



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
September 6, 2018
6:00 PM

Mayor/Alcaldesa

1. Prayer/Rezo
2. Pledge of Allegiance/Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call / Lista de Asistencia

Communications/Comunicaciones

Presentations/Presentaciones

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/Comentarios del Consejo con
respecto a la agenda

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

4. Resolution No. 235 -2018

A Resolution Of The City Council Of The City Of Newburgh Assuming Lead Agency Status Under State Environmental Quality Review Act (SEQRA) For The Water Plant Scada Improvements Project, Declaring The Project To Be A Type Ii Action, Finding No Significant Adverse Impact On The Environment And Authorizing The City Manager To Execute All SEQRA Documents.

5. Resolution No. 236 - 2018

A Resolution Authorizing The City Manager To Apply For And Accept If Awarded A New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant For The Water Plant Scada Improvements Project For The Maximum Total Cost Of \$1,871,000.00.

6. Resolution No. 237- 2018

A Resolution Of The City Council Of The City Of Newburgh Assuming Lead Agency Status Under State Environmental Quality Review Act (Seqra) For

The Water Meter Replacement Project, Declaring The Project To Be An Unlisted Action, Adopting Part I And Part Ii Of The Environmental Assessment Form And Issuing A Negative Declaration.

7. Resolution No. 238 -2018

A Resolution Authorizing The City Manager To Apply For And Accept If Awarded A New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant For The Water Meter Replacement Project For The Maximum Total Cost Of \$2,750,000.00.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

RESOLUTION NO.: 235 - 2018

OF

SEPTEMBER 6, 2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQRA) FOR THE WATER PLANT SCADA IMPROVEMENTS PROJECT,
DECLARING THE PROJECT TO BE A TYPE II ACTION,
FINDING NO SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT AND
AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SEQRA DOCUMENTS**

WHEREAS, the Clean Water Infrastructure Act of 2017 provides funding to support the New York State Water Infrastructure Improvement Act of 2017 which authorizes the New York State Environmental Facilities Corporation ("EFC") to provide zero or low interest loans and grants to assist municipalities in funding drinking water projects; and

WHEREAS, the City of Newburgh proposes to review field instruments, systems and panels that will require integration and/or replacement in the Water Plant SCADA Improvements Project (the "Project"); and

WHEREAS, the City of Newburgh intends to prepare documents necessary to complete a funding application for the Project to the Environmental Facilities Corporation for a New York State Water Infrastructure Improvement Act of 2017 grant; 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 Project; and

WHEREAS, under Section 617.5(c)(2), the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including the integration and/or replacement of instruments, systems and panels to upgrade and improve the City's Water Plant SCADA system is defined as a Type II Action, and therefore, the Project is classified as a categorical exclusion to SEQRA;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York the Project constitutes a "Type II", 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 Project.

RESOLUTION NO.: 236 - 2018

OF

SEPTEMBER 6, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
IF AWARDED A NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION
WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT
FOR THE WATER PLANT SCADA IMPROVEMENTS PROJECT
FOR THE MAXIMUM TOTAL COST OF \$1,871,000.00**

WHEREAS, the Clean Water Infrastructure Act of 2017 provides funding to support the New York State Water Infrastructure Improvement Act of 2017 which authorizes the New York State Environmental Facilities Corporation ("EFC") to provide zero or low interest loans and grants to assist municipalities in funding drinking water projects; and

WHEREAS, by Resolution No. 113-2018 of May 14, 2018, the City Council of the City of Newburgh authorized the City Manager to execute a contract with Arcadis of New York, Inc. for professional engineering services to prepare a preliminary engineering report to support the City of Newburgh EFC funding application for the Water Plant SCADA Improvements Project in an amount not to exceed \$7,500.00; and

WHEREAS, the City intends to undertake the Water Plant SCADA Improvements Project at a maximum total project cost of \$1,871,000.00 with a City match in the amount of \$748,400.00; and

WHEREAS, the source of City funding for the Project shall be derived in the amount of \$292,500 from HF.8340.0200.8301.2011 - Equipment/Infrastructure.SCADA System.2011 year and \$455,900 from F.0000.0911 - Unappropriated Water Fund Balance; and

WHEREAS, this Council has determined that undertaking the Water Plant SCADA Improvements Project and applying for and accepting if awarded New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act grant 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 Water Plant SCADA Improvements Project is hereby approved at the maximum total project cost in the amount of \$1,871,000.00; and

BE IT FURTHER RESOLVED, by the Newburgh City Council that the City Manager be and he hereby is authorized to apply for and accept if awarded New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act grant for the Water Plant SCADA Improvements Project in an amount not to exceed \$1,122,600.00; and

BE IT FURTHER RESOLVED, by the Newburgh City Council that the City Manager be and he is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the City of Newburgh and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby; and

BE IT FURTHER RESOLVED, by the Newburgh City Council that the sum of \$292,500 is hereby appropriated from HF.8340.0200.8301.2011 - Equipment/Infrastructure.SCADA System.2011 Year and \$455,900 from F.0000.0911 - Unappropriated Water Fund Balance and made available to cover the cost of the City match for the Project.



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

August 24, 2018

Ms. Ali Church
City Planner
City of Newburgh
83 Broadway
Newburgh, NY 12550

Re: DOH
EFC Grant for Supervisory control and data acquisition (SCADA) System
493 Little Britain Road, Newburgh, NY 12550
18PR05538

Dear Ms. Church:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA
Director, Division for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

RESOLUTION NO.: 237 - 2018

OF

SEPTEMBER 6, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE WATER METER REPLACEMENT PROJECT, DECLARING THE PROJECT TO BE AN UNLISTED ACTION, ADOPTING PART I AND PART II OF THE ENVIRONMENTAL ASSESSMENT FORM AND ISSUING A NEGATIVE DECLARATION

WHEREAS, the Clean Water Infrastructure Act of 2017 provides funding to support the New York State Water Infrastructure Improvement Act of 2017 which authorizes the New York State Environmental Facilities Corporation ("EFC") to provide zero or low interest loans and grants to assist municipalities in funding drinking water projects; and

WHEREAS, the City of Newburgh proposes to solicit and review proposals for City-wide replacement of water meters by using industry averages to develop estimates for increased accuracy to promote savings for the City and its water supply customers in the Water Meter Replacement Project (the "Project"); and

WHEREAS, the City of Newburgh intends to prepare documents necessary to complete a funding application for the Project to the Environmental Facilities Corporation for a New York State Water Infrastructure Improvement Act of 2017 grant; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), the City Council of the City of Newburgh wishes to assume Lead Agency status, declare the action to be unlisted actions, approve and adopt Part I and Part II of the Short Environmental Assessment Form and find that the Project will not have any significant adverse environmental impacts; and issue a negative declaration;

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

1. That the City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the actions pursuant to 6 NYCRR 617.6; and
2. Classifies the action as unlisted action; and
3. Adopts Part I and Part II of the Short Environmental Assessment Form; and
4. Issues a Negative Declaration with respect to the 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 sign and file any/and all other documents that may be necessary in connection with this SEQRA classification of the Project listed in this resolution.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

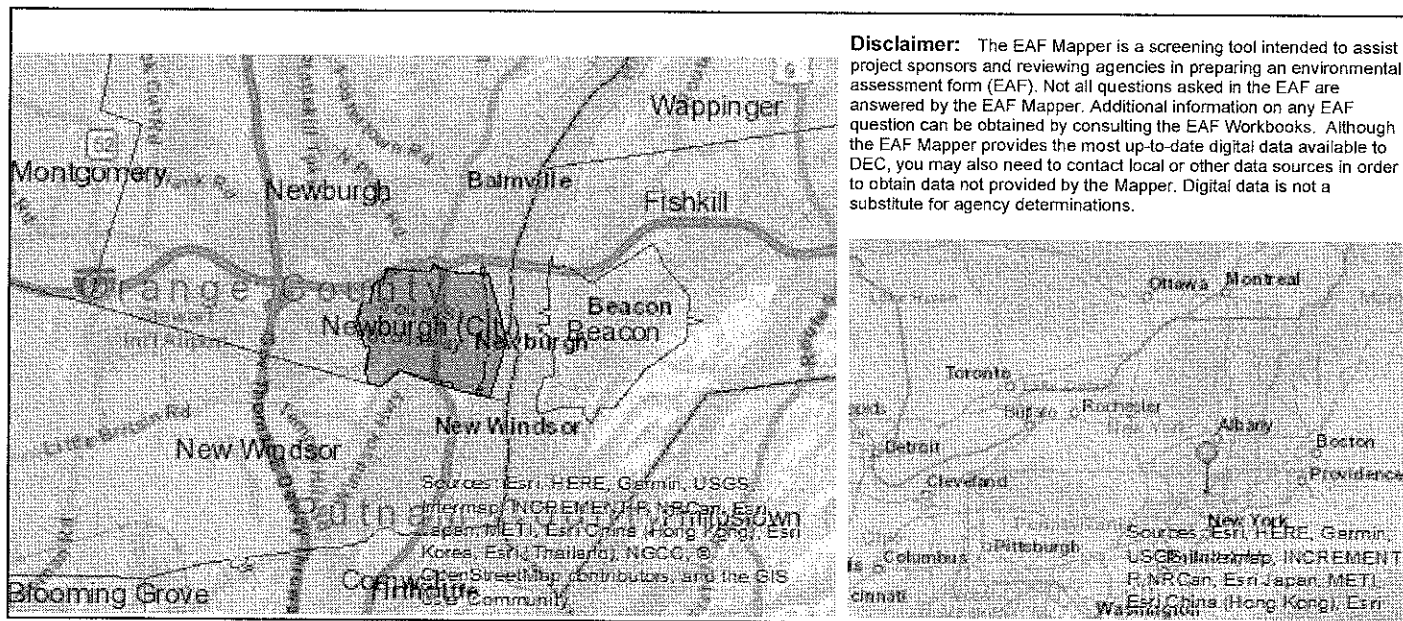
Part 1 - Project and Sponsor Information							
Name of Action or Project: City of Newburgh Water Meter Replacement							
Project Location (describe, and attach a location map): All water meters in the City of Newburgh water distribution system							
Brief Description of Proposed Action: The Water Department for the City of Newburgh (City) supplies approximately 3 million gallons per day (mgd) of potable water to approximately 5,500 metered service connections from its Filtration Plant (Plant) on Little Britain Road. The City performed a comprehensive meter replacement program in 2007, but the meters have an estimated battery life of 10 years and those meters have begun to fail. The City will replace all existing meters with new Smart Meters.							
Name of Applicant or Sponsor: City of Newburgh		Telephone: 845-569-7388 E-Mail: achurch@cityofnewburgh-ny.gov					
Address: 83 Broadway							
City/PO: Newburgh		State: NY	Zip Code: 12550				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;">☒</td> <td style="text-align: center; padding: 2px;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Seeking DOH WIA EFC GRANT			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;">☐</td> <td style="text-align: center; padding: 2px;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3.a. Total acreage of the site of the proposed action?		3059.2 acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		328.9 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☐	N/A ☒
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☐	YES ☒	
b. Is the proposed action located in an archeological sensitive area?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☐	YES ☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Bald Eag...	NO ☐	YES ☒	
16. Is the project site located in the 100 year flood plain?	NO ☐	YES ☒	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☒	YES ☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ ☐ NO ☐ YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
This project will replace all water meters in the City, including those within buildings that were built on former remediation sites. There will be no ground disturbance, nor any actions on sites without structures, which have not been fully remediated.	☐	☒
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

EAF Mapper Summary Report

Friday, August 31, 2018 10:25 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Bald Eagle, Peregrine Falcon, Shortnose Sturgeon, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project: Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Detailed review of Parts 1 and 2 of the SEAF revealed that the Proposed Action will have no, or small impact, on the Land, Geological Features, Surface Water, Groundwater, Flooding, Air, Plants and Animals, Agricultural Resources, Aesthetic Resources, Open Space and Recreation, Critical Environmental Areas, Transportation, Energy, Noise, Odor, and Light, Human Health, Consistency with Community Plans, and/or Consistency with Community Character. The Proposed Action will replace existing equipment with new and more efficient equipment which will have a net positive effect on the administration of the public water supply to existing customers.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from Responsible Officer)

RESOLUTION NO.: 238 - 2018

OF

SEPTEMBER 6, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
IF AWARDED A NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION
WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT
FOR THE WATER METER REPLACEMENT PROJECT
FOR THE MAXIMUM TOTAL COST OF \$2,750,000.00**

WHEREAS, the Clean Water Infrastructure Act of 2017 provides funding to support the New York State Water Infrastructure Improvement Act of 2017 which authorizes the New York State Environmental Facilities Corporation (“EFC”) to provide zero or low interest loans and grants to assist municipalities in funding drinking water projects; and

WHEREAS, by Resolution No. 112-2018 of May 14, 2018, the City Council of the City of Newburgh authorized the City Manager to execute a contract with Arcadis of New York, Inc. for professional engineering services to prepare a preliminary engineering report to support the City of Newburgh EFC funding application for the Water Meter Replacement Project in an amount not to exceed \$5,000.00; and

WHEREAS, the City intends undertake the Water Meter Replacement Project at a maximum total project cost of \$2,750,000.00 with a City match in the amount of \$1,100,000.00; and

WHEREAS, the source of City funding for the Project shall be derived in the amount of \$1,100,000 from F.0000.911 – Unappropriated Water Fund Balance; and

WHEREAS, this Council has determined that undertaking the Water Meter Replacement Project and applying for and accepting if awarded New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act grant 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 Water Plant Meter Replacement Project is hereby approved at the maximum total project cost in the amount of \$2,750,000.00; and

BE IT FURTHER RESOLVED, by the Newburgh City Council that the City Manager be and he hereby is authorized to apply for and accept if awarded New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act grant for the Water Meter Replacement Project in an amount not to exceed \$1,650,000.00; and

BE IT FURTHER RESOLVED, by the Newburgh City Council that the City Manager be and he is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the City of Newburgh and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby; and

BE IT FURTHER RESOLVED, by the Newburgh City Council that the sum of \$1,100,000 from F.0000.911 - Unappropriated Water Fund Balance and made available to cover the cost of the City match for the Project.