



CITY OF NEWBURGH  
COUNCIL MEETING AGENDA  
September 23, 2013  
7:00 pm

Mayor:

1. Prayer
2. Pledge of Allegiance

City Clerk:

3. Roll Call

Communications:

4. Approval of the minutes of the City Council meeting of September 12, 2013.

Comments from the public regarding the agenda:

Comments from the Council regarding the agenda:

City Manager's Report:

5. Resolution No. 195 - 2013  
A resolution rejecting all bids received in connection with the City of Newburgh construction of Tyrone H. Crabb Memorial Park.
6. Resolution No. 196 - 2013  
A resolution authorizing an extension of time to complete the contract work in connection with the water pollution control plant improvements project with Blue Heron Construction Co., LLC for general construction services and DJ Heating and Air Conditioning, Inc. for HVAC construction services and the execution of no-cost change order.
7. Resolution No. 197 - 2013  
A resolution authorizing the execution of a change order in the amount of \$23,200.00 to the contract with Sun-Up Enterprises, Inc. for additional work in connection with the Chambers Street Streetscaping Improvements Project.
8. Resolution No. 198 - 2013  
A resolution of the City Council of the City of Newburgh, New York supporting the establishment of a local satellite office of immigration to serve the Hudson Valley.

9. Resolution No. 199 - 2013

A resolution authorizing the interim City Manager to apply for and accept if awarded a Safe Places to Play grant from the United States Soccer Foundation in the amount of \$65,000.00 for the installation of Sport Court to resurface the tennis courts at the Delano-Hitch Stadium.

10. Resolution No. 200 - 2013

A resolution of the City Council of the City of Newburgh amending Resolution No. 223-2012, the 2013 Budget for the City of Newburgh, New York to transfer \$59,150.00 from auditing services to planning and management development – other services to pay Wallace, Roberts and Todd for the final nomination study in connection with the Brownfield Opportunity Area Program grant from the New York State Department of State for the Northern Newburgh Brownfield Opportunity Area.

11. Resolution No. 201 – 2013

A resolution authorizing the interim City Manager to execute a professional engineering services contract extension with Stantec Consulting Services, Inc. for the stabilization and repair of the Combined Sewer Overflow outfall No. 12 and amending Resolution No. 223-2012, the 2013 Budget for the City of Newburgh.

Old Business:

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

RESOLUTION NO.: 195 - 2013

OF

SEPTEMBER 23, 2013

**A RESOLUTION REJECTING ALL BIDS RECEIVED  
IN CONNECTION WITH THE CITY OF NEWBURGH  
CONSTRUCTION OF TYRONE H. CRABB MEMORIAL PARK**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the construction of Tyrone H. Crabb Memorial Park ("the Project"); and

WHEREAS, three (3) bids were received and opened; and

WHEREAS, upon review of the bids it has been determined that the cost of all bids received exceed the funding available for the Project; and

WHEREAS, in order to continue with the project, the City requires an extension to the Environmental Protection Fund Grant from the New York State Office of Parks, Recreation & Historic Preservation, to re-allocate Community Development Block Grant funds and allocate additional funds for the Project in the City's 2014 annual budget; and

WHEREAS, this Council has determined that rejecting all bids, obtaining an extension to the grant, re-allocating the CDBG funds and allocating additional funds for the Project in the 2014 budget is in the best interests of the City of Newburgh and the Project;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that all bids received in connection with the City of Newburgh Tyrone H. Crabb Memorial Park Construction Project be and are hereby rejected; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh to address the funding gap in the costs of the Project by obtaining an extension to the grant, re-allocating the CDBG funds and allocating additional funds for the Project in the 2014 budget and re-bidding the construction of the Project upon the adoption of the City's 2014 budget.

RESOLUTION NO.: 196 - 2013

OF

SEPTEMBER 23, 2013

A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE CONTRACT WORK IN CONNECTION WITH THE WATER POLLUTION CONTROL PLANT IMPROVEMENTS PROJECT WITH BLUE HERON CONSTRUCTION CO., LLC FOR GENERAL CONSTRUCTION SERVICES, HUDSON VALLEY ELECTRICAL C&M, INC. FOR ELECTRICAL SERVICES AND DJ HEATING & AIR CONDITIONING, INC FOR HVAC CONSTRUCTION SERVICES AND THE EXECUTION OF A NO-COST CHANGE ORDER

WHEREAS, by Resolution No. 167-2012 of September 24, 2012, the City Council of the City of Newburgh accepted bids and awarded contracts to Blue Heron Construction Co., LLC for general construction services, Hudson Valley Electrical C&M Inc. for electrical services and DJ Heating & Air Conditioning, Inc. for HVAC construction services (collectively referred to as "the construction contracts") in connection with the Water Pollution Control Plant Improvements Project ("the Project"); and

WHEREAS, substantial completion of the construction phase of the Project was scheduled for September 26, 2013 and final completion of the construction phase of the Project was scheduled for October 21, 2013; and

WHEREAS, there is a manufacturing delay in the delivery of the sludge mixer which will affect the schedule of the installation of the equipment; and

WHEREAS, Malcolm Pirnie, Inc./ARCADIS, the City's project manager, is recommending that the City grant an eight (8) week time extension to the construction contracts for the delivery and installation of the sludge mixer which will extend the substantial completion of the construction phase to November 21, 2013 and final completion of the construction phase of the Project to December 16, 2013; and

WHEREAS, the extension of time for completion of the Project will be a no cost to the City; require a change order to the construction contracts; and will not affect the City's compliance with the NYS Department of Environmental Conservation Consent;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he hereby is authorized to execute a no-cost change order to the construction contracts for the Water Pollution Control Plant Improvements Project and that the completion time for the construction contracts is extended eight weeks for substantial completion of the construction phase by November 21, 2013 and final completion of the construction phase of the Project by December 16, 2013.

RESOLUTION NO.: 197, 2013

OF

SEPTEMBER 23, 2013

A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER  
IN THE AMOUNT OF \$23,200.00 TO THE CONTRACT WITH  
SUN-UP ENTERPRISES, INC. FOR ADDITIONAL WORK IN CONNECTION WITH  
THE CHAMBERS STREET STREETSCAPING IMPROVEMENTS PROJECT

WHEREAS, by Resolution No. 116-2013 of June 17, 2013, the City Council of the City of Newburgh awarded a bid and authorized the Interim City Manager to execute a contract with Sun-Up Enterprises, Inc. for the Chambers Street Streetscaping Improvements Project; and

WHEREAS, due to unforeseen conditions encountered on site including a underground vault and some curb alignment changes requested by the Newburgh Fire Department, certain additional work is required at an additional cost of \$23,200.00 and such additional work will require the execution of a change order to the contract with Sun-Up Enterprises, Inc.; and

WHEREAS, funding for such additional work shall be derived from budget code CD1.8686.448.8065.2013; and

WHEREAS, this Council has determined that executing the change order for the additional work is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be and he hereby is authorized to execute a change order to the contract with Sun-Up Enterprises, Inc. for additional work in the amount of \$23,200.00 in connection with the Chambers Street Streetscaping Improvements Project.

RESOLUTION NO.: 198 -2013

OF

SEPTEMBER 23, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK  
SUPPORTING THE ESTABLISHMENT OF A LOCAL SATELLITE OFFICE OF  
IMMIGRATION TO SERVE THE HUDSON VALLEY

WHEREAS, The United States of America has indicated support to make our Naturalization process less burdensome to complete; and

WHEREAS, many residents in our area are otherwise entitled to become citizens except for mandated trips to New York City; and

WHEREAS, the cost is computed to be over \$1.9 million a year in lost wages, lost productivity and actual out of pocket expense to residents and industry in the Hudson Valley; and

WHEREAS, these residents have neither the time nor the necessary funds to complete these mandated expeditions; and

WHEREAS, our local representatives, Congressman Sean Patrick Maloney, Congressman Chris Gibson, Congresswoman Nita Lowey along with New York State Senator Bill Larkin and Assemblyman Frank Skartados have indicated support for the most manageable, accommodating and economical process for our citizens possible; and

WHEREAS, presently thousands of our residents who are waiting to become citizens must endure the hardship of leaving their homes and places of employment plus the expense of traveling to New York City to complete the naturalization process;

NOW THEREFORE BE IT RESOLVED, that future citizens of the Hudson Valley in the State of New York have the ability to have their naturalization requirements completed locally at a centrally located establishment in the Hudson Valley rather than force them to travel to New York City; and

BE IT FURTHER RESOLVED, that the United States Government will provide the employee support and required equipment to run a satellite office in the Hudson Valley for the Naturalization procedure one to two days per month.

MOVED BY \_\_\_\_\_

SECOND BY \_\_\_\_\_

On this day \_\_\_\_\_ of \_\_\_\_\_ 2013

RESOLUTION NO.: 199 -2013

OF

SEPTEMBER 23, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO APPLY FOR AND ACCEPT IF AWARDED A SAFE PLACES TO PLAY GRANT  
FROM THE UNITED STATES SOCCER FOUNDATION  
IN THE AMOUNT OF \$65,000.00  
FOR THE INSTALLATION OF SPORT COURT TO RE-SURFACE  
THE TENNIS COURTS AT THE DELANO-HITCH RECREATION PARK

WHEREAS, the United States Soccer Foundation offers a Safe Places to Play Grant Program to install Sport Court, which is a modular, non-turf sports surface for small-sided soccer or futsal; and

WHEREAS, the grant can be used to install Sport Court at the tennis courts located at the Delano-Hitch Recreation Park and would provide additional recreational opportunities for the youth of the City of Newburgh; and

WHEREAS, such grant is in the form of an in-kind credit with the vendor providing the product and installation of the product and which funding shall be in an amount not to exceed Sixty Five Thousand (\$65,000.00) Dollars; and

WHEREAS, this Council has determined that making such application and accepting such funds if awarded is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a Safe Places to Play Grant from the United States Soccer Foundation in an amount not to exceed \$65,000.00 for the installation of Sport Court to re-surface the tennis courts located at the Delano-Hitch Recreation Park.

RESOLUTION NO.: 200 - 2013

OF

SEPTEMBER 23, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH AMENDING RESOLUTION NO: 223-2012, THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER FIFTY-NINE THOUSAND ONE HUNDRED FIFTY (\$59,150.00) DOLLARS FROM AUDITING SERVICES TO PLANNING AND MANAGEMENT DEVELOPMENT - OTHER SERVICES TO PAY WALLACE, ROBERTS AND TODD FOR THE FINAL NOMINATION STUDY IN CONNECTION WITH THE BROWNFIELD OPPORTUNITY AREA PROGRAM GRANT FROM THE NEW YORK STATE DEPARTMENT FOR THE NORTHERN NEWBURGH BROWNFIELD OPPORTUNITY AREA

WHEREAS, the City of Newburgh is eligible to apply to the New York State Department of State Brownfield Opportunity Area Program for a grant to complete an Implementation Strategy for the re-development of a 137 acre area characterized by at least two large brownfield sites that are located within the northern section of the City of Newburgh with the primary objective to return long dormant brownfield sites to productive economic and social use; and

WHEREAS, a completed Nomination Study is required in order for the City of Newburgh to make an application to the New York State Department of State for Brownfield Opportunity Area Program grant at the Step 3 Implementation Strategy Phase; and

WHEREAS, Wallace, Roberts and Todd has completed a Nomination Study for this 137 acre site and requires a payment of Fifty-nine Thousand One Hundred Fifty (\$59,150.00) Dollars for the completed Nomination Study;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to make a payment of Fifty-nine Thousand One Hundred Fifty (\$59,150.00) Dollars to Wallace, Roberts and Todd for the completed Nomination Study and that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1976 - Auditing Services	\$59,150.00	
A.8684 - Planning and Management Development .0448 - Other Services		\$59,150.00

RESOLUTION NO.: 201 -2013

OF

SEPTEMBER 23, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES CONTRACT  
EXTENSION WITH STANTEC CONSULTING SERVICES, INC. FOR  
THE STABILIZATION AND REPAIR OF THE COMBINED SEWER OVERFLOW  
OUTFALL NO. 12 AND AMENDING RESOLUTION NO. 223-2012, THE 2013  
BUDGET FOR THE CITY OF NEWBURGH, NEW YORK

WHEREAS, by Resolution No. 154-2013 of July 15, 2013, the City Council of the City of Newburgh, New York authorized the Interim City Manager to retain the services of a qualified engineering firm and contractor to investigate and evaluate the immediate problems with Combined Sewer Overflow ("CSO") Outfall No. 12 and to determine the necessary work to stabilize and repair the CSO Outfall No. 12.

WHEREAS, Stantec Consulting Services, Inc. was retained by the City and has investigated the problem and provided an Engineering Opinion of Probable Cause of CSO Outfall No. 12, as well as Recommendations and Opinion of Probable Costs for the design, permitting and construction costs of the necessary stabilization and repairs for a total estimated project cost of \$282,000.00; and

WHEREAS, this Council finds that it is in the best interests of the City of Newburgh to enter into a contract extension with Stantec to complete the design and permitting phase of the repair project at a cost of \$80,266.00;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, that the Interim City Manager be and he hereby is authorized to execute a contract extension with Stantec Consulting Services, Inc. for professional services in connection with the design and permitting phase of the repair to the CSO Outfall No. 12; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh that Resolution No. 223-2012, the 2013 Budget of the City of Newburgh is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
G.8120.494 Bond Issuance Expense	\$45,360.00	
G.8130.200 Equipment/Infrastructure	\$40,000.00	
G.8120.448 Other Services		\$85,360.00