

RESOLUTION NO.: 198 -2014

OF

AUGUST 11, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
A PROPOSAL AND EXECUTE AN AGREEMENT WITH
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)
FOR ASBESTOS AND LEAD PAINT SURVEYS FOR THE GREENHOUSE DEMOLITION
PROJECT AT DOWNING PARK AT A COST OF \$3,094.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for asbestos and lead paint surveys in connection with the Greenhouse Demolition Project located within Downing Park; and

WHEREAS, the proposal includes lead paint and asbestos evaluation, testing and sampling; and

WHEREAS, the cost for these services will be \$3,094.00 and funding shall be derived from CD1.8686.0110.8155.2013; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

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 accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for asbestos and lead paint surveys for the Downing Park Greenhouse Demolition Project, 207 Carpenter Avenue, Newburgh, New York at a cost of \$3,094.00.

QuES&T

Quality Environmental Solutions & Technologies, Inc.

July 30, 2014

City of Newburgh
83 Broadway
Newburgh, NY 12550

ATTN: Jason Morris

Via E-mail: jmorris@cityofnewburgh-ny.gov

Re.: City of Newburgh: Greenhouse, 207 Carpenter Avenue, Newburgh, NY – 2014 Demolition Project
Request for Proposal – Pre-Demolition Asbestos & Lead Survey

Dear Mr. Morris,

Quality Environmental Solutions & Technologies, Inc. (QuES&T) is pleased to submit the attached proposal to perform a Pre-Demolition Asbestos & Lead Survey throughout the interiors and exteriors of vacant, inactive Former Greenhouse, located at 207 Carpenter Avenue, Newburgh, New York.

QuES&T is a NYS Certified Minority Business Enterprise committed to remaining a leader in the environmental training and technical consulting industry. QuES&T's extensive Nuclear Power Industry experience makes us uniquely qualified to provide technical support in state-of-the-art techniques for engineering and contamination control. Additionally, this experience enables us to integrate the essential concepts of "critical path" schedules and minimizing personnel exposures while maintaining a high level of attention to the specific details of each project. QuES&T personnel satisfy numerous ANSI and NUREG experience requirements of the Nuclear Regulatory Commission. Our staff has served in various capacities in the Health Physics and Nuclear Engineering disciplines in operational power reactors, nuclear powered vessels, radio-pharmaceuticals and government prototypes.

We are confident you recognize that selection of a qualified technical consultant for professional services, such as pre-construction inspection, project design, project management and air monitoring, represents a step as critical as selecting a reputable environmental remediation contractor. QuES&T feels strongly that the success of any remediation project is defined primarily in the planning and design phase. A technically sound project design combined with proper oversight provides the most cost-effective solution and ensures the gains recognized are not at the expense of future liability to the City of Newburgh.

In this regard, QuES&T has successfully completed remediation projects, for our client companies, in support of Nuclear and Fossil commercial power plant maintenance outages, facility renovation and demolition, cGMP facility upgrades, recovery from contamination following catastrophic events (e.g. steam line explosions, fires), school building renovations, Corporate asbestos management programs, facility Operations & Maintenance (O&M) programs, UST removals, sub-surface investigations, contaminated soil remediation, LBP stabilization and commercial/residential asbestos & lead abatements.

Technical consulting services are available in the area of regulatory compliance audits, OSHA safety, air monitoring, respiratory protection, laboratory services, building hazard assessments (EPA, HUD, commercial), LBP Risk Assessments, management plans, NYS/NESHAP pre-demolition inspections and full scope project management; including development of remediation response actions and management of all required project and personnel records. Our staff of experienced environmental professionals can prepare all required specifications and procedures to ensure your programs comply with federal, state and municipal regulatory requirements.

QuES&T offers a wide range of OSHA and environmental safety training. Our full range of asbestos safety certification training ensures that our client's employees receive the appropriate training to maximize their safety and minimize your liability. QuES&T offers accredited initial and refresher training programs for Operations & Maintenance (O&M), Asbestos Abatement Workers and Supervisors, Project Monitors, Asbestos Project Sampling Technicians (RH-II), Asbestos Project Designers, Asbestos Inspectors (RH-III) and Management Planners. Our accredited training facility (EPA, NYS) contains the most modern equipment to support the hands-on portion of each training program. On-site training services are available for groups of at least twenty-five students and can be tailored to meet the specific needs of the City of Newburgh.

QuES&T provides a full range of services in the area of Respiratory Protection. Our technical staff has extensive experience in the development of regulatory compliance programs for NUREG 0041 and OSHA 1910.134 Respiratory Protection Programs. Quantitative or qualitative respirator fit services can be provided at QuES&T's facility or yours.

For additional information concerning this submittal, please contact me at (845) 298-6031. We look forward to working with the City of Newburgh in the environmental consulting and remediation services area.

Sincerely,



Paul A. Rodriguez
Director, Field & Technical Services
NYS/AHERA Inspector/Project Designer
Cert. #AH 02-04344
EPA Lead Inspector/Lead Risk Assessor

Cc: QuES&T File

PRE-DEMOLITION ASBESTOS & LEAD SURVEY
for
CITY OF NEWBURGH
83 Broadway
Newburgh, New York 12550
at
GREENHOUSE – 2014 DEMOLITION PROJECT
207 Carpenter Avenue
Newburgh, New York 12550

QuES&T agrees to provide the following services:

➤ *Pre-Demolition Surveys*

■ **Item 1 – Pre-Demolition Asbestos Survey**

Provide Niton-certified XRF Technician

- Provide certified NYS/AHERA Asbestos Inspector(s) to perform a Pre-Demolition Asbestos Survey(s), in compliance with the requirements of Title 12 NYCRR Part 56-5.1 and 29 CFR 1926.1101, throughout the interiors and exteriors of the above-referenced location(s) as detailed on Page #1 of this proposal.
- QuES&T will review building/structure plans and records, provided by the Owner and/or the Owner's Representative(s), for references to asbestos, ACM, PACM, suspect miscellaneous ACM or asbestos materials used in construction, renovation or repair in the affected building area(s).
- As necessary, perform collection and analysis of suspect "friable" Asbestos-containing Material (ACM) using Polarized Light Microscopy (PLM) analytical protocol.
- As necessary, perform collection and analysis of suspect "non-friable organically bound" Asbestos-containing Material (ACM) using both Polarized Light Microscopy-NOB (PLM-NOB) and Confirmatory Quantitative Transmission Electron Microscopy (QTEM) analytical protocols.
- Discussion of laboratory results for all bulk samples (PLM & PLM-NOB/QTEM).
- Documentation of all analytical laboratory certifications.
- Preparation of one (1) Final Report identifying estimated quantities, locations, types, and conditions of identified ACM.

QuES&T Services – CONT'D

■ **Item 2 – Limited Lead-Based Paint Survey**

- Provide Niton-certified XRF Technician(s) to perform representative In-Situ measurements using a Niton Model XLp 300A XRF Meter on painted surfaces and immovable objects potentially affected by scheduled demolition/renovation activities, as described by Jason Morris, City Engineer of the City of Newburgh.
- Locations and quantity of representative In-Situ measurements will be based on the observed homogeneity of painted surfaces.
- Sequential and summary reports will be provided of all surfaces tested.
- Preparation of one (1) Final Summary Report identifying lead-based paint(s), lead-containing materials, and condition of Lead-Based Paints (LBP).

PRE-DEMOLITION ASBESTOS & LEAD SURVEY
for
CITY OF NEWBURGH
83 Broadway
Newburgh, New York 12550
at
GREENHOUSE – 2014 DEMOLITION PROJECT
207 Carpenter Avenue
Newburgh, New York 12550

This proposal is based on the following assumptions:

- **QuES&T** shall perform all inspections visually; using reasonable care and judgment. Limited localized demolition will be performed to access representative concealed surfaces, as practicable. The *City of Newburgh (The Owner)* recognizes & agrees that ACM/LBP concealed within structural components & accessible only through extensive mechanical or structural demolition may not be identified as part of this survey.
- **QuES&T** shall perform “temporary” patching of interior Ceiling & Wall materials and exterior Roofing/rooftop sampling locations. **QuES&T** does not guarantee patching performed, and bears no responsibility for the failing of patches and/or damage(s) caused to buildings/interiors/components/etc. The *City of Newburgh (The Owner)* may elect to hire an independent Roofing/General Contractor to accompany **QuES&T** inspection personnel and perform required patching accordingly.
- **QuES&T** shall not be responsible for damage caused to building finishes, surfaces or equipment by sampling. Responsibility and cost for repair of damaged building finishes, surfaces and/or equipment shall be by the *City of Newburgh (The Owner)*.
- **QuES&T** will exercise reasonable caution to minimize disturbance of ACM/LBP during the inspection process. However, clean-up of ACM/LBP disturbed or dislodged during the inspection process shall be the responsibility of the *City of Newburgh (The Owner)*.
- The *City of Newburgh (The Owner)* responsible for providing immediate access into all inspection areas and securing same upon completion.
- Inspection work to be conducted during normal weekday “Business Hours” (M-F; 9am-5pm).
- Laboratory sample analysis turnaround times (TAT) shall be five (5) Business Days. TAT commences upon laboratory receipt of samples, and does not include weekends or holidays.
- **QuES&T** shall commence terms of this contract upon receipt of written Notice to Proceed and/or Purchase Order (PO) number.

PRE-DEMOLITION ASBESTOS & LEAD SURVEY
for
CITY OF NEWBURGH
83 Broadway
Newburgh, New York 12550
at
GREENHOUSE – 2014 DEMOLITION PROJECT
207 Carpenter Avenue
Newburgh, New York 12550

*****PRICING*****

➤ **PRE-DEMOLITION ASBESTOS & LEAD SURVEY**

Asbestos Inspector Labor (1 Inspector, ½ Day @ \$320/each)	\$ 320.00
Technician Ass't Labor (1 Tech, ½ Day @ \$275/each)	\$ 275.00
PLM Asbestos Bulk Analysis – 60* @ \$14/layer	\$ 840.00*
QTEM/PLM Asbestos Bulk Analysis – 25* @ \$41/layer	\$ 984.00*
1 – Final Pre-Demo Asbestos Report w/ACM Location Drawings	\$ 300.00
XRF Lead Analyzer Equipment (1 Day @ \$175/day)	\$ 175.00
1 – Final Lead Summary Report w/o Drawings	\$ 150.00
Travel, S&H & Misc. Materials (1 day @ \$50/day)	\$ 50.00
Lump Sum Total :	\$ 3,094.00

NOTES:

1. Estimated number of samples to be collected/analyzed.
2. Client shall be charged for actual samples analyzed and services rendered.
3. Sample analysis costs to be added to Lump Sum services/costs.
4. Additional services required shall be billed in accordance with attached 2014 QuES&T Unit Rates.
5. Pricing valid until December 31, 2014.

PRE-DEMOLITION ASBESTOS & LEAD SURVEY
for
CITY OF NEWBURGH
83 Broadway
Newburgh, New York 12550
at
GREENHOUSE – 2014 DEMOLITION PROJECT
207 Carpenter Avenue
Newburgh, New York 12550

ACCEPTANCE OF PROPOSAL #P14-3963

Payment Terms: Billing increments will be at approximately two-week intervals. Payment Shall Be Net 15 Days; Following Delivery Of Invoice. To Execute This Agreement, Please Review, Sign, Date & Return Two Copies of the signed proposal. A fully executed copy will be sent for your records. Late Payments Shall Be Assessed a Penalty of 1.5% per Month.

City of Newburgh – Authorized Representative:

By _____ Signature _____ Print Name & Title _____ Date _____

Quality Environmental Solutions & Technologies, Inc.:

By _____ Signature _____ Paul A. Rodriguez, _____ Date _____
Director, Field & Technical Services

QuES&T

Quality Environmental Solutions & Technologies, Inc.

I. ASBESTOS SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Sr. Principal: \$225/Hr ST; \$255/Hr OT
- Principal: \$185/Hr ST; \$225/Hr OT
- Project Manager: \$90/Hr ST/OT
- EPA/NYS DOL/NYCDEP Asbestos Inspector:
 - \$320/4-hr day Includes Calibrated Area A/S Equipment
 - \$500/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 80/hr OT
- EPA/NYS DOL Combined Project Monitor/Air Sampling Technician:
 - \$275/4-hr day Includes Calibrated Area A/S Equipment
 - \$400/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 75/hr; OT

Item 2: Asbestos Laboratory Services

- A/S Sample Analysis (PCM):
 - \$ 12/Sample Includes 72-hr turn-around of results
 - \$ 15/Sample Includes 24-hr turn-around of results
 - \$ 17/Sample Includes 6-hr turn-around of results
 - \$ 20/Sample Includes Rush turn-around of results.
- A/S Sample Analysis (AHERA-TEM):
 - \$100/Sample Includes 48-hr turn-around of results
 - \$125/Sample Includes 24-hr turn-around of results
 - \$175/Sample Includes 12-hr turn-around of results
 - \$225/Sample Includes 6-hr turn-around of results
- Bulk Sample Analysis (PLM):
 - \$ 14/Layer Includes 7 day turn-around of results
 - \$ 16/Layer Includes 5 day turn-around of results
 - \$ 20/Layer Includes 72-hr turn-around of results
 - \$ 25/Layer Includes 24-hr turn-around of results
 - \$ 30/Layer Includes 12-hr turn-around of results
 - \$ 45/Layer Includes Rush turn-around of results
- Bulk Sample Analysis (PLM-NOB):
 - \$ 16/Layer Includes 7 day turn-around of results
 - \$ 23/Layer Includes 5 day turn-around of results
 - \$ 30/Layer Includes 48-hr turn-around of results
 - \$ 40/Layer Includes 24-hr turn-around of results
 - \$ 60/Layer Includes 12-hr turn-around of results
- Bulk Sample Analysis (QTEM):
 - \$ 25/Layer Includes 7 day turn-around of results
 - \$ 50/Layer Includes 5 day turn-around of results
 - \$ 65/Layer Includes 48-hr turn-around of results
 - \$ 70/Layer Includes 30-hr turn-around of results
 - \$ 110/Layer Includes 12-hr turn-around of results

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

II. SAFETY & ENVIRONMENTAL SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Certified Industrial Hygienist: \$175/Hr ST; \$215/Hr OT
- Certified Safety Professional: \$175/Hr ST; \$215/Hr OT
- EPA LBP Inspector/Risk Assessor: \$ 90/Hr ST/OT
- IH Tech:
 - \$320/4-hr day Includes Calibrated Area A/S Equipment
 - \$500/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 80/hr; OT

Item 2: Laboratory Services

- Lead - Air/Paint Chip/Dust Sample Analysis (AAS/FLAA):
 - \$ 20/Sample Includes 3-5 Day turn-around of results
 - \$ 25/Sample Includes 48-hr turn-around of results
 - \$ 30/Sample Includes 24-hr turn-around of results
 - \$ 45/Sample Includes 6-hr turn-around of results
- PCB - Bulk Material Sample Analysis:
 - \$100/Sample Includes 5 Day turn-around of results
 - \$150/Sample Includes 3 Day turn-around of results
 - \$200/Sample Includes 48-hr turn-around of results
 - \$250/Sample Includes 24-hr turn-around of results

Item 3: Equipment Charges

- Niton XRF: \$175/Day
- Electrical Generator: \$ 75/Day (2-Day Minimum)
- SCBA: \$300/Day
- Confined Space Tripod: \$ 150/Day

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

III. INDUSTRIAL HYGIENE SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Certified Industrial Hygienist: \$175/Hr ST; \$215/Hr OT
- Certified Safety Professional: \$175/Hr ST; \$215/Hr OT
- Industrial Hygiene Scientist/CBST \$125/Hr ST; \$150/Hr OT
- Project Manager: \$ 90/Hr ST/OT
- IH Tech: \$320/4-hr day Includes Calibrated Area A/S Equipment
\$500/8-hr day Includes Calibrated Area A/S Equipment
\$ 80/hr; OT

Item 2: Microbiological Laboratory Services

- Air Sample Analysis (Total Spore Counts):
 - \$120/Sample Includes same-day turn-around of results
 - \$100/Sample Includes 24-48 hr turn-around of results
 - \$ 80/Sample Includes 5-7 day turn-around of results
- Air Sample Analysis (Culturable Fungi; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 70/Sample Enumeration & Identification to genus or species
 - ADD \$ 45/Sample To Include Full Fungal Speciation (Including ID Of Cladosporium and Penicillium to Species; 2% MEA Only)
- Air Sample Analysis (Culturable Bacteria; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 70/Sample Enumeration & Identification to genus or species
- Bulk/Swab Sample Analysis (Culturable Fungi; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 90/Sample Enumeration & Identification to genus or species
 - ADD \$ 45/Sample To Include Full Fungal Speciation (Including ID Of Cladosporium and Penicillium to Species; 2% MEA Only)
- Bulk/Swab Sample Analysis (Culturable Bacteria; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 90/Sample Enumeration & Identification to genus or species
- Other Microbiological Services and PCR Technology Available: CALL FOR PRICING
- Additional Industrial Hygiene Services Available: CALL FOR PRICING AND CAPABILITIES

Item 3: Equipment Charges

- Anderson Air Sampler: \$125/Day (Single Stage N-6 Impactor)
- Boroscope: \$ 50/Day
- 4-Gas Monitor w PID: \$200/Day
- Infrared Camera: \$225/Day
- Delmhorst BD-2100: \$100/Day (Moisture Survey Meter)
- ASHRAE IAQ Meter: \$200/Day
- PM-10 Impactor/Sampler: \$125/Day
- Additional Equipment: Call For Pricing

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

IV. MISCELLANEOUS SERVICES

Item 4: Miscellaneous Services

- Asbestos/Lead/Environmental 'Letter' Report w/o Drawings - \$150/each.
- Asbestos/Lead/Environmental 'Letter' Report w/KeyCAD Drawings - \$200/each.
- Asbestos/Lead/Environmental 'Final Report' w/o Drawings - \$250/each.
- Asbestos/Lead/Environmental 'Final Report' w/KeyCAD Drawings - \$300/each.
- Abatement Specifications / AutoCAD / Bidding Process – Priced Based on Scope of Work.
- Conduct Onsite Bid Walkthrough w/Prospective Contractors – Priced Based on Scope of Work.
- Travel & Misc. Materials – Actual Mileage (@ \$0.550/mile) plus Actual Tolls & Parking.
- Laboratory analysis turnaround times begin when samples are received at Laboratory and does not include weekends or holidays.

RESOLUTION NO.: 199 - 2014

OF

AUGUST 11, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
ENVIROLOGIC OF NEW YORK, INC.
FOR ENVIRONMENTAL TESTING SERVICES FOR
THE WEST END FIREHOUSE AT A COST OF \$4,215.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Envirologic of New York, Inc. for environmental testing services for the West End Firehouse located at 492 Broadway; and

WHEREAS, the proposal includes sampling, evaluation, inspections, and recommendations; and

WHEREAS, the cost for these services will be \$4,215.00 and such funding shall be derived from A.3412.0448 Fire Department - Other Services; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

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 accept a proposal and execute an agreement with Envirologic of New York, Inc. for environmental testing services for the West End Firehouse at a cost of \$4,215.00.



The City of Newburgh
 City Hall
 83 Broadway
 Newburgh, NY 12550
 Mr. Jason Morris
jmorris@cityofnewburgh-ny.gov

Re: 492 Broadway, Newburgh, NY - Asbestos, Lead & Mold Inspection

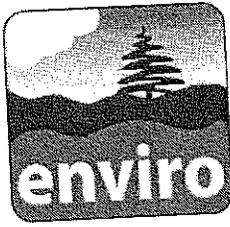
Dear Mr. Morris,

Thank you for allowing Envirologic of New York, Inc. (ENVIROLOGIC) the opportunity to provide you a quote for Environmental Consulting Services for your renovation/demolition project for **492 Broadway, Newburgh, New York**. The following proposal is based on the estimated costs for the inspection of the building for asbestos lead and mold. This proposal is based on observed and assumed suspect materials that were identified during a building walkthrough by Mr. Kyle Mungavin (ENVIROLOGIC) on Thursday, July 17th, 2014. The services include:

1. Complete asbestos inspection and analysis of all suspect asbestos containing materials present.
2. Complete lead based paint inspection for the presence of lead based paint from all painted surfaces within the building.
3. A mold assessment to determine the presence of mold growth/problem is present within the building.

Item 1 - Asbestos Inspection \$2,715.00

Description	Quantity	Unit Cost ¹	Total
Asbestos Inspector Hours	4	\$50.00	\$200.00
Friable PLM Bulk Sample Analysis	37	\$15.00	\$555.00
NOB PLM/TEM Bulk Sample Analysis	28	\$70.00	\$1,960.00



envirollogic
of
New York, Inc.

Item 2 - Lead Paint Inspection \$750.00

Description	Quantity	Unit Cost	Total
Lead-Based Paint XRF Survey	1	\$750.00	\$750.00

Item 3 - Mold Assessment \$750.00

Description	Quantity	Unit Cost ¹	Total
Mold Air Sample Analysis	5	\$75.00	\$375.00
Surface Tape Lift Sampling	5	\$75.00	\$375.00

Notes:

1. Hourly rates are based on a regular eight (8) hour weekday shifts. Any additional hours will be charged at the overtime rate of one and a half times the hourly rate. Overtime Rates Apply to: Weekdays Over 8 Hours On-Site/Saturdays/Sundays/Holidays.
2. All cost for reporting are included in the provided unit rates.
3. Actual hours and samples will be billed accordingly.

TOTAL ESTIMATED PROJECT COST = \$4,215.00

If you have any questions regarding the enclosed, please do not hesitate to email me at mungavin@elogenicny.com or call me at 845.462.1466. Thank you for your time and consideration.

Sincerely,

Kyle Mungavin
Director of Field Operations
Envirollogic of New York, Inc.

RESOLUTION NO.: 200 - 2014

OF

AUGUST 11, 2014

A RESOLUTION AMENDING THE 2014 PERSONNEL ANALYSIS BOOK
TO DELETE ONE TYPIST POSITION AND ADD ONE ACCOUNT CLERK POSITION
IN THE POLICE DEPARTMENT

WHEREAS, it is proposed to delete one typist position and add one account clerk position in Police Department and such proposal requires an amendment to the 2014 City of Newburgh Personnel Analysis Book for the City of Newburgh, New York; and

WHEREAS, this Council has determined that such amendment is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the 2014 Personnel Analysis Book be and hereby is amended to delete one typist position and add one account clerk position in the Police Department.

RESOLUTION NO.: 201 2014

OF

AUGUST 11, 2014

A RESOLUTION AUTHORIZING THE ADDITION
OF TWO (2) SERGEANT POSITIONS ON A TEMPORARY BASIS
AND TWO POLICE OFFICER POSITIONS IN THE
CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, due to injuries, it has become necessary to create two additional positions of Police Department Sergeant so that there are sufficient personnel capable of performing such duties in the Police Department; and

WHEREAS, the Police Department has advised the City Manager that the department is in need of two (2) additional individuals to perform the duties of "Sergeant;" and

WHEREAS, the Police Department has advised the City Manager that the department would like to send two (2) additional police officer candidates to the Police Academy in September 2014; and

WHEREAS, the creation of the additional Police Department Sergeant positions will be on a temporary basis; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2014 be amended, and that there be and hereby is created two (2) additional positions on a temporary basis in the job title "Sergeant" and two (2) additional positions in the job title "Police Officer" in the Police Department.

RESOLUTION NO.: 202 - 2014

OF

AUGUST 11, 2014

A RESOLUTION AMENDING RESOLUTION NO: 247 - 2013,
THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$5,600.00 FROM MUNICIPAL BUILDINGS - VENDOR SERVICES AND
\$9,600.00 FROM RECREATION - OTHER SERVICES TO THE PUBLIC SAFETY
BUILDING AND THE GRAND STREET COURTHOUSE - OTHER SERVICES TO
COVER THE BALANCE FOR CUSTODIAL SERVICES THROUGH THE NEW YORK
STATE INDUSTRIES FOR THE DISABLED, INC. UNTIL DECEMBER 31, 2014

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 247-
2013, the 2014 Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
A.1620	Municipal Buildings		
.0448	Vendor Services	\$ 5,600.00	
A.7140	Recreation		
.0448	Other Services	\$ 9,600.00	
A.3399	Public Safety Building		
.0488	Other Services		\$11,000.00
A.1120	Grand Street Courthouse		
.0448	Other Services		\$ 4,200.00
	<u>Total</u>	\$15,200.00	\$15,200.00

RESOLUTION NO.: 203 - 2014

OF

AUGUST 11, 2014

A RESOLUTION MEMORIALIZING THE RE-ALLOCATION
OF 2013 BOND ANTICIPATION NOTE FUNDS IN THE AMOUNT OF
\$75,000.00 FROM 104 S. LANDER STREET TO THE ACTIVITY CENTER

WHEREAS, the 2013 Bond Anticipation Note ("BAN") included funding for roof repairs for the building located at 104 S. Lander Street; and

WHEREAS, the Activity Center located at 401 Washington Street requires significant roof repairs; and

WHEREAS, it has become necessary to re-allocate roof repair funding in the 2013 BAN from 104 S. Lander Street to the Activity Center located at 401 Washington Street; and

WHEREAS, bond counsel has advised that such re-allocation is appropriate, and this Council finds it is in the best interests of the City of Newburgh to re-allocate such funds;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby memorializes the re-allocation of 2013 Bond Anticipation Note funds in the amount of \$75,000.00 from 104 S. Lander Street to the Activity Center.

RESOLUTION NO.: 204 -2014

OF

AUGUST 11, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A DONATION OF A RUEDI HOFMANN PHOTOGRAPH FOR CITY HALL
FROM NEWBURGH ART SUPPLY

WHEREAS, Newburgh Art Supply, the organizers of Newburgh Open Studios, has obtained a photograph of local artists who participated in Newburgh Open Studios 2013 by renowned photographer Ruedi Hofmann and wishes to donate the photograph to the City of Newburgh; and

WHEREAS, the photograph shall be a permanent reminder on the walls of City Hall of the importance of the arts community in the City of Newburgh's development as a destination City and cultural center of the Hudson Valley; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept such donation;

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 accept said donation with the appreciation and thanks of the City of Newburgh extended to Newburgh Art Supply and Ruedi Hofmann for their generous contribution.

RESOLUTION NO.: 205 - 2014

OF

AUGUST 11, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND
EMERGENCY SERVICES - OFFICE OF COUNTER TERRORISM
UNDER THE 2014 EXPLOSIVE DETECTION CANINE TEAM GRANT
IN AN AMOUNT NOT TO EXCEED \$60,000.00
WITH NO CITY MATCHING FUNDS REQUIRED

WHEREAS, the City of Newburgh Police Department performs many duties and offers a variety of services to promote public safety and health; and

WHEREAS, the New York State Division of Homeland Security and Emergency Services, Office of Counter Terrorism, has grant funding available under the FY2014 Explosive Detection Canine Team Grant; and

WHEREAS, the City of Newburgh Police Department wishes to develop an explosive detection canine team within the City of Newburgh; and

WHEREAS, the City's request for grant funds will not exceed \$60,000.00; and

WHEREAS, such funding includes explosive detection canine, explosive detection canine police transport vehicle and vehicle equipment, training supplies for canine, personnel expenses and the like; and

WHEREAS, this Council has determined that applying for and acceptance of such grant is in the best interests of the City of Newburgh and its residents;

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 grant from the New York State Division of Homeland Security and Emergency Services, Office of Counter Terrorism under the 2014 Explosive Detection Canine Team Grant in an amount not to exceed \$60,000.00, with no City matching funds required; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 207 - 2014

OF

AUGUST 11, 2014

A RESOLUTION AMENDING RESOLUTION NO: 247 - 2013, THE 2014 BUDGET FOR
THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$230,000.00 FROM SEWER FUND BALANCE TO
SANITARY SEWERS - EQUIPMENT/INFRASTRUCTURE

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; 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; and

WHEREAS, this Council finds that it is in the best interests of the City of Newburgh to approve a budget transfer of \$230,000 from Sewer Fund Balance to Sewer Fund - Equipment/Infrastructure to cover the anticipated construction costs to install a new outfall pipe from Regulator No.10 to CSO Outfall No. 12;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, that Resolution No. 247-2013, the 2014 Budget of the City of Newburgh is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
G.0000.0911	Sewer Fund Balance	\$230,000.00	
G.8120.0200	Equipment/Infrastructure		\$230,000.00

RESOLUTION NO.: 208-2014

OF

AUGUST 11, 2014

A RESOLUTION RESCINDING RESOLUTION NO. 105-2013 OF MAY 13, 2013
REGARDING THE RE-PURCHASE OF REAL PROPERTY
LOCATED AT 72 HASBROUCK STREET (SECTION 38, BLOCK 3, LOT 61)

WHEREAS, by Resolution No. 105-2013 of May 13, 2013, the City Council of the City of Newburgh authorized the re-purchase of real property located at 72 Hasbrouck Street (Section 38, Block 3, Lot 61) at private sale to Keith Giffit under certain terms and conditions of sale; and

WHEREAS, the purchaser failed to make any of the quarterly installment payments as required under Term of Sale No. 3; and

WHEREAS, the purchaser has been notified by a Notice to Cure dated June 9, 2014 of his default of the Terms and Conditions of Sale regarding the re-purchase of 72 Hasbrouck Street by having failed to make any of the quarterly installment payments to date as required under Term of Sale No. 3; and

WHEREAS, the purchaser has failed to fully and satisfactorily cure such default by remitting the quarterly installment payments due and owing the City of Newburgh as required under Term of Sale No. 3 by bank check, certified check or money order on or before July 7, 2014; and

WHEREAS, this Council has determined that rescinding Resolution No. 105-2013 of May 13, 2013 and that cancelling the re-purchase of 72 Hasbrouck Street is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No. 105-2013 of May 13, 2013 is hereby rescinded and the Corporation Counsel is hereby directed to notify the purchaser that the re-purchase of 72 Hasbrouck Street is cancelled and all further rights and obligations of the parties regarding the repurchase of 72 Hasbrouck Street are terminated.

RESOLUTION NO.: 209 - 2014

OF

AUGUST 11, 2014

A RESOLUTION GRANTING AN EXTENSION OF TIME
TO SERGIO MURILLO TO RE-PURCHASE REAL PROPERTY
KNOWN AS 66 CARSON AVENUE (SECTION 45, BLOCK 6, LOT 30)

WHEREAS, this Council, by Resolution No.: 182-2014 of July 14, 2014, authorized the re-purchase of real property known as 66 Carson Avenue, Section 45, Block 6, Lot 30, and 72 William Street, Section 38, Block 4, Lot 31, at private sale to former owner Sergio Murillo; and

WHEREAS, Mr. Murillo has remitted the requisite funds and closed title on 72 William Street; and

WHEREAS, due to unforeseen circumstances Mr. Murillo has requested an extension of time to close title on 66 Carson Avenue; and

WHEREAS, the amounts due and owing for the re-purchase of 66 Carson Avenue have been re-calculated to the date of such extension in the amount of Twenty Seven Thousand Six Hundred Sixty Nine and 04/100 (\$27,669.04) Dollars; and

WHEREAS, this Council has determined that granting such extension is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that an extension of time to re-purchase real property known as 66 Carson Avenue, Section 45, Block 6, Lot 30, upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Twenty Seven Thousand Six Hundred Sixty Nine and 04/100 (\$27,669.04) Dollars be and is hereby granted to Sergio Murillo until October 31, 2014.

RESOLUTION NO.: 210 - 2014

OF

AUGUST 11, 2014

A RESOLUTION AMENDING RESOLUTION NO. 12-2014 OF JANUARY 13, 2014 TO AUTHORIZE AN AMENDMENT TO THE TERMS OF SALE AND AN EXTENSION OF TIME TO CLOSE TITLE ON THE REPURCHASE OF REAL PROPERTY KNOWN AS 213 NORTH MILLER STREET (SECTION 11, BLOCK 1, LOT 6), 212 DUBOIS STREET (SECTION 1, BLOCK 1, LOT 34) AND 214 DUBOIS STREET (SECTION 11, BLOCK 1, LOT 35) AT PRIVATE SALE BY JESSE BLACKMON

WHEREAS, by Resolution No. 256-2013 of December 9, 2013, the City Council of the City of Newburgh authorized the sale of 213 North Miller Street, more accurately described as Section 11, Block 1, Lot 6 of the official tax map of the City of Newburgh, to Jesse Blackmon upon receipt of the purchase price of \$15,000.00; and that said purchase price must be paid no later than March 10, 2014, and in accordance with certain terms and conditions of sale; and

WHEREAS, by Resolution No. 12-2014 of January 13, 2014, the City of Newburgh also authorized the sale of 212 Dubois Street and 214 Dubois Street, being more accurately described as Section 11, Block 1, Lots 34 and 35, respectively, on the official tax map of the City of Newburgh, to Jesse Blackmon in accordance with the terms and conditions of sale as attached to Resolution No. 12-2014; and

WHEREAS, the parties have agreed to modify the terms of sale and require additional time to close title and the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to modify the terms of sale and to extend the time to close title;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No. 12-2014 of January 13, 2014 is hereby amended to extend the time to close title on the sale of 213 North Miller Street, 212 Dubois Street and 214 Dubois Street to Jesse Blackmon until October 31, 2014; and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the purchase price of \$15,000.00; and that said purchase price must be paid no later than October 31, 2014, and in accordance with the terms and conditions of sale as annexed hereto and made part hereof; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcels are not required for public use.

Terms and Conditions of Sale

1. City of Newburgh acquired title to the properties known as 213 North Miller Street, 212 Dubois Street and 214 Dubois Street, more accurately described as Section 11, Block 1, Lots 6, 34 and 35, respectively) on the official tax map of the City of Newburgh, (hereinafter referred to as "the parcels") in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. The parcels, including any buildings thereon, are sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; and (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the closing.
3. The purchaser shall continue to be responsible for all water, sewer and sanitation charges.
4. The purchase price of the properties is \$15,000.00. The purchaser shall pay to the City the purchase price as follows:

The City, as seller, agrees to take back and hold and the purchaser agrees to execute and deliver to the seller a Purchase Money Second Mortgage and Note for the purchase price. The Purchase Money Note and Second Mortgage shall be self-amortizing and be in the sum of \$15,000.00 for a term of five years, payable in equal monthly installments of \$250.00 per month. The Purchase Money Mortgage shall be subordinate to the mortgage held by Hudson Valley Federal Credit Union encumbering the property known as 213 North Miller Street. The Purchase Money Mortgage shall contain a late charge for overdue payment. The Note and Mortgage shall provide, among other things, that it may be prepaid in whole or in part without penalty, that it shall be immediately due and payable upon the sale of the mortgaged premises or in the event that the purchaser enters into a land sale contract or in the event that purchaser files a voluntary petition in bankruptcy or assigns the premises for the benefit of creditors.

The mortgage tax imposed by law and the recording fee for this Purchase Money Mortgage shall be paid by the purchaser. Seller's attorney shall prepare the Purchase Money Note and Mortgage.

All payments due hereunder shall be payable to the City of Newburgh by bank check, certified check or money order.

5. Purchaser is advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
6. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
7. All informational tools, such as slides, tax maps, deeds, photos, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. **THE CITY MAKES NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.**
8. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Properties may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Properties also may contain other environmental hazards. Purchasers shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchasers shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Purchaser also acknowledges that she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
9. Notice is hereby given that the parcels lie within the East End Historic District as designated upon the zoning or tax map. These parcels are being sold subject to all provisions of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcels so designated in accordance with same.
10. Purchaser has agreed to purchase the property known as 213 North Miller Street subject to the five (5) year owner occupancy restriction and shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain hid domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain his domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.

11. All recording costs, mortgage tax and transfer taxes shall be paid by the purchaser. Such recording costs shall be payable to the "Orange County Clerk" by bank check, certified check or money order.
12. The closing costs/fees must be paid by guaranteed funds to the City of Newburgh Comptroller's Office on or before October 31, 2014. The City is not required to send notice of acceptance to a purchaser. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefore, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. In addition, should the purchaser fail to close within the time set forth above, the entire deposit shall be forfeited to the City as liquidated damages without further notice to the purchaser. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
13. The purchaser warrants that he is in possession of the parcels and shall remain in possession until such time as the payments set forth herein have been paid. Purchaser shall be responsible for all property maintenance during his continued possession of the parcels.
14. If the purchaser fails to close title by the close of business on October 31, 2014, then, the City may, but is not obligated to offer the parcel to another purchaser.
15. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid with interest, but not to any payment of rent. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale. However, if purchaser fails to close title in accordance with the terms and conditions set forth herein, he shall be entitled to reimbursement for expenses incurred to bring said parcel into compliance with applicable building and maintenance codes made during his possession as tenant, and as required as a condition of sale, upon presentation of proof that such expenses were incurred in a form that is satisfactory to the City.
16. The sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against City of Newburgh arising from this sale.

17. Conveyance shall be by quitclaim deed only, containing a description of the properties as they appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price and closing fees/costs. Purchaser and tenant(s) remain in possession of the properties until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
18. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject properties, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the properties. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
19. The description of the properties shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
20. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he is the former owner(s) of the properties against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the properties. The purchaser agrees that neither he nor his assigns shall convey the properties until after the date of the deed conveying title to the purchaser. If such conveyance is in violation of these terms and conditions, the purchaser understands that he may be found to have committed fraud, and/or intent to defraud, and will be liable for damages to the City of Newburgh.

JESSE BLACKMON

Date: _____

RESOLUTION NO.: 211 -2014

OF

AUGUST 11, 2014

A RESOLUTION APPOINTING A MEMBER OF
THE BOARD OF ETHICS

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-7, provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, a majority of whom shall not be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint new members to fill vacancies now existing on the Board of Ethics; and

WHEREAS, several citizens have expressed their interest in donating their time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a new two (2) year term commencing on this date, August 11, 2014 and expiring on August 10, 2016.

Mark Carnes

RESOLUTION NO.: 212 - 2014

OF

AUGUST 11, 2014

A RESOLUTION APPOINTING A MEMBER OF
THE BOARD OF ETHICS

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-7, provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, a majority of whom shall not be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint new members to fill vacancies now existing on the Board of Ethics; and

WHEREAS, several citizens have expressed their interest in donating their time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a new two (2) year term commencing on this date, August 11, 2014 and expiring on August 10, 2016.

Nancy Colas

RESOLUTION NO.: 213 -2014

OF

AUGUST 11, 2014

A RESOLUTION APPOINTING A MEMBER OF
THE BOARD OF ETHICS

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-7, provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, a majority of whom shall not be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint new members to fill vacancies now existing on the Board of Ethics; and

WHEREAS, several citizens have expressed their interest in donating their time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a new two (2) year term commencing on this date, August 11, 2014 and expiring on August 10, 2016.

Barbara Smith

RESOLUTION NO.: 214 - 2014

OF

AUGUST 11, 2014

A RESOLUTION APPOINTING A MEMBER OF
THE BOARD OF ETHICS

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-7, provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, a majority of whom shall not be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint new members to fill vacancies now existing on the Board of Ethics; and

WHEREAS, several citizens have expressed their interest in donating their time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a new two (2) year term commencing on this date, August 11, 2014 and expiring on August 10, 2016.

Patty Sofokles

RESOLUTION NO.: 215 - 2014

OF

AUGUST 11, 2014

A RESOLUTION APPOINTING A MEMBER OF
THE BOARD OF ETHICS

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-7, provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, a majority of whom shall not be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint new members to fill vacancies now existing on the Board of Ethics; and

WHEREAS, several citizens have expressed their interest in donating their time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a new two (2) year term commencing on this date, August 11, 2014 and expiring on August 10, 2016.

Christine Bello

ORDINANCE NO.: 2 - 2014

OF

AUGUST 11, 2014

AN ORDINANCE AMENDING SECTION 163-2 "MISCELLANEOUS FEES" OF
CHAPTER 163 "FEES" OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

§ 163-2. Miscellaneous fees.

Geographic information systems

Mapping

\$40.00 per hour billed in 15
minute increments for work
exceeding 30 minutes in
length (length of time to be
determined by the GIS
Analyst)

Printing (by paper size)

The first eight-inch by eleven-
inch copy: \$5.00; each
additional copy: \$3.00

The first eleven-inch by
seventeen-inch copy: \$10.00;
each additional copy: \$6.00

The first customized paper
size up to 36 inches by 40
inches: \$25.00; each
additional copy: \$15.00

Underlining denotes additions.
~~Strikethrough~~ denotes deletions.

	The first copy larger than 36 inches by 40 inches: \$30.00; each additional copy: \$18.00
Data	Building footprint data: \$50.00
	Parcel data: \$100.00
	Orthoimagery: \$200.00
	<u>Data available at no cost from other sources: no charge</u>
	<u>Basic data: no charge</u>
	All other data: \$20.00 per request
Subscription	\$100.00 per year for Interactive Mapping Services
Administrative fee	15% of the total fee per order

Geographic information system data fees may be waived by the City Manager upon the provision of certification by the requestor and the recommendation of the City Engineer, City Comptroller or Corporation Counsel that the GIS data sought will result in a direct benefit to the City of Newburgh in the form of a direct financial gain to the City, or an academic or other study conducted in the interest and for the benefit of the City of Newburgh.

Section 2. This ordinance shall take effect immediately.

Underlining denotes additions.
~~Strikethrough~~ denotes deletions.

ORDINANCE NO.: 3 - 2014

OF

AUGUST 11, 2014

AN ORDINANCE AMENDING CHAPTER 268 ENTITLED "TAG DAYS"
OF THE CODE OF THE CITY OF NEWBURGH TO ALLOW TAG DAY EVENTS

BE IT ORDAINED, by the Council of the City of Newburgh, New York that

Section 1. Chapter 268, entitled "Tag Days," of the Code of the City of Newburgh be and is hereby amended to read as follows:

Chapter 268, TAG DAYS

§ 268-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ORGANIZATION - ~~A corporation, group or association formed on a nonprofit basis.~~ Any charitable, educational or religious organization or any association incorporated in accordance with or subject to the provisions of the New York Not-For-Profit Corporation Law; or any other organization or association which does not exist for purposes of pecuniary profit or financial gain and no part of the assets, income or profit of which is distributable to its members, directors or officers.

TAG DAY - The practice of soliciting charitable contributions upon the streets, sidewalks, public places or from the occupants of any vehicle on any street or roadway by individuals standing in that portion of the street normally reserved for vehicular traffic.

§ 268-2. Permit required.

No person shall solicit money, donations or financial assistance of any kind or conduct a tag day solicitation on any street, sidewalk or public property owned by the City without having obtained a permit from the City Manager.

Underlining denotes additions.
~~Strikethrough~~ denotes deletions.

§ 268-3. Application.

- A. Any person or entity wishing to hold a Tag Day as defined herein on any street, sidewalk or public property or portion thereof owned and/or controlled by the City of Newburgh is hereby required to file a Permit Application and receive City approval thereof no less than twenty-eight (28) days prior to the holding of same. Such approval shall be given only upon satisfaction of all City requirements imposed as conditions thereof and as required hereunder.
- B. Application for such Permit shall be made upon forms prescribed therefor by the City. Application forms shall require, at minimum, the following information:
1. The correct name and address and telephone number of the person and/or organization sponsoring or organizing the Tag Day.
 2. If the applicant is a corporation, organization, or association, the title of the individual completing the application as so authorized by said entity, and acting as the authorized representative of same.
 3. The name of the person or persons in charge of organizing and conducting the event; and the name, title, address and telephone number including cellular telephone number and other contact information of the person who shall be present at and with operational responsibility and authority for the Tag Day.
 4. If the applicant is a corporation, organization or association, the names, titles, telephone numbers and other current contact information of the chief executive officer(s) and other responsible persons in authority over same.
 5. The total number of adults and children expected to participate.
 6. All locations requested to be used and the dates and hours requested for each such use.
 7. Such other information as the City shall require.
- C. Permit Applications shall be filed no later than twenty-eight (28) days prior to the date(s) of any Tag Day; and in any event not later than the time required for City to review same and to determine that all arrangements are satisfactory and sufficient to protect public health, safety and property. City shall waive such requirement and accept the filing of an application after the deadline for same if City determines that such late filing shall not have impaired the City's ability to adequately review the application and all arrangements necessary to hold the event as intended so as to safeguard the protection of public health, safety and property by evaluating same according to the criteria set forth herein; however City shall have the right to deny any such Permit and prohibit such Tag Day due to the late filing of an Application or other material failure to comply with City requirements as defined hereunder, including if such late filing shall have precluded or significantly impaired City's ability and opportunity to evaluate said application as provided under this Chapter.

Underlining denotes additions.
~~Strikethrough~~ denotes deletions.

- D. The Applicant shall furnish a certificate of liability insurance covering the Tag Day to be held and naming the City of Newburgh as an additional insured with limits of liability of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate for bodily injury and \$50,000 for each occurrence and \$100,000 aggregate for property damage. All such policies must be written in the broadest form available by a company authorized to do business in New York State and of recognized financial standing which has been fully informed about the proposed event.

§2864. Limitations and prohibitions.

~~No organization, corporation, association or person shall sponsor, engage in or participate in a tag day within the City of Newburgh.~~

The City shall have the authority to determine the time, location and manner in which all Tag Days shall be held based upon the criteria hereinafter set forth.

1. Tag Day solicitations shall take place during daylight hours only.
2. Solicitations shall be conducted in an unobtrusive manner and without annoyance or hindrance to traffic or pedestrians.
3. No persons under the age of 18 may conduct solicitation activity on any street or roadway normally reserved for vehicular traffic.
4. No persons may conduct a Tag Day in the following streets, roadways or intersections:
 - a. The entire length of Broadway.
 - b. The entire length of Martin Luther King Jr. Blvd./Marine Drive/Water Street.
 - c. The entire length of Robinson Avenue.
5. Other terms and conditions as may be prescribed by the City Manager or his designee upon taking into consideration the public health safety and general welfare.

§ 268-35. Penalties for offenses.

- A. Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder shall be punished as provided in § 1-12 for violation of this chapter of the Code of Ordinances of the City of Newburgh.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such person shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense.
- C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. This ordinance shall take effect immediately.

Underlining denotes additions.

~~Strikethrough~~ denotes deletions.

ORDINANCE NO.: 4 - 2014

OF

AUGUST 11, 2014

AN ORDINANCE AMENDING CHAPTER 248 ENTITLED "WATER"
SECTION 293-20 "ACCURACY AND TESTING"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 248 entitled "Water", Section 293-20, "Accuracy and Testing" of the Code of the City of Newburgh be and is hereby amended as follows:

Section 1. § 293-20. Accuracy and testing.

- A. Any person making a complaint as to the correctness of a water bill must do so within 30 ~~10~~ days after the rendition of the bill by making a written application to the Water Department.

Section 2. This ordinance shall take effect immediately.

Underlining denotes additions.

~~Strikethrough~~ denotes deletions.