A regular meeting of the City Council of the City of Newburgh was held on Monday, February 10, 2025, at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Moment of Silence / Momento de Silencio

Pledge of Allegiance / Juramento a la Alianza

Roll Call / Lista de Asistencia

PRESENT: Mayor Torrance Harvey, presiding; Councilmember Martinez, Councilmember McLymore*, Councilmember Monteverde, Councilmember Shakur, Councilmember Sklarz-6

ABSENT: Councilmember Sofokles- 1

**Arrived after the Roll Call*

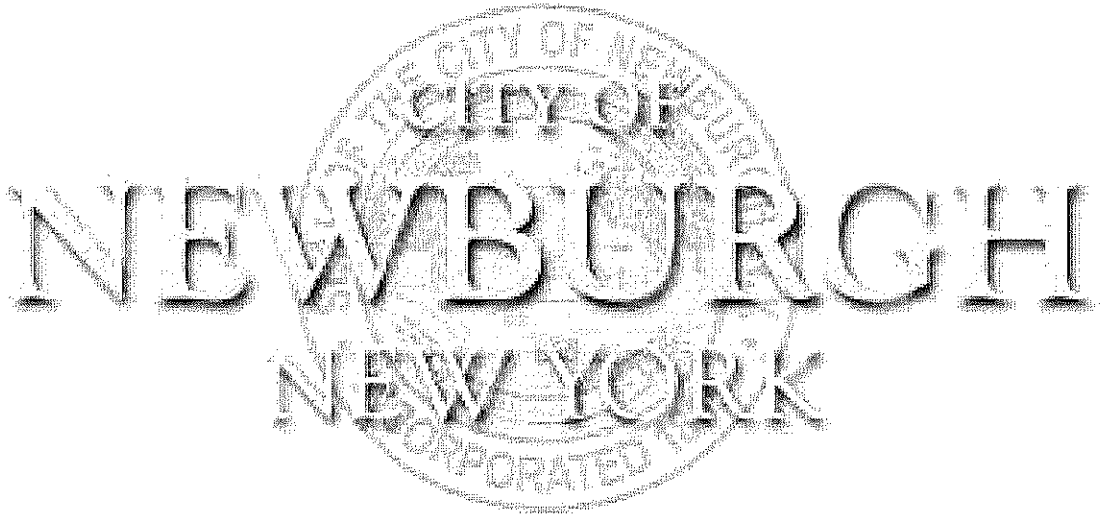
COMMUNICATIONS

Approval of the minutes from the City Council meeting of January 27, 2025 / Aprovacion del Acta de la Reunion General del Consejal del 27 de enero de 2025

Councilman Sklarz moved, and Councilman Shakur seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Carried

City Manager Update / Gerente de la Ciudad Pone al Dia a la Audiencia de los Planes de Cada Departamento

The City Manager's update was presented by Chief of Staff Mike Neppl.



City Manager's Update

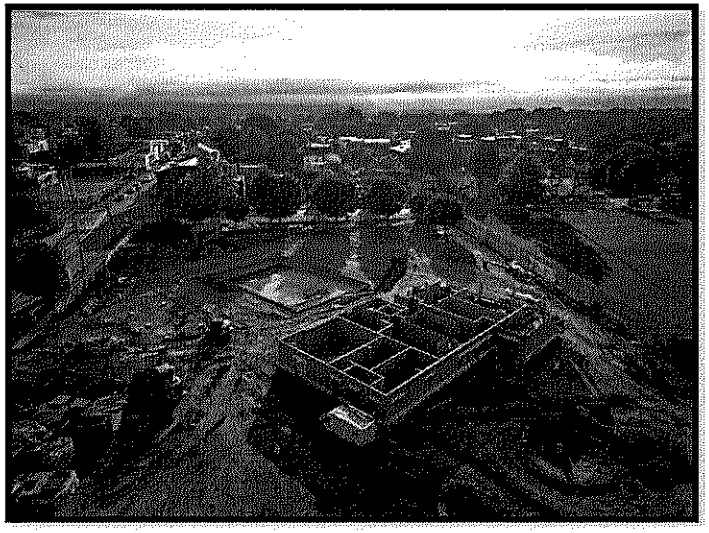
Newburgh City Council Meeting

Monday, February 10, 2025

We're Hiring!

DELANO HITCH AQUATIC CENTER

Hiring For The Inaugural 2025 Season!



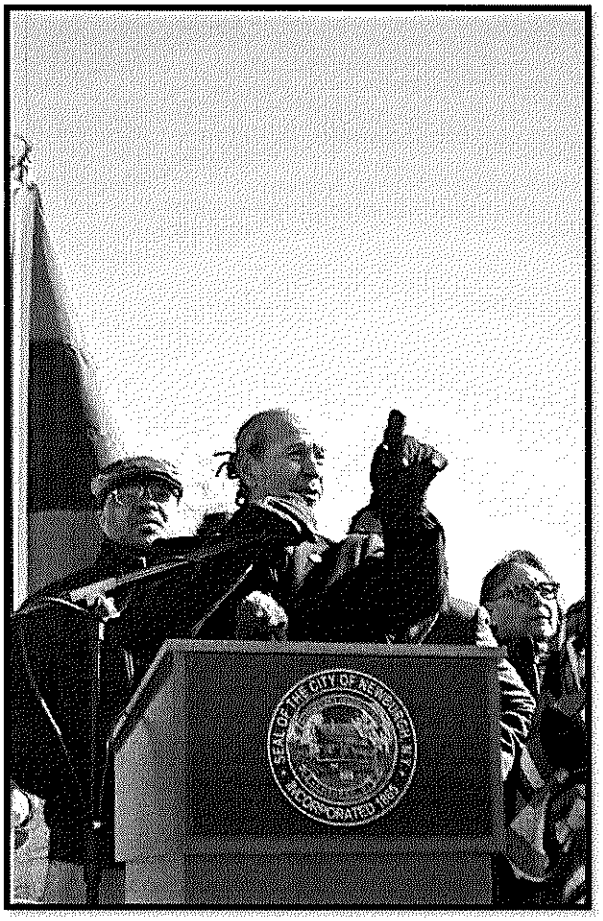
Seasonal Positions:

- Pool Director & Assistant Pool Director
- Attendants & Laborers
- Water Safety Instructors & Lifeguards

CITY OF NEWBURGH – AN EQUAL OPPORTUNITY EMPLOYER

Justice, Equity, Diversity and Inclusion are core values to the City of Newburgh, where there is a strong commitment to establishing and maintaining an environment free of discrimination. These values are promoted through the daily practice of professionalism, respect, acceptance and understanding. As such, City residents along with women, minorities, individuals with disabilities, members of the LGBTQ community, and veterans are encouraged to apply.

Celebrating Black History Month: Pan-African Flag Raising

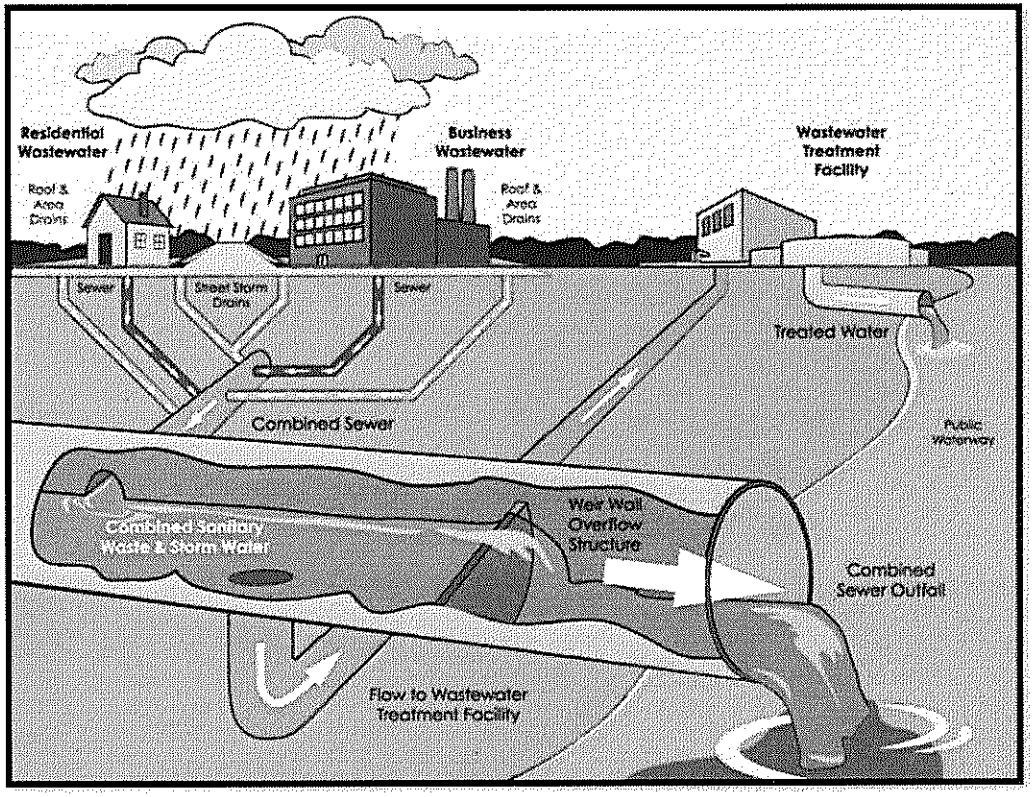


Mayor Harvey & Councilmember Shakur Address the Crowd

ENGINEERING DEPARTMENT UPDATE

2024 Combined Sewer Annual Report

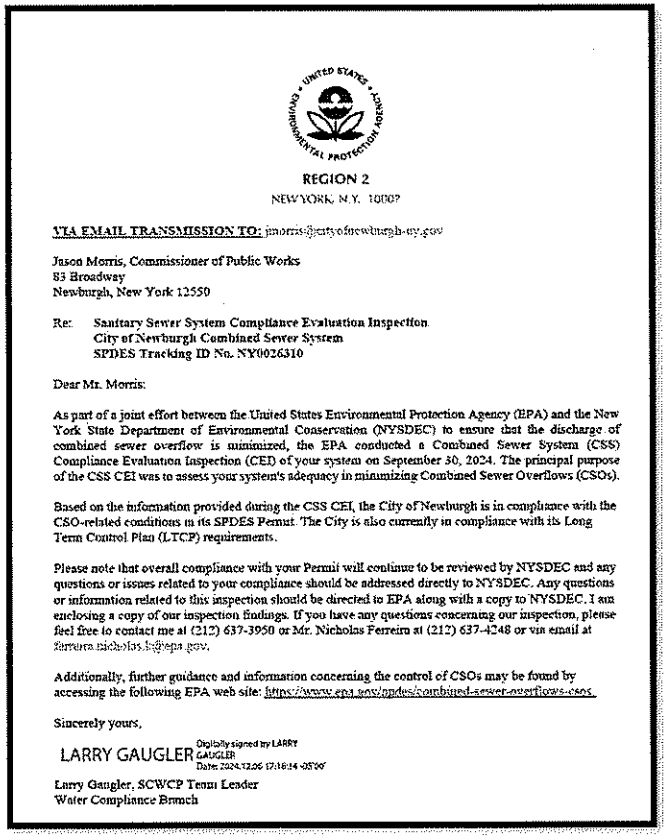
- City Of Newburgh Engineering Department Completed And Submitted Annual Report To NYSDEC
- Report Summarizes Data Associated With Combined Sewer Overflows
- Outlines Accomplished Work That Reduces Combined Sewer Overflows



How it Works: Combined Sewer Systems

ENGINEERING DEPARTMENT UPDATE

2024 Combined Sewer EPA Audit



REGION 2
NEW YORK, N.Y. 10007

VIA EMAIL TRANSMISSION TO: jmorris@cityofnewburgh-ny.gov

Jason Morris, Commissioner of Public Works
83 Broadway
Newburgh, New York 12550

Re: Sanitary Sewer System Compliance Evaluation Inspection
City of Newburgh Combined Sewer System
SPDES Tracking ID No. NY0026310

Dear Mr. Morris:

As part of a joint effort between the United States Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYSDEC) to ensure that the discharge of combined sewer overflow is minimized, the EPA conducted a Combined Sewer System (CSS) Compliance Evaluation Inspection (CEI) of your system on September 30, 2024. The principal purpose of the CSS CEI was to assess your system's adequacy in minimizing Combined Sewer Overflows (CSOs).

Based on the information provided during the CSS CEI, the City of Newburgh is in compliance with the CSO-related conditions in its SPDES Permit. The City is also currently in compliance with its Long Term Control Plan (LTCP) requirements.

Please note that overall compliance with your Permit will continue to be reviewed by NYSDEC and any questions or issues related to your compliance should be addressed directly to NYSDEC. Any questions or information related to this inspection should be directed to EPA along with a copy to NYSDEC. I am enclosing a copy of our inspection findings. If you have any questions concerning our inspection, please feel free to contact me at (212) 637-3950 or Mr. Nicholas Ferreira at (212) 637-4248 or via email at ferreira.nicholas.b@epa.gov.

Additionally, further guidance and information concerning the control of CSOs may be found by accessing the following EPA web site: https://www.epa.gov/npdes/combined-sewer-overflows-csos.

Sincerely yours,

LARRY GAUGLER Digitally signed by LARRY GAUGLER Date: 2024.12.06 17:18:14 -05'00'

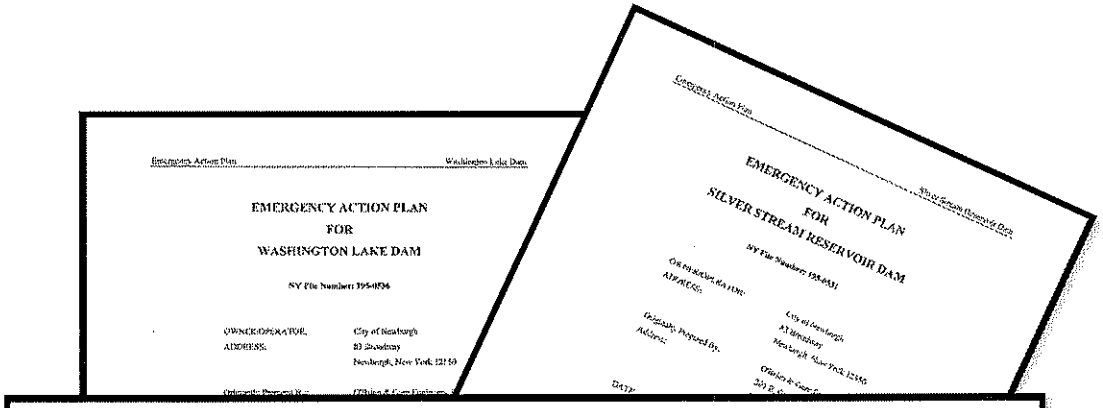
Larry Gaugler, SCWCP Team Leader
Water Compliance Branch

Combined Sewer EPA Audit Details

- This audit focused on upgrades and maintenance made to sewage collection and treatment facilities in the past 5 years.
- The City is in full compliance, with no additional comments or mandates having been made.

ENGINEERING DEPARTMENT UPDATE

Dam Safety Certifications


EMERGENCY ACTION PLAN
FOR
WASHINGTON LAKE DAM

EMERGENCY ACTION PLAN
FOR
SILVER STREAM RESERVOIR DAM

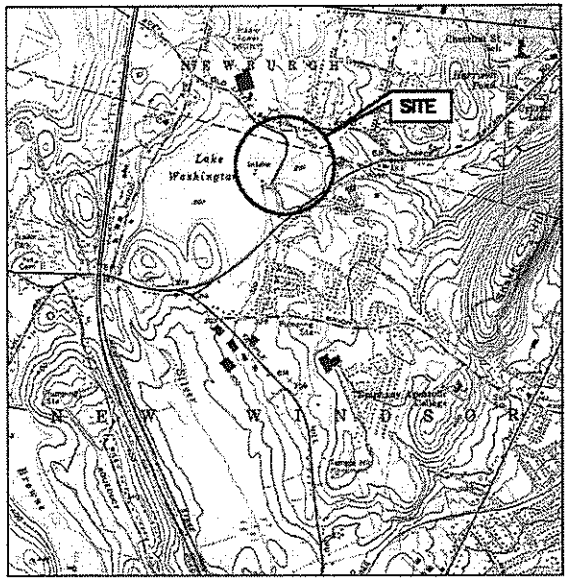
New York State Department of Environmental Conservation
Division of Water
Bureau of Flood Protection and Dam Safety, 4th Floor
625 Broadway, Albany, New York 12233-3504
Phone: (518) 402-8185 • FAX: (518) 402-9029
Website: www.dec.ny.gov

NEW YORK STATE OF OPPORTUNITY. Department of Environmental Conservation

Dam Safety Annual Certification Form

6 NYCRR Part 673.8 requires that Owners of Class C - High Hazard and Class B -Intermediate Hazard dams submit an annual certification to the NYSDEC – Dam Safety Section by January 31 of each year. Please refer to 6 NYCRR Part 673 which governs the definitions and provides additional detail on the questions listed below.

FIGURE 2



ADAPTED FROM: CORNWALL, NY U.S.G.S. 7.5 MIN. QUAD

CITY OF NEWBURGH
WASHINGTON LAKE DAM
NEW WINDSOR, NEW YORK
SITE LOCATION MAP

QUADRANGLE LOCATION

FILE NO. 3948.32535-SP-WA SCALE: 1:24000

WATER DEPARTMENT UPDATE

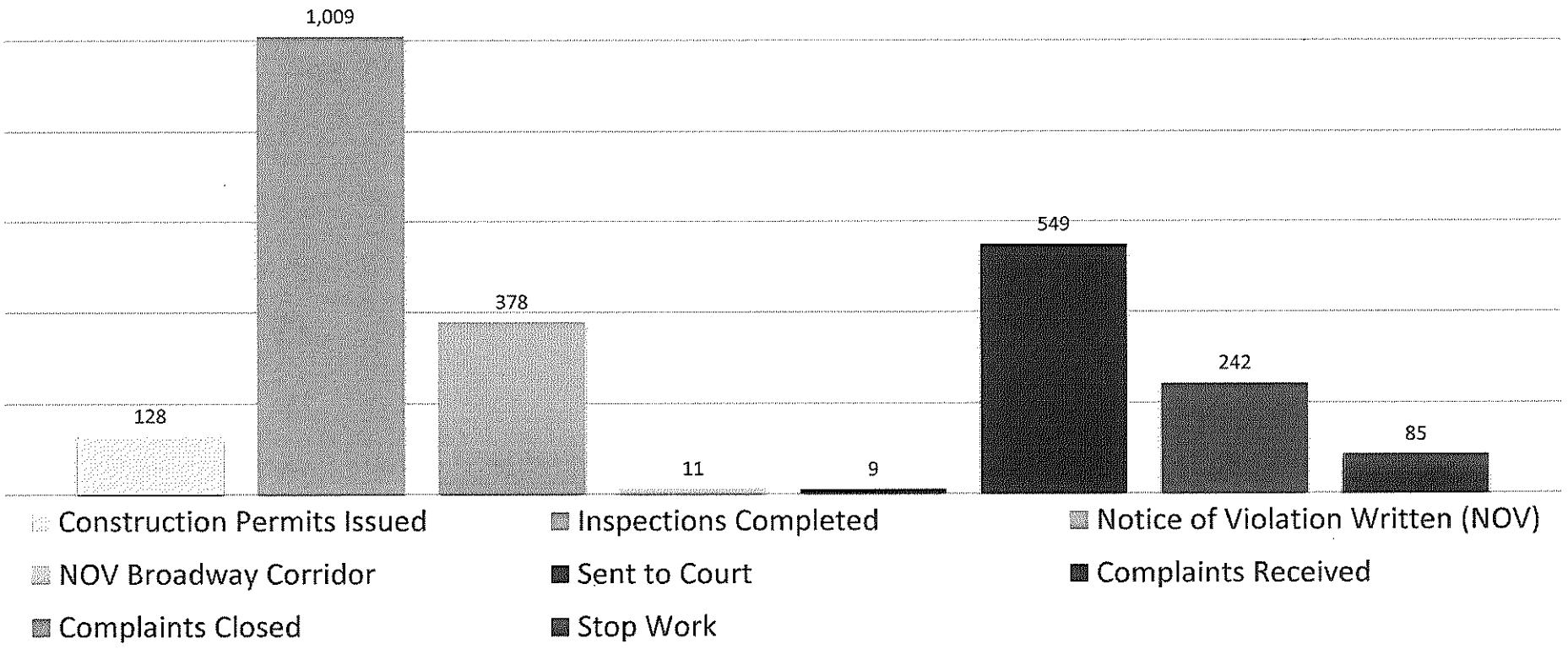
Water Main Break at the Wastewater Treatment Plant

Excavator in Action

Installation of New Water Main

CODE COMPLIANCE UPDATE

Month of January 2025



CODE COMPLIANCE REMINDERS

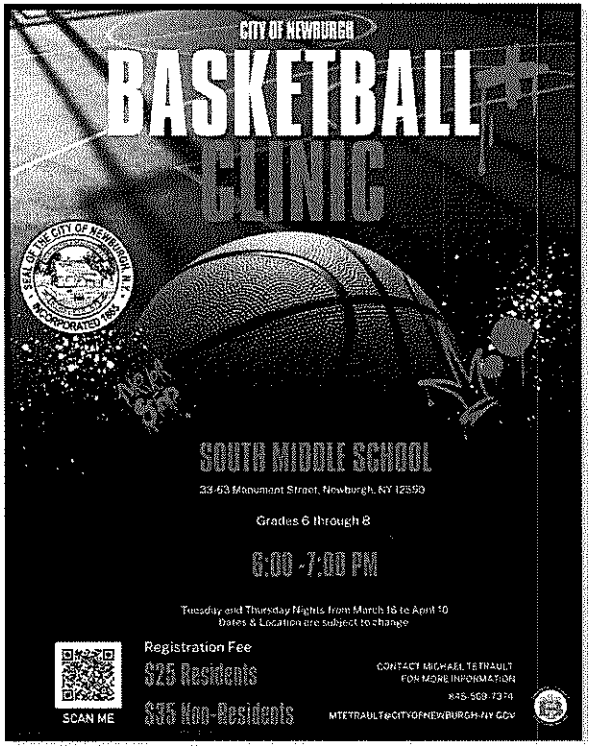
NO PARKING ON SIDEWALK

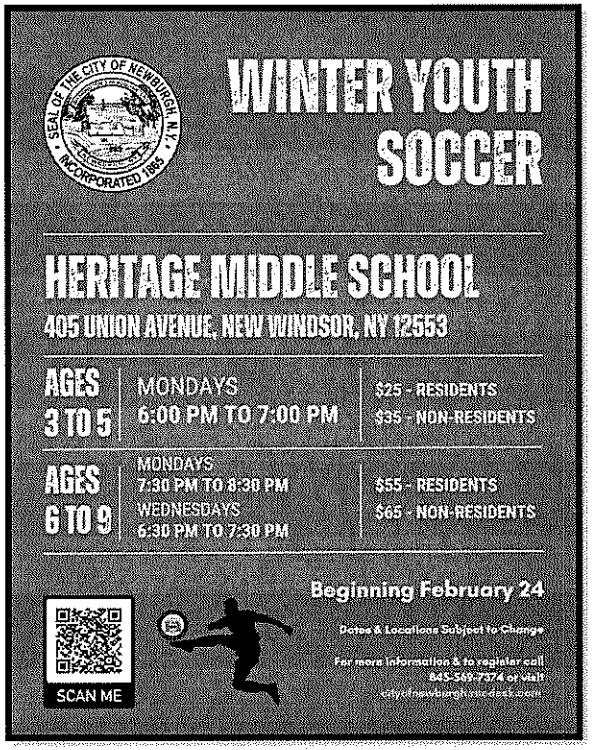
Violators will be ticketed

CITY OF NEWBURGH RECREATION

RECREATION UPDATE

Late Winter Sports Programs





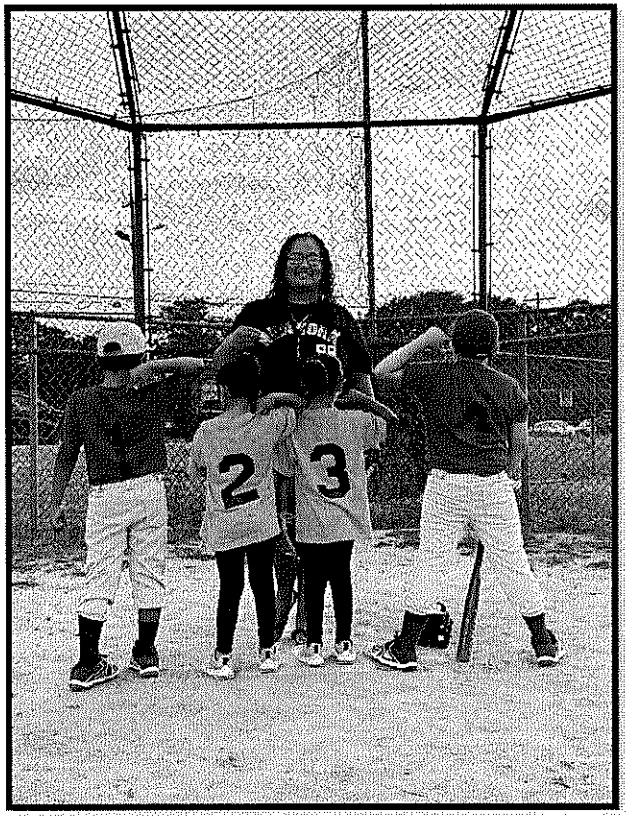
Interested in joining a program? Visit cityofnewburgh.recdesk.com or call 845-565-3230

Register Today!

CITY OF NEWBURGH RECREATION

RECREATION UPDATE

Follow us on Facebook & Instagram



City of Newburgh
Recreation Department

@cityofnewburghrecreation

SANITATION COLLECTION CHANGES FOR HOLIDAY

PICKUP DATE CHANGES:

- Sectors with pickup scheduled for Monday will be picked up on Tuesday February 18.
- Sectors with pickup scheduled for Tuesday will be picked up on Wednesday, February 19.

PICKUP DATE CANCELLATION:

- There will be no bulk or yard waste pickup on Wednesday, February 19.

Have Questions or Concerns? Call the Sanitation Line at (845)-565-1082

CITY OF NEWBURGH SEEKS

MEMBERS FOR THE ARTS & CULTURAL COMMISSION

BOARD & COMMISSION VACANCIES REMINDER

- APPLY ONLINE ON THE CITY WEBSITE
- SEND COMPLETED APPLICATION VIA EMAIL: BOARDS@CITYOFNEWBURGH-NY.GOV
- MAIL OR HAND-DELIVER APPLICATION: CITY HALL – 83 BROADWAY

CITY OF NEWBURGH NEW YORK

CONTACT US

Members of the news media are asked to direct all press inquiries to:

press@cityofnewburgh-ny.gov

PRESENTATIONS

COMMENTS FROM THE PUBLIC REGARDING AGENDA AND GENERAL MATTERS OF CITY BUSINESS

Dennis Grant, resident in Ward 1, commented on Resolution #26-2025. He asked the council if there would be any improvements or new features, or would the services be, as is.

Stuart Sachs, resident on Lander Street, commented. Preventing a climate catastrophe means that we must work hard to move away from harmful sources of energy. Newburgh residents suffered major damage from Hurricane Irene and Superstorm Sandy a few years ago, in which tornadoes were ripped off roofs and left many people without power. He recently bought an electric car, and he received three summonses by the city's parking enforcement, for the 'crime' of charging his electric vehicle. He asked the officer how he could comply, so he could reduce his carbon footprint, and not be punished for it. He was told that the only way to solve the problem is for the city to change the policy. Sachs said he is the city's test case, and he demanded that we find a way to enter the 21st Century and allow residents to charge their cars without being ticketed. The city should also install charging stations, as it could bring in some revenue. A solution is needed now, because the current situation is untenable (Comments Submitted)

Gabrielle Hill, Ward 1, congratulated the council on the good news about the opening of the Aquatic Center. She thanked the council for keeping its word and sticking to the timeline. She congratulated Omari Shakur for putting together the Community Unity Project. It was pulled together in a short period of time, and it was a great addition to the Pan-African flag raising ceremony. Even though there may be some differences in opinions, hopefully our hearts and minds will help us to work together for the common good. She mentioned the snow emergency process. What happens if a business is open until 2 AM and a snow emergency is called? The business owner assumed that patrons could avoid parking tickets in this case. She asked if he was supposed to close his business. She also asked if there are any bulk pickups dates in 2025.

Mayor Harvey interjected that the business owner doesn't have to close his business necessarily; yet cars are supposed to move to the other side during a snow emergency, so that the DPW can plow and treat the roadways appropriately.

Marquise Taylor, City of Newburgh Firefighter and resident, commented. It is the job of the fire department to respond to all calls. What happened to the rest of the calls that were not reported during an earlier City Manager's Update? The omitted calls included MVA with injuries, gas and medical calls, etc. Where do they figure into the equation? It gives the feeling that the fire department is not being productive. He would hate to believe that this is to support a certain policy. What happened to the other 37.6% of calls that were left out of the reported stats? He doesn't want to leave this up to public speculation. Let's walk responsibly and not omit service calls.

Jesse Flaitz, City of Newburgh resident, announced two upcoming events that will occur in Newburgh. One event is Black History Month-focused poetry and Open Mic night on February 12, 2025. It will be held at Link Lounge, which is located at 245 Liberty Street. The other event is called *StoryCom,* which will feature a night of storytelling. This event will be held on February 22, 2025, at Safe Harbors.

Bill Fetter, President of Newburgh Rowing Club, commented. He expressed concerns that the board had previously about inclusiveness in the community. The organization has offered tons of youth programs, including open kayaking and events at the boat club, all at no cost to participants in the organization. Newburgh Rowing Club also offers scholarships and summer camp opportunities, which are always popular. One of the coaches even volunteers with the Armory's swim group, which is held at both NFA and Mount Saint Mary College.

Pastor Rosey, resident in Ward 1, commented. She wished everyone a Happy Valentine's Day. She also wished everyone Happy Black History Month. She explained the martyrdom and legacy of Valentine's Day, which is an expression of love. She paid tribute to Black Americans, many of whom are not spoken of in modern day history, and who beat the odds to achieve honorable places in America's history after being freed from slavery. She spoke about Prince Whipple and Oliver Cromwell, both of whom served with George Washington during the American Revolution. She also read the names of seven Black Senators and House Representatives, who were elected to national office in 1872. There are scores of other prominent Black Americans, whose prevailing prayers of their ancestors carried them through horrific times of insult and torture that ultimately led to them being set free. Let's bring back their history to our school textbooks, for everyday study, and recognize them as brilliant and tenacious people in America's Black History. Rosey also asked the council if it had considered her request for a declaration of kindness in our city.

This section of the meeting was closed.

*Submitted by S. Sachs at the City Council Meeting Held on February 10, 2025

Stuart Sachs
28 Lander Street
Newburgh, NY 12550
sjsachs@gmail.com 718 614 3431

Feb 10, 2025

To: Mayor Harvey
Newburgh City Council
City Manager Venning
Read at Council Meeting

Regarding the charging of Electric and Plug in Hybrid Cars

Dear Mayor Harvey, Members of the City Council, and City Manager Venning,

Preventing the worst of climate catastrophe requires that we all work and invest to transition away from carbon sources of energy. Newburgh residents suffered major damage in hurricane Irene, Super Storm Sandy, and the tornado several years back that ripped off roofs and left many without power for extended periods of time. Storms are getting bigger, more common, flooding worse, and wind, heat and fire damage more extreme and more common.

In the near future we will all be transitioning to a zero carbon footprint including driving electric cars, and the City will need to find ways to encourage these practices.

I recently purchased a plug in car, but I find myself punished by the City whose police, traffic enforcement and codes departments have given me a total of three summonses for the crime of charging my car. I explained the necessity to charge the car, and each of the officers was sympathetic, but still was "required by regulations" to give me a summons. I asked how I should charge my car and be in compliance, so that I don't get punished by the City for reducing my carbon footprint, and I was told by 1 Police Officer, 2 Parking Enforcement Officers, and 1 Codes Officer that the only way to solve this was for the City to Change Policy. I was told that I need to be the test case, so here I am, your property owning, tax paying constituent asking, encouraging, demanding that you find a way to enter the 21st century and allow residents to charge their cars without getting parking summonses.

The City could, of course, install chargers in City owned parking lots, and charge a fee for us to charge our cars. This might help a lot, and earn the City some income, but we need a solution now.

Many residents of the City are trying to make a difference for the future, and it is your obligation to find a way for us to charge our cars. It may be as simple as instructing various agencies, Police, Codes, Parking Enforcement, NOT to ticket cars that are Parked in a driveway for the purpose of charging, or reverse direction on the street for the purpose of charging.

I am pleased to work with you to adopt a sensible rule modification, but something needs to be done, and quickly, because the current situation is backwards, and untenable as we try to reduce the carbon footprint in urban areas.

Respectfully Submitted,
Stuart Sachs

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA AND GENERAL MATTERS OF CITY BUSINESS

Councilmember Martinez thanked Councilmember Shakur for hosting the raising of the Pan-African Flag, and for taking the time to highlight leaders in our community. Black History is American History. It should be taught in schools, not only as an elective, but as part of the school curriculum. She was also inspired by the many residents that came out and marched and rallied in support of the immigration cause. Many residents are fed up with the federal policies, and it was inspiring to see all the residents who continue to stand united with our immigrant community. She was inspired by students, too, many of whom chose to skip school to stand up for their beliefs.

Councilmember McLymore congratulated Shakur for leading the community in the raising of the Pan-African Flag. Many of our forefathers and foremothers have paved the way for us today, and it should be respecting for all people to recognize that Black History is American history. He encouraged the community to get their children involved in the great youth programs that exist in the City of Newburgh. McLymore gave a shout out to the water department for working hard on recent water main breaks. He is impressed that we did not have to contract out that work, and that it was done completely in-house. He commended the DPW for working hard to clear the streets this past snowstorm. He shed some light on concerns concerning Resolution #26-2025. The approximate amount that was spent originally was $38K, and now the fee is going down to $13K. He doesn't know if the quality of the service will be affected, so hopefully we'll get some answers as to what that will look like.

Councilmember Monteverde commented. She said the raising of the Pan-African Flag was a wonderful event. These are the things we need to continue to do to stand together, in solidarity. We are living in very challenging times across the nation, and she doesn't know if we are going to lose any of the federal funding that was earmarked by the earlier Federal administration. She said now would be a good time for folks to come to meetings and ask these very important questions. Monteverde is also happy to support the six-month extension agreement with the Newburgh Rowing Club. She gave a shout out to City Engineer Jason Morris for leading the city in compliance with our wastewater and sewer treatment processes. Lastly, she attended the Newburgh Clean Water Project's event at the library. It was wonderful to see that there are various groups working together to keep us informed.

Councilmember Shakur thanked his council colleagues, the city manager and the executive staff, and all the city departments that came out and supported him on February 1, 2025. He said that hopefully we laid the platform for our children to follow all of their dreams, and for them to be successful. The entire premise of the community event is about filling the cup for our community, so that the children can drink from it and thrive. He thanked the community for coming out to support him.

Councilmember Sklarz commented about the Newburgh Clean Water Project event at the library. He commended all the volunteers for putting it together. He was impressed with the

large cross section of the community that was in attendance. He also thanked Shakur for the raising of the Pan-African Flag. He congratulated him for keeping this going in the community for its 5th year. The Community Unity Project, which was held in the former bank, was a great illustration that the event is getting bigger and better each year.

Mayor Harvey thanked the community for its comments. He is working with Governor Hochul to see if there is grant funding available to help us reduce our carbon footprint, particularly the installation of the electric charging stations. He thanked Beacon's Police Chief Jason Johnson for providing the police escort for his mother's funeral service. He also thanked the City of Newburgh Police Chief Brandon Rola, as well as the Dutchess County Sheriff, for helping to coordinate the escort in the City of Beacon. The service was held at the Springfield Baptist Church, and Harvey received a lot of cards, flowers and condolences that were sent not only to his office, but also to the church. He thanked everyone that extended their heartfelt condolences to him. It was a beautiful home-going service for his mother, who passed away of natural causes at the age of 90 years old, on January 18, 2025. Mayor Harvey was in Washington, DC, attending the annual Mayor's Conference when he received the news from his siblings that his mother had passed away. He is extremely grateful for the community's support during this difficult time.

This section of the meeting was closed.

CITY MANAGER'S REPORT

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

Councilman Shakur moved, and Councilman Sklarz seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

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

Councilman Shakur moved, and Councilwoman Monteverde seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

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

Councilman Sklarz moved, and Councilwoman Martinez seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

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

Councilman Shakur moved, and Councilwoman Monteverde seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

Resolution No. 26 - 2025 - CivicPlus Media Streaming Service

Councilmember McLymore requested clarification. He had some of the same questions that the public had regarding it.

Mike Neppl explained that we have a contract with the current vendor to conduct streaming services for the city's website, which also includes indexing services for anyone who goes to the city's website and wants to look at a particular item during any work session or council meeting. This item selects a new vendor for the same services, at a cost that is 1/3 less than the cost of the current vendor.

Councilman Shakur moved, and Councilman Sklarz seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

Resolution No. 27 - 2025 - 412 Liberty Street - Partial Release of Restrictive Covenants

Councilman Shakur moved, and Councilman Sklarz seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

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

Mayor Harvey reiterated that we have loved and supported Newburgh Rowing Club for years. He enjoys the work that they do, and he looks forward to the work that the organization will continue to do in the community. As we vote on the license agreement extension this evening, Harvey has full confidence that the organization will continue to get the support they need from the city council. Just like Councilmember McLymore pointed out, there is so much going on in City of Newburgh, especially when it comes to programs for our youth. People have to pay attention, and we also have to get better with our public relations. Newburgh Rowing Club does great work in providing rowing for not only City of Newburgh youth, but also for children in our neighboring towns, as well.

Councilmember Shakur commented. He said, for years there wasn't anything available for the youth, and that was the narrative in the community. Now we have programs and activities available in the City of Newburgh. It is still the narrative in the community, but people must get up and get out there too. Transportation and access to these programs is something we need to work on too. We promote the programs, but people are not seeing everything that is happening here.

Councilwoman Monteverde moved, and Councilman Sklarz seconded.
Ayes: Martinez, Mclymore, Monteverde, Shakur, Sklarz, Harvey - 6
Adopted

The Acting City Manager concluded his report.

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

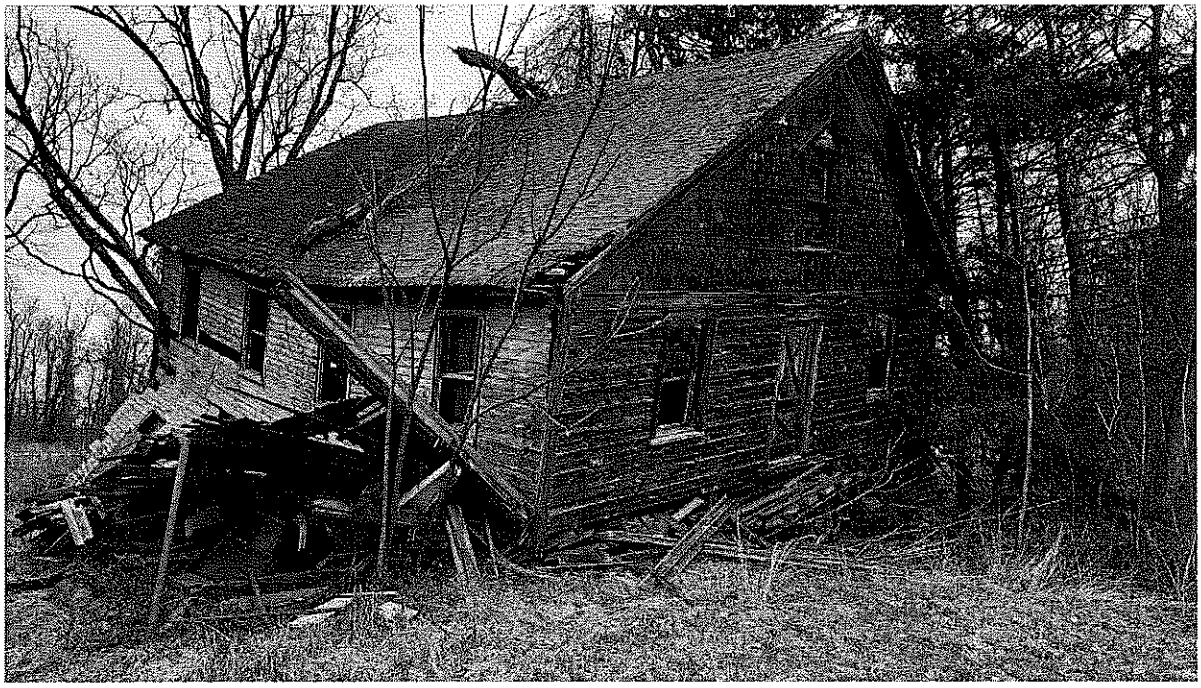
BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and hereby is authorized to sign and file any/and all other documents that may be necessary in connection with this SEQRA classification for the Project.

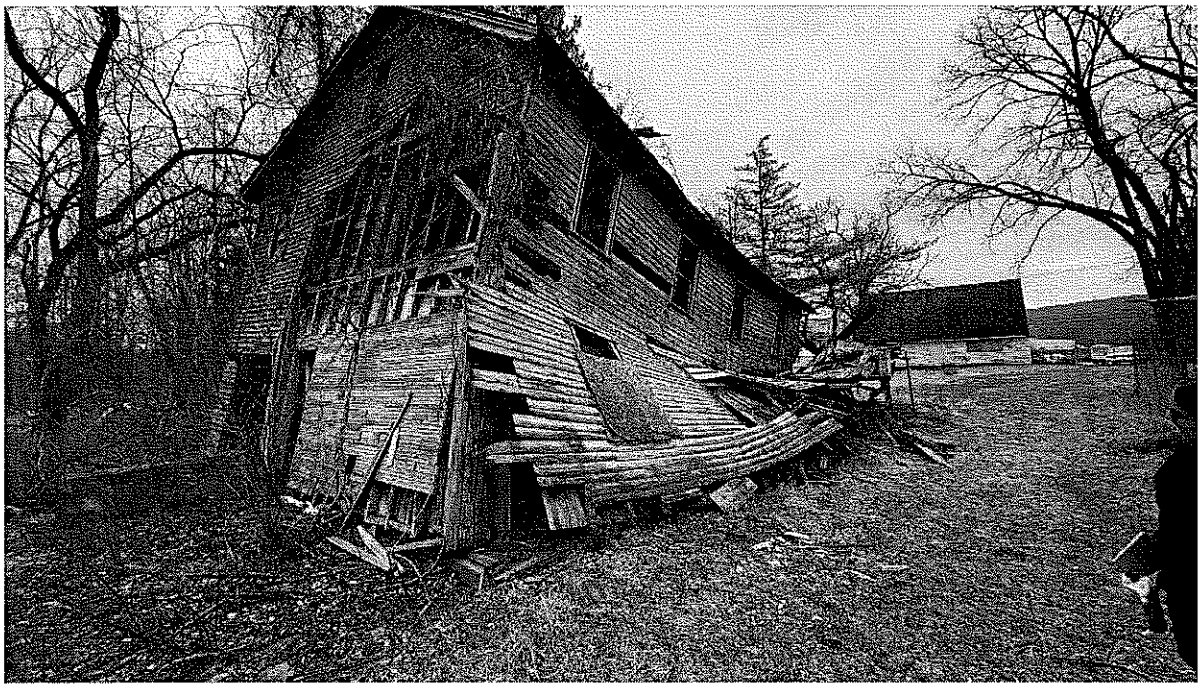
#22

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.

#23

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 **E**nvironmental **S**olutions **&** **T**echnologies, 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.

ACCEPTANCE OF PROPOSAL
Proposal No. P25-9253

Please provide the below information for invoicing/billing remittance.

Company Name:

_____

Billing Contact Name:

_____

Billing Contact email:

_____

Billing Contact Phone Number:

_____

Invoice Bill to Address:

_____
_____
_____
_____

Preferred Method for Invoice Submittal:

_____

Payment Terms: ***Payment Shall paid on receipt; Pryor to Delivery of Report. To Execute This Agreement, Please Review, Sign, Date & Return with a PO if you require. Late Payments Shall Be Assessed with a Penalty of 1.5% per Month.***

City of Newburgh. – Authorized Representative:

By _____ _____ _____
Signature Print Name & Title Date

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-DEMOLTION 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.

#24

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 **E**nvironmental **S**olutions **&** **T**echnologies, 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.

ACCEPTANCE OF PROPOSAL
Proposal No. P25-9252

Please provide the below information for invoicing/billing remittance.

Company Name:

_____

Billing Contact Name:

_____

Billing Contact email:

_____

Billing Contact Phone Number:

_____

Invoice Bill to Address:

_____
_____
_____
_____

Preferred Method for Invoice Submittal:

_____

Payment Terms: ***Payment Shall paid on receipt; Pryor to Delivery of Report. To Execute This Agreement, Please Review, Sign, Date & Return with a PO if you require. Late Payments Shall Be Assessed with a Penalty of 1.5% per Month.***

City of Newburgh. – Authorized Representative:

By _____ _____ _____
Signature Print Name & Title Date

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.

#25

NYC Environmental Protection

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.

#26

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

Statement of Work
Quote #: Q-90382-1
Date: 1/6/2025 10:14 AM
Expires On: 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.

#28

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").

W I T N E S S E T H:

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.

IN WITNESS WHEREOF, CITY, as Licensor, and the NRC, as Licensee have duly executed this License Agreement Addendum in duplicate as of the day and year first above written.

CITY OF NEWBURGH
Licensor

By: _____
Todd Venning
City Manager
Per Res. No

NEWBURGH ROWING CLUB
Licensee

By: _____

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 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°23 50" East 520.64 feet to a point;

2. North 18°21 10" East, 100.00 feet;

3. Through lands now or formerly of the City of Newburgh, North 72°23 50" West, 520.64 feet;

4. Still through said lands of the City of Newburgh, South 18°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

OLD BUSINESS

Councilmember Monteverde recalled a few meetings ago, the executive director of the Newburgh Land Bank did a presentation for the City of Newburgh. The question was asked whether the council would consider moving forward to sell some of the city-owned properties that had been sitting for a long time, particularly the small lots and structures that have been sitting. Monteverde would like to have a discussion.

Councilmember McLymore requested an update on all of the various units within our police department, as well as the upcoming initiatives of the police department.

There was no other old business to discuss.

NEW BUSINESS

Councilmember McLymore commented. He said he sent out correspondence on the *Key to the City*. He is looking forward to a discussion.

Councilmember Martinez commented. She would like to introduce a resolution in support of the Hudson Valley Power Authority. She thinks it would be beneficial for our community to have a stance against what is going on with the Central Hudson billing. When she worked for Assemblyman Jacobson, she can't tell us the number of complaints she received from residents about their Central Hudson bills. A resolution would be worth exploring, and she and Councilmember Monteverde will be reaching out to the rest of the council soon.

Mayor Harvey remarked that he would like to explore costs for the installation of electric charging stations in the City of Newburgh. He saw on the NYSERDA website that they have outlined what installation may look like for cities throughout the State. They have supported roughly 4000 charging stations since the start of the program.

Councilmember Monterverde pointed out that this is one of the items on the council's legislative action item list.

Mike Neppl commented that the city's Department of Planning and Development has already put in some considerable work with regards to the electric charging stations, so they will be prepared to update the council on it shortly.

There was no other new business to discuss.

FURTHER COMMENTS FROM THE COUNCIL

Councilmember Martinez thanked the fire department for all the hard work that goes into our public safety. She also thanked Wayne Vradenburgh for being present at the PFOS health study event at the library. We have some of the best in our community to address concerns with our water. Martinez thanked Police Chief Rola, who has been very helpful in answering the community's concerns with the recent ICE sightings in our city. Even with the rally, our police department has been helpful, while also ensuring that people's Freedom of Speech is protected. She thanked the department for keeping people safe in the community.

Councilmember McLymore thanked everyone for coming out, and he appreciates the comments. He hopes that we can reach a resolution concerning the concerns of the fire department. He said the fire department is doing an excellent job, and he wants to make sure that the council is doing the right things as well. Chief Rola is doing an excellent job too. He thanked him for being supportive of Mayor Harvey. He feels that we are all connected in this community. He thanked Chief Rola for everything he did to accommodate the mayor during his mother's funeral service. It speaks volume. He said to Harvey that he was glad he was able to attend his mother's service and support him and his family in his time of need.

Councilmember Monteverde gave a shout out to the fire department for the hard work they do to keep us safe, by putting their lives on the line every day. On February 28, 2025, she will be taking part in a nationwide economic blackout, and she encouraged the community to do the same. That means no buying gas, fast food, or anything else unless it is bought from small businesses. She wants to show them that we have the power in numbers. Let's not spend any money, because that will hurt them. She will be taking part in a Latino Freeze too, in which they will not be spending money in Big Box places, such as Amazon and Walmart. There is much power, in numbers, if we stand together, in solidarity.

Councilmember Shakur apologized to the mayor for not being able to make it to his mother's service over the weekend. He said he is tired of people working for the city, and complaining about [*Expletive*], like the city council is not doing its job. If people don't like it, then maybe we should just disband the fire department altogether; he would volunteer himself. Two of his brothers are Retired City of Newburgh Firemen, and he recalled the times he would call them while they were sitting around either eating or watching T.V. Shakur does not understand why the fire department is complaining. He would rather have the department come and speak to him directly, instead of them airing it out at a meeting. He said he is under the weather tonight, and everybody might hear some things that they might not hear normally.

Councilmember Sklarz thanked everyone for coming out tonight. He hopes that everyone stays warm.

Mayor Harvey thanked everyone for coming out. He thanked the fire department for being the best in the business. They are experts in the field, and they are very well trained. We are proud of the work they do in our city. He hopes the department and the council can turn a corner on some of the disagreements they have had in the past. He has never questioned the men in the

fire department, who have done amazing work. He has even been to some of the sites where fires have occurred. He also commended the leadership in our police department. Public safety is always our Number One Priority. Harvey gave a shout out to Poughkeepsie's Mayor Flowers, as well as Police Chief Rola. He didn't know the protocols, but he and his family are grateful to everyone who supported them during this difficult time. He commended Councilmember Shakur for doing an excellent job with the Pan-African Flag event. It was an amazing program, and it was done at a very high level. Harvey said he is working with the School District and some of the teachers on the Local Heroes and Heroines event. They want to acknowledge local individuals who have had a significant impact on the community and humanity. The date will be scheduled for a future school board meeting. Also, he would like to have some of the students come and present before the council in honor of Black History Month. He said there are several Black History Month events going on in the community all month long.

This section of the meeting was closed.

ADJOURNMENT

There being no further business to come before the council, the meeting adjourned at 8:10 PM.

Submitted,

KATRINA COTTEN
CITY CLERK