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 22 day of July, 2005, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 22 day of July, 2005.

(SEAL)



Town Clerk

STATE OF NEW YORK)
 : ss:
COUNTY OF ROCKLAND)

Charlotte Madigan, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Orangetown, in the County of Rockland, State of New York;

That on the ~~22~~ day of July, 2005, she caused to be conspicuously posted and fastened up a certified copy of an Order Calling Public Hearing duly adopted by the Town Board of said Town on July 18, 2005, a true copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law.

Subscribed and sworn to before me
this ~~22~~¹⁸ day of July, 2005.

Harriet Marini
Notary Public, State of New York

HARRIET MARINI
Notary Public, State of New York
No. 01MA5081081
Qualified in Rockland County
Commission Expires June 30, 2007


Town Clerk

EXHIBIT

7-F-05 7/18/05

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Orangetown, in the

County of Rockland, New York

July 18, 2005

* * *

A regular meeting of the Town Board of the Town of Orangetown, in the County of Rockland, New York, was held at the Town Hall, Orangeburg, New York, on July 18, 2005 at

7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Thom Kleiner, Supervisor; and

Board Members:

Councilman Denis O'Donnell
Councilman Denis Troy
Councilwoman Marie Manning
Councilman Thomas A. Morr

There were absent: None

Also present: Charlotte Madigan, Town Clerk

* * *

Councilwoman Manning offered the following resolution and moved its

adoption:

BOND RESOLUTION OF THE TOWN OF ORANGETOWN, NEW YORK, ADOPTED JULY 18, 2005, AUTHORIZING THE PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR SEWER SYSTEM IMPROVEMENT PROJECTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF ORANGETOWN, IN THE COUNTY OF ROCKLAND , NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Orangetown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare engineering and design plans and specifications relating to proposed sewer system improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,000,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$2,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 (2nd) of the Law, is five (5) years.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. The proposed maturity of the bonds authorized by this resolution will not exceed five years.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and the powers and duties relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The

Journal News," a newspaper having general circulation in the Town and hereby designated the official newspapers of the Town for such publication.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner

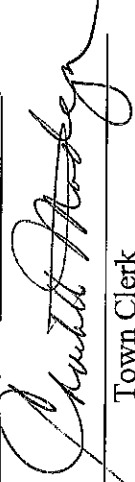
NOES: None

CERTIFICATE

I, Charlotte Madigan, Town Clerk of the Town of Orangetown, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Orangetown duly called and held on January 29, 2002, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Orangetown this

19th day of July, 2005.


Town Clerk

(SEAL)