

#5



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*M. J. Rider*  
(1906-1968)  
*Elliott M. Weiner*  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk  
(1942-2018)

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

**MEMORANDUM**

**TO:** HON. GILBERT J. PIAQUADIO, SUPERVISOR  
TOWN BOARD MEMBERS

**FROM:** MARK C. TAYLOR, ATTORNEY FOR THE TOWN

**RE:** LOCAL LAW AMENDING TREE PRESERVATION AND  
PROTECTION CHAPTER  
OUR FILE NO. 800.1(B)( ) (2023)

**DATE:** JULY 18, 2023

Enclosed for the Town Board's consideration following the close of the public hearing scheduled for July 24, 2023 on the Introductory Local Law Amending Chapter 172 Entitled "Tree Preservation and Protection" to the Code of the Town of Newburgh are the following draft resolutions:

#5A

1. Resolution of SEQR Designation and Determination: Adoption of a Proposed Local Law Amending Chapter 172 Entitled "Tree Preservation and Protection" to the Code of the Town of Newburgh. (The proposed Negative Declaration will be forwarded under separate cover.)

#5B

2. Resolution of Adoption of Local Law No. \_\_ of 2023 Amending Chapter 172 Entitled "Tree Preservation and Protection" to the Code of the Town of Newburgh

Should you have any questions or concerns, please do not hesitate to contact me.

**cc:** Town Clerk Lisa M. Vance Ayers (via e-mail)  
James Presutti, Commissioner of Parks, Rec. & Conservation. (via e-mail)  
James Osborne, Town Engineer (via e-mail)  
Patrick Hines, Engineers Representative (via e-mail)  
Gerald Canfield, Code Compliance Supervisor (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of July, 2023 at 7:00 o'clock p.m.

**PRESENT:**

- Gilbert J. Piaquadio, Councilman
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman
- Scott M. Manley, Councilman
- Anthony R. LoBiondo, Councilman

**RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW AMENDING CHAPTER 172 ENTITLED "TREE PRESERVATION AND PROTECTION" OF THE CODE OF THE TOWN OF NEWBURGH**

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_.

**WHEREAS**, the Town Board of the Town of Newburgh has caused to be prepared a local law which will amend Chapter 121 entitled "Tree Preservation and Protection of the Code of the Town of Newburgh; and

**WHEREAS**, the Town Board of the Town of Newburgh recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a and has determined that that the proposed Code amendment does not require an amendment to the Town's Comprehensive Plan; and

**WHEREAS**, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of said local law amending an existing Chapter to the Code of the Town of Newburgh (the "Action"); and

**WHEREAS**, the proposed local law was introduced before the Town Board on the 27th day of March, 2023, and the Town Board conducted a public hearing held on the 24th day of July, 2023 and heard all interested parties on said proposed local law; and

**WHEREAS**, the Town Board has determined that the Action is an Unlisted Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

**WHEREAS**, the Town Board proposes to undertake and approve the Action and has

determined that it is the single involved agency for the Action it is proposing to directly undertake, and confirmed that it will serve as the Lead Agency for the purpose of conducting a review of this Action pursuant to the State Environmental Quality Review Act; and

**WHEREAS**, the Town Board has determined that the Action does not involve a federal agency; and

**WHEREAS**, the Town Board has undertaken further information gathering and these further analyses in recognition that conclusory statements unsupported by empirical or experimental data, scientific authorities or any explanatory information will not suffice as a reasoned elaboration for its determination of environmental significance or non-significance; and

**WHEREAS**, the Town Board has (i) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and

**WHEREAS**, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the adoption of the proposed local law may have a significant adverse effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected.

**NOW THEREFORE, BE IT RESOLVED:**

1. The Town Board determines that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, declares itself the Lead Agency for the purpose of conducting a review of this Action.
2. The Town Board, acting in its capacity as Lead Agency, does hereby determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
3. The Town Board accordingly determines that an Environmental Impact Statement will not be prepared.
4. The Town Board hereby authorizes the Supervisor to execute and file the relevant section of the Environmental Assessment Form and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's determination herein, in accordance with the applicable provisions of law and all other

appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_nd day of July, 2023 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. \_\_ OF 2023 AMENDING CHAPTER 172 ENTITLED "TREE PRESERVATION AND PROTECTION" TO THE CODE OF THE TOWN OF NEWBURGH

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_.

WHEREAS, a Local Law Amending Chapter 172 entitled "Tree Preservation and Protection" to the Code of the Town of Newburgh was first introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 27th day of March, 2023; and

WHEREAS, pursuant to resolution of the Town Board, copies of the aforesaid local law were forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law and the Town of Newburgh Zoning Code respectively, and to the Town of Newburgh Zoning Board of Appeals; and

WHEREAS, the Town Board of the Town of Newburgh by motion adopted on the \_\_th day of June, 2023 ordered a public hearing to be held on the \_\_th day of July, 2023 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law entitled "Local Law Amending Chapter 172 entitled 'Tree Preservation and Protection' to the Code of the Town of Newburgh"; and

WHEREAS, a notice of said Public Hearing was duly advertised on the \_\_th day of July, 2023 in The Mid-Hudson Times and posted on the Town Clerk's sign board on the \_\_\_th day of July, 2023; and

WHEREAS, the Public Hearing was duly held on the 24th day of July, 2023 at 7:00 o'clock p.m.; and

WHEREAS, the Local Law in final form was placed upon the desks or tables of the members of the Town Board at least seven days exclusive of Sunda prior to the date of this resolution's adoption; and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has duly considered the adoption of said Local Law Amending Chapter 172 entitled "Tree Preservation and

Protection” to the Code of the Town of Newburgh as an Unlisted Action under the State Environmental Quality Review Act and has duly issued a negative declaration; and

WHEREAS, the Town Board of the Town of Newburgh has duly considered the reports and responses it has received from the Orange County Planning Department and the Town of Newburgh Planning Board; and

WHEREAS, due to the change in calendar year and the adoption of intervening local laws, said Local Law shall be designated as Town of Newburgh Local Law No. \_\_\_ of the Year 2023 upon filing; and

WHEREAS, the Town Board of the Town of Newburgh, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. of Year 2022 entitled “A Local Law Amending Chapter 172 entitled ‘Tree Preservation and Protection’ to the Code of the Town of Newburgh.”
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.
3. A report of final action in the matter of the adoption of said Local Law amending the Tree Preservation and Protection Chapter of the Code of the Town of Newburgh shall be delivered to the Orange County Planning Department in accordance with the requirements of the General Municipal Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

Scott M. Manley, Councilman voting \_\_\_\_\_

Anthony R. LoBiondo, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**INTRODUCTORY LOCAL LAW NO. \_\_ OF 2023**

**A LOCAL LAW AMENDING CHAPTER 172  
ENTITLED  
“TREE PRESERVATION AND PROTECTION”  
TO THE CODE OF THE TOWN OF NEWBURGH**

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Chapter 172 Entitled ‘Tree Preservation and Protection’ to the Code of the Town of Newburgh”.

**SECTION 2 - PURPOSE**

The Town Board having recently adopted Chapter 172 in order to provide for tree preservation and protection in the Town of Newburgh, the purpose of this Local Law is to provide certain amendments and clarifications as to application submission and restitution requirements imposed by Chapter 172 in order to assist applicants in preparing their submissions and to assist in administration of the Chapter.

**SECTION 3 – TREE PRESERVATION AND PROTECTION AMENDMENTS**

Chapter 172 entitled “Tree Preservation and Protection” of the Town of Newburgh Municipal Code is hereby amended as follows:

- A. The definition of ‘Specimen Tree’ in Section 172-2” entitled “Definitions” is amended to read as follows:**

“SPECIMEN TREE – Any tree with a trunk diameter that equals or exceeds twenty-four (204) inches at DBH with a sound trunk showing no extensive decay or hollow, with less than 20 percent radial trunk dieback and no major insect or pathological problem of such species as achieves a canopy spread of forty or more feet in diameter upon maturity.”

- B. A new definition for “Sample Plot” is hereby added to Section 172-2 entitled “Definitions” to read as follows:**

“SAMPLE PLOT - A plot of land one half (1/2) acre in size, which exhibits a best representation of the mixture of tree species and sizes on the entire site. Sample Plots shall be square or as nearly square as feasible in light of topographic or other site specific conditions. Each Sample plot” shall be clearly marked in the field and its location and perimeter shown on the Tree Survey.”

**C. Subsection 172-4B of Section 172-4 entitled “Tree removal/disturbance thresholds and restrictions” is hereby amended to read as follows:**

“B. No person causing or performing development activities in residential zoning districts (RR, AR, R-1, R-2 and R-3 under Chapter 185, Zoning) shall remove or disturb more than fifty percent (50%) of the total inches in diameter of Significant Trees, nor more than fifty percent (50%) of the total inches in diameter of Specimen Trees, nor more than seventy five (75%) of the total inches in diameter of Protected Trees not counted as Significant Trees nor Specimen Trees. Any removal or disturbance beyond these thresholds shall require reforestation or restitution as hereinafter provided. In the event that property subject to review under Subsections 172-3A or B above is one acre or less and has not been reviewed under this Chapter in conjunction with an application for approval of a parent parcel or the application to the Planning Board entails the creation of one lot which is one acre or less and the other lot contains an existing residence, then the standard shall be ninety percent (90%) rather than fifty percent (50%) for both Significant Trees and Specimen Trees.”

**D. Subsection 172-4c of Section 172-4 entitled “Tree removal/disturbance thresholds and restrictions” is hereby amended to read as follows:**

“C. No person causing or performing development activities non-residential zoning districts (B, IB and I under Chapter 185, Zoning) shall remove or disturb more than seventy-five percent (75%) of the total inches in diameter of Significant Trees, nor more than seventy-five percent (75%) of the total inches in diameter of Protected Trees not counted as Significant Trees. Any removal or disturbance beyond ~~these~~ thresholds shall require reforestation or restitution as hereinafter provided. In the event that the parcel is one acre or less and has not been subject to review under this Chapter in conjunction with the subdivision of a parent parcel, then the standard shall be ninety percent (90%) rather than seventy five percent (75%) for Significant Trees.”

**E. Subsection 172-5A(1) of Section 172-5 entitled “Application - Tree Survey/Preservation Plan” is hereby amended to read as follows:**

“1. Location, diameter and species of all Significant Trees ~~on the site, and an identification of all Specimen Trees and Protected Trees on the site.~~ In addition to being shown on the tree survey, all Specimen Trees shall be tagged and numbered in the field. All nails used should be aluminum nails and tags should be aluminum, plastic or another material which withstands weathering.”

**F. A new Subsection 172-5D is hereby added to Section 172-5 entitled “ Application - Tree Survey/Preservation Plan” to read as follows:**



“D. Notwithstanding the requirements for Tree Survey submissions set forth in Subsection A above, a submitted Tree Survey may be limited to location, diameter and species of Significant Trees and Protected Trees on one or more Sample Plots, and Specimen Trees on the entire site, provided the following requirements are met:

1. The site shall be 5 acres or more in size.
2. At least 2 Sample Plots shall be surveyed for every 10 acres of land at the site. This requirement may be prorated. For example, if a site is greater than 10 acres but 15 or less acres in size, there shall be at least 3 Sample Plots and if a site is greater than 15 acres but 20 or less acres in size, there shall be at least 4 Sample Plots.
3. Sample plots shall be distributed as evenly as feasible throughout the site and shall in no event overlap.
4. The submitted Tree Survey shall show the location of the Sample Plot or Plots.
5. Additional supporting information, such as aerial photographs, shall be submitted with the Tree Survey demonstrating to the satisfaction of the Authorized Official or designee that the Sample Plot or Plots are representative of stands on the disturbed and non-disturbed areas of the site.
6. The Sample Plot or Plots shall be clearly marked in the field.
7. All Specimen Trees on the entire site shall be shown on the submitted Tree Survey and tagged and numbered in the field.

An applicant may submit a pre-Tree Survey map of the site with aerial photographs to the Authorized Official or designee together with the application fee and escrow prior to preparation of a Tree Survey to request exclusion of acreage which is paved, existing structure footprint, maintained lawn or crop area or otherwise contains less than 25 trees having greater than 5.5 dbh on each acre from the calculation of the total acreage of the site used in determining the number of Sample Plots to be surveyed. The map must contain perimeter measurements and area calculations of the proposed exclusion areas. Within ten (10) business days of receipt of such a submission, the Authorized Official will determine and inform the applicant of the acreage that may be excluded. Sample plots shall not overlay exclusion areas. Specimen trees in exclusion areas must still be shown on the Tree Survey and tagged and numbered in the field.

If the Authorized Official or designee determines the proposed Sample Plot or Plots are not representative, the Authorized Official may require that the boundaries of the Sample Plot or Plots be expanded or that surveys of additional Sample Plots on the site as designated by the Authorized Official or designee must be submitted.

When a Tree Survey comprised of Sample Plots and the location of Specimen Trees has been submitted in accordance with the requirements herein, the number of inches of diameter of Significant Tree and Protected Trees to be removed or disturbed as well as the total number of Significant Tree inches and Protected Tree inches on the site may be based on projections for the total acreage of the site by multiplying the number of Significant Tree inches and Protected Tree inches located on the Sample Plot by

numbers equal to the total acres to be disturbed and the total acres on the site and each divided by the total acres of the Sample Plots. For example, if 2 Sample Plots totaling 1 acre have been surveyed and the total acreage of the site is 10 acres and 5 acres are to be disturbed, then total number of Significant Tree inches and Protected Tree inches on the site shall be the number surveyed on the 2 Sample Plots multiplied by 10/1 and the total number of Significant Tree inches and Protected Tree inches to be disturbed shall be the number surveyed on the 2 Sample Plots multiplied by 5/1. Specimen Tree inches shall still be based on a survey of the full area of disturbance and site.

The Planning Board shall have authority to require an applicant to submit a Tree Survey of trees on the entire site, without use of sampling, notwithstanding the applicant's ability to meet the requirements above, should it determine in its sole discretion that the circumstances, including but not limited to the presence of endangered species, adverse effects of tree removal on the neighborhood or adjacent park or other protected land, warrant it."

**G. Table 1 "Restitution Schedule", as referenced in Subsection 172-6A of Section 172-6 entitled "Reforestation/Restitution Requirement" shall read as follows:**

"Table 1

Restitution Schedule

8"-12"	2 trees at 2"-2.5" cal. min.
Over 12"-16"	3 trees at 2"-2.5" cal. min.
Over 16"-24"	4 trees at 2"-2.5" cal. min.
Over 24"-36"	5 trees at 2"-2.5" cal. min.
Over 36"	8 trees at 2"-2.5" cal. min."

**SECTION 4 - SEVERABILITY**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 5 - CONFLICT WITH OTHER LAWS**

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

**SECTION 6 - EFFECTIVE DATE.**

This Law shall become effective upon filing with the New York State Secretary of State.

**SECTION 7 - AUTHORITY.**

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

#6



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

**MEMORANDUM**

P: 845.562.9100

F: 845.562.9126

655 Little Britain Road  
New Windsor, NY 12553

P.O. Box 2280  
Newburgh, NY 12550

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR  
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: CROSSROADS CONSOLIDATED SEWER DISTRICT  
MEADOW HILL SEWER REMEDIATION PROJECT  
OUR FILE NO. 801.\_\_\_\_; 800.1(B)( ) (2022 )

DATE: JULY 18, 2023

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider

M. J. Rider  
(1906-1968)

Elliott M. Weiner  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk  
(1942-2018)

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

Enclosed please find the following draft order and resolution for the Town Board's consideration in connection with the above referenced project following the close of the public hearing scheduled for 7:15 p.m. on July 24, 2023:

#6A

1. PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITES OF THE CROSSROADS CONSOLIDATED SEWER DISTRICT (MEADOW HILL SEWER REMEDIATION PROJECT) IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK

#6B

2. BOND RESOLUTION DATED July 24, 2023 AUTHORIZING THE ISSUANCE OF \$1,591,250 BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK TO PAY THE COST OF THE CROSSROADS CONSOLIDATED SEWER DISTRICT (MEADOW HILL SEWER REMEDIATION PROJECT) IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK

Should you have any questions in this regard, please feel free to contact me.

MCT:sel  
Enclosure

cc: Lisa M. Vance Ayers, Town Clerk (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
James Osborne, Town Engineer (via e-mail)  
Pat Hines, McGoey, Hauser & Edsall (via e-mail)  
Douglas Goodfriend, Esq. (via e-mail)

**BOND RESOLUTION**

At a regular meeting of the Town Board of the Town of Newburgh, Orange County, New York, held at the Town Hall, in Newburgh, New York, in said Town, on the 24th day of July, 2023, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Deputy Supervisor Manley, and upon roll being called, the following were

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- Paul I. Ruggiero, Councilman
- Scott M. Manley, Councilman
- Anthony R. LoBiondo, Councilman

ABSENT:

- Elizabeth J. Greene, Councilwoman

The following resolution was offered by Councilman \_\_\_\_\_ who moved its adoption, seconded by Councilman \_\_\_\_\_ to-wit:

BOND RESOLUTION DATED JULY 24, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,591,250 BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CROSSROADS CONSOLIDATED SEWER DISTRICT (MEADOW HILL SEWER REMEDIATION PROJECT), IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of

At a regular meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 24th day of July, 2023 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio  
Supervisor

Elizabeth J. Greene  
Councilwoman

Paul I. Ruggiero  
Councilman

Scott M. Manley  
Councilman

Anthony R. LoBiondo  
Councilman

Councilman/woman \_\_\_\_\_ presented the following order which was seconded by Councilman/woman \_\_\_\_\_

In the Matter of The Increase and Improvement of the Facilities of the Crossroads Consolidated Sewer District (Meadow Hill Sewer Remediation Project) in the Town of Newburgh, Orange County, New York	PUBLIC INTEREST ORDER
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WHEREAS, the Town Board of the Town of Newburgh, Orange County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and

improvement of the facilities of Crossroads Consolidated Sewer District (Meadow Hill Sewer Remediation Project), in the Town of Newburgh, Orange County, New York, consisting of the rehabilitation of existing sewer mains and manholes by trenchless relining and open cut replacement to mitigate inflow and infiltration from entering the sewer system and improvements to appurtenant facilities throughout the Meadow Hill area within the Crossroads Consolidated Sewer District, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, at a revised maximum estimated cost of \$4,100,000 and

WHEREAS, at a meeting of said Town Board duly called and held on June \_\_\_\_, 2023, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Crossroads Consolidated Sewer District (Meadow Hill Sewer Remediation Project) in said Town at a revised maximum estimated cost of \$4,100,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Newburgh, New York, in said Town, on July 24, 2023, at 7:15 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Newburgh, Orange County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Crossroads Consolidated Sewer District (Meadow Hill Sewer Remediation Project), in the Town of Newburgh, Orange County, New York, consisting of the rehabilitation of existing sewer mains and manholes by trenchless relining and open cut replacement to mitigate inflow and infiltration from entering the sewer system and improvements to appurtenant facilities throughout the Meadow Hill area within the Crossroads Consolidated Sewer District, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, at a revised maximum estimated cost of \$4,100,000.

Section 2. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Elizabeth J. Greene, Councilwoman VOTING \_\_\_\_\_

Paul I. Ruggiero, Councilman VOTING \_\_\_\_\_

Scott M. Manley, Councilman VOTING \_\_\_\_\_

Anthony R. LoBiondo, Councilman VOTING \_\_\_\_\_



Gilbert J. Piaquadio, Supervisor VOTING \_\_\_\_\_

The order was thereupon declared duly adopted.

CERTIFICATION FORM

STATE OF NEW YORK

) ss.:

COUNTY OF ORANGE

I, the undersigned Clerk of in the Town of Newburgh, Orange County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 24th day of July, 2023.
2. That such meeting was a special regular (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was caused to be given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

Mic-Hudson Times on July \_\_\_\_, 2023

**POSTING** (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

Town Hall Lobby Posting on \_\_\_\_\_, 2023

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_ day of July, 2023.

\_\_\_\_\_  
Lisa M. Vance Ayers, Town Clerk

(CORPORATE SEAL)



**BOND RESOLUTION**

At a regular meeting of the Town Board of the Town of Newburgh, Orange County, New York, held at the Town Hall, in Newburgh, New York, in said Town, on the 24th day of July, 2023, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Deputy Supervisor Manley, and upon roll being called, the following were

PRESENT:

Gilbert J. Piaquadio, Supervisor  
Paul I. Ruggiero, Councilman  
Scott M. Manley, Councilman  
Anthony R. LoBiondo, Councilman

ABSENT:

Elizabeth J. Greene, Councilwoman

The following resolution was offered by Councilman \_\_\_\_\_ who moved its adoption, seconded by Councilman \_\_\_\_\_ to-wit:

BOND RESOLUTION DATED JULY 24, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,591,250 BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CROSSROADS CONSOLIDATED SEWER DISTRICT (MEADOW HILL SEWER REMEDIATION PROJECT), IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of

Crossroads Consolidated Sewer District (Meadow Hill Sewer Remediation Project), in the Town of Newburgh, Orange County, New York, at a revised maximum estimated cost of \$4,100,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such, will not have any significant adverse effect on the environment NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York, as follows:

Section 1. For the specific object or purpose of paying a portion of the cost of the increase and improvement of Crossroads Consolidated Sewer District (Meadow Hill Sewer Remediation Project), in the Town of Newburgh, Orange County, New York, consisting of the rehabilitation of existing sewer mains and manholes by trenchless relining and open cut replacement to mitigate inflow and infiltration from entering the sewer system and improvements to appurtenant facilities throughout the Meadow Hill area within the Crossroads Consolidated Sewer District, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, there are hereby authorized to be issued \$1,591,250 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the revised maximum estimated cost of the aforesaid specific object or purpose is \$4,100,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is now

revised by the issuance of the \$1,591,250 additional bonds of said Town authorized to be issued pursuant to this bond resolution. Said maximum estimated cost constitutes an increase from the maximum estimated cost of \$2,508,750 of said project which financing was originally authorized on August 22, 2022.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Newburgh, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Supervisor shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing

or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Elizabeth J. Greene, Councilwoman VOTING \_\_\_\_\_  
Paul I. Ruggiero, Councilman VOTING \_\_\_\_\_  
Scott M. Manley, Councilman VOTING \_\_\_\_\_  
Anthony R. LoBiondo, Councilman VOTING \_\_\_\_\_  
Gilbert J. Piaquadio, Supervisor VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**CERTIFICATION**

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

I, the undersigned Clerk of the Town of Newburgh, Orange County, New York (the “Issuer”), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 24<sup>th</sup> day of July, 2023.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_\_ day of July, 2023.

\_\_\_\_\_  
Lisa M. Vance Ayers, Town Clerk

(CORPORATE  
SEAL)

## LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on July 24, 2023, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Newburgh, Orange County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Newburgh, New York,  
July 24, 2023.

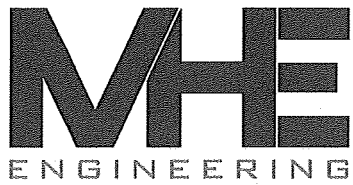
\_\_\_\_\_  
Lisa M. Vance-Ayers  
Town Clerk

### BOND RESOLUTION DATED JULY 24, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,591,250 BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CROSSROADS CONSOLIDATED SEWER DISTRICT (MEADOW HILL SEWER REMEDIATION PROJECT), IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK.

<b>Specific object or purpose:</b>	Rehabilitation of existing sewer mains and manholes by trenchless relining to mitigate inflow and infiltration from entering the sewer system and improvements to appurtenant facilities throughout the Meadow Hill area within the Crossroads Consolidated Sewer District
<b>Period of probable usefulness:</b>	40 years
<b>Revised maximum estimated cost:</b>	\$4,100,000
<b>Previously authorized obligations:</b>	\$2,508,750 (August 22, 2022)
<b>Additional Amount of obligations to be issued:</b>	\$1,591,250 bonds
<b>SEQRA status:</b>	Type II Action. Project description materials and SEQRA compliance materials as applicable are on file in the office of the Town Clerk where they may be inspected during regular office hours by appointment.

#6



MAP, PLAN AND REPORT

FOR  
MEADOW HILL SEWER  
I&I REMEDIATION PROJECT

TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

*Michael W Weeks*



PREPARED FOR:  
Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

PREPARED BY:  
MHE Engineering, D.P.C.  
33 Airport Center Dr. Suite 202  
New Windsor, NY 12553

NOTE: ANY UNAUTHORIZED ALTERATION OR  
ADDITION TO THIS DOCUMENT IS A  
VIOLATION OF SECTION 7209(2) OF THE  
NEW YORK STATE EDUCATION LAW.

DATE: 17 August 2022  
REV.: 26 June 2023  
JOB #: 21-104

**NEW YORK OFFICE**  
33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**  
111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

## Table of Contents

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II.	PROJECT AREA .....	3
III.	BENEFIT AREA.....	3
IV.	EXISTING CONDITIONS & PROPOSED IMPROVEMENTS .....	3
V.	ANNUAL COST .....	4
VI.	CONCLUSION .....	5

### APPENDICES

APPENDIX A: MAP OF CROSSROADS CONSOLIDATED SEWER DISTRICT

APPENDIX B: COST ESTIMATE

## I. INTRODUCTION

The Town of Newburgh owns and operates a sanitary sewer system located in the Town for and on behalf of the Crossroads Consolidated Sewer District. The Meadow Hill North, South, and West sewer systems are tributary to the Crossroads Consolidated Sewer District and pursuant to the Joint Consolidation Agreement dated November 8, 2016, eight of the Town's sewer districts have become existing improvements of the Crossroads Consolidated Sewer District. There has been a total of 52 sanitary sewer overflows in the Town of Newburgh Crossroads Consolidated Sewer District between the dates of 1 December 2016 and 4 August 2020. As such, the New York State Department of Environmental Conservation has executed a Consent Order with the Town which required the Town to study infiltration and inflow within the sewer system. Pursuant to the study, the Town's Engineering Consultant has identified work to mitigate I&I within the sewer district and as such has prepared this Map, Plan and Report in order for the Town to bond the total cost of the proposed improvements.

## II. PROJECT AREA

The area to be served generally includes the homes within the Meadow Hill area of the Crossroads Consolidated Sewer District (See Attached map, prepared by Maser Consulting, in Appendix A).

## III. BENEFIT AREA

Pursuant to the Joint Consolidation Agreement dated November 18, 2016, financed improvements of the sewer district are to be paid for on a benefit basis by all property owners and user of the Crossroads Consolidated Sewer District.

## IV. EXISTING CONDITIONS & PROPOSED IMPROVEMENTS

The Meadow Hill North & West sewer systems consists of approximately 26,800 LF of eight-, ten- & twelve-inch pipe. The Meadow Hill South sewer system consists of approximately 23,000 LF of eight- & ten-inch pipe. The North and West portions convey their flow North into a trunk line located within New York State Route 52 (South Plank

Road). The flow from the South portion conveys into a comminutor building located near the end of Saddle Place, then under NYS Thruway, and into the trunk line located in NYS Route 300 (Union Avenue). These sanitary flows are then conveyed into the City of Newburgh's collection system. The City of Newburgh's collection system contains a combined sewer system, and is treated at the City of Newburgh Wastewater Treatment Plant (SPDES # NY0026310) before discharging in the Hudson River.

At this time the Town's Engineering Consultant has proposed the open-cut replacement of 1,650 LF of sewer main and 10 manholes as well as the trenchless re-lining of approximately 19,300 LF of sewer main and repair of approximately 12 manholes within the sewer district. See the attached Cost Estimate in Appendix B. The proposed work is located in the North, West and South sewer systems.

## V. ANNUAL COST

The cost impacted to a typical household has been estimated, assuming 100% of the estimated project costs will be financed by the Crossroads Consolidated Sewer District. The following is an analysis of the estimated additional annual cost for an average user within the District.

Sewer fees are assessed to properties within the District on a point basis. Points are assigned based upon property classification. A single-family home is assigned 50 points. There are a total of 453,574 points within the Crossroads Consolidated Sewer District.

The total cost of the recommended alternative is estimated as \$4,100,000. The increased annual cost associated with the project is therefore:

Project Cost = \$4,100,000  
Bond 30 Years @ 4% Annual Payment = \$234,888  
Cost Per Point = \$234,888/453,574 points = \$0.52/point  
Estimated Increase in Annual Cost for a single-family home = (50)(\$0.52) = \$26.00

The \$26.00 would be an additional yearly cost to a single-family home, on top of any debt and O&M fees the user currently pays.

\*The Meadow Hill South Sewer system has outstanding debt of \$3.00 per point from before the system joined the Crossroads Consolidated Sewer District. The MHS outstanding debt will be paid off in 2028.

## VI. CONCLUSION

On the basis of the above, we find that the project is technically feasible and therefore we recommend the Town proceed with the proposed sewer improvements.

Respectfully submitted,

**MHE Engineering, D.P.C.**



Michael W. Weeks, P.E.

Principal

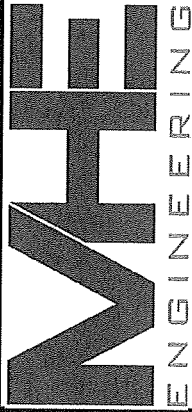


Appendix A

MAP OF CROSSROADS CONSOLIDATED SEWER DISTRICT



Appendix B  
COST ESTIMATE



TOWN OF NEWBURGH  
MEADOW HILL I&I REMEDIATION PROJECT  
EPG #104802  
COST ESTIMATE  
REHABILITATION AND RECONSTRUCTION

Last Revised:  
9-May-23  
Revised By:  
QMM

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXT. PRICE	TOTALS
<i>WITH WIIA AWARDED</i>						
1	Replacement of Existing 8" Sewer Main	1,629	LF	\$ 320.00	\$ 521,280	
2	Replacement of Existing Manholes	10	EA	\$ 12,000.00	\$ 120,000	
3	Lateral Replacement	31	EA	\$ 7,500.00	\$ 232,500	
4	Re-lining of Existing 8" Sewer Main (CIPP)	18636	LF	\$ 70.00	\$ 1,304,520	
5	Re-lining of Existing 10" Sewer Main (CIPP)	624	LF	\$ 85.00	\$ 53,040	
6	Re-lining of Existing Manholes	12	EA	\$ 8,000.00	\$ 96,000	
7	General Conditions	1	LS	\$ 200,000.00	\$ 200,000	
						\$ 2,527,340
					<i>Construction Subtotal</i>	\$ 758,202
					<i>Construction Contingencies (30%)</i>	\$ 3,285,542
					<i>Estimated Total Construction Cost</i>	\$ 821,386
					<i>Administration Including Legal, Engineering and Design Services (25%)</i>	\$ 4,106,928
					<i>Total Design and Construction Cost</i>	\$ 4,100,000
					SAY	\$ 4,100,000

\* Note(s): 1) This is an "Estimate of Probable Construction Cost," for estimating purposes only.

#7

**TOWN OF NEWBURGH**

**AUDIT # 14**

**DATE: July 24, 2023**

**TOTAL OF ALL PAYMENTS: \$ 1,186,757.64**

To Mr. Gilbert Piaquadio and Town Board:

I certify that the invoices contained within this package of \$ 1,150,904.00 plus the paid prior audit of \$ 35,853.64 were audited by the Town Board on the above date and allowed in the amount shown above. You are authorized and directed to pay each of the claimants the amounts opposite their names.

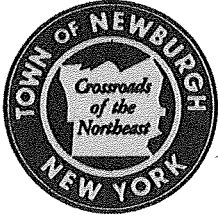
Dated :     **JUL 24 2023**    

\_\_\_\_\_  
Town Clerk Office

Town Board:

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

#9A



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

TEL: (845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

Subject: Authorization to pay Vet Services Utilizing T-94 Account

Date: 6.26.23

---

I am requesting authorization to use the T-94 account to pay for Vet service: FAH

\*Totaling: \$ 491.70

Canine: \$ 491.70

Feline: \$

Other: \$

**TOWN OF NEWBURGH**

1498 ROUTE 300  
NEWBURGH, N.Y. 12550

**VOUCHER**

TOWAC # 69533

DEPARTMENT \_\_\_\_\_

CLAIMANT'S  
NAME  
AND  
ADDRESS

VCA Flannery Animal Hospital  
789 Little Britain Road  
New Windsor, NY 12553

TERMS June 2023 voucher

Order No.

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.					
						VOUCHER NO.				
							VOUCHER NO.			
								VOUCHER NO.		
									VOUCHER NO.	
										VOUCHER NO.
					VOUCHER NO.					
		<b>TOTAL</b>				VOUCHER NO.				
Abstract No.							VOUCHER NO.			

Vendor's  
Ref. No.

Dates	Quantity	Description of Materials or Services	Unit Prices		Amount		
6-18-23	1	CAVALRY PIT Bull mix (F)		\$	312.90		
6-17-23	1	2023-6-17 Frenchie (M) TAN French Bull Dog			134.10		
6-19-23	1	2023-06-19 Pom mix (M) TAN + Red			44.70		
(See Instructions on Reverse Side)					<b>TOTAL</b>	<b>491.70</b>	

**CLAIMANT'S CERTIFICATION**

I, Jean Tobin, certify that the above account in the amount of \$ 491.70 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

6-21-23

DATE

*Jean Tobin*

SIGNATURE

Acct Manager

TITLE

(Space Below for Municipal Use)

**DEPARTMENT APPROVAL**

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

DATE

AUTHORIZED OFFICIAL

**APPROVAL FOR PAYMENT**

This claim is approved and ordered paid from the appropriations indicated above.

*COF*



VCA Flannery Animal Hospital PC  
 789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Flannery Animal Hospital | Date: 6/20/2023 at 13:03 | Invoice: 5356641006 | Cashier: Jean T

**Client**

Town Of Newburgh 2023- Animal Control  
 (#69533)  
 Tracey ACO  
 645 Gidney Ave  
 Newburgh, NY 12550

**Patient**

Galaxy (#155098)  
 Species: Canine (Pitbull Mix)  
 Sex: Female Spayed | Color: Black And White  
 Birth: 07/18/2018 | Age: 4y 11m | Weight: 56 lb

**Detailed Visit Information**

Date	Description	Qty	Price	Tax	Total Price
6/13/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/14/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/15/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/16/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/17/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/18/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/19/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/20/2023	Boarding Go Home Day	1.00	\$0.00	\$0.00	\$0.00

**Subtotal:** \$312.90

**A Message from VCA**

myVCA app is your tailor-made guide to raising a healthy and happy pet.

**Invoice Summary**

Patient Name	Total Price	Total Tax	Total Due
Galaxy	\$312.90	\$0.00	\$312.90

Prev Balance:	
Total Due:	\$312.90
Amount Paid:	\$0.00
Amount Due:	



For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.





VCA Flannery Animal Hospital PC  
 789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Dr. Winter | Date: 6/20/2023 at 13:18 | Invoice: 5356641011 | Cashier: Jean T

**Client**

Town Of Newburgh 2023- Animal Control  
 (#69533)  
 Tracey ACO  
 645 Gidney Ave  
 Newburgh, NY 12550

**Patient**

2023-6-17 Frenchie (#155202)  
 Species: Canine (Bulldog, French )  
 Sex: Male Intact | Color: Tan  
 Birth: 06/17/2020 | Age: 3y | Weight: 30 lb

**Detailed Visit Information**

Date	Description	Qty	Price	Tax	Total Price
6/17/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/18/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/19/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/20/2023	Boarding Go Home Day	1.00	\$0.00	\$0.00	\$0.00

**Subtotal:** \$134.10

**A Message from VCA**

myVCA app is your tailor-made guide to raising a healthy and happy pet.

**Invoice Summary**

Patient Name	Total Price	Total Tax	Total Due
2023-6-17 Frenchie	\$134.10	\$0.00	\$134.10

Prev Balance:	
Total Due:	\$134.10
Amount Paid:	\$0.00
Amount Due:	



For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.



VCA Flannery Animal Hospital PC  
 789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Dr. Winter | Date: 6/20/2023 at 13:25 | Invoice: 5356641013 | Cashier: Jean T

**Client**

Town Of Newburgh 2023- Animal Control  
 (#69533)  
 Tracey ACO  
 645 Gidney Ave  
 Newburgh, NY 12550

**Patient**

2023-06-19 Pom Mix (#155253)  
 Species: Canine (Pomeranian Mix)  
 Sex: Male | Color: Tan And Red  
 Birth: | Age: | Weight: 5.00 kg

**Detailed Visit Information**

Date	Description	Qty	Price	Tax	Total Price
6/19/2023	Boarding Animal Control	1.00	\$44.70	\$0.00	\$44.70
6/20/2023	Boarding Go Home Day	1.00	\$0.00	\$0.00	\$0.00

**Subtotal:** \$44.70

**A Message from VCA**

myVCA app is your tailor-made guide to raising a healthy and happy pet.

**Invoice Summary**

Patient Name	Total Price	Total Tax	Total Due
2023-06-19 Pom Mix	\$44.70	\$0.00	\$44.70

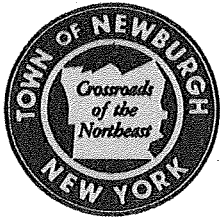
Prev Balance:	
Total Due:	\$44.70
Amount Paid:	\$0.00
Amount Due:	

*COPY*

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Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.

#9B



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

TEL: (845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

Subject: Authorization to pay Vet Services Utilizing T-94 Account

Date: 7/3/23

---

I am requesting authorization to use the T-94 account to pay for Vet service: F.A.H.

\*Totaling: \$ 1597.45

Canine: \$ 1597.45

Feline: \$

Other: \$

**TOWN OF NEWBURGH**  
 1496 ROUTE 300  
 NEWBURGH, N.Y. 12550

Order No.

DO NOT WRITE IN THIS BOX

VOUCHER

D+69533

DEPARTMENT

TONA

CLAIMANT'S  
 NAME  
 AND  
 ADDRESS

VCA Flannery Animal Hospital  
 789 Little Britain Road  
 New Windsor, NY 12553

TERMS

June 2023 voucher

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.
Abstract No.		TOTAL			
Vendor's Ref. No.					

Date	Quantity	Description of Materials or Services	Unit Price	Amount
6-13-23	INT 535 664 1534	'Abby'		825.23
6/13/23	INT 535 664 1536	MARBLE <sup>b</sup> (F) Hound mix		772.22
(See Instructions on Reverse Side)			TOTAL	1597.45

CLAIMANT'S CERTIFICATION

I, Jean Tobin, certify that the above account in the amount of \$ 1,597.45 is true and correct; that the items, services and disbursements charged, were rendered to or for the municipality on the dates stated; that no part had been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

6-24-23  
 DATE

Jean Tobin  
 SIGNATURE

Accts Manager  
 TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

7/3/23  
 DATE

[Signature]  
 AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

\_\_\_\_\_  
 \_\_\_\_\_



VCA Flannery Animal Hospital PC  
 789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Flannery Animal Hospital | Date: 6/23/2023 at 07:42 | Invoice: 5356641534 | Cashier: Allison T

**Client**

Town Of Newburgh 2023- Animal Control  
 (#69533)  
 Tracey ACO  
 645 Gidney Ave  
 Newburgh, NY 12550

**Patient**

Abby (#155099)  
 Species: Canine (Pitbull Mix)  
 Sex: Female Spayed | Color: Black And White  
 Birth: 01/20/2021 | Age: 2y 5m | Weight: 52 lb

**Detailed Visit Information**

Date	Description	Qty	Price	Discount	Tax	Total Price
6/13/2023	Boarding Animal Control	1.00	\$44.70			
6/14/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
	DA2P-Pv-Cv Vaccine 3wk	1.00	\$59.20	-\$14.80	\$0.00	\$44.70
	Bordetella A2P IN Vaccine 1yr	1.00	\$50.80	-\$10.16	\$0.00	\$44.40
	Rabies Vaccine 1yr Canine	1.00	\$55.60	-\$27.80	\$0.00	\$40.64
6/15/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$27.80
6/16/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/17/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/18/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/19/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/20/2023	Exam/Consultation Well Patient	1.00	\$95.35	-\$9.54	\$0.00	\$44.70
	VetScan HWA Lyme Ehrlichia	1.00	\$138.60	-\$27.72	\$0.00	\$85.81
	Anaplas (Flex4) IH					\$110.88
	Anesthesia EP	1.00	\$91.25	-\$63.88	\$0.00	\$27.37
	Includes the veterinarian's assessment of the patient to determine the anesthetic protocol for the procedure about to be performed pre-anesthesia exam, preanesthetic and induction medications, general anesthetic, monitoring during the procedure and as the patient wakes up.					
	Fluids EP	1.00	\$36.50	-\$9.13	\$0.00	\$27.37
	Includes fluid support of the anesthetized patient					
	Hospitalization	1.00	\$0.00		\$0.00	\$0.00
	Includes patient care while at the hospital					
	Pain Management EP	1.00	\$38.10	-\$9.53	\$0.00	\$28.57
	Includes the oral and injected pain medications administered to the patient to control pain while in the hospital.					
	Spay	1.00	\$167.75	-\$75.49	\$0.00	\$92.26
	- Laser Therapy Spay/Neuter	1.00	\$0.00		\$0.00	\$0.00
	- Elizabethan Safety Collar 25cm	1.00	\$11.46	-\$1.15	\$0.00	\$10.31

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.



VCA Flannery Animal Hospital PC  
789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Flannery Animal Hospital | Date: 6/23/2023 at 07:42 | Invoice: 5356641534 | Cashier: Allison T

6/21/2023	- Pain Meds to go Home	1.00	\$18.80	-\$1.88	\$0.00	\$16.92
	- Gabapentin (gen) 300mg Cap	10.00	\$0.00		\$0.00	\$0.00
	- Carprofen (Rovera) 100mg CwTab	5.00	\$0.00	\$0.00	\$0.00	
	Simparica TRIO 44.1-88lb/20.1-40kg Free First Dose	1.00	\$0.00	\$0.00	\$0.00	
	Hospitalization Includes patient care while at the hospital	1.00	\$0.00	\$0.00	\$0.00	

Subtotal: **\$325.23**

Discounts	Shelters/PetStore	-\$251.08
-----------	-------------------	-----------

Preventive Care Status for Abby (Please check for accuracy)

Procedure	Due Date	Status	Procedure	Due Date	Status
K9 Distemper	7/5/2023	Due soon	K9 Parvo	7/5/2023	Due soon
K9 Coronavirus	7/5/2023	Due soon			

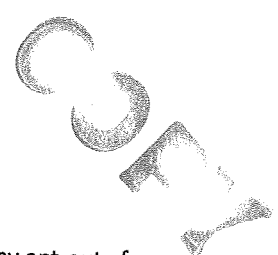
A Message from VCA

myVCA app is your tailor-made guide to raising a healthy and happy pet.

Invoice Summary

Patient Name	Total Price	Total Discount	Total Tax	Total Due
Abby	\$1,076.31	-\$251.08	\$0.00	\$825.23

Prev Balance:	
Total Due:	\$825.23
Amount Paid:	\$0.00
Amount Due:	



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VCA Flannery Animal Hospital PC  
 789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Flannery Animal Hospital | Date: 6/23/2023 at 07:50 | Invoice: 5356641536 | Cashier: Jean T

**Client**

Town Of Newburgh 2023- Animal Control  
 (#69533)  
 Tracey ACO  
 645 Gidney Ave  
 Newburgh, NY 12550

**Patient**

Marble (#155100)  
 Species: Canine (Hound Mix)  
 Sex: Female Spayed | Color: Tri  
 Birth: | Age: | Weight: 50.6 lb

**Detailed Visit Information**

Date	Description	Qty	Price	Discount	Tax	Total Price
6/13/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/14/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
	DA2P-Pv-Cv Vaccine 3wk	1.00	\$59.20	-\$14.80	\$0.00	\$44.40
	Bordetella A2P IN Vaccine 1yr	1.00	\$50.80	-\$10.16	\$0.00	\$40.64
	Rabies Vaccine 1yr Canine	1.00	\$55.60	-\$27.80	\$0.00	\$27.80
6/15/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/16/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/17/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/18/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/19/2023	Boarding Animal Control	1.00	\$44.70		\$0.00	\$44.70
6/20/2023	VetScan HWAg Lyme Ehrlichia	1.00	\$138.60	-\$27.72	\$0.00	\$110.88
	Anaplas (Flex4) IH					
	Anesthesia EP	1.00	\$91.25	-\$63.88	\$0.00	\$27.37
	Includes the veterinarian's assessment of the patient to determine the anesthetic protocol for the procedure about to be performed pre-anesthesia exam, preanesthetic and induction medications, general anesthetic, monitoring during the procedure and as the patient wakes up.					
	- Block Surgical EP	1.00	\$0.00		\$0.00	\$0.00
	Fluids EP	1.00	\$36.50	-\$9.13	\$0.00	\$27.37
	Includes fluid support of the anesthetized patient					
	Hospitalization	1.00	\$0.00		\$0.00	\$0.00
	Includes patient care while at the hospital					
	Pain Management EP	1.00	\$38.10	-\$9.53	\$0.00	\$28.57
	Includes the oral and injected pain medications administered to the patient to control pain while in the hospital.					
	Spay	1.00	\$167.75	-\$75.49	\$0.00	\$92.26
	- Laser Therapy Spay/Neuter	1.00	\$0.00		\$0.00	\$0.00
	- Elizabethan Safety Collar 25cm	1.00	\$11.46	-\$1.15	\$0.00	\$10.31

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VCA Flannery Animal Hospital PC  
789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Flannery Animal Hospital | Date: 6/23/2023 at 07:50 | Invoice: 5356641536 | Cashier: Jean T

	- Pain Meds to go Home	1.00	\$18.80	-\$1.88	\$0.00	\$16.92
	- Gabapentin (gen) 300mg Cap	10.00	\$0.00		\$0.00	\$0.00
	- Carprofen (Rovera) 100mg CwTab	5.00	\$0.00		\$0.00	\$0.00
	Doxycycline Hyclate (gen) 100mg Tab	70.00	\$36.45	-\$3.65	\$0.00	\$32.80
6/21/2023	Hospitalization Includes patient care while at the hospital	1.00	\$0.00		\$0.00	\$0.00

Subtotal: **\$172.22**

Discounts	Shelters/PetStore	-\$245.19
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Preventive Care Status for Marble (Please check for accuracy)

Procedure	Due Date	Status	Procedure	Due Date	Status
K9 Distemper	7/5/2023	Due soon	K9 Parvo	7/5/2023	Due soon
K9 Coronavirus	7/5/2023	Due soon			

A Message from VCA

myVCA app is your tailor-made guide to raising a healthy and happy pet.

Invoice Summary

Patient Name	Total Price	Total Discount	Total Tax	Total Due
Marble	\$1,017.41	-\$245.19	\$0.00	\$772.22

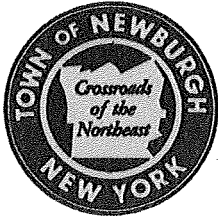
Prev Balance:	
Total Due:	\$772.22
Amount Paid:	\$0.00
Amount Due:	

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.



#9C



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

TEL: (845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

Subject: Authorization to pay Vet Services Utilizing T-94 Account

Date: 6.27.23

I am requesting authorization to use the T-94 account to pay for Vet service: N.V.H.

\*Totaling: \$ 328.37

Canine: \$ 190.36

Feline: \$ 138.01

Other: \$

**TOWN OF NEWBURGH**  
 1496 Route 300  
 Newburgh, New York 12550  
 (845) 564-4552

DEPARTMENT Animal Control

CLAIMANT'S NAME AND ADDRESS  
 Newburgh Veterinary Hospital  
 1716 Route 300  
 Newburgh, NY 12550  
 (845)564-2660

TERMS Net 30 Days

DO NOT WRITE IN THIS BOX

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
Total		
Abstract #		

Invoice # \_\_\_\_\_

Canine

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
5/26/23	852576			190.36
TOTAL				190.36

**CLAIMANT'S CERTIFICATION**

I, Dora M Cast certify that the above account is the amount of \$ 190.36 is true and correct; that the name, services and descriptions and charges were rendered to or for the municipality on the dates stated; that no part has been paid or collected; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

6/27/23  
DATE

Dora M Cast  
SIGNATURE

Practice Mgr  
TITLE

(Space below for municipal use)

**DEPARTMENT APPROVAL**

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

6/27/23  
Date

[Signature]  
Authorized Official

**APPROVAL FOR PAYMENT**

This claim is approved and ordered for paid from the appropriations indicated above

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date

[Signature]  
Auditing Board

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 06-27-23 at 11:52a  
**Date:** 05-26-23  
**Account:** 19984  
**Invoice:** 852576

Date	For	Qty	Description	Price	Discount	Net Price
05-25-23	32-23 Ethan	1	Neuter/Canine 1-5YR	380.00	292.00	88.00 **
05-25-23		1	-Isoflurane Gas Anesthesia			0.00
05-25-23		1	---PulseOximeterMonitoring w/Anes			0.00
05-25-23		1	-----Recovery in Heated Cage			0.00
05-25-23		3.30	Penicillin G Inject / ml (in hosp)	32.90	32.90	0.00 **
05-25-23		2.60	Rimadyl Inject / ml (in hosp)	80.44	80.44	0.00 **
05-25-23		1	-CapnographMonitoring w/Anesthe			0.00
05-25-23		0.90	-TelazolInject Control Log / ml			0.00
05-25-23		1	PEDICURE	18.00	18.00	0.00 **
05-25-23		1	Elizabethan Collar	30.00	10.50	19.50 **
05-25-23		1	Canine Respiratory Complex- Bord	54.00	38.75	15.25 **
Canine Kennel Cough is A HIGHLY contagious respiratory infection. Dogs can be exposed at any time through coughing or nose to nose contact. Boarding, grooming and or showing dogs can have increased risk of exposure....please be sure to have your pet boosted every 12 months.						
05-25-23		1	CANINE RABIES / 1YEAR	54.00	36.00	18.00 **
05-25-23		1	Lyme,HW,Ehrlichia,Anaplasma 4D	101.00	72.00	29.00 **
05-25-23		1	Canine Dist/A2/PI/Parvo/Lepto1YR	54.00	38.00	16.00 **
Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PPI , the best available protection against Distemper,Adenovirus, Parvovirus, Parainfluenza,and Leptosiprosis						
05-25-23		7	Vetprofen Tablets 100mg Individual	25.60	21.47	4.13 **
05-25-23		10	Amoxicillin 250mg capsule #34551	19.75	19.27	0.48 **
05-26-23		1	4DX Elisa Negative			0.00

Total charges, this invoice...

190.36

\*\*Total discount included: 659.33

Your invoice total reflects our **13Stray Cat Accounts** discount.

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**TOWN OF NEWBURGH**  
 1496 Route 300  
 Newburgh, New York 12550  
 (845) 564-4552

**DO NOT WRITE IN THIS BOX**

Data Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
Total		
Abstract #		

DEPARTMENT Animal Control

CLAIMANT'S NAME AND ADDRESS  
 Newburgh Veterinary Hospital  
 1716 Route 300  
 Newburgh, NY 12550  
 (845)564-2660

TERMS Net 30 Days

Invoice # \_\_\_\_\_

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
5/26/23	852538			51.90 ✓
5/26/23	852552			.90 ✓
6/6/23	853699			36.54 ✓
6/23/23	855624			48.67 ✓
<b>TOTAL</b>				<b>138.01</b>


**CLAIMANT'S CERTIFICATION**

I, Dora M Cast certify that the above account in the amount of \$ 138.01 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or collected; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

6/27/23 DATE      Dora M Cast SIGNATURE      Practice Mgr TITLE

(Space below for municipal use)

**DEPARTMENT APPROVAL**  
 The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.  
6/27/23 Date  
  
 Authorized Official

**APPROVAL FOR PAYMENT**  
 This claim is approved and ordered for paid from the appropriations indicated above.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Date  
  
 Auditing Board

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 06-27-23 at 11:56a  
**Date:** 05-26-23  
**Account:** 4417  
**Invoice:** 852538

Date	For	Qty	Description	Price	Discount	Net Price	
05-26-23	Oakley 16k-23	1	Fluorescein Corneal Stain	31.00	15.50	15.50	**
05-26-23		1	Ophth- SentrX Oculenis Ocular Re	46.55	29.65	16.90	**
05-26-23		1	Elizabethan Collar	30.00	10.50	19.50	**
						Total charges, this invoice...	51.90
						**Total discount included: 55.65	

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: **Oakley 16k-23** (Weight: 3.4 lbs - 16w) Last done

<b>05/23</b>	<b>FVRCP Feline #2</b>
07/23	Rabies/Purevax Feline 1yr
07/23	Neuter your pet at 5-6 months
09/23	FECAL EXAM

### **Oakley 16k-23's weight history** (in lbs)

06-23-23	3.40
05-16-23	1.40

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GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

**COPY**

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 06-27-23 at 11:55a  
**Date:** 05-26-23  
**Account:** 4417  
**Invoice:** 852552

Date	For	Qty	Description	Price	Discount	Net Price
05-26-23	Oakley 16k-23	5	Famciclovir 125mg Tabs #345615	21.20	20.30	0.90 **
Total charges, this invoice...						0.90
**Total discount included: 20.30						

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: **Oakley 16k-23** (Weight: 3.4 lbs - 16w) Last done

<b>05/23</b>	<b>FVRCP Feline #2</b>
07/23	Rabies/Purevax Feline 1yr
07/23	Neuter your pet at 5-6 months
09/23	FECAL EXAM

### Oakley 16k-23's weight history (in lbs)

06-23-23	3.40
05-16-23	1.40

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In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.



# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 06-27-23 at 11:55a  
**Date:** 06-06-23  
**Account:** 4417  
**Invoice:** 853699

Date	For	Qty	Description	Price	Discount	Net Price
06-06-23	Oakley 16k-23	1	Amoxi / Clav Drops 15ml #346359	54.55	32.91	21.64 **
06-06-23		5	Famciclovir 125mg Tabs #346360	21.20	20.30	0.90 **
06-06-23		1	Fluorescein Corneal Stain-Followup	28.00	14.00	14.00 **
Total charges, this invoice...						36.54
**Total discount included: 67.21						

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: **Oakley 16k-23** (Weight: 3.4 lbs - 16w) Last done

<b>05/23</b>	<b>FVRCP Feline #2</b>
07/23	Rabies/Purevax Feline 1yr
07/23	Neuter your pet at 5-6 months
09/23	FECAL EXAM

### Oakley 16k-23's weight history (in lbs)

06-23-23	3.40
05-16-23	1.40

LIKE US ON FACEBOOK.COM!

GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

PAID

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 06-27-23 at 11:54a  
**Date:** 06-23-23  
**Account:** 4417  
**Invoice:** 855624

Date	For	Qty	Description	Price	Discount	Net Price
06-23-23	Oakley 16k-23	1	Fluorescein Corneal Stain-Followup	28.00	14.00	14.00 **
06-23-23		1	Weight Monitoring			0.00
06-23-23		1	Vetri Lysine Plus soft chew VSL 12	31.62	15.18	16.44 **
06-23-23		15	Famciclovir 125mg Tabs #347535	28.50	25.81	2.69 **
06-23-23		1	Ophth- Neo/Poly/Hydro Ointment #	36.00	20.46	15.54 **

Total charges, this invoice... 48.67

\*\*Total discount included: 75.45

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: **Oakley 16k-23** (Weight: 3.4 lbs - 16w) Last done

<b>05/23</b>	<b>FVRCP Feline #2</b>
07/23	Rabies/Purevax Feline 1yr
07/23	Neuter your pet at 5-6 months
09/23	FECAL EXAM

### Oakley 16k-23's weight history (in lbs)

06-23-23	3.40
05-16-23	1.40

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GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.





#12A

**TOWN OF NEWBURGH  
TOWN ENGINEER**

**MEMORANDUM**

TO: Gilbert Piaquadio, Town Supervisor and Town Board  
FROM: Patrick J. Hines, Representative, Engineers for the Town  
DATE: 19 July 2023  
RE: Matrix 17K  
Town of Newburgh PB Project # 15-26  
Stormwater Management Security Release

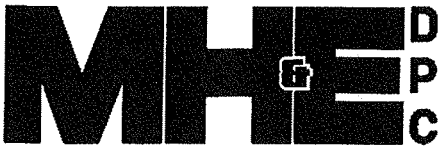
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The project sponsors of the Matrix Route 17K project have requested the release of the Site Improvement Bond covering stormwater drainage improvements at the Matrix Distribution Park off of NYS Route 17K. The project has been completed for some time, however disagreements between the contractor and the project sponsor have delayed the production of the As-Built drawings for the stormwater management facilities. The Town of Newburgh has received copies of the As-Built drawings stamped by the surveyor. Stormwater management facilities have been functioning for several years.

Following the completion of the project and the receipt of the As-Built drawings this office takes no exception to the Town Board releasing the Stormwater Security in the amount of \$1,241,000.00 for the subject project. It is noted that the security was taken out by the project sponsors contractor, Dobrinski Brothers Inc..

If you have any questions or comments I am available to discuss this further with you.

Cc: James Osborne, Town Engineer  
Ronald Clum, Town Accountant  
Gerald Canfield, Code Compliance Supervisor  
John P. Ewasutyn, Planning Board Chairman  
Raymond Aquino, Matrix Development  
Chuck Utschig, Langan Engineers



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS D.P.C.**

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)  
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)  
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)  
MATTHEW J. SICKLER, P.E. (NY & PA)  
P.E. (NY & PA)  
PATRICK J. HINES  
& PA)

Main Office  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: mheny@mhepc.com

Principal Emeritus:  
RICHARD D. McGOEY,  
  
WILLIAM J. HAUSER, P.E. (NY, NJ)

25 February 2016

Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

**ATTENTION: JAMES OSBORNE, P.E., TOWN ENGINEER**

**SUBJECT: MATRIX (15-26)  
STORMWATER BONDING**

Dear Jim:

The Town of Newburgh Planning Board has granted approval for a clearing permit for the subject project. The project's sponsor has posted a bond for cutting of trees on the site and minor grading associated with site access. Subsequent to the clearing permit a grading permit was granted by the Planning Board. The Applicant's have provided a cost estimate dated 4 February 2016, received 10 February 2016. The cost estimate is for the Stormwater Management improvements on the project site. The cost estimate is based on plans dated 3 February 2016. The unit costs and quantities identified appear consistent with the approved plans. The bond amount for the Stormwater Improvements is \$1,241,000.00 . It is noted that the actual grading of the Stormwater Management Facilities is not included in the bond amount, however the original Clearing and Grading bond is approximately \$220,000.00 which remains in effect. Based on our review of the cost estimates our office would recommend the Town would require Stormwater Bonding in the amount of \$1,241,000.00 in addition to existing Clearing bonding. An inspection fee in the amount of \$4,000.00 is required based on the Town code.

Please feel free to contact the undersigned should you require any additional information regarding this matter.

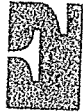
Very Truly Yours,

---

Patrick J. Hines  
Principal

• Regional Office • 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •

ACEC Member



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

TO: HON ANDREW J. ZARUTSKIE, TOWN CLERK  
JOHN P. EWASUTYN, PLANNING BOARD CHAIRMAN  
GERALD CANFIELD, CODE COMPLIANCE SUPERVISOR

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: MATRIX DISTRIBUTION PARK;  
MATRIX NEWBURGH I, LLC SITE PLAN;  
DUBRONSKI BROTHERS INC, PRINCIPAL AND  
CONTRACTOR;  
STORMWATER MANAGEMENT IMPROVEMENTS BOND:  
U.S. SPECIALTY INSURANCE COMPANY SITE  
IMPROVEMENT BOND NO.1001034667 DATED MARCH 4,  
2015 IN THE AMOUNT OF \$1,241,000.00;  
OUR FILE NO. 800.1(E)( ) (2016)  
PLANNING BOARD PROJECT NO. 2015 - 26

DATE: MARCH 8, 2016

The above referenced bond issued to Dobrinski Brothers, Inc., as Principal, securing stormwater improvements at the Matrix Newburgh I, LLC site is acceptable to our office as to form. We received a copy by e-mail and the original bond should be compared with the attached copy for conformance.

Please note that per McGoey, Hauser and Edsall's letter of February 26, 2016, an additional \$220,000 in cash security already held by the Town for clearing should continue to be held for purposes of securing grading for the stormwater improvements, as that cost was not included in the bond estimate. No landscaping security has been posted at this time.

Should you have any questions, please contact me.

MCT/sel

Enc.

cc: Hon. Gilbert J. Piaquadio, Supervisor (via e-mail)  
James Osborne, Town Engineer (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Michael H. Donnelly, Esq., Planning Board Attorney (via e-mail)  
Patrick Hines, McGoey, Hauser & Edsall (via e-mail)  
Ray Acquino, PE, LEED PA, Matrix Development Group. (via e-mail)

P: 845.562.9100  
F: 845.562.9126

655 Little Britain Road  
New Windsor, NY 12553

P.O. Box 2280  
Newburgh, NY 12550

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Jeffrey S. Sculley  
Donna M. Badura  
Alyson Pomerantz

*M. J. Rider*  
(1906-1968)  
*Elliott M. Weiner*  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk

**OF COUNSEL**

Craig F. Simon

BOND NO. 1001034667

**Site Improvement Bond**

**KNOW ALL MEN BY THESE PRESENTS:** That we Dobrinski Brothers, Inc., 1018 Whites Ferry Road, Falls, PA 18615 as Principal, and U.S. Specialty Insurance Company, 601 South Figueroa Street, Suite 1600, Los Angeles, CA 90017 a Pennsylvania corporation, authorized to do business in the State of New York as Surety, are held and firmly bound unto Town of Newburgh, 1496 Route 300, Newburgh, NY 12550 as Obligee, in the sum of One Million Two Hundred Forty One Thousand and 00/100..... Dollars (\$1,241,000.00) lawful money of the United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by these presents.

**WHEREAS,** the Principal is furnishing this bond to the Town of Newburgh as Obligee, guaranteeing only that the Principal will complete site improvements at certain land known as Storm Drainage Improvements to Matrix Distribution Park-Newburgh, this bond is limited to Storm Drainage Improvements outlined in the LANGAN Engineer's estimate, Matrix Distribution Park-Newburgh, Town of Langan Project No. 9190601 Dated 04 February 2016—Copy Attached. all of which improvements shall be completed on or before the date as agreed.

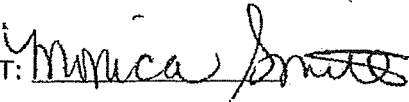
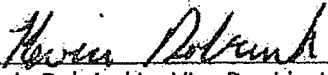
**NOW,** therefore, the condition of this obligation is such, that if the Principal shall carry out all of the terms relating to the site improvements and perform all the work as set forth therein, all within the time set forth, and shall pay all persons who shall have furnished labor or material directly to the Principal for use in the prosecution of the aforesaid work, each of which said persons shall have a direct right of action on this instrument in his/her own name and for his/her benefit, then this obligation shall be null and void; otherwise to remain in full force and effect.

No party other than the Obligee shall have the right hereunder against the Surety.


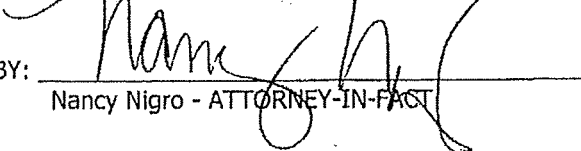
The aggregate liability of the Surety on the Bond Obligation shall not exceed the penal sum stated herein for any cause or reason whatsoever.

Signed, sealed and dated this 4<sup>th</sup> day of March, 2016.

**PRINCIPAL:** Dobrinski Brothers, Inc.

ATTEST:  BY:   
Kevin Dobrinski - Vice President

**SURETY:** U.S. Specialty Insurance Company

ATTEST:  BY:   
Nancy Nigro - ATTORNEY-IN-FACT

DESCRIPTION OF ITEM	QUANTITY	UNIT	COST	TOTAL COST
<b>Construction Items</b>				
<b>I. STORM DRAINAGE</b>				
<b>A. Pipe</b>				
2. 16" RCP	75	LF	\$ 80	4,500
3. 18" RCP	110	LF	\$ 68	7,480
12. 6" HDPE	200	LF	\$ 40	8,000
13. 12" HDPE	850	LF	\$ 45	29,250
14. 15" HDPE	3,250	LF	\$ 55	184,250
15. 18" HDPE	650	LF	\$ 68	37,400
16. 24" HDPE	2,050	LF	\$ 75	163,750
17. 30" HDPE	1,350	LF	\$ 80	121,500
18. 36" HDPE	1,100	LF	\$ 105	115,500
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21. 14" DIP	35	LF	\$ 160	5,250
<b>B. Catch Basins</b>	37	EA	\$ 5,000	190,200
<b>C. Stormwater Manholes</b>	10	EA	\$ 4,000	40,000
<b>D. Sumps</b>	250	CY	\$ 52	13,000
<b>E. Outlet/Diversion Structures</b>	12	EA	\$ 5,000	60,000
<b>F. Overhead Manholes</b>	10	EA	\$ 5,000	50,000
<b>G. Fire End Section</b>	19	EA	\$ 600	11,400
			<b>SUBTOTAL</b>	<b>1,127,980</b>
<b>TOTAL CONSTRUCTION COST</b>				<b>1,127,980</b>
<b>10% Contingency</b>				<b>112,798</b>
<b>TOTAL</b>				<b>1,240,778</b>
<b>BAY</b>				<b>1,241,000</b>

**NOTES:**

- This Engineer's estimate is based on a set of plans titled 'Matrix Distribution Park-Newburgh, Town of Newburgh, Orange County, New York' prepared by Langan and dated 03 February 2016.
- This estimate is an approximate cost of construction for Storm Drainage and reflects available cost information for construction located in Town of Newburgh, New York.
- This Engineer's estimate represents an opinion of the probable costs of construction, within a reasonable degree of certainty. This estimate does not guarantee the cost of labor, material, or equipment, nor the means, methods and procedure of the Contractor's work as determined by the Contractor and/or Owner, nor the competitive bidding submissions.
- This estimate of probable construction cost is based on our experience and qualifications as an engineer and shall be deemed to represent our opinion and judgment. This estimate cannot and does not guarantee that proposals, bids or actual costs will be the same as or within any specific percentage of this estimate of probable construction cost.
- Inherent in soils, foundations, groundwater, and other geotechnical investigations, actual conditions may vary materially from those noted at test points or sample intervals. Because of these inherent uncertainties, changed or unanticipated conditions may arise during construction activities at the project site subsequent to the initial investigation(s) that could potentially affect project scope and cost. Therefore, this estimate, with respect to potential construction costs, including environmental remediation costs, shall not be deemed a guaranteed maximum price or cost of the project.

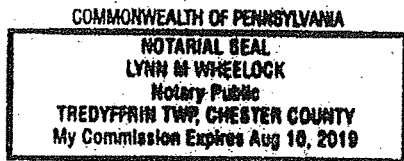
SURETY ACKNOWLEDGEMENT

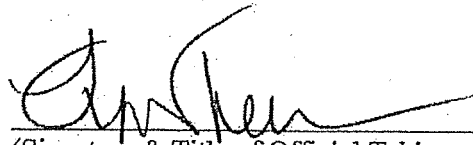
STATE OF Chester

SS:

COUNTY OF Montgomery

On this 4<sup>th</sup> day of March in the year 2016, before me personally comes Nancy Nigro, to me known; who, being by me duly sworn, deposes and says that he/she resides in the City of Collegeville, Pennsylvania, that he/she is the Attorney-in-Fact of U.S. Specialty Insurance Company the Corporation described in and which executed the foregoing instruments; that he/she knows the seal of the said Corporation; that the seal affixed to the said instrument is such seal, that it was so affixed by the order of the Board of Directors of said Corporation, and that he/she signed his/her name thereto by like order.



  
(Signature & Title of Official Taking  
Acknowledgement)  
Lynn M. Wheelock, Notary Public

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

**Eric J. Follman, Sr., Nancy Nigro, Lynn M. Wheelock, Fernanda L. Depaolantonio**

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*Unlimited\*\*\*\*\* Dollars (\$ \*\*\*unlimited\*\*\*).

This Power of Attorney shall expire without further action on December 20, 2017. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

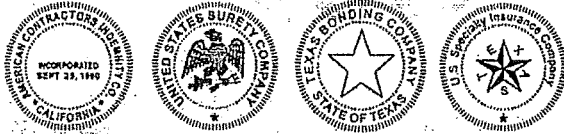
*Attorney-in-Fact* may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of December, 2014.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



By:

*[Signature]*  
**Daniel P. Aguilar, Vice President**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles SS:

On this 1st day of December, 2014, before me, Maria G. Rodriguez-Wong, a notary public, personally appeared Dan P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.  
WITNESS my hand and official seal.

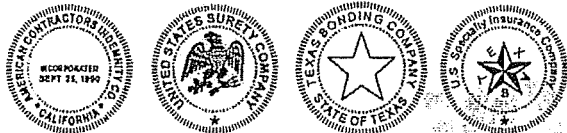
Signature *[Signature]* (Seal)



I, Michael Chalekson, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 4th day of March, 2016

Corporate Seals



Bond No. 1001034667  
Agency No. 12159

*[Signature]*  
**Michael Chalekson, Assistant Secretary**

**U.S. SPECIALTY INSURANCE COMPANY**  
**STATUTORY STATEMENT OF ADMITTED ASSETS,**  
**LIABILITIES, CAPITAL AND SURPLUS (1)**  
December 31, 2014

**Admitted Assets**

<b>Investments:</b>	
Fixed Maturities, at amortized cost	1,602,021,248
Common stocks	141,837,243
Cash and short term investments	10,810,340
Receivable for securities	874,471
<i>Total cash and invested assets</i>	<u>1,755,549,302</u>
Investment Income due and accrued	17,055,937
Premium receivable	70,185,810
Recoverable from reinsurers	11,559,484
Net deferred tax asset	33,882,202
Receivable from parent, subsidiaries and affiliates	2,586,857
	<u>135,270,309</u>
<i>Total admitted assets</i>	<u>1,890,819,611</u>

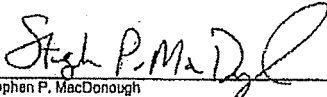
**Liabilities and Capital and Surplus**

<b>Liabilities:</b>	
Unpaid loss and loss adjustment expense	949,092,017
Commission payable	14,318,325
Accrued expenses	3,819,077
Taxes, licenses, and fees	2,833,443
Federal income tax	4,627,949
Unearned premiums	251,839,648
Advance premium	12,818,837
Dividends to policyholders	223,004
Ceded reinsurance balance payable	52,236,359
Funds held under reinsurance treaties	13,245,873
Amounts withheld or retained for others	5,818
Provision for reinsurance	743,000
Payable to parent, subsidiaries and affiliates	6,581,850
Payable for securities	1,787,871
<i>Total liabilities</i>	<u>1,313,753,067</u>
<b>Capital and Surplus:</b>	
Capital Stock	4,200,000
Additional paid-in and contributed capital	187,778,428
Unassigned surplus	385,087,118
	<u>577,066,544</u>
<i>Total liabilities and capital and surplus</i>	<u>1,890,819,611</u>

(1) - In accordance with the statutory financial statements as filed on March 1, 2015.

I, Stephen P. MacDonough, Chief Financial Officer of U.S. Specialty Insurance Company, hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities and Capital and Surplus of the Company as of December 31, 2014, prepared in conformity with accounting practices prescribed or permitted by the Texas Department of Insurance. The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon written request at the Company's home office located at 13403 Northwest Freeway, Houston, Texas 77040.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation at Houston, Texas.

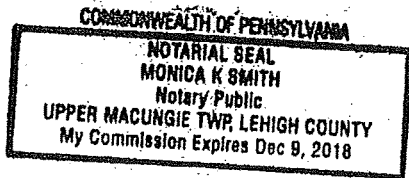
  
\_\_\_\_\_  
Stephen P. MacDonough  
Chief Financial Officer



*Principal Acknowledgement*

STATE OF Pennsylvania SS:  
COUNTY OF Lehigh

On this 4<sup>th</sup> day of March, in the year 2016, before me personally comes Kevin Dobrinski, to me known; who, being by me duly sworn, deposes and says that he/she resides in the City of Falls, PA 18615, that he/she is the Vice President of the Dobrinski Brothers, Inc. the Corporation described in and which executed the foregoing instrument; that he/she knows the seal of the said Corporation; that the seal affixed to the said instrument is such Corporate seal, that it was so affixed by the order of the Board of Directors of said Corporation, and that he/she signed his/her name thereto by like order.



Monica K. Smith  
Notary

BOND NO. 1001034667

**Site Improvement Bond**

**KNOW ALL MEN BY THESE PRESENTS:** That we Dobrinski Brothers, Inc., 1018 Whites Ferry Road, Falls, PA 18615 as Principal, and U.S. Specialty Insurance Company, 601 South Figueroa Street, Suite 1600, Los Angeles, CA 90017 a Pennsylvania corporation, authorized to do business in the State of New York as Surety, are held and firmly bound unto Town of Newburgh, 1496 Route 300, Newburgh, NY 12550 as Oblige, in the sum of One Million Two Hundred Forty One Thousand and 00/100..... Dollars (\$1,241,000.00) lawful money of the United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by these presents.

**WHEREAS,** the Principal is furnishing this bond to the Town of Newburgh as Oblige, guaranteeing only that the Principal will complete site improvements at certain land known as Storm Drainage Improvements to Matrix Distribution Park-Newburgh, this bond is limited to Storm Drainage Improvements outlined in the LANGAN Engineer's estimate, Matrix Distribution Park-Newburgh, Town of Langan Project No. 9190601 Dated 04 February 2016—Copy Attached. all of which improvements shall be completed on or before the date as agreed.

**NOW,** therefore, the condition of this obligation is such, that if the Principal shall carry out all of the terms relating to the site improvements and perform all the work as set forth therein, all within the time set forth, and shall pay all persons who shall have furnished labor or material directly to the Principal for use in the prosecution of the aforesaid work, each of which said persons shall have a direct right of action on this instrument in his/her own name and for his/her benefit, then this obligation shall be null and void; otherwise to remain in full force and effect.

No party other than the Oblige shall have the right hereunder against the Surety.

The aggregate liability of the Surety on the Bond Obligation shall not exceed the penal sum stated herein for any cause or reason whatsoever.

Signed, sealed and dated this 4<sup>th</sup> day of March, 2016 .

**PRINCIPAL:** Dobrinski Brothers, Inc.

ATTEST: [Signature] BY: [Signature]  
Kevin Dobrinski – Vice President

**SURETY:** U.S. Specialty Insurance Company

ATTEST: [Signature] BY: [Signature]  
Nancy Nigro - ATTORNEY-IN-FACT

DESCRIPTION OF ITEM	QUANTITY	UNIT	COST	TOTAL COST
<b>Construction Items</b>				
<b>I. STORM DRAINAGE</b>				
<b>A. Pipe</b>				
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<b>C. Stormwater Manholes</b>	10	EA	\$ 4,000	40,000
<b>D. Swales</b>	250	CY	\$ 52	13,000
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<b>G. Pipe End Section</b>	19	EA	\$ 600	11,400
			<b>SUBTOTAL</b>	<b>1,127,980</b>
<b>TOTAL CONSTRUCTION COST</b>				<b>\$ 1,127,980</b>
<b>10% Contingency</b>				<b>\$ 112,798</b>
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<b>BAY</b>				<b>\$ 1,241,000</b>

**NOTES:**

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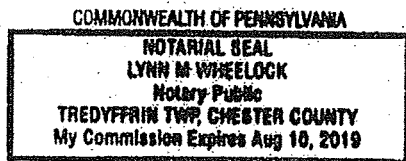
SURETY ACKNOWLEDGEMENT

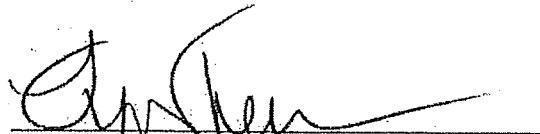
STATE OF Chester

SS:

COUNTY OF Montgomery

On this 4<sup>th</sup> day of March in the year 2016, before me personally comes Nancy Nigro, to me known; who, being by me duly sworn, deposes and says that he/she resides in the City of Collegeville, Pennsylvania, that he/she is the Attorney-in-Fact of U.S. Specialty Insurance Company the Corporation described in and which executed the foregoing instruments; that he/she knows the seal of the said Corporation; that the seal affixed to the said instrument is such seal, that it was so affixed by the order of the Board of Directors of said Corporation, and that he/she signed his/her name thereto by like order.



  
(Signature & Title of Official Taking  
Acknowledgement)  
Lynn M. Wheelock, Notary Public

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

**Eric J. Follman, Sr., Nancy Nigro, Lynn M. Wheelock, Fernanda L. Depaolantonio**

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*Unlimited\*\*\*\*\* Dollars (\$ \*\*\*unlimited\*\*\* ). This Power of Attorney shall expire without further action on December 20, 2017. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney-in-Fact* may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of December, 2014.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



By:

[Signature]  
Daniel P. Aguilar, Vice President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles SS:

On this 1st day of December, 2014, before me, Maria G. Rodriguez-Wong, a notary public, personally appeared Dan P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature [Signature] (Seal)



I, Michael Chalekson, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 4th day of March, 2016.

Corporate Seals



[Signature]  
Michael Chalekson, Assistant Secretary

Bond No. 1001034667  
Agency No. 12159

**U.S. SPECIALTY INSURANCE COMPANY**  
**STATUTORY STATEMENT OF ADMITTED ASSETS,**  
**LIABILITIES, CAPITAL AND SURPLUS (1)**  
December 31, 2014

**Admitted Assets**

<b>Investments:</b>	
Fixed Maturities, at amortized cost	1,602,021,248
Common stocks	141,837,243
Cash and short term investments	10,818,340
Receivable for securities	874,471
<i>Total cash and invested assets:</i>	<u>1,755,549,302</u>
Investment income due and accrued	17,055,937
Premium receivable	70,185,819
Recoverable from reinsurers	11,559,494
Net deferred tax asset	33,882,202
Receivable from parent, subsidiaries and affiliates	2,596,957
	<u>135,270,309</u>
<i>Total admitted assets</i>	<u>1,890,819,611</u>

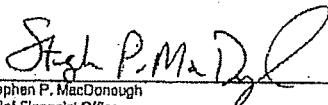
**Liabilities and Capital and Surplus**

<b>Liabilities:</b>	
Unpaid loss and loss adjustment expense	949,082,017
Commission payable	14,318,325
Accrued expenses	3,819,077
Taxes, licenses, and fees	2,633,443
Federal income tax	4,627,849
Unearned premiums	251,839,846
Advance premium	12,818,837
Dividends to policyholders	223,004
Ceded reinsurance balance payable	52,238,359
Funds held under reinsurance treaties	13,245,873
Amounts withheld or retained for others	5,818
Provision for reinsurance	743,000
Payable to parent, subsidiaries and affiliates	6,561,850
Payable for securities	1,787,871
	<u>1,313,753,067</u>
<i>Total liabilities</i>	
<b>Capital and Surplus:</b>	
Capital Stock	4,200,000
Additional paid-in and contributed capital	187,778,428
Unassigned surplus	385,087,118
	<u>577,065,546</u>
<i>Total liabilities and capital and surplus</i>	<u>1,890,819,611</u>

(1) - In accordance with the statutory financial statements as filed on March 1, 2015.

I, Stephen P. MacDonough, Chief Financial Officer of U.S. Specialty Insurance Company, hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities and Capital and Surplus of the Company as of December 31, 2014, prepared in conformity with accounting practices prescribed or permitted by the Texas Department of Insurance. The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon written request at the Company's home office located at 13403 Northwest Freeway, Houston, Texas 77040.

IN WITNESS WHEREOF, I have herunto set my hand and affixed the seal of the Corporation at Houston, Texas.

  
\_\_\_\_\_  
Stephen P. MacDonough  
Chief Financial Officer

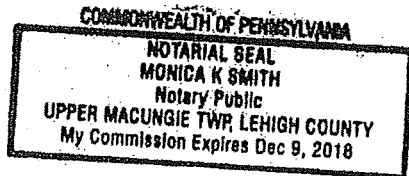
**Principal Acknowledgement**

STATE OF Pennsylvania

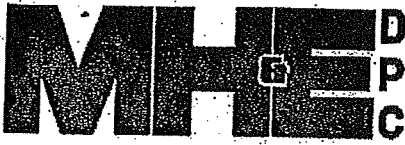
SS:

COUNTY OF Lehigh

On this 4<sup>th</sup> day of March, in the year 2016, before me personally comes Kevin Dobrinski, to me known; who, being by me duly sworn, deposes and says that he/she resides in the City of Falls, PA 18615, that he/she is the Vice President of the Dobrinski Brothers, Inc. the Corporation described in and which executed the foregoing instrument; that he/she knows the seal of the said Corporation; that the seal affixed to the said instrument is such Corporate seal, that it was so affixed by the order of the Board of Directors of said Corporation, and that he/she signed his/her name thereto by like order.



Monica K. Smith  
Notary



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS D.P.C.**

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)  
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)  
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)  
MATTHEW J. SICKLER, P.E. (NY & PA)  
PATRICK J. HINES

Main Office  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: mheny@mhepc.com

Principal Emeritus:  
RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

25 February 2016

Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

**ATTENTION: JAMES OSBORNE, P.E., TOWN ENGINEER**

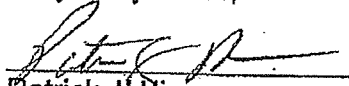
**SUBJECT: MATRIX (15-26)  
STORMWATER BONDING**

Dear Jim:

The Town of Newburgh Planning Board has granted approval for a clearing permit for the subject project. The project's sponsor has posted a bond for cutting of trees on the site and minor grading associated with site access. Subsequent to the clearing permit a grading permit was granted by the Planning Board. The Applicant's have provided a cost estimate dated 4 February 2016, received 10 February 2016. The cost estimate is for the Stormwater Management improvements on the project site. The cost estimate is based on plans dated 3 February 2016. The unit costs and quantities identified appear consistent with the approved plans. The bond amount for the Stormwater Improvements is \$1,241,000.00 . It is noted that the actual grading of the Stormwater Management Facilities is not included in the bond amount, however the original Clearing and Grading bond is approximately \$220,000.00 which remains in effect. Based on our review of the cost estimates our office would recommend the Town would require Stormwater Bonding in the amount of \$1,241,000.00 in addition to existing Clearing bonding. An inspection fee in the amount of \$4,000.00 is required based on the Town code.

Please feel free to contact the undersigned should you require any additional information regarding this matter.

Very Truly Yours,

  
Patrick J. Hines  
Principal



cc: Gilbert Piaquadio, Town Supervisor  
Mark Taylor, Town Attorney  
John Ewasutyn, Planning Board Chairman

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DESCRIPTION OF ITEM	QUANTITY	UNIT	COST	TOTAL COST
<b>Construction Items</b>				
<b>I. STORM DRAINAGE</b>				
A. Pipe				
2. 18" RCP	76	LF	\$ 80	4,600
3. 18" RCP	110	LF	\$ 88	7,480
12. 6" HDPE	200	LF	\$ 40	8,000
13. 12" HDPE	650	LF	\$ 45	29,250
14. 16" HDPE	3,350	LF	\$ 55	184,250
15. 18" HDPE	650	LF	\$ 88	37,400
16. 24" HDPE	2,050	LF	\$ 76	153,780
17. 30" HDPE	1,350	LF	\$ 80	121,500
18. 36" HDPE	1,100	LF	\$ 106	116,500
19. 42" HDPE	600	LF	\$ 126	82,500
20. 48" HDPE	650	LF	\$ 140	91,000
21. 14" DIP	35	LF	\$ 150	5,250
B. Catch Basins	37	EA	\$ 3,600	133,200
C. Stormwater Manholes	10	EA	\$ 4,000	40,000
D. Swales	250	CY	\$ 52	13,000
E. Outlet/Diversion Structures	12	EA	\$ 5,000	60,000
F. Oversized Manholes	10	EA	\$ 5,000	50,000
G. Flare End Section	19	EA	\$ 800	11,400
			<b>SUBTOTAL \$</b>	<b>1,127,880</b>
			<b>TOTAL CONSTRUCTION COST \$</b>	<b>1,127,880</b>
			<b>10% Contingency \$</b>	<b>112,788</b>
			<b>TOTAL \$</b>	<b>1,240,778</b>
			<b>SAY \$</b>	<b>1,241,000</b>

**NOTES:**

- This Engineer's estimate is based on a set of plans titled 'Matrix Distribution Park-Newburgh, Town of Newburgh, Orange County, New York' prepared by Langan and dated 03 February 2016.
- This estimate is an approximate cost of construction for Storm Drainage and reflects available cost information for construction located in Town of Newburgh, New York.
- This Engineer's estimate represents an opinion of the probable costs of construction, within a reasonable degree of certainty. This estimate does not guarantee the cost of labor, material, or equipment, nor the means, methods and procedures of the Contractor's work as determined by the Contractor and/or Owner, nor the competitive bidding submissions.
- This estimate of probable construction cost is based on our experience and qualifications as an engineer and shall be deemed to represent our opinion and judgment. This estimate cannot and does not guarantee that proposals, bids or actual costs will be the same as or within any specific percentage of this estimate of probable construction cost.
- Inherent in soils, foundations, groundwater, and other geotechnical investigations, actual conditions may vary materially from those noted at test points or sample intervals. Because of these inherent uncertainties, changed or unanticipated conditions may arise during construction activities at the project site subsequent to the initial investigation(s) that could potentially affect project scope and cost. Therefore, this estimate, with respect to potential construction costs, including environmental remediation costs, shall not be deemed a guaranteed maximum price or cost of the project.

#123

**Town of Newburgh**

**Section 97 Block 3 Lot**

**TOWN OF NEWBURGH**

**Stormwater Control Facility Maintenance Agreement**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the Town of Newburgh, having an address at 1496 Route 300, Newburgh, New York 12550 (“Municipality”) and Newburgh South Congregation of Jehovah’s Witnesses, having an address at 33 Old Little Britain Road, Newburgh, NY 12550 (the “Facility Owner”).

Whereas, the Municipality and the Facility Owner want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

Whereas, the Facility Owner is the owner of certain real property in the Town of Newburgh consisting of approximately +/- 6.80 acres more particularly described in Schedule “A” annexed hereto and made a part hereof (the “Property”); and

Whereas, the Municipality and the Facility Owner desire that the stormwater control measures be built in accordance with the plans as conditionally approved by the Town of Newburgh Planning Board on June 15, 2023 and the Storm Water Pollution Prevention Plan (hereinafter “SWPPP”) dated April 28, 2023 and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now, therefore, the Municipality and the Facility Owner agree as follows:

1. This agreement binds the Municipality and the Facility Owner, its successors and assigns to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Municipality’s Stormwater Management Officer.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project plans for the Facility known as Newburgh South Congregation of Jehovah’s Witnesses on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.

3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.
6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality in accordance with the recommendations of the inspecting engineer.
7. The Facility Owner shall provide to the Municipality within 30 days of the date of this agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.
9. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. The Facility Owner shall reimburse the Municipality for all costs and expenses, including reasonable attorneys' fees, incurred in enforcing this Agreement and curing a violation.



**SCHEDULE "A"**

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF NEWBURGH, COUNTY OF ORANGE AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER OF THE OLD LITTLE BRITAIN ROAD LEADING FROM THE PRESENT LITTLE BRITAIN ROAD TO UNION AVENUE SAID POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LANDS OF M. AND J. FLANAGAN; AND RUNS

THENCE ALONG THE LANDS OF SAID FLANAGAN, BEING ALONG A STONE WALL, SOUTH 29° 29' WEST 429.65 FEET TO THE CORNER OF A STONE WALL;

THENCE ALONG LANDS OF AFORESAID FREDERICK D. CALYER, BEING ALONG A STONE WALL, NORTH 67° 48' WEST 264.4 FEET TO AN ANGLE IN SAID WALL;

THENCE STILL ALONG LANDS OF SAID CALYER, BEING ALONG A STONE WALL, NORTH 68° 53' WEST 360.9 FEET TO THE JUNCTION OF TWO STONE WALLS IN THE EASTERLY LINE OF LANDS OF HOMER R. WILLIAMS;

THENCE ALONG LANDS OF SAID WILLIAMS, BEING ALONG A STONE WALL, NORTH 15° 03' EAST 379.1 FEET TO THE CENTER OF AFORESAID OLD LITTLE BRITAIN ROAD;

THENCE ALONG THE CENTER OF SAID ROAD THE FOLLOWING COURSES AND DISTANCES:

SOUTH 81° 46' EAST 41 FEET;

SOUTH 87° 13' EAST 138 FEET;

SOUTH 77° 33' EAST 115 FEET;

SOUTH 71° 12' EAST 232 FEET;

SOUTH 61° 11' EAST 100.75 FEET; AND

SOUTH 57° 25' EAST 113.8 FEET TO THE PLACE OF BEGINNING.



Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A - Information relating to conveyance

Form with sections for Grantor/Transferor and Grantee/Transferee, including checkboxes for entity types and fields for name, address, and SSN/EIN.

Location and description of property conveyed

Table with 5 columns: Tax map designation, SWIS code, Street address, City, town, or village, and County.

Type of property conveyed (mark an X in applicable box)

Form with numbered checkboxes for property types (1-9) and a date of conveyance field.

Condition of conveyance (mark an X in all that apply)

Form with multiple checkboxes (a-s) describing the condition of conveyance.

Table for recording officer's use with columns for Amount received, Date received, and Transaction number.

**Schedule B – Real estate transfer tax return (Tax Law Article 31)**

**Part 1 – Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) .....  **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

1.	0	00
2.	0	00
3.	0	00
4.	0	00
5.	0	00
6.	0	00

**Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

- 1 Enter amount of consideration for conveyance (from Part 1, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

1.	0	00
2.	0	00
3.	0	00

**Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F ..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) ..... k

\* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

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**Schedule C – Credit Line Mortgage Certificate** (Tax Law Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

This is to certify that: (mark an X in the appropriate box)

1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - a.  The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - b.  The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - c.  The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - d.  The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Note:** for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- e.  Other (attach detailed explanation).
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - a.  A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - b.  A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

**Signature (both the grantors and grantees must sign)**

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Newburgh South Congregation of Jehovah's Witnesses

Town of Newburgh

\_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Gilbert J. Piaquadio, Supervisor  
 \_\_\_\_\_  
 Title

\_\_\_\_\_  
 Grantor signature

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Grantee signature  
 \_\_\_\_\_  
 Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

**Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

**Part 1 – New York State residents**

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferors/sellers**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

**Part 2 – Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

**Exemption for nonresident transferors/sellers**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

#12C

**TOWN OF NEWBURGH  
TOWN ENGINEER**

**MEMORANDUM**

TO: Gilbert Piaquadio, Town Supervisor and Town Board  
FROM: Patrick J. Hines, Representative, Engineers for the Town  
DATE: 20 July 2023  
RE: South Newburgh Congregation Jehovah Witness  
Town of Newburgh PB Project # 22-31  
33 Old Little Britain Road (97-3-13)

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The project proposes a new religious facility to be located at 33 Old Little Britain Road. Applicant's representative GPI Engineering have submitted a cost estimate for the soil erosion and sediment control and stormwater improvements for the site (copy attached). A cost estimate of \$106,556 for the stormwater improvements is identified. Approval of stormwater security requires Town Board action.

In accordance with Section 104-2G(3) a 4% escrow deposit is required for review and inspection of the stormwater facilities. An initial escrow deposit of \$4,262.24, say \$4,250 should be deposited with the Code Enforcement Department.

If you have any questions or comments I am available to discuss this further with you.

Cc: James Osborne, Town Engineer  
Ronald Clum, Town Accountant  
Gerald Canfield, Code Compliance Supervisor  
John P. Ewasutyn, Planning Board Chairman  
Josh Modglin – JW Support  
John Montagne – GPI Engineers

Project Name:  
 Planning Board No.:

Municipality:  
 Date:

**PUBLIC IMPROVEMENT UNIT PRICES**  
 (Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total		Completed Quantity	Completed Cost	Remaining Cost
			Quantity	Total Cost			
<b>Roadway and Parking Lot</b>							
Grade Subgrade in ROW	SY	\$ 1.20					
Cut and Chip Trees	AC	\$ 8,820.50					
Stump removal and disposal	AC	\$ 6,105.50					
Erosion Control	AC	\$ 4,340.00					
Silt Fence	LF	\$ 6.50	950	\$ 6,175.00			\$ 6,175.00
<b>Roadway Subbase</b>							
Roadway Subbase (8" Course)	CY	\$ 62.40					
Roadway Subbase (12" Course)	SY	\$ 14.40					
Roadway Subbase (15" Course)	SY	\$ 21.00					
	SY	\$ 25.90					
<b>Asphalt Pavement</b>							
Asphalt Pavement (1.5" top)	TN	\$ 183.20					
Asphalt Pavement (2" top)	SY	\$ 16.10					
Asphalt Pavement (3" course)	SY	\$ 20.75					
Asphalt Pavement (3.5" course)	SY	\$ 31.00					
Asphalt Pavement (4" course)	SY	\$ 36.25					
Asphalt Pavement (5" course)	SY	\$ 42.00					
Asphalt Pavement (intensive handwork)	TN	\$ 51.75					
	TN	\$ 285.25					
<b>Tack Coat</b>							
Double Surface Treatment	SY	\$ 1.00					
	SY	\$ 11.00					
<b>Roadway ROW Topsoil (6") &amp; Seeding</b>							
Concrete Monuments	SY	\$ 17.55					
Roadway As-Builts (50' Wide)	EA	\$ 196.75					
Street Signs (Traffic Control)	LF	\$ 1.50					
Street ID	EA	\$ 305.35					
	EA	\$ 340.00					
<b>Concrete Curbing</b>							
	LF	\$ 50.00					

Project Name:  
 Planning Board No.:

Municipality:  
 Date:

**PUBLIC IMPROVEMENT UNIT PRICES**  
 (Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total		Completed Quantity	Completed Cost	Remaining Cost
			Quantity	Total Cost			
Concrete Sidewalk up to 1000 SY	SY	\$ 115.00		\$ -		\$ -	
Concrete Sidewalk >1000 SY	SY	\$ 80.00		\$ -		\$ -	
Concrete Sidewalk (4' Wide)	LF	\$ 52.00		\$ -		\$ -	
Concrete Sidewalk (5' Wide)	LF	\$ 63.85		\$ -		\$ -	
Street Trees (2.5" Cal; w/ frame and grate)	EA	\$ 1,700.00		\$ -		\$ -	
Street Trees (2.5" Cal)	EA	\$ 770.00		\$ -		\$ -	
Street Lights (std. luminaire, u/g feed)	EA	\$ 9,200.00		\$ -		\$ -	
Guide Rail (W-Beam)	LF	\$ 67.90		\$ -		\$ -	
Guide Rail (Box Beam)	LF	\$ 95.00		\$ -		\$ -	
End Section (W-Beam, Wrap)	EA	\$ 1,208.00		\$ -		\$ -	
End Section (W-Beam, Concrete Anchor)	EA	\$ 3,000.00		\$ -		\$ -	
Modular Block Retaining Wall (upto 6' High)	SF	\$ 55.00		\$ -		\$ -	
Modular Block Retaining Wall (over 6' High)	SF	\$ 65.00		\$ -		\$ -	
Concrete Retaining Wall (upto 6' High)	CY	\$ 950.00		\$ -		\$ -	
Concrete Retaining Wall (over 6' High)	CY	\$ 1,155.75		\$ -		\$ -	
<b>Drainage</b>							
Catch Basin (Standard Depth)	EA	\$ 4,888.00	7	\$ 34,216.00		\$ -	\$ 34,216.00
Stormwater Manhole (Standard Depth)	EA	\$ 5,428.00	1	\$ 5,428.00		\$ -	\$ 5,428.00
Connection to Existing Catch Basin	EA	\$ 1,360.00		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 15")	LF	\$ 75.00	112	\$ 8,400.00		\$ -	\$ 8,400.00
Stormwater Pipe (HDPE - 18")	LF	\$ 92.00		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 24")	LF	\$ 101.75		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 30")	LF	\$ 122.00		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 36")	LF	\$ 143.00		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 48")	LF	\$ 190.00		\$ -		\$ -	\$ -
End Section (HDPE)	EA	\$ 815.00	3	\$ 2,445.00		\$ -	\$ 2,445.00
Stormwater Pipe (RCP - 15")	LF	\$ 81.75		\$ -		\$ -	\$ -
Stormwater Pipe (RCP - 18")	LF	\$ 92.00		\$ -		\$ -	\$ -
Stormwater Pipe (RCP - 24")	LF	\$ 101.75		\$ -		\$ -	\$ -
Stormwater Pipe (RCP - 30")	LF	\$ 162.75		\$ -		\$ -	\$ -

Project Name:  
 Planning Board No.:

Municipality:  
 Date:

**PUBLIC IMPROVEMENT UNIT PRICES**  
 (Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total		Completed Quantity	Completed Cost	Remaining Cost
			Quantity	Total Cost			
Stormwater Pipe (RCP - 36")	LF	\$ 203.50		\$ -		\$ -	\$ -
Stormwater Pipe (RCP - 48")	LF	\$ 291.50		\$ -		\$ -	\$ -
End Section (RCP)	EA	\$ 1,020.00		\$ -		\$ -	\$ -
Concrete Headwall	EA	\$ 8,280.00		\$ -		\$ -	\$ -
Rip Rap Drainage Channel	CY	\$ 120.00	4	\$ 480.00		\$ -	\$ 480.00
Non-lined Drainage Channel	LF	\$ 16.40		\$ -		\$ -	\$ -
Preformed Pipe/Stone Underdrain	LF	\$ 35.40	430	\$ 15,222.00		\$ -	\$ 15,222.00
Concrete Box Culvert (6'x4') w/wingwalls	LF	\$ 3,122.00		\$ -		\$ -	\$ -
Concrete Box Culvert (3'x3'), w/wingwalls	LF	\$ 2,445.00		\$ -		\$ -	\$ -
<b>Water</b>							
Watermain (DI - 8")	LF	\$ 110.00		\$ -		\$ -	\$ -
Gate Valve (8")	EA	\$ 2,300.00		\$ -		\$ -	\$ -
Tapping Sleeve and Valve (8")	EA	\$ 8,165.00		\$ -		\$ -	\$ -
Watermain (DI - 12")	LF	\$ 135.00		\$ -		\$ -	\$ -
Gate Valve (12")	EA	\$ 6,960.00		\$ -		\$ -	\$ -
Tapping Sleeve and Valve (12")	EA	\$ 10,178.00		\$ -		\$ -	\$ -
Hydrant Assembly	EA	\$ 7,800.00		\$ -		\$ -	\$ -
House service (w/out licensed plumber)	EA	\$ 2,715.00		\$ -		\$ -	\$ -
Air relief Valve & Vault	EA	\$ 10,800.00		\$ -		\$ -	\$ -
Pressure Reducing Valve & Vault	EA	\$ 14,258.50		\$ -		\$ -	\$ -
Watermain Offset (8")	EA	\$ 6,785.00		\$ -		\$ -	\$ -
Line Stop and Gate Valve Installation (8")	EA	\$ 12,215.00		\$ -		\$ -	\$ -
Insertion Valve (8")	EA	\$ 14,950.00		\$ -		\$ -	\$ -
6" C900 PVC	LF	\$ 75.00		\$ -		\$ -	\$ -
6" Gate Valve	EA	\$ 1,800.00		\$ -		\$ -	\$ -
<b>Sewer</b>							
Sewer Main (Strd Depth, PVC - 8")	LF	\$ 92.00		\$ -		\$ -	\$ -
Sewer Main (Strd Depth, PVC - 12")	LF	\$ 114.00		\$ -		\$ -	\$ -
Sewer PVC Force Main	LF	\$ 92.00		\$ -		\$ -	\$ -



#12D



## Memorandum

**To:** Supervisor Gil Piaquadio and the Town of Newburgh Board

**From:** Karen Arent, Landscape Architect

**Date:** July 19, 2023

**Subject:** Kingdom Hall Landscape and Performance Bonds

**Town Project Number:** 2022-31

**Consultant:** GPI Engineering

**Cc:** Chairman John Ewasutyn and the Town of Newburgh Planning Board, Pat Hines, Dominick Cordisco, Gerald Canfield, Jim Campbell, John Montagne, RLA, Josh Modglin

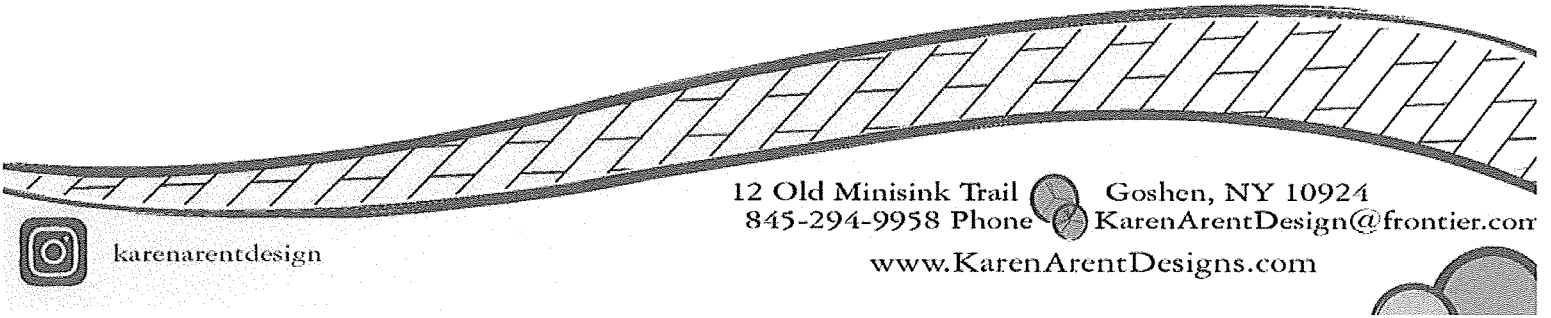
### COMMENTS:

The landscape cost estimate and performance bond estimate for Kingdom Hall were reviewed. The board should be aware that the cost estimate submitted by the applicant does not include any labor or warranty costs, as is standard for the Town of Newburgh. The applicant plans to use volunteer labor for landscape installation on site. We concur that the prices for the plants themselves are accurate.

With the landscape cost estimate as submitted, the landscape bond will be \$30,143, and the landscape inspection escrow \$2,000.

If the landscape cost estimate needs to include labor and warranty costs, the landscape bond would be \$44,541 and the landscape inspection escrow would be \$2,000.

We recommend approval of Performance Bond for monitoring trees to remain and be protected that are located within 15 feet of the limit of disturbance. The bond would be \$16,875. A landscape monitoring escrow should be considered as the code requires at





Comments for Kingdom Hall  
July 19, 2023

least five visits to the site to inspect the trees to be protected, and the inspections would be completed at a different time than the landscape planting inspection.

-Page 2 of 2-



karenarentdesign

12 Old Minisink Trail Goshen, NY 10924  
845-294-9958 Phone KarenArentDesign@frontier.co  
www.KarenArentDesigns.com



#12F

WATER

Mr. James W. Osborne  
Town Engineer  
Town of Newburgh  
1496 Rte. 300  
Newburgh, NY 12550

RE: Proposal for Chadwick Lake Dam Improvements -  
Design and Permitting Services

Date July 14, 2023

FILE: 1131783/CRM No. 140821

Ramboll  
751 Arbor Way  
Suite 200  
Blue Bell, PA 19422  
USA

T 484-804-7200  
F 215-628-9953  
<https://ramboll.com>

**Dear Mr. Osborne,**

Ramboll Americas Engineering Solutions, Inc. (Ramboll) is pleased to present this proposal to the Town of Newburgh (Town) for dam engineering services concerning Chadwick Lake Dam. This proposal and associated tasks are based on the recommendations from the 2021 Engineering Assessment (EA) for Chadwick Lake Dam and subsequent subsurface investigation memorandum. Based on these studies, the dam is currently not in compliance with the applicable NYSDEC criteria for the Spillway Design Flood (SDF) stability and spillway capacity and the recent subsurface investigation indicated that a portion of the spillway is not founded on rock as indicated on the available historical drawings, which has further sliding stability implications. In addition, the dam does not currently have a functioning low-level outlet.

During a recent meeting with the Town officials, the Town requested that Ramboll prepare a proposal for design and permitting of a new spillway that satisfies all dam safety criteria for spillway discharge capacity and stability and for design of a new or rehabilitated low-level outlet (LLO). Ramboll proposes to subdivide the design effort into phases due to the need for additional investigation to better define subsurface and underwater conditions at the dam that will have significant influence on the design approach to some project elements. This letter presents our proposed scope of services and fee to perform the Supplementary

Investigation and Basis of Design Phase, as outlined in the task descriptions below.

## **SCOPE OF SERVICES**

### **TASK 1A – SUPPLEMENTARY (DESIGN PHASE) SUBSURFACE INVESTIGATION**

Ramboll will conduct a supplementary subsurface investigation of the dam to support the geotechnical and structural design of a new spillway and outlet works. The supplementary investigation is needed to establish the longitudinal and transverse profile of the bedrock in the spillway area. This investigation will fill gaps in the existing subsurface data and help to evaluate the surficial rock quality for support of the new spillway.

Ramboll proposes to perform up to three supplemental test borings within the spillway area to establish soil and rock stratigraphy with depth to competent bedrock for support of the spillway and training walls. Additional borings will be advanced at the crest and downstream toe of the embankment to characterize the soil types and elevations in the embankment to support the left training wall design and the embankment toe drain design. Standard penetration tests will be performed at continuous intervals and the borings advanced to refusal on bedrock. Rock corings will then be advanced 10 to 25 feet below top of rock to establish rock quality and to obtain core samples for strength evaluation. Selected soil samples will be submitted for laboratory testing, including moisture content, grain size distribution, unit weight, and Atterberg limits. Selected rock cores will be tested for unit weight, unconfined compressive strength, splitting tensile strength and direct shear strength. A Ramboll geotechnical engineer will oversee the subsurface investigation program and will direct the collection of soil samples and rock cores.

The proposed boring locations are shown on the attached Figure 1 – Test Boring Plan. In order to access the boring locations, it will be necessary to utilize a skid or ATV drill rig and either divert the reservoir around the work area using sandbags or conduct the drilling during low lake levels when the upstream berm is exposed above the water surface. Drill rig access may require lowering the lake levels such that an ATV drill rig can access the earth fill berm on the upstream side of the spillway. Ramboll will coordinate with the Town in advance of the work to ensure lake levels are low enough to provide access to this area. The drilling rig and support equipment will need access from the park trail to the west of the spillway, similar to the previous investigation in February 2023.

### **TASK 1B – DIVING INSPECTION OF EXISTING UNDERWATER INTAKE**

Ramboll will subcontract a certified commercial diving contractor to perform underwater inspections of both the low-level outlet near the center of the dam and the intermediate outlet that is integral with the left spillway training wall. The inspection will provide information on the existing condition of these intakes, which will be critical to design of new or upgraded systems or design of pipe abandonment methods. The diving contractor will provide an inspection report which will be incorporated into the Basis of Design (BOD) Report. A Ramboll engineer will be on site during the diving inspection.

### **TASK 1C – ROV INSPECTION OF EXISTING LLO PIPE**

The findings of the Task 1B diving inspection will inform the scope of work for further investigation inside the existing LLO pipe. The diving subcontractor will install a blanking flange or alternate system capable of sealing the upstream end of the existing LLO pipe to allow for pipe dewatering and internal pipe inspection using a Remotely Operated Vehicle (ROV) system. This data will provide information on

the existing condition of the interior of the pipe that will support design of rehabilitation measures or pipe abandonment methods. The diving subcontractor will provide an inspection report and digital video files that will be incorporated into the BOD Report. A Ramboll engineer will also be on site during the ROV inspection.

#### **TASK 1D – BATHYMETRIC SURVEY**

Ramboll will subcontract a professional land surveyor licensed in the State of New York to perform a bathymetric survey of the submerged upstream slope of the dam and lake bottom adjacent to the embankment, an area of approximately 3.2 acres. The bathymetric surveyor will collect point elevation and horizontal position data on an approximate 10-ft grid pattern. This data will be processed to generate topographic mapping of the submerged areas that can be merged with the existing upland topographic survey., which will be utilized as the base map for the dam improvements design. The bathymetric survey will be performed by a two-man field crew utilizing small boats and electric motors to be provided by the Town. The bathymetric surveyor will take care to avoid any negative impacts to the water quality in the lake, and will adhere to Town boating regulations for Chadwick Lake Park. A Ramboll engineer will be on site during the bathymetric survey.

#### **TASK 2 – BASIS OF DESIGN**

##### **Spillway Replacement**

The spillway improvements are anticipated to consist of complete demolition of the existing spillway (weir, training walls, mid-level outlet, and downstream apron) and replacement with a new ogee-shaped concrete gravity weir section, new concrete training walls, and new concrete apron slab. The new spillway will be generally located at the location of the existing spillway and along the same alignment. Hydraulic analyses will be performed using the Flow Science FLOW-3D software package. FLOW-3D is a state-of-the-art, three-dimensional computational fluid dynamics (CFD) hydraulic modeling software. The FLOW-3D software will be used to optimize spillway geometry, length, and crest elevation such that it can pass the spillway design flood (SDF), which is 50% of the Probable Maximum Flood (PMF). The CFD model domain will also include the area downstream of the proposed spillway to analyze flow conditions to better estimate velocities and scour or erosion potential. Based on the model results, we may design an energy dissipation structure, scour protection, or a berm, to ensure flows are safely conveyed downstream to the receiving stream.

We anticipate that the spillway will be divided into at least two overflow sections with differing crest elevations, such that normal flows are isolated to a primary spillway section and adjacent sections would activate in response to larger storms.

Task 2 will include initial structural layout and sizing of the concrete spillway (weir and training walls) and the energy dissipation or scour protection system. Preliminary stability and stress analyses will be performed for the worst-case loading conditions to ensure the new structures meet the NYSDEC Dam Safety gravity dam stability requirements.

**Low-Level Outlet System**

The existing low-level outlet reportedly consists of a pipe penetration extending perpendicular to the axis of the dam along the embankment and native soil foundation interface. An existing gate house with manual valve operator is located on the downstream side of the embankment, which indicates that the segment of pipe extending upstream of the gatehouse is pressurized by the full reservoir head. The gate/valve has not been opened for many years out of concern that the valve could seize in the open position and unintentionally drain the lake. Further, there is uncertainty regarding the condition of the upstream pipe opening and the integrity of the pipe itself. This system has likely reached the functional end of its design life.

Task 2 will also include a conceptual design and associated hydraulic calculations for a new LLO system or repairs to the existing LLO system, depending on the findings of Tasks 1B and 1C. We anticipate that a new LLO would be incorporated into the new spillway section, if feasible, and may consist of a gated LLO conduit or permanent siphon system sized to lower the reservoir at a rate that meets the minimum drawdown rate per NYS Dam Safety guidelines.

If the findings of the diving inspection indicate that rehabilitation of the existing LLO is not feasible, Ramboll recommends that the pipe be abandoned in place by filling completely with non-shrink grout. As an additional element of the dam rehabilitation design, Ramboll will develop conceptual details for the pipe abandonment.

**Embankment Seepage Filter, Collection and Monitoring System**

Seepage has been evident at the toe of the embankment for many years and appears to originate near the junction of the embankment and the left spillway training wall. The source of the seepage is not clearly evident; however, the rate of seepage has remained relatively steady over the years (based on observations during dam safety inspections) and no turbidity has been noted where the seepage daylighted at the embankment toe. Attempts have been made to monitor the seepage using V-notch weirs installed over shallow drainage swales that convey the seepage away from the dam; however, the existing system is in poor condition and often becomes overgrown with vegetation.

As part of the dam rehabilitation, Ramboll recommends construction of a new embankment toe drain with an integrated flow monitoring station to provide a means for safe filtration and collection of seepage with low-maintenance flow monitoring. The toe drain would likely consist of a graded sand and gravel filter surrounding a perforated pipe that traverses the full length of the embankment at a shallow depth below grade. The monitoring station would likely be a shallow manhole or concrete vault located at the junction of the toe drain pipe and the final outfall location, which could be equipped with a V-notch weir and sediment collection sump.

**Basis of Design Report**

Ramboll will prepare a Basis of Design Report (BODR) to present the results of the field investigations and engineering analyses, along with conceptual level drawings and a preliminary list of technical specifications. The design concepts will include consideration of the control of water measures that may be required during construction and may influence design details and constructability. A preliminary construction cost estimate will be included in the BODR for project budgeting purposes. The draft BODR will be submitted to the Town for review and Ramboll will address the review comments for incorporation of changes into the final conceptual design and BODR.



Ramboll will organize a workshop with Town representatives to present the BODR concepts and to discuss any other operational features that the Town would like to include in the final design. Upon mutual agreement on the design approach, Ramboll will prepare a proposal to advance the design to final bid document stage and to assist with project permitting.

**PRICE PROPOSAL**

Ramboll proposes to complete the abovementioned Scope of Services for a lump sum fee of \$206,300, as presented in the breakdown below.

<b>Task</b>	<b>Ramboll Fee</b>	<b>Subcontractor Cost</b>
<b>1 – Investigation and Basis of Design</b>		
1A – Subsurface Investigation	\$14,300	\$40,000
1B – Diving Inspection	6,000	15,000
1C – ROV Pipe Inspection		5,000
1D – Bathymetric Survey	2,200	8,000
<b>2 – Basis of Design</b>		
2A – H&H Analysis and Design	35,100	
2B – Geotechnical Analysis and Design	8,000	
2C – Structural Analysis and Design	18,800	
2D – Site Civil Design	4,200	
2E – CAD Drafting	10,500	
2F – OOM Cost Estimate	6,200	
2G – Basis of Design Report	30,000	
<b>Direct Expenses</b>	3,000	
<b>Subtotal</b>	<u>138,300</u>	<u>\$68,000</u>
<b>Total Proposed Fee</b>		<b>\$206,300</b>

If you have any questions about this proposal, please feel free to contact Mark Natale or the undersigned. We appreciate the opportunity to continue to provide engineering services to the Town of Newburgh.

Yours sincerely,

**Robert R. Bowers, PE**  
Vice President  
Dams & Water Resources

D 484-804-7209  
[Robert.Bowers@ramboll.com](mailto:Robert.Bowers@ramboll.com)

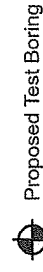
cc: Mark Natale, PE

Boring	POINT_X	POINT_Y
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B-2	611055.502801	992158.871876
B-4	610990.236199	992101.857226
B-3	611007.053095	992149.728193
B-5	611029.941172	992196.340961

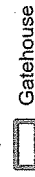
Spatial Reference  
Name: NAD\_1983\_StatePlane\_New\_York\_East\_FIPS\_3101\_Feet



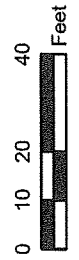
**Legend**



Proposed Test Boring



Gatehouse



**TEST BORING PLAN  
CHADWICK LAKE DAM**

**Town of Newburgh**  
Orange County, NY

**FIGURE 01**

RAMBOLL US CONSULTING, INC.  
A RAMBOLL COMPANY



#12G

TOWN OF NEWBURGH  
TOWN ENGINEER

MEMORANDUM

TO: G. Piaquadio, Supervisor & Town Board

FROM: J. Osborne, Town Engineer *JWO*

DATE: 19 July 2023

RE: Water Supply Budge Transfer

---

Based on the postponement of the NYC Delaware Aqueduct Tunnel shut-down, I am requesting a budget transfer to re-purpose monies meant for lease payments on the trailer-mounted filter system.

I am requesting the following budget transfer to fund the purchase of a 12 inch diameter pressure reducing valve and strainer for installation at the Delaware Aqueduct Tap Water Treatment Plant.

From: F8330.4001.5497 (Rentals\lease\Maint)  
To: F8330.4002.5200 (Capital Equipment)  
Amt: \$100,000

As the above requires Town Board action, I am requesting this item be placed on the next available agenda.

If you have any questions or comments I am available to discuss them with you.

Cc: R. Clum, Town Accountant  
P. Hines, Representative, Town Engineer