

**SUPREME COURT - STATE OF NEW YORK
ORANGE COUNTY**

To commence the statutory time period of appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

PRESENT: HON. FRANCIS A. NICOLAI
Justice.

-----X
In the Matter of the Application of the County of Orange,

Index No. 8513/09
Motion Date: 8/10/10

Petitioner,

For a Judgment pursuant to CPLR Article 78

-against-

:

DECISION

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

Respondents. :

-----X

The following papers numbered 1 to 67 read on this motion by Village of Woodbury, Village of Harrison and the Town of Woodbury to intervene in and reinstate the County's Article 78 Petition.

- Notice of Motion-Affidavits 1
- Answering Affidavits 7, 26, 53, 67
- Replying Affidavits 62, 65, 66
- Pleadings-Exhibits-Stipulations-Minutes 2-5, 8-25, 27-52, 54-60, 63-64
- Briefs: Intervenor 5
- Defendant 61

Motion is decided as follows:

The Village of Harriman ("Harriman"), Town of Woodbury ("Town") and Village of Woodbury ("Village") bring on this petition to challenge the Amended Final Environmental Impact Statement ("AFEIS") and findings regarding the environmental impacts of the Village of Kiryas Joel's ("KJ") proposed connection to the Catskill Aqueduct ("pipeline").

The County entered into an agreement providing for the expansion of the Harriman Waterwaste Treatment Plan. Counsel for the Village of Woodbury participated in discussions was fully cognizant of the Expansion Agreement and did not object to it.

The County states at no time during these protracted discussions did the municipalities seek to intervene in either litigation. The Village of Woodbury not only acquiesced in the settlements but agreed to the settlement of the sewer litigation.

After a review of all documents submitted the Court denies the application of the Village

of Harriman, Town of Woodbury and Village of Woodbury to bring on this action to intervene.

The Article 78 proceeding relating to the sewer issue and the pipeline were settled and the action withdrawn.

The Villages and Town had every opportunity and did participate in discussions and reaching a compromise. However, neither the Villages nor the Town intervened in the original proceedings.

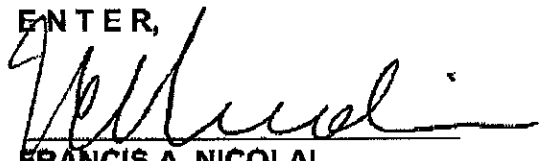
The matters herein were globally settled and the present action to intervene is denied

This constitutes the Decision and Order of this Court.

Dated: Carmel, New York

10/29/2010

ENTER,



FRANCIS A. NICOLAI
J.S.C.

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