

ANDREW J. ZARUTSKIE
Town Clerk
1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

PUBLIC MEETING AGENDA

Monday, March 3, 2014
7:00 p.m.

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. MOMENT OF SILENCE**
- 4. CHANGES TO AGENDA**
- 5. APPROVAL OF AUDIT**
- 6. (7:00 P.M.) PUBLIC HEARING: Proposed new Local Law Amending Off Street Parking Regulations**
 - A. Public Hearing**
 - B. SEQRA Designation & Determination**
 - C. Resolution of Adoption**
- 7. LOCAL LAW Amending Home Occupations**
 - A. SEQRA Designation and Determination**
 - B. Resolution of Adoption**
- 8. POLICE:**
 - A. Hiring Part Time Police Officers**
 - B. Hiring of Court Officers**
- 9. DEPARTMENT OF PUBLIC WORKS:**
 - A. (Highway) Lease of Additional Radios**
 - B. (Highway) Summer Material and Other Bids**
 - C. (Highway) Hiring of Seasonal Employees**
- 10. ACCOUNTING: 2013 Bid Deposits**
- 11. ENGINEERING: MHE Proposal for Engineering Services for Meadow Hill Drainage/Thruway Authority Project**
- 12. TOWN CLERK: Appointment of new Deputy Town Clerk**
- 13. PARKS AND RECREATION: Asbestos Survey at Young Property**
- 14. ANNOUNCEMENTS**
- 15. PUBLIC COMMENTS**
- 16. ADJOURNMENT**

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DRAFT

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 March, 2014 at 7:00 o'clock p.m.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaucadio, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH: OFF STREET PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS AND OF CAMPING TRAILERS, RECREATIONAL VEHICLES AND BOATS

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 the Town of Newburgh Zoning Code Section 185-13 to permit the parking of one commercial vehicle having a gross vehicle weight of not more than 16,500 pounds not contained in a garage or carport on a private lot in a residential district, provided that any other commercial vehicle within a carport on the lot is completely screened from view and also amends the Zoning Code's provisions to permit the storage of a recreational vehicle or camping trailer and a boat in a front yard in a residential district, so long as it is not done in the required front yard set back; 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 zoning 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 the Zoning Code of the Town of Newburgh (the "Action"); and

WHEREAS, the proposed local law was introduced before the Town Board on the 18th day of June, 2012, and the Town Board conducted a public hearing held on the 23th day of July, 2012 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, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the 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, using all due diligence, has identified no other involved agencies for the Action; and

WHEREAS, the Town Board has identified the following interested agencies for the Action:

Orange County Department of Planning
Town of Newburgh Planning Board
Town of Newburgh Zoning Board of Appeals

and;

WHEREAS, the EAF and other appropriate information were forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board, together with copies of the proposed local law, in accordance with the requirements of the General Municipal Law and the Town of Newburgh Zoning Code and to the Town of Newburgh Zoning Board of Appeals; and

WHEREAS, the identified interested agencies were notified of the Town Board's intent to act as the Lead Agency for the Action in a coordinated review; and

WHEREAS, pursuant to Section 617.6(b)(1) of Part 617, "[w]hen a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency"; and

WHEREAS, the Action is consistent with the adopted Town of Newburgh Comprehensive Plan Update and is also consistent with the Orange County Comprehensive Plan; and

WHEREAS, the Town Board has also considered the consistency of the amendment with the needs and goals identified by the April, 2009 *Tri-County Affordable Housing Study*, conducted jointly by Orange, Dutchess, and Ulster Counties, and the potential affects of the Action on the Town's ability to meet goals for providing rental and owner occupied affordable housing; and

WHEREAS, recognizing that the impact that an action may have on population patterns or existing community character, with or without a separate impact on the physical environment is a relevant concern in an environmental analysis since the statute includes these concerns as elements of the environment, the Town Board has considered and analyzed information pertaining to those impacts; 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 nonsignificance; 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 which includes the amendment to the Town of Newburgh Zoning Code 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; and

WHEREAS, among its considerations of potential cumulative impacts of other actions with the Action, the Town Board has also specifically considered and analyzed the potential impacts of another Local Law it is considering contemporaneously adopting and the potential cumulative impacts of the adoption of both Local Laws, to wit: "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to Establish Supplementary Regulations Applicable to Home Occupations."

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, does further declare 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 further 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 and/or Deputy 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.

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

George Woolsey, Councilman voting _____

Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The resolution was thereupon declared duly adopted.

DRAFT

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 March, 2014 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. ___ OF 2012 - AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF TOWN OF NEWBURGH: OFF STREET PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS AND OF CAMPING TRAILERS, RECREATIONAL VEHICLES AND BOATS

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

WHEREAS, a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Off Street Parking of Commercial Vehicles in Residential Districts and of Camping Trailers, Recreational Vehicles and Boats was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 29th day of January, 2014; 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 adopted a resolution on the 29th day of January, 2014 ordering a public hearing to be held on the 3d day of March, 2014 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law #___ of the Year 2014 entitled "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Off Street Parking of Commercial Vehicles in Residential Districts and of Camping Trailers, Recreational Vehicles and Boats"; and

WHEREAS, a notice of Public Hearing and copy of the local law were mailed to the clerks of the municipalities and counties with boundaries within 500 feet of the properties affected by the zoning amendment at least ten days prior to the date of the Public Hearing; and

WHEREAS, a notice of said Public Hearing was duly advertised on the ___th day of February, 2014 in The Mid-Hudson Times and on the ___th day of February, 2014 in The Sentinel and posted on the Town Clerk's sign board on the ___th day of February, 2014; and

WHEREAS, the public hearing was duly held on the 3rd day of March, 2014 at 7:00 o'clock p.m., at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has considered the adoption of said Local Law amending the Town of Newburgh Zoning Code as a Type I 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, the Town Board of the Town of Newburgh has additionally considered the future housing needs of the region and the consistency of the Amendment with the needs and goals identified by the April, 2009 *Tri-County Affordable Housing Study*, conducted jointly by Orange, Dutchess, and Ulster Counties, and the potential affects of the Action on the Town's ability to meet goals for providing rental and owner occupied affordable housing; and

WHEREAS, due to the adoption of intervening introductory local laws and local laws introduced in the prior calendar year, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. ___ of 2014; 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 2014 entitled "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Off Street Parking of Commercial Vehicles in Residential Districts and of Camping Trailers, Recreational Vehicles and Boats".
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 Zoning 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:

George Woolsey, Councilman voting _____

Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The resolution was thereupon declared duly adopted.

**INTRODUCTORY LOCAL LAW # __ OF 2014
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH:
OFF STREET PARKING OF COMMERCIAL VEHICLES
IN RESIDENTIAL DISTRICTS
AND OF CAMPING TRAILERS, RECREATIONAL VEHICLES AND BOATS**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh: Off Street Parking of Commercial Vehicles in Residential Districts and of Camping Trailers, Recreational Vehicles and Boats."

SECTION 2 - AMENDMENTS TO CHAPTER 185.

1. Subsection 185-13A entitled "Permitted accessory parking" of Section 185-13 entitled "Off-street parking and loading facilities" is hereby amended to read as follows:

"A. Permitted accessory parking.

- (1) There is no limitation on the number of agricultural vehicles permitted accessory to farm use.
- (2) The storage of not more than one camping trailer **or recreational vehicle** and not more than one boat is permitted, provided that no such trailer, **recreational vehicle** or boat is stored within a required front yard **set back.**"

2. Subsection 185-13E entitled "Off-street parking of commercial and recreation vehicles in all residential districts" of Section 185-13 entitled "Off-street parking and loading facilities" is hereby amended to read as follows:

"E. Off-street parking of commercial and recreation vehicles in all residential districts. Commercial vehicles may be parked off street in residential districts, provided that:

- (1) The vehicle is engaged in the provision of service, delivery or pickup at a residence.

- (2) The vehicle is on a private lot, other than those cited in Subsection E(1) above, and is operated by an occupant of the principal building and the commercial vehicle is totally contained within a garage or carport. Notwithstanding the foregoing and the provisions of Section 185-46, one commercial vehicle having a gross vehicle weight not more than 16,500 pounds, operated by an occupant of the principal building, and not contained in a garage or carport is permitted to be parked on a private lot, provided that any other commercial vehicle within a carport on the lot is completely screened from view.
- (3) Farm and agriculturally related commercial vehicles located on agricultural residential parcels are exempt from these regulations.
- (4) Campers or recreational vehicles, camper trailers and utility trailers may not be parked in a residential district in a required front yard set back nor between the street line and the principal building other than those cited in Subsection A(2) above. In no event shall such parked vehicles be used for residential purposes.”

SECTION 3 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**INTRODUCTORY LOCAL LAW # 3 OF 2012
A LOCAL LAW AMENDING CHAPTER 185 ENTITLED
"ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH TO ESTABLISH
SUPPLEMENTARY REGULATIONS APPLICABLE TO
HOME OCCUPATIONS**

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

SECTION 1 – TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Establish Supplementary Regulations Applicable to Home Occupations".

SECTION 2 – PURPOSE AND INTENT

The Town Board of the Town of Newburgh declares its intent to amend the Town of Newburgh Zoning Code in order to clearly prohibit accessory home occupation activities outside of dwellings so that such accessory uses are restricted to uses within dwellings. In that regard, the Town Board finds that certain uses cannot be conducted solely within dwellings as currently required by the Zoning Code and are accordingly to be explicitly prohibited. Additionally, the Town Board finds that certain activities that may be associated with home occupations will have detrimental impacts on neighboring residences and residential neighborhoods and accordingly supplemental regulations of home occupations are needed.

SECTION 3 – AMENDMENTS TO CHAPTER 185

- 1. Section 185-3 entitled "Definitions; word usage" is hereby amended by revising the definition of "HOME OCCUPATION" as follows:

HOME OCCUPATION

Any gainful occupation or profession customarily conducted within a dwelling by the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one nonresident employee working on the premises at any one time and shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling, if so used. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; and teaching, with musical, dancing and other instruction limited to one pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barbershop or beauty parlor, restaurant, animal hospital, ~~or~~ commercial animal breeding, taxi service or yard and in residential zones, uses which entail the outdoor use, maintenance, servicing, testing, cleaning, repair, loading, unloading or storage of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities conducted on the property containing the dwelling.

2. A new Section 185-48.6 entitled "Home Occupations" is hereby added to Chapter 185 to read as follows:

"§ 185-48.6 Home Occupations

- A. Findings. The Town of Newburgh permits customary Home Occupations to be conducted as accessory uses in dwellings subject to special permit in each of its residential districts and in the B (Business) district. The Town Board of the Town of Newburgh finds that certain occupations, which potentially could be conducted in dwellings, are detrimental to residential neighborhoods and accordingly are specifically prohibited. The Town Board of the Town of Newburgh additionally finds that occupations which require the use of outdoor motor equipment, machinery or vehicles or which involve outdoor on-premise work activities or outdoor storage upon the property occupied by the subject dwelling are also detrimental to residential neighborhoods as a result of noise, traffic on residential streets, emissions and related impacts, and accordingly the presence of such equipment, machinery and vehicles and such outdoor work activities should not be permitted on the property located in a residential zone in conjunction with Home Occupations.
- B. Purposes. Home Occupations are permitted subject to special permit in recognition that certain occupations and professions have been customarily conducted within dwellings by residents without changing the character of the structure as a residence or the property occupied by the structure. A Home Occupation will change the residential character of the structure and the property it occupies, however, if it is not confined to the interior of the dwelling or if the presence of non-residential employees is not limited. If an occupation which commences as a Home Occupation prospers and grows to a point where it is a business with more than one nonresident employee, then it should no longer be conducted as a Home Occupation. It is accordingly appropriate that the Zoning Board of Appeals require as a condition of the granting of all Home Occupation special permits that the permit be for a finite time period and subject to application by the applicant at the stated interval for renewal following review and hearing by the Zoning Board of Appeals.

Certain occupations due to the traffic they generate, noise or odor impacts are detrimental to neighboring residential properties or neighborhoods. Certain occupations which have indoor office components but also entail the use, maintenance, storage, testing, cleaning, repair, loading or unloading of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities, to the extent such activities are conducted upon the property occupied by the dwelling, also have detrimental impacts to neighboring residential properties and neighborhoods.

The purpose of this section is to establish regulations for Home Occupations so that they do not have detrimental impacts on neighboring residences and residential neighborhoods and to specifically prohibit certain uses and activities as home occupations in residential zones in order to preserve the character of residential neighborhoods.

- C. No more than one nonresident employee, associate, assistant or intern shall work on the premises at any one time. The nonresident employee's, associate's, assistant's or intern's work activities shall be confined to space within the dwelling. The nonresident employee, associate, assistant or intern shall not engage in outdoor work activities. No additional nonresident employees, associates, assistants or interns shall report to the property for any purpose, including but not limited to transportation to off site work premises, conferences, training or testing.

F. The following are prohibited as home occupations:

1. clinic;
2. hospital;
3. barbershop;
4. beauty parlor;
5. restaurant;
6. animal hospital;
7. commercial animal breeding;
8. uses in residential zones which include the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles;
9. uses in residential zones which include outdoor work activities conducted on the property containing the dwelling; and
10. taxi or ambulance service or yard.

Any such use which has previously received a special permit from the Zoning Board of Appeals or existed prior to prohibition in the Zoning Code shall be deemed nonconforming.

- G. No outdoor machinery, motor equipment or commercial vehicular maintenance, service, testing, cleaning or repair, nor the loading and unloading of motor equipment in conjunction with a Home Occupation shall be conducted on the residential premises of the Home Occupation in residential zones, except inside a building on the premises.
- H. No commercial vehicle, trailer or motor equipment parking, storage, loading or unloading in conjunction with the Home Occupation shall take place outdoors on the residential premises of a Home Occupation in a residential zone, except for the parking of one vehicle as permitted pursuant to § 185-13E. Home occupations shall provide off-street parking for any and all anticipated increases in vehicles at the premises above and beyond the parking already required. Off-street parking required for the home occupation shall not be located in a front yard.
- I. Delivery and pickup of material or commodities to and from the residential premises of a Home Occupation in a residential zone by a commercial vehicle shall not exceed 20 vehicle trips per week.
- J. The Home Occupation shall not use, store, produce or dispose of any toxic or hazardous material.
- K. The Home Occupation in a residential zone shall not produce any odor, noise, vibration, smoke, dust, heat, or glare discernible at the property line.
- L. No outdoor display of goods other than agricultural food products or outdoor storage of goods, equipment, containers or material used in the Home Occupation shall be permitted in a residential zone.
- M. Home Occupations shall be limited to one per lot.
- N. When applicable, the building construction classification and fire separations for the building shall comply with the applicable fire and building safety requirements of the

unloading, or storage of outdoor machinery, motor equipment or commercial vehicles or other outdoor work activities conducted on the property containing the dwelling, where the property is adjacent to and abutting other residential property shall terminate one (1) year from the date this Local Law is adopted unless, within the time specified, the owner or mortgagee or both appeal to the Zoning Board of Appeals and the Zoning Board of Appeals by decision and resolution extends the termination date for an additional period of time not to exceed two (2) years from the date this Local Law is adopted.

- (2) In the event that an appeal is taken to a court of competent jurisdiction from any of the provisions of this amortization section or from any decision of the Zoning Board of Appeals, the period of termination set forth above shall continue to run during said appeal.
- (3) In the event the owner permanently ceases the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles and other outdoor work activities, the nonconforming Home Occupation may continue in accordance with §185-19A following the expiration of the periods set forth above.

C. Notice of termination.

- (1) Upon the adoption of this Local Law, the Building Inspector shall serve a notice of termination upon the owners of the real property and the mortgagee, if any, of any mortgage on real property, notifying them that the operation of the nonconforming Home Occupation shall terminate on the date specified in the notice. The notice shall further state that the owner or mortgagee, or both, may, within 60 days of the date the notice is served, file an application with the Zoning Board of Appeals for an extension of the termination date.
- (2) If no such application is filed within the time set forth herein, it shall be presumptive proof that the termination date set forth in said notice is reasonable and that the nonconforming Home Occupation has been fully amortized, and the use shall terminate on the date specified in the notice.
- (3) The notice of termination shall be sent by certified mail, return receipt requested, to the owner of the real property at the address set forth on the most recent tax rolls of the Town and to any mortgagee at the address set forth on any recorded mortgage.
- (4) In the event that the certified letter is not accepted by the owner, the posting of a copy of the notice on the property and the mailing of a copy by regular mail to the owner's address shall be deemed sufficient notice.

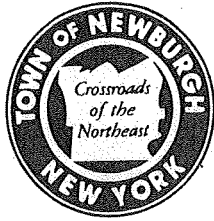
E. Standing. Any resident of the Town and the Town Board shall have the standing and the right to intervene in any hearing before the Zoning Board of Appeals.

SECTION 5 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

Jean

PERSONNEL DEPT.

PH: 845-566-7785
Fax: 845-564-2170

To: Supervisor Booth
Town Board
Jackie Calarco, Town Accountant

From: Charlene M Black, Personnel

CB

Date: February 25, 2014

Re: Part time Police Officers and Part time Court Attendants

Please find attached applications and Employee Request forms from Chief Clancy requesting the approval of three part time Police Officers and three Court Attendants. The police officers have completed their psychological and will need to have a physical, drug/alcohol testing, fingerprints and all their paperwork. As for the three attendants, Ms. Mejas is already an employee for our Animal Control department and will only need a new ID card and the two other applicants will need a physical, drug/alcohol testing, fingerprints and complete his paperwork.

9a



HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177
FAX 845-561-8987

TODD DEPEW
HIGHWAY SUPERINTENDENT

TO: Wayne C. Booth, Supervisor & Town Board Members
FROM: Todd DePew, Highway Superintendent
DATE: February 27, 2014
RE: Radio's

I would like permission to add (3) three more radio's with VHF Bans, one to each of the following trucks; my truck and the (2) work leaders trucks. These radios will be able to monitor the Orange County Emergency Services and the EMS services which was requested by the Fire Departments.

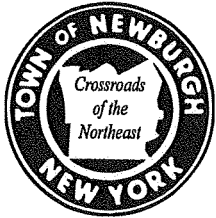
The cost for this service will be \$30.00 per truck per month, added to the current lease package. There will be no charge on the installation.

If you have any questions please feel free to call me. Thanking you in advance.

TD/ch

cc: John Platt, DPW Commissioner

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HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177
FAX 845-561-8987

TODD DEPEW
HIGHWAY SUPERINTENDENT

TO: Wayne C. Booth, Supervisor & Town Board Members
FROM: Todd DePew, Highway Superintendent
DATE: February 27, 2014
RE: Summer Material and Other Bids

I would like to be put on the agenda, to go out to bid for the Summer Materials including Guide Rails, Chip Spreader, Wheel Rubber Tire Roller, Line Striping and Aluminum Box Culverts. Also the individual bids for the Cold Milling Machine, Brush Grinding and Tree Cutting.

If you have any questions please feel free to call me. Thanking you in advance.

TD/ch
cc: John Platt, DPW Commissioner



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

Andrew

PERSONNEL DEPT.

PH: 845-566-7785
Fax: 845-564-2170

To: Wayne C Booth, Town Supervisor
Town Board
Jackie Calarco, Town Accountant

From: Charlene M Black, Personnel *(CW)*

Date: February 26, 2014

Re: Seasonal Workers

The following people have been interviewed for Seasonal Full time(100 days):

Gary Bradley
Adam DeVirgilio
William Gross
William Stohner
Andrew Stevens

If approved all need to complete their paperwork, be fingerprinted and Drug and Alcohol tested. A start date of March 13, 2014.



HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177
FAX 845-561-8987

TODD DEPEW
HIGHWAY SUPERINTENDENT

TO: Charlene Black, Personnel Department
FROM: Todd DePew, Highway Superintendent
DATE: February 26, 2014
RE: Seasonal Employees

I am recommending the following candidates for full time seasonal work at the Town of Newburgh Highway Department. Their titles will be seasonal laborer and the rate of pay will be \$12.00 per hour, with a tentative start date of March 20, 2014. Thank you.

Gary Bradley
Adam DeVirgilio
William Gross
Andrew Stevens
William Stohner

TD:ch



TOWN OF NEWBURGH

1496 Route 300, Newburgh New York 12550

10

JACQUELINE M. CALARCO, CPA
ACCOUNTANT

845-564-5220
Fax 845-566-1432
E-Mail: townacct@frontiernet.net

To: Wayne C. Booth, Supervisor
CC: Town Board
From: Jackie Calarco, Town Accountant
Date: February 24, 2014
RE: Bid Deposits

Below is a list of the bid deposits (T-31) that are over six months old. In the past the Town board approved transfer these bid deposits to the general fund after six months. Please approve the transfer of these funds amounting to \$500 to the general fund.

05/03/13	Reed Const.Data	West Stone St.(sewer bid)	50.00
05/06/13	Advanced Excavating Inc.	West Stone St.(sewer bid)	50.00
05/06/13	Orange County Const.	West Stone St.(sewer bid)	50.00
08/05/13	Raines & Nagler Contractin	Laurie Lane Project	50.00
08/06/13	Montana Construction Corp	Laurie Lane Grandview Dr.wtr	50.00
08/07/13	Tam Enterprise	Laurie Lane Grandview Dr.wtr	50.00
08/08/13	ELQ Industries	Laurie Lane Grandview Dr.wtr	50.00
08/09/13	Whispering Pines Dev.	Laurie Lane Grandview Dr.wtr	50.00
08/12/13	Construction Bibeau	Laurie Lane Grandview Dr.wtr	50.00
08/16/13	Corp,Mcnamee Const.	Laurie Lane Grandview Dr.wtr	50.00



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

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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

3 March 2014

Town of Newburgh
1496 Route 300
Newburgh, New York 12550

ATTENTION: WAYNE BOOTH, SUPERVISOR

**REFERENCE: PROPOSAL FOR PROFESSIONAL SERVICES /MEADOW HILL/
SYCAMORE DRIVE WITH NEW YORK STATE THRUWAY
DRAINAGE ISSUE**

Dear Mr. Booth:

This proposal is presented as a result of a meeting held on 27 February 2014 between representatives of the Town of Newburgh and the NYS Thruway Authority. Patrick Ferracane of the NYSDEC was also present. The purpose of the meeting was to discuss existing conditions within the Meadow Hill road drainage system as well as concerns identified by the NYS Thruway Authority in the vicinity of mile marker 60.9. As a result of the meeting, which included discussions of the Thruway Authority as well as MH&E reports, it was concluded that technical meetings between the Thruway's Consultant and the Town of Newburgh representatives would be the method proceed. The Thruway Authority was provided with a copy of this office's report regarding the tributary drainage area to the Meadow Hill Road discharge point. In addition, we have provided calculations for design of a reconstructed swale.

The following is a summary of basic of engineering support services to be provided.

- o McGoey, Hauser and Edsall will assist the Town of Newburgh in evaluating any proposals/reports/plans prepared by the NYS Thruway Authority or its Consultants.
- o McGoey, Hauser and Edsall will evaluate the engineers report prepared by the Thruway's Consultant to date with regard to providing a list of deficiencies in the report.
- o MH&E will request survey and engineering data from the NYS Thruway Authority at select design points in the drainage system and review any calculations provided by the Thruway Authority.
- o McGoey, Hauser and Edsall will assist the Town of Newburgh by attending any meetings with the NYS Thruway Authority and/or the NYSDEC. MH&E will provide support services to the Town as requested.

Fees: As the scope of services and duration of meetings is unknown at this time, we propose to provide the above reference services at an hourly rate based on the attached fee schedule. For purposes of budgeting this proposal, we anticipate a cost of approximately \$10,000.00 - \$15,000.00.

Although we cannot guarantee the action of the approving agencies, our office will make every effort to respond to all questions raised toward gaining such approvals.

For purposes of proper scheduling of the work, this proposal shall remain valid for a period of thirty (30) days, after which time an extension or a new proposal will be required.

Invoicing for this project will be forwarded on a monthly basis or upon completion of each phase of the work and payment is expected within thirty (30) days thereafter; overdue accounts will be charged 1 1/2% interest per month, which shall be due and payable after thirty (30) days. Costs for collection and reasonable Attorney's fees shall be due and payable on delinquent accounts. Our office cannot guarantee that work can be continued should payments become overdue. McGoey, Hauser and Edsall reserves the right to terminate work without liability for consequential or other damages if payment is not received within fifteen (15) days of notice that we intend to stop work for this reason.

The Client agrees to limit the Engineer's liability to the Client and to all the Contractors, persons or firms furnishing services, materials or labor in connection with this Proposal, due to negligent acts, errors or omissions, such that the total aggregate liability of the Engineer shall not exceed the cost of services under this Proposal or Fifty Thousand Dollars (\$50,000.00); whichever is less.

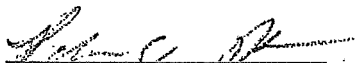
The Engineer (McGoey, Hauser and Edsall Consulting Engineers, P.C.) shall not, in any way, be responsible for the Contractor's performance or failure to perform in compliance with the plans and specifications nor with any applicable Codes, Rules and Regulations. The Engineer shall in no way be responsible for Contractors' means, methods or techniques of construction, nor safety precautions incident thereto.

This instrument constitutes the entire agreement between the parties hereto and sets forth the rights, duties and obligations of each to the other as of its date. Any prior agreements, promises, negotiation or representations not expressly set forth in this Proposal are of no force in effect. This Contract shall inure to and be binding on the heirs, executors, administrators, successors and assigns to the parties hereto. By signature of this Proposal, the signee agrees that they will be personally responsible for payment of the fees due and agree to the scope of services and conditions described above.

If the above is acceptable, please sign where shown below authorizing us to proceed with the work. Thank you for the opportunity of submitting this Proposal, and we look forward to your favorable reply.

Very truly yours,

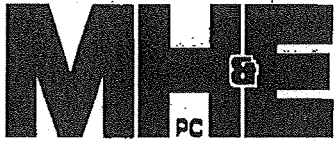
**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.**


Patrick J. Hines
Associate

**ACCEPTED AND AUTHORIZED
TOWN OF NEWBURGH**

Wayne Booth
Supervisor

Date: _____



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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

MUNICIPAL
STANDARD FEE SCHEDULE

(Revised August 2013)

A. HOURLY AND PER DIEM RATES*:

Firm Representative	Hourly	Per Diem
Principal	\$140.00	\$1,120.00
Associate	\$119.00	\$ 920.00
GIS Manager	\$115.00	\$ 920.00
Structural Engineer II	\$107.00	\$ 856.00
Senior Engineer/Designer	\$ 98.00	\$ 768.00
GIS Programmer	\$ 96.00	\$ 768.00
Structural Engineer/Designer I	\$ 87.00	\$ 696.00
Project Engineer/Designer	\$ 85.00	\$ 680.00
GIS Field Supervisor	\$ 85.00	\$ 680.00
Staff Engineer/Designer	\$ 74.00	\$ 592.00
GIS Mapping Technician	\$ 74.00	\$ 592.00
Engineering Technician II	\$ 69.00	\$ 552.00
Engineering Technician I	\$ 62.00	\$ 496.00
CAD Technician II	\$ 71.00	\$ 568.00
CAD Technician I	\$ 60.00	\$ 480.00
Field Representative**	\$ 59.00	\$ 472.00
GIS Field Data Collector	\$ 60.00	\$ 480.00
Administrative Services	\$ 49.00	\$ 392.00
Clerical/Secretarial	\$ 36.00	\$ 288.00

* Except expert testimony and consulting for legal procedures, which are charged at \$1,450 per day or any part thereof.

** See #6 below

B. GENERAL CONDITIONS:

1. Fees for services or tasks for engineering design, field construction observation, surveys, etc. will be computed based on the firm representative(s) performing the services and the hours expended, unless a lump sum agreement has been executed.
2. Per diem charges are based on an eight hour day. Time in excess of same will be chargeable at the hourly rate (1-1/2 overtime rate, if applicable). When services are away from office, chargeable time is continuous from leaving office until time of return to office after services are rendered.
3. In addition to the above fees, all out-of-pocket and traveling expenses, blueprint and reproduction charges, telephone calls, telegrams, mailing charges, and other disbursements are chargeable, plus a 20% service charge, unless any such charges are specifically noted as included in the agreement. Mileage will be chargeable at a rate of \$0.52 per mile.
4. Without a prior appointment, services of personnel cannot be assured for any certain day.
5. Reproduction charges are based on \$0.15 per photocopy and \$3.00 per D size plan(24' x 36") and \$4.00 per E size plan (30" x 42"), unless otherwise stipulated by agreement.
6. Field Representative rate is based on work between the hours of 8:00 am and 5:00 pm, weekdays. Other time periods will be billable at an overtime rate (1-1/2 rate).

Municipal Fee Schedule - August 2013

REGIONAL OFFICES

- 111 Wheatfield Dr. - Suite One • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

ANDREW J. ZARUTSKIE
Town Clerk

845-564-4554
Fax: 845-564-8589
e-mail: town-clerk@townofnewburgh.org

MEMO

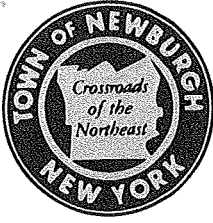
TO: All Town Board Members
FROM: Andrew Zarutskie, Town Clerk
DATE: February 28, 2014

Please be advised that I wish to appoint Mrs. Brenda J. Milkovich, of 3 Countess Court in the Town of Newburgh, to the vacant position of First Deputy Town Clerk.

I would like Mrs. Milkovich to begin her duties on Thursday, March 20.

Mrs. Milkovich has begun the paperwork process with Mrs. Black in the Personnel Office, and her appointment will be conditioned upon her completing this process.

Thank you for your consideration.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

845-564-7815
FAX: 845-564-7827

February 28, 2014

TO: Town Board Members
FROM: Robert J. Petrillo, Commissioner
RE: Pre-Demolition Asbestos Survey

We have received two quotes for asbestos surveys on the properties indicated below:

<u>Water District Funds</u>	<u>Hudson Valley Environmental</u>	<u>Quest Environmental</u>
Location: 617 Route 32 (Baxter House)	\$2,245	\$4,395
Variance If Needed	<u>\$1,420</u>	
	\$3,665	
 <u>Park Land Trust Funds (Recreation)</u>		
Location: 116 Mill Street (Greenhouse)	\$1,339	\$4,115
Location: 118 Mill Street (Barn)	<u>\$ 552</u>	<u>\$2,055</u>
	\$1,891	\$6,170

Before I can get a quote for asbestos abatement, we need to have a pre-demolition asbestos surveys of the properties completed.

Hudson Valley Environmental has the lowest quotes for this project. Since the properties are in two separate Departments, I am requesting that \$1,891.00 be taken from Park Land Trust to begin the process of removing the two buildings from the Young property. If the Board is still interest in demolishing the Baxter house the price will come out of the Water District Funds.

Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to be 'RJP', written in a cursive style.

Robert J. Petrillo
Commissioner

/attachment

TOWN OF NEWBURGH
SUMMARY OF QUOTATION FORM

Section V

REQUESTED BY: RECREATION DATE PREPARED: 2/28/14

ITEM/SERVICE PURCHASED PRE-DEMOLITION ASBESTOS SURVEY

VENDOR NAME HURON VALLEY ENVIRONMENTAL QUALIT ENVIRONNEMENTAL

ADDRESS MONROE N.Y 1376 RTE 9

CITY/STATE/ZIP WARREN FALLS N.Y

PHONE # 249-1987 298-6031

CONTACT PERSON SETH PIKER PAUL RODRIGUEZ

PRICE QUOTED SEE ATTACHED SEE ATTACHED
PARKLAND TRUST 1891 - PARKLAND TRUST 6170 } PLUS 1720.00
BAXTER 3665 - BAXTER 4395 Lump sum TRAVEL MATERIALS

VENDOR CHOSEN BAXTER 3665 -

*NOTE: If the vendor you wish to purchase from did not give the lowest quote, state reason why you did not purchase from the lowest cost vendor.

CHASE HURON VALLEY ENVIRONMENTAL - \$1891.00 FROM PARKLAND TRUST FOR
THE YOUNG PROPERTY BUILDINGS AND \$3665.00 FROM THE WATER FUND IF YOU
WANT TO PROCEED WITH THE BAXTER HOUSE DEMOLITION

DEPARTMENT HEAD SIGNATURE [Signature] DATE: 2/28/14

(ATTACH ANY WRITTEN QUOTES, IF REQUIRED)



Hudson Valley Environmental

Monroe, NY
845.249.1987

To: Robert Petrillo
From: Seth Piker

Date: February 24, 2014

Hi Rob

Thank you for the opportunity to submit this proposal for 617 Rt. 300, Newburgh, NY.
The proposal includes buildings listed above

Hudson Valley Environmental's pricing is \$400 for the asbestos inspection plus samples. The sampling and sampling analysis are conducted as per New York State Code Rule 56 (from here on in will be referred to as CR56), with standard turn-around time. **Details of Sampling listed in the summary table below.**

Samples will be collected as per New York State CR56 guidelines by a Lic. NYS Asbestos Inspector (#089-01429), and analyzed by a New York State ELAP certified Laboratory (NY ELAP #11480, AIHA #102843).

The inspection will include the pipe insulation in the basement, which if it comes out positive a variance will be needed to complete the abatement. Also observed was vermiculite in the attic which

TABLE OF ESTIMATED COSTS*

ITEM	UNIT COST	UNITS	TOTAL
ASBESTOS INSPECTION	\$400.00	1	\$400.00
FRIABLE SAMPLES	\$29.00	27	\$783.00
NOB SAMPLES	\$59.00	18	\$1,062.00
ESTIMATED TOTAL			\$2,245.00

Thank You,
Seth Piker M.S.
Hudson Valley Environmental
#089-01429
845.249.1987
seth@hudsonvalleyenvironmental.co
www.hudsonvalleyenvironmental.co



Monroe, NY
845.249.1987

To: Robert Petrillo

From: Seth Piker

Date: February 24, 2014

Hi Rob

Thank you for the opportunity to submit this proposal for Barn, 116 Mill St., Newburgh, NY.

The proposal includes buildings listed above

Hudson Valley Environmental's pricing is \$200 for the asbestos inspection plus samples. The sampling and sampling analysis are conducted as per New York State Code Rule 56 (from here on in will be referred to as CR56), with standard turn-around time. **Details of Sampling listed in the summary table below.**

Samples will be collected as per New York State CR56 guidelines by a Lic. NYS Asbestos Inspector (#089-01429), and analyzed by an New York State ELAP certified Laboratory (NY ELAP #11480, AIHA #102843).

TABLE OF ESTIMATED COSTS*

ITEM	UNIT COST	UNITS	TOTAL
ASBESTOS INSPECTION	\$200.00	1	\$200.00
FRIABLE SAMPLES	\$29.00	4	\$116.00
NOB SAMPLES	\$59.00	4	\$236.00
ESTIMATED TOTAL			\$552.00

Thank You,
Seth Piker M.S.
Hudson Valley Environmental
#089-01429
845.249.1987
seth@hudsonvalleyenviornmental.co
www.hudsonvalleyenvironmental.co



Hudson Valley Environmental

Monroe, NY
845.249.1987

To: Robert Petrillo
From: Seth Piker

Date: February 24, 2014

Hi Rob

Thank you for the opportunity to submit this proposal for 617 Rt. 300, Newburgh, NY.
The proposal includes buildings listed above

Hudson Valley Environmental's pricing is \$900 for the asbestos variance plus samples. The sampling and sampling analysis are conducted as per New York State Code Rule 56 (from here on in will be referred to as CR56), with standard turn-around time. **Details of Sampling listed in the summary table below.**

Samples will be collected as per New York State CR56 guidelines by a Lic. NYS Asbestos Inspector (#089-01429), and analyzed by a New York State ELAP certified Laboratory (NY ELAP #11480, AIHA #102843).

TABLE OF ESTIMATED COSTS*

ITEM	UNIT COST	UNITS	TOTAL
VARIANCE INSPECTION and PREPARATION (INCL. NYS DOL FEE)	\$900.00	1	\$900.00
AIR SAMPLES	\$80.00	4	\$320.00
MICROVAC SAMPLES	\$100.00	2	\$200.00
ESTIMATED TOTAL			\$1,420.00

Thank You,
Seth Piker M.S.
Hudson Valley Environmental
#089-01429
845.249.1987
seth@hudsonvalleyenviornmental.co

QuES&T

Quality Environmental Solutions & Technologies, Inc.

February 7, 2014

Town of Newburgh
311 Route 32
Newburgh, NY 12550

ATTN: **Robert J. Petrillo**, Commissioner of Parks, Recreation & Conservation

Via E-mail: commissioner@townofnewburgh.org

Re: 2014 Demolition Projects (3-Addresses)
Request for Proposal – Pre-Demolition Asbestos Surveys

Dear Mr. Petrillo,

As requested, **Quality Environmental Solutions & Technologies, Inc. (QuES&T)** is pleased to submit the attached proposal to perform Pre-Demolition Asbestos Surveys, in compliance with the requirements of Title 12 NYCRR Part 56-5.1 and 29 CFR 1926.1101, to support anticipated demolition activities as follows:

- 1) *LOCATION #1* – Vacant, inactive “Residential Structure,” detached “Barn,” and detached “Outhouse,” located at 617 Route 32, Wallkill, New York 12589.
- 2) *LOCATION #2* – Vacant, inactive “Residential Structure,” located at 116 Mill Street, Wallkill, New York 12589.
- 3) *LOCATION #3* – Vacant, inactive “Barn,” located at 118 Mill Street, Wallkill, New York 12589.

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

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

1376 Route 9, Wappingers Falls, NY 12590 Phone (845) 298-6031 Fax (845) 298-6251

NYS MWBD MBE Cert # 4992-2006

NYSUCP DBE Certified

www.Qualityenv.com

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

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

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

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

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

Sincerely,



Paul A. Rodriguez

Director, Field & Technical Services
NYS/AHERA Inspector/Project Designer
Cert. #AH 02-04344
EPA Lead Inspector/Lead Risk Assessor

Cc: QuES&T File

ENVIRONMENTAL CONSULTING & TRAINING

PRE-DEMOLITION ASBESTOS SURVEYS
for
TOWN OF NEWBURGH
311 Route 32
Newburgh, New York 12550
at
2014 DEMOLITION PROJECTS (3- ADDRESSES)
Wallkill, New York 12589

QuES&T agrees to provide the following services:

➤ **Pre-Demolition Asbestos Surveys**

- Provide certified NYS/AHERA Asbestos Inspector(s) to perform Pre-Demolition Asbestos Surveys, in compliance with the requirements of Title 12 NYCRR Part 56-5.1 and 29 CFR 1926.1101, to support anticipated demolition activities as detailed on Page #1 of this proposal.
- Perform collection and analysis of suspect “friable” Asbestos-containing Material (ACM) using Polarized Light Microscopy (PLM) analytical protocol.
- Perform collection and analysis of suspect “non-friable organically bound” Asbestos-containing Material (ACM) using both Polarized Light Microscopy-NOB (PLM-NOB) and Confirmatory Quantitative Transmission Electron Microscopy (QTEM) analytical protocols.
- Sample collection and analysis will be in compliance with 29 CFR 1926.1101(k)(4) and Title 12 NYCRR Part 56-5.1.
- Perform all inspections using existing routine access points. No demolition will be performed to access concealed systems. No disassembly of building equipment, surfaces or components shall be performed.
- Discussion of laboratory results for all bulk samples (PLM & QTEM/PLM).
- Documentation of all analytical laboratory certifications.
- Preparation of one (1) Final Report identifying estimated quantities, locations, types, and conditions of identified ACM.

PRE-DEMOLITION ASBESTOS SURVEYS
for
TOWN OF NEWBURGH
311 Route 32
Newburgh, New York 12550
at
2014 DEMOLITION PROJECTS (3- ADDRESSES)
Wallkill, New York 12589

➤ *The attached proposal is based on the following assumptions:*

- **QuES&T** shall perform all inspections visually; using reasonable care and judgment. Localized demolition will be performed to access representative concealed surfaces, as practicable. *The Town of Newburgh (The Owner)* recognizes & agrees that ACM concealed within structural components & accessible only through extensive mechanical or structural demolition may not be identified as part of this survey.
- **QuES&T** shall not be responsible for damage caused to building finishes, surfaces or equipment by sampling. Responsibility and cost for repair of damaged building finishes, surfaces and equipment shall be by others.
- **QuES&T** shall not be responsible for damage caused to building finishes, surfaces or equipment by sampling. Responsibility and cost for repair of damaged building finishes, surfaces and equipment shall be by *The Town of Newburgh (The Owner)*.
- **QuES&T** will exercise reasonable caution to minimize disturbance of ACM during the inspection process. However, clean up of ACM disturbed or dislodged during the inspection process shall be the responsibility of *The Town of Newburgh (The Owner)*.
- *The Town of Newburgh (The Owner)* shall be responsible for providing immediate access into all inspection areas and securing same upon completion of inspection activities.
- Inspection work to be conducted during normal weekday "Business Hours" (M-F; 9am-5pm).
- Laboratory sample analysis turnaround times (TAT) shall be five (5) Business Days. TAT commences upon laboratory receipt of samples, and does not include weekends or holidays.
- Inspection work is weather dependent, and shall commence upon receipt of written Notice to Proceed and/or Purchase Order (PO) number.

PRICING

➤ Pre-Demolition Asbestos Surveys – Lump Sum Costs (Labor, Travel & Materials)	
Asbestos Project Manager Labor (1 PM, 8-hours @ \$90/hour)	\$ 720.00
Asbestos Inspector Labor (1 Inspector, 1 Day @ \$500)	\$ 500.00
Technician Ass't Labor (1 Tech, 1 Day @ \$400)	\$ 400.00
Travel, S&I and Misc. Materials (1 Day @ \$100/day)	\$ 100.00
Lump Sum Costs :	\$ 1,720.00*
■ 617 Route 32, Wallkill, NY – Sample Analysis & Reporting	
PLM Asbestos Bulk Sample Analysis - 80* @ \$14/layer	\$ 1,120.00*
QTEM/PLM Asbestos Bulk Sample Analysis - 75* @ \$41/layer	\$ 3,075.00*
1 - Final Asbestos Pre-Demo Report w/ACM Location Drawings	\$ 200.00
Estimated Total :	\$ 4,395.00*
■ 116 Mill Street, Wallkill, NY – Sample Analysis & Reporting	
PLM Asbestos Bulk Sample Analysis - 60* @ \$14/layer	\$ 840.00*
QTEM/PLM Asbestos Bulk Sample Analysis - 75* @ \$41/layer	\$ 3,075.00*
1 - Final Asbestos Pre-Demo Report w/ACM Location Drawings	\$ 200.00
Estimated Total :	\$ 4,115.00*
■ 118 Mill Street, Wallkill, NY – Sample Analysis & Reporting	
PLM Asbestos Bulk Sample Analysis - 30* @ \$14/layer	\$ 420.00*
QTEM/PLM Asbestos Bulk Sample Analysis - 35* @ \$41/layer	\$ 1,435.00*
1 - Final Asbestos Pre-Demo Report w/ACM Location Drawings	\$ 200.00
Estimated Total :	\$ 2,055.00*

NOTES:

1. Estimated number of samples collected/analyzed.
2. Client shall be charged for actual samples analyzed and services rendered.
3. Additional services required shall be billed in accordance with attached 2013 QuES&T Unit Rates.
4. Pricing valid until December 31, 2013.

.....
ACCEPTANCE OF PROPOSAL #P14-3726
.....

Payment Terms: Billing increments will be at approximately two-week intervals. Payment Shall Be Net 15 Days; Following Delivery Of Invoice. To Execute This Agreement, Please Review, Sign, Date & Return Two Copies of the signed proposal. A fully executed copy will be sent for your records. Late Payments Shall Be Assessed a Penalty of 1.5% per Month.

The Town of Newburgh – Authorized Representative:

By _____
Signature Print Name & Title Date

Quality Environmental Solutions & Technologies, Inc.:

By _____
Signature Paul A. Rodriguez, Director, Field & Technical Services Date

Client: Town of Newburgh
Job: 617 Route 32, Walkill, NY 12589 (House)

	QTEM Layers	Confirm-PLM Layers	PLM Layers
<i>Interior Suspect ACM (to be sampled)</i>			
1' x 1' Ceiling Tiles (2-Types) w/possible Glue Dabs	8	8	
Textured Plaster Ceiling			6
Plaster Ceiling/Walls			14
Sheetrock Walls/Ceilings			2
Joint Taping Compound			7
Brick & Mortar			4
Stone Mortar			2
Ceramic Wall/Ceiling Systems (grouts, mortars, mudsets, adhesives etc.)	6	6	10
Wallpaper Adhesives	2	2	
Cementitious Slabs			2
Carpet Mastics/Padding	4	4	2
Floor Vapor Barrier	2	2	
Anti-Sweat Sink Tars	2	2	
Attic Misc. Insulation			5
Pipe/Wall/Ceiling Insulation			3
Heater Unit	4	4	6
Cementitious Flue Packing			2
Pipe Insulation Debris			5
Misc. Tars/Caulks	4	4	
<i>Exterior Suspect ACM (to be sampled)</i>			
	Layers	Layers	Layers
3-Roofs (Asphalt Shingles, Tar/Vapor Barrier)	20	20	6
Behind Vinyl Siding Vapor Barrier	2	2	
Misc. Caulks/Tars/Glazings	10	10	
Misc. Materials	6	6	4
Total Estimated Layers	70	70	80

Client: Town of Newburgh
Job: 617 Route 32, Walkill, NY 12588 (Barn/Outhouse)

	QTEM Layers	Confirm-PLM Layers	PLM Layers
<i>Interior Suspect ACM (to be sampled)</i>			
Insulations			2
Floor Vapor Barrier	2	2	
Misc. Tars	4	4	
Pegboard			2
<i>Exterior Suspect ACM (to be sampled)</i>			
	Layers	Layers	Layers
2-Roofs (Asphalt Shingles, Tar/Vapor Barrier)	16	16	2
Behind Vinyl Siding Vapor Barrier	2	2	
Misc. Caulks/Tars/Glazings	10	10	
Misc. Materials	6	6	4
Total Estimated Layers	40	40	10

Client: Town of Newburgh
Job: 116 Mill Street, Walkill, NY 12580 (House)

	QTEM Layers	Confirm-PLM Layers	PLM Layers
Interior Suspect ACM (to be sampled)			
Melamine Ceiling			2
1' x 1' Ceiling Tiles (2-Types) w/possible Glue Dabs	8	8	
Sheetrock Walls			2
Joint Taping Compound			7
Plaster /Walls			6
Wall Papers			2
Floor Vapor Barrier	2	2	
Linotium Sheetflooring (2 Types)	8	8	
Vynil Panelling w/Adhesive/Mastics	4	4	
Sheetrock Walls			2
Stone Mortar Walls			2
Cementitious Floor/Walls			2
Brick & Mortar			4
Cementitious Block & Mortar Wall			4
Pipe/Wall/Ceiling Insulation			6
Carpet Mastics/Padding	4	4	4
Rubber Staircase Tread w/Adhesives/Mastics	4	4	
Misc. Tars/Caulks	4	4	
Formica Laminate	2	2	
Heater Unit	4	4	6
Hidden Pipe Insulation/Fittings			6
Cementitious Flue Packing			2
Shower Stall Adhesives	2	2	
Exterior Suspect ACM (to be sampled)			
	Layers	Layers	Layers
3-Roofs (Asphalt Shingles, Tar/Vapor Barrier)	20	20	8
Behind Vynil Siding Vapor Barrier	2	2	
Misc. Caulks/Tars/Glazings	8	8	
Misc. Materials	6	6	6
Total Estimated Layers	70	70	50

Client: Town of Newburgh
Job: 118 Mill Street, Walkkill, NY 12589 (Barn)

	QTEM Layers	Confirm:PLM Layers	PLM Layers
Interior Suspect ACM (to be sampled)			
Sheetrock			2
Joint Compound			7
Cementitious Floors/Walls			4
Insulations			2
Fiberboard Walls			2
Floor Vapor Barrier	2	2	
Carpet Mastics/Adhesives/Padding	4	4	4
Exterior Suspect ACM (to be sampled)			
	Layers	Layers	Layers
Roof (Asphalt Shingles, Tar/Vapor Barrier)	10	10	4
Behind Vinyl Siding Vapor Barrier	2	2	
Misc. Caulks/Tars/Glazings	6	6	
Misc. Materials	6	6	8
Total Estimated Layers	30	30	20

QuES&T

Quality Environmental Solutions & Technologies, Inc.

I. ASBESTOS SERVICES:

Item 1: Labor (Minimum On-site Billing: 4 Hours @ OT Rate)

- Sr. Principal: \$225/Hr ST; \$255/Hr OT
- Principal: \$185/Hr ST; \$225/Hr OT
- Project Manager: \$90/Hr ST/OT
- EPA/NYS/DOL/NYC/DEP Asbestos Inspector:
 - \$320/4-hr day Includes Calibrated Area A/S Equipment
 - \$500/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 80/hr OT
- EPA/NYS/DOL Combined Project Monitor/Air Sampling Technician:
 - \$275/4-hr day Includes Calibrated Area A/S Equipment
 - \$400/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 75/hr; OT

Item 2: Asbestos Laboratory Services

- A/S Sample Analysis (PCM):
 - \$ 12/Sample Includes 72-hr turn-around of results
 - \$ 15/Sample Includes 24-hr turn-around of results
 - \$ 17/Sample Includes 6-hr turn-around of results
 - \$ 20/Sample Includes Rush turn-around of results.
- A/S Sample Analysis (AHERA-TEM):
 - \$100/Sample Includes 48-hr turn-around of results
 - \$125/Sample Includes 24-hr turn-around of results
 - \$175/Sample Includes 12-hr turn-around of results
 - \$225/Sample Includes 6-hr turn-around of results
- Bulk Sample Analysis (PLM):
 - \$ 14/Layer Includes 7 day turn-around of results
 - \$ 16/Layer Includes 5 day turn-around of results
 - \$ 20/Layer Includes 72-hr turn-around of results
 - \$ 25/Layer Includes 24-hr turn-around of results
 - \$ 30/Layer Includes 12-hr turn-around of results
 - \$ 45/Layer Includes Rush turn-around of results
- Bulk Sample Analysis (PLM-NOB):
 - \$ 16/Layer Includes 7 day turn-around of results
 - \$ 23/Layer Includes 5 day turn-around of results
 - \$ 30/Layer Includes 48-hr turn-around of results
 - \$ 40/Layer Includes 24-hr turn-around of results
 - \$ 60/Layer Includes 12-hr turn-around of results
- Bulk Sample Analysis (QTEM):
 - \$ 25/Layer Includes 7 day turn-around of results
 - \$ 50/Layer Includes 5 day turn-around of results
 - \$ 65/Layer Includes 48-hr turn-around of results
 - \$ 70/Layer Includes 30-hr turn-around of results
 - \$ 110/Layer Includes 12-hr turn-around of results

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile - Tolls

1376 Route 9, Wappingers Falls, NY 12590 Phone (845) 298-6031 Fax (845) 298-6251

NYS MWBD MBE Cert # 4992-2006

www.Qualityenv.com

II. SAFETY & ENVIRONMENTAL SERVICES:

Item 1: Labor (Minimum On-site Billing: 4 Hours @ OT Rate)

- Certified Industrial Hygienist: \$175/Hr ST; \$215/Hr OT
- Certified Safety Professional: \$175/Hr ST; \$215/Hr OT
- EPA LBP Inspector/Risk Assessor: \$ 90/Hr ST/OT
- III Tech:
 - \$320/4-hr day Includes Calibrated Area A/S Equipment
 - \$500/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 80/hr; OT

Item 2: Laboratory Services

- Lead - Air/Paint Chip/Dust Sample Analysis (AAS/FLAA):
 - \$ 20/Sample Includes 3-5 Day turn-around of results
 - \$ 25/Sample Includes 48-hr turn-around of results
 - \$ 30/Sample Includes 24-hr turn-around of results
 - \$ 45/Sample Includes 6-hr turn-around of results
- PCB - Bulk Material Sample Analysis:
 - \$100/Sample Includes 5 Day turn-around of results
 - \$150/Sample Includes 3 Day turn-around of results
 - \$200/Sample Includes 48-hr turn-around of results
 - \$250/Sample Includes 24-hr turn-around of results

Item 3: Equipment Charges

- Niton XRF: \$175/Day
- Electrical Generator: \$ 75/Day (2-Day Minimum)
- SCBA: \$300/Day
- Confined Space Tripod: \$ 150/Day

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

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III. INDUSTRIAL HYGIENE SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Certified Industrial Hygienist: \$175/Hr ST; \$215/Hr OT
- Certified Safety Professional: \$175/Hr ST; \$215/Hr OT
- Industrial Hygiene Scientist/CBST \$125/Hr ST; \$150/Hr OT
- Project Manager: \$ 90/Hr ST/OT
- IH Tech: \$320/4-hr day Includes Calibrated Area A/S Equipment
\$500/8-hr day Includes Calibrated Area A/S Equipment
\$ 80/hr; OT

Item 2: Microbiological Laboratory Services

- Air Sample Analysis (Total Spore Counts):
 - \$120/Sample Includes same-day turn-around of results
 - \$100/Sample Includes 24-48 hr turn-around of results
 - \$ 80/Sample Includes 5-7 day turn-around of results
- Air Sample Analysis (Culturable Fungi; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 70/Sample Enumeration & Identification to genus or species
 - ADD \$ 45/Sample To Include Full Fungal Speciation (Including ID Of Cladosporium and Penicillium to Species; 2% MEA Only)
- Air Sample Analysis (Culturable Bacteria; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 70/Sample Enumeration & Identification to genus or species
- Bulk/Swab Sample Analysis (Culturable Fungi; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 90/Sample Enumeration & Identification to genus or species
 - ADD \$ 45/Sample To Include Full Fungal Speciation (Including ID Of Cladosporium and Penicillium to Species; 2% MEA Only)
- Bulk/Swab Sample Analysis (Culturable Bacteria; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 90/Sample Enumeration & Identification to genus or species
- Other Microbiological Services and PCR Technology Available: CALL FOR PRICING
- Additional Industrial Hygiene Services Available: CALL FOR PRICING AND CAPABILITIES

Item 3: Equipment Charges

- Anderson Air Sampler: \$125/Day
- Boroscope: \$ 50/Day
- 4-Gas Monitor w PID: \$200/Day
- Infrared Camera: \$225/Day
- Delmhorst BD-2100: \$100/Day (Moisture Survey Meter)
- ASHRAE IAQ Meter: \$200/Day
- PM-10 Impactor/Sampler: \$125/Day
- Additional Equipment: Call For Pricing

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

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IV. MISCELLANEOUS SERVICES

Item 4: Miscellaneous Services

- Asbestos/Lead/Environmental 'Letter' Report w/o Drawings - \$150/each.
- Asbestos/Lead/Environmental 'Letter' Report w/KeyCAD Drawings - \$200/each.
- Asbestos/Lead/Environmental 'Final Report' w/o Drawings - \$250/each.
- Asbestos/Lead/Environmental 'Final Report' w/KeyCAD Drawings - \$300/each.
- Abatement Specifications / AutoCAD / Bidding Process -- Priced Based on Scope of Work.
- Conduct Onsite Bid Walkthrough w/Prospective Contractors -- Priced Based on Scope of Work.
- Travel & Misc. Materials -- Actual Mileage (@ \$0.550/mile) plus Actual Tolls & Parking.
- Laboratory analysis turnaround times begin when samples are received at Laboratory and does not include weekends or holidays.

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