



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

August 9, 2021
7:00 PM

Mayor/Alcaldesa

1. Moment of Silence / Momento de Silencio
2. Pledge of Allegiance / Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call / Lista de Asistencia

Communications/Comunicaciones

4. Approval of the minutes from the City Council meeting of July 12, 2021
Aprobacion del acta de la Sesion General del Consejo del 12 de julio de 2021
5. City Manager Update / Gerente de la Ciudad Pone al Dia a la Audiencia de los Planes de Cada Departamento

Presentations/Presentaciones

6. NFA Varsity Boys Track Team - Certificates of Recognition
Certificado de Reconocimiento - NFA Equipo de Atletismo Varsity Varonil
7. Presentation by Willie Carley - Newburgh Consolidated Charter School
Presentación por Willie Carley - Newburgh Consolidated Charter School

Comments from the public regarding agenda and general matters of City Business/Comentarios del público con respecto a la agenda y sobre asuntos generales de la Ciudad.

Comments from the Council regarding the agenda and general matters of City Business/Comentarios del Consejo con respecto a la agenda y sobre asuntos generales de la Ciudad

City Manager's Report/ Informe del Gerente de la Ciudad

8. Resolution No. 186 - 2021 - PIN No. 8761.91 Change Order No. 3 with Consorti Bros. Paving & Sealcoating Inc. for the Liberty Street Streetscape Project
Resolution authorizing the City Manager to execute Change Order No. 3 increasing the contract amount from \$664,327.00 to \$676,536.15 in the

Consorti Bros. Paving & Sealcoating, Inc. construction contract in the Liberty Street Streetscape Improvements Project.

Resolución que autoriza al Gerente de la Ciudad a ejecutar la Orden de Cambio No. 3 aumentando el monto del contrato de \$664,327.00 a \$676,536.15 en el contrato de construcción de Consorti Bros. Paving & Sealcoating, Inc. en el Proyecto de Mejoras de Paisaje Urbano de Liberty Street.

9. Resolution No. 187 - 2021 - PIN No. 8761.91 Change Order No. 4 with Consorti Bros. Paving & Sealcoating Inc. for the Liberty Street Streetscape Project

Resolution authorizing the City Manager to execute Change Order No. 4 increasing the contract amount from \$676,536.15 to \$698,256.15 in the Consorti Bros. Paving & Sealcoating, Inc. construction contract in the Liberty Street Streetscape Improvements Project.

Resolución que autoriza al Gerente de la Ciudad a ejecutar la Orden de Cambio No. 4 aumentando el monto del contrato de \$676,536.15 a \$698,256.15 en el contrato de construcción de Consorti Bros. Paving & Sealcoating, Inc. en el Proyecto de Mejoras de Paisaje Urbano de Liberty Street.

10. Resolution No. 188 - 2021 - PIN No. 8761.91 Change Order No. 5 with Consorti Bros. Paving & Sealcoating Inc. for the Liberty Street Streetscape Project

Resolution authorizing the City Manager to execute Change Order No. 5 for a no-cost time extension in the Consorti Bros. Paving & Sealcoating, Inc. construction contract in the Liberty Street Streetscape Improvements Project.

Resolución que autoriza al Gerente de la Ciudad a ejecutar la Orden de Cambio No. 5 para una extensión de tiempo sin costo en el contrato de construcción de Consorti Bros. Paving & Sealcoating, Inc. en el Proyecto de Mejoras de Paisaje Urbano de Liberty Street.

11. Resolution No. 189 - 2021 - SEQRA Long Term CSO Control Plan Phase III and IV Projects

Resolution of the City Council of the City of Newburgh assuming lead agency status under State Environmental Quality Review Act (SEQRA) for the Long Term Control Plan Phase III North Interceptor Improvements Project and Phase IV Wastewater Treatment Plant Disinfection Project, declaring the Projects to be Type II Actions, adopting the Environmental Assessment Form, finding no significant adverse impact on the environment and authorizing the City Manager to execute all SEQRA documents.

Resolución del Concejo Municipal de la Ciudad de Newburgh asumiendo el estatus de agencia principal bajo la Ley Estatal de Revisión de Calidad

Ambiental (SEQRA) para el Proyecto de Mejoras del Interceptor Norte de Fase III del Plan de Control a Largo Plazo y el Proyecto de Desinfección de la Planta de Tratamiento de Aguas Residuales de Fase IV, declarando que los Proyectos son Acciones de Tipo II, adoptando el Formulario de Evaluación Ambiental, encontrando ningún impacto adverso significativo en el medio ambiente y autorizando al Gerente de la Ciudad a ejecutar todos los documentos de SEQRA.

12. Resolution No. 190 - 2021 -2021 PKFOD Engagement Letter (Audit)

Resolution authorizing the City Manager to execute a letter agreement between the City of Newburgh and the firm of PKF O'Connor Davies, LLP for auditing services for fiscal year ending December 31, 2021 for the price of \$89,500.00.

Resolución que autoriza al Gerente de la Ciudad a ejecutar un acuerdo de carta entre la Ciudad de Newburgh y la firma de PKF O'Connor Davies, LLP para servicios de auditoría para el año fiscal que termina el 31 de diciembre de 2021 por el precio de \$ 89,500.00.

13. Resolution No. 191 - 2021 - Agreement with CMA for Financial Advisory Services

Resolution authorizing the City Manager to execute an agreement with Capital Markets Advisors, LLC to provide professional services to the City of Newburgh relating to new issue bonds, bond anticipation notes, tax anticipation notes, deficit notes and budget notes

Una resolución autorizando al Gerente Municipal a ejecutar un acuerdo con Capital Markets Advisors, LLC para proporcionar servicios profesionales a la Ciudad de Newburgh en relación con nuevos bonos emitidos, pagarés de anticipación de bonos, pagarés de anticipación de impuestos, pagarés de déficit y pagarés presupuestarios.

14. Resolution No. 192 - 2021 - 81 Henry Avenue - Partial Release of Restrictive Covenants

Resolution authorizing the execution of a partial release of restrictive covenants and right of re-entry from a deed issued to Wilder Erazo to the premises known as 81 Henry Avenue (Section 48, Block 9, Lot 7).

Resolución que autoriza la ejecución de una liberación parcial de cláusulas restrictivas y derecho de reingreso de una orden emitida a Wilder Erazo a las instalaciones conocidas como 81 Henry Avenue (Sección 48, Bloque 9, Lote 7).

15. Resolution No. 193 -2021 - 185 Broadway - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Devender Chhabra to the premises

known as 185 Broadway (Section 36, Block 1, Lot 2).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de una orden emitida a Devender Chhabra a las instalaciones conocidas como 185 Broadway (Sección 36, Bloque 1, Lote 2).

16. Resolution No. 194 - 2021 - 222 City Terrace - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Christopher Gershel to the premises known as 222 City Terrace (f/k/a 218-220 City Terrace Extension) (Section 17, Block 8, Lot 24).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de una orden emitida a Christopher Gershel a las instalaciones conocidas como 222 City Terrace (f / k / a 218-220 City Terrace Extension) (Sección 17, Bloque 8, Lote 24)

17. Resolution No. 195 - 2021 - 25 Liberty Street, WH - Release of Restrictive Covenants

Resolution authorizing the execution of a Release of Restrictive Covenants and Right of Re-entry from a deed issued to Habitat for Humanity of Greater Newburgh, Inc. to the premises known as 25 Liberty Street, W.H. (Section 45, Block 7, Lot 18)

Resolución que autoriza la ejecución de una Liberación de Clausulas Restrictivas y Derecho de Reingreso de una escritura emitida a Hábitat para la Humanidad de Greater Newburgh, Inc. a las instalaciones conocidas como 25 Liberty Street, W.H. (Sección 45, Bloque 7, Lote 18)

18. Resolution No. 196 - 2021 - Letter of Agreement with Orange-Ulster BOCES for Microfilm Storage

Resolution authorizing the City Manager to enter into an agreement with Orange-Ulster BOCES for the storage of municipal records on microfilm.

Resolución por la que se autoriza al Gerente de la Ciudad a celebrar un acuerdo con Orange-Ulster BOCES para el almacenamiento de registros municipales en microfilm.

19. Resolution No. 197 - 2021 - to Award a Community Development Block Grant (CDBG) Subrecipient Agreement to Habitat for Humanity of Greater Newburgh for a Homeowner Roof Repair Program

Resolution authorizing the City Manager to enter into a Community Development Block Grant (CDBG) sub-recipient grant agreement in the amount of \$50,000.00 with Habitat for Humanity of Greater Newburgh for a homeowner roof repair program for low/moderate income homeowners in the City of Newburgh.

Resolución que autoriza al Gerente de la Ciudad a entrar en un acuerdo de sub-receptor de subvención de subvención de bloque de desarrollo comunitario (CDBG) por la cantidad de \$ 50,000.00 con Hábitat para la Humanidad de Greater Newburgh para un programa de reparación de techos para propietarios de viviendas de ingresos bajos / moderados en la Ciudad de Newburgh.

20. Resolution No. 198 - 2021 - to Award a Community Development Block Grant (CDBG) Subrecipient Agreement to Choice Films for a Film and Television Training Program for Youth and Young Adult Residents of the City of Newburgh

Resolution authorizing the City Manager to enter into a Community Development Block Grant (CDBG) sub-recipient grant agreement in the amount of \$10,000.00 with Choice Films, Inc. for a film and television training program for youth and young adult residents of the City of Newburgh.

Resolución que autoriza al Gerente de la Ciudad a celebrar un acuerdo de sub-receptor de subvención de subvención de bloque de desarrollo comunitario (CDBG) por la cantidad de \$ 10,000.00 con Choice Films, Inc. para un programa de capacitación de cine y televisión para jóvenes y adultos residentes de la ciudad de Newburgh.

21. Resolution No. 199 - 2021 - Agreement with CPL, Inc to undertake Planning and Design work for Repair or Replacement of the Aquatics Center and for the Construction of Splash Pads at Delano Hitch, Tyronne Crabb, and Xavier Lunan Parks

Resolution authorizing the City Manager to accept proposals and executed contracts with Clark Patterson Lee for professional engineering design services for Delano-Hitch Recreation Park Aquatic Center Improvements in the amount of \$55,00.00 and splash pads at Tyrone Crabb and Xavier Lunan Parks in the amount of \$16,000.00.

Resolución que autoriza al Gerente de la Ciudad a aceptar propuestas y contratos ejecutados con Clark Patterson Lee para servicios profesionales de diseño de ingeniería para mejoras del Centro Acuático del Parque de Recreación Delano-Hitch por la cantidad de \$55,00.00 y salpicaderos en los Parques Tyrone Crabb y Xavier Lunan por la cantidad de \$16,000.00.

22. Resolution No. 200 -2021 - Amendment to Personnel Book

Resolution amending the 2021 Personnel Analysis Book to add one (1) Police Officer position on a temporary basis in the City of Newburgh Police Department for the period July 28, 2021 through July 29, 2021.

Resolución que modifica el Libro de Análisis de Personal de 2021 para agregar un (1) puesto de Oficial de Policía de manera temporal en el Departamento de Policía de la Ciudad de Newburgh durante el período del

28 de julio de 2021 al 29 de julio de 2021.

23. Ordinance No. 4 - 2021 - adding Section 21.2 to Chapter 288 to prohibit parking of commercial vehicles, attachments and trailer units

Ordinance amending Chapter 288, entitled "Vehicles and Traffic" by adding Section 288-21.2 entitled "Parking of Commercial Vehicles, Commercial Vehicle Attachments and Trailer Units Prohibited".

Ordenanza que modifica el Capítulo 288, titulado "Vehículos y Tráfico" mediante la adición de la Sección 288-21.2 titulada "Estacionamiento de vehículos comerciales, accesorios de vehículos comerciales y unidades de remolque prohibidas"

24. Resolution No. 201 - 2021 - Scheduling a Public Hearing regarding a Local Law enacting Chapter 287, Vehicles, Off-Road

Resolution scheduling a public hearing for September 13, 2021 to hear public comment concerning a "A Local Law enacting Chapter 287 to the Code of Ordinances of the City of Newburgh entitled 'Vehicles, Off-Road'"

Resolución que programa una audiencia pública para el 13 de septiembre de 2021 para escuchar comentarios públicos sobre una "Ley local que promulga el Capítulo 287 del Código de Ordenanzas de la Ciudad de Newburgh titulado 'Vehículos, Todoterreno'".

25. Resolution No. 202 - 2021 - to Appoint Thomas Foti to the Civil Service Commission

Resolution appointing Thomas Foti to the Municipal Civil Service Commission of the City of Newburgh.

Resolución por la que se nombra a Thomas Foti para la Comisión Municipal de Administración Pública de la Ciudad de Newburgh.

26. Resolution No. 203 - 2021 - Authorizing a Settlement Agreement

A resolution authorizing the City Manager to execute a settlement agreement in connection with the premises located at 326 Liberty Street (Section 12, Block 1, Lot 14)

Resolucion que autoriza al Gerente de la Ciudad a ejecutar un acuerdo en conexión a las instalaciones ubicadas en la 326 de la Calle Liberty (Seccion 12, Bloque 1, Lote 14)

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 186 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 3 INCREASING THE CONTRACT AMOUNT
FROM \$664,327.00 TO \$676,536.15 IN THE
CONSORTI BROS. PAVING & SEALCOATING, INC. CONSTRUCTION CONTRACT
IN THE LIBERTY STREET STREETScape IMPROVEMENTS PROJECT**

WHEREAS, by Resolution No. 143-2020 of July 13, 2020, the City Council of the City of Newburgh awarded base bid, alternate no. 2 and alternate no. 3 for construction of the Liberty Street Streetscape and Sidewalks Improvements Construction Project (the "Project") to Consorti Bros. Paving & Seal Coating, Inc., in an amount not to exceed \$749,395.00; and

WHEREAS, additional work was required to be performed after unanticipated conditions were discovered underneath the existing sidewalk on the east side of the street resulting an increase the total cost of the Project of \$21,209.15 to a total contract price of \$676,536.15 and requires a change order to the contract; and

WHEREAS, funding for the Project in the amount of \$676,536.15 shall be derived from (CDBG) CD1.8686.0400.8030.2020 - 2020 CDBG and TE.8686.0400 - Washing Machine;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute Change Order No. 3 increasing the total contract price by \$21,209.15 to a total contract price of \$676,536.15 in connection with the Consorti Bros. Paving & Seal Coating, Inc. contract for the Liberty Street Streetscape and Sidewalks Improvements Construction Project

RESOLUTION NO.: 187 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 4 INCREASING THE CONTRACT AMOUNT
FROM \$676,536.15 TO \$698,256.15 IN THE
CONSORTI BROS. PAVING & SEALCOATING, INC. CONSTRUCTION CONTRACT
IN THE LIBERTY STREET STREETScape IMPROVEMENTS PROJECT**

WHEREAS, by Resolution No. 143-2020 of July 13, 2020, the City Council of the City of Newburgh awarded base bid, alternate no. 2 and alternate no. 3 for construction of the Liberty Street Streetscape and Sidewalks Improvements Construction Project (the "Project") to Consorti Bros. Paving & Seal Coating, Inc., in an amount not to exceed \$749,395.00; and

WHEREAS, additional work was required for the excavation and placement of materials adjacent to the Verizon communications duct bank along the west side of Liberty Street resulting an increase the total cost of the Project of \$21,720.00 to a total contract price of \$698,256.15 and requires a change order to the contract; and

WHEREAS, funding for the Project in the amount of \$698,256.15 shall be derived from (CDBG) CD1.8686.0400.8030.2020 - 2020 CDBG and TE.8686.0400 - Washing Machine;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute Change Order No. 4 increasing the total contract price by \$21,720.00 to a total contract price of \$698,256.15 in connection with the Consorti Bros. Paving & Seal Coating, Inc. contract for the Liberty Street Streetscape and Sidewalks Improvements Construction Project

RESOLUTION NO.: 188 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 5 FOR A NO-COST TIME EXTENSION IN THE
CONSORTI BROS. PAVING & SEALCOATING, INC. CONSTRUCTION CONTRACT
IN THE LIBERTY STREET STREETScape IMPROVEMENTS PROJECT**

WHEREAS, by Resolution No. 143-2020 of July 13, 2020, the City Council of the City of Newburgh awarded base bid, alternate no. 2 and alternate no. 3 for construction of the Liberty Street Streetscape and Sidewalks Improvements Construction Project (the "Project") to Consorti Bros. Paving & Seal Coating, Inc., in an amount not to exceed \$749,395.00; and

WHEREAS, by Resolution No. 94-2021 of April 26, 2021, the City Council approved Change Order No. 1 which included an extension of time for substantial completion of the contract until July 14, 2021 due to severe winter weather and COVID-19, the Project construction was delayed to the spring; and

WHEREAS, unforeseen additional work was required after commencement of the Project, including unanticipated conditions were discovered underneath the existing sidewalk on the east side of Liberty Street and the excavation and placement of materials adjacent to the Verizon communications duct bank along the west side of Liberty Street, which were addressed in Change Orders No. 3 and No. 4, respectively, resulting in the need for further extension of time substantial completion of the contract until September 30, 2021;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute Change Order No. 5 to extend the time for substantial completion of the contract until September 30, 2021 and in connection with the Consorti Bros. Paving & Seal Coating, Inc. contract for the Liberty Street Streetscape and Sidewalks Improvements Construction Project

RESOLUTION NO.: 189 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQRA) FOR THE LONG TERM CONTROL PLAN
PHASE III NORTH INTERCEPTOR IMPROVEMENTS PROJECT AND
PHASE IV WASTEWATER TREATMENT PLANT DISINFECTION PROJECT,
DECLARING THE PROJECTS TO BE TYPE II ACTIONS, ADOPTING THE
ENVIRONMENTAL ASSESSMENT FORM,
FINDING NO SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT AND
AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SEQRA DOCUMENTS**

WHEREAS, the City of Newburgh is subject to an Order on Consent with the New York State Department of Environmental Conservation to resolve violations at the Wastewater Treatment Plant and for the development of the CSO Long Term Control Plan ("LTCP"); and

WHEREAS, pursuant to a Modification Order on Consent approving a Schedule of Compliance for Phase I through V of the LTCP, the City is undertaking Phases III and IV of the LTCP consisting of the North Interceptor Improvements Project (the "Phase III Project") and the Wastewater Treatment Plant Influent Sewer and High Rate Disinfection Project (the "Phase IV Project") and collectively referred to as the "Phase III and Phase IV Projects"; and

WHEREAS, the City of Newburgh intends to prepare documents necessary to complete a funding award through the Environmental Facilities Corporation; and

WHEREAS, the City desires to comply with the New York State Environmental Quality Review Act ("SEQRA") and the regulations contained within 6 NYCRR Part 617 (the "Regulations") with respect to the Phase III and Phase IV Projects; and

WHEREAS, under Section 617.5(c)(35) of the SEQRA Regulations, the Phase III and Phase IV Projects are undertaken in connection with civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion, and under Section 617.5(c)(1) and Section 617.5(c)(2) of the SEQRA Regulations, the Phase IV Project involves the maintenance or repair involving no substantial changes in an existing structure or facility and the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York the Phase III and Phase IV Projects constitute “Type II” Actions, as the quoted term is defined in the SEQRA Regulations and that no further review for SEQRA purposes is required; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and hereby is authorized to sign and file any/and all other documents that may be necessary in connection with this SEQRA classification for the Phase III and Phase IV Projects.

SUBJECT

City of Newburgh Long Term Control Plan
Phase III and IV Projects – State Environmental Quality
Review Act (SEQRA) Action Classification

TO

Jason Morris, PE
Newburgh, City Engineer

DATE

July 29, 2021

PROJECT NUMBER

30056038 / 30034738

NAME

Robert Ostapczuk, PE
(518) 250-7300, Robert.Ostapczuk@arcadis.com

Arcadis of New York, Inc. has been retained by the City of Newburgh (City) to complete engineering services for the design and construction of Phase III and Phase IV of the Long Term Control Plan (LTCP) Implementation project to bring the City into compliance with the United States Environmental Protection Agency (EPA) Combined Sewer Overflow (CSO) Control Policy. Phase III of the LTCP project consists of rehabilitation of the City's existing North Interceptor sewer. Phase IV of the LTCP consists of rehabilitation of the City's existing Water Pollution Control Plant (WPCP) Influent Sewer, as well as expansion of the existing WPCP infrastructure to provide screening and high rate disinfection of wet weather flows prior to discharge to the Hudson River. The LTCP project will result in a decrease of untreated discharge to the Hudson River from the City's existing 13 combined sewer outfalls by about 100 overflow events per year, or a decrease of approximately 56 million gallons per year of untreated raw sewage, bringing the City into compliance with the EPA's CSO Control Policy of 85% capture of wet weather flows for treatment. This project is being undertaken in response to a New York State Department of Environmental Conservation Order on Consent dated November 1, 2011 (Case No. R3-20110107-17).

The potential adverse environmental impacts have been reviewed in accordance with 6 New York Codes, Rules and Regulations (NYCRR) Part 617 – State Environmental Quality Review Act (SEQRA) and the State Environmental Review Process (SERP) in accordance with 40 CFR 35.3140. A Full Environmental Assessment Form was prepared and attached to this memorandum. The proposed action has been classified as a Type II Action because it meets the following item on the Type II Action list (Part 617.5):

- (C) (35) "Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;"

Furthermore, Phase IV of the project is classified as Type II Action because it meets the following items on the Type II Action list (Part 617.5):

- (C)(1) "Maintenance or repair involving no substantial changes in an existing structure or facility;"
- (C)(2) "Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;"

The proposed action does not meet or exceed any of the thresholds established in section 617.4 – Type I Actions. This SEQRA summary has been prepared to support the action classification for the proposed project.

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 applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
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.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input 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 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 1	
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 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 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 type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): _____, Remediation Sites: 336042, Remediation Sites: 336036 _____ _____	
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 type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

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?

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? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

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)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ 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 the 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 _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

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:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐
If Yes, describe: _____

iv. Will the 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: _____

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), what is the 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 ☐

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>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? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>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)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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? _____</p> <p>If Yes:</p> <p>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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ 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) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? Yes No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • 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 the 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. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
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? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
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? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
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? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
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? 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: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____, 336042, 336036 </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____, B00189	<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ _____ 																
E.2. Natural Resources On or Near Project Site																
a. What is the average depth to bedrock on the project site? _____ feet																
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 60%;"></td> <td style="border-bottom: 1px solid black; width: 10%; text-align: right;">%</td> <td style="border-bottom: 1px solid black; width: 30%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">%</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">%</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>		%			%			%								
	%															
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	%															
d. What is the average depth to the water table on the project site? Average: _____ feet																
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30px;"><input type="checkbox"/> Well Drained:</td> <td style="width: 20px; text-align: right;">_____ %</td> <td style="width: 50px;">of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ %</td> <td>of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ %</td> <td>of site</td> </tr> </table>	<input type="checkbox"/> Well Drained:	_____ %	of site	<input type="checkbox"/> Moderately Well Drained:	_____ %	of site	<input type="checkbox"/> Poorly Drained	_____ %	of site							
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<input type="checkbox"/> Moderately Well Drained:	_____ %	of site														
<input type="checkbox"/> Poorly Drained	_____ %	of site														
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30px;"><input type="checkbox"/> 0-10%:</td> <td style="width: 20px; text-align: right;">_____ %</td> <td style="width: 50px;">of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ %</td> <td>of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ %</td> <td>of site</td> </tr> </table>	<input type="checkbox"/> 0-10%:	_____ %	of site	<input type="checkbox"/> 10-15%:	_____ %	of site	<input type="checkbox"/> 15% or greater:	_____ %	of site							
<input type="checkbox"/> 0-10%:	_____ %	of site														
<input type="checkbox"/> 10-15%:	_____ %	of site														
<input type="checkbox"/> 15% or greater:	_____ %	of site														
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____																
h. Surface water features. <ul style="list-style-type: none"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 10px;">•</td> <td style="width: 100px;">Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 10%;">Classification _____</td> </tr> <tr> <td>•</td> <td>Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>•</td> <td>Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>•</td> <td>Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table> 	•	Streams:	Name _____	Classification _____	•	Lakes or Ponds:	Name _____	Classification _____	•	Wetlands:	Name _____	Approximate Size _____	•	Wetland No. (if regulated by DEC)	_____	
•	Streams:	Name _____	Classification _____													
•	Lakes or Ponds:	Name _____	Classification _____													
•	Wetlands:	Name _____	Approximate Size _____													
•	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? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____																
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No																
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No																
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No																
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 																

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>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 type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p style="margin-left: 100px;">, Bald Eagle</p> <p>_____</p>	
<p>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 type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>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 type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>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 type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____, Newburgh Steam Mills (Regal Bag Company), Washington's Headquarters, Dutch Reformed Church, Crawford, iii. Brief description of attributes on which listing is based: _____ David, House, Montgomery-Grand-Liberty Streets Historic District 	
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 type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. 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 type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ 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 type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. 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 _____



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:546031
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	546031
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336036, B00188, 336042, 336055, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Hudson River (Class B) – Priority Organics – Fish Consumption

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Tidal River
E.2.n.i [Natural Communities - Acres]	0.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



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B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336036, B00188, 336042, 336055, B00189, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:NEWBURGH STEAM MILLS (REGAL BAG COMPANY), Washington's Headquarters, East End Historic District, Dutch Reformed Church, Crawford, David, House, Montgomery–Grand–Liberty Streets Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

SECTION A. PROJECT AND APPLICANT/SPONSOR INFORMATION

Project Location

Response to FEAF Part A. Project Location

The project location is in Newburgh, Orange County, New York. The project area spans from Nicoll Street in the City of Newburgh, south approximately 1.5 miles to the existing Water Pollution Control Plant (WPCP) located on River Street. The proposed site for the Floatables Control Facility (FCF) is located in a vacant lot on River Street, on the west bank of the Hudson River adjacent to the WPCP. See Project Area Maps as Figures 1a and 1b.

Brief Description of Proposed Action

Response to FEAF Part A. Brief Description of Proposed Action

The City of Newburgh (City) has executed an Order on Consent (Case No. R3-20110107-17) with the New York State Department of Environmental Conservation (NYS DEC) for the implementation of a Long Term Control Plan (LTCP) to address the City's compliance with the United States Environmental Protection Agency's (US EPA) Combined Sewer Overflow (CSO) Control Policy. The presumptive approach of CSO Control Policy requires 85 percent capture of wet weather flows; at the time that the LTCP was developed, the City captured approximately 73.8 percent of wet weather flows. It was determined that the most cost-effective option in meeting the 85 percent capture requirement of the US EPA Control Policy was to capture wet weather flows by upgrading both the North and South Interceptors. Wet weather flows will be screened and disinfected at a satellite facility prior to discharge to the Hudson River, while dry weather flows to the WPCP will be maximized. A relocated and upgraded WPCP Influent Sewer will convey flows from the tee intersection of the North and South Interceptors, downstream to the Floatables Control Facility (FCF) and WPCP.

The City of Newburgh Water Pollution Control Plant (WPCP) receives flow from the North Interceptor and South Interceptor, which combine into one 36-inch to 42-inch diameter influent sewer into the WPCP. The North Interceptor, a combined sewer that is between 12-inch and 30-inch diameter, was originally constructed in the 1960's and is located along the east side of the City.

The size and shallow slope of the existing North Interceptor creates maintenance problems for the City with solids deposition. When the City was originally planning and negotiating the terms of the LTCP Consent Order, the City included a project consisting of reconstructing and relocating

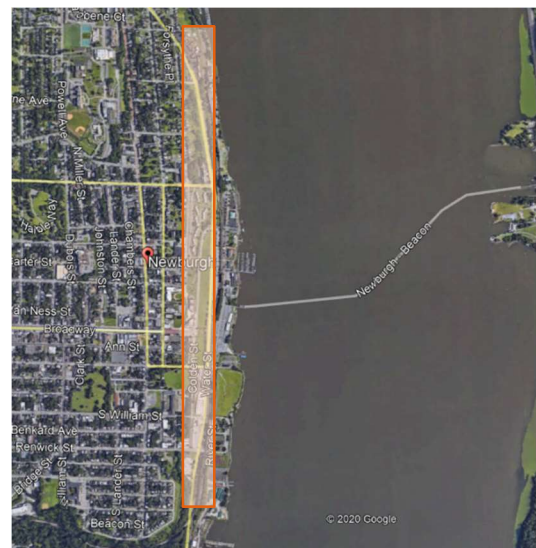


Figure 1a. North Interceptor Sewer Improvements Project Area Overview

the North Interceptor to increase wet weather capacity, eliminate maintenance issues and relocate the interceptor to City owned right of ways while providing a reduction in untreated combined sewer overflows. A new, relocated North Interceptor will deliver more combined sewage to the future FCF to be constructed in the area immediately adjacent to the WPCP. The proposed North Interceptor route includes replacing portions of the North Interceptor in the same location as the existing route and relocating portions to provide better access for maintenance and reduce environmental impact. The current untreated discharge to the Hudson River from the City's existing 13 combined sewer outfalls will decrease by about 100 overflow events per year, or approximately 56 million gallons per year of untreated raw sewage when all components of the LTCP are implemented as demonstrated by the current modeling.

The proposed site for the FCF is in a vacant lot on the west bank of the Hudson River adjacent to the Water Pollution Control Plant (WPCP). A private recreational rowing club facility exists immediately south of the project site. The FCF will provide screening and disinfection to wet weather flow volumes over 18 MGD, which is the capacity of the existing WPCP. The WPCP influent sewer will begin where the North Interceptor and South Interceptor join at a tee intersection, at the downstream extent of the North Interceptor Sewer Improvements. The WPCP Influent Sewer will be upgraded in diameter to maximize flow capacity and relocated onto the City's property. The WPCP influent sewer will be elevated approximately 20-feet above grade and supported by structural concrete piers.

The FCF will be a two-story building of approximately 1,400 SF, and will contain screening on the second level, chemical storage, handling, and other necessary equipment on the first level, and a concrete CCT of approximately 4,200 SF, located between the Hudson River and the FCF building described. The WPCP influent sewer will enter the second story of the FCF building and will continue downstream to the north of the FCF building to connect into the existing WPCP influent sewer just upstream of the WPCP headworks building.

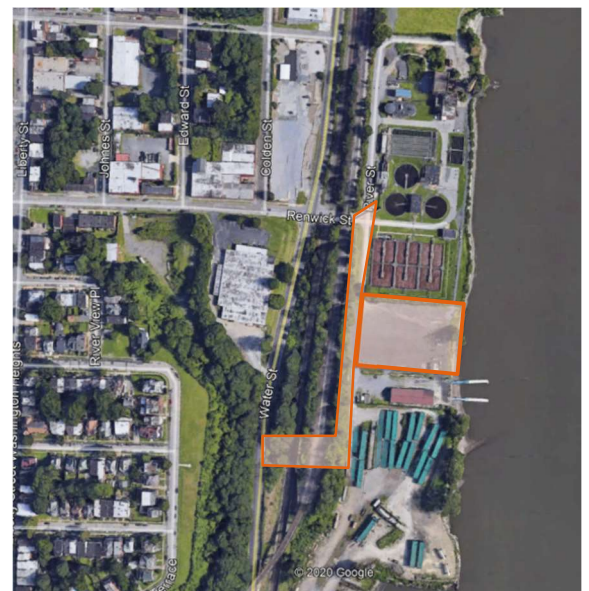


Figure 2b. FCF and WPCP Influent Sewer Project Area Overview

Property Owner Information

Response to FEAF Part A. Property Owner Information:

The majority of the North Interceptor will lie in the City of Newburgh's property, roadway or adjacent right of way. Owners of properties the North Interceptor will pass through in addition to the City of Newburgh are listed below.

Property Owner:	Telephone: (845) 565-6863
Ferry Crossing Condominium Association Inc.	E-Mail: N/A
Address: 350 Water Street	

City/PO: Newburgh	State: NY	Zip Code: 12550
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Property Owner:	Telephone: (845) 562-2980	
Varick Homes Housing Development Fund Company Inc.	E-Mail: N/A	
Address: 69 South St		
City/PO: Newburgh	State: NY	Zip Code: 12550

Property Owner:	Telephone: (845) 562-9255	
Renwick Holding, LLC	E-Mail: N/A	
Address: 25 Renwick St		
City/PO: Newburgh	State: NY	Zip Code: 12550

Property Owner:	Telephone: 1 (877) 744-7279	
CSX Transportation Inc.	E-Mail: N/A	
Address: 500 Water Street		
City/PO: Jacksonville	State: FL	Zip Code: 32202

SECTION D. PROJECT DETAILS

D.1 Proposed and Potential Development

Response to FEAF Question D.1.e.ii:

Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

The North Interceptor Sewer Improvements construction (Phase I) will overlap with FCF construction (Phase II); anticipated construction completion date for Phase I is April 2024 while notice to proceed for construction of Phase II is April 2023. The Phase I construction consists of North Interceptor Sewer relocation and upgrades from Nicoll Street through the tee intersection with the South Interceptor. The Phase II construction consists of FCF construction, and WPCP Influent Sewer relocation and upgrades from the tee intersection of the North and South Interceptors to the connection to the existing WPCP Influent Sewer just upstream of the WPCP. The Phase II construction also consists of Regulator structure modifications which regulate flows through the North Interceptor.

D.2 Project Operations

Response to FEAF Question D.2.a.iii.

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Materials to be excavated include earth, soils, and asphalt along the proposed north interceptor route to install the upgraded north interceptor, generally 5-10 feet below grade. Additionally, the WPCP influent sewer and FCF will require excavation for installation of foundations of pier supports for the elevated sewer, and for the proposed facility buildings. Trench excavation will be filled and restored to the original land cover.

A qualified environmental professional or person under their supervision will oversee excavation and load-out of all excavated material. Loaded vehicles leaving the site will be appropriately lined, tarped, securely covered, manifested, and placarded in accordance with the appropriate Federal, State, local and NYSDOT requirements. The locations where vehicles enter or exit the site will be inspected daily for evidence of off-site soil tracking. Cleaning will be performed as needed to maintain a soil-free condition with respect to site derived materials. Transport of excavated materials off site will be performed by licensed haulers in accordance with appropriate local, State, and Federal regulations.

If uncontaminated excavated material is determined to be suitable for reuse on site, stockpiles will be kept covered at all times with appropriately anchored tarps. Stockpiles will be routinely inspected, and damaged tarp covers will be promptly replaced. Soil used for the soil cover system (i.e. above the demarcation layer) may be reused on site or off site without restriction as long as it has not been contaminated by site activity. This material may be used to fill excavations around the facility buildings or foundations, or for miscellaneous site work.

Response to FEAF Question D.2.c.i:

i. Total anticipated water usage/demand per day:

The FCF will require potable water for miscellaneous washdown of equipment/facilities, flushing of the chlorine contact tank (CCT), and chemical building eyewash/shower stations. The demand for potable water will be dependent on wet weather event frequency.

Response to FEAF Question D.2.d.i and D.2.d.vi:

ii. Total anticipated liquid waste generation per day:

After a storm event the FCF will be automatically washed down to mitigate odors with potable water, collected and pumped in the sewer for treatment at the WPCP. The amount of liquid waste will be dependent on wet weather event frequency.

Response to FEAF Question D.2.p.iii.:

iii. Generally, describe the proposed storage facilities:

The sodium hypochlorite storage tanks will be located on the first level of the FCF building and are sized to allow the sodium hypochlorite to be stored as a 5% dilute solution, to reduce chemical degradation.

Two back-to-back 7.5 MG design storms require a total volume of approximately 7,000 gallons of 5% dilute sodium hypochlorite solution to meet the disinfection requirements. The working volume of each sodium hypochlorite tank will be 4,000 gallons, for a total of 8,000 gallons of storage. The sodium hypochlorite tanks will be designed in general conformance with the design criteria shown in the table below.

Sodium Hypochlorite Storage Design Criteria

Criteria	
Stored Solution Concentration (%)	5
Delivered Solution Concentration (%)	12.5
Numbers of tanks	2
Working Tank Capacity (gal)	4,000
Total Working Capacity (gal)	8,000
Diameter (ft)	8.5
Nominal Working Height (ft)	10.5

Sodium hypochlorite is a strong oxidizer and is corrosive, therefore the recommended tank materials is fiberglass reinforced plastic (FRP). Each storage tank will have a dedicated recirculation pump to facilitate keeping the sodium hypochlorite solution well mixed. Peristaltic metering pumps will be used to deliver sodium hypochlorite to the CCT and sized to deliver the chemical over the flow range the Facility is required to handle, and the dose range necessary to achieve the bacteria reduction.

The sodium bisulfite storage tanks will be sized based upon neutralizing a chlorine dose of 25 mg/L to treat the volume of two 7.5 MG back-to-back design storms. The minimum amount of sodium bisulfite needed to dechlorinate one pound of chlorine is 1.465 pounds. This results in a dose of approximately 40 mg/l of 38% sodium bisulfite and requires a total storage volume of 1,200 gallons. There will be two tanks each with a working capacity of 750 gallons, for a total storage capacity of 1,500 gallons. The sodium bisulfite tanks will be designed in general conformance with the design criteria shown in the table below.

Sodium Bisulfite Storage Design Criteria

Criteria	
Stored Solution Concentration (%)	38
Delivered Solution Concentration (%)	38
# of tanks	2
Working Tank Capacity (gal)	750
Total Working Capacity (gal)	1,500
Diameter (ft)	4
Height (ft)	8.5

FRP tanks will be utilized in this application. Peristaltic metering pumps will be used to deliver sodium bisulfite to the CCT and sized to deliver the chemical over the flow range the Facility is required to handle, and the dose range necessary to achieve dechlorination.

Secondary containment will be provided for both chemicals.

SECTION E. SITE AND SETTING OF PROPOSED ACTION

E.1 Land uses on and surrounding the project site

Response to FEAR Question E.1.h.iv:

DEC ID	Current Status
336036 – American Felt & Filter Company Inc.	Remediation of TCA was completed in April of 2018 having met the soil cleanup objectives for commercial use. Residual contamination in the soil, groundwater, and soil vapor is being managed under a Site Management Plan.
B00188 – 7-11 Johnes Street	Former dry-cleaning business at which petroleum was stored underground. In August of 2000, three USTs were removed along with 362 tons of impacted soil. A spill was reported due to poor condition of the tanks. The site is currently vacant with the majority covered with one foot of clean stone. There is potential for inhalation of site contaminants due to soil vapor intrusion for any future development.
336042 – CH - Water St. - Newburgh MGP	Remediation at the site is complete having met the soil cleanup objectives for commercial use. Residual contamination in the soil and groundwater is being managed under a Site Management Plan. Site is currently owned by Central Hudson Gas and Electric Corporation and is occupied by a natural gas regulator station and one control building. The entire site is secured by a chain-link fence.
336055 – Consolidated Iron & Metal	Formerly the site of a car and scrap metal junk yard with a smelter in operation between 1975 and 1999. Contaminants of concern included lead and PCB oil. Remediation at this site is complete having met the soil cleanup objectives for restricted residential use. The site is fenced, and a soil cap is in place. Residual contamination in the soil and groundwater is being managed under a Site Management Plan.
546031 – The Hudson River PCB Sediments	Dredging of the Hudson River was completed in 2015 with habitat reconstruction completed in 2016. Facility decommissioning was performed in 2016.
	The site is currently a vacant lot. A former gas station building was demolished as part of an Interim Remedial Measure (IRM) in December 2010. The site contained several underground and one above ground storage tanks (USTs and AST) which were removed

B00189 – 350/352 Liberty Street	from the site as part of an IRM in January 2011. The site is currently vacant and inactive. The site is zoned for commercial use. The site is bordered to the south by an apartment building, to the east and north by an abandoned industrial building and to the west by Liberty Street.
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RESOLUTION NO.: 190 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A LETTER AGREEMENT BETWEEN THE CITY OF NEWBURGH
AND THE FIRM OF PKF O'CONNOR DAVIES, LLP FOR AUDITING SERVICES FOR
FISCAL YEAR ENDING DECEMBER 31, 2021 FOR THE PRICE OF \$89,500.00**

WHEREAS, the firm of PKF O'Connor Davies, LLP has worked diligently in connection with the preparation of the City of Newburgh auditing for fiscal years ending December 31, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020; and

WHEREAS, based on experience and work history the Comptroller has recommended that the firm of PKF O'Connor Davies, LLP be retained for fiscal year ending December 31, 2021; and

WHEREAS, this Council has reviewed the letter agreement attached hereto and has determined it to be in the best interests of the City to enter into the same;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into a letter agreement with the firm of PKF O'Connor Davies, LLP for auditing services for the fiscal year ending December 31, 2021 for the price of \$89,500.00.

RESOLUTION NO.: 191 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT WITH CAPITAL MARKETS ADVISORS LLC
TO PROVIDE PROFESSIONAL SERVICES TO THE CITY OF NEWBURGH
RELATING TO NEW ISSUE BONDS, BOND ANTICIPATION NOTES,
TAX ANTICIPATION NOTES, DEFICIT NOTES AND BUDGET NOTES**

WHEREAS, the City of Newburgh is authorized under the New York State Local Finance Law to issue bonds, bond anticipation notes, tax anticipation notes, deficit notes, budget notes and other securities; and

WHEREAS, it is necessary and appropriate for the City of Newburgh to retain independent professional services in connection with the planning, marketing and sales associated with such securities and financing; and

WHEREAS, by Resolution No. 164-2016 of July 11, 2016, Resolution No. 149-2017 of June 12, 2017, and Resolution No. 35-2020 of February 10, 2020, the City Council authorized the City Manager to enter into a professional services agreement with Capital Markets Advisors, LLC to provide such securities and financing services; and

WHEREAS, a written professional services agreement between the municipal advisor and its municipal clients is required by the Securities and Exchange Commission and City Council deems it to be in the best interests of the City to continue such professional services agreement with Capital Markets Advisors, LLC for such services;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement in substantially the same form as annexed hereto with Capital Markets Advisors, LLC to provide professional services in connection with the planning, marketing and sales associated with the issuance of bonds, bond anticipation notes, tax anticipation notes, deficit notes, budget notes and other securities.

Capital Markets Advisors, LLC

Independent Financial Advisors

FINANCIAL ADVISORY SERVICES AGREEMENT

This Agreement has been entered into this _____ day of _____, 2021 by and between the City of Newburgh, New York (the "City") and Capital Markets Advisors, LLC ("CMA"), a limited liability company created under the laws of the State of New York and having its principal place of business at 11 Grace Avenue, Suite 308, Great Neck, New York 11021.

Section 1 Financial Advisory Services

CMA will provide the following services in connection with bond and note financings (the "Issue"), undertaken by City during the term of this Agreement.

- 1.01 Review legal, financial, economic and other information necessary for CMA to advise the City in planning, structuring and otherwise completing each Issue to be undertaken by the City.
- 1.02 Discuss a plan of financing which will include CMA's analysis and recommendations to the City regarding funding requirements, structuring alternatives, marketing, method of sale, security features, call provisions, credit ratings, credit enhancement, term, federal tax implications and such other matters which the City and CMA agree should be included in the plan of financing.
- 1.03 Prepare or assist in the preparation of financing documents, as required by the City, including but not limited to: term sheet, Official Statement, Notice of Sale and bid sheet, request for a credit rating, request for bond insurance, DTC Letter of Representations, and post-sale analysis.
- 1.04 Upon the request of the City, CMA will assist the City in the selection of other service providers necessary to conduct each Issue including but not limited to Bond Counsel, rating agencies, bond insurer, underwriters, trustee and financial printer, if appropriate.
- 1.05 Prepare and maintain a financing schedule, costs of issue, list of participants, and take such other actions requested by the City to efficiently manage each Issue to meet City's objectives.
- 1.06 Participate in the sale of the debt, confirm net interest cost calculation, verify underwriter's compensation and make a recommendation as to award.
- 1.07 Assist the City with the delivery of proceeds of each Issue, payment of issuance costs and other matters related to closing each Issue.
- 1.08 Prepare final debt service schedules.
- 1.09 Assist with the closing of the Issue and verify receipt of Issue proceeds.

Section 2 Compensation

- 2.01 For CMA's performance of services on behalf of the City as described in sections 1.01 through 1.09 hereof, CMA's compensation, some of which were contingent on an issue closing, will be as follows:
 - For bond issues: base fee \$10,000 plus \$0.50 per \$1,000 of bonds issued over \$5 million
 - For note issues: base fee of \$5,100 plus \$0.50 per \$1,000 of notes issued for issues over \$5 million
 - For note issues with no Official Statement: \$4,000
 - For issues through NYS EFC: a fee of \$25,000 which includes both short-term and long-term financing of the loan. Such fee is due upon receipt of funding from EFC in the amount of \$12,500 at

Capital Markets Advisors, LLC

Independent Financial Advisors

the closing of the short term financing and \$12,500 upon the closing of the long term financing. If only a long-term EFC issue is issued: a fee is \$15,000 at the closing of the loan

- For capital leases: a base fee of \$6,500 plus \$0.50 per \$1,000 of lease debt issued
- For Continuing Disclosure services: an annual fee of \$2,500

- 2.02 For advisory services rendered for which the above fees are not applicable, CMA will be compensated on an hourly basis at a rate of \$175 per hour.
- 2.03 The City will pay normal issuance costs such as printing, postage, photocopying, overnight delivery, web posting, Bond Counsel, rating agency fees and other associated expenses.
- 2.04 Payment of CMA's compensation for a financing is due within 30 days of receipt by the City of CMA's invoice.

Section 3 Term of Agreement

The term of this Agreement shall be from the date hereof to December 31, 2022.

Section 4 Disclosure

CMA does not assume the responsibilities of the City, nor the responsibilities of the other professionals and vendors representing the City, in the provision of services and the preparation of financing documents for financings under this agreement. CMA accepts the relationship of trust and confidence established between it and the City. CMA agrees to furnish its best skill and judgment in the performance of its services in the most expeditious and economical manner consistent with the interests of the City. Information obtained by the CMA, either through its own efforts or provided by the City, included in the financing documents, or otherwise provided to the City, is by reason of experience and professional judgment, believed to be accurate; however, such information is not guaranteed by the CMA. However, nothing in this paragraph shall relieve CMA from liability due to negligence or want of due diligence in the performance of its services.

Section 5 Binding Effect

All agreements and covenants contained herein are severable and in the event any of them shall be held to be invalid by any competent court, this agreement shall be interpreted as if such invalid agreements or covenants were not contained herein, and the remaining provisions of this agreement shall remain in full force and effect. Each party hereto represents and warrants that this agreement has been duly authorized and executed by it and constitutes its valid and binding agreement and any governmental approvals necessary for the performance of this agreement have been obtained.

Section 6 Required Regulatory Disclosure

Municipal Securities Rulemaking Board ("MSRB") Rule G-10 requires that municipal advisors, including CMA, provide to their clients the following information once each calendar year: (i) CMA is registered as an independent municipal advisor with the MSRB and the US Securities and Exchange Commission ("SEC"); (ii) CMA is subject to the regulations and rules on municipal advisory activities established by the SEC and MSRB; (iii) the website for the MSRB is www.msrb.org and the website for the SEC is www.sec.gov and (iv) in addition to having educational materials about the municipal securities

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market, the MSRB website has a municipal advisory client brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with the appropriate regulatory authority.

MSRB Rule G-42 requires that municipal advisors, including CMA, inform their clients as to any conflicts of interest that may exist that could impact the client. To the best of our knowledge and belief, neither CMA nor any registered associated person has any material undisclosed conflict of interest that would impact CMA's ability to service the City.

Section 7 Independent Contractor

CMA hereby acknowledges and agrees that its status under this Agreement will be that of an independent contractor. CMA and its officers, agents and employees shall not represent themselves as City employees to any third party, nor shall they make any claim to the City, or to any other person or entity, for benefits or privileges granted to City employees, including but not limited to, Unemployment and Workers Compensation benefits. CMA further acknowledges and agrees that the City shall not take any deductions or withholdings from CMA's compensation to pay federal or state taxes, or any other assessment, cost, expense or obligation which CMA or its officers, employees or agents may incur as a result of CMA receiving compensation pursuant to this agreement.

Section 8 Modification

This Agreement contains the entire agreement of the parties. It may be amended in whole or in part from time to time in writing by mutual consent of the parties.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the day and year first set forth on the first page hereof.

Capital Markets Advisors, LLC

City of Newburgh, New York

Richard Tortora

Richard R. Tortora
President

By: _____

Name: _____

Title: _____

Date: _____

RESOLUTION NO.: 192 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM
A DEED ISSUED TO WILDER ERAZO TO THE PREMISES
KNOWN AS 81 HENRY AVENUE (SECTION 48, BLOCK 9, LOT 7)**

WHEREAS, on November 8, 2018, the City of Newburgh conveyed property located at 81 Henry Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 48, Block 9, Lot 7, to Wilder Erazo; and

WHEREAS, Mr. Erazo has requested a partial release of the restrictive covenants contained in said deed; 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 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.

**PARTIAL RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 81 Henry Avenue, (Section 48, Block 9, Lot 7) on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated November 8, 2018 from THE CITY OF NEWBURGH to WILDER ERAZO, recorded in the Orange County Clerk's Office on November 20, 2018, in Liber 14488 of Deeds at Page 982 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed. The restrictive covenant numbered 6 in said deed remains in effect as of the within date.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 193 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO DEVENDER CHHABRA TO THE PREMISES KNOWN AS
185 BROADWAY (SECTION 36, BLOCK 1, LOT 2)**

WHEREAS, on September 23, 2003, the City of Newburgh conveyed property located at 185 Broadway, being more accurately described on the official Tax Map of the City of Newburgh as Section 36, Block 1, Lot 2, to Devender Chhabra; and

WHEREAS, the City of Newburgh regained title to the property in a deed dated April 12, 2017 and recorded in the Orange County Clerk's Office on April 13, 2017 in Liber 14215, Page 1934; and

WHEREAS, by Resolution No. 127-2021, the City of Newburgh approved the sale of the property to Alberto Martinez, Mark Connell, and Paul Guillaro (d/b/a Hudson Visionary Development, LLC), and the attorney for the purchaser has requested a release of the restrictive covenants contained in the aforementioned deed; 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 City Manager be and he is hereby authorized to execute a release, annexed hereto and made a part of this resolution, for restrictive covenants numbered 1, 2, 3, 4, and 5 in the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 185 Broadway, Section 36, Block 1, Lot 2 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated September 23, 2003, from **THE CITY OF NEWBURGH** to **DEVENDER CHHABRA**, recorded in the Orange County Clerk's Office on December 15, 2003, in Liber 11313 of Deeds at Page 1518 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 194 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO CHRISTOPHER GERSHEL TO THE PREMISES KNOWN AS
222 CITY TERRACE (F/K/A 218-220 CITY TERRACE EXTENSION)
(SECTION 17, BLOCK 8, LOT 24)**

WHEREAS, on January 17, 1984, the City of Newburgh conveyed property located at 222 City Terrace (f/k/a 218-220 City Terrace Extension), being more accurately described on the official Tax Map of the City of Newburgh as Section 17, Block 8, Lot 24, to Christopher Gershel; and

WHEREAS, the attorney for the current owner has requested a release of the restrictive covenants contained in said deed; 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 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.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 222 City Terrace (f/k/a 218-220 City Terrace Extension), Section 17, Block 8, Lot 24 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated January 17, 1984, from THE CITY OF NEWBURGH to CHRISTOPHER GERSHEL, recorded in the Orange County Clerk's Office on January 31, 1984, in Liber 2274 of Deeds at Page 999 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 195 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC. TO THE
PREMISES KNOWN AS 25 LIBERTY STREET, W.H. (SECTION 45, BLOCK 7, LOT 18)**

WHEREAS, on January 4, 2000, the City of Newburgh conveyed property located at 25 Liberty Street, W.H., being more accurately described on the official Tax Map of the City of Newburgh as Section 45, Block 7, Lot 18, to Habitat for Humanity of Greater Newburgh, Inc.; and

WHEREAS, the attorney for the current owner has requested a release of the restrictive covenants contained in said deed; 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 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, 5, 6 and 7 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 25 Liberty Street, W.H., Section 45, Block 7, Lot 18 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, 6 and 7 in a deed dated January 4, 2000, from THE CITY OF NEWBURGH to HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., recorded in the Orange County Clerk's Office on March 1, 2000, in Liber 5252 of Deeds at Page 214 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: _____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 196 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH ORANGE-ULSTER BOCES
FOR THE STORAGE OF MUNICIPAL RECORDS ON MICROFILM**

WHEREAS, the City of Newburgh has 64 rolls of microfilm stored at a climate-controlled facility at Orange-Ulster BOCES, which is separately stored in a climate-controlled facility and not included in the Agreement for the storage of the City's archived municipal records; and

WHEREAS, the annual cost for the microfilm storage services shall be derived from Records Management—Other Services; and

WHEREAS, this Council has determined that entering into the agreement for microfilm storage services is in the best interests of the City of Newburgh;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the agreement with Orange-Ulster BOCES, in substantially the same form as annexed hereto with any other provision that Counsel may require, for microfilm storage of certain municipal records of the City of Newburgh.

RESOLUTION NO.: 197 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$50,000.00
WITH HABITAT FOR HUMANITY OF GREATER NEWBURGH FOR A
HOMEOWNER ROOF REPAIR PROGRAM FOR LOW/MODERATE
INCOME HOMEOWNERS IN THE CITY OF NEWBURGH**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh approved and adopted the Community Development Block Grant ("CDBG") 5-year Consolidated Plan for FY 2020-2024, and the FY2020 one-year Action Plan; and

WHEREAS, one of the activities included in the CDBG FY2020 annual action was for homeowner assistance programs; and

WHEREAS, Habitat for Humanity of Greater Newburgh shall administer a program to facilitate roof repairs or roof replacements of four low/moderate-income, owner-occupied homes in the City of Newburgh; and

WHEREAS, funding for the cost of the program in the amount of \$50,000.00 will be derived from CD1.8686.0400.8064.2020; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with Habitat for Humanity of Greater Newburgh to provide funding for said program;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into a sub-recipient grant agreement with Habitat for Humanity of Greater Newburgh in the amount of \$50,000.00, with all such terms and conditions as may be required by the Corporation Counsel, for a homeowner roof repair program for low/moderate income homeowners in the City of Newburgh.

RESOLUTION NO.: 198 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$10,000.00
WITH CHOICE FILMS, INC. FOR A FILM AND TELEVISION TRAINING PROGRAM
FOR YOUTH AND YOUNG ADULT RESIDENTS OF THE CITY OF NEWBURGH**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh approved and adopted the Community Development Block Grant (“CDBG”) 5-year Consolidated Plan for FY 2020-2024, and the FY2020 one-year Action Plan; and

WHEREAS, one of the activities included in the CDBG FY2020 annual action was for economic development and workforce development; and

WHEREAS, Choice Films, Inc. shall administer a program to train local City of Newburgh residents, ages 17 to 30, in “below the line film and television production” and train youth attendees, ages 8 to 16, in “above the line acting and audition protocol”; and

WHEREAS, funding for the cost of the program in the amount of \$10,000.00 will be derived from CD1.8686.0400.8115.2020; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with Choice Films, Inc. to provide funding for said program;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into a sub-recipient grant agreement with Choice Films, Inc. in the amount of \$10,000.00, with all such terms and conditions as may be required by the Corporation Counsel, for a film and television training program for youth and young adult residents of the City of Newburgh.

RESOLUTION NO.: 199 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSALS
AND EXECUTE CONTRACTS WITH CLARK PATTERSON LEE
FOR PROFESSIONAL ENGINEERING DESIGN SERVICES
FOR DELANO-HITCH RECREATION PARK AQUATIC CENTER IMPROVEMENTS
IN THE AMOUNT OF \$55,000.00
AND SPLASH PADS AT TYRONE CRABB AND XAVIER LUNAN PARKS
IN THE AMOUNT OF \$16,000.00**

WHEREAS, the City of Newburgh received a proposal for professional engineering services from Clark Patterson Lee for the design of the Delano-Hitch Recreation Park Aquatic Center Improvements Project (the "DH Project"), which includes repair and/or replacement of the pool and a new stand-alone splash pad; and

WHEREAS, such engineering services shall include preparation of plans for a stand-alone splash pad area adjacent to the existing pool complex; an existing condition survey and 5-year Master Plan including, architectural, structural, site and MEP building and systems review; attendance at up to three Project Advisory Committee meetings; and a final presentation to the public; and

WHEREAS, the City of Newburgh received a proposal for professional engineering services from Clark Patterson Lee for the design and preparation of a Concept Plan for two stand-alone splash pads to be located at Xavier Lunan Park and Tyrone Crabb Park; and

WHEREAS, funding for the design phase of the DH Project in the amount of \$55,000.00 and for the design phase of the two stand-alone splash pads shall be derived from A.7181.0448 (or other) and CDBG: CD1.8686.0400.8125.2020; and

WHEREAS, this Council has reviewed the proposals and determined that entering into a contracts with Clark Patterson Lee is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and to execute a contract with Clark Patterson Lee, in the amount of \$55,000.00 for professional design services in the Delano-Hitch Recreation Park Aquatic Center Improvements Project; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and hereby is authorized to accept a proposal and to execute a contract with Clark Patterson Lee, in the amount of \$16,000.00 for professional design services for two stand-alone splash pads to be located at Xavier Lunan Park and Tyrone Crabb Park.

RESOLUTION NO.: 200 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) POLICE OFFICER POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT
FOR THE PERIOD JULY 28, 2021 THROUGH JULY 29, 2021**

WHEREAS, the Police Department has requested to add one temporary police officer position in the department for two days, July 28, 2021 and July 29, 2021, to accommodate the start of the next Policy Academy on August 2, 2021; and

WHEREAS, the City Council has determined that adding one temporary police officer position in the department for two days, July 28, 2021 and July 29, 2021, to accommodate the start of the next Policy Academy on August 2, 2021 will promote economy and efficiency within the Department; the same being 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 Personnel Analysis Book for the fiscal year 2021 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the job title "Police Officer" in the Police Department for the period July 28, 2021 through July 29, 2021.

ORDINANCE NO.: 4 - 2021

OF

August, 2021

AN ORDINANCE AMENDING CHAPTER 288, ENTITLED “VEHICLES AND TRAFFIC”
BY ADDING SECTION 288-21.2 ENTITLED
“PARKING OF COMMERCIAL VEHICLES, COMMERCIAL VEHICLE ATTACHMENTS
AND TRAILER UNITS PROHIBITED”

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 288 entitled “Vehicles and Traffic” of the Code of the City of Newburgh is hereby amended as follows:

SECTION 1. Amendment

§ 288-21.2 Parking of commercial vehicles, commercial vehicle attachments and trailer units prohibited.

- A. Commercial vehicles shall not be parked on private property within 100 feet of a residential dwelling, nor shall commercial vehicles be parked on a public road. This section shall not apply while said vehicles are actively loading or unloading material or other goods associated with the business owning or operating the vehicle.
- B. Commercial vehicle attachments shall not be parked or left unattended on any public road or in any public parking lot in the City of Newburgh.
- C. Trailer units shall not be parked or left unattended on any public street or in any public parking lot in the City of Newburgh except as allowed by temporary permit for a special event.
- D. For the purpose of this section, “commercial vehicles” shall include tractor-trailers, tractor-trailer combinations, semitrailers, privately owned military vehicles, backhoes, excavators, rollers, tractor cranes, truck cranes, power shovels, road-building machines, road sweepers, sand spreaders, buses, or any other vehicle being used for a commercial purpose. For the purpose of this section, “commercial vehicles” shall not include pickup trucks or vans used for commercial purposes.
- E. For the purpose of this section, “commercial vehicle attachments” shall include snow plows, tank trailers, towable generators, wood chippers, welders, concrete mixers, portable light towers, water pumps or any other piece of commercially-used equipment that is typically towed behind, or attached to, a vehicle and does not require registration with the New York State Department of Motor Vehicles.

Underlining denotes additions

~~Strikethrough~~ denote deletions

- F. For the purpose of this section “trailer unit” shall include tractor-trailer units, landscape trailers, car dollies, campers, pop-up campers, truck campers, travel trailers, fifth wheels, motorhomes, toy haulers, teardrop trailers, stand-up trailers, airstreams, or any other object customarily drawn by an automobile and equipped for use as temporary dwelling or as storage space during travel.
- G. The provisions of this section shall not apply to commercial vehicles, commercial vehicle attachments, or trailer units owned or operated by:
- (1) The City of Newburgh, its agents, or employees in connection with their respective City-related job duties.
 - (2) The agents or employees of any local, state, or federal agency or municipal corporation in connection with their respective government-related job duties.
 - (3) Contractors or subcontractors actively working on a City-authorized project.
 - (4) Contractors or subcontractors actively working pursuant to a valid permit issued by any department of the City of Newburgh.
 - (5) Contractors or subcontractors of utility owners within the City of Newburgh while actively working on the investigation, repair, maintenance or replacement of the respective utility.
 - (6) Contractors parked on a public road while actively engaged in landscape or tree maintenance activities during daylight hours but for a duration of no more than 4 hours.

SECTION 2. Severability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Ordinance or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 3. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term “Ordinance” shall be changed to “Chapter”, “Section”, or other appropriate word as required for codification; and that any such rearranging of

Underlining denotes additions

~~Strikethrough~~ denote deletions

the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity.

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance that can be given effect without such invalid provision.

SECTION 5. Effective Date.

This ordinance shall take effect immediately.

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: 201 - 2021

OF

AUGUST 9, 2021

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 13, 2021
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW ENACTING
CHAPTER 287 TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
ENTITLED ‘VEHICLES, OFF-ROAD’”**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law enacting Chapter 287 of the Code of Ordinances of the City of Newburgh entitled ‘Vehicles, Off-Road’”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 13th day of September, 2021.

LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

**A LOCAL LAW ENACTING CHAPTER 287 TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED “VEHICLES, OFF-ROAD”**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 287 “Vehicles, Off-road” be and is hereby enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Enacting Chapter 287 entitled ‘Vehicles, Off-road’ to the Code of Ordinances of the City of Newburgh”.

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to enact new Chapter 287 entitled “Vehicles, Off-road” to read as follows:

§ 287-1. Legislative findings, intent and purpose.

The reckless operation of illegal, unregistered dirt bikes, all-terrain vehicles, also known as ATVs, and other non-street legal vehicles on the streets and in the parks of Newburgh has been a nuisance to City residents and visitors in recent years and particularly during the summer. The operators of these vehicles, usually in groups, ride with abandon over many parts of the City with no regard for traffic laws, their own well-being, or the safety of bystanders, or the considerable noise such off-road vehicles generate, disturbing the peaceful enjoyment of residents and visitors.

The operation of dirt bikes and ATVs is already illegal on public highways under the New York State Vehicle and Traffic Law. The purpose of this local law is to promote the public health, safety and welfare of the City of Newburgh by making it explicitly unlawful to operate such vehicles on the public highways, in the public parks, or on any other private land in the City of Newburgh. It also expressly forbids the operation of these vehicles on private property without the express consent of the owner or occupant of such property.

§ 287-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

OFF-ROAD VEHICLES means all-terrain vehicles (sometimes known as “ATVs”) as that term is defined in section 2281(1) of the New York State Vehicle and Traffic Law, off-highway motorcycles as that term is defined in section 125-a of the New York State Vehicle and Traffic Law, motocross or dirt bikes, dune buggies, go-carts and any and all other types of motorized trail bikes, utility terrain vehicles (“UTVs”), or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off-highway competitions and are only incidentally operated on public highways. Nothing contained in this chapter, however, shall be deemed to apply to or prohibit the use of bicycles, including electric powered bicycles operated in compliance with applicable state and local regulations.

OPERATE means to ride in or on, other than as a passenger, or use or control the operation of an off-road vehicle, as defined in this chapter, in any manner, whether or not said off-road vehicle is under way.

PUBLIC HIGHWAY means any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ 287-3. Restrictions.

- A. Public Property. No person shall operate an off-road vehicle on a public highway or on any public property in the City of Newburgh.
- B. Private Property. No person shall operate an off-road vehicle off a public highway on private property in the City of Newburgh unless such person has first obtained the express consent of the owner or occupant of the property to operate the off-road vehicle on the property. There shall be a rebuttable presumption that the operator of an off-road vehicle on private property in the City of Newburgh lacks consent to operate the off-road vehicle on private property.

§ 287-4. Penalties for offenses; impoundment and redemption.

- A. Any person who operates an off-road vehicle in violation of section 287-3(A) or (B) of this chapter shall be guilty of an offense punishable of a fine not to exceed \$250.00 for a first offense, \$400.00 for a second offense, and \$550.00 for a third or each successive offense, or imprisonment not to exceed 15 days, or both.
- B. In addition to the penalties set forth in subsection (A) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of section 287-3(A) or (B) of this chapter. Such impounded off-road vehicle shall be stored by the police department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent a notice of such impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five days after the impoundment. Neither the police department nor the City of Newburgh nor any agent nor

employee thereof shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of section 287-3(A) or (B) of this chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$1,500.00. The redemption fee shall not be required where an off-road vehicle was stolen or otherwise used without the owner's permission and the owner of the off-road vehicle demonstrates proof of valid ownership and registration with New York State and files a sworn statement about the theft or unauthorized use with the City of Newburgh Police Department. An off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agency as evidenced by a written, notarized proof of agency, or duly exercised power of attorney. Any off-road vehicles impounded as a result of a violation of section 287-3(A) or (B) of this chapter that remain unclaimed after a period of three months may be destroyed in accordance with applicable laws.

§ 287-5. Enforcement.

The police department is charged with the enforcement of the provisions in this chapter.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Charter", "Article", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the City Charter affected thereby.

SECTION 5 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 - EFFECTIVE DATE

This Local Law and shall be effective on _____ and after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

DRAFT

RESOLUTION NO.: 202-2021

OF

AUGUST 9, 2021

A RESOLUTION APPOINTING THOMAS FOTI TO THE
MUNICIPAL CIVIL SERVICE COMMISSION
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas Foti be and is hereby appointed to complete the term of former member Thomas J. Murphy commencing immediately and expiring on May 31, 2024.

RESOLUTION NO.: 203 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SETTLEMENT AGREEMENT IN CONNECTION WITH THE PREMISES
LOCATED AT 326 LIBERTY STREET (SECTION 12, BLOCK 1, LOT 14)**

WHEREAS, the City of Newburgh commenced legal action against RipRap LLC (by Thomas Dodd, member), current owner of record of the premises known as 326 Liberty Street (Section 12, Block 1, Lot 14), to enforce its reverter and re-entry rights to the premises; and

WHEREAS, the parties have reached a settlement agreement in a manner and form substantially similar to the agreement annexed hereto; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to enter into the attached settlement agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Office of the Corporation Counsel is hereby authorized to settle the legal action pending against RipRap LLC, and the City Manager is hereby authorized to execute a written settlement agreement and any other documents as the Office of the Corporation Counsel may require, to effectuate the settlement as herein described.

STATE OF NEW YORK : COUNTY OF ORANGE
CITY OF NEWBURGH

-----X

In the matter of:

**STIPULATION OF
SETTLEMENT**

Enforcement of the City of Newburgh's Right of
Reverter and Re-Entry against RipRap LLC for
property known as 326 Liberty Street (Section 12,
Block 1, Lot 14) in the City of Newburgh.

-----X

This Stipulation of Settlement ("Stipulation" or "Agreement") is entered into on the ____ day of _____, 2021, by and between the City of Newburgh (hereafter "City"), a municipal corporation with an address of 83 Broadway, Newburgh, New York 12550 and RipRap LLC, a domestic limited liability company with an address of 119 Ingraham Street, Suite 202, Brooklyn, New York 11237 (hereafter "RipRap"), the parties named in this action:

WHEREAS, by deed dated June 20, 2016 (hereafter "Deed"), the City of Newburgh conveyed to RipRap all of its right, title and interest in the premises identified as 326 Liberty Street, Newburgh, New York (Section 12, Block 1, Lot 14) (hereafter "Premises") and;

WHEREAS, that conveyance was subject to certain terms and conditions subsequent including, but not limited to, the obligation within eighteen (18) months of the date of the Deed to rehabilitate any building on the property and bring it into compliance with all State, County and local standards and to obtain within such time frame a Certificate of Occupancy for all buildings on the property, or to make all buildings granted a Certificate of Occupancy before the date of conveyance fit for the use stated in such Certificate of Occupancy; and

WHEREAS, to date, more than 18 months have passed since the of the date of the Deed to obtain a Certificate of Occupancy for the building or to make any building granted a Certificate of Occupancy before the date of the conveyance fit for the use stated in the Certificate of Occupancy; and

WHEREAS, the City served demand for return of the Premises on April 19, 2021, with RipRap have acknowledged receipt of said demand on or about April 26, 2021; and

WHEREAS, the Parties have engaged in discussions in an effort to resolve the matter without litigation being required by the parties; such that

IT IS HEREBY CONSENTED AND AGREED by the parties to this litigation, that they be bound by the terms and conditions enumerated below, as follows:

1. The “Whereas” paragraphs stated above shall be restated and incorporated herein to give full force and effect to the same.
2. RipRap waives any defenses to service or personal jurisdiction.
3. Within 30 days of the full execution of this Agreement, RipRap shall execute a deed, TP-584, Tax Law §1409 Supplement, and RP-5217 conveying title to the Premises to the City.
4. The City of Newburgh Office of the Corporation Counsel shall hold the documents referenced in paragraph 3 in escrow through 4:00 p.m. on November 1, 2022 (said date and time being referred to herein as the “Deadline”).
5. RipRap shall have until the Deadline to comply with all of the covenants contained in the June 20, 2016 referenced in the first “Whereas” paragraph of this Agreement.
6. To avoid any ambiguity, compliance with the covenants referred to in paragraph 5 by the Deadline shall include receipt of a letter from the City of Newburgh Building Inspector or City of Newburgh Code Compliance Supervisor stating that: (a) there are no open code violations on the property; (b) the Building Inspector or Code Compliance Supervisor observed no violations on the property during his most recent inspection of the property; (c) there are no open permits; and (d) there is a valid Certificate of Occupancy with respect to the property.

7. Delays that may be attributable to the City in connection with compliance with the Deed covenants (e.g. inspection delays, City Council approval delays) shall toll RipRap's compliance deadline dates on a day-for-day basis. However, RipRap must notify the City of Newburgh, in writing, when it is ready for a re-inspection, approval, or other City action in order to trigger the time tolling period. In turn, a written decision from the City on the requested City action shall end any applicable time tolling period.
8. Delays that may be attributable to any applications made by RipRap to City land use boards, including but not limited to the City of Newburgh Planning Board, City of Newburgh Zoning Board of Appeals, City of Newburgh Architectural Review Commission, shall not toll RipRap's compliance deadline dates in any manner.
9. Delays that are attributable to a federal, state, or local executive order(s) that suspend construction activities shall toll RipRap's deadlines on a day-for-day basis.
10. By the Deadline, RipRap shall be current on all unpaid City and County taxes, School tax re-levies, Water/Sewer bills, Sanitation bills, plus any applicable penalties and interest.
11. RipRap shall remain current on all City and County taxes, School tax re-levies, Water/Sewer bills, Sanitation bills, plus any applicable penalties and interest, up to and including the Deadline.
12. RipRap shall not mortgage any of the Premises or any part thereof, or cause any liens (including but not limited to UCC filings), to be filed against the Premises or any property located thereon.
13. Should RipRap fail to comply with any of the terms and conditions outlined in this Agreement by the Deadline in any respect, the Office of the Corporation Counsel shall cause to file the Documents with the Orange County Clerk, thereby vesting title with the City and extinguishing

any rights, title, and interest that RipRap might have in the Premises. No further notice shall be required to be delivered to RipRap if it fails to comply with any of its obligations herein by the Deadline.

14. RipRap has had opportunity to consult with its attorneys on this matter and enter into this Agreement in accordance with its solicited legal advice, and in accordance with the rules outlined in its Operating Agreement or any other such agreement that may govern RipRap's behavior.
15. Each party to this Agreement represents and warrants that the execution, delivery and performance of this Agreement and the consummation of the transactions provided in this Agreement have been duly authorized by all necessary action of the respective entity and that the person executing this Agreement on its behalf has the full capacity to bind that entity.
16. The City Council of the City of Newburgh, by resolution number _____, has authorized and consented to the terms of the Agreement.
17. There are no other agreements, written or oral, pending between the Parties.
18. This Agreement is the full understanding between the parties, and any prior understandings or agreements are null and void.
19. If the City determines it necessary to bring any action at law or in equity to enforce or interpret the terms of this Agreement or the terms contained in the Deed, the City shall be entitled to reasonable attorney's fees, costs and necessary disbursements from RipRap, in addition to any other relief to which it may be entitled. Should the City prevail in any action at law or in equity to enforce or interpret the terms of this Agreement or the terms contained in the Deed, RipRap waives any and all of its rights to appeal said determination.

20. The exchange of copies of this Agreement, including executed signature pages, by electronic transmission (including PDF or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docusign.com) will constitute effective execution and delivery of this Agreement for all purposes.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
[Signature page to follow.]

DRAFT

IN WITNESS WHEREOF, this Agreement is entered into on the date first referenced herein.

CITY OF NEWBURGH

Todd Venning
City Manager

RIPRAP LLC

By: Thomas Dodd
Member, RipRap LLC

By: John C. Cappello, Esq.
Jacobowitz & Gubits LLP
Attorneys for RipRap LLC