



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

February 10, 2025
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 January 27, 2025 / Aprobacion del Acta de la Reunion General del Consejo del 27 de enero de 2025
5. City Manager Update / Gerente de la Ciudad Pone al Dia a la Audiencia de los Planes de Cada Departamento

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 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

6. Resolution No. 22 - 2025 - Patton House Site - Barn Demolition SEQRA Type-II Action

Resolution of the City Council of the City of Newburgh assuming Lead Agency status under State Environmental Quality Review Act (SEQRA) for the emergency demolition of the Patton House barn located at 856 Little Britain Road, declaring the project to be a Type II Action, 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 la demolición de emergencia del granero Patton

House ubicado en 856 Little Britain Road, declarando el proyecto como una Acción Tipo II, adoptando el formulario de evaluación ambiental, encontrando que no hay un impacto adverso significativo en el medio ambiente y autorizando al Gerente de la Ciudad a ejecutar todos los documentos de SEQRA

7. Resolution No. 23 - 2025 - Contract with QUEST for Hazardous Material Testing at 856 Little Britain Road

Resolution authorizing the City Manager to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for pre-demolition environmental testing of the Patton House barn located at 856 Little Britain Road at a cost of \$1,464.00

Resolución que autoriza al Gerente de la Ciudad a aceptar una propuesta y a ejecutar un acuerdo con Quality Environmental Solutions & Technologies, Inc. (QUES&T) para realizar pruebas ambientales antes de la demolición del granero de Patton House, ubicado en 856 Little Britain Road, a un costo de \$1,464.00

8. Resolution No. 24 - 2025 - Contract with QUEST for Hazardous Material Testing at 401 Washington Street Delano-Hitch Recreation Center

Resolution authorizing the City Manager to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for the pre-demolition environmental testing for the Delano-Hitch Recreation Park storage shed at a cost of \$2,732.00

Resolución que autoriza al Gerente de la Ciudad a aceptar una propuesta y a ejecutar un acuerdo con Quality Environmental Solutions & Technologies, Inc. (QUES&T) para realizar pruebas ambientales antes de la demolición del almacén del Parque Recreativo Delano-Hitch a un costo de \$2,732.00

9. Resolution No. 25 - 2025 - NYCDEP Land Use Permit Offer Letter for Silver Stream Dam Spillway Rehabilitation Project

Resolution authorizing the City Manager to execute a New York City Department of Environmental Protection Land Use Permit Offer Letter for the Silver Stream Dam Spillway Rehabilitation Project

Resolución que autoriza al Gerente de la Ciudad a ejecutar una Carta de Oferta de Permiso de Uso de la Tierra del Departamento de Protección Ambiental de la Ciudad de Nueva York para el Proyecto de Rehabilitación del Aliviadero de la Presa Silver Stream

10. Resolution No. 26 - 2025 - CivicPlus Media Streaming Service

Resolution authorizing the City Manager to execute an agreement with CivicPlus, LLC for video streaming services

Resolución que autoriza al Gerente de la Ciudad a ejecutar un acuerdo con CivicPlus, LLC para servicios de transmisión de video

11. Resolution No. 27 - 2025 - 412 Liberty Street - 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 Christopher Michael Manzione to the premises known as 412 Liberty Street (Section 10, Block 1, Lot 46)

Resolución que autoriza la ejecución de una Liberación Parcial de Cláusulas Restrictivas y Derecho de Reingreso de una escritura emitida a Christopher Michael Manzione a las instalaciones conocidas como 412 Liberty Street (Sección 10, Bloque 1, Lote 46)

12. Resolution No. 28 - 2025 - Newburgh Rowing Club - License Agreement Extension

Resolution authorizing the City Manager to execute an addendum to the license agreement with the Newburgh Rowing Club for a six-month extension

Resolución que autoriza al Gerente de la Ciudad a ejecutar un apéndice al acuerdo de licencia con Newburgh Rowing Club para una extensión de seis meses

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

RESOLUTION NO.: 22 - 2025

OF

FEBRUARY 10, 2025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQRA) FOR THE EMERGENCY DEMOLITION OF
THE PATTON HOUSE BARN LOCATED AT 856 LITTLE BRITAIN ROAD
DECLARING THE PROJECT TO BE A TYPE II ACTION, 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 barn structure at Patton House located at 856 Little Britain Road has fallen into disrepair and is now in a state of collapse which presents an imminent threat to the public safety; and

WHEREAS, the City of Newburgh proposes to undertake the emergency demolition of the barn structure at Patton House located at 856 Little Britain Road (the "Project"); 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)(42) of the SEQRA Regulations, the demolition is an emergency action that is immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, and the demolition is directly related to the emergency collapse of the structure and will be performed to cause the least change or disturbance, as practicable under the circumstances, to the environment;

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

856 Little Britain Road

Patton House Site

Barn Collapse Pre-Demolition Photos (January 14, 2025)





RESOLUTION NO.: 23 - 2025

OF

FEBRUARY 10, 2025

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)
FOR PRE-DEMOLITION ENVIRONMENTAL TESTING OF
THE PATTON HOUSE BARN LOCATED AT 856 LITTLE BRITAIN ROAD
AT A COST OF \$1,464.00**

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for pre-demolition environmental testing consisting of asbestos and hazardous materials surveys for the barn structure at Patton House located at 856 Little Britain Road; and

WHEREAS, the proposal includes evaluation and sampling and preparation of an environmental testing report; and

WHEREAS, the cost for these services will be \$1,464.00 and funding shall be derived from F.8320.0448 - Other Services; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for pre-demolition environmental testing for the barn structure at Patton House located at 856 Little Britain Road at a cost of \$1,464.00.

QuES&T

Quality Environmental Solutions & Technologies, Inc.

January 25, 2025

City of Newburgh
83 Broadway
4th Floor
Newburgh, NY 12550

ATTN: Jason Morris

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

Re.: 856 Little Britain Road, New Windsor, NY 12553 (Collapsed Barn Building)
Request for Proposal – Pre-Demolition Asbestos Survey

Dear Mr. Morris,

Quality Environmental Solutions & Technologies, Inc. (**QuES&T**) is pleased to submit the attached proposal to perform a Pre-Demolition Asbestos Survey in support of the demolition of the collapsed barn building, located at 856 Little Britain Road, New Windsor, NY 12553.

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

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

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

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

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

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

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

Sincerely,



Rudy Lipinski - LEED® AP
Director of Field Operations
NYS/AHERA Inspector/Project Designer
Cert. #AH 05-09049

PRE-DEMOLITION ASBESTOS SURVEY
for
CITY OF NEWBURGH
83 Broadway
4th Floor
Newburgh, NY 12550
at
COLLAPSED BARN BUILDING
856 Little Britain Road
New Windsor, NY 12553

QuES&T agrees to provide the following services:

Pre-Demolition Asbestos Survey

A. Asbestos-Containing Materials (ACM) Survey

All work performed will comply with applicable federal and state regulations.

1. **QuES&T** will provide NYSDOL Inspector(s), who will be responsible for the identification and assessment of the condition, location and quantity of suspect asbestos-containing materials (ACM) associated with demolition of the Collapsed Barn Building.
2. The inspector(s) will record and collect bulk samples of identified suspect asbestos-containing material following the protocols referenced in 40 CFR Part 763.86 Subpart E (AHERA) and transmit the samples under proper chain of custody protocols, to an ELAP-licensed laboratory for analysis.
3. Assumed 6 PLM Friable, 10 NOB PLM and 10 NOB TEM samples.

B. Pre-Demolition Hazardous Materials Survey Report

1. **QuES&T** will prepare a Pre-Demolition Asbestos Survey Report that will include a summary of findings regarding ACMs, sample location plans, material quantities, analytical reports, and recommendations.

PRE-DEMOLITION ASBESTOS SURVEY

for
CITY OF NEWBURGH
83 Broadway
4th Floor
Newburgh, NY 12550
at
COLLAPSED BARN BUILDING
856 Little Britain Road
New Windsor, NY 12553

COST ESTIMATE

➤ **PRE-DEMOLITION ASBESTOS SURVEY**

Inspection Labor	\$ 585.00
PLM Bulk Sample Analysis (6 samples @ \$19/layer)	\$ 114.00 ^A
PLM-NOB/QTEM Bulk Sample Analysis (10 @ \$49/layer)	\$ 490.00
Pre-Demolition Environmental Testing Report	\$ 250.00
Travel & Misc. Materials	\$ 25.00
Estimated Inspection Total \$ 1,464.00	

***NOTES:**

1. Estimated number of samples to be collected/analyzed. Client shall be charged for actual services rendered and samples analyzed.
2. Sample analysis turnaround (TAT) commences upon laboratory receipt of samples and excludes Weekends & Holidays.

This proposal is based on the following assumptions:

- **QuES&T** shall perform all inspections visually; using reasonable care and judgment. Localized demolition will be performed to access representative concealed surfaces, as practicable. **Client/ Representatives** recognize & agree that ACM concealed within structural components & accessible only through extensive mechanical or structural demolition may not be identified as part of this survey.
- **QuES&T** shall perform “temporary” patching of roof sampling locations/materials (i.e. roofing tar, etc.). **QuES&T** does not guarantee patches and bears no responsibility for the failing of patching performed and/or damages caused to Buildings/Building Interiors/Building Finishes.
- **QuES&T** shall not be responsible for damage caused to building finishes, surfaces or equipment by sampling. Responsibility and cost for repair of damaged building finishes, surfaces and equipment shall be by **Client / Representatives**.
- **QuES&T** will exercise reasonable caution to minimize disturbance of ACM during the inspection process. However, clean-up of ACM disturbed or dislodged during the inspection process shall be the responsibility of **Client / Representatives**.
- **Client / Representatives** shall be responsible for providing immediate access into all inspection areas and securing same upon completion of inspection activities.
- Inspection work to be conducted upon receipt of written Notice to Proceed and/or associated Purchase Order Number.
- Inspection work to be conducted during normal weekday business hours (Mon–Fri, 8am–5pm). **Client / Representatives** will provide access to the building.

RESOLUTION NO.: 24 - 2025

OF

FEBRUARY 10, 2025

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)
FOR PRE-DEMOLITION ENVIRONMENTAL TESTING
FOR THE DELANO-HITCH RECREATION PARK STORAGE SHED
AT A COST OF \$2,732.00**

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for pre-demolition environmental testing consisting of asbestos and lead paint surveys for the Delano-Hitch Recreation Park storage shed; and

WHEREAS, the proposal includes evaluation and sampling and preparation of an environmental testing report; and

WHEREAS, the cost for these services will be \$2,732.00 and funding shall be derived from A.7140.0208 - Recreation - Construction and Major Alterations; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for pre-demolition environmental testing for the Delano-Hitch Recreation Park storage shed at a cost of \$2,732.00.

QuES&T

Quality Environmental Solutions & Technologies, Inc.

January 25, 2025

City of Newburgh
83 Broadway
4th Floor
Newburgh, NY 12550

ATTN: Jason Morris

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

Re.: 401 Washington Street, Newburgh, NY 12550 (Storage Building)
Request for Proposal – Pre-Demolition Environmental Survey

Dear Mr. Morris,

Quality Environmental Solutions & Technologies, Inc. (**QuES&T**) is pleased to submit the attached proposal to perform a Pre-Demolition Environmental Survey in support of the demolition of the storage building, located at 401 Washington Street, Newburgh, NY 12550.

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

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

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

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

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

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

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

Sincerely,



Rudy Lipinski - LEED® AP
Director of Field Operations
NYS/AHERA Inspector/Project Designer
Cert. #AH 05-09049

PRE-DEMOLITION ENVIRONMENTAL SURVEY
for
CITY OF NEWBURGH
83 Broadway
4th Floor
Newburgh, NY 12550
at
STORAGE BUILDING
401 Washington Street
Newburgh, NY 12550

QuES&T agrees to provide the following services:

Pre-Demolition Environmental Survey

A. Asbestos-Containing Materials (ACM) Survey

All work performed will comply with applicable federal and state regulations.

1. **QuES&T** will provide NYSDOL Inspector(s), who will be responsible for the identification and assessment of the condition, location and quantity of suspect asbestos-containing materials (ACM) associated with demolition of the Storage Building.
2. The inspector(s) will record and collect bulk samples of identified suspect asbestos-containing material following the protocols referenced in 40 CFR Part 763.86 Subpart E (AHERA) and transmit the samples under proper chain of custody protocols, to an ELAP-licensed laboratory for analysis.
3. Assumed 25 PLM Friable, 23 NOB PLM and 23 NOB TEM samples.

B. Lead-Based Paint (LBP) Survey

1. Perform representative In-Situ measurements using a Viken Pb200e XRF Meter on accessible, painted surfaces & immovable objects throughout the interior and exterior of the Storage Building.

C. Pre-Demolition Environmental Survey Report

1. **QuES&T** will prepare a Pre-Demolition Environmental Survey Report that will include a summary of findings regarding ACMs, LBPs, ACM sample location plans, material quantities, analytical reports, and recommendations.

PRE-DEMOLITION ENVIRONMENTAL SURVEY

for
CITY OF NEWBURGH
83 Broadway
4th Floor
Newburgh, NY 12550
at
STORAGE BUILDING
401 Washington Street
Newburgh, NY 12550

COST ESTIMATE

➤ **PRE-DEMOLITION ENVIRONMENTAL SURVEY**

Inspection Labor	\$ 585.00
PLM Bulk Sample Analysis (25 samples @ \$19/layer)	\$ 475.00 ^A
PLM-NOB/QTEM Bulk Sample Analysis (23 @ \$49/layer)	\$ 1,127.00
XRF Equipment Rental	\$ 175.00
Pre-Demolition Environmental Testing Report	\$ 350.00
Travel & Misc. Materials	\$ 20.00

Estimated Inspection Total \$ 2,732.00

***NOTES:**

1. Estimated number of samples to be collected/analyzed. Client shall be charged for actual services rendered and samples analyzed.
2. Sample analysis turnaround (TAT) commences upon laboratory receipt of samples and excludes Weekends & Holidays.

This proposal is based on the following assumptions:

- **QuES&T** shall perform all inspections visually; using reasonable care and judgment. Localized demolition will be performed to access representative concealed surfaces, as practicable. **Client/ Representatives** recognize & agree that ACM/LBP concealed within structural components & accessible only through extensive mechanical or structural demolition may not be identified as part of this survey.
- **QuES&T** shall perform “temporary” patching of roof sampling locations/materials (i.e. roofing tar, etc.). **QuES&T** does not guarantee patches and bears no responsibility for the failing of patching performed and/or damages caused to Buildings/Building Interiors/Building Finishes.
- **QuES&T** shall not be responsible for damage caused to building finishes, surfaces or equipment by sampling. Responsibility and cost for repair of damaged building finishes, surfaces and equipment shall be by **Client / Representatives**.
- **QuES&T** will exercise reasonable caution to minimize disturbance of ACM/LBP during the inspection process. However, clean-up of ACM/LBP disturbed or dislodged during the inspection process shall be the responsibility of **Client / Representatives**.
- **Client / Representatives** shall be responsible for providing immediate access into all inspection areas and securing same upon completion of inspection activities.
- Inspection work to be conducted upon receipt of written Notice to Proceed and/or associated Purchase Order Number.
- Inspection work to be conducted during normal weekday business hours (Mon–Fri, 8am–5pm). **Client / Representatives** will provide access to the building.

RESOLUTION NO.: 25 - 2025

OF

FEBRUARY 10, 2025

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE PERMIT OFFER LETTER FOR
THE SILVER STREAM DAM SPILLWAY REHABILITATION PROJECT**

WHEREAS, the City of Newburgh has undertaken the Silver Stream Dam Spillway Improvements Project (the “Project”) which will include the replacement of remaining sections of the original spillway discharge channel and bridge abutments with new retaining walls and replacement of the existing bridge superstructure; and

WHEREAS, the City of Newburgh holds a New York City Department of Environmental Protection (the “NYCDEP”) Revocable Land Use Permit No. 10226 (the “Permit”) and has requested to remove and replace the existing spillway floodwall and to place erosion and sediment controls on the New York City owned Catskill Aqueduct property, identified as tax parcel ID# 32-2-52 and located in the Town of New Windsor which require NYCDEP approval under the Permit; and

WHEREAS, NYCDEP reviewed the City’s request under the Project-Specific Requirements of Section 18 of the Permit and is authorizing approval contingent on the City’s satisfactory completion of the required submissions and permit conditions contained in the Land Use Permit Offer Letter dated January 13, 2025 and a one-time permit fee of \$190.08; and

WHEREAS, funding for the permit fee in the amount of \$190.08 shall be derived from F.1440.0448; and

WHEREAS, this Council has determined that accepting the submissions and permit conditions required by NYCDEP and authorizing the City Manager to sign the Land Use Permit Offer Letter dated January 13, 2025 is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, that the of Newburgh authorizes the City Manager to execute the New York City Department of Environmental Protection Land Use Permit No. 10226 Offer Letter dated January 13, 2025 and further accepts required submissions and permit conditions established therein.



Rohit T. Aggarwala
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner

465 Columbus Ave.
Suite 100
Valhalla, NY 10595-1336

Tel. (845) 340-7800
Fax (845) 334-7175
prush@dep.nyc.gov

January 13, 2025

City of Newburgh, City Hall
83 Broadway
Newburgh, NY 12550
Attn: Jason Morris, Commissioner of Public Works

**Re: Land Use Permit Application Permit No. 10226
Silver Stream Dam Rehabilitation Project
City of Newburgh, Orange County**

Dear Permittee:

On August 12, 2024, the City of Newburgh (the "Permittee") made a request to the New York City Department of Environmental Protection (DEP), under its existing Revocable Land Use Permit (the "Permit") No. 10226, to place erosion and sedimentation controls and remove and replace the existing spillway flood wall on New York City (the "City")-owned Catskill Aqueduct property, tax parcel ID # 32-2-52, located in the Town of New Windsor. The placement of erosion and sedimentation controls and the removal and replacement of the flood wall are activities that require DEP approval under the terms of the Permit.

The City of Newburgh is rehabilitating the Class-C High Hazard Dam Spillway and Bridge at the Silver Spring Reservoir Dam, on City of Newburgh Property. Much of the purposed construction work completed will take place off City property, with the exception of site access, erosion and sedimentation controls, and the removal and replacement of the existing flood wall. Proposed erosion and sedimentation controls consist of a temporary sump pit with a Geotextile filter bag to support the removal and replacement of the existing spillway wall; controls are being installed for the duration of construction activities to protect the Catskill Aqueduct (Washington Square Siphon), Catskill blow-off tap infrastructure and the Catskill tap extension located on City property.

DEP has reviewed Newburgh's request pursuant to the **Project-Specific Requirements**, under **Section 18** of the Permit and is **authorizing approval** and contingent upon the satisfactory completion of the **Required Submissions** and your agreement to the **Permit Conditions**, including a one-time Permit fee of \$190.08.

The issuance of the Permit is subject to the Title 15 Rules of the City of New York Chapter 17 and shall continue to impose a fee in accordance with the Revocable Permit Fee Schedule.

Required Submissions

- A. A Safe work plan to be reviewed and approved in writing by DEP.
- B. The contractor's maintenance of water (MOW) plan as approved by the Newburgh's engineer of record.
- C. Engineer's approved shop drawings for excavation stockpile location.
- D. Engineer's approved shop drawings for piles installation.
- E. An executed and notarized copy of the **Certificate of Acknowledgement**, included at the end of the Letter.
- F. An initial Permit Fee of \$190.08, by check made payable to the "City of New York," as described in the **Fees** Section of the **Permit Conditions** below.

Permit Conditions

- 1. All Permit Conditions identified in the Offer Letter dated February 21, 2018, are still applicable.
- 2. In support of this request, the Permittee submitted plans (the "Plans") titled "Spillway rehabilitation Silver Stream Reservoir Dam," dated July 2024, drafted by Ramboll Americas Engineering Solutions, Inc and, "Spillway rehabilitation Silver Stream Reservoir Dam, Stormwater Pollution Prevention Plan," dated June 2023, drafted by Ramboll Americas Engineering Solutions, Inc. No deviation from the Plans, as approved, are permitted except as required by or with prior written approval of DEP.
- 3. The current assets under the Permit will include the following:
 - a. Permanent:
 - i. Three (3) utility poles
 - ii. Outrigger pad
 - iii. Connection to the Catskill Aqueduct
 - iv. Buried electric conduit
 - v. Buried electric cable
 - vi. Aerial overhead cable
 - vii. Discharge structure (slab)
 - viii. Eighty-three (83) feet of ten (10) inch diameter Ductile Iron Pipe (DIP)
 - ix. Seventy-five (75) feet of twelve (12) inch diameter Ductile Iron Pipe (DIP)
 - x. Three hundred and twenty-five (325) feet of twenty-four (24) inch diameter Ductile Iron Pipe (DIP)
 - xi. Metering chamber vault (Nineteen feet by eight feet by eight feet, 19' x 8' x 8')
 - xii. Vault blow off extension (Eight feet by seven feet and six inches by eighteen feet 8' x 7.6' x 18')

- xiii. Control valve vault (Eleven feet and four inches by nine feet and four inches by twelve feet and eight inches, 11' x 9.4' x 12.6')
 - xiv. Check valve vault (Nineteen feet and four inches by nine feet and four inches by eleven feet and four inches, 19.4' x 9.4' x 11.4')
 - xv. Air release manhole vault (Thirteen feet and six inches by ten feet and thirty-three inches by seven feet and ninety-two inches, 13.5' x 10.33' x 7.92')
- b. Temporary assets:
- i. Erosion and Sedimentation Controls
4. Fees: A one-time permit fee of \$190.08 will be charged for temporary assets listed in 3.b i., above, independent of the 2025 annual invoice fee for the permanent assets listed above in 3 a.
 5. DEP may restrict property access and activities during critical Catskill Aqueduct operational periods including during any future Delaware Aqueduct shutdown and repair period.
 6. The Permittee shall follow Aqueduct load restrictions. Loading restrictions should be listed and posted as follows: The maximum allowable loads are as follows: Wheel load: 10 Ton (20,000 lbs.) and Track Load: 15 Tons (30,000 lbs.)
 7. Any drilling, blasting, or vibrations expected as part of the construction activities, including proposed pile locations require vibration monitoring in accordance with DEP's, "Guidelines for Blasting, Mechanical Rock Removal, Pile Driving, or Drilling Near Aqueducts, Structures, or Pipelines."
 8. The Permittee understands DEP may request future maintenance as needed for the Permit Area if natural resource (i.e. invasive species), erosion and/or stormwater runoff issues arise.
 9. No fill material may be imported onto or exported from City property under this Permit.
 10. A copy of this letter shall be carried on site at all times.
 11. The Permittee shall follow the "*New York State Standards and Specifications for Erosion and Sediment Control* (2016)." The Permittee shall be responsible for best management practices while working in or adjacent to waterways, or areas where flooding during heavy rain events may impact the Permit Area.
 12. The Permittee shall be responsible for checking weather forecasts and securing the Permit Area ahead of rain events. All equipment shall be removed from areas that may flood during inclement weather.
 13. The Permittee shall be responsible for mitigating any damages caused to City land, and remediating the site should any equipment spills or releases take place within the Permit Area.
 14. There shall be no staging on City property and no blocking access to City infrastructure.

15. If there is any work to be completed on city property, the property boundaries and centerlines and edge of infrastructure shall be surveyed by a licensed NY surveyor using accurate methods as appropriate, including construction boundary lines, which shall be marked for visibility at all times. This surveyor shall coordinate with our DEP West of Hudson Surveyors prior to start of work.

Please feel free to contact Makayla Stepp-Davis, DEP Land Use Permit Administrator at 914-749-5657 or MSteppdavis@dep.nyc.gov with any questions.

Sincerely,



Paul V. Rush, P.E.
Deputy Commissioner
NYC DEP

C. Makayla Stepp-Davis, DEP Land Use Permit Administrator

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF _____)

_____, being duly sworn, deposes and says:

that they are (check one) ☐ the Applicant herein or ☐ an agent or officer acting on behalf of:

_____,
(include organization name, street number, street, town, county, and state)

and that he/she/they, or the Applicant entity on behalf of which he/she/they is authorized to execute this instrument, consents to and covenants to comply with all of the conditions, fees, rules and regulations governing the amendment of a Revocable Land Use Permit, as specified in a letter dated _____.
Month day year

(Signature) Applicant

Sworn to before me this day of , 2024

Signature (Notary Public)

RESOLUTION NO.: 26 - 2025

OF

FEBRUARY 10, 2025

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH CIVICPLUS, LLC FOR VIDEO STREAMING SERVICES**

WHEREAS, CivicPlus, LLC offers a live and on-demand video services to support resident access to government meetings when unable to attend in person; and

WHEREAS, the cost for the services for one year is \$7,050.00, and the City will pay an installment of 30% of the total cost in the amount of \$2,115.00, and the remaining 70% of the total cost in the amount of \$4,395.00 if the City determines to retain and use the product for the full term of one year, with such funding being derived from A.1680.453 - Dues and Subscriptions; and

WHEREAS, the City Council finds that entering into such a contract with CivicPlus, LLC for the video 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 of the City of Newburgh be and he is hereby authorized to enter into a statement of work agreement with CivicPlus, LLC, as annexed hereto with such other terms and conditions as may be required by Corporation Counsel, for video streaming services of government meetings.

**CivicPlus**

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:**Date:****Expires On:****Statement of Work****Q-90382-1****1/6/2025 10:14 AM****3/31/2025****Client:****City of Newburgh, NY****Bill To:****NEWBURGH CITY, NEW YORK**

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Adam Ravenstahl		adam.ravenstahl@civicplus.com		Net 30

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	CivicPlus Media: Implementation Fee	CivicPlus Media: Implementation Fee

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	CivicPlus Media: Annual Fee	CivicPlus Media Annual Fee: Unlimited storage, unlimited users, up to 3 concurrent streams

Total Investment - Initial Term	USD 7,050.00
Annual Recurring Services (Subject to Uplift)	USD 6,000.00

Initial Term	12 Months
Initial Term Invoice Schedule	30% Invoiced on signature date and 70% Invoiced 6 months from signature date or completion of Implementation, if earlier
Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal->

stuff (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

By (please sign):

Printed Name:

Todd Venning

Title:

City Manager / CEO

Date:

1/9/25

CivicPlus

By (please sign):

Printed Name:

Amy Vikander

Title:

Senior VP of Customer Success

Date:

1/10/2025

Organization Legal Name:

City of Newburgh

Billing Contact:

Robert VanVlack

Title:

City Purchasing Agent

Billing Phone Number:

apinvoices@cityofnewburgh-ny.gov

Billing Email:

845-569-7395

Billing Address:

83 Broadway, Newburgh NY 12550

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)

RESOLUTION NO.: 27 - 2025

OF

FEBRUARY 10, 2025

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO CHRISTOPHER MICHAEL MANZIONE TO THE PREMISES
KNOWN AS 412 LIBERTY STREET (SECTION 10, BLOCK 1, LOT 46)**

WHEREAS, on November 15, 2019, the City of Newburgh conveyed property located at 412 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 10, Block 1, Lot 46, to Christopher Michael Manzione; and

WHEREAS, Mr. Manzione has requested a release of the restrictive covenant 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 covenant number 6 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 412 Liberty Street, (Section 10, Block 1, Lot 46) on the Official Tax Map of the City of Newburgh, from restrictive covenant number 6 in a deed dated November 15, 2019 from THE CITY OF NEWBURGH to CHRISTOPHER MICHAEL MANZIONE, recorded in the Orange County Clerk's Office on January 24, 2020, in Liber 14692 of Deeds at Page 1035 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: _____, 2025

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: _____ - 2025

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

On the ____ day of _____ in the year 2025, 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.

Notary Public

RESOLUTION NO.: 28-2025

OF

FEBRUARY 10, 2025

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN ADDENDUM TO THE LICENSE AGREEMENT WITH
THE NEWBURGH ROWING CLUB FOR A SIX-MONTH EXTENSION**

WHEREAS, The City of Newburgh and the Newburgh Rowing Club are parties to a license agreement, dated October 13, 1999, permitting NRC to construct a boathouse and parking facility and conduct its activities on a portion of waterfront parkland owned by the City, known as Ward Brothers Memorial Rowing Park, identified as Section 49, Block 1, Lot 5.1, on the official tax map of the City of Newburgh, in the County of Orange and State of Newburgh, comprised of approximately 52,064 square feet or 1.2 acres of land (the "Property"); and

WHEREAS, the license agreement was amended in 2002 and 2011; and

WHEREAS, the license agreement expired on October 13, 2024 and the parties wish to continue to license the use the Property for the purpose of training, practicing and conducting competitions in the sport of rowing and related non-motorized water activities and extend the term of the license agreement for the period October 14, 2024 through April 30, 2025 during which period the parties intend to negotiate and approve a new license agreement; 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 City Manager be and he hereby is authorized to execute an Addendum to the License Agreement with the Newburgh Rowing Club for a six-month extension.

ADDENDUM TO LICENSE AGREEMENT

THIS ADDENDUM TO THE LICENSE AGREEMENT (“Addendum”), made this ____ day of _____, 2025, by and between the City of Newburgh, a municipal corporation organized and existing under the laws of New York State, with a principal office located at 83 Broadway, Newburgh, New York 12550 (“CITY” or “LICENSOR”) and the Newburgh Rowing Club, a not-for-profit corporation organized and existing under the laws of New York State, having an address of _____, _____, _____ (“NRC” or “LICENSEE”).

WITNESSETH:

WHEREAS, The CITY and NRC are parties to a license agreement, dated October 13, 1999, permitting NRC to construct a boathouse and parking facility and conduct its activities on a portion of waterfront parkland owned by the City, known as Ward Brothers Memorial Rowing Park, identified as Section 49, Block 1, Lot 5.1, on the official tax map of the City of Newburgh, in the County of Orange and State of Newburgh, comprised of approximately 52,064 square feet or 1.2 acres of land (the “Property”) and as set forth in Exhibit “A”; and

WHEREAS, the license agreement was amended in 2002 and 2011; and

WHEREAS, the license agreement expired on October 13, 2024 and the NRC wishes to continue to use the Property for the purpose of training, practicing and conducting competitions in the sport of rowing and related non-motorized water activities and the CITY wishes to continue to license access and use of the Property therefor and the parties agree that it is necessary to extend the term of the license agreement for the period October 14, 2024 through April 30, 2025 during which period the parties intend to negotiate and approve a new license agreement;

NOW, THEREFORE, in consideration of the Property and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The termination date set forth in paragraph 12 of the license agreement as amended shall be extended for a six-month period commencing on October 14, 2024 and terminating on April 30, 2025 (“Extension Term”).
2. The LICENSEE acknowledges LICENSOR’s planned construction of the future Newburgh Combined Sewer Control Facility as an expansion of the Waste Water Treatment Plant (the “Facility”) and agrees to manage LICENSEE’s activities with sufficient care and control to avoid interference with LICENSOR’s Facility construction.
3. During the Extension Term, LICENSEE shall comply with the list of conditions, and remedy the deficiencies observed by LICENSOR during its inspection conducted on April 22, 2024, as set forth in Exhibit “B”.
4. All other terms and conditions set forth in the license agreement as amended shall remain in full force and effect during the Extension Term.

CITY OF NEWBURGH
Licensor

By: _____
 Todd Venning
 City Manager
 Per Res. No _____

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

On the ____ day of _____ in the year 2025, 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 her capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

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

On the ____ day of _____ in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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.

EXHIBIT “A”

INSERT SURVEY COPY AND METES AND BOUNDS DESCRIPTION HERE

DRAFT



CITY OF NEWBURGH

ENGINEERING DEPARTMENT

CITY HALL

83 BROADWAY

NEWBURGH, N.Y.

12550

PHONE (914) 569-7375

FAX (914) 569-7370

2 July 1998

Description
of lands to be leased to
NEWBURGH ROWING CLUB

All that certain piece or parcel of land lying, situate, and being in the City of Newburgh, County of Orange, State of New York, being more particularly bounded and described as follows:

Beginning at a railroad spike set in concrete at a southwesterly corner of lands now or formerly of the City of Newburgh as shown on a map entitled "City of Newburgh, Survey" prepared by Pietrzak & Pfau, said point also being a northwesterly corner of lands now or formerly of Plotkin, Deed Liber 2811, Page 228, and running thence the following courses and distances:

1. Along said lands of Plotkin, South $72^{\circ}23'50''$ East
520.64 feet to a point;
2. North $18^{\circ}21'10''$ East, 100.00 feet;
3. Through lands now or formerly of the City of Newburgh,
North $72^{\circ}23'50''$ West, 520.64 feet;
4. Still through said lands of the City of Newburgh,
South $18^{\circ}21'10''$ West, 100.00 feet to the point or
place of beginning.

Containing 52,064 square feet or 1.2 acres of land, more or less.

EXHIBIT “B”

1. Boathouse second floor use limited to storage only
2. Apply for a building permit to remove the Boathouse balcony and associated doorway
3. Apply for a building permit to repair or replace men’s room window on Boathouse north side
4. Install wall plates on all exposed electrical outlets
5. Apply for and obtain a permit to conduct a third-party electrical survey
6. Conduct and complete a third-party electrical survey
7. Install, repair, and/or maintain carbon monoxide detectors and smoke detectors.
8. Install and/or replace all fire extinguishers and mount fire extinguishers to comply applicable fire safety codes
9. Prepare a capital improvements/rehabilitation plan for the Boathouse by New York State licensed engineering and design professionals to meet all applicable building, property maintenance, electrical, plumbing, and fire safety codes and apply for building permits to repair or replace the following:
 - a. Stairway to second floor
 - b. Windows
 - c. Exterior siding
 - d. All conditions and recommendations contained in a third-party electrical survey conducted as required by items 5 and 6
 - e. Carbon monoxide and smoke detection and fire suppression equipment

DR