CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
November 25, 2015
7:00 PM

Mayor/Alcaldesa

1. Call to order

City Clerk:/Secretaria de la Ciudad

2. Roll Call

Communications/Communicaciones

Presentations/Presentaciones

Comments from the public regarding the agenda/Comentarios del público con respecto a la agenda

Comments from the Council regarding the agenda/Comentarios del Consejo con respecto a la agenda

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

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

3. RESOLUTION NO.: 297 - 2015

   A RESOLUTION AUTHORIZING THE CITY MANAGER
   TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
   MCINTOSH CONTROLS CORP. D/B/A SMART COVER SYSTEMS FOR
   A REMOTE SEWER LEVEL MONITORING SYSTEM
   AT A COST OF $77,738.00

Public Comments Regarding General Matters of City Business

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

Adjournment/ Aplazamiento:

Agenda Item 1.

Call to order

Agenda Item 2.

Roll Call

Agenda Item 3.

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TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
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AT A COST OF $77,738.00

Background:
RESOLUTION NO.: 297 - 2015

OF

NOVEMBER 23, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
MCINTOSH CONTROLS CORP. D/B/A SMART COVER SYSTEMS FOR
A REMOTE SEWER LEVEL MONITORING SYSTEM
AT A COST OF $77,738.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with McIntosh Controls Corp. d/b/a Smart Cover Systems to purchase and install a remote telemetry equipment to monitor the City's sewer regulators and diversion manholes; and

WHEREAS, Smart Cover Systems will provide the City with real-time continuous remote sensing, alarming devices, an easy-to-use web based interface, and long and short term data collection and analysis to improve the City's wastewater management and achieve compliance with the New York State Department of Environmental Conservation's requirements to report all sewage overflows through the NY-Alert system; and

WHEREAS, the proposal includes the equipment, installation, monitoring and training at a cost of $77,738.00 with such funding to be derived from G.8130.0200; and

WHEREAS, this Council has reviewed the same and has determined that accepting the proposal and entering into an agreement is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized accept the proposal and to execute an agreement with McIntosh Controls Corp. d/b/a Smart Cover Systems for the purchase and installation of a remote telemetry equipment to monitor the City's sewer system at a cost of $77,738.00.

ATTACHMENTS:

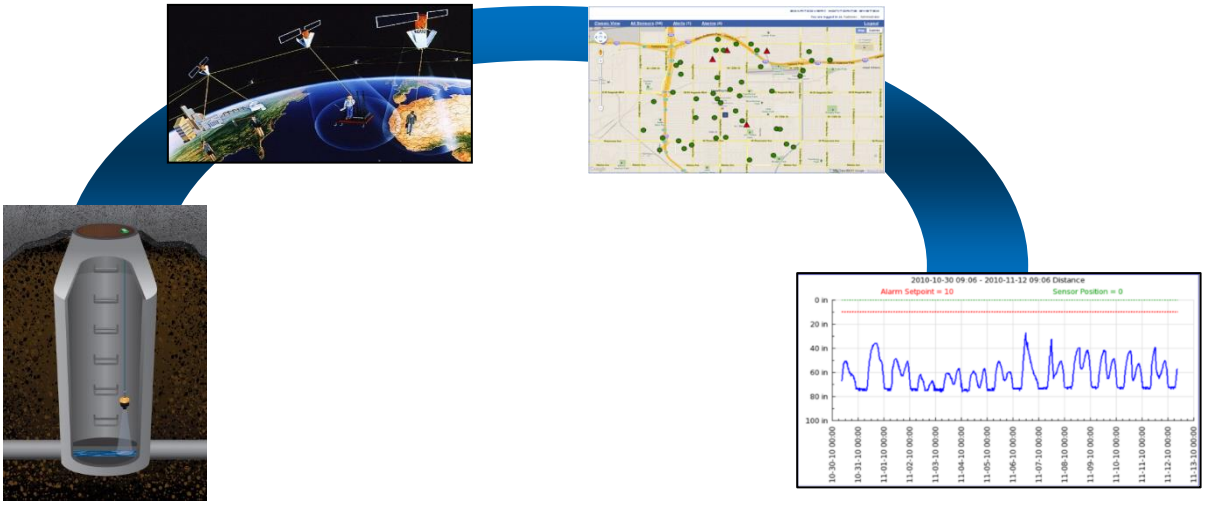
Description	Upload Date	Type
Smart Cover - Newburgh Proposal Revised	11/17/2015	Cover Memo

QUOTATION

For

CITY OF NEWBURGH NY
MR. JASON MORRIS
Offered by McIntosh Controls Corp.
218 Little Falls Rd- Unit 1
Cedar Grove, NJ 07009

SmartCover®



Quotation Date: 11-12-15
Quote Validity: 60 days
By Rich Mattesky

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Section I: Pricing

SmartCover® Systems™ (SCS) is pleased to provide the following Proposal for **SmartCover®** level monitoring system. Please find in this document: Pricing Summary as shown in Section 1, a complete System Description in Sections 2-5, Warranty statement in Section 6, and Acceptance in Section 7.

Pricing Summary: SmartCover®

Part Number	Description	Unit Qty.	Unit Price (Each)	Extended
SC-D-S-15	***SmartCover® System Components*** **E-Box System Control** with onboard computer, modem, digital radio; fully potted and IP-68 rated. **Distance Sensing Module (DSM)** with 3" to 81" sensor range, with 15' cable. **PowerPack®-** lithium thionyl chloride battery with high power density. **E-Dot™ antenna**, including antenna and installation kit. **Mounting bracket kit-** three-part amounting bracket set made of heavy gauge, hard-anodized aluminum; includes all mounting hardware.	17	$3,985	$67,745.00
Parts Warranty	***One (1) Year, Parts-Only Warranty*** Limited Parts-Only Warranty on all system SmartCover® hardware. See Warranty Statement for complete details.	17	Included	Included
ASM-SC1	***Active Site Management (ASM), One-Year***: Comprehensive support services including: • Software subscription with *unlimited number of users* accessed with secure user name and password • Complete maintenance of all cloud based software • Regular feature updates and upgrades including the all new *SmartTrend™*. • Hosting of data storage – unlimited data storage • Iridium Satellite connectivity service with bi-directional communication. • Advisories, Maintenance Alerts and Alarms issued to customer defined personnel via email and/or text message • Ongoing technical support via phone or online.	17	$364	$6,188.00
IST-1	***Dedicated Customer Website: Initial Set-up & Training (IST)*** • Dedicated Customer Website set-up and training • Browser-based, secure user access • Includes map view, site-specific data and information • Alarm and Advisories set-up • Comprehensive training for login, website features and website functions *Note: this is a one-time charge for new customers and does not apply to follow-on orders.*	1	N/C	N/C
Installation	Onsite installation labor by an SCS technician, including travel	4	$895	$3,580.00
Shipping	**Shipping and Handling, UPS Ground**	**1**	**$225**	**$225.00**
TOTAL	**All items**			**$77,738.00**

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SmartCover® SERVICE OPTIONS				
EW-SC1	**Extended Parts Warranty** The 1st Year Parts Warranty is included with purchase. This adds an additional year of parts-only warranty coverage for: • E-Box System Control • Distance Sensing Module (DSM) • Antenna • Mounting bracket. **NOTE: this a PARTS-ONLY Warranty. It d**oes not include PowerPack Warranty which is separate, see below	1	$399	$399
PW-LTC1	**PowerPack™ Warranty Extension** The 1st Year Warranty is included with purchase. This adds an additional year of PowerPack™ Warranty covering the 2nd Year	1	$225	$225
ASM-SC1	Active Site Management (ASM), 1 year additional coverage for 2 years total service.	1	$364	$364

Delivery

- **Standard: Six (6)** weeks upon receipt of a Purchase Order and with receipt of complete engineering and site information from the customer as requested.
- All customers will be notified of the shipment date upon Order Acknowledgement.
- Actual availability may vary depending on total demand. The "Standard six weeks" is not a guarantee but a good faith estimate. It is strongly recommended that order be placed as early as possible. Reasonable efforts will be made to provide earlier delivery if requested.

Terms and Conditions

- Payment: Net 30 days
- Late charges: A service charge of 1.5% per month will be added to all balances unpaid 30 days after invoice date. Failure to pay in accordance with these terms may void all warranties.
- Cancellations: for all orders of less than $10,000, cancellation is accepted prior to shipment. For orders equal to or greater than $10,000, a 15% restocking charge is applied for cancellation.
- Returns: returns are accepted with a valid Return Material Authorization (RMA) number only.

Ongoing Annual Costs

After the first year of operation, the following fees will provide ***continued comprehensive services*** including ***software support, data storage, upgrades, added features, and satellite connectivity and PowerPack™ Warranty.***

These are *annual charges* paid prior to the start of the year.

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Active Site Management (ASM)

ASM-SC1 **$364**

One-Year software subscription, satellite connectivity, online maintenance, online S/C monitoring per unit per year.

ASM-SC2 **$679**

Two-Year software subscription, satellite connectivity, online maintenance, online S/C monitoring per unit per year for two years. This is a discounted two-year price and is paid in-full at the beginning of the services period.

PowerPack Warranty

PowerPack™ Warranty (PW-LTC1): **$225**

One-Year PARTS-ONLY PowerPack Warranty for each installation site, part-only warranty on the PowerPack™ offering unlimited replacements during the Warranty term.

PowerPack™ Warranty (PW-LTC2): **$437**

Two-Year PARTS-ONLY PowerPack Warranty for each installation site, part-only warranty on the PowerPack™ offering unlimited replacements during the Warranty term.
NOTE: This is a discounted two-year price and is paid in-full at the beginning of the services period.

Extended Part Warranty

Extended Parts Warranty (EW-SC1, Optional): **$ 399**

One-Year PARTS-ONLY covers: E-Box System Control, Distance Sensing Module (DSM), antenna, and mounting bracket.
This is a PARTS ONLY warranty extension after the first year.
NOTE: Warranty extensions must be for consecutive years. Should a warranty be purchased after any initial year where the warranty was not purchased then the previous year(s) must be additionally purchased.

Extended Parts Warranty (EW-SC2) (Optional): **$ 742**

Two-Year PARTS-ONLY covers: E-Box System Control, Distance Sensing Module (DSM), antenna, and mounting bracket.
NOTE: Warranty extensions must be for consecutive years. Should a warranty be purchased after any initial year where it was not purchased then the previous year(s) must be additionally purchased.
NOTE: This is a discounted two-year price and is paid in-full at the beginning of the services period.

End Section 1, proceed to Section 2, next page.

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SECTION 2: PRODUCT DESCRIPTION

Overview

Each SmartCover® and SmartFLOE™ System includes the following components which comprise the hardware delivered with each system:

- One (1) E-Box system control
- One (1) Ultrasonic Distance Sensing Module (DSM) with connecting cable.
- One (1) communications antenna for direct connection to the Iridium Satellite System.
- One (1) PowerPack™, a proprietary high power density lithium thionyl chloride battery
- One (1) bracket kit for either mounting flat to the underside of the manhole cover or for mounting to the manhole cover vein.
- One installation kit containing all hardware and accessories necessary to mount a single system.

NOTE: All references to SmartCover® below also include SmartFLOE™ unless otherwise noted.

Item Descriptions:

E-Box System Control

The E-Box is the system control containing the digital satellite radio, computer and signal processing components. It is fully potted and can be completely submerged in water (IP-68 rated) It is housed in an, ABS enclosure and shock tested to 10 G's.

SmartCover® E Box Control

PowerPack™

The PowerPack™ is a high power-density battery system designed for reliable, consistent delivery of power in the harsh wastewater environment. It housed in a urethane coated pack containing Lithium Thionyl Chloride primary batteries. Typically the PowerPack™ provides at least one year of life and generally longer under normal operating conditions. PowerPacks™ have a 10 year shelf life prior to use.

SmartCover® PowerPack™

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Distance Sensing Module (DSM)

The distance sensing module is an ultrasonic distance sensor. It is enclosed and sealed in an ABS housing. It is fully potted and completely water-proof, meeting IP-68 standards. The crystal controlled oscillator sensor is self-calibrating.
There are two [distance] ranges available.

- The standard range senses between 3" and 81"
- The long-range sensor's range is 11" to 240".

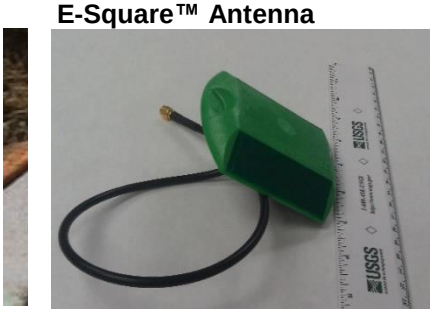
The DSM has two standard cable lengths of 15' and 25'. Custom lengths are available, application dependent, up to 300'. SCS Application Engineers are available to assist users to determine the correct DSM range and cable lengths.

SmartCover® DSM

E-Series™ Antennae

The E-Series™ antennae include the "E-Square" and the "E-Dot" types. Both are traffic rated and designed to mount directly to the manhole cover or vault lid. They communicate directly to the Iridium Satellite System and do not require any intermediary devices for boosting signals. The antennae are secured to the top of the manhole cover using a high strength, two-part acrylic adhesive specifically designed for high stress, structural applications.
The E-Square antenna is a road-reflector type used in areas where there is no opportunity for dislocation from such hazards as snow plows.
The E-Dot antenna is for cold-weather climates where snow plow operation occurs and are designed to be mounted below the manhole profile.

E-Square™ Antenna



E-Dot™ Antenna

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Mounting Bracket Kit

The mounting bracket is a ruggedized, corrosion resistant assembly designed to protect and secure system components. The bracket is secured with two stainless steel bolts whereby the installer drills two ¼" holes into the cover. The bracket is designed in such a manner such that **NO CONFINED SPACE ENRTY IS REQUIRED FOR INSTALLATION**. Its hard-anodized aluminum housing encloses the PowerPack and the E-Box control. The DSM (distance sensing module) is connected to the E-Box and suspended via a cable, typically over the invert.

The bracket is supplied as a three-piece kit for mounting directly to the underside "flat" of the manhole or, alternately, to the manhole cover vein.

Bracket with kit

Mounted Bracket

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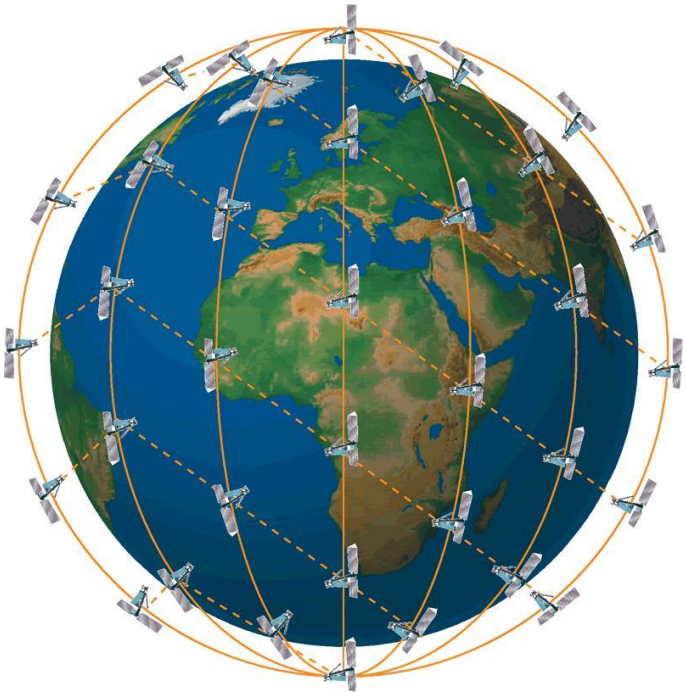
SECTION 3. DESCRIPTION OF THE SATELLITE COMMUNICATION SYSTEM

The SmartCover® system uses the high reliability, highly secure ***Iridium Satellite System*** as its communications backbone. Iridium is a state-of-the-art communications system consisting of 66 Low Earth Orbiting (LEO) satellites. It has global, redundant coverage and is known to provide highly superior connectivity to that of terrestrial systems such as GSM, GPRS and other cell phone based systems. Iridium has a very strong record of performance and reliability. It is used by the US DOD for its reliability.

Iridium Satellites are in orbit across the globe and assured connectivity is achieved requiring but a small fraction of the available horizon. SmartCover® systems are able to communicate in challenging locations with such impediments as tree canopies, overpasses or buildings.

SmartCover® data is highly secure with servers using 2048 bit encryption. These are redundant servers located in a climate controlled, secure facility with emergency power to prevent any interruptions. Servers store Historical Communication, Data, and Data Access information. Being a web or “cloud” based system; data is available at all times through a browser from a computer, tablet or phone. Users can access data through any web browser to the server via encrypted data and send notifications directly to the user.



Iridium Satellite Constellation

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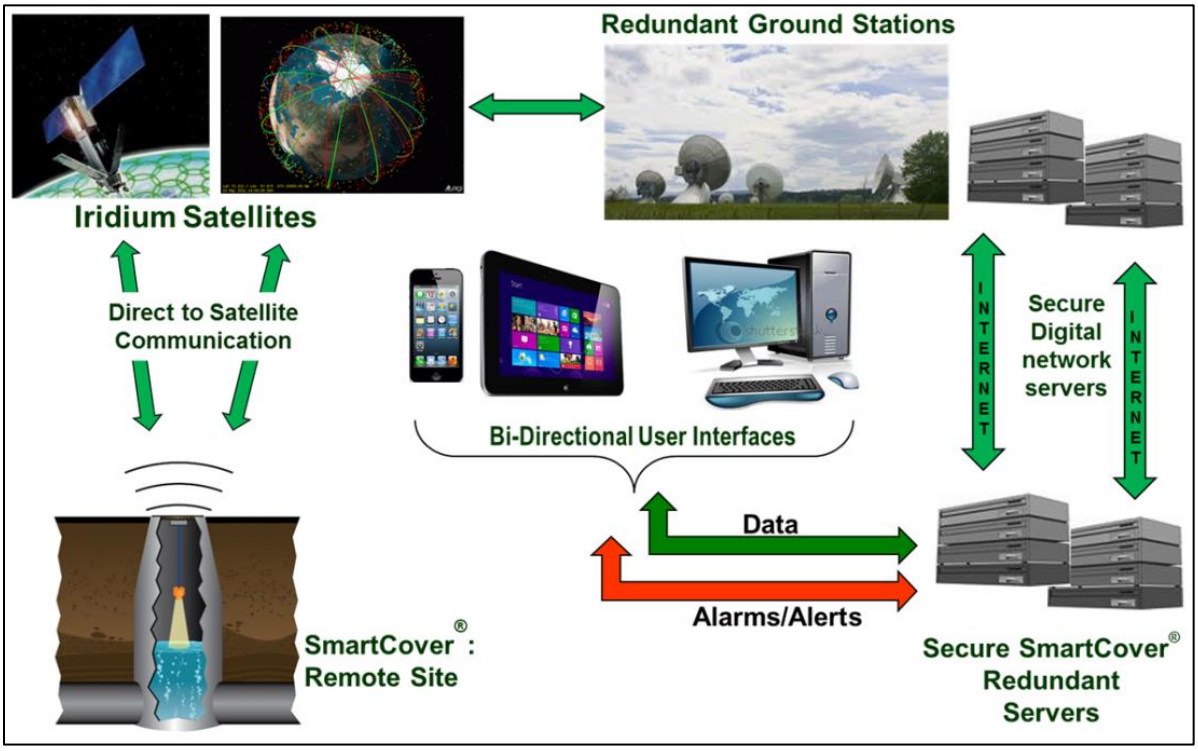
The Communication Process

As per the diagram below, the SmartCover® system communicates directly to an orbiting satellite. The communication signal is then sent to Iridium earth link stations and then to SCS secure servers.

For alarm signals, they are subsequently sent to the Customer via cell phone, Smart Phone, digital pager and/or to computers via the internet. It is possible to have alarms sent to a central control room as well.

SmartCover® communication is *bi-directional and the user has control over the remote sites*. A major benefit of the SCS system is that data acquisition, alarms and system setting changes are enabled *remote from the installation* site saving time and resources. For example, the alarm level [distance] setting can be accessed via the Dedicated User Website to be changed or disabled. Changes to these settings are communicated from the SCS servers through the Iridium system and to the SmartCover® system at the designated site.



SmartCover® communications system diagram

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SmartCover®: Measurement, Data Acquisition, Transmission and Process

Overview

The SmartCover® system monitors continuously 24 hours per day, seven (7) days per week. SCS has cumulatively acquired thousands of years of data and experience with this basic measurement protocol to assure users that this methodology is extremely sound and reliable for ongoing data acquisition and alarming functions.

Measurement Frequency

The SmartCover® system takes a measurement every six (6) minutes. If the measured level is below the pre-set alarm level then the cycle begins again.

Data Acquisition Frequency

The SmartCover® logs alternate readings of the six (6) minute measurement cycle. In other words it log a measurement every 12 minutes, five (5) times per hour. These readings are "batched" and sent once per hour via satellite to the server and stored for user access such as trending and analysis.

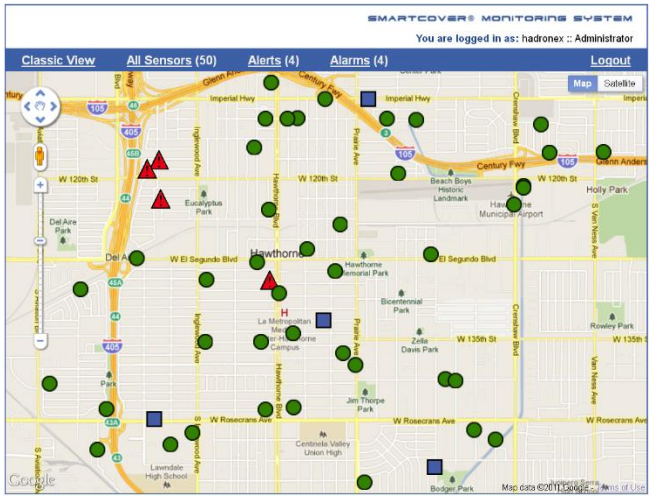
Alarming

If the SmartCover® system measures and senses that the water it is *above* the alarm level, an alarm notification is sent to the designated users and by a pre-established communication protocol i.e., text message to a mobile device or an email message to a computer. Alarms through cell phones or pagers are via Short Message Service (SMS), or Smart Phones and emails via email messaging. Alarms will continue to be sent until acknowledged. The system will continue to monitor, even though the alarm has been acknowledged. Note: a dedicated direct-from-satellite handheld system is available option for highly critical communications. Contact SCS for more information.

A LEVEL MEASUREMENT IS TAKEN EVERY 6 MINUTES AND DATA IS UPDATED ON THE SERVER EVERY HOUR. IN THE EVENT OF A HIGH WATER EVENT, THE ALARM IS SENT THE NEXT TIME A LEVEL MEASUREMENT IS MADE. THE LONGEST TIME BETWEEN THE TIME THE WATER REACHES THE ALARM LEVEL AND WHEN THE ALARM SOUNDS IS 5 MINUTES AND 59 SECONDS.

Graphical Data

The website is accessed by designated users through a secure portal and using a user name and password. Upon login a map of the system appears as shown below.



System Map

System Map

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The system map has five, colored-coded symbols for ease of viewing and management where:

GREEN (circle) – Indicates that the SmartCover® system is functioning properly and that the site does not have any alarms or maintenance alerts.

GRAY (circle) – Indicates that the SmartCover® system was previously located at this site but has been moved. The data for this site is archived and accessible.

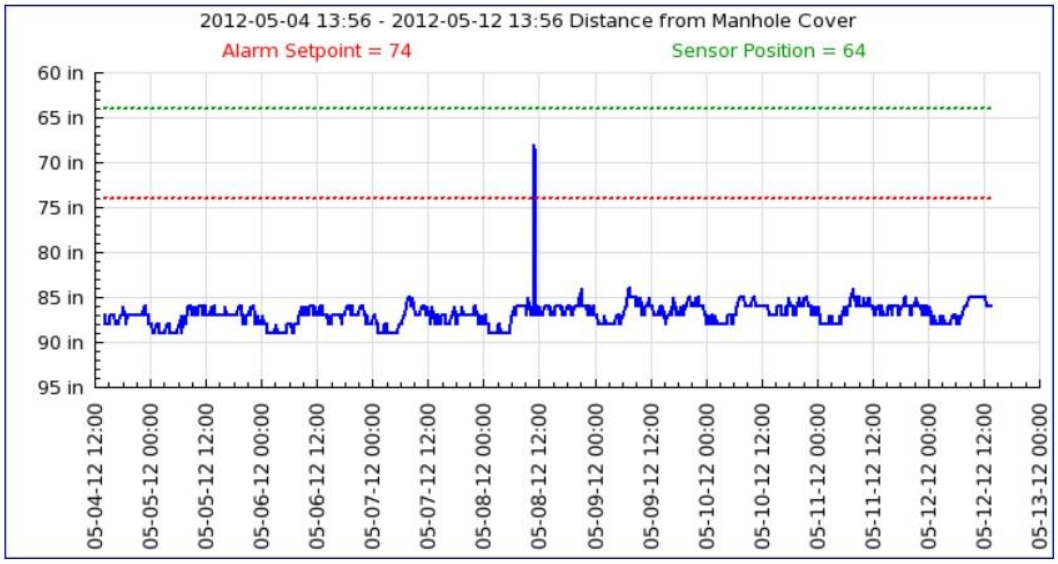
ORANGE (circle) – Indicates that the SmartCover® system, while not in an Alert or Alert state, has issued and "Advisory". The Advisory is an email message has been sent because the site data trend indicates that an anomaly is occurring. It advises users to view this site's data and determine what, if any, remedial action should be taken.

BLUE (square) – Indicates an "alert" and that a SmartCover® maintenance action is required. For example, it could mean the battery has low voltage and needs to be replaced or that a unit has not communicated within the expected interval.

RED (triangle) – Indicates that an "alarm" condition exists at this location. It could be high water event (surcharge) or an intrusion. Action is required.

Site Graph

A user may access any remote site by clicking on the map or on the address location. As an example, the graph below illustrates level in inches (y-axis), date/time (x-axis), flow levels (blue line), and the alarm setting (red line). We see in this case flow levels are below the alarm and then followed by a surcharge. The surcharge would have triggered an alarm. Note that the alarm is set well below the level where a spill may occur (green line) and allows for sufficient time to respond. In this case the bottom of the sensor is 64 inches from the manhole cover and the alarm is set for 74 inches below the manhole cover.



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SECTION 4. INSTALLATION AND ACTIVATION

Installation

It is most important to note that the typical SmartCover installation never requires confined space entry. With this, a typical installation is inexpensive and takes much less than one hour for physically attaching of the SmartCover® system. The antenna is mounted to the top of the cover or lid and the mouthing bracket, housing the PowerPack and E-Box with the DSM connected to the E-Box, to the bottom.

The antenna is mounted and secured with a high strength, MIL-Spec grade, two part adhesive and a hole is drilled to feed the antenna wire to the underside where the E-Box control is located.

The bracket is mounted to the underside by drilling to two holes into the cover or lid. Two stainless steel screws secure the bracket. The DSM is connected to the E-Box control and it is suspended and aligned to the flow target area i.e., the invert.

On-site testing of the communication link is performed to ensure that the unit is operational.

- Standard Installation: The SmartCover® system (hardware) is installed in the field at the designated site.
- Offsite Installation: The SmartCover® system is installed on the selected cover at an offsite facility and transported to the designated location. This method can minimize onsite time to a few minutes reducing the need for traffic control and disruption.
- Typically, the Customer will provide personnel and equipment, as appropriate for traffic control as required by local regulations and safety of field personnel.

Activation

After the physical installation of the SmartCover® system(s), the following actions are taken to bring full functionality to the SmartCover® system. SCS technicians will assist with all installation activation as part of our standard service protocol.

- ***SmartCover® Activation: Customer Actions***
  - Upon receipt of a Purchase Order, SCS the user will receive a questionnaire to obtain the information necessary to perform the SmartCover® service Set-Up. Proper system operation is dependent upon receipt of required information.
  - This information is used as part of installation where communication will be tested to verify functionality.
- ***SmartCover® Activation: SCS Actions***
  - At the SCS technical Support offices, the secure Customer Web Site is set up including a private account and database on the SCS secure server.
  - Web site is configured for the Customer Web Site with SmartCover® system locations and users.
  - Initial population of the Customer SmartCover® database.
  - Registration of the SmartCover® system wireless radios with the network and setting the Customer default system operational parameters.

Training

Training is provided after completion of the installation process. Once on-site personnel are trained, SCS will be available to provide additional web site training remotely after the SmartCover® system has been installed and operational.

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SECTION 5. ACTIVE SITE MANAGEMENT

Active Site Management (ASM) is a ***compressive support service*** for the SmartCover® system. It includes software support, satellite connectivity and ongoing technical support with these three elements described below.

It is an annual, per site service provided by SCS. ASM includes but is not limited to:

- **Website hosting-** initial set-up and ongoing hosting of all software and customer data. Note that all data is owned by the customer.
- **Website / Software Upgrades-** from time to time SCS provides new features and tools at no charge including such features supporting improved analytical tools, improved graphical tools and new reports.
- **Website maintenance** – maintaining the secure servers on which your web site resides, and providing free upgrades to the web sites as they become available.
- **Standard Reports** - SCS will support Customer in the preparation of these reports for management or regulators **Technical Telephone Support** - This service is offered by the SCS Technical Services team from 7am to 5 pm Pacific time and with additional support from local representatives.
- **Management Oversight**
    - SCS Technical Services team monitors the proper operation of all installed systems including battery voltage, the radio signal strength and the communication to/from the systems.
    - SCS coordinates the appropriate service to repair any components in the field with you or the local dealer
- **Alarm Processing** – maintaining the infrastructure of the alarm contact system.
- **After Hours Support** – on an as-needed basis. Contact SCS for details
- **Wireless Communications Connectivity** – Access to the two-way, wireless satellite network.

Product Improvements

The SmartCover® is continuously improving, adding new features and functions. SCS often uses customer input to add new features. Product improvements are backwards compatible to existing satellite systems with 0.10" resolution. There is no charge for these improvements as they are part of the annual ASM.

SmartTrend™

SmartTrend™ is an all-new addition to ***SmartCover®*** that enables notifies and enable users to anticipate events at remote monitoring sites. *SmartTrend™* automatically scans each remote site to assess data trends. Should it see an "anomaly", it provides users an Advisory email message. This important addition to the *SmartCover®* system means that users now have the most advanced predictive method available identifying future issues such as SSO days or even weeks *before they occur*.

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SECTION 6. ADDITIONAL TERMS & CONDITIONS, LIMITED WARRANTY

Mutual Hold Harmless

SCS hereby holds Customer harmless from any and all claims that may arise, or damages that may result, to SCS or SCS staff during the performance of this contract. Customer hereby holds harmless SCS/McIntosh Controls, its founders, owners and staff, from any and all claims that may arise, of any kind or from any cause whatsoever, due to or as a result of the installation, operation, or use of the SmartCover® system.

Loss of Communications

Customer acknowledges that SCS/McIntosh Controls is not responsible for the loss of wireless communication or internet communications or any communications used in the operation of this system.

Advisory Only

The SmartCover® System is an advisory service only. As such, SCS/McIntosh Controls and its founders, owners, or staff are not responsible for any damage of any kind or from any cause whatsoever that may result from, in relation to, in connection with, due to, or as a result of the installation or operation of the system, including without limitation, equipment failure, or any consequential damages caused by, or resulting from, the use or installation of the SmartCover® system.

Limited Warranty

The equipment components of the SmartCover® system are warranted free from material defects of material and workmanship for a period of one year from the date of installation. Unless otherwise stated, the SCS warranty herein is a parts-only warranty.

Should the Customer discover any condition that might invoke a warranty claim, they are to expeditiously and without delay notify the SCS Technical Services group.

Upon notification, SCS will assess and instruct the user on follow-on actions.

Should a component fail as a result of a defect in material or workmanship, SCS will replace the component or repair it at the SCS location.

For all valid warranty claims, as determined by SCS, reasonable freight charges to and from Customer shall be paid by SCS. In all cases, SCS shall determine the shipping method and/or carrier unless otherwise agreed to in writing by Customer and SCS.

Upon approval of a warranty failure by SCS, SCS will either repair or replace the defective component at SCS' sole discretion.

THE FOREGOING WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED (INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE). REPAIR OR REPLACEMENT IN THE MANNER PROVIDED ABOVE SHALL BE THE SOLE AND EXCLUSIVE REMEDY FOR BREACH OF WARRANTY AND SHALL CONSTITUTE FULFILLMENT OF ALL LIABILITIES OF SCS WITH RESPECT TO THE QUALITY AND PERFORMANCE OF THE PRODUCTS.

THIS WARRANTY DOES NOT COVER DAMAGE OR REPAIRS OR REPLACEMENTS BY ANY CAUSE BEYOND THE CONTROL OF SCS, INCLUDING ACTS OF NATURE, IMPROPER USE, LACK OF PROPER MAINTENANCE OR UNAUTHORIZED REPAIR.

REPLACEMENT AS PROVIDED UNDER THIS WARRANTY IS THE EXCLUSIVE REMEDY. SCS/McIntosh Controls SHALL NOT BE LIABLE FOR ANY ACTUAL, EXEMPLARY, INDIRECT OR CONSEQUENTIAL DAMAGES, INCLUDING DAMAGES FOR LOSS OF GOODWILL OR PROFITS AND/OR LOSSES FROM ANY CAUSE WHATSOEVER, EVEN IF SCS HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

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In no event shall SCS's liability, whether in contract or in tort (including negligence and strict liability), exceed the price of the Product from which such liability arises.

SECTION 7: Acceptance

The undersigned have read and acknowledge their understanding of this offer.

Signatures

McIntosh Controls Corp.
218 Little Falls Road- Unit 1
Cedar Grove, NJ 07009

Signature

Richard Mattesky

11-12-15

City of Newburgh NY

_____
Signature

_____
Date