

A regular meeting of the City Council of the City of Newburgh was held on Monday, May 12, 2014 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Rev. Timothy Riss from the Poughkeepsie United Methodist Church followed by the Pledge of Allegiance.

Present: Mayor Kennedy, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia - 6
Absent: Councilwoman Lee - 1

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Holmes seconded that the Council Minutes for April 28, 2014 be approved.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

CARRIED

PRESENTATION

Peter Feroe with AKRF presented a brief overview of the proposed Rezone document and map in preparation for the public hearing.

PUBLIC HEARING

Mayor Kennedy called a public hearing that was advertised for this meeting to receive comments concerning the adoption of the revised Chapter 300 entitled "Zoning" of the Code of Ordinances of the City of Newburgh.

Mayor Kennedy noted that they will be having more opportunities for the public to learn more about this and give more input so it most likely won't be adopted in June.

Drew Kartiganer, City of Newburgh, told the Council that he appreciates the fact that they are going to take more time with this as it is the Council's responsibility to review this and listen to the public comments. He feels that this Zoning Ordinance is not ready for adoption and most certainly will not be ready in June. In his opinion, it is not even close to being ready. It needs a lot more work with public outreach as this is not an easy process. Doing this quick is not nearly as important as doing it right. There are significant issues, problems and challenges in this Ordinance. He asked how many people do you think will drive to the City Council meetings if all of the parking spaces are filled with resident parking? There is no mass transportation here as this is not New York City; it's Newburgh. This Ordinance proposes three hundred and twenty apartments to be built from Broadway to Dubois Street with no additional parking. If that were to happen, how many people would actually come to a Council meeting if there are no parking spaces? He understands that they want to see the development but this is not the right way to do it. If there is no parking, the businesses won't be able to survive and the housing that is there now won't have enough parking either. If you look at page eleven, they talk about the Broadway Corridor and transit investments but he doesn't think there has been a transit investment made by the City in twenty years because the City doesn't have any money. He noted that he was on the County Planning Board for ten years from 2000 to 2010 and they never put any money into that either so they can't plan on development here in the City of Newburgh based on transit investments made by the City and the County. There is not enough parking proposed in this Ordinance to allow reasonable development in this City.

Barbara Smith, City of Newburgh, said that she read the whole thing and it took a long time so she suggested that perhaps the Wards could get together to talk about it and see what the people have to say before the Council implements this. She noticed that the Heights and other places throughout the City are going to be high density residential areas and if you look at page thirty it says that there will be two, three and four family dwellings with no off street parking required. People are not going to walk six blocks with their groceries in tow so these are things that we need to understand. She asked the Council to please read page fifty of the Supplemental Requirements for the Downtown Districts and tell her if they believe that this is in the best interest of the City. They need to have more meetings before this is implemented.

Kippy Boyle, 400 Grand Street, thanked everyone for all of their hard work on this and she is glad that the public is going to have further opportunity to discuss it. Perhaps they could have some more in depth guided discussions with examples from AKRF showing what low density, medium density and high density housing is. She agrees that the entire issue on parking is still a big elephant that has not been resolved and we need to really get more input from everybody. She relies on the City staff, the Zoning and Planning Commissions and the Corporation Counsel to give their best reports on what they think about this. She would like to hear what they have to say or have access to their comments because she thinks that would be very helpful. It states in regard to buffer zones next to water bodies that if there is no other alternative they can use impermeable paving. There are new products out there now such as permeable asphalt so why do we have to lower the bar on what we are expecting with items like that? She hopes that AKRF will explain more about this and show some examples.

Richard Fracasse, City of Newburgh, said that he has lived here and had a business here all of his life. His business is United Air Conditioning and he has about thirty employees. He has a property at 33 and 41 Robinson Avenue with two adjacent parking lots and the building predates the Zoning Codes in the City of Newburgh. It is a beautiful two story building that is structurally sound and back then it was probably used for commercial or light industrial use which was a mixed use area. When he purchased the building, he cleaned it up and rehabbed it and right now he uses the second floor for private parties and his Band practices there. He would like to make that space into something similar to the Falcon in Marlboro and the Master Plan adopted in 2009 by the City Council clearly recognizes the benefits of the creative economy. Performing Arts is a major part of the economy and it is his understanding that this document being prepared is intended to advance the ideas in the Master Plan. The proposed zoning document does not support the creative economy in similar buildings like his that artists and musicians gravitate to. There are so many beautiful buildings here and as a performing artist he is requesting that this draft zoning ordinance not leave the drawing board until his building and similar buildings can be used for the creative economy. There should be several public meetings where these issues can be discussed and resolved. What we want to do is bring people here that are going to spend money and this will be a big part of it.

Edward Wajda, West Street, said that the Council is trying to adopt new zoning codes when they are unable to take care of the present building codes. No matter how many phone calls he makes or who he talks to the problem still exists and nothing is done. They need to take care of the project that was developed on West Street because if there is ever a fire with the parking going on there the trucks would not be able to get through. The Developers built a Retention Pond in the back of his house and now he gets eight inches of water in his basement. He would like to sell his house but he can't because the parking lot next store that the City owns is filled with syringes, bottles and debris which hasn't been taken care of for twenty years. On Labor Day he is the one who cleans up that lot. The Council needs to take care of the present issues

before they start a new one. He said that it is obvious that the Council doesn't understand that nothing has been done for twenty years.

Mayor Kennedy told Mr. Wajda that she hears him and they will look into it.

Lisa Daily, City Terrace North, said that she appreciates the opportunity to speak tonight as she was one of the people listed as part of a team that developed this new Zoning. She doesn't think that she missed one meeting and some of those meetings lasted three hours or more. It was at times frustrating and they went back and forth on ideas that she had never even considered. Some of the things that she was stuck on for a while was parking, definitions and some of the new layout of the zoning. After listening for hours, discussing and rereading the documents she understands that this is a future land use plan. We are looking at the future of the City of Newburgh and we want this to be a City. People are coming up here from Manhattan, Brooklyn and Queens and they know what a city is so when we talk about limiting parking she kind of understands where that is coming from now. In regard to the definitions, they talked through them and tried to use language that everybody could understand. She thinks that they have tried to make this something that will work for at least the next ten years and she wants everyone to know that there was a large group of people working on this from the ground level up to formulate this new idea. She feels that this is really responsive to what we need and agrees that they need as much public input as they can get. A question and answer eventually might also help people see where they are coming from on this.

There being no one else wishing to speak, this public hearing was adjourned for tonight.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

There were no comments.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

Mayor Kennedy noted that tonight will be the last Council meeting that our Interim City Manager, James Slaughter, will be conducting and she would like to be the first to say that they appreciate what he has done for the last eleven months. She thanked him again and said that they look forward to continue working with him as a team.

RESOLUTION NO.: 116 - 2014

OF

MAY 12, 2014

**A RESOLUTION RE-APPOINTING SCOTT WALLINGFORD AND
EILEEN CLIFFORD AND APPOINTING TIMOTHY BARDIN TO
THE CITY OF NEWBURGH HOUSING LOAN ADVISORY COMMITTEE**

WHEREAS, the City Council, by Resolution No.: 149-2009 of September 14, 2009, appointed members to the newly created City of Newburgh Housing Loan Advisory Committee; and

WHEREAS, such Committee was established with membership to consist of the following:

Two as banking representatives;
Two as not-for-profit and/or real estate representatives;
One as a community representative; and

WHEREAS, the terms of Scott Wallingford and Eileen Clifford have expired and they have expressed interest in continuing to serve on the City of Newburgh Housing Loan Advisory Committee; and

WHEREAS, there is currently a vacancy on said Committee; and

WHEREAS, Timothy Bardin has expressed his interest in serving as a member of the Committee; and

WHEREAS, this Council has determined that it is in the best interests of the City of Newburgh to re-appoint those members whose terms have expired and to fill such vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Scott Wallingford as a banking representative and Eileen Clifford as a not-for-profit representative be and are hereby re-appointed to the City of Newburgh Housing Loan Advisory Committee for a term of two (2) years; and

BE IT FURTHER RESOLVED, that Timothy Bardin be and is hereby appointed as a banking representative member of the City of Newburgh Housing Loan Advisory Committee for a term of two (2) years.

Councilwoman Holmes moved and Councilwoman Angelo seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

RESOLUTION NO.: 117- 2014

OF

MAY 12, 2014

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO SHANE GARZIONE AND ROLAND BLOOMER
TO THE PREMISES KNOWN AS 350 WATER STREET, UNIT 7-9
(SECTION 55, BLOCK 1, LOT 1.-37)**

WHEREAS, on April 30, 2014, the City of Newburgh conveyed property located at 350 Water Street, Unit 7-9, being more accurately described on the official Tax Map of the City of Newburgh as Section 55, Block 1, Lot 1.-37, to Shane Garzione and Roland Bloomer; and

WHEREAS, the current owners, by their attorney, have requested a release of the restrictive covenants contained in said deed; and

WHEREAS, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

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 execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4 and 5 of the aforementioned deed.

Councilwoman Angelo moved and Councilwoman Mejia seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

RESOLUTION NO.: 118 - 2014

OF

MAY 12, 2014

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL
QUALITY REVIEW ACT (SEQRA) FOR THE WEST TRUNKLINE SEWER
CORRIDOR IMPROVEMENTS AND ACCEPTING PART 1 OF THE FULL
ENVIRONMENTAL ASSESSMENT FORM**

WHEREAS, the West Trunkline Sewer Corridor Improvements Project (Project) includes the following:

- cleaning and performing closed-caption televised inspections of the 54-inch West Trunkline Sewer, and 36-inch Southern Interceptor Sewer in order to evaluate the condition of and identify improvements to these sewers
- improvements may include rehabilitation of sewer sections via installation of cured-in-place pipe (CIPP) lining system and repair or replacement of sewer sections too severely deteriorated to be repaired by CIPP
- installation of manhole structures, as well as clearing and grubbing to allow for construction of new access pathway to facilitate future access to and maintenance of the sewers; and

WHEREAS, in addition to the sewer rehabilitation, stabilization and realignment of the Quassaick Creek is proposed to protect the West Trunkline Sewer from future failures as follows:

- Quassaick Creek will be realigned south of its existing channel
- Holden Dam will also be partially breached
- Additional stabilization and restoration of the Creek is proposed downstream of the rechannelization; and

WHEREAS, the Project is an "action" as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, in compliance with SEQRA, by Resolution No.: 53-2014 of March 10, 2014, this Council declared its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6 and authorized the Interim City Manager and the City's Engineer to circulate said Long Environmental Assessment Form to the

following "Involved Agencies" and "Interested Agencies" under cover of the attached "Notice of Intent to Establish Lead Agency" letter for purposes of establishing Lead Agency status under SEQRA/SERP; and

WHEREAS, more than 30 days have elapsed since the Long Environmental Assessment Form was circulated to the Involved and Interested Agencies without opposition to the City's declaration of its intent to be lead agency for the Project; and

WHEREAS, this Council finds it necessary, appropriate and in the best interests of the City of Newburgh to advance the Project by assuming Lead Agency status for the environmental review of the Project pursuant to SEQRA/SERP;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby assumes Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and
2. That this Council duly accepts Part 1 of the Long Environmental Assessment Form.

Councilwoman Abrams moved and Councilwoman Angelo seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

*Full Environmental Assessment Form
Part 1 - Project and Setting*

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: West Trunkline Sewer Corridor Improvements Project		
Project Location (describe, and attach a general location map): Quassaick Creek which runs along the municipal boundary between the City of Newburgh and the Town of New Windsor, Orange County. West Trunkline Sewer along the north bank of Quassaick Creek from Walsh Rd/Dickson St eastward to the Water Pollution Control Plant.		
Brief Description of Proposed Action (include purpose or need):		See Maps Attached
<p>Provided below is a description of the proposed sewer improvements: Clearing and grubbing along the 54" West Trunkline Sewer, 36" & 42" Southern Interceptor Sewer, and 60" Combined Sewer Overflow (CSO). Cleaning and Closed Circuit Televised Inspection of these sewer sections, as well as the 36" Gravity Sewers Mill St and Robinson Ave. Rehabilitation to the aforementioned sewer sections may include replacement, spot repairs, and installation of cured-in-place pipe lining. Additionally, proposed manholes and a proposed access pathway will facilitate access and maintenance to the sewers.</p> <p>Provided below is a description of the Quassaick Creek stream restoration efforts: Proposed partial breach of Holden Dam and realignment of approximately 1,200 feet of the stream to facilitate reestablishment of a stable stream channel through the area. The realigned stream would eliminate the impounded waters behind the Dam and relocate the current stream channel away from the West Trunkline sewer. The realigned stream will provide additional protection through reduced streamflow velocities through the corridor. Additional channel and bank stabilization along approximately 1,700 feet the Creek channel downstream of the proposed channel tie-in.</p>		
Name of Applicant/Sponsor: CITY OF NEWBURGH - JAMES SLAUGHTER, INTERIM CITY MANAGER		Telephone: (845) 569-7301 E-Mail: JSlaughter@cityofnewburgh-ny.gov
Address: 83 BROADWAY		
City/PO: NEWBURGH	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): JASON MORRIS - CITY ENGINEER, Primary Contact		Telephone: (845) 569-7447 E-Mail: JMorris@cityofnewburgh-ny.gov
Address: 83 BROADWAY		
City/PO: NEWBURGH	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
For Required Approval(s) Please See Attached Sheet		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Newburgh	October 2012, October 2013
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Newburgh, Town of New Windsor	Spring/Summer 2014 (Sewer), Fall 2014/Winter 2015 (Stream)
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CSX Transportation, Inc.	November 2013
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT, NYSEFC, NYSDEC, NYSDOS	Spring/Summer 2014, Fall 2014/Winter 2015 (Stream)
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Army Corps of Engineers, US Fish and Wildlife	Spring/Summer 2014 (Sewer), Fall 2014/Winter 2015 (Stream)
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Remediation Sites: 336036 (american Felt and Filter), E336075 (Orange County Parcel)	
Quassaick Creek Watershed Management Plan (DRAFT), Hudson River Valley Greenway, City of Newburgh Future Land Use Plan (2011), Mid-Hudson Regional Sustainability Plan (2013), New York State Open Space Conservation Plan (2009), Statewide Comprehensive Outdoor Recreational Plan (2009)	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Orange County Open Space Plan (2004)	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 I-1 (Heavy Commercial, Light Industrial), W-2 (Waterfront Industrial)

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Newburgh Enlarged City School District

b. What police or other public protection forces serve the project site?
City of Newburgh Police Department

c. Which fire protection and emergency medical services serve the project site?
City of Newburgh Fire Department, Newburgh Volunteer Ambulance

d. What parks serve the project site?
Parks contiguous to the project site include Delano-Hitch Park, Aquatic Center, Hasbrouck Street Park, and Xavier Lunan Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Utilities Rehabilitation, Public Access, Stream Relocation

b. a. Total acreage of the site of the proposed action? _____ 48.84 acres
 b. Total acreage to be physically disturbed? _____ 10 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 8.03 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____ 2
 • Anticipated commencement date of phase 1 (including demolition) _____ Aug month 2014 year
 • Anticipated completion date of final phase _____ Oct month 2015 year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

The project is split into two phases: sewer and stream. The sewer component is anticipated to begin in Summer of 2014 and will be completed independently of the stream phase. The stream phase of work is anticipated to begin in the Spring of 2015

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? Sewer repairs and installation of manholes, relocation and stabilization of Quassaick Creek

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): 3,500 CY
- Over what duration of time? Two Years; August 2014 thru October 2015, as previously indicated

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Excavated/Dredged materials are proposed to be reused onsite where possible. Materials to be removed and disposed of offsite include suspected contaminated sediment impounded by Holden Dam, as well as existing concrete building foundation along Creek realignment.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. Dewatering and processing of excavated materials will be necessary during the removal of any contaminated sediments at the foot of Holden Dam.

v. What is the total area to be dredged or excavated? _____ 1.0 acres

vi. What is the maximum area to be worked at any one time? _____ 2.25 acres

vii. What would be the maximum depth of excavation or dredging? _____ 16 feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____
Rechannelization of the Quassaick Creek will infill the existing channel with the excavated materials for the proposed channel where possible. If sediment sampling confirms the presence of contaminants, the dredged sediment will be legally disposed of offsite. It is anticipated that all excavated materials for the sewer rehabilitation will be reused onsite. Floodplain revegetation, and seeding of disturbed access ways will be implemented during restoration.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): As part of the project scope, portions of the Quassaick Creek will be relocated south, away from the West Trunkline Sewer. Holden Pond, which will decrease in size as a consequence of breaching Holden Dam, is identified as Freshwater Pond Wetland by the USFWS National Wetlands Inventory.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
 Quassaick Creek and Holden Pond will be altered due to excavation, fill, and alteration of channels, banks, and shorelines. Holden Pond will be partially removed due to the partial breach of Holden Dam. The proposed improvements will marginally change the total water surface area within the project corridor. Natural channel restoration methods will be used to stabilize the realigned portions of the Creek and adjacent floodplain, eliminating the existing channelized nature of the stream.

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: Disturbances are due to dredging and excavation for new channel, as well as stream stabilization and sediment removal.

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

Realignment of Quassaick Creek through new channel

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ 300 Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ 10 acres (parcel size)
 ii. Describe types of new point sources. Proposed culverts will be used to convey stormwater

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 Stormwater runoff is proposed to be directed to on-site stormwater management facilities

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 Heavy equipment (e.g., excavators) will be utilized during construction. There will be no mobile sources of air emissions after construction completion.
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6 AM - 8PM _____ • Saturday: _____ 6 AM - 8PM _____ • Sunday: _____ 6 AM - 8PM _____ • Holidays: _____ 6 AM - 8PM _____ 	<p>ii. During Operations: Sewer and Creek</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hr/day _____ • Saturday: _____ 24 hr/day _____ • Sunday: _____ 24 hr/day _____ • Holidays: _____ 24 hr/day _____
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:
 During planned construction, previously indicated between August 2014 and October 2015, noise levels will increase due to construction activities approximately 5 days per week, 14 hours per day.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: Clearing and grubbing for the sewer easement and new stream channel will remove existing vegetation. However, the project site is densely vegetated making it unlikely that the removal of vegetation will have any deleterious effects on existing noise barriers.

n.. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____
 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____
 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): Utilities
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	0.0	0.0
• Forested	8.7	7.7	-1.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	1.2	+1.2
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	1	1.1	+0.1
• Wetlands (freshwater or tidal)	0.1	0.0	-0.1
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: <u>Existing Concrete Building Foundation</u>	0.2	0.0	-0.2

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
South Junior High School, Nora Cronin Presentation Academy, St. Francis of Assisi Elementary School, Liberty Street School, Healthy Kids Before/After School Program (New Windsor), Greater Hudson Valley Family Health Center, Newburgh Armory

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ 12 feet
• Dam length: _____ 100 feet
• Surface area: _____ 1 acres
• Volume impounded: _____ 3 gallons OR acre-feet
ii. Dam's existing hazard classification: A
iii. Provide date and summarize results of last inspection:
7/20/2010, Data taken from NYSDEC Dam Inventory for Holden Dam (ID: 195-0535B) updated 7/6/2009; Inspection Results: Debris in spillway, voids and cracks in left crest of spillway, and undesirable growth on either side of the abutments. Project scope proposes a partial breach of Holden Dam.

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
The proposed Creek rechannelization transects a parcel (City of New Windsor, Orange County SBL: 9-1-65) which was a paper mill during the late 18th and early 19th centuries. An 1884 Sanborn Map identifies a Bleach House as part of the facility. A 1913 Sanborn Map shows sulfuric acid storage onsite.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): 1206663 (Sewer Failure 10/12, Closed)
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 336042, 336031, 1206663, B00127, B00188, 546031, 336077
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
336036 (Remedial Design), E336075 (ERP), 336055 (Remedial Design), 336042 (Remedial Action), 336031 (Site Characterization), 1206663 (Closed), B00127 (Remedial Action), B00188 (Remedial Design), 546031 (Remedial Action), 336077 (Potential Registry)

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 1.5 to >6.6 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

HoB	_____	36.2 %
MdB	_____	33.4 %
W	_____	11.0 %

d. What is the average depth to the water table on the project site? Average: _____ 0 to >6.6 feet

e. Drainage status of project site soils: Well Drained: _____ 39.3 % of site
 Moderately Well Drained: _____ 42.4 % of site
 Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 50.3 % of site
 10-15%: _____ 0.5 % of site
 15% or greater: _____ 23.3 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Quassaick Creek Classification C, C
- Lakes or Ponds: Name Holden Pond Classification N/A
- Wetlands: Name Holden Pond (Freshwater Pond Wetland) Approximate Size 3 acre-feet
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: <u>Eastern Gray Squirrel, Eastern Cottontail</u> <u>Northern Water Snake, Pickerel Frog</u> <u>Common Snapping Turtle, Green Frog</u> <u>White-tailed Deer, Eastern Chipmunk</u>	<u>Wood Turtle, Painted Turtle, etc.</u> <div style="border: 1px solid black; padding: 2px; font-size: small;"> Source: Assessment of Waterbodies and Watershed Resources (2012) </div>
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
According to USFWS Orange County, NY is listed as potentially supporting the following species (not confirmed on project site): Dwarf Wedgemussel (<i>Alasmidonta heterodon</i>), Bog Turtle (<i>Clemmys muhlenburgii</i>), Indiana Bat (<i>Myotis sodalis</i>), Small Whorled Pogonia (<i>Isotria medeoloides</i>) – All sites within NY State have been extirpated (Small Whorled Pogonia Recovery Plan, 1992), Woodland Agrimony (<i>Agrimonia striata</i>)	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: East End Historic District	
<i>iii.</i> Brief description of attributes on which listing is based:	
The site's proximity to the New York State Armory (approx. 1,500 ft) and Washington's Headquarters (approx. 2,500 ft from project site)	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s):	
<i>ii.</i> Basis for identification:	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: Washington's Headquarters (0.5 miles), Hudson River (0.1 miles)	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Revolutionary War Heritage Trail	
<i>iii.</i> Distance between project and resource: See above miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation:	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

PRINT FORM

Required Approvals for West Trunkline Sewer Corridor Improvements Project

Agency	Required Approval
City of Newburgh	Council Approval
Newburgh City Council Zoning Board of Appeals	Council Approval
New Windsor Town Zoning Board of Appeals	Board Approval
CSX Transportation, Inc.	Right of Entry/Maintenance Agreement
New York State Department of Transportation	Highway Work Permit (Utility)
New York State Environmental Facilities Corporation	Approval for Wastewater Improvements
New York State Department of Environmental Conservation	Water Quality Permit, Freshwater Wetlands Permit
New York State Department of State	Coordination Letter
Army Corps of Engineers	Nationwide Permit #27
United States Fish and Wildlife Service	Declaration of No Impact

RESOLUTION NO.: 119 - 2014

OF

MAY 12, 2014

**A RESOLUTION ACCEPTING THE NORTHEAST ORANGE COUNTY
WATER SUPPLY PROJECT FACILITY PLAN**

WHEREAS, in November 2010, the Orange County Water Authority (the "OCWA") completed the Northeast Orange County Water Supply Feasibility Study (the "Feasibility Study") which addressed the future water resource needs of the Towns of Newburgh and New Windsor and the City of Newburgh (the "Municipalities") and evaluated the feasibility of constructing a regional water treatment facility that would serve each of the three municipalities; and

WHEREAS, by Resolution No. 263-2010 of November 22, 2010, the City Council of the City of Newburgh authorized participation in a joint grant application with the Orange County Water Authority and the Towns Newburgh and New Windsor seeking funding for a regional water project and declared its intention to enter into inter-municipal agreements in connection with the project; and

WHEREAS, in July 2012, the OCWA was awarded a New York State Department of State Local Government Efficiency Grant to fund the Northeast Orange County Water Supply Implementation Project (the "Project") for the purpose of refining and evaluating the financial and technical details associated with the water supply alternative identified in the Feasibility Study and to select a preferred regional water supply alternative and develop a facility plan that meets the parties' requirements and provides the basis for inter-municipal agreements; and

WHEREAS, by Resolution No. 136-2012 of August 13, 2012, the City Council of the City of Newburgh declared its support for the implementation of the grant procured by the OCWA; authorized the City Manager to identify a representative who will attend project working group meetings, as well as share data, documents, and drawings with the consultants implementing the grant; agreed to work with the other Municipalities to enter inter-municipal agreements detailing the terms and conditions of water sharing; and declared its support of the efforts of the County of Orange in advancing the design of the priority interconnection projects and securing funds from the NYCDEP to design and build the priority projects; and

WHEREAS, the OCWA and its consultants have completed a report that includes investigation and review of the options for supplemental water supply to the region; the development of a facility plan for optimal water supply interconnections to improve overall system reliability within the region and the establishment of an institutional framework to facilitate the implementation of an overall regional water supply plan; and

WHEREAS, the City of Newburgh recognizes and appreciates the need to develop a safe, reliable and adequate water supply to serve the inhabitants of the Northeast Orange County region now and for the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby reaffirms its commitment to OCWA, the Municipalities and to the Project and adopts the findings, conclusions and recommendations of the Northeast Orange County Water Supply Project Facility Plan dated April 2014.

Councilwoman Mejia moved and Councilwoman Angelo seconded that the resolution be adopted.

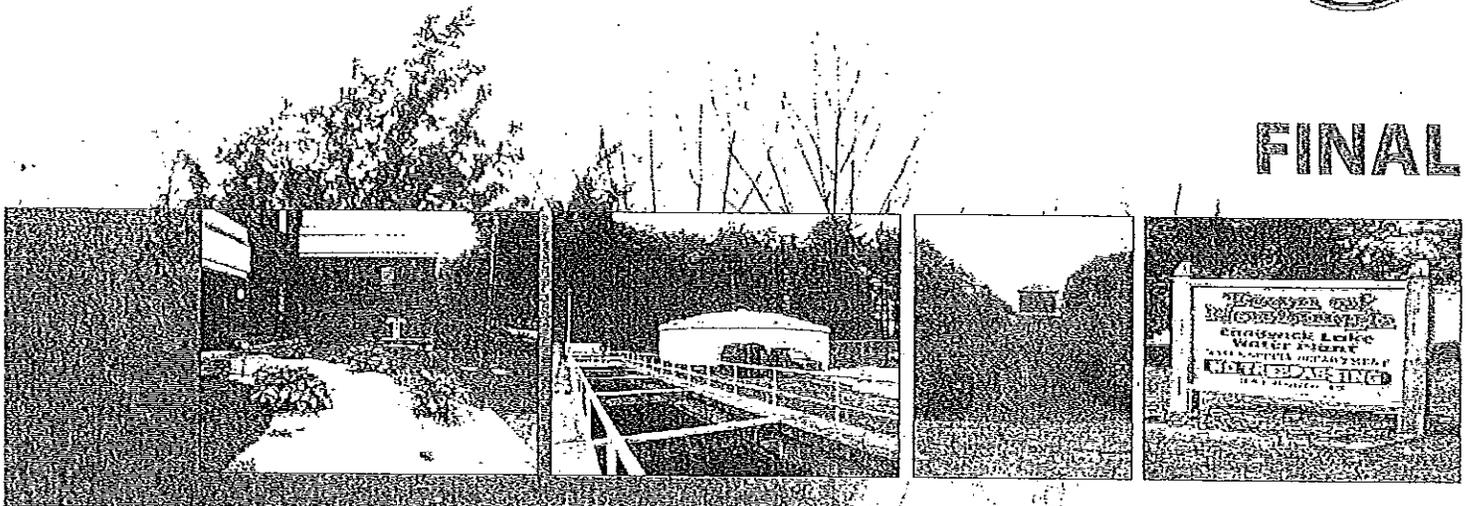
Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

Executive Summary



FINAL



Northeast Orange County Water Supply Project

FACILITY PLAN

Orange County Water Authority
Grant Contract Number C-108820

April 2014



Prepared by:

HDR

THE
Chazen
COMPANIES



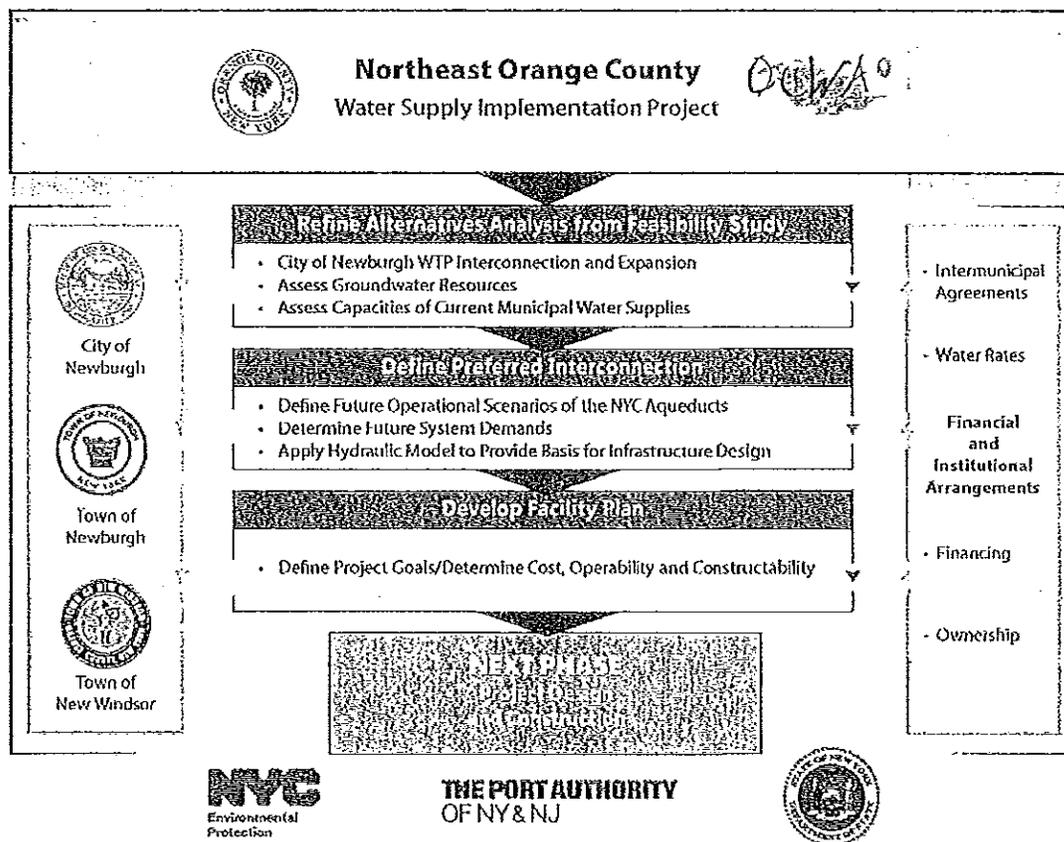
and

This work is funded in part by a Local Government Efficiency Grant from the
New York State Department of State

GEOVATION

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Northeast Orange County Water Supply Implementation Project



ABSTRACT

Orange County, N.Y. relies on water from both surface and ground water sources within 11 watershed basins as well as water from the New York City Aqueduct System. The Orange County Water Authority (OCWA) completed the Northeast Orange County (NE OC) Water Supply Feasibility Study in November 2010. This study addressed the future water resource needs of the Towns of Newburgh and New Windsor, and the City of Newburgh, and evaluated the feasibility of constructing a “regional” water treatment facility that would serve each of these municipalities.

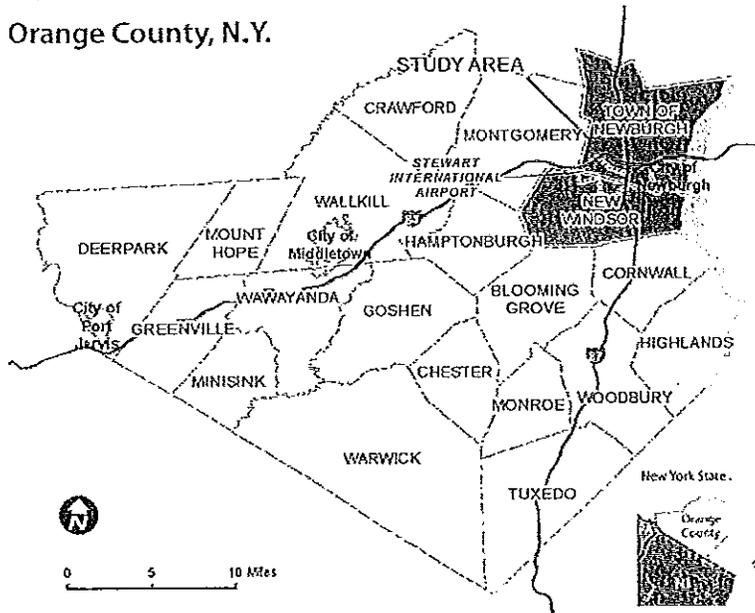
In 2011, the OCWA filed an application for and was awarded a project implementation grant application under the New York State Department of State Local Government Efficiency (LGE) Grant Program. This grant partially funded the NE OC Water Supply Implementation Project which has two primary objectives: (1) to refine and evaluate the financial and technical details associated with each of the water supply alternatives identified in the feasibility study, and (2) to select a preferred regional water supply alternative and develop a facility plan which meets the requirements of all parties involved and provides the basis for the establishment of a number of inter-municipal agreements.

This report presents the results of the work that has been performed since the grant was awarded in July 2012. Tasks undertaken as part of this work include an investigation of the options for supplemental water supply to the region, the development of a facility plan (conceptual design) for optimal water supply interconnections to improve overall system reliability within the region, and the establishment of an institutional framework to facilitate the implementation of an overall regional water supply plan.

The Need for Regional Sharing

The Northeast Section of the County is dependent on the NYC Aqueduct System for which shutdowns are planned. In addition, water quality problems result in water shortages and require improved system reliability. There is a need for regional water supply sharing in order to:

Orange County, N.Y.



- Provide for Interconnections between the City of Newburgh and the Towns of Newburgh & New Windsor that will allow for the three systems to operate relatively independent of the NYC Water Supply system.
- Provide for water supply capacity to address times when the NYC aqueduct supply is unavailable (both Catskill and Delaware).
- Provide for improved reliability among all three municipal supplies.
- Provide additional water supply capacity to address future growth projected within the Northeast Orange County area.

Current Water Supply Conditions

- **Town of Newburgh**
(8.7 MGD capacity):
Delaware Aqueduct Shaft 5A
(6.0 MGD with new plant in operation in 2014);
Chadwick Lake (2.7 MGD dependable yield/2.1 safe yield)
- **Town of New Windsor**
(3.93 MGD):
Catskill Aqueduct at Stewart Airport (0.5 MGD) &
at Riley Road (3.0 MGD),
0.432 MGD wells (Silver Stream Reservoir-Emergency)
- **City of Newburgh**
(8.85 MGD):
Washington Lake + Silver Stream Reservoir
(6.6 MGD dependable/3.7 MGD safe yield),
Catskill Aqueduct (4.5 MGD)

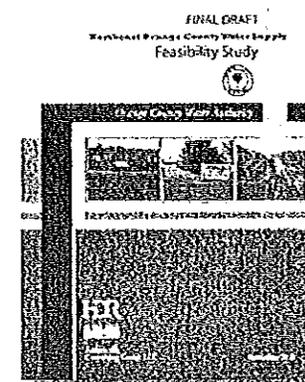
PREVIOUS STUDIES

August 2010
Orange County Water Authority
Proposed County Comprehensive Plan
Amendment
Draft Water Master Plan



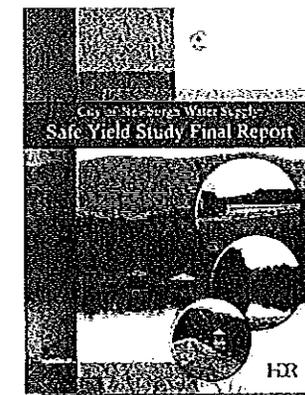
Conclusion: Northeast area of the County needs a water sharing plan

November 2010
Northeast Orange County Water Supply
Feasibility Study



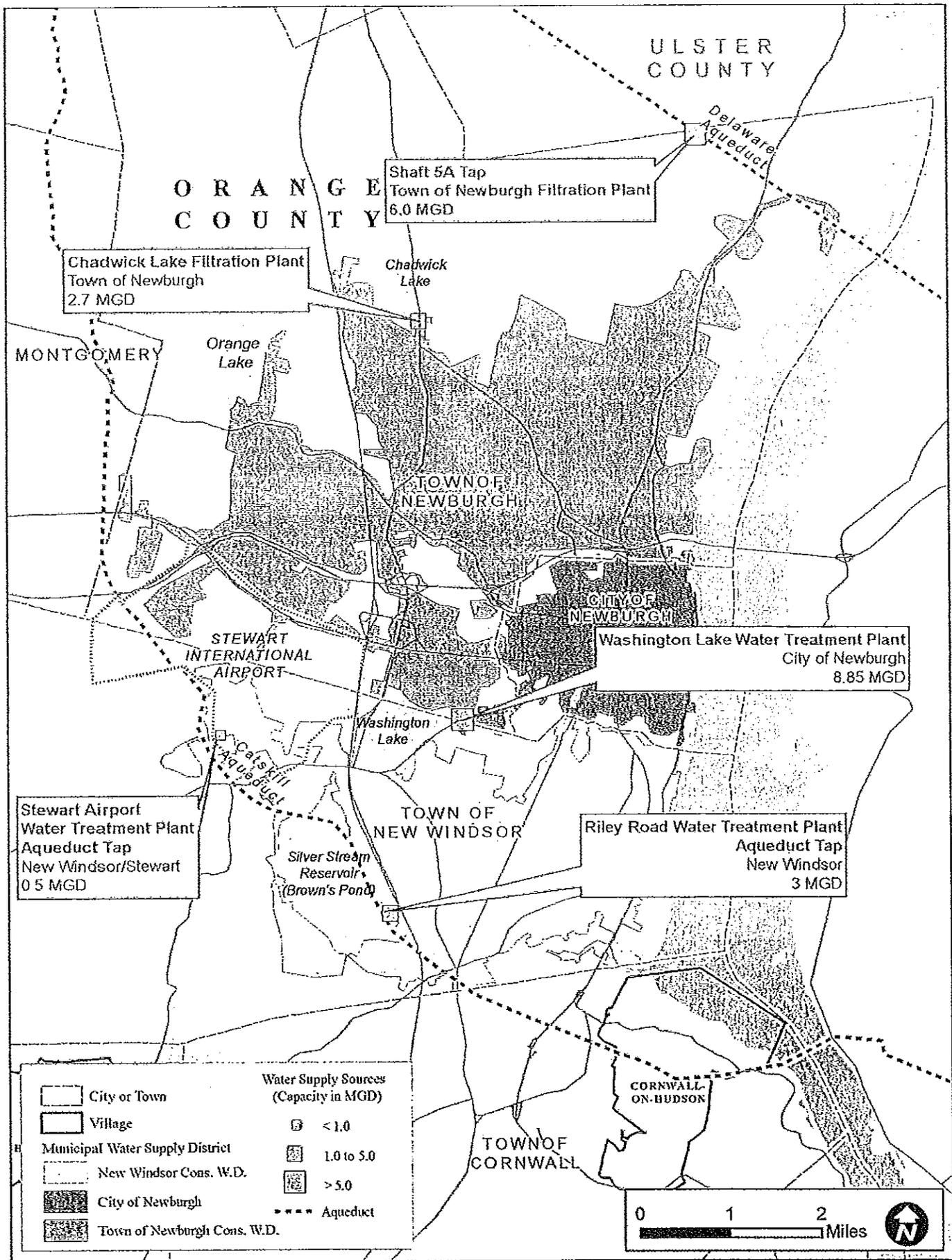
Conclusion: City of Newburgh Water Supply best option for supplying water regionally.

June 2012
City of Newburgh Water Supply
Safe Yield Study Final Report

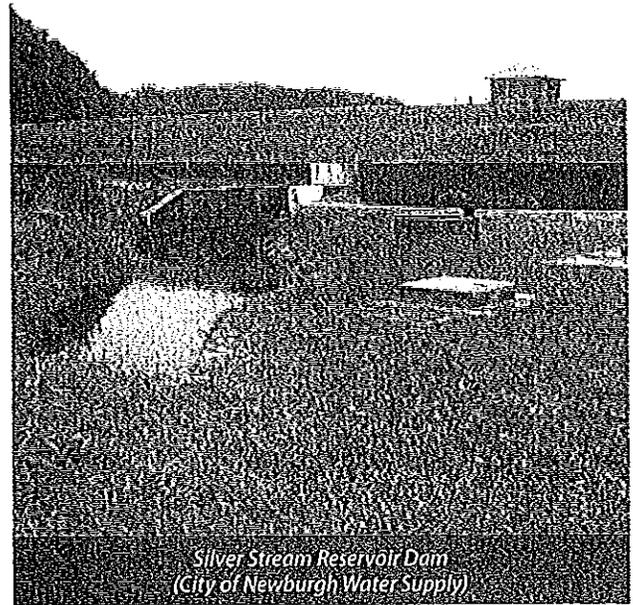
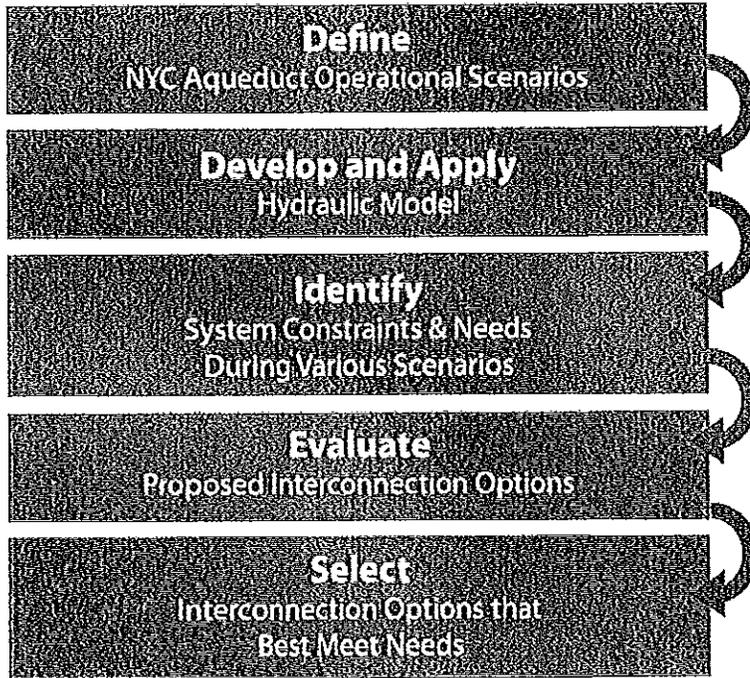


Conclusion: Determined drought and non-drought safe yields.

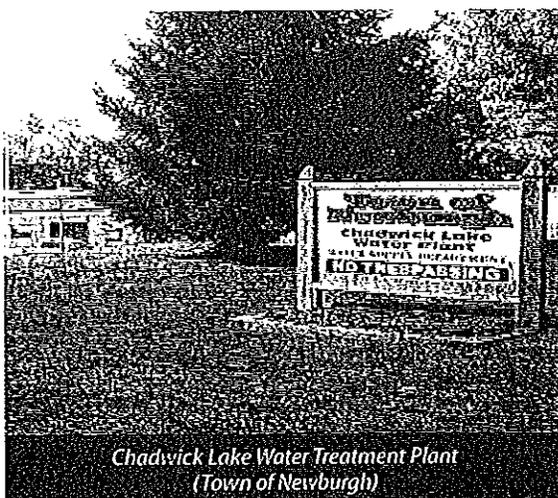
Study Area - Northeast Orange County, NY



Analytical Approach



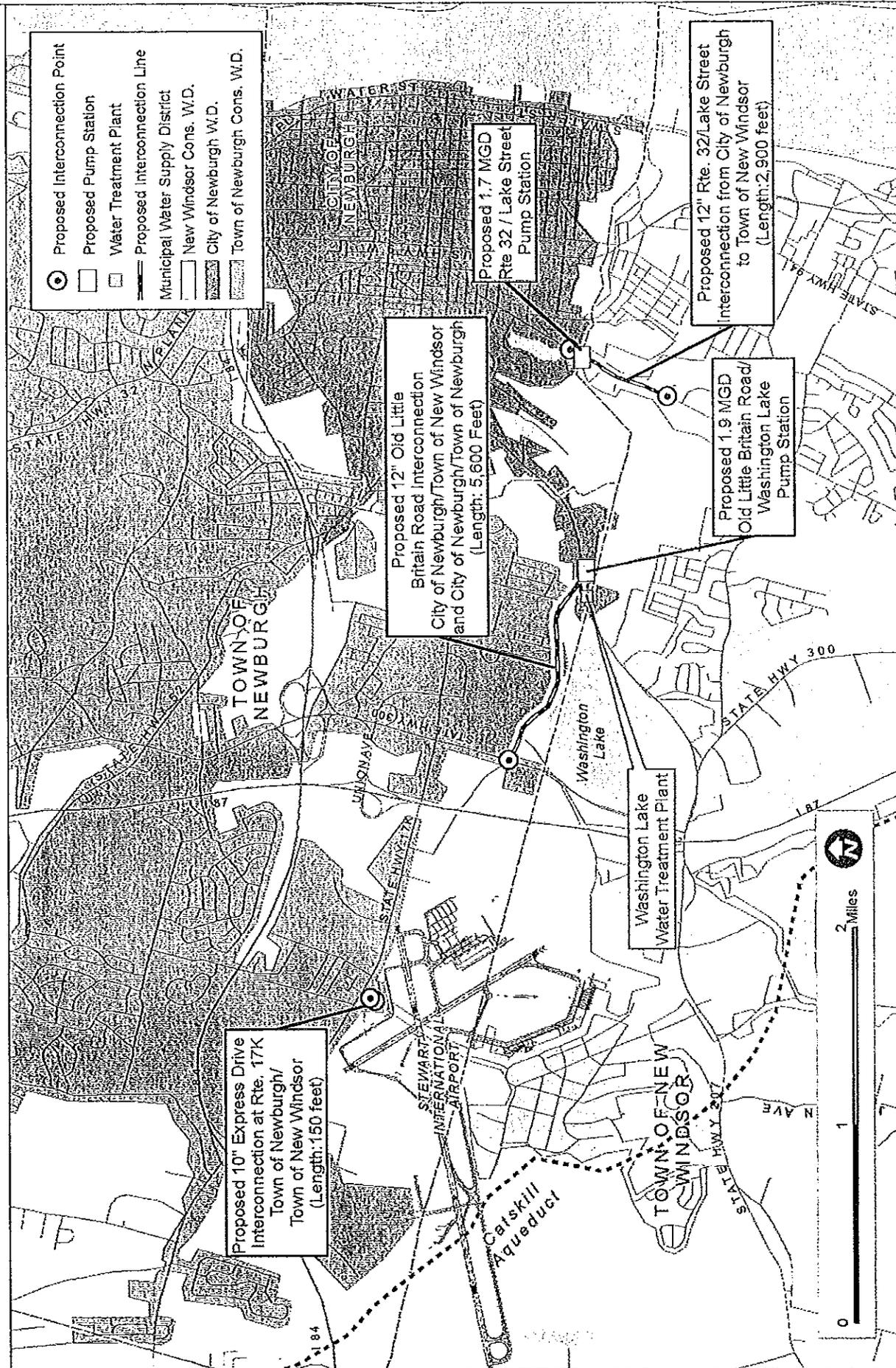
Operational Scenario	Municipality Affected
1. Both Catskill & Delaware Aqueducts in Service	Baseline - ample supply
2. Catskill Aqueduct - Out of Service	Town of New Windsor
3. Delaware Aqueduct - Out of Service	Town of Newburgh
4. Delaware Aqueduct - Out of Service and the Catskill Aqueduct is turbid	Town of Newburgh & Town of New Windsor
5. Delaware Aqueduct - In Service and the Catskill Aqueduct is turbid	Town of New Windsor



HYDRAULIC MODELING METHODOLOGY

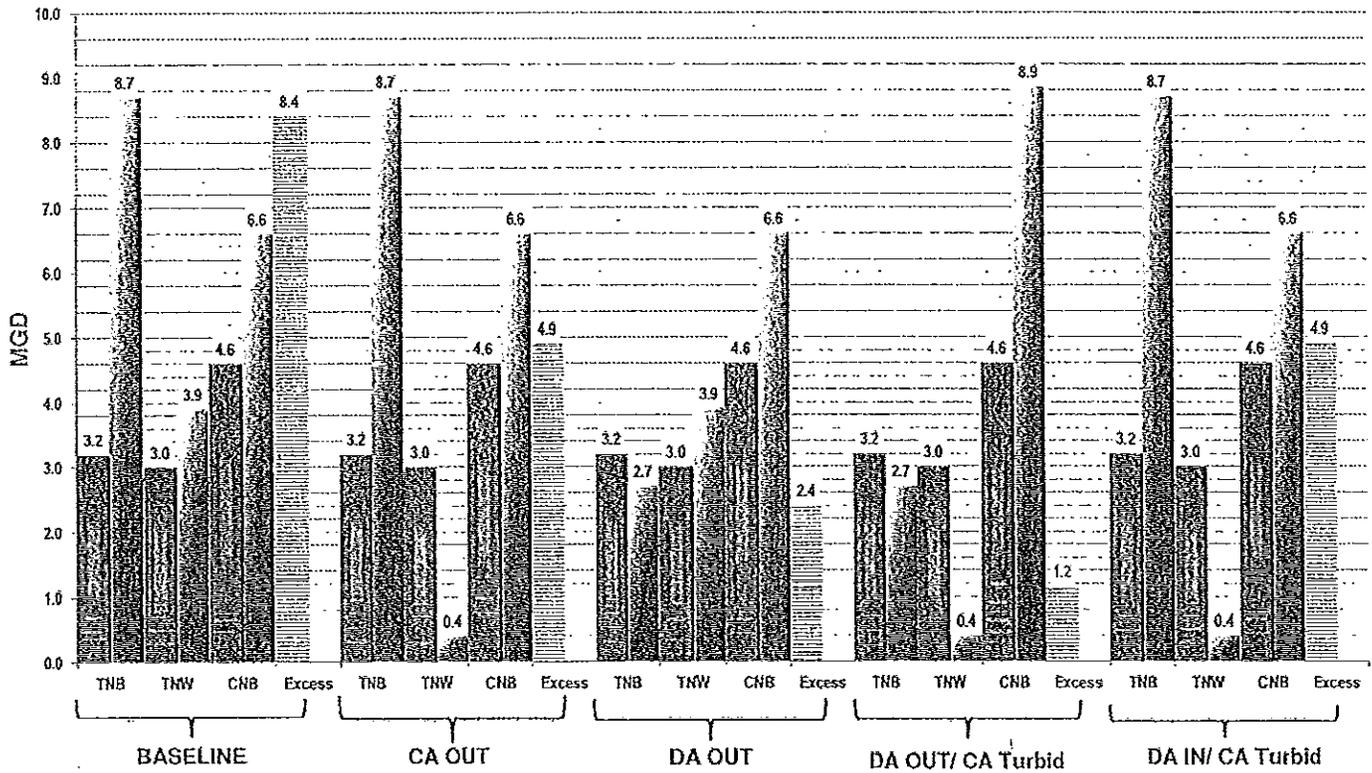
- Used system asset data which was supplied in ESRI ArcGIS shapefile format.
- Modeling System used was WaterCAD V8i Select Series3 by Bentley (enhanced version of EPANET v2.0).
- Model simulated the bulk water transfer between the water districts and informed the conceptual design.
- Assessment provided basis for sizing pump stations & water mains, defining interconnections and pressure reducing valve needs, and establishing operating procedures.

Selected Interconnections

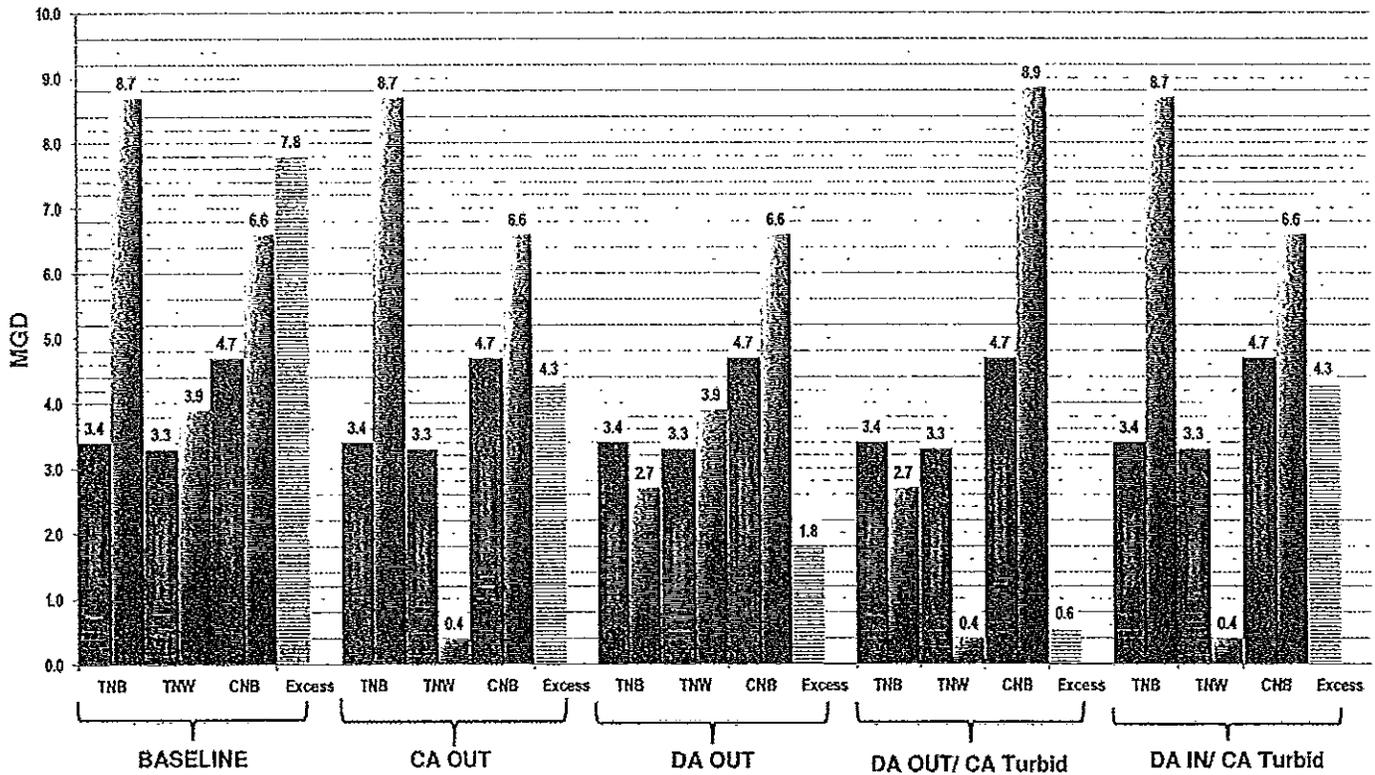


NEOC Operating Scenarios

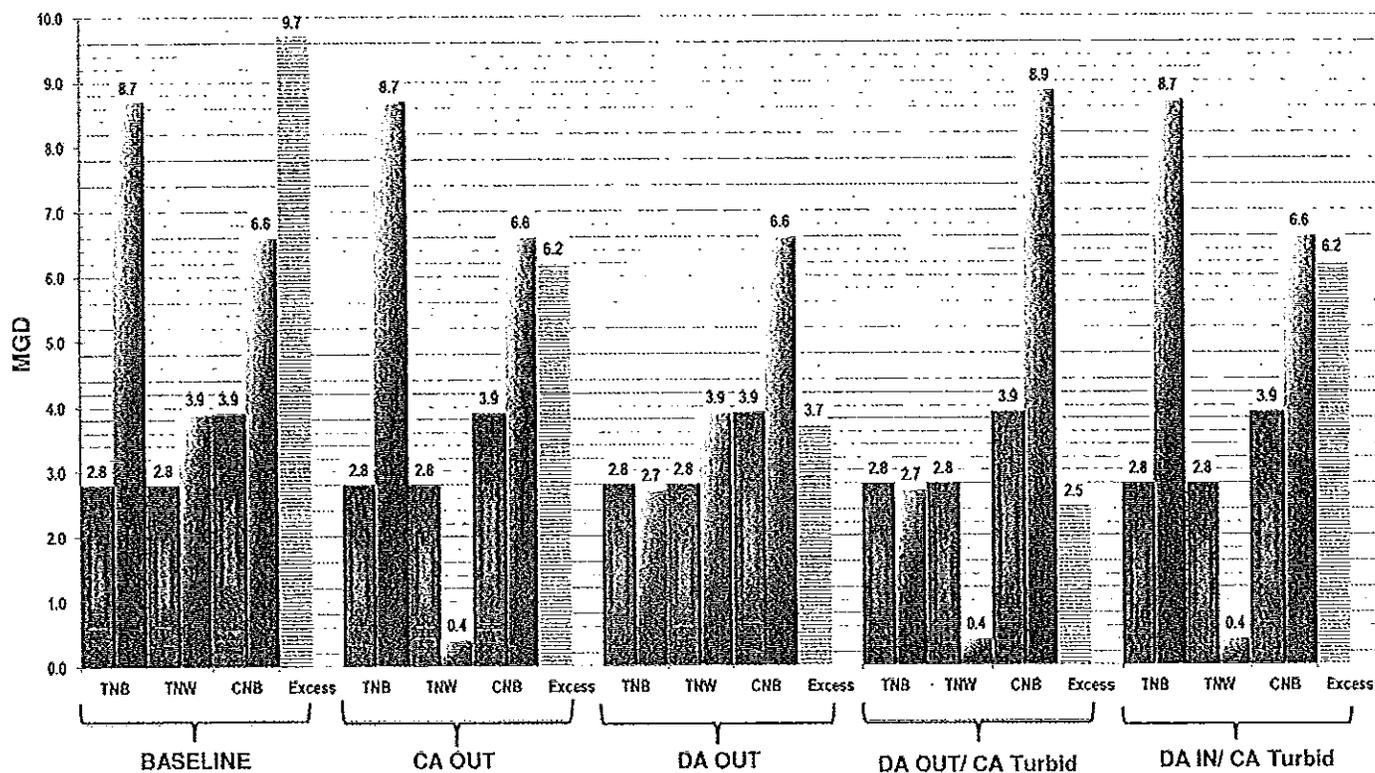
With 2012 Average Annual Supply and Demands



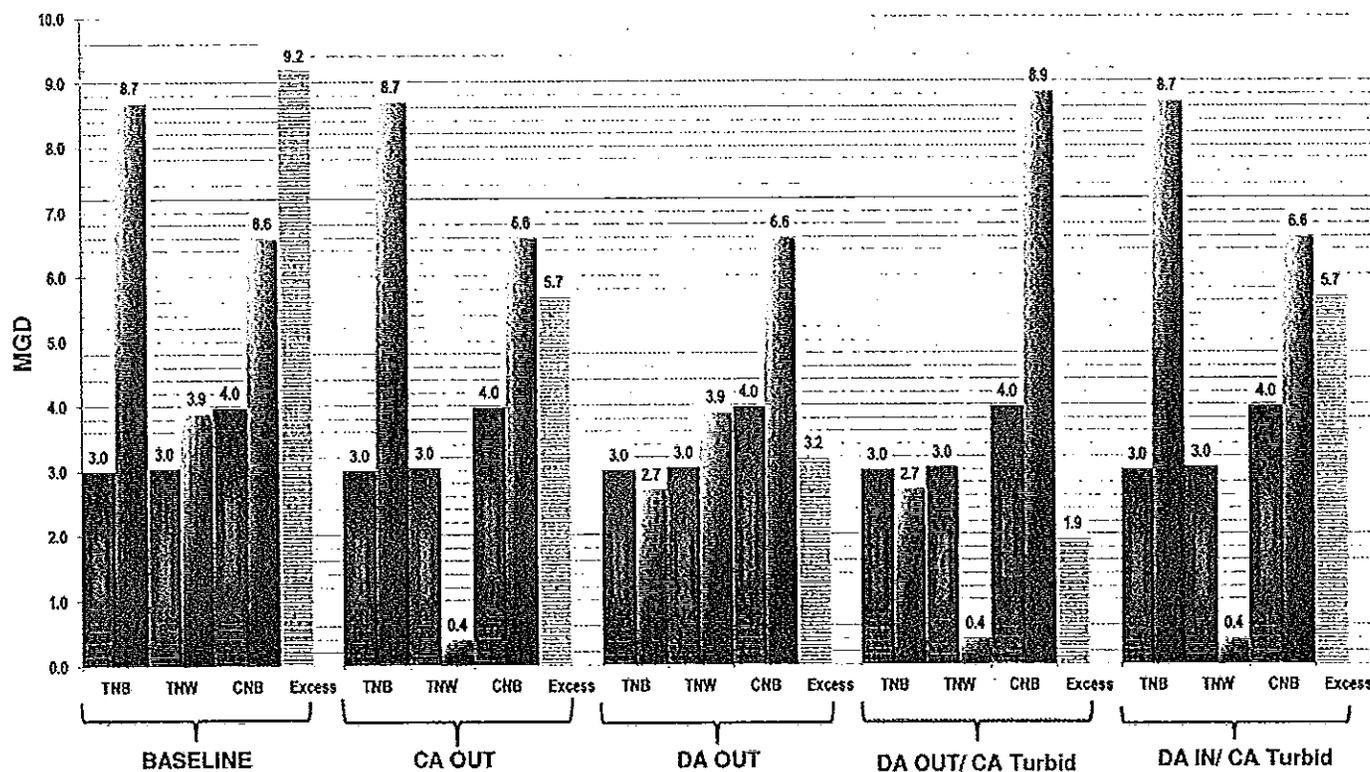
With 2021 Average Annual Supply and Demands



With 2012 Off-Peak Supply and Demands



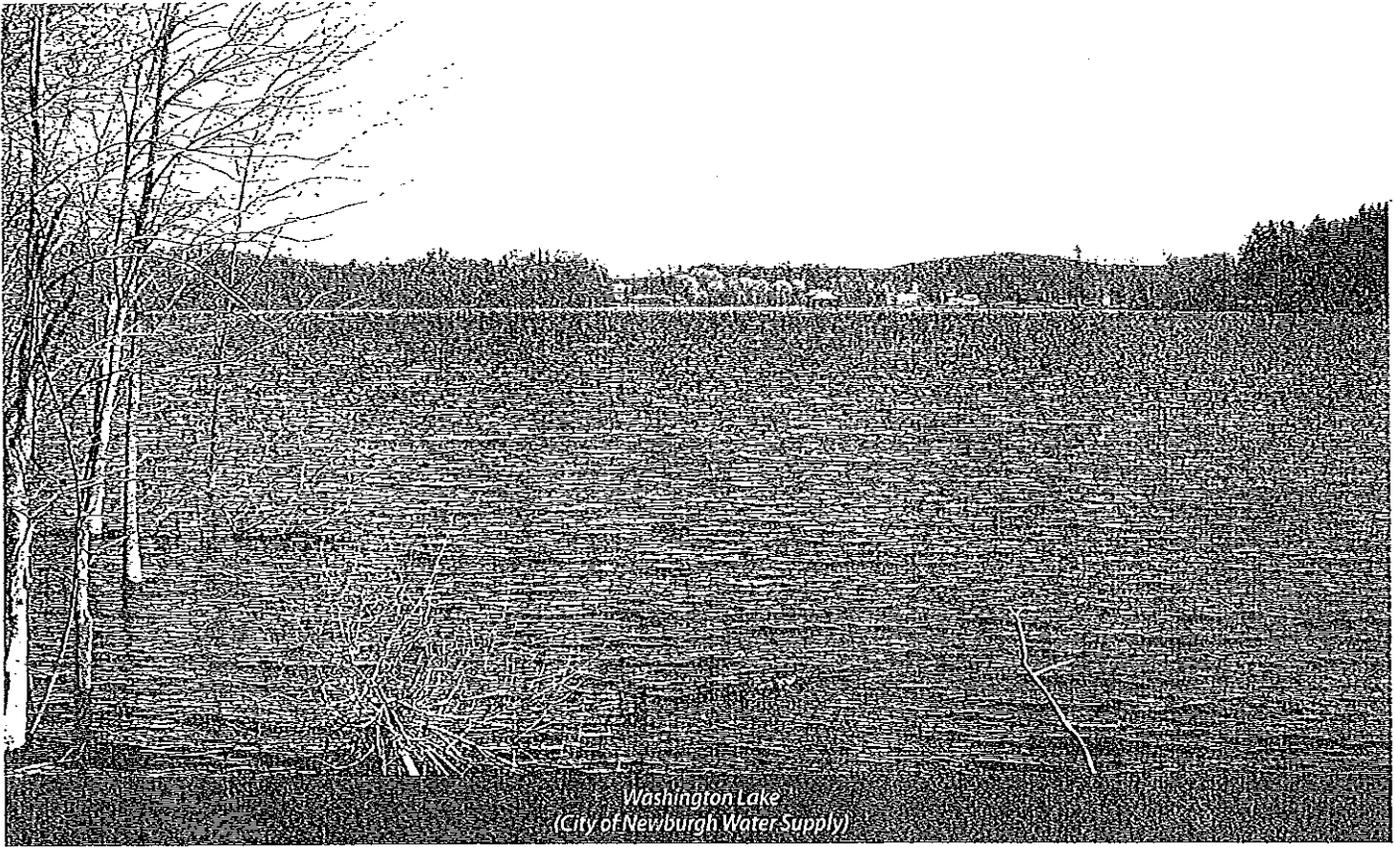
With 2021 Off-Peak Supply and Demands



TNB: Town of Newburgh
 TNW: Town of New Windsor
 CNB: City of Newburgh

DA: Delaware Aqueduct
 CA: Catskill Aqueduct

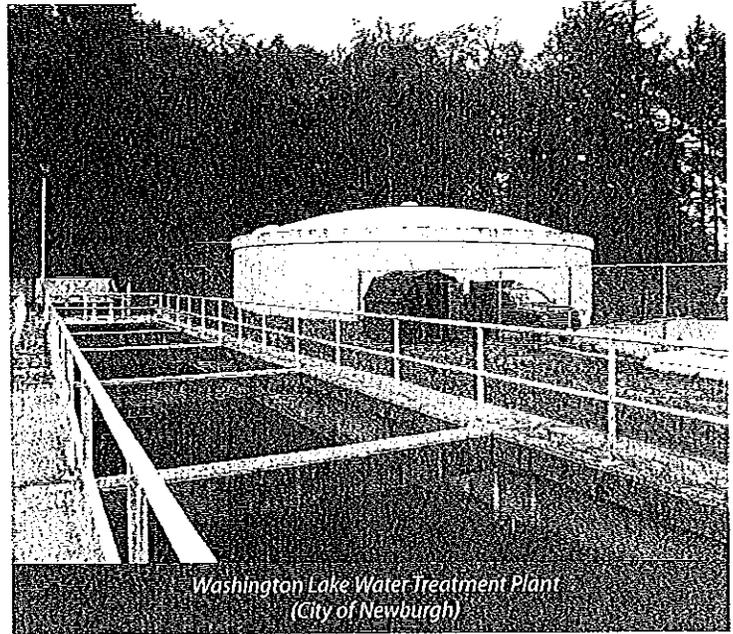
Project Implementation and Facility Planning



Interconnection	Description	Cost	Functionality
1. Old Little Britain Road	5,600 LF of 12-in. main + 1.9 MGD pump station	\$5.0M	Will provide water to both Towns from the City of Newburgh - greatest functionality when either aqueduct out of service.
2. Lake Street	2,900 LF of 12-in. main + 1.7 MGD pump station	\$3.6M	Will provide water to the Town of New Windsor from the City of Newburgh; support during Catskill Aqueduct outage.
3. Express Drive	150 LF of 10-in. main	\$100K	Will provide water from the Town of Newburgh to the Town of New Windsor - gravity flow.
4. City of Newburgh Washington Lake Water Treatment Plant Upgrade	One new finished and raw water pump, plate settlers for west sedimentation basins, 2 new chemical metering pumps each for new PACl, PAC and KMNO ₄	\$2.8M	Hydraulic and chemical feed system upgrade to facilitate the plant to operate at full permitted capacity.
TOTAL COST		\$11.5M	

Conclusions

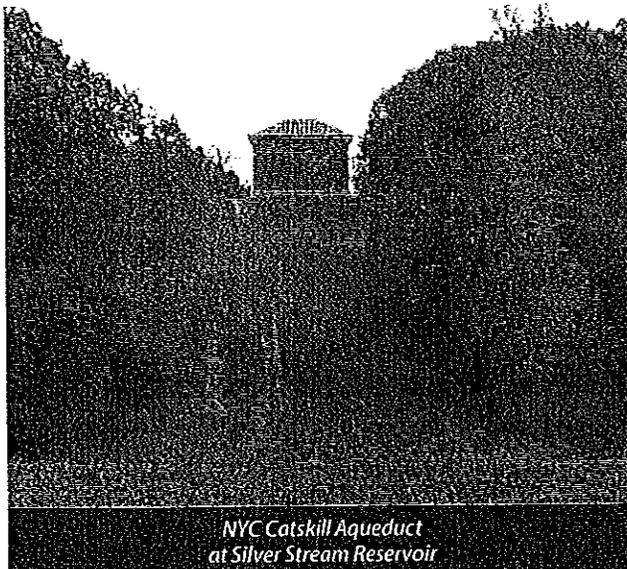
- Three potential sources of supplemental water are available to increase the reliability of the water supply to the region; they include groundwater, surface water, and interconnections within the three existing water districts;
- An evaluation of safe yield, water system capacities, and various New York City operating scenarios determined that the institution of a series of strategically placed interconnections between the three water districts provided the most expedient means of addressing both current and future water supply needs of the region, however a groundwater supply located within Butterhill Park in New Windsor has recently been identified as a potential source of supply for the southern section of the Town;
- The application of a system-wide hydraulic model was used to define the basis for sizing of the alternative pump stations & interconnections, and the operating procedures necessary to achieve water sharing between the three municipalities;
- The City Newburgh water treatment plant will need to be upgraded to achieve the level of treatment necessary to meet demands at higher flows. These upgrades have been identified as part of this facility plan;
- An opinion of most probable costs of \$11.5M total was determined for establishing the necessary interconnections (\$8.7M) as well as the necessary upgrades to the Washington Lake water treatment plant (\$2.8M).



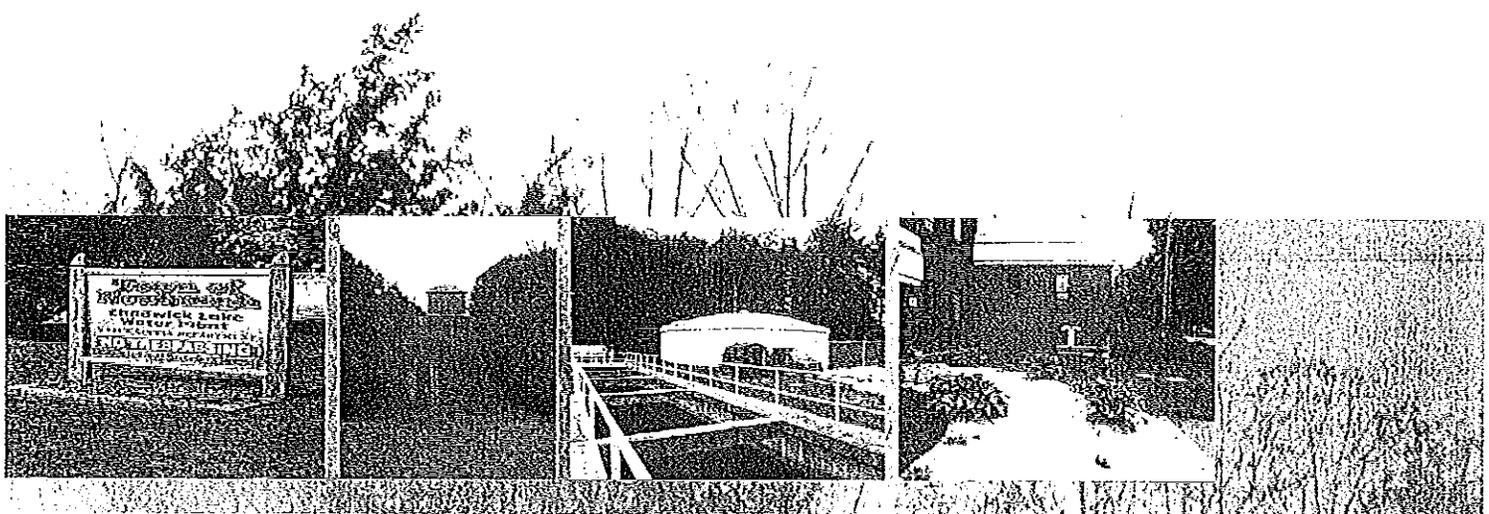
Recommendations

The following items are recommended to be included as tasks for advancing this project into the basis of design and final design stages:

- Further refinement of the safe yield analysis for the City of Newburgh Water Supply;
- Further refinement of the City of Newburgh Washington Lake WTP assessment;
- Performance testing of the City of Newburgh Washington Lake WTP;
- Equipment sizing for recommended upgrades at the City of Newburgh Washington Lake WTP
- Performance testing of the Silver Stream Reservoir pump station;
- Performance of a follow up condition assessment of the Washington Lake Intake Structure;
- Distribution system model evaluation & pressure testing;
- Integration of groundwater development into the distribution system of the Town of New Windsor and the potential use of the new groundwater source by the Town of Newburgh and the City of Newburgh



NO TEXT ON THIS PAGE



711 Westchester Avenue
White Plains, NY 10604
www.hdrinc.com

Prepared by:



and



RESOLUTION NO.: 120 - 2014

OF

MAY 12, 2014

A RESOLUTION ACCEPTING A PROPOSAL AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH BARTON AND LOGUIDICE, P.C. IN THE AMOUNT OF \$26,280.00 FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE REPAIR OR REPLACEMENT OF THE CITY OF NEWBURGH WATER STORAGE TANKS

WHEREAS, by Resolution No. 252 -2011 of December 12, 2011, the City of Newburgh through a competitive process in which proposals for professional engineering services were solicited, reviewed and evaluated, the City Council authorized the City Manager to execute a contract with Barton and Loguidice, P.C., for professional services in connection with the repair or replacement of the City of Newburgh Water Storage Tanks; and

WHEREAS, by Resolution No. 144-2013 of July 15, 2013, the City Council of the City of Newburgh awarded a bid to and authorized the execution of a contract with DN Tanks, Inc. for the replacement of the Marne Avenue Water Storage Tank; and

WHEREAS, by Resolution No.: 27-2014 of February 10, 2014, this Council authorized a no-cost change order to the construction contract for the replacement of the Marne Avenue Water Storage Tank and an extension of time for the final completion of construction contract with DN Tanks Inc.; and

WHEREAS, Barton and Loguidice has submitted a proposal, a copy of which is annexed hereto, for additional engineering services related to the construction phase of the replacement of the Marne Avenue Water Storage Tank and the design and contract administration phase of the repair of the Ellis and Brady Avenue Water Storage Tanks in the amount of \$26,280.00; and

WHEREAS, funding for said additional services in the amount of \$26,280.00 shall be derived from HF1.8340.0200.8300.0000; and

WHEREAS, this Council has determined that accepting the proposal and authorizing the execution of an amendment to the contract with Barton & Loguidice, P.C. 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 proposal for additional engineering services with Barton and Loguidice, P.C. is accepted and the Interim City Manager is authorized to execute an amendment to the contract with Barton and Loguidice, P.C., in the amount of \$26,280.00 for additional professional engineering services in connection with the repair or replacement of the City of Newburgh Water Storage Tanks.

Councilwoman Angelo moved and Councilwoman Mejia seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

Celebrating over 50 years of service
April 24, 2014

Mr. Jason Morris, P.E.
City Engineer
City of Newburgh
83 Broadway, 3rd Floor
Newburgh, New York 12550

RE: Proposal for Additional Engineering Services
Water Storage Tank Improvements Project
City of Newburgh, Orange County, New York

File: 1352.002

Dear Mr. Morris:

As you are aware, the City Council authorized Barton & Loguidice, D.P.C. (B&L) to proceed with the replacement of the Marne Avenue Water Storage Tank in lieu of the repair and repainting of the existing Tank. At the request of the City, B&L issued a Notice to Proceed on August 12, 2013. The City authorized a no cost extension to DN Tanks on February 10, 2014 to extend the contract to the end of May. This extended the Construction Contract from 18 weeks to 42 weeks.

As a result of our efforts onsite, we are projecting a cost savings to the City of over \$170,000 due to our oversight on the project. Despite our best efforts to minimize the amount of time spent onsite, i.e. only being onsite while piping was to be installed and backfilled, or to perform critical inspections; due to the protracted project schedule, the Construction Phase Services budget has been exhausted. Within our proposal, we assumed a total of 20-weeks for the construction duration. The construction of the tank was completed on November 21, 2013, a total of 15 weeks. Our schedule assumed that the installation of piping outside of the footprint of the tank could have been completed while the construction of the tank was ongoing, this did not occur and while some work was completed during the erection and construction of the tank, the majority of the pipework throughout the site was completed after the tank was complete.

DN Tanks & CalMart Enterprises continued working through the harsh winter which slowed progress, thus requiring additional time onsite. After working for 9 more weeks they successfully placed the new tank into service January 22, 2014 for a total of 24 weeks to Substantial Completion.

Additional Construction Observation Services

Within B&L's agreement with the City we assumed 20 weeks at an average of 24 hours a week or 480 hours. Due to the harsh weather, piping installation did not progress as fast as desired and as a result we spent over 650 hours onsite observing the installation of the tank and site work.

The experience to **listen.**
The power to **solve.**



Mr. Jason Morris, P.E., City Engineer
City of Newburgh
April 24, 2014
Page 3



If we would have continued at the average rate of 24 hrs/week this would have resulted in a total of 1,008 hours. Through our efforts to minimize the amount of time onsite, we saved the city over 350 hours of observation services. Therefore, we are requesting the following:

$$650 \text{ hours (total spent)} - 480 \text{ hours (hours in contract)} = 170 \text{ hours}$$

$$170 \text{ hours} \times \$84/\text{hr (contracted rate)} = \$14,280$$

Additional Construction Administration Services

In addition to the time spent onsite, additional coordination was required between DN and the City for completion of the work. In our proposal, we assumed approximately \$800/week in time spent administering the Construction Contract. With the duration of Construction extending to 42 weeks, this would equate to an additional 24 weeks. Given the minimized effort, although it required additional coordination, we were able to reduce the amount of time spent on these activities as well. We are requesting an additional 15 weeks of oversight bringing the total to 35 weeks instead of the full construction duration of 42 weeks, thus saving the City 7 weeks of additional services. Therefore, we are requesting the following:

$$15 \text{ weeks (number of weeks)} \times \$800/\text{wk (contracted rate)} = \$12,000$$

As a result of our efforts, we were able to save the City over \$170,000 in construction costs and approximately \$36,000 in additional engineering costs. At the time, it was believed that through minimizing our efforts we would be able to minimize the amount we would need to request for the additional services. We also believed there to be sufficient monies within the contract to cover these services. We are requesting the additional \$26,280 to cover the costs associated with the above noted additional work.

Our Contract also included the time to bid and oversee the Ellis Ave and Brady Ave Rehabilitation Project. In addition, we assumed we would be bidding and overseeing only two contracts (Marne Tank Replacement and Ellis/Brady Tanks Rehabilitation). Due to the size and amount of the construction costs associated with the electrical portion of the rehabilitation, the electrical work had to be broken into a separate third contract. This contract will be bid at the same time as the rehabilitation work, but will require administration of a separate contract. At this time, through the authorization of this amendment, we believe we will be able to continue with the oversight of this work within our construction services scope.

Fee for Services

Barton & Loguidice, D.P.C. (B&L) requests an additional \$26,280 to cover the costs associated with the additional effort expended during the Construction Phase of the Marne Avenue Replacement project. B&L proposes to bill for these services in accordance with our agreement. It is anticipated that these fees will be paid from the available project budget which currently has an available contingency of \$240,444 including the deduct change order for Marne Ave.



Mr. Jason Morris, P.E., City Engineer
City of Newburgh
April 24, 2014
Page 3



Thank you for this opportunity to be of continued service to the City of Newburgh.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in black ink, appearing to read 'Donald H. Fletcher', written over a horizontal line.

Donald H. Fletcher
Vice President

ATE/ojf

AUTHORIZATION

Barton & Loguidice, D.P.C. is authorized to provide the additional services associated with the additional work described herein in accordance with the terms of our agreement.

Recommended by:

Mr. Jason Morris, P.E.
City Engineer, City of Newburgh

Date

Approved as to Finances:

John Aber
City Comptroller

Date

Approved as to Form:

Michelle Kelson
Corporation Council

Date

Authorized:

James Slaughter
Interim City Manager

Date



RESOLUTION NO.: 121 - 2014

OF

MAY 12, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AMENDMENT TO THE STREET LIGHTING AUTHORITY ORDER
WITH CH ENERGY GROUP, INC.**

WHEREAS, it has become necessary to amend the Street Lighting Authority Order entered into with Central Hudson Gas & Electric Corporation n/k/a CH Energy Group, Inc., providing for the installation of LED 35 lamps on poles numbered 86130 through 86137, respectively, on E. Parmenter Street; and

WHEREAS, there will be a cost to the City of Newburgh of \$9.76 per quarterly period for this change; and

WHEREAS, this Council finds that entering into the amendment to the Street Lighting Authority Order in support of Habitat for Humanity of Greater Newburgh's E. Parmenter Street Project 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 is hereby authorized to execute the attached amendment to the Street Lighting Authority Order.

Councilwoman Angelo moved and Councilwoman Holmes seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

CENTRAL HUDSON GAS & ELECTRIC CORPORATION
 610 LITTLE BRITAIN ROAD
 NEW WINDSOR, NY 12553-6114
 (845) 452-2700

STREET LIGHTING AUTHORITY ORDER

PAGE 1

CITY OF NEWBURGH
 83. BROADWAY
 NEWBURGH NY 12550

ORDER NO.: H8-03251
 ACCOUNT NO.: 8411-2080-00
 DATE: 04/22/14

TO CENTRAL HUDSON GAS & ELECTRIC CORPORATION:

YOU ARE HEREBY AUTHORIZED TO MAKE CHANGES SPECIFIED BELOW TO THE STREET LIGHTING SERVICE FOR THE CITY LGTG _____, IN ACCORDANCE WITH A RESOLUTION DULY ADOPTED AS PROVIDED BY LAW BY THE _____ (COUNCIL/BOARD OF THE _____ OF _____ AT A MEETING HELD ON _____, 20____ AS FOLLOW

ACTION:

INSTALL OR REMOVE	TYP & SIZE OF LAMP	POLE NO	RATE **	MAP & GRID	LOCATION	DATE COMPLETE	ADJ AMT
INSTALL	LED	35	86130	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86131	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86132	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86133	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86134	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86136	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86137	C	EAST PARMENTER ST		1.22
INSTALL	LED	35	86135	C	EAST PARMENTER ST		1.22

TAP ON 8 DEC LIGHTS ON E PARMENTER ST

- ** A. COMPANY OWNED AND MAINTAINED; ANNUAL OR SEASONAL SERVICE
- ** B. CUSTOMER OWNED/COMPANY MAINTAINED
- ** C. CUSTOMER OWNED/CUSTOMER MAINTAINED

THESE CHANGES ARE SUBJECT TO THE TERMS OF THE EXISTING STREET LIGHTING SERVICE CLASSIFICATIONS. DOES NOT INCLUDE THE COST OF ELECTRICITY.

MUNICIPALITY _____ BY _____

_____, 20____ TITLE _____

W.O.NO. 6686A DATE WORK COMPLETED _____ BY _____

RESOLUTION NO.: 122- 2014

OF

MAY 12, 2014

A RESOLUTION AMENDING THE 2014 CITY OF NEWBURGH PERSONNEL ANALYSIS BOOK AND AMENDING RESOLUTION NO.: 247-2013, THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER \$100,146.00 FROM CHILD, YOUTH, FAMILY AND SENIOR CITIZEN PART-TIME SALARY AND BENEFITS TO THE RECREATION DEPARTMENT PART-TIME SALARY AND BENEFITS IN CONNECTION WITH FUNDING ONE PART-TIME RECREATION LEADER AND SIX SEASONAL PART-TIME RECREATION ATTENDANTS

WHEREAS, the Director of Recreation has advised that there are two part-time Group Leader positions and two part-time Education Specialist positions that currently exist within the Child, Youth, Family and Senior Citizen budget line, which are currently vacant; and

WHEREAS, the Director has further advised of the need to re-designate such positions to create one part-time permanent Recreation Leader and six seasonal part-time Recreation Attendants to assist with operations at the Washington Street Boat Launch and Brown's Pond during the fishing season; and

WHEREAS, such positions would be created within the Recreation Department; and

WHEREAS, the re-designation and creation of such positions makes it necessary and appropriate to amend the 2014 City of Newburgh Personnel Analysis Book and Resolution No.: 247-2013, the 2014 Budget for the City of Newburgh, New York; and

WHEREAS, this Council has determined that such amendments are 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 in connection with funding one part-time Recreation Leader and six seasonal part-time Recreation Attendants and 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.7310.0102: Child, Youth, Family, Sr. Citizen Part-time Salary	\$ 67,641.00	
A.7310.0810: Retirement	\$ 27,100.00	
A.7310.0830: Social Security	\$ 5,175.00	
A.7310.0835: MTA	\$ 230.00	
A.7140.0102: Recreation Department Part-time Salary		\$ 67,641.00
A.7140.0810: Retirement		\$ 27,100.00
A.7140.0830: Social Security		\$ 5,175.00
A.7140.0835: MTA		\$ 230.00
TOTAL:	<u>Decrease</u>	<u>Increase</u>
	\$100,146.00	\$100,146.00

Mayor Kennedy noted that they set up a new department called Department of Parks and Rec and this is just moving the money from a now defunct department that no longer exists into the current renamed department.

Councilwoman Abrams asked if this includes salaries for people to be down at the Boat Launch.

Interim City Manager, James Slaughter, said of the six recreation attendants three will be at the Boat Launch and three will be at Brown's Pond.

Councilwoman Abrams asked if someone will be down at the Boat Launch early in the morning to collect the fees.

Interim City Manager, James Slaughter, responded with a "yes".

Councilwoman Angelo moved and Councilwoman Holmes seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

RESOLUTION NO.: 123 - 2014

OF

MAY 12, 2014

**A RESOLUTION ADOPTING THE CITY OF NEWBURGH
PARKING METER COIN COLLECTION POLICY AND PROCEDURE**

BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Parking Meter Coin Collection Policy and Procedure, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Policy shall take effect on May 15, 2014.

Councilwoman Angelo moved and Councilwoman Mejia seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED



City of Newburgh City Comptroller's Office

City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7322
Fax (845) 569-7490

John J. Aber
City Comptroller
jaber@cityofnewburgh-ny.gov

TO: City Manager
FROM: John J. Aber, City Comptroller
DATE: April 14, 2014
SUBJECT: Parking Meter Coin Collection

I PURPOSE

The purpose of this memorandum is to set forth the policies and procedures for the collection and deposit of coins from the City's parking meters.

II GENERAL

The Office of the Comptroller will be responsible for ensuring compliance with this policy.

III COIN COLLECTION

Staff employed by the Department of Public Works will be responsible for the collection of coins on a weekly basis.

1. The Superintendent of Public Works will be responsible for creating a weekly collection schedule.
2. For audit purposes, two employees of the Department of Public Works (DPW) will be assigned to collect the coins.
3. Coins will be collected once a week. The day and time of collection will vary to reduce the risk of robbery.
4. The two DPW employees will open the meters and drop the coins into a security box.

5. Upon completion of the coin collection, the security box will be transported by the DPW employees to City Hall and placed in the Tax Collector's cash room.
6. The DPW employees will notify the Office of the Comptroller that the coins are delivered and ready to be opened.
7. The security box will be opened in the presence of the DPW employees and a representative from the Office of the Comptroller.
8. The coins will be moved from the security box into clear bank deposit bags by the DPW employees.
9. Once the deposit bags are filled, they will be sealed.
10. For each deposit bag filled and sealed, the representative from the Office of the Comptroller, will record in a log book the following:
 - a. Date of transaction
 - b. Names of DPW employees
 - c. Name of Office of Comptroller Employee
 - d. Bag ID Number
 - e. All employees present will sign the log book
11. The coins in the deposit bags will remain in the cash room until the City's armored security company comes to pick up the coins.
12. The coins will be brought by the armored security company to TD Bank.
13. TD Bank will sign for the coins and count them for the City at no charge.
14. TD bank will prepare a deposit ticket on behalf of the City. The coins will be deposited into the City's Parking Meter account.
15. After the deposit is completed, TD bank will notify the Comptroller via email the amount deposited.
16. The Office of the Comptroller will record the amount deposited into the proper G/L account in KVS.
17. At the end of the month, the bank statements will be reconciled to ensure the deposits were recorded properly.

This policy takes effect May 15, 2014 and replaces all previous policies related to the collection of metered coins.

RESOLUTION NO.: 124 - 2014

OF

MAY 12, 2014

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
CALLING ON THE GOVERNOR, THE NEW YORK STATE ASSEMBLY
AND THE NEW YORK STATE SENATE TO ENACT THE
"ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2014"**

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State in the incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Newburgh and in many similarly situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in that community's real estate market and the state's property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and/or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Newburgh and similarly situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Newburgh and similarly situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with

current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only *after* a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Newburgh and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Newburgh and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Newburgh and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, *pre-foreclosure*, action to identify, secure and maintain such vacant and abandoned properties; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Newburgh and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Newburgh and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by also establishing a statewide toll-free hotline that community residents can

use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Newburgh and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court;

NOW THEREFORE, BE IT RESOLVED, that We, the members of the City Council of the City of Newburgh respectfully call on the Governor, the New York State Assembly and the New York State Senate to promptly enact the “Abandoned Property Neighborhood Relief Act of 2014;” and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the Honorable Andrew M. Cuomo, Governor of the State of New York, Senator William J. Larkin, Jr. and Assemblyman Frank Skartados in connection with the City of Newburgh’s support for the enactment of this legislation.

Mayor Kennedy said that this is a resolution that was brought forth by the Attorney General for the State. It is an effort to get Banks to step up and take responsibility for what we call “*Zombie Properties*” that the Banks don’t take care of. There is a Bill before the Legislature and this is simply an act of the City of Newburgh saying that we endorse and support that Bill.

Councilwoman Abrams moved and Councilwoman Mejia seconded that the resolution be adopted

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

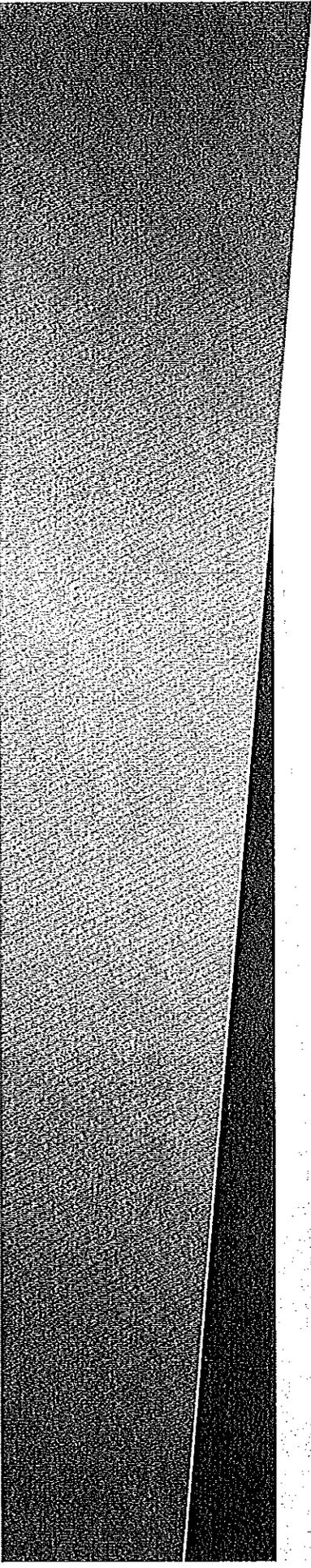
ADOPTED



City of Newburgh Fire Department

Mortgage Servicers and Vacant Properties

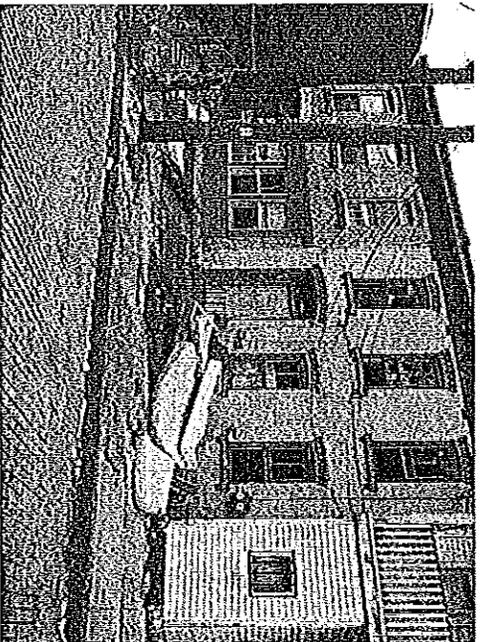
Michael J. Vatter, Fire Chief



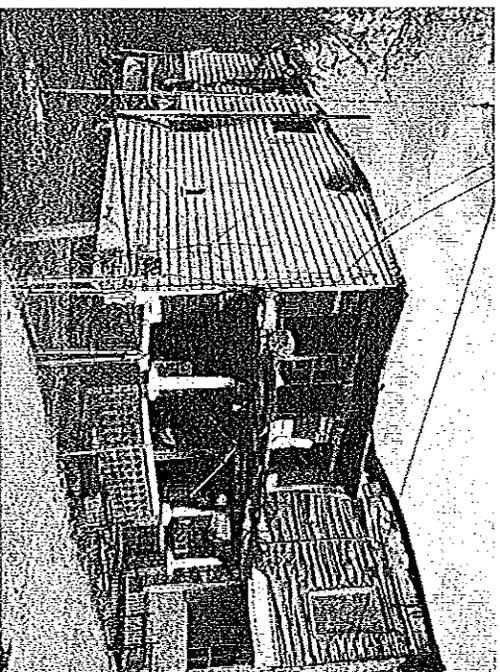
➤ Scope of the Vacant Building Problem

- There are over 600 vacant and distressed properties in the City of Newburgh.
- Nearly 10% of the City's buildings are vacant
- We know that 160 of these properties are owned or managed by the mortgage and banking industry.
- There are probably more that are not registered.

➤ Vacant properties are used as dumps



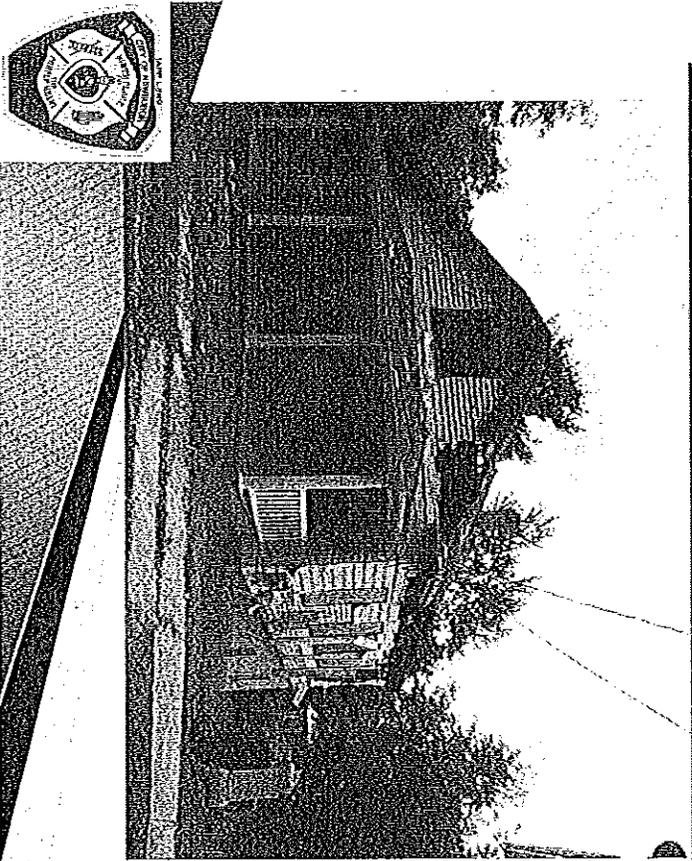
➤ Or by squatters (Wells Fargo owns this one)



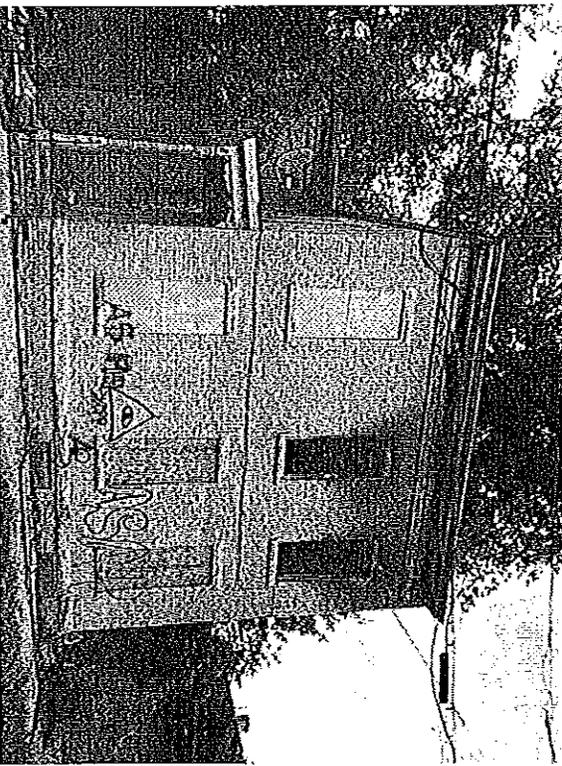
Destruction of property values

- Every vacant or abandoned building reduces the value of the adjacent properties by \$7000.
- The 13 fire damaged properties listed on the next page have reduced the value of the surrounding properties by nearly \$500,000

The Servicer Refuses to Remedy



Unlisted Vacant - Aurora Bank Forclosure



Address	Date of Hire	Bank/Service	Foreclosure Court Index No	Open Violations
161 Bay View	8/25/2013	Wells Fargo	7795/2010	0
110 Benkard	11/1/2012	BAC Home Loan Servicing	4534/2010	6
419 Carpenter	3/3/11	Wells Fargo/Wachovia	7042/2008	4
82 Carson	9/18/2012	One West/Deutche	9701/2009	4
187 Carson	10/9/2012	Total Mortg Solutions	?	13
32 City Te	8/16/11	Wells Fargo/ US Bank	14455/2009	1
14 Farrington	12/15/10	Wells Fargo/ HSBC	4141/2013	3
110 Liberty St	12/16/10	First American Tax Valuation	?	0
353 Liberty St	1/31/10	National City Mtg	3250/2009	1
11 Lincoln Te	7/9/10	Wells Fargo/ WAMU	3562/2002	2
8 Little Monument St	5/52/2013	Aurora Bank FSB	4878/2012	2
16 Maple St	12/16/11	Wells Fargo/HSBC	670/2012	4
322 Washington	9/8/13	Wells Fargo	9539/2009	5



Address	Foreclosure Court Index No.	Number of Open Violations	Notes
28 Allison Ave	11015/2009	3	
75 Bay View Te	?	1	Fee Paid By Bank
161 Bay View Te	7795/2010	0	
53 Beacon St	5903/2008	0	
53 Benkard Av	7404/2009	1	
331 Carpenter Av	7922/2010	1	
419 Carpenter Av	7042/2008	4	
27 City Terr	6468/2008;7050/2008; 10862/2011	1	
32 City Terr	14455/2009	1	
14 Farrington St	4141/2013	3	
53 Farrington St	851/2010	0	
282 First St	9909/2012	0	
418 First St	2866/2009;2306/2009; 13114/10	2	

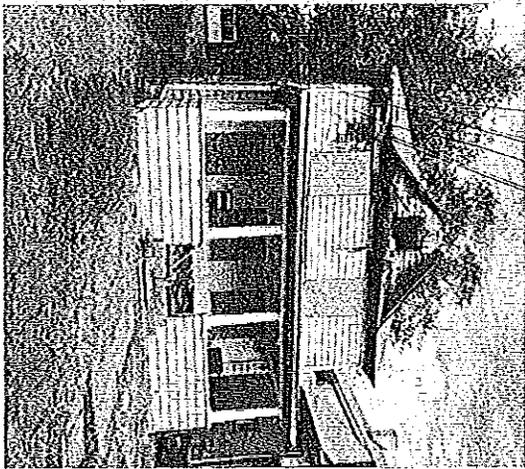
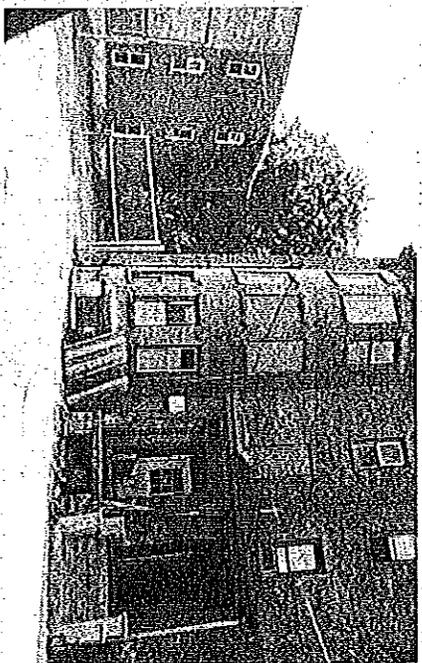
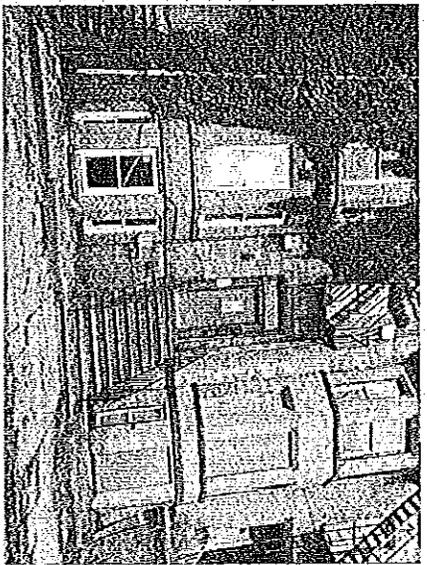
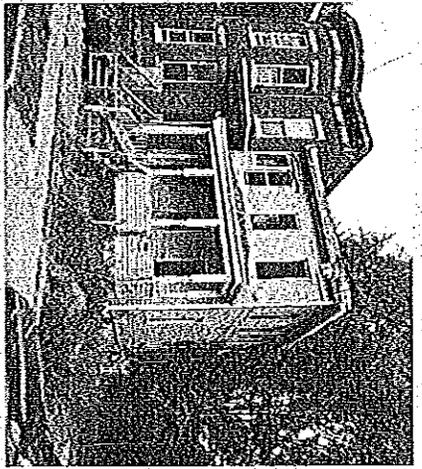
Wells Fargo Bank Foreclosures



Address	Foreclosure Court Index No.	Number of Open Violations	Notes
25 Fowler Av	6432/2013	0	
121 Fullerton Av	?	0	Fee Paid By Bank
164 Grand St	14259/2009	1	
160 Lander St	?	0	Fee Paid By Bank
192 Lander St	9 foreclosure actions listed	0	
77 Liberty St	?	2	Fee Paid By Bank
11 Lincoln Te	3562/2002	2	
16 Maple St	670/2012	4	
72 Maple St	?	0	Fee Paid By Bank
131 Montgomery St	?	0	Fee Paid By Bank
163 North Miller St	?	0	Fee Paid By Bank
167 North Miller St	10042/2010	0	
253 Powell Ave	12840/2009	0	
324 Robinson Ave	?	2	Fee Paid By Bank
146 Third St	3379/2009	1	
322 Washington St	9359/2009	5	

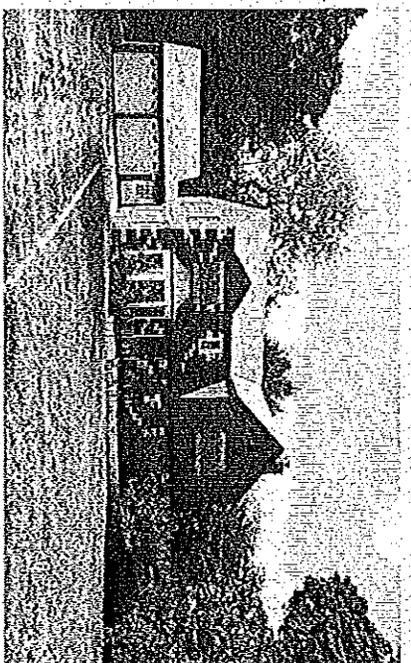
Wells Fargo Bank Foreclosures





Newburgh's Mortgage
 Servicers

- Washington Mutual
- Wells Fargo
- Countrywide
- OCWEN Federal
- Loanworks
- Chase Manhattan
- American Home Mrtg



Every one of these properties have been foreclosed by the lender, but remain in the mortgagor's name.

All of the properties identified in this document have had their Vacant Property Registration paid for by a mortgage servicer or bank.

RESOLUTION NO.: 125 - 2014

OF

MAY 12, 2014

**A RESOLUTION TO REQUIRE APPRENTICESHIP TRAINING
PROGRAMS FOR PUBLIC CONSTRUCTION CONTRACTS
AWARDED BY THE CITY OF NEWBURGH**

WHEREAS, current State law allows as a local option but does not compel any governmental entity that is a party to a construction contract for a public project to require that any contractors or subcontractors participate in apprenticeship training programs approved by the State Commissioner of Labor as provided under Article 23, Section 816-b et seq. of the Labor Law; and

WHEREAS, there is a long and productive history of partnership between labor and management for the training of skilled craft workers in our State which began over fifty (50) years ago when the United States Congress passed the Fitzgerald Act (29 USC Section 50) to encourage States to develop apprenticeship training programs; and

WHEREAS, the New York State Legislature adopted Article 23 of the New York Labor Law in 1961 to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards; and

WHEREAS, the promotion of apprenticeship training programs will expand the pool of skilled workers in the City of Newburgh by providing many residents the means to earn a decent living thereby fostering the local and regional economies; and

WHEREAS, by adopting apprenticeship requirements in the City of Newburgh it will increase career opportunities for minorities and those of female gender and ensure contractors awarded projects in the City of Newburgh are committed to training, education and safety; and

WHEREAS, the adoption of this resolution constitutes a Type II Action under the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh hereby establishes a policy to promote apprenticeship training as authorized by Section 816-b of the New York Labor Law; and

BE IT FURTHER RESOLVED, that "construction contract" shall mean any contract to which the City of Newburgh and its affiliated agencies shall be a principal party which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure of any kind, if the labor components, final assessed value, gross capitol cost and/or component of such contract or project be in excess of Two Hundred Fifty Thousand (\$250,000.00) Dollars; and

BE IT FURTHER RESOLVED, that "contractor or subcontractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York Labor Law; and

BE IT FURTHER RESOLVED, that the City of Newburgh hereby requires any contractor or subcontractor, prior to entering into a construction contract with the City of Newburgh in excess of \$250,000.00, to have apprenticeship agreements, appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law anything in Section 103 of the New York General Municipal Law to the contrary notwithstanding; and

BE IT FURTHER RESOLVED, that the apprentice program must meet the following standards: has been in existence for two or more years, has a graduation rate of at least twenty (20%) percent, has a legitimate place of training or access to a legitimate place of training, and has graduated a minimum of two (2) apprentices in the previous two years; and

BE IT FURTHER RESOLVED, that the City of Newburgh is hereby authorized, empowered and directed to promulgate such rules and regulations necessary and appropriate for the implementation and enforcement of any provision of this resolution; and

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, section or part of this resolution or application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this resolution or its application to the person, individual, corporation, firm, partnership, entity or

circumstance directly involved in the controversy in which such judgment or order shall be rendered; and

BE IT FURTHER RESOLVED, that this Resolution shall apply to construction contracts advertised for bids after May 15, 2014 and shall sunset on May 14, 2016 unless renewed and re-authorized by resolution of the City Council.

Councilwoman Holmes explained that the Apprenticeship Program is going to be with Local 17 and Best Resources. We have a lot of people who went through the program that are not working right now so if there is some type of construction work that they can do, they can bid on that job.

Councilwoman Mejia added that to go along with City residents getting job placement they want to be able to assess how this resolution is doing so there will be a "*Sunset Date*" with the intent to renew on that date depending on the success of this training program.

Councilwoman Holmes moved and Councilwoman Abrams seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

RESOLUTION NO.: 126 - 2014

OF

MAY 12, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)
FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN OF THE ASBESTOS
ABATEMENT FOR THE POLICE DEPARTMENT**

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for asbestos abatement design services for certain parts of the Police Department; and

WHEREAS, the proposal the preparation of asbestos abatement specifications and bid documents, the application for a site-specific variance petition from the NYS Department of Labor, if necessary, and provide asbestos abatement monitoring services; and

WHEREAS, the cost for the design services will be \$3,050.00 with additional abatement monitoring services to be billed at the rates specified in the proposal which shall be derived from the 2013 BAN; 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 Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for professional services related to asbestos remediation for the Police Department.

Councilwoman Angelo moved and Councilwoman Holmes seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

QuES&T

Quality Environmental Solutions & Technologies, Inc.

May 6, 2014

City of Newburgh
83 Broadway
Newburgh, NY 12550

Attn: Jason Morris, PE

RE: Asbestos Abatement Services

Dear Jason:

Thank you for the opportunity to discuss the needs of the City of Newburgh in the environmental consulting and remediation services area. Quality Environmental Solutions & Technologies, Inc. is pleased to submit the attached proposal to provide Industrial Hygiene Consulting services your 55 Broadway, Newburgh, NY facility. QuES&T offers a wide range of environmental consulting, training, testing and "Turn-Key" Remediation Project services to the public and private commercial-industrial business sector.

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.

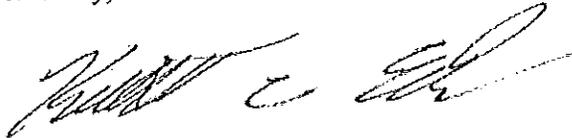
Technical consulting services are available in the area of regulatory compliance audits, OSHA safety, air monitoring, respiratory protection, laboratory services, building hazard assessments (EPA, HUD, commercial), LBP Risk Assessments, management plans, NYS/NESHAP pre-demolition inspections and full 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 any of our services, please contact me. We look forward to working with the City of Newburgh in the environmental consulting and remediation services area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth C. Eck', written in a cursive style.

Kenneth C. Eck CIH, CSP, CHMM, CFPS, DABFE, FACFEI, LEED AP
Director, Safety, Environmental & Educational Services

QuES&T to provide the following services:

➤ Phase #1 – Asbestos Abatement Specification & Bidding Process

- Develop asbestos-abatement specific contract documents and detailed work scopes for the purpose of securing competitive bidding to perform asbestos abatement.
- Conduct onsite pre-bid walk through with Environmental Remediation Contractors and prepare addendum as needed to resolve outstanding issues prior to bid due date.
- Review completed bids and contractor submittals for accuracy and content, and assist City of Newburgh in the selection of an Environmental Remediation Contractor.

➤ Phase #2 – Petition for NYSDOL Site-Specific Variance (IF NEEDED)

- Meet onsite to identify areas impacted by potential repair activities.
- Develop alternate work practices that will not expose the public or workers to elevated fiber levels.
- Develop a scope of work that will minimize the impact on the facility.
- Preparation and submittal of a Petition for Variance or Other Relief (DOSH-751) and supporting documentation to the NYSDOL regarding the proposed work scope.
- Act as the Petitioners Agent during the NYSDOL review process and incorporate any changes or additions requested by NYSDOL Engineering Services Unit during their review.
- Final determination regarding approved means and methods shall be as directed by NYSDOL Engineering Services Unit.

➤ Phase #3 – Abatement Monitoring Services

QuES&T will provide NYSDOL certified personnel to perform project monitoring and third party air sampling (if required) in support of minor, small and large asbestos abatement projects. All work on this project shall be performed in accordance with the applicable Code Sections of the Title 12 NYCRR Part 56 as well as all applicable Federal and Municipal Regulations regarding asbestos abatement. Collection and analysis of air samples shall be as required by ICR-56 and any NYSDOL site-specific variances obtained for this project.

1) Supervision of Abatement Activities (Combined Project Monitor/Air Sampling Technician)

- Perform project monitoring, inspection and acceptance of the work.
- Provide coordination to ensure timely completion of the asbestos removal.
- Review construction phasing plans and assist in the coordination of the activities of the various contractors and building occupants to ensure compliance with applicable federal, state and municipal regulatory requirements and bid specifications.
- Complete work step lists and documentation packages for final closeout.

2) Third Party Asbestos Air Monitoring (if required)

QuES&T will provide collection and laboratory analysis of the required air samples, in conjunction with Item 1, on a cost per sample basis. To maintain compliance with the requirements of 56-4.3, analysis of the air samples shall be by "an independent laboratory

conforming to the requirements of 12 NYCRR 56-4.2". The sampling frequency will be as specified in Title 12 NYCRR Rule 56; Subpart 56-4 and any NYS DOL Applicable Variance or Site-Specific Variance utilized in the conduct of this project.

Estimated Cost:

➤ **Phase #1 – Asbestos Abatement Specification & Bidding Process**

Develop Abatement Work Scopes (Short Spec)	\$ 1,500.00
Conduct Onsite Walkthrough with Prospective Bidders	\$ 350.00
	\$ 1,850.00

➤ **Phase #2 – Petition for NYSDOL Site-Specific Variance (IF NEEDED)**

Development & Preparation of Site-Specific Variance Petition \$ 1,200.00

- Breakdown:

NYSDOL Variance Prep	\$ 850.00
NYSDOL Variance Filing Fees	\$ 350.00

➤ **Phase #3 – Abatement Monitoring Services (Unit Rates)**

1) Supervision of Abatement Activities (Combined Project Monitor/Air Sampling Technician)

- Project Manager
\$ 90/hr.
- 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. Applies to hours: >8 hrs/day, >40 hrs/wk, Weekends & Holidays.

2) Third Party Asbestos Air Monitoring (if required)

- A/S Sample Analysis (PCM):
\$ 12/sample Includes 48-hr. turnaround of results.
\$ 15/sample Includes 24-hr. turnaround of results.
\$ 17/sample Includes 6-hr. turnaround of results.
\$ 20/sample Includes RUSH turnaround of results.

Notes:

RUSH turnaround rate will be applied to samples analyzed Off-hours, Weekends and Holidays.

Laboratory turn-around begins when the samples are received at the laboratory and does not include Holidays.

Travel will be billed at \$0.55/mile.

RESOLUTION NO. 127 - 2014

OF

MAY 12, 2014

A RESOLUTION TO ADOPT A TEMPORARY HIRING FREEZE

BE IT RESOLVED, by the Council of the City of Newburgh, New York that a temporary hiring freeze hereby is declared and no vacancy in any department shall be filled during the continuation of this hiring freeze, except for the following positions which this Council specifically finds as critical and authorizes the filling of the vacancies:

- Sanitation worker;
- Seasonal positions in the Recreation Department; and
- CDBG working supervisor, laborer and building maintenance worker; and

BE IT FURTHER RESOLVED, by this Council that this temporary hiring freeze shall be effective immediately and shall continue until May 19, 2014.

Councilwoman Abrams said that she is opposed to this because there are a couple of people who need to be hired right now for DPW. They have fourteen abatements that need to be done where they go onto these properties and clean up the garbage that has been lying outside for weeks, months or years and then bill the negligent landlords. If the landlord doesn't pay then that money gets added on to their tax bill. She thinks that it is important to have this done as soon as possible and not put a temporary hiring freeze on.

Mayor Kennedy said that they agreed to an exception on that.

Councilwoman Mejia said that the resolution states which positions are critical and authorizes the filling of the vacancies which include: Sanitation Worker, Seasonal Positions in the Recreation Department and CDBG working supervisor, laborer and building maintenance worker.

Councilwoman Abrams asked Mr. Slaughter if that means that he can hire these people.

Interim City Manager, James Slaughter, said that they are in the process of interviewing for these positions and they can be filled so that they can start working.

Councilwoman Abrams said that it's alright as long as they can be hired.

Councilman Brown said that this was discussed on Thursday.

Councilwoman Holmes moved and Councilwoman Angelo seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 5

Nays - Councilwoman Angelo - 1

ADOPTED

RESOLUTION NO.: 128 - 2014

OF

MAY 12, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
MITCHELL ASSOCIATES ARCHITECTS FOR ARCHITECTURAL AND
ENGINEERING SERVICES RELATED TO THE POLICE DEPARTMENT LOCKER
ROOM REMEDIATION AND RENOVATION AT THE PUBLIC SAFETY
BUILDING AT A COST OF \$23,000.00**

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Mitchell Associates Architects for architectural and engineering services for the remediation and renovation of the Police Department locker room located in the Public Safety Building; and

WHEREAS, the services will include an investigation of the source of water intrusion, extent of structural damage, thermal modeling and investigation of the HVAC system, and recommendations for repairs; and

WHEREAS, the cost for these services will be \$23,000.00 and funding shall be derived from the 2013 BAN; 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 Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Mitchell Associates Architects for architectural and engineering services for remediation and renovation of the Police Department Locker Room at the Public Safety Building at a cost of \$23,000.00.

Councilwoman Abrams moved and Councilwoman Angelo seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

Proposed Services for the Newburgh Police Station Locker Room Renovations

December 18, 2013, Revised February 22, 2014

Project Understanding

Water is leaking into the locker room of the police station at the elevation of the ceiling. In addition to moisture damage to finishes and equipment, there has been deterioration of the structure.

The City desires to:

1. Determine the source of the leakage & fix it.
2. Determine the extent of damage to the structure and the building envelope, and make the necessary repairs.
3. Modify and modernize the locker room and associated bathrooms.

The site has been reviewed by architects, Robert Mitchell of Mitchell Associates Architects (MA), architects Charles Boos and Michael Mckee of Kaestle Boos Associates, Inc. (KBA), and structural engineer John Chipko of KBA. We have been provided photographs of a portion of the original drawings from 1974, and photographs of drawings from a 1992 renovation. Based on these drawings we have taken two steps:

1. We have developed an overlay diagram to show where the exposure to water penetration is (attached), and
2. We have proposed a scheme to combine the existing locker room with the adjacent dead storage room to provide a locker room that would meet current standards (attached).

That said, we are currently limiting our proposal to an investigation of the existing conditions, and recommendations of possible remedies or remediation.

Services To Be Provided

We propose to proceed with this project through the following steps:

1. Existing Conditions Assessment

A. Leak in Police Department Locker Room

A. 1. Conditions Observed

- A structural slab spans the former firing range and a portion of the adjacent Locker Room. The slab supports the ground on the north side of the building. A low area was observed in the northwest corner along with the remains of a tree. The low area collects water and the tree roots may have damaged the membrane allowing water to infiltrate

29 Thacher Park Road
Voorheesville, NY 12186
(518) 765-4571
www.Mitchell-Architects.com
Bob@Mitchell-Architects.com



into the building. A review of the design drawings will allow us to understand the construction of the slab and flashing and membrane installed to keep the area watertight. We are recommending that the entire area be excavated to expose the membrane and document the conditions in determining the cause of the leaking.

- Corrosion to the structural steel framing, especially beams, and including severe delamination of the steel members. Any structural drawings of the existing building will be reviewed to determine the designed structural framing and support.
- Water saturated fire proofing on the structural steel beams and metal floor deck above. Fireproofing missing from the underside of the beam flanges. Adhesion of the fireproofing to the underside of the metal deck must be validated by a testing lab to determine if the material is still attached even though it experienced wetting cycles due to the leak or leaks.
- Failed or failing metal stud and gypsum board fire rated enclosures around the steel columns.
- Saturated portions of the fiber reinforced deck beneath the metal floor deck will need to be inspected for structural stability.

A. 2. Investigation Requirements

- 1) Determine where the water infiltration is occurring. This will involve removing all soil from above the portion of the building projecting past the Main Level of the building to evaluate and document the condition of the membrane, flashing and any visible damage.
- 2) Review the structural drawings to determine the members affected by the delamination. Analyze the damaged members for allowable carrying capacity based on the current conditions. Recommend repairs if required to strengthen the members.
- 3) Investigate the integrity of the fiber reinforced panels.
- 4) Test adhesion of fireproofing to the underside of the metal floor deck and steel beams
- 5) Test for asbestos in the fireproofing, fiber reinforced panels, the exterior waterproofing membrane and any other materials possibly containing it.
- 6) Verify roof drains are unobstructed.
- 7) Provide repair recommendations

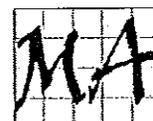
A. 3. Investigation Personnel

Item 1): KBA – Need site contractor for excavation or DPW
Item 2): KBA
Item 3): KBA
Item 4): Testing Lab
Item 5): Testing Lab
Item 6): Plumber
Item 7): Testing Lab

B. Broadway Entrance to the Fire Department

B. 1. Conditions Observed

- The entrance structure into the Fire Department on the east end of the above area is exhibiting severe corrosion of the structural steel supporting the exterior concrete entrance slab and masonry walls.
- The entrance slab has been subjected to numerous salt applications for melting snow and ice. The exposed aggregate and missing paste surface in the concrete pad is an indication of the snow melting usage. The salt applications may have also accelerated the deterioration of the steel framing and any possible masonry reinforcing.
- The walls contain vertical and diagonal cracks indicating movement in the structure as well as freeze / thaw damage.



B. 2. Investigation Requirements

- 1) Remove limited portions of the brick in the vicinity of the structural steel to determine the extent of the deterioration of the structural steel and masonry.
- 2) Analyze the integrity of the structure's current condition.
- 3) Provide repair recommendations.

B. 3. Investigation Personnel

Item 1): KBA, plus mason and testing lab for asbestos flashing
Items 2 & 3): KBA

C. Building Exterior

C. 1. Conditions Observed

- The initial review of the building exterior has revealed several areas where water damage has impacted the brick masonry. There are mortar joints that have expanded to at least ½" in thickness at relieving angles or other structural steel. At some of these locations, the brick is bulging outward which is opening the joints further to allow more water to enter into the walls. At this time we do not know the type of wall construction but more than likely any horizontal reinforcing has been compromised due to corrosion.
- The vertical joints at the precast panels were observed to be open to allow water infiltration where the caulking has long since failed. Directly above the PD Entrance, at a joint between two panels one of the panels appears to have dropped about 1½". This will require the opening of the hard ceiling to evaluate the condition of the structural support of the precast panels.

C. 2. Investigation Requirements

- 1) Several of these areas must be opened to be investigated as to the cause of the movement and condition of the masonry reinforcing and anchorage to the steel structure. This will require a mason to remove limited areas of exterior brick to allow access to the reinforcing, anchors and supporting steel.
- 2) The hard ceiling below the precast panels must be opened to allow access to the structural steel framing and the panel supports where there is differential vertical movement. The condition of the supports and steel need to be investigated for corrosion.

C. 3. Investigation Personnel

Items 1 & 2): KBA, plus mason and possibly other contractor to open overhang.

D. Exterior Mechanical Mezzanine

D. 1. Conditions Observed

- The structural steel framing supports the exterior block and brick walls of the mezzanine. There is considerable corrosion to the beam surfaces.
- The masonry walls are demonstrating movement and possible damage due to cracks that have formed and spalling brick which allows further infiltration of the water.

D. 2. Investigation Requirements

- 1) All exposed welds must be inspected by a welding inspector for cracks due to exposure to the weather.
- 2) A mason will be required to remove limited areas of brick for the investigation of the reinforcing anchorage and flashing of the walls where deterioration is present.

D. 3. Investigation personnel

Items 1): Testing Lab to inspect welds
Item 2): KBA, plus mason.

E. Mechanical Systems

1. The MEP engineer will evaluate the condition of the MEP systems to determine if they are operating correctly and if they have been compromised by the leakage.
2. The space will be thermally modeled to determine if the existing equipment is appropriately sized for the load
3. System type and size recommendations will be made for renovation work.

F. Environmental Hazards

1. The City will retain a consultant to determine if there is any asbestos, lead or mold, and to remediate found materials.

G. Other Conditions

1. Confirm the existing drawings and create Cad files of the renovation area from City provided archival drawings.
2. In addition to the above, the building does not meet the current building code requirements for seismic restraints even though it is an emergency response facility.

Based on what we currently know about the building, we feel strongly that no steps should be taken towards the remodeling of the locker room until the investigations identified are completed.

Team

- Mitchell Associates Architects – Principal Architect, & firematic design
- Kaestle Boos Associates, Inc. – Structural Analysis
- NLG Engineering, PC – Mechanical Electrical & Plumbing (MEP) design

Project Schedule

Our team can begin the interior portions of work of this study in January, 2014. Any exterior investigation should wait until March due to the required excavation and the need to repair mortar and caulk that is disturbed during the investigation. The design services should take approximately one month, subject to the City's ability to respond to our work product and delays that may be introduced by outside agencies, or the results of testing.

Fee for Services

Mitchell Associates Architects has never entered into an agreement for services based on a percentage fee. We strongly believe that a professional must commit to the performance of a given scope of work for a given fee. We are opposed to the use of fee structures that financially reward a professional for failing to maintain the client's budget.

Based on the above proposal, Mitchell Associates Architects will furnish the scope of services for a lump sum of **Twenty-Three Thousand Dollars (\$23,000.00)**.

There will be additional charges to the City from testing agencies for testing items such as fireproofing adhesion, etc.

Additional Services Hourly Rates

- * \$175.00/Hour, Principal
- * \$150.00/Hour, Structural Engineer
- * \$145.00/Hour, Architect
- * \$135.00/Hour, Project Manager
- * \$115.00/Hour, Draftsperson
- * \$105.00/Hour, Support Staff
- * Consultant -115% of Invoice

Hourly rates will increase automatically on January 1, 2015 and each January thereafter at a rate of \$5.00/ hour for each category as listed above.

City Responsibilities

The City will designate a representative to work with MA. The City will engage Quest to perform all testing for mold and asbestos. The City will retain and pay for the physical testing of the existing building. MA will coordinate the work with regard to the testing.

Terms and Conditions

This fee is based solely on the services proposed. These services will be defined in a standard American Institute of Architects Contract for Architectural Services. Additional services not provided for in this proposal will be billed at our hourly rates. Special printing, renderings, models, or photography will be billed at 115% of cost. Travel and food will be billed at cost. Mileage will be billed at the current federally recognized rate. Reimbursements for regularly repeated expenses are computed at 5% of the total contract amount. Billing will be monthly, based on the amount of work completed. Payment of invoice will be net 30 days.

Mitchell Associates Architects carries \$1 million of professional liability insurance. The contract will include our limit of liability clause.

29 Thacher Park Road
 Voorheesville, NY 12186
 (518) 765-4571
www.Mitchell-Architects.com
Bob@Mitchell-Architects.com



RESOLUTION NO.: 129 - 2014
OF
MAY 12, 2014

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 117 RENWICK STREET (SECTION 45, BLOCK 6, LOT 3) AND
119 RENWICK STREET (SECTION 45, BLOCK 6, LOT 2) AT PRIVATE SALE TO
BLUESTONE DEVELOPERS, INC. FOR THE AMOUNT OF \$8,000.00**

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real property Tax law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, the City of Newburgh desires to sell 117 Renwick Street and 119 Renwick Street, being more accurately described as Section 45, Block 6, Lots 3 and 2 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before July 15, 2014, being sixty (60) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
117 Renwick Street	45 - 6 - 3	Bluestone Developers, Inc.	\$8,000.00
119 Renwick Street			

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

Councilwoman Abrams moved and Councilwoman Angelo seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy - 6

ADOPTED

Terms and Conditions Sale

117 Renwick Street, City of Newburgh (45-6-3)
119 Renwick Street, City of Newburgh (45-6-2)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties 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. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is 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; (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 date of sale.
4. The properties are sold subject to unpaid school taxes for the tax years of 2013 County Tax and 2013-2014 School Taxes and any subsequent levies. The purchaser shall reimburse the City for 2013 County Taxes and 2013-2014 School Taxes and any subsequent levies. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the properties and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the properties; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the properties and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the properties shall revert to the City of Newburgh. The deed shall also provide that the properties shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. Notice is hereby given that the properties 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 bidder to redevelop such parcel so designated in accordance with same
7. All purchasers are 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 successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. 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 successful purchaser following the closing of sale.

9. 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. Property 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. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser 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 he/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.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before July 15, 2014. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice 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 therefor, 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. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. 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.
12. 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, his heirs, successors or assigns, against City of Newburgh arising from this sale.
13. Conveyance shall be by quitclaim deed only, containing a description of the property as it 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, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
14. 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.
15. 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.
16. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing 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/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the properties and consents to immediate judgment by City of Newburgh for said amounts.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mayor Kennedy said that she has had conversations with the leadership at Orange County Community College regarding a traffic jam that we have going on daily on Grand Street between Broadway and First Street so she would like to put this on the Agenda for their next discussion. She would like to discuss No Parking on the east side Grand Street from Broadway to First Street. With the Church and the School, there is a lot of double parking going on making it difficult for anyone to get through. It is a very congested area so as a first step to see if they can solve this problem she thinks that there should be no parking there and they will have to decide if it should be all the time or just on business days. She feels that they need to have this discussion and noted that the School is alright with this and they will support it.

Councilwoman Abrams asked if Orange County Community College has its own parking and don't the students use it?

Mayor Kennedy answered that they don't use it and there is definitely a congestion problem there so they need to address the safety issues.

There being no further new business, this portion of the meeting was closed.

GENERAL PUBLIC COMMENTS

Kippy Boyle, 400 Grand Street, said that there are some really bad road situations towards the north end of Grand Street so if someone could take a look between Clinton and Nicoll Streets she would appreciate it. Last Monday Riverkeeper and Scenic Hudson gave a presentation at the Library on the transportation of crude oil through the City of Newburgh. She strongly urged the Council to take a leadership role in forming a Position Statement for the City of Newburgh regarding the safe transport of crude oil and any other materials through our City. Particularly now that Global Oil, which is our neighbor down on the waterfront in New Windsor, is going to have a staging area for all of the trains that carry crude oil. She thinks that the City needs to take a Position Statement and then no matter what we are doing with development that Statement can be used. She doesn't think that any other municipalities have taken a Position Statement as of yet so the City of Newburgh could be leaders on this.

Chris Knasiak, Carpenter Avenue, said that she is here to talk about the Job Readiness Training Program that is open to City of Newburgh residents which will be held on June 17th, 18th, 19th, 24th, 25th and 26th. They are partnering with the United Way and Gateway to Entrepreneurial Tomorrows as well as the Department of Labor. This is free training to residents and you just have to see her or pick up a flyer.

Roxie Royal, 57 Farrington Street, said in regard to resolution #125-14 that she would like to meet with the Ward representatives to learn a little bit more about this initiative. In regard to the resolution to adopt a temporary hiring freeze, she said that many people are out of work so she hopes that does not happen. She announced that the local NAACP will host a School Board Candidates Forum on Thursday, May 15th at Best Temple Church of God and Christ, 111 South Street starting at 6:00 p.m. The School Board Election is coming up on May 20th so they are hosting this Forum for people to collaborate with the Board members who are vying to represent us in educating our children.

Sheila Murphy, City of Newburgh, said in regard to resolution #125-14 for Local 17, that this was Timothy Hayes' passion so she would love to see this pass. He always talked about getting jobs for Local 17 so she wanted to thank Councilwoman Holmes for bringing that to pass. In regard to #127-14 for the hiring freeze, she hopes that this will not affect DPW because as stated earlier we do have a lot of potholes and issues going on that need to be addressed and she thinks that is one department that really needs employees. They are doing a great job but you can't really see it because there are only so many workers and they can only do so much. In regard to #124-14, she said that it is about time that they are holding the Banks of abandoned buildings accountable. She thanked the Mayor for addressing this issue with the Governor and

she hopes to see Newburgh become a beautiful place. Poughkeepsie, Beacon and Middletown have all turned around while Newburgh is a mess but she sees that we have some new players and she likes what they are doing. She knows that the Council members are all doing their part and that they have come together so she told them to keep up the good work. She encouraged everyone to get out and vote on May 20th and noted that the City of Newburgh will be holding a Press Release tomorrow at Noon at 290 Broadway which is the Headquarters for the Board of Education Candidates.

Vinnie Cappiletti, City of Newburgh, said that he doesn't know if the Council is aware of the River of Opportunities Program. Planning and Development has been putting this together for a couple of months now and they could use more people to attend the meetings so it is starting to work. He thinks that this will blossom if they keep on pushing it and get more people involved. He added that he appreciates the Council working together because he knows that we are going to get a lot farther that way.

There being no one else wishing to speak this portion of the meeting was closed.

COUNCIL COMMENTS

Councilwoman Abrams wanted to publicly thank DPW for laying down nine tons of hot asphalt on Overlook Place today. This is going to be a long process but they are working on it throughout the City and it will do a lot to make the City look more business friendly and more respectable looking. She thanked Mr. Slaughter again for stepping up and filling in for our City Manager and she looks forward to continuing to work with him. In regard to what Ms. Royal said about the NAACP holding a meeting with the Candidates for the School Board, she said that is crucially important. Most of our taxes go to the Schools and it is very important to us as City residents to elect the best people so it will be important to hear what each of them has to say.

Councilwoman Angelo said that they are all set to go with the Parade but they are looking for two open cars for the Elected Officials. She knows that some of them want to march or they could perhaps hop on the Trolley that they will be using for the Veterans. Coming down Broadway today she sees that ladders are up and people are busy painting some of the brick buildings. That is the Historic District and she doesn't think that the colors they are using are very conducive to that District. Perhaps Code Compliance can take a look to see what is going on there.

Mayor Kennedy noted that it looks better than it looked before. She isn't going to fight about colors because she loves that they are painting it.

Councilwoman Angelo continued that she also noticed that the streets look clean. The street sweeper has been out so she thinks it looks very nice. She asked if anyone saw how gorgeous the twenty-four Cherry Trees that are in bloom on Liberty Street look. She thinks that another tree is going to be planted in front of the Church on Liberty Street which she asked for. In regard to the gentleman who spoke earlier about the lot on West Street, she told him the IDA was going to take care of that. She thanked everyone for coming.

Councilman Brown said that he disagrees with Councilwoman Abrams and Councilwoman Angelo in terms of the streets because the streets in this City are horrible and everyone in the audience knows what he is talking about. That only goes to show what politics do. When you are trying to impress a particular Council Member, you get services but this is not about one particular Ward or Council Member it is City wide. He said to take a ride up Fullerton Avenue which is a major road for the School System where there is a humongous pothole right in front of his house. The street sweeper has not been up that street in weeks so don't tell him that these streets look good. They are horrible and he puts it on the Department Head because asphalt has been available for months now and there is no reason why these streets are the way that they are. In regard to the hiring freeze, they put that in place for the

employees so that the New City Manager can determine who he wants to work on his staff. They discussed that DPW workers, CDBG and whoever else will still be hired so they are not stopping the hiring for the summer jobs. He asked everyone to be patient with the new Administration that is coming in because he has high hopes for him. He sees something in him that he hasn't seen in a City Manager in years. He knows politics, municipal law and how to transform a city from what it is now to what it should be. We now have a Council that works together and that is going to help this City move forward. He thanked everyone for coming and wished them a good night.

Councilwoman Holmes announced that there will be a Ward meeting on June 7th on the second floor of 33 South Robinson Avenue regarding Zoning and the Neighborhood Watch Program and she thanked everyone for coming tonight.

Councilwoman Mejia said in regard to the River of Opportunities that it has been on her business card since she started on January 1st so she is in favor of continuing to promote that and making sure that people are aware of what that is. In regard to the potholes, she took a ride around Ward 1 and jotted down the major potholes that she saw and she shared that list with the City Manager and DPW. She also put down a date that they were observed and she is tracking them as they are repaired. She asked for help from the residents and put it up on her Website at www.newburghwardone.org so that they can electronically submit what they observe. She missed the Riverkeeper and Scenic Hudson Event because she was away at a Conference but she plans to follow up on what our next steps will be. That train passes through the City every fifteen minutes or so which is a potential catastrophe. She knows that all of our emergency services are up to date on what to do in case of an emergency but she feels that the rest of our community needs to be involved in that discussion. On the Zoning, she wishes that we really did have a parking problem because that would mean that our City is thriving once again. She wants to have a discussion on this because if it is a concern then we need to be sure that we have discussed it thoroughly. She thanked everyone for coming.

Mayor Kennedy said that having the Ward Leaders has made such a difference because they are each taking responsibility to educate people and to bring information to their Wards. To get out there and be the face of the Council has really made a difference in people feeling more connected to their Council people. This idea of the Wards is a big step in the right direction and she feels like they have taken a load off of her shoulders so she thanked them for that. In regard to the job training, she said that if anyone is interested to make sure that they connect with Chris Knasiak on the Workforce Training. As announced earlier, NAACP will be holding an opportunity to learn more about the people running for the School Board on May 15th at 6:00 p.m. at Best Temple Church. In regard to the River of Opportunities, there is something going on here. For everyone who thinks that nothing is going on here they need to know that this River of Opportunities is about six months old. There is a group of people who want to move this City forward who are working to bring businesses here by

looking at our Commercial and Industrial buildings as a way to bring additional investment into the City. It is a growing group that invites people to come here to see what we have and to get businesses to come here which means jobs. That is what will help turn things around so it is really about jobs. We haven't heard too much about the Newburgh Illuminated Festival which will be on June 21st, 22nd and 23rd. Last year the City was full of people seeing what is good about Newburgh. She added that Councilwoman Angelo already mentioned the Parade with will be at the end of the month and she said that she will follow up with the gentleman who spoke about West Street. She knows that there are some issues going on there with that parking lot so they need to look into that. She agreed with Councilman Brown in regard to the potholes because it's a disaster but she also wanted to remind everyone that we had a really hard winter and hard winters are hard on the streets and they weren't in good shape to start with. They need to work with DPW on a pothole project to get these potholes addressed because there are some serious holes out there. She told everyone to please drive carefully until these potholes get repaired. She thanked Councilwoman Mejia for putting up a website and actually tracking requests. This was something that she mentioned when they put up the new Website and she is going to be pushing harder for a tracking system so that they can track the requests sent in by the residents. We have the capability to do this it just has not been implemented as of yet but it must be implemented this year. Lastly she asked people to be patient with them as the new City Manager will be arriving next week and they are working on putting together a meet and greet. She said that she will have more information on that next week but right now they are looking at Thursday, May 29th. He is excited to come here and get started as he has lots of ideas and as a team they look forward to moving this City forward. She thanked everyone for coming and they look forward to continuing the progress.

There being no further business to come before the Council the meeting adjourned at 8:35 p.m.

LORENE VITEK
CITY CLERK