

JOSEPH P. PEDI
Town Clerk, 1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

WORKSHOP MEETING AGENDA
Monday, March 22, 2021
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. RESORT WORLD HUDSON VALLEY**
 - A. Resolution Introducing and Providing for Referral of Local Law Amending Chapter 185 to Include New York State Licensed Video Lottery Terminal (VLT) Gaming Facilities.**
 - B. Resolution Regarding State Environmental Quality Review (SEQR) Lead Agency Intent for Type 1 Action: Zoning Amendment, Host Community Agreement and Gaming Project Approval**
 - C. Resolution of Town Board to Schedule Public Hearing on Local Law Amending Chapter 185 Zoning**
- 7. RESOLUTION: POLICE REFORM AND REINVENTION COLLABORATION**
- 8. RESOLUTION: PUBLIC EMPLOYER HEALTH EMERGENCY PLAN**
- 9. RECREATION DEPARTMENT:**
 - A. Approval to Award Community Day Fireworks Bid**
 - B. Approval to Hire Two Part Time Recreation Aides**
 - C. Approval to Hire Seasonal Employee**
- 10. ANIMAL CONTROL: T-94 Withdrawal**
 - A. Flannery Animal Hospital**
 - B. Newburgh Veterinary Hospital**
- 11. ENGINEERING DEPARTMENT:**
 - A. Private Road Security Release for Rock Cut Estates**
 - B. Meadow Hill South Relief Sewer Engineer Agreement Amendment No. 7 - GHD Cost Increase**
 - C. Roseton Sewer Plant Headwork Modifications – Equipment List**
 - D. Chadwick Lake Filter Plant – Replacement and Upgrade of Programmable Logic Controllers (PLC)**
- 12. ADJOURNMENT**

GJP; jpp
March 19, 2021 at 8:45 am



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: MONTICELLO RACEWAY MANAGEMENT INC.
(RESORTS WORLD HUDSON VALLEY) PETITION FOR
LOCAL LAW AMENDING CHAPTER 185 ENTITLED
"ZONING" OF THE CODE OF THE TOWN OF
NEWBURGH TO INCLUDE THE USE OF "NEW YORK
STATE LICENSED VIDEO LOTTERY GAMING
FACILITY" AS A PERMITTED USE IN SHOPPING
CENTERS HAVING IN EXCESS OF 500 PARKING
SPACES IN THE "IB" ZONING DISTRICT
OUR FILE NO. 800.____; 800.1(B)() (2020)

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New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

ATTORNEYS
David L. Rider
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M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

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

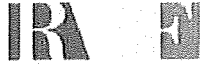
OF COUNSEL
Craig F. Simon
Irene V. Villacci

DATE: MARCH 17, 2021

Enclosed for the Town Board's consideration is the above referenced proposed Introductory Local Law. The enclosed version has been revised from the proposed Introductory Local Law submitted with the petition to add definitions for "Video Lottery Gaming Facility" and "Video Lottery Gaming" per consultations between the petitioner's attorney and me. The petitioner has additionally modified the original language to indicate "New York State Gaming Commission and New York State Lottery" licensed facilities will be permitted in Shopping Centers having in excess of 500 spaces in the IB District. The definitions were added in order to avoid future interpretative issues as to what additional services may be provided and activities conducted within a licensed facility. The petitioner has also submitted the enclosed revised Environmental Assessment Form Part 1.

Also enclosed for the Board's consideration as action items are the following draft resolutions:

1. Resolution of Town Board Introducing and Providing for Referral of a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having in excess of 500 parking spaces in the "IB" zoning district on Petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley"); and



Memorandum of March 17, 2021

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2. Resolution of Town Board Determining that Proposed Adoption of a Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having in excess of 500 parking spaces in the "IB" zoning district on Petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley") and approvals relating to a Video Lottery Gaming Facility occupying approximately 90,000 square feet at the Newburgh Mall and an associated Host Community Benefit Agreement Constitute a Type I Action under SEQR and Providing for Lead Agency Coordination

3. Resolution of Town Board Scheduling a Public Hearing on a Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having in excess of 500 parking spaces in the "IB" Zoning District

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

MCT:sel

Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)
James Osborne, Town Engineer (via e-mail)
Gerald Canfield, Code Compliance Supervisor (via e-mail)
Patrick Hines, McGoey, Hauser & Edsal (via e-mail)
David B. Smith, Planning and Development Advisors (via e-mail)
Kenneth Wersted, Creighton Manning, LLP (via e-mail)
Kelly Naughton, Esq. (via e-mail)

6A

**INTRODUCTORY LOCAL LAW NO. ____ OF THE YEAR 2021
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH TO
INCLUDE THE USE OF "NEW YORK STATE LICENSED VIDEO LOTTERY
GAMING FACILITY" AS A PERMITTED USE IN SHOPPING CENTERS HAVING IN
EXCESS OF 500 PARKING SPACES IN THE "IB" ZONING DISTRICT**

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 include the use of 'New York State Licensed Video Lottery Gaming Facility' as a permitted use in Shopping Centers having in excess of 500 parking spaces in the 'IB' zoning district."

SECTION 2 – INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code by amending Definitions to add the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in the "IB" - Interchange Business Zoning District in Shopping Centers having in excess of 500 parking spaces.

SECTION 3 – AMENDMENT TO CHAPTER 185

Subsection B of Section 185-3 ("Definitions; word usage") is hereby modified to include the following underlined language:

SHOPPING CENTER

A group of stores, shops or similar commercial establishments otherwise permitted within the zoning district, including eating and drinking places, developed or intended to be developed as a unit on one lot, which may be constructed as a single structure or adjoining structures or neighboring structures but which shall be designed and built as an architectural unit and shall have associated facilities for off-street parking, loading and pedestrian circulation. New York State Gaming Commission and New York State Lottery licensed facilities shall be considered a similar commercial establishment in shopping centers having in excess of 500 parking spaces within the IB district. A shopping center shall be designed to be operated and maintained as a unit, in single ownership and/or control, sharing certain facilities in common, such as open space, yards and off-street parking and loading facilities.

VIDEO LOTTERY GAMING FACILITY

The physical area and amenities where licensed video lottery gaming and related activities are conducted. Related activities shall include drink service for on-premises consumption, food service, wait staff service, live entertainment and similar activities.

VIDEO LOTTERY GAMING

Any lottery game played on a video lottery terminal that consists of multiple players competing for a chance to win a randomly drawn prize. A video lottery terminal (may be referred to as VLT) means a video display terminal in which currency or credits are deposited and a selection is made by the player in order to purchase video lottery gaming tickets.

SECTION 4 – VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by a 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 5 – 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.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by video conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the ___th day of March, 2021 at 7:00 P.M., Prevaling Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD INTRODUCING AND PROVIDING FOR REFERRAL OF A LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH TO INCLUDE THE USE OF "NEW YORK STATE LICENSED VIDEO LOTTERY GAMING FACILITY" AS A PERMITTED USE IN SHOPPING CENTERS HAVING IN EXCESS OF 500 PARKING SPACES IN THE "IB" ZONING DISTRICT ON PETITION OF MONTICELLO RACEWAY MANAGEMENT INC. ("RESORTS WORLD HUDSON VALLEY")

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

WHEREAS, the Town Board of the Town of Newburgh, on petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley"), Newburgh Mall Realty LLC, Newburgh CH LLC and Newburgh Nassim LLC, has determined to consider an amendment of the Town's Zoning Code to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having more than 500 parking spaces in the IB Zoning District; and

WHEREAS, an Introductory Local Law of the Town of Newburgh which would implement the amendment of the Town's Zoning Code has been prepared and submitted to the Town Board

NOW, THEREFORE, BE IT RESOLVED, that a Local Law entitled "A Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to include the use of 'New York State Licensed Video Lottery Gaming Facility' as a permitted use in Shopping Centers having in excess of 500 parking spaces in the 'IB' Zoning District" is hereby introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New

York; and

BE IT FURTHER RESOLVED that copies of the aforesaid introductory local law together with other relevant documentation be forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their respective reports; and

BE IT FURTHER RESOLVED, that a copy of the aforesaid introductory local law also be forwarded to the Town of Newburgh Zoning Board of Appeals for its comments.

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.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by video conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the ___th day of March, 2021 at 7:00 P.M., Prevailing Time.

6B

PRESENT:

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

RESOLUTION OF TOWN BOARD
 DETERMINING THAT PROPOSED
 ADOPTION OF A LOCAL LAW
 AMENDING CHAPTER 185
 ENTITLED "ZONING" OF THE
 CODE OF THE TOWN OF NEWBURGH
 TO INCLUDE THE USE OF "NEW YORK
 STATE LICENSED VIDEO LOTTERY GAMING
 FACILITY" AS A PERMITTED USE IN
 SHOPPING CENTERS HAVING IN EXCESS OF
 500 PARKING SPACES IN THE "IB" ZONING
 DISTRICT ON PETITION OF MONTICELLO
 RACEWAY MANAGEMENT INC. ("RESORTS
 WORLD HUDSON VALLEY") AND APPROVALS
 RELATING TO A VIDEO LOTTERY GAMING
 FACILITY OCCUPYING APPROXIMATELY
 90,000 SQUARE FEET AT THE NEWBURGH
 MALL AND AN ASSOCIATED HOST
 COMMUNITY BENEFIT AGREEMENT
 CONSTITUTE A TYPE I ACTION UNDER SEQR
 AND PROVIDING FOR LEAD AGENCY
 COORDINATION

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

WHEREAS, the Town Board of the Town of Newburgh has received the petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley"), Newburgh Mall Realty LLC, Newburgh CH LLC and Newburgh Nassim LLC (collectively the "Petitioners"), for an amendment to the Zoning Code to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having more than 500 parking spaces in the "IB" – Interchange Business Zoning District together with a draft Local Law amending the Zoning Code of the Town of Newburgh which will implement the proposed amendment; 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

WHEREAS, a Full Environmental Assessment Form Part 1(the "EAF") was submitted

with said petition and has been subsequently revised and addresses the proposed adoption of the "Introductory Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to include the use of 'New York State Licensed Video Lottery Gaming Facility' as a permitted use in Shopping Centers having in excess of 500 parking spaces in the 'IB' Zoning District" and approvals relating to a Video Lottery Gaming Facility occupying approximately 90,000 square feet of the existing Newburgh Mall Shopping Center and an associated Host Community Benefit Agreement; and

WHEREAS, the Town Board has determined that the proposed adoption of the aforesaid local law and the project approvals and agreement should be reviewed as an action (the "Action") under Part 617 of the General Regulations ("Part 617") adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQR") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

WHEREAS, the Town Board proposes to undertake and consider the approvals of the proposed amendment to the Town's Zoning Code and the Host Community Benefit Agreement 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, using all due diligence, has identified the following involved agencies for the Action:

Town of Newburgh Planning Board,
US Army Corps of Engineers,
New York State Department of Environmental Conservation,
New York State Department of Environmental Conservation Region 3 Div. of Environmental Permits,
New York State Office of Parks, Recreation and Historic Preservation, and
U.S. Fish and Wildlife Service
; and

WHEREAS, the Town Board, using all due diligence, has identified the following agencies as potentially interested agencies for the Action:

Orange County Planning Department,
Town of Newburgh Zoning Board of Appeals
New York State Department of Transportation;
City of Newburgh City Engineer; and

WHEREAS, the Town Board proposes to undertake and consider approval of the components of the Action within its jurisdiction and wishes to assume Lead Agency status in connection with the review of the Action pursuant to SEQR and Part 617.

NOW, THEREFORE, BE IT RESOLVED, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, hereby determines that the Action is subject to SEQR and is a Type I action as it includes the adoption of a change in the allowable uses in a zoning district affecting 25 or more acres; and

BE IT FURTHER RESOLVED, that the following are identified as involved agencies for the Action

Town of Newburgh Planning Board

US Army Corps of Engineers

New York State Department of Environmental Conservation

New York State Department of Environmental Conservation Region 3 Div. of Environmental Permits,

New York State Office of Parks, Recreation and Historic Preservation

U.S. Fish and Wildlife Service

; and

BE IT FURTHER RESOLVED, that the following are identified as interested agencies for the Action:

Orange County Department of Planning

Town of Newburgh Zoning Board of Appeals

New York State Department of Transportation

City of Newburgh City Engineer

and;

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a Lead Agency coordination notice be circulated among involved agencies together with copies of the EAF, and such other information as is appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQR and Part 617, and that copies of the EAF also be forwarded to interested agencies for review and comment.

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.

DRAFT

6C

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by video conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the __th day of March, 2021 at 7:00 P.M., Prevailing Time

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James A Presutti, Councilman

James M. Manley, Councilman

RESOLUTION OF TOWN BOARD
SCHEDULING A
PUBLIC HEARING ON
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF
NEWBURGH TO INCLUDE THE USE
OF "NEW YORK STATE LICENSED
VIDEO LOTTERY GAMING FACILITY"
AS A PERMITTED USE IN SHOPPING
CENTERS HAVING IN EXCESS OF 500
PARKING SPACES IN THE "IB"
ZONING DISTRICT

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

WHEREAS, the Town Board of the Town of Newburgh, County of Orange, State of New York is in receipt of a petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley"), Newburgh Mall Realty LLC, Newburgh CH LLC and Newburgh Nassim LLC to amend the Town of Newburgh Zoning Code to permit the use of "New York State Licensed Video Lottery Terminal Gaming Facility" in Shopping Centers having more than 500 parking spaces in the IB – Interchange Business Zoning District; and

WHEREAS, an Introductory Local Law, entitled "A Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to Include the Use of 'New York State Licensed Video Lottery Gaming Facility' as a permitted use in Shopping Centers having more than 500 parking spaces in the 'IB' Zoning District" has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York.

NOW, THEREFORE, BE IT RESOLVED that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 the Town of Newburgh, New York on the __th day of April, 2020 at 7:00 o'clock, p.m.,

provided however that if the Governor's Executive Orders 202.1 and 202.15, 202.38, 202.48, 202.55, 202.60, 202.67, 202.79, 202.87, 202.92, 202.94, 202.96 and any subsequent extensions are still in effect, the public hearing may be held via videoconference during which the public will have the opportunity to see and hear the public hearing live and provide comments either during the public hearing or by mail or email up to ten (10) days following the posting of the transcript on the Town's website; and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together with the notice of hearing on the signboard of his office not later than the day such notice is published and on the Town's website; and

BE IT FURTHER RESOLVED that copies of the aforesaid local law and notice of the public hearing be forwarded to all municipalities, agencies and boards required to receive such copies and notices in accordance with the provisions of the New York State General Municipal Law, and the New York State Town Law and the Town of Newburgh Zoning Code.

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

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>James E. Presutti, Councilman</u> | <u>voting</u> |
| <u>Scott M. Manley, Councilman</u> | <u>voting</u> |
| <u>Gilbert J. Piaquadio, Supervisor</u> | <u>voting</u> |

The resolution was thereupon declared duly adopted.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information

| | | |
|---|------------------------------------|---------------------------------------|
| Name of Action or Project: Intro. Local Law No. ___: Amending Chapter 185 ("Zoning") to include the use of "Video Lottery Gaming Facility" in shopping centers in the IB district having in excess of 500 parking spaces, and the inclusion of such use in the Newburgh Mall | | |
| Project Location (describe, and attach a general location map): Interchange Business ("IB") Zoning District, Town of Newburgh, Orange County, New York | | |
| Brief Description of Proposed Action (include purpose or need): The purpose of Introductory Local Law No. ___ of 2021 is to implement changes in the Town of Newburgh Zoning Code to permit the use of "Video Lottery Gaming Facility" as a permitted use in shopping centers having in excess of 500 parking spaces in the Interchange Business (IB) District. Additionally, this project proposes to include a video lottery gaming facility occupying approximately 90,000 square feet of the Newburgh Mall (SBL 60-3-41.21). | | |
| Name of Applicant/Sponsor: Monticello Raceway Management, Inc. | Telephone: c/o BMGN (845) 294-4080 | E-Mail: c/o rgolden@bmglawyers.com |
| Address: c/o Montreign Operating Company, LLC, 888 Resorts World Drive | | |
| City/PO: Monticello | State: NY | Zip Code: 12701 |
| Project Contact (if not same as sponsor; give name and title/role): and additional Project Sponsor: Gil Piaquadio, Supervisor | Telephone: 845-564-4552 | E-Mail: supervisor@townofnewburgh.org |
| Address: 1496 Route 300 | | |
| City/PO: Newburgh | State: NY | Zip Code: 12550 |
| Property Owner (if not same as sponsor): N/A | Telephone: | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |

B. Government Approvals

| B. <u>Government Approvals, Funding, or Sponsorship</u> . ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|--|---|---|
| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
| a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Town Board - Zoning Text Amendment, HCBA approval | Petition filed February 2021 |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Planning Board- Referral per Town Code; ARB approval; site plan/special permit approval | Anticipated March 2021 |
| c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Orange County Planning Department - GML 239 referral | Anticipated March 2021 |
| f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| i. Coastal Resources. | | |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

C. Planning and Zoning

| | |
|--|--|
| C.1. <u>Planning and zoning actions</u> | |
| Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 | |
| C.2. <u>Adopted land use plans</u> | |
| a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes, identify the plan(s): | |
| _____ | |
| _____ | |
| _____ | |
| c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes, identify the plan(s): | |
| _____ | |
| _____ | |
| _____ | |

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 Interchange Business (IB) District

b. Is the use permitted or allowed by a special or conditional use permit? N/A - Zoning Amendment proposed. Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes, Permitting Video Lottery Gaming Facility as a permitted use in shopping centers
 i. What is the proposed new zoning for the site? having in excess of 500 parking spaces

C.4. Existing community services

a. In what school district is the project site located? Newburgh Central School District

b. What police or other public protection forces serve the project site?
 Town of Newburgh Police Department, Orange County Sheriff's Office, NYS Troopers

c. Which fire protection and emergency medical services serve the project site?
 Goldenham, Cronomer Valley, Dan Leghorn, Goodwill, Middlehope and Winona Lake Fire Departments; Town of Newburgh Ambulance

d. What parks serve the project site?
 Chadwick Lake Park, Cronomer Hill Park, Algonquin Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial

b. a. Total acreage of the site of the proposed action? 48.9 acres
 b. Total acreage to be physically disturbed? 0 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 48.9 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Minimal - encl. of existing truck bay Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: 6 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

| | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
|-----------------------------|-------------------|-------------------|---------------------|---------------------------------------|
| Initial Phase | _____ | _____ | _____ | _____ |
| At completion of all phases | _____ | _____ | _____ | _____ |

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations:

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: 15,000 (6,000 GPD Net increase) gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: Town of Newburgh Consolidated Water District
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: 15,000 (6,000 GPD Net increase) gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: City of Newburgh Treatment Plant
- Name of district: Crossroads Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will a line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: N/A

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of 7pm to 11pm

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 Not applicable.

iii. Parking spaces: Existing 1700 Proposed 1700 Net increase/decrease 0

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
 Not applicable.

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: TBD

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Central Hudson

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: As permitted by Town Code
- Saturday: As permitted by Town Code
- Sunday: As permitted by Town Code
- Holidays: As permitted by Town Code

ii. During Operations:

- Monday - Friday: 8am - 4am
- Saturday: 8am - 4am
- Sunday: 8am - 4am
- Holidays: 8am - 4am

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes: The existing lighting for the Newburgh Mall and associated parking lot will remain.
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ TBD tons per _____ TBD (unit of time)
 • Operation: _____ +/- 5 tons per _____ Month (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: Construction debris will be recycled in accordance with applicable local requirements

 • Operation: Recycling will be in accordance with applicable County requirements

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: Private hauler

 • Operation: Private hauler

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 40 | 40 | 0 |
| • Forested | 2 | 2 | 0 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0 | 0 | 0 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0 | 0 | 0 |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0 | 0 | 0 |
| • Wetlands (freshwater or tidal) | 5 | 5 | 0 |
| • Non-vegetated (bare rock, earth or fill) | 0 | 0 | 0 |
| • Other Describe: Landscaped areas | 2 | 2 | 0 |

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 20 to 80 inches feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

| | | |
|-----|-------|-------|
| ErB | _____ | 22% |
| Mdb | _____ | 31% |
| HH | _____ | 17.8% |

d. What is the average depth to the water table on the project site? Average: 0 to 36 in. feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: 100% of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name None Classification _____
- Lakes or Ponds: Name None Classification _____
- Wetlands: Name Unnamed wetlands to the north, south and west of the site ** Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

** Per the NYSDEC environmental mapper

m. Identify the predominant wildlife species that occupy or use the project site: _____
Possibly squirrels, birds, deer _____

n. Does the project site contain a designated significant natural community? Yes No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:
• Currently: _____ acres
• Following completion of project as proposed: _____ acres
• Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
If Yes:
i. Species and listing (endangered or threatened): _____
Indiana Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
If Yes:
i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
If Yes:
i. Nature of the natural landmark: Biological Community Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

| | |
|--|---|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District | |
| ii. Name: _____ | |
| iii. Brief description of attributes on which listing is based: _____ | |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? | |
| If Yes: | |
| i. Describe possible resource(s): _____ | |
| ii. Basis for identification: _____ | |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Identify resource: _____ | |
| ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ | |
| iii. Distance between project and resource: _____ miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Identify the name of the river and its designation: _____ | |
| ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |

F. Additional Information

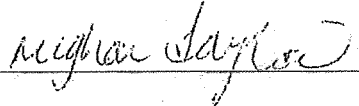
Attach any additional information which may be needed to clarify your project.

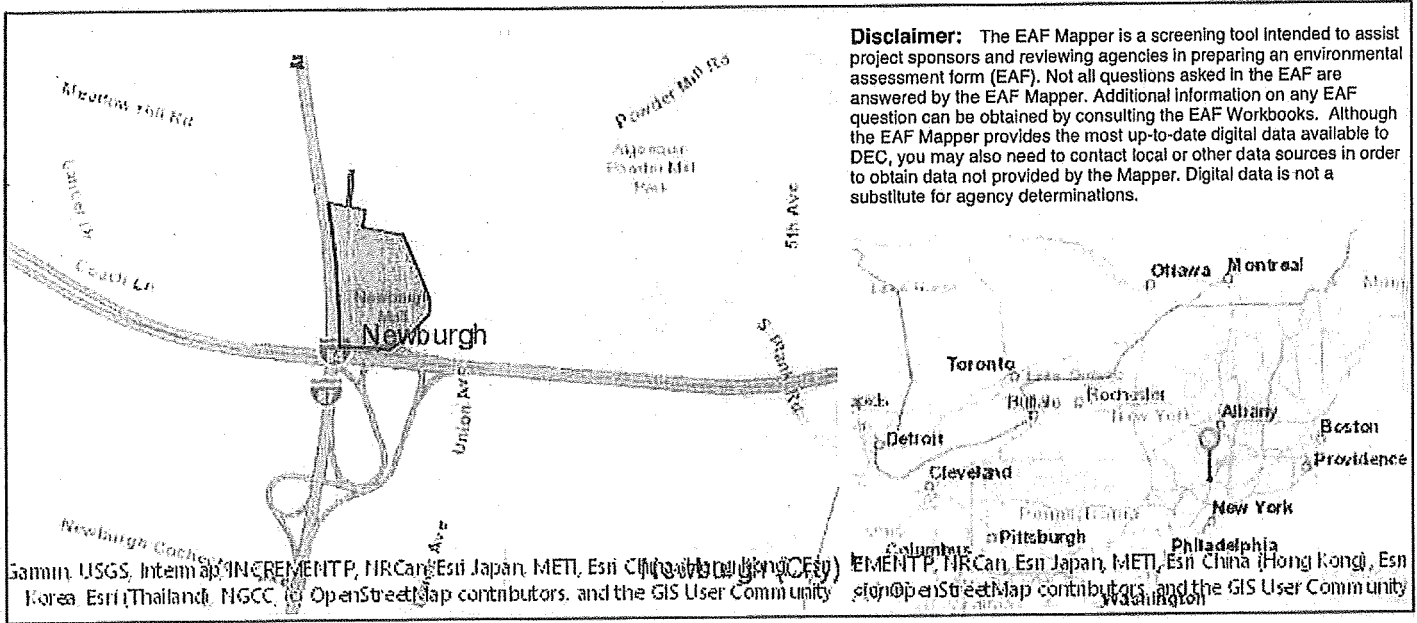
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date 3/12/21

Signature Meghan Taylor  Title VP, Government Affairs and Public Relations



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| | |
|---|---|
| B.1.i [Coastal or Waterfront Area] | No |
| B.1.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | No |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | Yes |
| E.2.h.ii [Surface Water Features] | Yes |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.iv [Surface Water Features - Wetlands Name] | Federal Waters |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | No |
| E.2.k. [500 Year Floodplain] | No |
| E.2.l. [Aquifers] | No |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | Yes |

E.2.o. [Endangered or Threatened Species - Indiana Bat Name]

E.2.p. [Rare Plants or Animals] No

E.3.a. [Agricultural District] No

E.3.c. [National Natural Landmark] No

E.3.d [Critical Environmental Area] No

E.3.e. [National or State Register of Historic Places or State Eligible Sites] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.3.f. [Archeological Sites] Yes

E.3.i. [Designated River Corridor] No



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February 12, 2021

VIA EMAIL

edgar.choi@rwnewyork.com

Mr. Edgar Choi
Senior Vice President of Design & Construction
Resorts World New York City
110-00 Rockaway Boulevard
Jamaica, NY 11420

Re: Resorts World Casino - Newburgh
Town of Newburgh, Orange County, New York
MC Project No. 21000177A

Dear Mr. Choi:

Maser Consulting has conducted a review of the available plans and other information associated with the proposed conversion of the existing Jennifer Convertible store (formerly Bon-Ton Department Store) and other ancillary space at the Newburgh Mall, to an entertainment facility with up to 1,400 Video Lottery Terminals (VLT). The space proposed to be occupied, which totals approximately 90,000 sq. ft. of leasable area, is located at the north end of the existing mall building as identified on Figure No. 1. It is estimated that the existing Newburgh Mall contains approximately 390,000 sq. ft. of total leasable area with approximately 1,700 parking spaces. We have reviewed the proposed plan relative to the traffic generation, parking and onsite circulation associated with the conversion of this space. The following is a summary of the tasks undertaken as part of our evaluation and the conclusions and recommendations relative to this proposed modification in support of the proposed Zoning Text Amendment to accommodate this change in use.

1. EXISTING TRAFFIC CONDITIONS (FIGURES NO. 2 AND 3)

(Figures No. 2 and 3, Appendix A)

Detailed traffic counts were collected by representatives of Maser Consulting at the existing driveways serving the Newburgh Mall, including both NYS Route 300 driveways as well as the Meadow Hill Road driveway. These counts were collected to document hourly variations and peak traffic volumes as they exist at the Site. These counts were collected on Thursday, January 21, 2021 and Saturday, January 23, 2021 to document Weekday PM and Saturday



Peak Hour traffic volumes at the mall driveways. These volumes are summarized on Figures No. 2 and 3 contained in Appendix “A”. Based on the traffic volume data collected at the Mall driveways, the peak hours of traffic generated by the Mall were found to occur as follows:

Weekday PM Peak Hour.....2:00 PM – 3:00 PM
Saturday Afternoon Peak Hour.....3:00 PM – 4:00 PM

Due to the COVID-19 Pandemic, these counts were also compared with previous data collected by our office at the mall driveway intersections in October 2019 associated with the previously proposed Ridge Hudson Valley project and Newburgh Town Center expansion. The traffic volume figures summarizing these 2019 traffic volumes are from the preliminary report for the Ridge Hudson Valley project are contained in Appendix “A”. A review of these volumes compared to the recently collected 2021 traffic volumes indicates that the traffic generation for the Newburgh Mall was approximately 25-30% higher in 2019 than indicated by the recent 2021 traffic volume counts due partially to the current COVID-19 Pandemic conditions.

2. TRIP GENERATION COMPARISONS

(Table No. 3A, Appendix B)

The following provides a summary trip generation comparison of the existing 90,000 sq. ft. of retail spaces to the proposed 1,400 VLT entertainment use based on data published by the Institute of Transportation Engineers (ITE) data as contained in their publication entitled *Trip Generation, 10th Edition, 2017*.

Existing Newburgh Mall Generation

Estimates of the existing traffic generation of the Newburgh Mall were established using the ITE Land Use Category 820 – Shopping Center. These traffic generation estimates are summarized in Table No. 1, below.



| TABLE NO. 1 NEWBURGH MALL PEAK HOUR TRAFFIC GENERATION SUMMARY | | | | | |
|---|-------|--------|------|--------|--------------|
| TIME PERIOD | ENTRY | | EXIT | | TOTAL VOLUME |
| | HTGR | VOLUME | HTGR | VOLUME | |
| WEEKDAY PM PEAK | 1.83 | 714 | 1.98 | 774 | 1488 |
| SATURDAY AFTERNOON PEAK | 2.42 | 943 | 2.23 | 871 | 1814 |

NOTES:

1. THE HOURLY TRIP GENERATION RATES (HTGR) ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 10TH EDITION, 2017. ITE LAND USE CODE - 820 - SHOPPING CENTER (FITTED CURVE EQUATION).
2. HOURLY TRIP GENERATION RATES ARE BASED ON AN ASSUMED 390,000 SQ. FT. OF GROSS LEASABLE AREA FOR THE EXISTING NEWBURGH MALL.

Existing Trip Generation of Space to be Converted

The ITE Hourly Trip Generation Rates (HTGR) identified in Table No. 1 above for the overall Mall facility were then applied to the 90,000 sq. ft. of retail space proposed to be converted to the VLT use in order to establish a basis of comparison for the traffic generation of the proposed change in use. Utilizing the above rates, the peak hour traffic generation estimated to be associated with the 90,000 sq. ft. portion of existing retail space is summarized in Table No. 2 below.

| TABLE NO. 2 EXISTING TRAFFIC GENERATION 90,000 SQ. FT. RETAIL SPACE | | | | | |
|--|-------|--------|------|--------|--------------|
| TIME PERIOD | ENTRY | | EXIT | | TOTAL VOLUME |
| | HTGR | VOLUME | HTGR | VOLUME | |
| WEEKDAY PM PEAK | 1.83 | 165 | 1.98 | 179 | 343 |
| SATURDAY AFTERNOON PEAK | 2.42 | 218 | 2.23 | 201 | 419 |

NOTES:

1. TRAFFIC GENERATION VOLUMES REPRESENT ESTIMATED EXISTING TRAFFIC GENERATION ASSOCIATED WITH THE APPROXIMATELY 90,000 SQ. FT. OF EXISTING RETAIL SPACE PROPOSED TO BE OCCUPIED BY THE PROPOSED PROJECT.
2. HOURLY TRIP GENERATION RATES ARE BASED ON THOSE IDENTIFIED IN TABLE NO. 1 FOR THE OVERALL 390,000 SQ. FT. MALL FACILITY.

As indicated in the table it is estimated that the existing retail space generates approximately 343 total trips during the Weekday PM Peak Hour and approximately 419 total trips during the Saturday Afternoon Peak Hour.



Traffic Generation for Proposed Video Lottery Use

Estimates of the traffic generation associated with the proposed use, including up to 1,400 VLT's, have been developed based on information provided by Resorts World, which was compiled for the existing Resorts World Casino located in Queens, New York. This information, which was contained in the *Full Environmental Assessment Form and Expanded Environmental Assessment for Resorts World Casino - New York City Expansion* dated October 2017, is based on person trip data collected in 2016 at the Queens facility, which at the time included approximately 5,000 VLT's. This report also identifies observed modal splits, vehicle occupancies and entry/exit splits of traffic during the Friday PM and Saturday Peak Periods. It is noted that the Queens location is located at the site of the Aqueduct race track, which also contains a hotel and other amenities, which results in a significant number of "internal" trips between the hotel, racetrack and video lottery casino. Furthermore, this location is provided good access to mass transit due to its proximity to both subway and bus terminals. However, utilizing the person trip data provided in the report, traffic generation estimates were established for the proposed Newburgh facility by adjusting the observed rates of person trips per VLT for the anticipated "more auto dependent" trips at the proposed Newburgh facility. The resultant traffic generation estimates based on the existing Resorts World New York City data are summarized in Table No. 3, below. A summary of the calculations for these estimates is provided in Table No. 3A, contained in Appendix "B".

| TABLE NO. 3 PROPOSED TRAFFIC GENERATION 1,400 VIDEO LOTTERY TERMINAL ENTERTAINMENT FACILITY | | | | | |
|---|-------|--------|------|--------|--------------|
| TIME PERIOD | ENTRY | | EXIT | | TOTAL VOLUME |
| | HTGR | VOLUME | HTGR | VOLUME | |
| WEEKDAY/FRIDAY PM PEAK | 0.14 | 189 | 0.09 | 121 | 310 |
| SATURDAY AFTERNOON PEAK | 0.11 | 151 | 0.12 | 163 | 314 |
| SATURDAY EVENING PEAK | 0.17 | 234 | 0.13 | 177 | 411 |

NOTES:

- SEE TABLE NO. 3A, CONTAINED IN APPENDIX "B", FOR CALCULATIONS OF TRAFFIC GENERATION BASED ON DATA OBTAINED FROM EXISTING RESORTS WORLD NYC FACILITY.

ITE data was also referenced for Land Use Category 473 – Casino/Video Lottery Establishment for comparison purposes however only limited data is provided for this land use and therefore it was determined that the data available from the Resorts World New York City location provides a better estimate of the number of peak hour trips that could be generated by the proposed Newburgh facility.



It should also be noted that the Resorts World New York City study provides hourly volume data that indicates that the peak hours of traffic for the facility generally occur on Friday and Saturday between 8 PM and 10 PM. Somewhat similar evening peak traffic periods are expected for the proposed Newburgh facility. It is important to note that Newburgh Mall currently closes at 8PM therefore traffic generation of the remainder of the mall would be minimal during the expected highest peaks of the proposed facility.

Comparison of Existing Retail Use to Proposed Video Lottery Use

A comparison of the existing traffic generation of the existing 90,000 sq. ft. of retail space to that for the proposed 1,400 VLT entertainment use during peak hours is summarized in Table No. 4 below based on the information contained Tables No. 2 and 3 above.

| TABLE NO. 4 | | | |
|---|-------|------|-------|
| COMPARISON OF TRAFFIC GENERATION VOLUMES | | | |
| EXISTING RETAIL USE VS. PROPOSED VIDEO LOTTERY USE | | | |
| TIME PERIOD | ENTRY | EXIT | TOTAL |
| EXISTING 90,000 SQ. FT. RETAIL SPACE¹ | | | |
| WEEKDAY PM PEAK | 165 | 179 | 343 |
| SATURDAY AFTERNOON PEAK | 218 | 201 | 419 |
| PROPOSED 1,400 VIDEO LOTTERY TERMINAL FACILITY² | | | |
| WEEKDAY PM PEAK | 189 | 121 | 310 |
| SATURDAY AFTERNOON PEAK | 151 | 163 | 314 |
| SATURDAY EVENING PEAK | 234 | 177 | 411 |
| NOTES: | | | |
| 1. TRAFFIC GENERATION FOR EXISTING 90,000 SQ. FT. RETAIL SPACES BASED ON 2019 TRAFFIC VOLUME DATA ESTIMATES AS CONTAINED IN TABLE NO. 2. | | | |
| 2. TRAFFIC GENERATION FOR PROPOSED 1,400 VIDEO LOTTERY TERMINAL FACILITY BASED ON RESORTS WORLD NYC DATA ESTIMATES AS CONTAINED IN TABLE NO. 3. | | | |

As indicated in the table above, the level of peak hour traffic generation for the proposed VLT use is anticipated to be comparable to the peak hour traffic generation associated with the existing 90,000 sq. ft. of retail space that will be converted for the proposed VLT use. As noted previously, the peak hour of traffic associated with the proposed Resorts World VLT use will occur after the closing of the remainder of the Mall and therefore occur when the other Site related traffic as well as background traffic volumes along the area roadways are significantly lower and thus the anticipated peak traffic of the video lottery facility will be more easily accommodated. Based on the traffic generation comparison between the existing and proposed



uses and the anticipated peak hours of traffic for the VLT, it is anticipated that the traffic associated with the proposed facility will be accommodated by the area roadways with traffic operations similar to existing peak hour conditions.

It should also be noted that the Newburgh Mall is serviced by local bus transit service run by Leprechaun Lines that runs between Broadway in the City of Newburgh and Route 300. The Newburgh Mall is one of the stops along this Route. The bus runs Monday – Friday 6:50 AM – 7:00 PM and Saturdays 7:50 AM – 7:00 PM. Transfers are also available to other routes within the City of Newburgh and into the Town of New Windsor. The use of mass transit by patrons and/or employees of the facility would further reduce the actual auto trips generated by the proposed use.

2. PARKING UTILIZATION AND GENERATION

Existing Newburgh Mall Parking Utilization

Parking utilization surveys were conducted by representatives of Maser Consulting for the existing parking areas in proximity of the northern portion of the mall, where the space will be occupied by the Resorts World VLT's, to identify current parking utilization and availability. These surveys, which generally included all parking within approximately 600 ft. of the nearest entry to the proposed facility and encompassed some 900 of the approximately 1700 total spaces on the Site, were conducted on Friday, January 29th, and Saturday, January 30, 2021. The attached Figure P-1, contained in Appendix "A", identifies the actual parking areas surveyed. These areas correspond to Tables No. P-1 and P-2, contained in Appendix "B", which summarize the existing parking utilization and available spaces over the course of the Friday and Saturday afternoon and evening peak periods. Note that no parking utilization observations were conducted after 8 PM since the Mall closes at this time. As can be seen from the tables, there is significant parking availability throughout the peak hours especially on the western portion of the Site west of the mall building.

Based on the traffic volume data previously collected in 2019 compared to the 2021 counts for the mall driveways, it was determined that the current Weekday PM Peak Hour volumes are approximately 28% lower than the 2019 conditions while the Saturday Peak Hour volumes are approximately 25% lower due primarily to the current COVID-19 pandemic conditions. It is assumed that this decrease in traffic generation has had a similar impact on parking occupancy of the existing Mall. Therefore, as summarized in Table No. P-3, contained in Appendix "B", the Friday and Saturday parking occupancy counts collected in 2021 were increased by 28% and 25%, respectively, in order to adjust the available parking at the Site to account for pre-pandemic conditions.



Future Parking Conditions with Proposed Resorts World Facility

Utilizing data contained in the Resorts World New York City report, future parking conditions at the Site were analyzed. The Resorts World New York City data provides hourly parking occupancy data at that facility based on parking occupancy counts collected on a day when no racing occurred at the Aqueduct racetrack. This data was utilized in order to determine the hourly variations of parking occupancy over the course of the day. This data indicated that the peak hour of parking occupancy at that location was found to occur between 10:00 PM and 11:00 PM on both Friday and Saturday.

Furthermore, the Resorts World New York City report information was utilized to assist in determining a peak parking occupancy for the proposed Newburgh facility. Based on review of this data it was determined that an appropriate peak parking demand ratio for the Newburgh facility is 1 space per 2 video lottery terminals, which equates to a peak parking demand for the proposed 1,400 VLT facility of approximately 700 parking spaces. This peak demand, which is anticipated to occur between 10:00 PM and 11:00 PM, was then distributed over the course of the day based on the hourly variations previously identified to determine the hourly parking demand for patrons of the Newburgh facility. This parking demand is summarized in Table P-4, contained in Appendix "B".

In addition, it is anticipated that the facility will have approximately 150 employees onsite at any one time. It is anticipated that approximately 15% of these employees will utilize carpooling, public transportation or other means of transportation to access the facility therefore approximately 128 additional parking spaces will be required to accommodate the employee parking needs of the facility. Table P-4 provides a summary of the hourly parking demand for the facility assuming these 128 employee parking spaces are fully occupied at all times. Comparing this demand to the available parking spaces within the northern portion of the Newburgh Mall parking lot indicates that there is sufficient parking available on that portion of the Site to accommodate the parking demand of the proposed use as summarized in Table P-4. Furthermore, the other parking areas on the Site over 600 feet away in the more southern portion of the Site would also be available when the peak occurs since most of those areas are underutilized and the remainder of the Mall closes at 8PM. It should also be noted that the parking utilization projections for the proposed use does not take any credit for the parking demand currently associated with the existing 90,000 sq. ft. of retail space providing a somewhat conservative analysis of future parking conditions.



3. ZONING TEXT AMENDMENT CONSIDERATIONS

The Newburgh Mall and the proposed Site falls within the Town of Newburgh Interchange Business Zoning District, which permits various uses including retail centers, restaurants including fast-food establishments, office uses, hotels and others. The proposed Zoning Text Amendment to allow the proposed VLT facility within this zone would also permit other existing retail centers within this zone to be occupied by similar VLT facilities assuming appropriate licensing for these facilities was ever granted by the State of New York. Any other existing facilities that would explore this possibility should have to demonstrate that the proposed use would be comparable to the existing retail space that it would replace as it relates to traffic generation and that sufficient parking is provided on that Site to accommodate the conversion to a VLT use.

4. SUMMARY AND RECOMMENDATIONS

The review of the existing and historical traffic data and the comparison of the trip generation associated with the proposed change of use of this space indicates that the proposed Resorts World VLT facility would not significantly change peak hour traffic conditions in the vicinity of the Site. In addition, the available parking within the Newburgh Mall property would adequately serve the proposed use as well as the remainder of the existing Newburgh Mall.

Very truly yours,

MASER CONSULTING CONNECTICUT, P.C.

Handwritten signature of Philip J. Grealy in black ink.

Philip J. Grealy, Ph.D., P.E.
Principal/Department Manager

Handwritten signature of Richard G. D'Andrea in black ink.

Richard G. D'Andrea, P.E., PTOE
Principal Associate/Project Manager

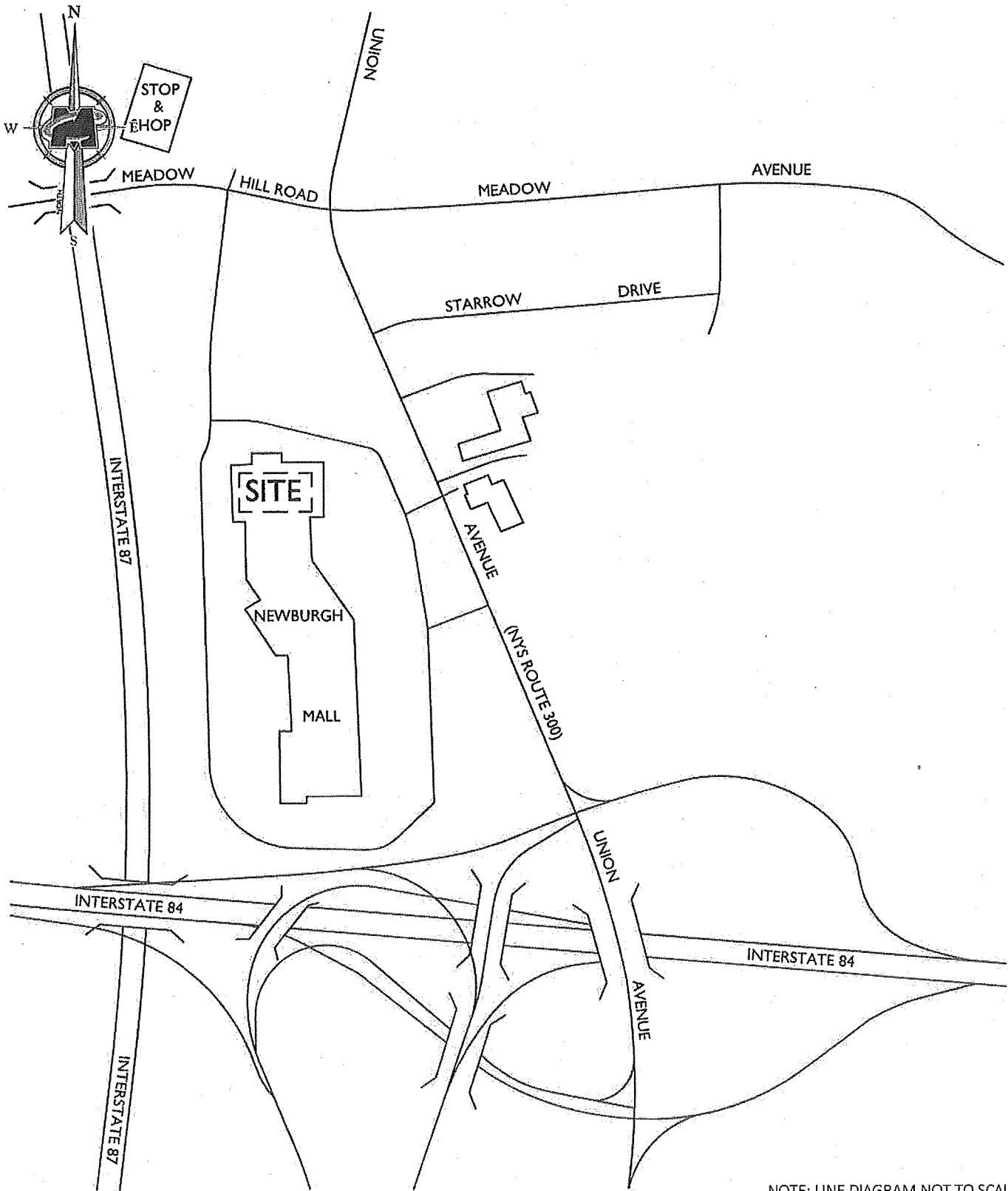


Resorts World Casino
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Appendix

RESORTS WORLD CASINO - NEWBURGH

APPENDIX A

FIGURES



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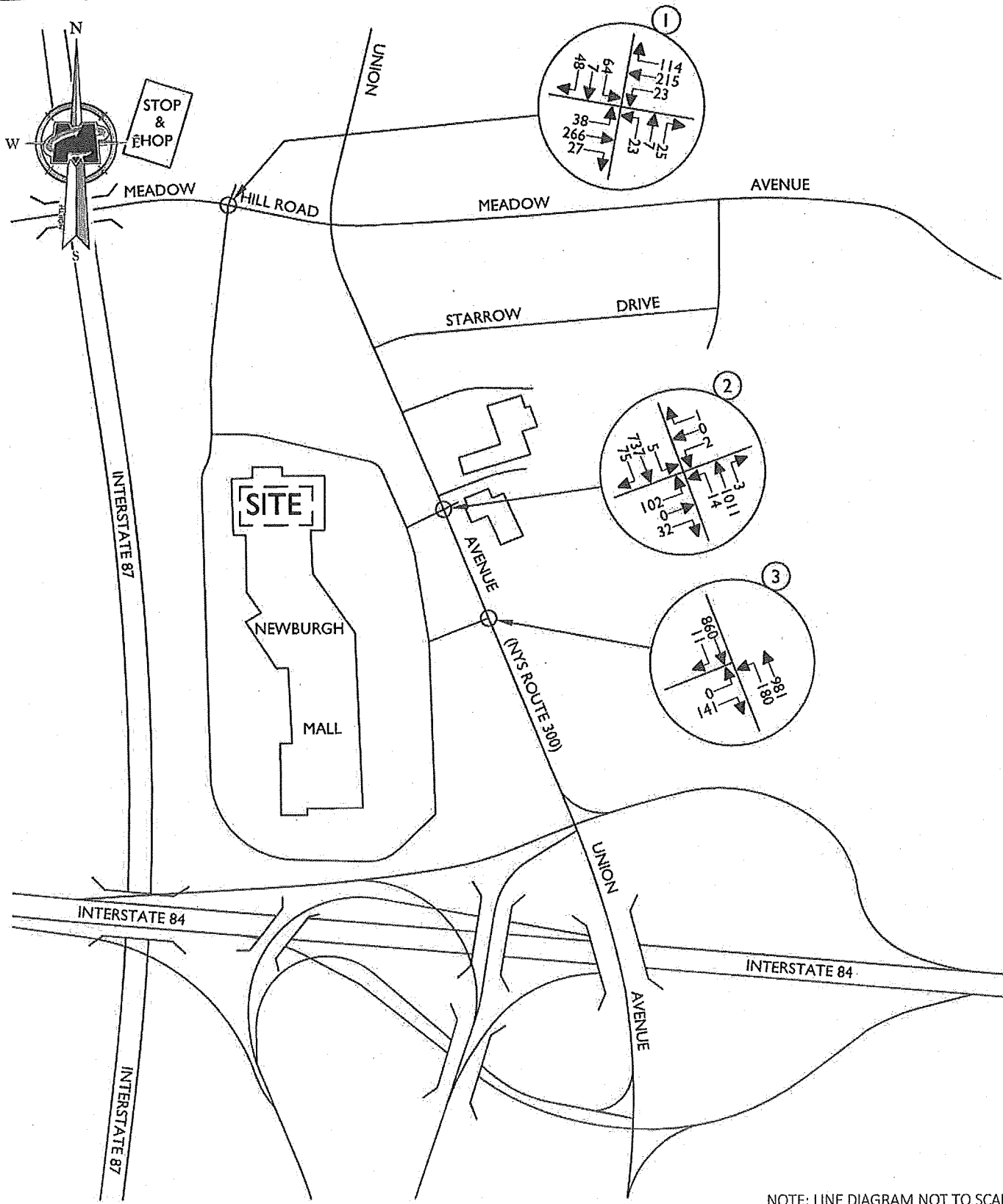
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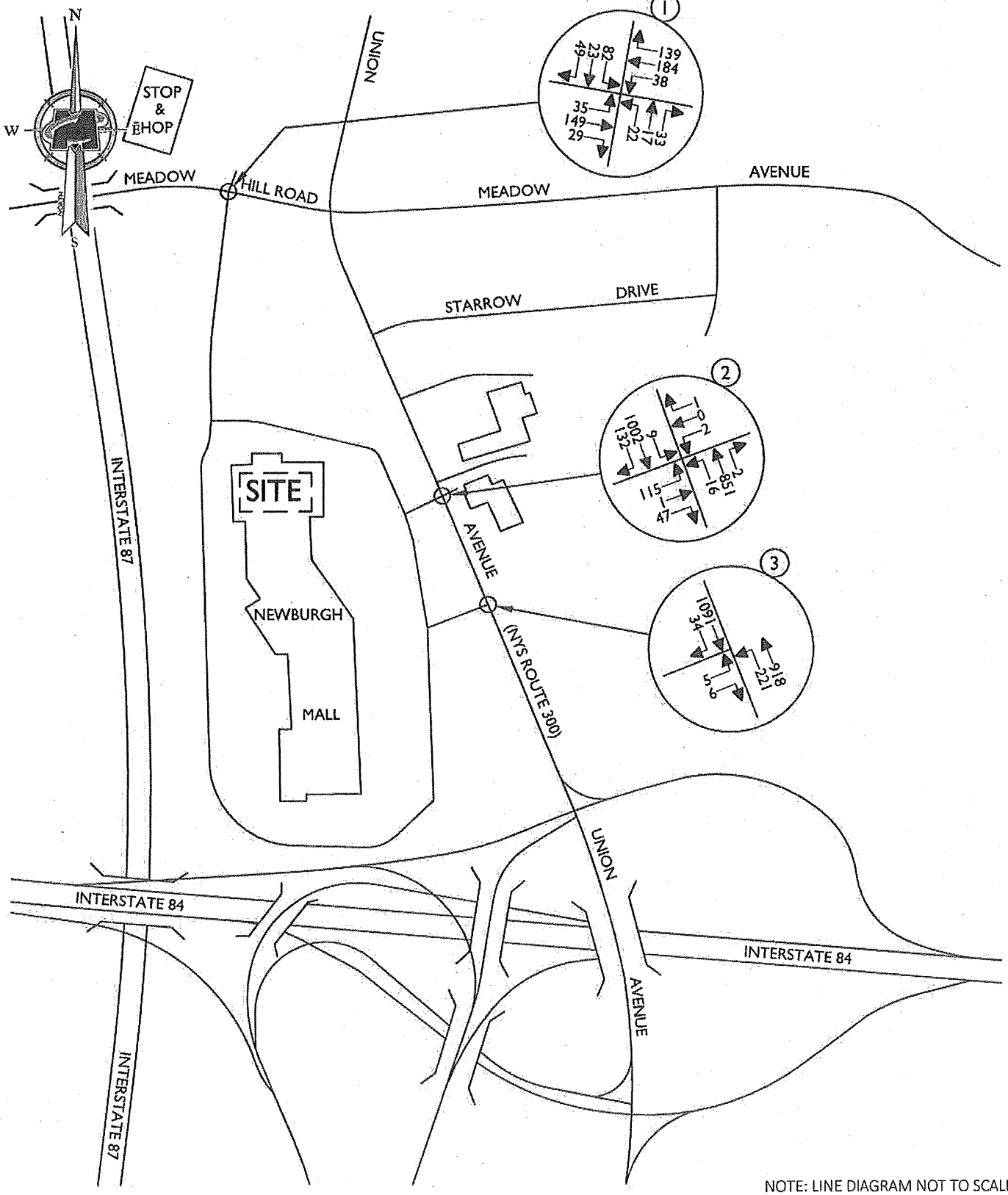
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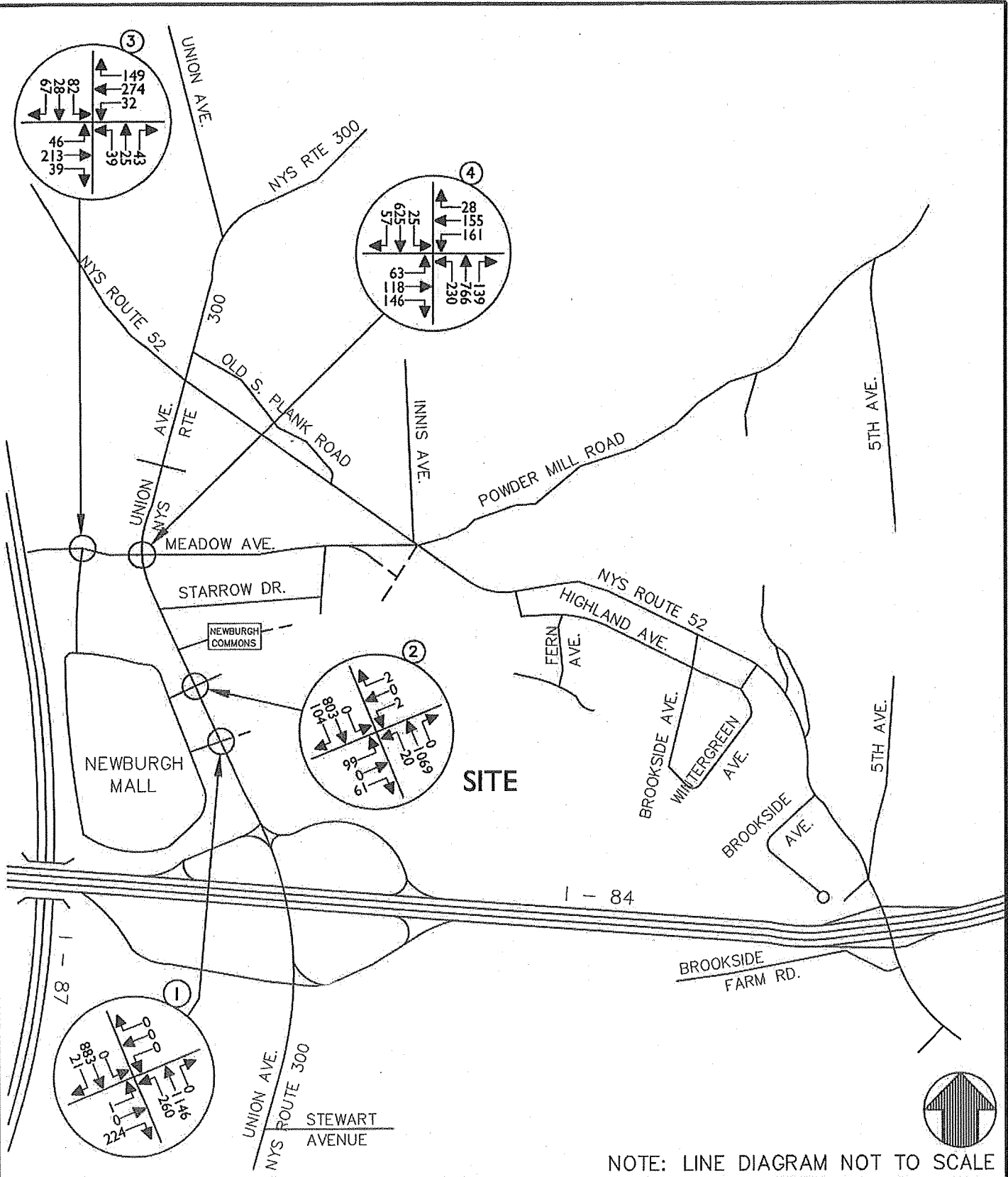
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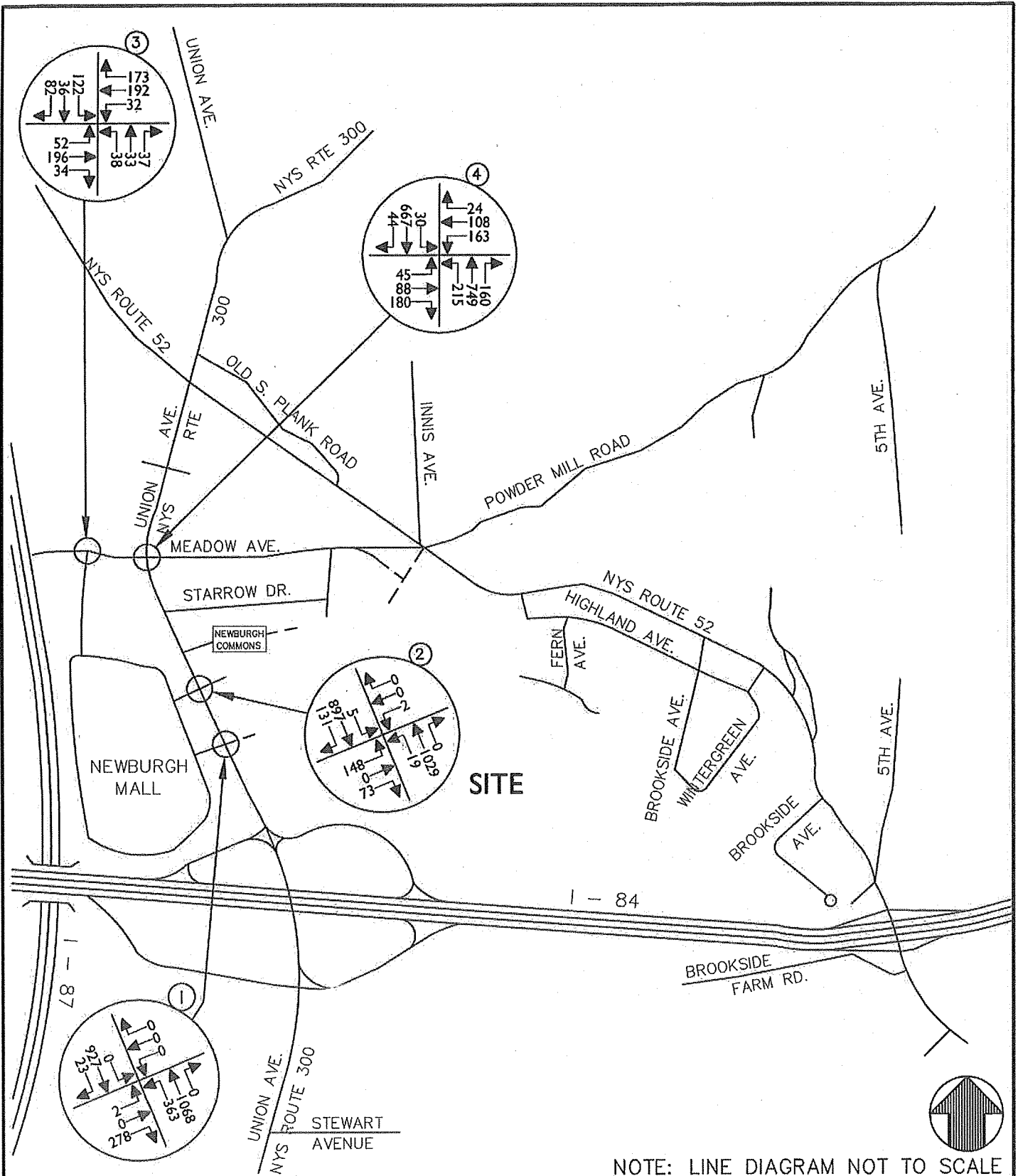
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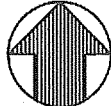
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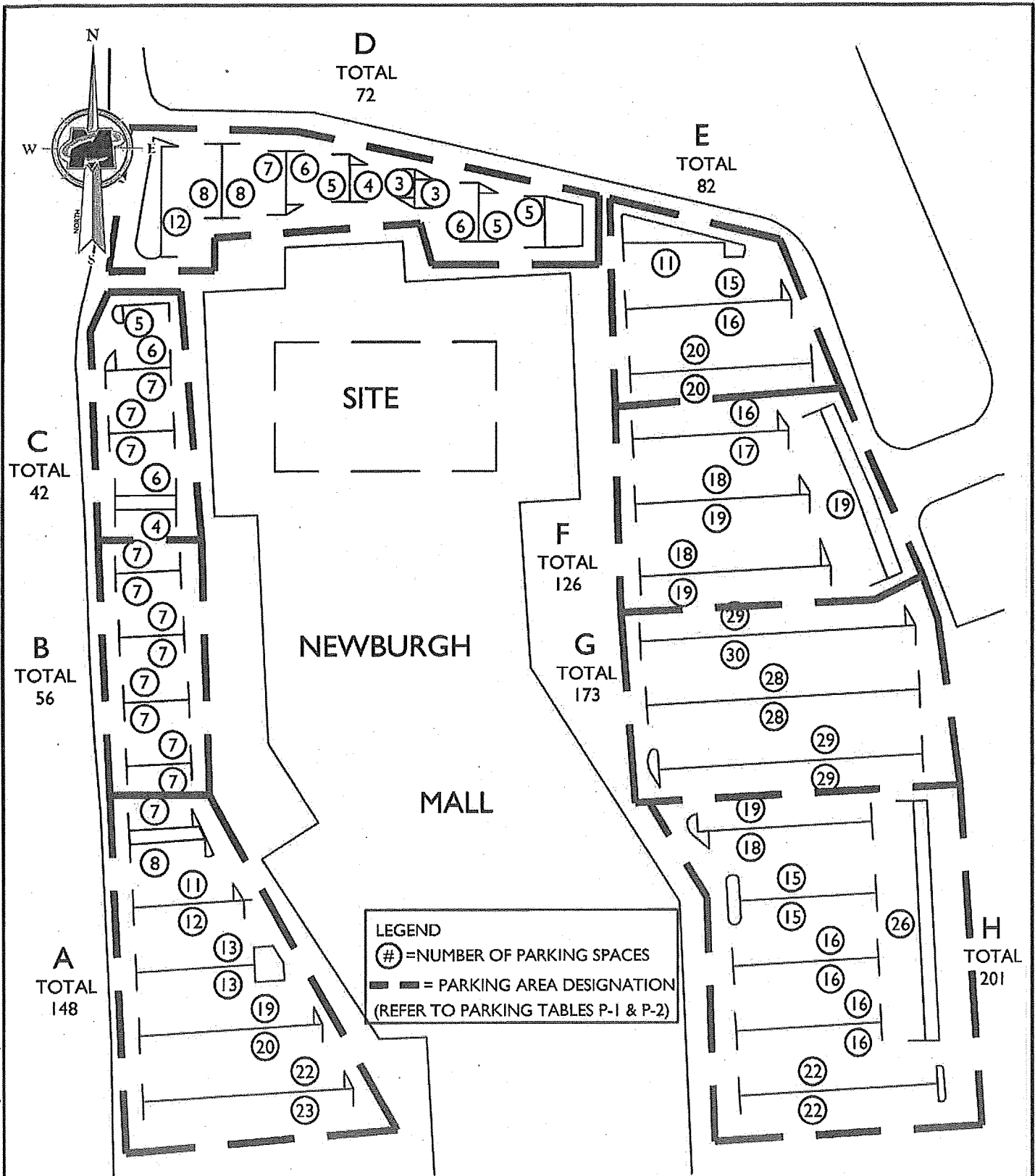
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 ANY PERSON PREPARING TO
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 Valhalla, NY 10595
 Phone: 914.347.7500
 Fax: 914.347.7266

| TRAFFIC IMPACT STUDY | | | |
|--|------------------|--|-----------------------|
| SCALE: AS SHOWN | DATE: 1/22/21 | DRAWN BY: R.H. | CHECKED BY: P.J.G. |
| PROJECT NUMBER: 21000177A | | DRAWING NAME: 210122RH_PARKING FIGURE | |
| SHEET TITLE: PARKING AREA IDENTIFICATION MAP | | | |
| SHEET NUMBER: PI | | | |

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Resorts World Casino
Town of Newburgh, Orange County, New York
MC Project No. 21000177A
Appendix

RESORTS WORLD CASINO - NEWBURGH

APPENDIX B

TABLES

TABLE NO. 3A

PROPOSED TRAFFIC GENERATION CALCULATIONS
1,400 VIDEO LOTTERY TERMINAL ENTERTAINMENT FACILITY BASED

| | WEEKDAY/FRIDAY | | SATURDAY | | | |
|---|--------------------------------|------|------------------------------|------|--------------------------|------|
| DAILY TRIP RATE (PERSONS PER VLT) ¹ | 8.12 | | 10.58 | | | |
| TOTA DAILY PERSON TRIPS (1400 VLT'S) | 11368 | | 14812 | | | |
| | WEEKDAY/FRIDAY PM PEAK HOUR | | SATURDAY MIDDAY PEAK HOUR | | SATURDAY PM PEAK HOUR | |
| TEMPORAL DISTRIBUTION ¹ | 5.6% | | 4.5% | | 5.9% | |
| TOTAL PEAK HOUR PERSON TRIPS | 637 | | 667 | | 874 | |
| | WEEKDAY/FRIDAY PM PEAK HOUR | | SATURDAY MIDDAY PEAK HOUR | | SATURDAY PM PEAK HOUR | |
| | ENTER | EXIT | ENTER | EXIT | ENTER | EXIT |
| ENTRY/EXIT SPLITS ¹ | 61% | 39% | 48% | 52% | 57% | 43% |
| ENTRY/EXIT PERSON TRIPS | 389 | 248 | 320 | 347 | 498 | 376 |
| | WEEKDAY/FRIDAY | | SATURDAY | | | |
| VEHICLE OCCUPANCY (PERSONS PER VEHICLE) ¹ | 2.06 | | 2.13 | | | |
| | WEEKDAY/FRIDAY PM PEAK HOUR | | SATURDAY MIDDAY PEAK HOUR | | SATURDAY PM PEAK HOUR | |
| | ENTER | EXIT | ENTER | EXIT | ENTER | EXIT |
| PEAK HOUR VEHICLE TRIPS | 189 | 121 | 151 | 163 | 234 | 177 |

NOTES:

- 1) BASED ON INFORMATION CONTAINED TABLE 8 - TRANSPORTATION PLANNING FACTORS AS CONTAINED IN THE FULL ENVIRONMENTAL ASSESSMENT FORM AND EXPANDED ENVIRONMENTAL ASSESSMENT FOR RESORTS WORLD CASINO - NEW YORK CITY EXPANSION DATED OCTOBER 2017.

TABLE P-1

SUMMARY OF EXISTING NEWBURGH MALL PARKING SPACE UTILIZATION - NORTH LOTS
WEEKDAY/FRIDAY PM CONDITIONS

JOB NO.: 21000177A
 LOCATION: NEWBURGH, NY
 DAY: FRIDAY
 DATE: 1/29/2021
 TIME: 12:00 PM - 7:30 PM

| PARKING AREA CAPACITY ¹ | | | | | | | | | | |
|------------------------------------|-----|----|----|----|----|-----|-----|-----|-----------------------|-------------------------|
| | A | B | C | D | E | F | G | H | TOTAL OCCUPIED SPACES | TOTAL UNOCCUPIED SPACES |
| TOTAL SPACES | 148 | 56 | 42 | 72 | 82 | 126 | 173 | 201 | 900 | |
| SPACES OCCUPIED | | | | | | | | | | |
| TIME | | | | | | | | | | |
| 12:00 PM | 10 | 18 | 0 | 1 | 4 | 23 | 44 | 32 | 132 | 768 |
| 12:30 PM | 10 | 21 | 3 | 3 | 7 | 22 | 47 | 32 | 145 | 755 |
| 1:00 PM | 11 | 20 | 3 | 1 | 8 | 18 | 52 | 37 | 150 | 750 |
| 1:30 PM | 10 | 16 | 3 | 2 | 8 | 13 | 60 | 29 | 141 | 759 |
| 2:00 PM | 11 | 16 | 1 | 1 | 7 | 11 | 56 | 35 | 138 | 762 |
| 2:30 PM | 11 | 20 | 1 | 1 | 8 | 12 | 58 | 36 | 147 | 753 |
| 3:00 PM | 11 | 19 | 1 | 2 | 4 | 11 | 68 | 31 | 147 | 753 |
| 3:30 PM | 11 | 15 | 1 | 2 | 6 | 10 | 68 | 35 | 148 | 752 |
| 4:00 PM | 13 | 13 | 1 | 2 | 6 | 14 | 61 | 33 | 143 | 757 |
| 4:30 PM | 12 | 14 | 1 | 4 | 3 | 18 | 58 | 36 | 146 | 754 |
| 5:00 PM | 10 | 16 | 1 | 3 | 3 | 16 | 64 | 33 | 146 | 754 |
| 5:30 PM | 10 | 13 | 1 | 2 | 3 | 12 | 66 | 39 | 148 | 752 |
| 6:00 PM | 9 | 12 | 0 | 3 | 2 | 4 | 66 | 39 | 135 | 765 |
| 6:30 PM | 9 | 13 | 0 | 3 | 3 | 8 | 52 | 21 | 109 | 791 |
| 7:00 PM | 8 | 10 | 0 | 3 | 2 | 5 | 56 | 25 | 109 | 791 |

NOTES:

- 1) PARKING AREAS SHOWING SPACES AVAILABLE DURING EACH TIME INTERVAL. SEE FIGURE NO. P-1 FOR IDENTIFICATION OF PARKING AREAS.
- 2) EXISTING NEWBURGH MALL HOURS ARE 11 AM - 8 PM MONDAY THROUGH SATURDAY AND 12 PM - 6 PM ON SUNDAY

TABLE P-2

SUMMARY OF EXISTING NEWBURGH MALL PARKING SPACE UTILIZATION - NORTH LOTS
WEEKEND SATURDAY CONDITIONS

JOB NO.: 21000177A
 LOCATION: NEWBURGH, NY
 DAY: SATURDAY
 DATE: 1/30/2021
 TIME: 12:00 PM - 7:30 PM

| | | PARKING AREA CAPACITY | | | | | | | | | | TOTAL OCCUPIED SPACES | TOTAL UNOCCUPIED SPACES |
|------------------------|----|-----------------------|----|----|----|----|-----|-----|-----|--|--|-----------------------|-------------------------|
| | | A | B | C | D | E | F | G | H | | | | |
| TOTAL SPACES | | 148 | 56 | 42 | 72 | 82 | 126 | 173 | 201 | | | 900 | |
| SPACES OCCUPIED | | | | | | | | | | | | | |
| TIME | | | | | | | | | | | | | |
| 12:00 PM | 12 | 21 | 2 | 3 | 5 | 18 | 62 | 37 | | | | 160 | 740 |
| 12:30 PM | 13 | 19 | 3 | 4 | 4 | 23 | 68 | 38 | | | | 172 | 728 |
| 1:00 PM | 11 | 17 | 1 | 2 | 5 | 18 | 75 | 40 | | | | 169 | 731 |
| 1:30 PM | 13 | 22 | 2 | 3 | 7 | 13 | 56 | 36 | | | | 152 | 748 |
| 2:00 PM | 14 | 19 | 1 | 2 | 8 | 16 | 58 | 41 | | | | 159 | 741 |
| 2:30 PM | 10 | 22 | 1 | 2 | 11 | 21 | 73 | 44 | | | | 184 | 716 |
| 3:00 PM | 11 | 23 | 2 | 2 | 9 | 19 | 73 | 50 | | | | 189 | 711 |
| 3:30 PM | 11 | 20 | 2 | 4 | 9 | 21 | 71 | 37 | | | | 175 | 725 |
| 4:00 PM | 9 | 18 | 5 | 7 | 8 | 15 | 73 | 34 | | | | 169 | 731 |
| 4:30 PM | 9 | 19 | 1 | 6 | 7 | 14 | 49 | 42 | | | | 147 | 753 |
| 5:00 PM | 11 | 17 | 1 | 6 | 5 | 11 | 59 | 29 | | | | 139 | 761 |
| 5:30 PM | 10 | 15 | 1 | 6 | 7 | 13 | 68 | 30 | | | | 150 | 750 |
| 6:00 PM | 10 | 15 | 1 | 5 | 5 | 7 | 56 | 30 | | | | 129 | 771 |
| 6:30 PM | 10 | 12 | 1 | 6 | 4 | 9 | 60 | 31 | | | | 133 | 767 |
| 7:00 PM | 10 | 12 | 1 | 5 | 6 | 10 | 46 | 29 | | | | 119 | 781 |

NOTES:

- 1) PARKING AREAS SHOWING SPACES AVAILABLE DURING EACH TIME INTERVAL. SEE FIGURE NO. P-1 FOR IDENTIFICATION OF PARKING AREAS.
- 2) EXISTING NEWBURGH MALL HOURS ARE 11 AM - 8 PM MONDAY THROUGH SATURDAY AND 12 PM - 6 PM ON SUNDAY

TABLE P-3

SUMMARY OF EXISTING NEWBURGH MALL (NORTH LOTS) PARKING SPACE UTILIZATION

| | | FRIDAY | | | SATURDAY | | |
|---------------------|----------|-----------------------|---|---------------------------|-----------------------|---|---------------------------|
| | | TOTAL OCCUPIED SPACES | ADJUSTED TOTAL OCCUPIED SPACES ¹ | ADJUSTED AVAILABLE SPACES | TOTAL OCCUPIED SPACES | ADJUSTED TOTAL OCCUPIED SPACES ¹ | ADJUSTED AVAILABLE SPACES |
| TOTAL SPACES | | 900 | | | 900 | | |
| TIME | | SPACES OCCUPIED | | | | | |
| 12:00 PM | 12:30 PM | 132 | 169 | 731 | 160 | 200 | 700 |
| 12:30 PM | 1:00 PM | 145 | 186 | 714 | 172 | 215 | 685 |
| 1:00 PM | 1:30 PM | 150 | 192 | 708 | 169 | 212 | 688 |
| 1:30 PM | 2:00 PM | 141 | 181 | 719 | 152 | 190 | 710 |
| 2:00 PM | 2:30 PM | 138 | 177 | 723 | 159 | 199 | 701 |
| 2:30 PM | 3:00 PM | 147 | 189 | 711 | 184 | 230 | 670 |
| 3:00 PM | 3:30 PM | 147 | 189 | 711 | 189 | 237 | 663 |
| 3:30 PM | 4:00 PM | 148 | 190 | 710 | 175 | 219 | 681 |
| 4:00 PM | 4:30 PM | 143 | 184 | 716 | 169 | 212 | 688 |
| 4:30 PM | 5:00 PM | 146 | 187 | 713 | 147 | 184 | 716 |
| 5:00 PM | 5:30 PM | 146 | 187 | 713 | 139 | 174 | 726 |
| 5:30 PM | 6:00 PM | 148 | 190 | 710 | 150 | 188 | 712 |
| 6:00 PM | 6:30 PM | 135 | 173 | 727 | 129 | 162 | 738 |
| 6:30 PM | 7:00 PM | 109 | 140 | 760 | 133 | 167 | 733 |
| 7:00 PM | 7:30 PM | 109 | 140 | 760 | 119 | 149 | 751 |

NOTES:

- 1) ADJUSTED TOTAL OCCUPIED SPACES INCLUDES 28% INCREASE IN PARKING IN OBSERVED PARKING OCCUPANCY FOR FRIDAY CONDITIONS AND 25% INCREASE FOR SATURDAY CONDITIONS IN ORDER TO ACCOUNT FOR REDUCED PARKING OCCUPANCY DUE TO COVID-19 PANDEMIC CONDITIONS.
- 2) EXISTING NEWBURGH MALL HOURS ARE 11 AM - 8 PM MONDAY THROUGH SATURDAY AND 12 PM - 6 PM ON SUNDAY.

TABLE NO. P-4

PROPOSED PARKING DEMAND & COMPARISON TO EXISTING AVAILABLE PARKING

| FRIDAY | | | | | |
|----------|----------|--------------------------------------|--|--|----------------------------|
| FROM | TO | PROPOSED PARKING DEMAND ¹ | PROPOSED PARKING DEMAND INCLUDING EMPLOYEES ² | ADJUSTED AVAILABLE PARKING SPACES ³ | REMAINING AVAILABLE SPACES |
| 12:00 PM | 1:00 PM | 408 | 535 | 714 | 179 |
| 1:00 PM | 2:00 PM | 448 | 576 | 708 | 132 |
| 2:00 PM | 3:00 PM | 467 | 595 | 711 | 116 |
| 3:00 PM | 4:00 PM | 502 | 630 | 710 | 80 |
| 4:00 PM | 5:00 PM | 485 | 613 | 713 | 100 |
| 5:00 PM | 6:00 PM | 474 | 601 | 710 | 109 |
| 6:00 PM | 7:00 PM | 479 | 607 | 727 | 120 |
| 7:00 PM | 8:00 PM | 516 | 643 | 760 | 117 |
| 8:00 PM | 9:00 PM | 592 | 720 | - ³ | - ³ |
| 9:00 PM | 10:00 PM | 665 | 793 | - ³ | - ³ |
| 10:00 PM | 11:00 PM | 700 | 828 | - ³ | - ³ |
| 11:00 PM | 12:00 AM | 674 | 801 | - ³ | - ³ |

| SATURDAY | | | | | |
|----------|----------|--------------------------------------|--|--|----------------------------|
| FROM | TO | PROPOSED PARKING DEMAND ¹ | PROPOSED PARKING DEMAND INCLUDING EMPLOYEES ² | ADJUSTED AVAILABLE PARKING SPACES ³ | REMAINING AVAILABLE SPACES |
| 12:00 PM | 1:00 PM | 377 | 505 | 685 | 180 |
| 1:00 PM | 2:00 PM | 440 | 567 | 688 | 121 |
| 2:00 PM | 3:00 PM | 494 | 621 | 670 | 49 |
| 3:00 PM | 4:00 PM | 532 | 659 | 663 | 4 |
| 4:00 PM | 5:00 PM | 552 | 680 | 688 | 8 |
| 5:00 PM | 6:00 PM | 556 | 684 | 712 | 28 |
| 6:00 PM | 7:00 PM | 560 | 687 | 733 | 46 |
| 7:00 PM | 8:00 PM | 575 | 702 | 751 | 49 |
| 8:00 PM | 9:00 PM | 624 | 751 | - ³ | - ³ |
| 9:00 PM | 10:00 PM | 659 | 787 | - ³ | - ³ |
| 10:00 PM | 11:00 PM | 700 | 828 | - ³ | - ³ |
| 11:00 PM | 12:00 AM | 690 | 817 | - ³ | - ³ |

NOTES:

- 1) HOURLY VARIATIONS OF PROPOSED PARKING DEMAND BASED ON DATA COLLECTED AT RESORTS WORLD NEW YORK CITY AS CONTAINED IN THE FULL ENVIRONMENTAL ASSESSMENT FORM AND EXPANDED ENVIRONMENTAL ASSESSMENT FOR RESORTS WORK CASINO - NEW YORK CITY EXPANSION DATED OCTOBER 2017.
- 2) ASSUMES A MAXIMUM OF 150 EMPLOYEES ONSITE AT ANY ONE TIME WITH 15% OF EMPLOYEES UTILIZING CARPOOLING, PUBLIC TRANSPORTATION OR OTHER MEANS. ALL EMPLOYEE SPACES ASSUMED TO BE OCCUPIED AT ALL TIMES.
- 3) ADJUSTED AVAILABLE PARKING SPACES AS IDENTIFIED IN TABLE P-3. NOTE NEWBURGH MALL CLOSES AT 8PM. AFTER 8PM AVAILABLE PARKING SPACES IN NORTH PORTION OF THE MALL PARKING LOT WILL ACCOMMODATE PEAK PARKING DEMAND.



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

7

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF ADOPTION OF TOWN OF NEWBURGH
POLICE DEPARTMENT REFORM AND REINVENTION
COLLABORATIVE PLAN
OUR FILE NO. 800.1(B)()(2021)

DATE: MARCH 16, 2021

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
Donna M. Badura

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

In accordance with Supervisor Piaquadio's request, enclosed please find the above referenced draft resolution for the Board's consideration.

MCT:sel

Enc.

cc: Joseph P. Pedi, Town Clerk
Donald Bruce Campbell, Chief of Police
Charlene Black, Personnel Director
Ronald Clum, Town Accountant

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by videoconference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the ___th day of March, 2021 at 7:00 o'clock p.m.

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 TOWN OF NEWBURGH
POLICE DEPARTMENT REFORM AND
REINVENTION COLLABORATIVE
PLAN

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

WHEREAS, pursuant to Executive Order No. 203 issued by the Hon. Andrew M. Cuomo, Governor of the State of New York, each local government entity which has a police agency operating with police officers as defined under 1.20 of the Criminal Procedure Law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

WHEREAS, pursuant to said Executive Order, the Supervisor of the Town of Newburgh has convened the Chief of Police of the Town of Newburgh Police Department and stakeholders in the community to develop such a plan for the Police Department and

WHEREAS, evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program have been considered

in the development of the plan; and

WHEREAS, the Town in coordination with the Police Department has consulted with stakeholders, including but not limited to membership and leadership of the Police Department; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the office of the Orange County District Attorney; the local public defender, The Legal Aid Society of Orange County; and local elected officials, and has solicited public input through virtual meetings and creation of an e-mail designated specifically for presentation of suggestions and concerns; and

WHEREAS, a Town of Newburgh Police Reform and Reinvention Collaborative Plan has been created to adopt and implement the recommendations resulting from the review, consultation and public input process, tailored to the specific needs of our community and to promote improved Town of Newburgh Police Department and community relationships based on trust, fairness, accountability, and transparency, and to seek to reduce any racial disparities in policing; and

WHEREAS, the Town of Newburgh Police Reform and Reinvention Collaborative Plan has been offered for public review and comment to all citizens in the Town by posting on the Police Department's Facebook page and the Town's website; and

WHEREAS, comments which were received have been considered, and the Police Reform and Reinvention Collaborative Plan annexed hereto has been presented to the Town Board of the Town of Newburgh, the local legislative body of the Town; and

WHEREAS, the adoption of said Plan of the Town of Newburgh constitutes an action pertaining to routine or continuing agency administration and management, and accordingly is a Type II Action under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts the "Police Reform and Reinvention Plan for the Town of Newburgh" annexed hereto.
2. A certification shall be transmitted to the New York State Director of the Division of the Budget to affirm that the Town of Newburgh has complied with the process of adoption required pursuant to Executive Order No. 203 for said Police Reform and Reinvention Plan of the Town of Newburgh and that the foregoing resolution has been adopted by the Town Board.
3. The foregoing resolutions shall take effect immediately.

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>James E. Presutti, Councilman</u> | <u>voting</u> |
| <u>Scott M. Manley, Councilman</u> | <u>voting</u> |
| <u>Gilbert J. Piaquadio, Supervisor</u> | <u>voting</u> |

The resolution was thereupon declared duly adopted.



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF ADOPTION OF TOWN OF NEWBURGH
PUBLIC EMPLOYE HEALTH EMERGENCY PLAN
OUR FILE NO. 800.1(B)() (2021)

DATE: MARCH 16, 2021

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
Donna M. Badura

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

In accordance with Supervisor Piaquadio's request, enclosed please find the above referenced draft resolution for the Board's consideration.

The Health Emergency Plan will be presented by Deputy Supervisor Manley and Code Compliance Supervisor Canfield.

MCT:kac

Enc.

cc: Joseph P. Pedi, Town Clerk
Gerald Canfield, Code Compliance Supervisor
Charlene Black, Personnel Director
Ronald Clum, Town Accountant

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by videoconference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the ___th day of March, 2021 at 7:00 o'clock p.m.

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 TOWN OF NEWBURGH
PUBLIC EMPLOYER
HEALTH EMERGENCY PLAN

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

WHEREAS, in accordance with S8617B/A10832 which amends New York State Labor Law Section 27-c, the Town of Newburgh as a public employer is required to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease which shall include, among other things, the identification of essential personnel, needed personal protective equipment for both essential employees and contractors, and protocols for the staggering of work shifts and telecommuting for non-essential employees and contractors; and

WHEREAS the Town Board of the Town of Newburgh has caused a plan meeting the requirements of Labor Law Section 27-c to be drafted for the Town; and

WHEREAS, in accordance with the requirements of Labor Law Section 27-c, the draft plan has been presented to all applicable duly recognized or certified representative of the Town's employees, who have been granted an opportunity to review the plan and make recommendations prior to the draft being completed and the Town has considered and responded in writing to any such recommendations as may have been received within a reasonable time frame; and

WHEREAS, the draft plan has been finalized as the "Public Employer Health Emergency Plan for the Town of Newburgh" annexed hereto

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts the final "Public Employer Health Emergency Plan for the Town of Newburgh."
2. The Town of Newburgh Employee Handbook is hereby amended to include the

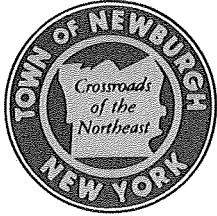
Public Employer Health Emergency Plan for the Town of Newburgh and such amendment shall be distributed to Town employees

3. The Town Clerk is hereby directed to publish the adopted Public Employer Health Emergency Plan for the Town of Newburgh in a clear and conspicuous location and on the Town's website in a location accessible to Town employees.
4. The foregoing resolutions shall take effect immediately.

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>James E. Presutti, Councilman</u> | <u>voting</u> |
| <u>Scott M. Manley, Councilman</u> | <u>voting</u> |
| <u>Gilbert J. Piaquadio, Supervisor</u> | <u>voting</u> |

The resolution was thereupon declared duly adopted.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

9A

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

FROM: Jim Presutti, Commissioner

DATE: March 12, 2021

RE: Community Day Fireworks

The Recreation Department has received one competitive quote for the Community Day Fireworks display for 2021 as well as quotes at the Town's option for 2022 and 2023. Please find attached the quote sheet for your review.

At this time, I am recommending to accept the quote from Fireworks Extravaganza at the price quoted of \$11,999.

Thank you for your consideration.

Regards,

Jim Presutti
Commissioner

FORM A
BID FOR TOWN OF NEWBURGH, NY COMMUNITY DAY
FIREWORKS DISPLAY
JULY 2, 2021
(with Town options for 2022 and 2023)

Please quote a price for services as specified herein for each of the three years as follows:

2021 Price: 11,999
2022 Price: 12,499 (at the option of the Town)
2023 Price: 12,999 (at the option of the Town)

As an authorized representative of the identified company, I accept all the terms and conditions identified in Bid Specifications for Town of Newburgh Community Day Fireworks Display and certify that the Bidder will furnish, at the price herein quoted, the materials, equipment and/or services as proposed on this bid.

Company Name and Address:

Fireworks Extravaganza
121 Gerrude Ave - Paramus NJ 07652
392 Rock Cut Road, Walden NY 12586

By: , an authorized representative
Signature

Dated: 3.11.2021, 2021

Print Name & Title

John Sagaria, President

Email Address: jsagaria@fwextravaganza.com

Phone Number: 201-968-5200 X713

Fax Number: 206-202-1544



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

WBB
9B

PERSONNEL DEPT.

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

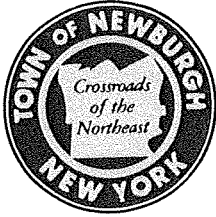
To: Gilbert Piaquadio, Supervisor
Town Board Members

From: Charlene M. Black, Personnel Director

Date: March 17, 2021

Re: Part time Recreation Aides

Mr. Presutti has requested approval to hire Ken Tschan and Sandra Brandman as part time Recreation Aides. The applicants' hiring is contingent on your approval and the completion of their fingerprints, paperwork, drug/alcohol screening and physical. A start date of on or after April 12, 2021 is anticipated. Thank you in advance.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

CC: Charlene Black, Personnel

FROM: Jim Presutti, Commissioner

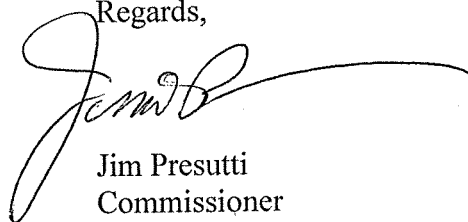
DATE: March 17, 2021

RE: Request to Hire Two P/T Recreation Aides

At this time we are requesting your approval to hire Mr. Ken Tschan and Ms. Sandra Brandman as Part Time Recreation Aides to fill the two openings at the Desmond. Mr. Tschan and Ms. Brandman will be hired at the rate of \$15.31/hour. The salary for this position is in the 2021 Desmond budget.

Start date for these positions will be on or after April 12th. Thank you for your consideration.

Regards,



Jim Presutti
Commissioner

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: KEN TSCHAN

DEPARTMENT: RECREATION / DESMOND

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: PART TIME


HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7520.5100

PROPOSED HIRE DATE: APRIL 12 - ON OR AFTER

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.


DEPARTMENT HEAD SIGNATURE

3/17/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT.

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: SANDRA BRANDMAN

DEPARTMENT: RECREATION / DESMOND

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: PART TIME

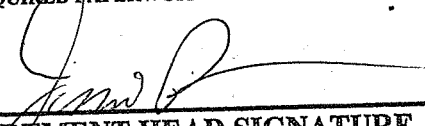
HOURLY RATE: *15.31

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7520.5100

PROPOSED HIRE DATE: APRIL 12 - ON OR AFTER

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.


DEPARTMENT HEAD SIGNATURE

3/17/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010



TOWN OF NEWBURGH


9C

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

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

To: Supervisor Piaquadio ✓
Town Board Members

From: Charlene M Black, Personnel 

Date: March 16, 2021

Re: Recreation Seasonal Employee

Please find attached a request from James Presutti, Commissioner of Parks & Recreation and Conservation for the hiring of a Seasonal Employee. Shannon Mazingo is a returnee and will need to be drug and alcohol tested and complete appropriate paperwork. Her season will start May 3rd, 2021 until September 12th, 2021 and her rate of pay will be \$15.50 per hour.

Thank you in advance for your time in this matter.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

FROM: Jim Presutti, Commissioner

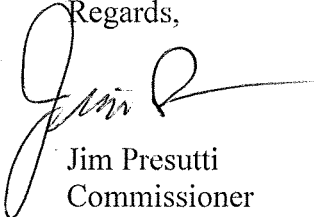
DATE: March 3, 2021

RE: Seasonal Employee Hire

We are requesting approval to hire Ms. Shannon Mozingo as a Seasonal Recreation Aide. Ms. Mozingo will be hired at a rate of \$15.50/hour. The salary for this position is in the 2021 budget.

Start date for this position will be May 3rd and ending on September 12th. Thank you for your consideration.

Regards,



Jim Presutti
Commissioner

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: SHANNON MOZINGO

DEPARTMENT: RECREATION

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: SEASONAL


HOURLY RATE: \$15.50

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7140-5100

PROPOSED HIRE DATE: 5/03/21

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.

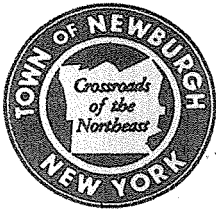

DEPARTMENT HEAD SIGNATURE

3/1/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

10A



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(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: 3/9/21

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

FAA

*Totaling: \$ 32.35

Feline:

Canine: \$ 32.35

TOWN OF NEWBURGH

1496 ROUTE 300
NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT

TOWAC ID 58907

CLAIMANT'S
NAME
AND
ADDRESS

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

TERMS

Feb. 2021 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. |
| | | | | | VOUCHER NO. | | | | | | |
| | | TOTAL | | | | | | | | | |
| Abstract No. | | | | | | VOUCHER NO. | | | | | |

Vendor's
Ref. No.

| Date | Quantity | Description of Materials or Services | Unit Price | Amount |
|--------------|-----------------|--------------------------------------|------------|--------------|
| 2-3-21 | INV# 834952-611 | 2021-2-2 F Brown LAB | | 32.35 |
| TOTAL | | | | 32.35 |

(See Instructions on Reverse Side)

CLAIMANT'S CERTIFICATION

I, Jean Tolan, certify that the above account in the amount of \$ 32.35 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.

2-5-21

DATE

Jean Tolan

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.



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

Dr. Greenberg | Date: 2/4/2021 at 13:41 | Invoice: 834952611 | Cashier: Jean T

Client

Town Of Newburgh 2021 Animal Control (#58907)

645 Gidney Ave
Newburgh, NY 12550

Patient

2021-2-2 F Brown Labradoodle (#133858)

Species: Canine (Labradoodle)

Sex: Female Unknown | Color: Brown And White

Birth: | Age: | Weight: 32.4 lb



Detailed Visit Information

| Date | Description | Qty | Price | Discount | Tax | Total Price |
|----------|-------------------------|------|---------|----------|--------|-------------|
| 2/3/2021 | Boarding Animal Control | 1.00 | \$32.35 | \$0.00 | \$0.00 | \$32.35 |
| 2/4/2021 | Boarding Go Home Day | 1.00 | \$0.00 | | \$0.00 | \$0.00 |

Subtotal: \$32.35

| | | |
|-----------|-------------------|--------|
| Discounts | Shelters/PetStore | \$0.00 |
|-----------|-------------------|--------|

Invoice Summary

| Patient Name | Total Price | Total Tax | Total Due |
|------------------------------|-------------|-----------|-----------|
| 2021-2-2 F Brown Labradoodle | \$32.35 | \$0.00 | \$32.35 |

| | |
|---------------|---------|
| Prev Balance: | \$0.00 |
| Total Due: | \$32.35 |
| Amount Paid: | \$0.00 |
| Amount Due: | \$32.35 |

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.

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



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(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: 3/9/21

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

*Totaling: \$ *448.51*

Feline:

Canine: \$ *448.51*

TOWN OF NEWBURGH

1496 Route 300
Newburgh, New York 12550
(845) 564-4552

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

NEWBURGH VETERINARY HOSPITAL
1716 Route 300
Newburgh, NY 12550
Tel: (845) 564-2660
www.newburghvet.com

TERMS Net 30 Days

Canine

DO NOT WRITE IN THIS BOX

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

Invoice # _____

| Dates | Quantity | Description of Materials or Services | Unit Price | Amount |
|---------|----------|--------------------------------------|--------------|---------------|
| 2/23/21 | 763416 | | | 448.51 |
| | | | TOTAL | 448.51 |

CLAIMANT'S CERTIFICATION

Dora M Cast certify that the above account in the amount of \$ 448.51 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.

3/4/2021
DATE

Dora M Cast
SIGNATURE

Office 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 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

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

Printed: 03-09-21 at 10:55a
Date: 02-23-21
Account: 19984
Invoice: 763416

| Date | For | Qty | Description | Price | Discount | Net Price | |
|----------|-----------------|------|---------------------------------------|--------|----------|-----------|----|
| 02-16-21 | #6-21 Macchiato | 1 | CONSULT / EXAM - Sick | 79.50 | 48.25 | 31.25 | ** |
| 02-16-21 | | 1 | Baytril 100 LA Inject / ml Outpatient | 31.50 | 15.75 | 15.75 | ** |
| 02-16-21 | | 2 | Rimadyl Inject / ml Outpatient | 45.95 | 22.97 | 22.98 | ** |
| 02-16-21 | | 1 | Elizabethan Collar | 20.00 | 2.00 | 18.00 | ** |
| 02-16-21 | | 1 | OSHA Compliance Biohazards Fee | 7.80 | 3.90 | 3.90 | ** |
| 02-16-21 | | 1 | Anesthesia- Isoflurane | 287.00 | 143.50 | 143.50 | ** |
| 02-16-21 | | 1 | Bite Wounds Multiple | 397.00 | 272.25 | 124.75 | ** |
| 02-16-21 | | 1 | Accuplex4 Lyme,HW,Ehrlichia,Ana | 80.00 | 54.00 | 26.00 | ** |
| 02-16-21 | | 1 | -I.V.Cath. /subcut fluids during surg | 98.00 | 49.00 | 49.00 | ** |
| 02-16-21 | | 0.60 | -HydromorphoneInject 2mg/ml Cont | | | 0.00 | |
| 02-16-21 | | 1 | Midazolam Inject / ml | 47.10 | 47.10 | 0.00 | ** |
| 02-16-21 | | 0.50 | TelazolInject Control Log / ml | | | 0.00 | |
| 02-16-21 | | 28 | Cephalexin 500mg capsule #28862 | 27.63 | 25.31 | 2.32 | ** |
| 02-16-21 | | 14 | Ciprofloxacin 750mg tablets #2886 | 31.41 | 25.87 | 5.54 | ** |
| 02-16-21 | | 10 | Vetprofen Tablets 100mg Individual | 26.05 | 20.53 | 5.52 | ** |
| 02-17-21 | | 1 | 4DX Elisa Negative | | | 0.00 | |

Total charges, this invoice... 448.51

**Total discount included: 730.43

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

Reminders for: **#6-21 Macchiato** (Weight: 50.0 lbs - 12m) Last done

| | | |
|-------|---------------------------------------|----------|
| 02/25 | Consultation/Exam- Bi-annual | |
| 02/22 | lyme,HW,Ehrlichia Accu Plus4(A) | 02-16-21 |
| 08/21 | Spay your pet at 5-6 months | |
| 08/21 | Canine Kennel Cough Vacc -1 ye | |
| 08/21 | FECAL EXAM | |
| 02/21 | Pro-Heart 12 (26-50lbs) | |
| 02/21 | Pro-Heart 12 (1-25lb) | |
| 02/21 | Pro-Heart 12 (51-100lbs) | |
| 06/20 | CANINE RABIES / 1YEAR | |
| 05/20 | CANINE DIST/A2/PI/PARVOLEPTO1Y | |

Doctor's Instructions

Bite Wounds Multiple

Your pet has had a laceration surgically repaired. Please give antibiotics as directed, keep the surgical site or bandage clean and dry, and schedule a recheck as indicated.

#6-21 Macchiato's weight history (in lbs)

| | |
|----------|-------|
| 02-16-21 | 50.00 |
|----------|-------|

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.



CONSULTING ENGINEERS, D.P.C.

MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
LYLE R. SHUTE, P.E., LEED-AP (NY, NJ, PA)
PATRICK J. HINES

11A
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)

11 March 2021

Town of Newburgh
1496 Route 300
Newburgh, NY 12550

ATTENTION: GILBERT PIAQUADIO, SUPERVISOR
SUBJECT: ROCK CUT ESTATES (2019-19)
PRIVATE ROAD SECURITY RELEASE

Dear Supervisor Piaquadio:

This office is in receipt of a letter from Alexandra Development, Inc. of Washingtonville, New York requesting release of private road security which was posted in September of 2017. At the time the security was posted Rock Cut Estates was a proposed five lot residential subdivision, with access via a private road. The project was approved by the Planning Board in 2007 under Project # 2005-45. In 2019 the project appeared back before the Planning Board for an amended subdivision, reducing the lot count to four lots and eliminating the previously proposed private roadway. Three of the four lots propose access via a common driveway while the fourth lot has a separate access to Rock Cut Road.

In December of 2019 the project received Conditional Final Approval from the Planning Board. The conditions of approval were completed and the maps signed by the Planning Board Chairman. The amended subdivision map has been filed with Orange County. Since the private roadway has been eliminated upon filing of the amended subdivision map the Applicants are requesting release of the private road security in the amount of \$105,000.00. A copy of the Applicants request letter and revocable standby letter of credit are attached. The release of the previously posted security requires Town Board action

Very Truly Yours,

McGoey, Hauser & Edsall
Consulting Engineers, D.P.C

Patrick J. Hines
Principal

Alexandra Development Inc.
P.O. Box 100
Washingtonville, New York 10992
(845) 496-4444

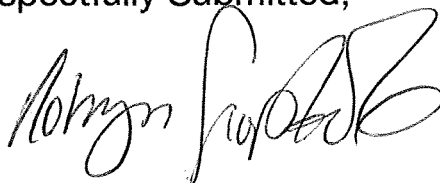
Mr. Gil Piaquadio
Town Supervisor
Town of Newburgh
1496 Route 300
Newburgh, New York 12550

March 3, 2021

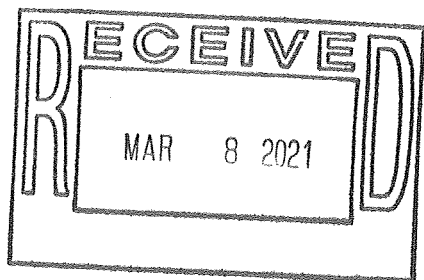
Supervisor Piaquadio:

I am writing to request the release of a roadway bond currently held by the Town. The roadway bond is for a project on Rock Cut Road. The original project called for a private roadway that required a bond in the amount of \$105,000. Said bond is enclosed for your review. The project has recently been modified and granted approval by the planning board and the private roadway has been eliminated. The project is #2019-19 and the new maps have recently been filed in the Orange County Clerk's office. As the new map does not need a private roadway, I am requesting the release of the roadway bond. As always, it was a pleasure working with your planning board. Should you have any questions or have need of any further documentation, I can be reached at the above-listed telephone number.

Respectfully Submitted,



Robyn Scopteuolo





IRREVOCABLE STANDBY LETTER OF CREDIT

(SEPTEMBER 28, 2017)

Beneficiary: Town of Newburgh
1496 Route 300
Newburgh, New York 12550

Applicant: Alexandra Development Inc.
P.O. Box 100
Washingtonville, New York 10992-0100

Letter of Credit #: 521059718
Amount: \$105,000.00
Expiration: 09/28/2018
Project: Rock Cut Estates

We hereby establish our Irrevocable Standby Letter of Credit Number 521059718, in your favor in the stated amount of USD One Hundred Five Thousand Dollars (\$105,000.00) in the form as stated below, and expiring at our counters as of the close of the business of the expiration date.

We will effect payment to you in accordance with your instructions upon our receipt, on or before the expiration date hereof, of your signed and dated statement stating the amount of the demand:

We hereby demand payment in the amount of USD: \$ _____ under Salisbury Bank and Trust Company Letter of Credit Number 521059718.

A Written notarized statement from the undersigned, an authorized officer of the Town of Newburgh, New York, (the "Beneficiary") hereby certifies to Salisbury Bank and Trust Company (the "Bank") with reference to Irrevocable Standby Letter of Credit No. 521059718, issued by the Bank in favor of the Beneficiary, that Alexandra Development (the "Applicant") has failed to complete certain road, drainage, or landscaping improvements, stormwater management facilities, erosion and sediment control measures or permanent stabilization in accordance with approved plans for the Rock Cut Estates, Section 48, Block 3, Lot 26 and Section 47, Block 1, Lot 15, or has failed to reconstruct, restore or repair existing paving, shoulders, drainage improvements, water and/or sewer utilities of the Beneficiary damaged or subsequently affected by the construction or installation of aid improvements and facilities, or has failed to implements such additional erosion and sediment control or stormwater measures, if required, as are necessary to control and treat erosion, sediment and/or stormwater from the subdivision in accordance with applicable condition of approval and/or regulations. Accordingly, the Beneficiary is entitled to and is making a drawing under the Letter of Credit in the amount of the site draft accompanying this Certificate.

Salisbury Bank and Trust Company

| | | | |
|----------------------|------------------------|-----------------|--|
| 5 Bissell Street | Lakeville, Connecticut | t: 860.435.9801 | f: 860.435.0631 |
| Post Office Box 1868 | 06039-1868 | t: 800.222.9801 | www.salisburybank.com |

The Beneficiary has executed this certificate as of the 28 day of September, 2017.

TOWN OF NEWBURGH

By: _____

Typed Name:

Title:

Partial Drawings Are Permitted

It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for one (1) year from the present and any future expiration hereof, unless at least thirty (30) days prior to any such date we shall notify you by certified letter to the above address that we elect not to consider this Letter of Credit renewed for any such additional period. Upon receipt by you of such notice, you may draw the full amount of this Letter of Credit hereunder against your sight draft drawn on us only, without the documentation mentioned herein.

Salisbury Bank and Trust Company hereby agrees that all drafts drawn under and in compliance with the terms of this Credit shall be duly honored upon presentation by mail or overnight courier to Salisbury Bank and Trust Company, 11 Garden Street, Poughkeepsie, NY 12601 on or before the expiration date or any extended date as hereinbefore set forth

We engage with you that drawings presented in compliance with the terms and conditions will be honored on the next business day following receipt of your hand delivery or fax presentation. A business day shall mean any day other than a Saturday, Sunday or a day on which Banking Institutions in the State of Connecticut are authorized or required by Law to close and a day on which Inter-Bank Wire Transfers can be made on the Fedwire System.

All banking charges with respect to this Letter of Credit are for the applicant's account.

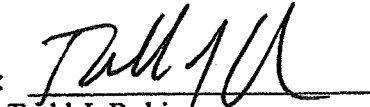
“THIS LETTER OF CREDIT IS GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CONNECTICUT, AND, EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, TO THE INTERNATIONAL STANDBY PRACTICES, ICC PUBLICATION NO. 590 (THE “ISP98”), AND IN THE EVENT OF ANY CONFLICT, THE LAWS OF THE STATE OF CONNECTICUT WILL CONTROL, WITHOUT REGARD TO PRINCIPLES OF CONFLICT OF LAWS.”

Please address all correspondence regarding this Letter of Credit to the Poughkeepsie Office of Salisbury Bank and Trust Company, 11 Garden Street, Poughkeepsie, NY 12601 attention of Letter of Credit Department, include the Letter of Credit number mentioned above. For telephone assistance, please contact the under signed at 845-849-7331.

Very truly yours,

Salisbury Bank and Trust Company

By:



**Todd J. Rubino
Senior Vice President**

11B

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor
FROM: Patrick J. Hines, Rep Engineer Town *JG AH*
DATE: March 16, 2021
RE: **Meadow Hill South Relief Sewer
Engineer Agreement Amendment No. 7
GHD Engineers – Increase Cost**

Attached to this memo is an amendment to the engineer contract for service related to the Meadow Hill South Relief Sewer Project. The original agreement was dated 31 January 2014. Numerous additional work items were added to the contact based on NYS DEC requirements, including a sanitary sewer evaluation and other I & I work. The details of the project history are included in the amendment.

The Town has awarded the construction phase of the contract to Tam Enterprises.

The engineer GHD is requesting an increase in contract price of \$36,800 for the bidding which is completed, construction administration and project representation.

This contract amendment requires Town Board action.

The action before the Board is a motion to award contract amendment #7 to GHD for bidding and post bidding phase cost increase in the amount of \$36,800.00.

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

Cc: James W. Osborne, Town Engineer
Mark Taylor, Town Attorney



AMENDMENT NO. 7

**TO AGREEMENT BETWEEN
TOWN OF NEWBURGH, NEW YORK
AND
GHD CONSULTING SERVICES INC.**

WHEREAS, GHD Consulting Services Inc. (ENGINEER) and the Town of Newburgh (OWNER) entered into an Agreement dated January 31, 2014 for the preliminary design, final design, bidding, and construction services for the Meadow Hill South Parallel Relief Sewer; and

WHEREAS, ENGINEER completed the design phase of the project, and submitted plans and specifications to the New York State Department of Environmental Conservation (NYSDEC) for regulatory review and approval on April 15, 2014; and

WHEREAS, ENGINEER responded to multiple comment letters from NYSDEC, upon their review and at the request of NYSDEC, attended and participated in a technical meeting with the Owner and NYSDEC, to discuss the scope of the project, on August 20, 2014; and

WHEREAS, based on the outcome of the technical meeting NYSDEC, formally requested in a September 8, 2014, letter to the OWNER, that the scope of the project be expanded to include a Sewer System Evaluation Survey (SSES); and

WHEREAS, ENGINEER has completed the SSES in the Meadow Hill South Sewer District, which ENGINEER submitted and was reviewed and accepted by OWNER; and

WHEREAS, ENGINEER has completed design and construction services of sanitary sewer improvements in the Meadow Hill South Sewer District.

WHEREAS, ENGINEER has completed post construction flow monitoring for Meadow Hill South Sewer District.

WHEREAS, the OWNER has requested that the ENGINEER perform smoke testing in sub-basin 5 of the Meadow Hill South Sewer District, develop rehabilitation recommendations, and perform post rehabilitation flow monitoring.

WHEREAS, ENGINEER has completed smoke testing in sub-basin 5 of Meadow Hill South Sewer District.

WHEREAS, the OWNER has requested that the ENGINEER perform a design re-evaluation for the parallel relief sewer, designed in 2014, based on the post construction flow monitoring for Meadow Hill South Sewer District.

WHEREAS, ENGINEER has completed the design re-evaluation and regulating agency review of the updated Meadow Hill South Parallel Relief Sewer design.

WHEREAS, the OWNER has requested that the ENGINEER provide bidding, construction administration, and resident project representative services in 2021 (originally scheduled for 2014), and ENGINEER had increased effort in addressing comments and questions from more prospective bidders than anticipated.

NOW, THEREFORE, ENGINEER and OWNER agree to amend the Agreement as follows.

BASIC SERVICES

A. Bidding Phase Services.

1. Services shall be as outlined in the original 2014 contract provided in 2021, with 10 additional hard copies of the contract documents to be provide to the Town of Newburgh for distribution and an increased effort for addressing comments and questions for more prospective bidders. See the attached section from the 2014 contract for a detailed description of the scope. This fee shall be billed lump sum.

B. Construction Administration.

1. Services shall be as outlined in the original 2014 contract, provided in 2021. See the attached section from the 2014 contract for a detailed description of the scope. This fee shall be billed lump sum.

C. Construction Phase Services.

1. Services shall be as outlined in the original 2014 contract, provided in 2021. After discussions with the contractor and review of the time frame, this fee assumes sixty (60) days construction of full-time resident project representation totaling four hundred eighty (480) hours. This fee shall be billed hourly, not to exceed the amount outlined in this amendment. See the attached section from the 2014 contract for a detailed description of the scope.

PAYMENTS TO ENGINEER

The above Scope of Services will be provided for an additional fee of **\$36,800**. This fee is in addition to the fees outlined in the original contract. This fee shall be paid in accordance with the following:

| Services | Amendment No. 7 Total |
|--|-----------------------|
| Bidding (Lump Sum) | \$11,000 (1) |
| Construction Administration (Lump Sum) | \$3,300 |
| Resident Project Representation (Hourly) | \$22,500 |
| Total | \$36,800 |

(1) Actual effort spent during bidding phase.

The return of one signed copy of this Amendment No. 7 constitutes acceptance of this Amendment and shall be written authorization for ENGINEER to proceed with the Scope of Service outlined above.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment No. 7 as of the last date entered below.


ENGINEER:

OWNER:

GHD CONSULTING SERVICES INC.

TOWN OF NEWBURGH, NEW YORK

By:


Kevin Castro, P.E.

By:

Title:

Vice President

Title:

Date:

March 11, 2021

Date:

ATTACHMENT 1

**BIDDING AND CONSTRUCTION PHASE
SERVICES SCOPE 2014**

4. Bidding Phase - Parallel Relief Sewer (Meadow Hill South)

- a. After acceptance by Owner of the bidding documents and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by Owner to proceed, Engineer shall:
 1. Reproduce fourteen (14) sets of contract documents and forward ten (10) sets to the Owner for the Owner's distribution to prospective bidders. Send two (2) sets to construction advertisement agencies. Two (2) sets will be retained by the Engineer.
 2. Issue addenda as appropriate to clarify, correct, or change the bidding documents.
 3. Review bid proposals received and provide a recommendation for award of the contract.
- b. The Bidding Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors.

5. Construction Phase - Parallel Relief Sewer (Meadow Hill South)

- a. Upon successful completion of the Bidding Phase, and upon written authorization from Owner, Engineer shall:
 1. General Administration of Construction Contract: Consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer as assigned in the Construction Contract shall not be modified, except as Engineer may otherwise agree in writing. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.
 2. Resident Project Representative (RPR): Provide the services of an RPR at the Site to assist the Engineer and to provide more extensive observation of Contractor's work. Duties, responsibilities, and authority of the RPR are as set forth below. The

furnishing of such RPR's services will not limit, extend, or modify Engineer's responsibilities or authority except as expressly set forth below. The RPR will be provided over an anticipated forty (40) days construction period for a total budget of three hundred twenty (320) hours.

3. Selecting Independent Testing Laboratory: Assist Owner in the selection of an independent testing laboratory to perform the required services, if applicable.
4. Pre-Construction Conference: Participate in a Pre-Construction Conference prior to commencement of Work at the Site. Issue minutes of the meeting.
5. Schedules: Receive, review, and determine the acceptability of schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
6. Defective Work: Reject Work if, on the basis of Engineer's observations, Engineer believes that such Work (a) is defective under the standards set forth in the Contract Documents, (b) will not produce a completed Project that conforms to the Contract Documents, or (c) will imperil the integrity of the design concept of the completed Project as a functioning whole as indicated by the Contract Documents.
7. Clarifications and Interpretations; Field Orders: Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. Subject to any limitations in the Contract Documents, Engineer may issue field orders authorizing minor variations in the Work from the requirements of the Contract Documents.
8. Change Orders and Work Change Directives: Recommend change orders and work change directives to Owner, as appropriate, and prepare and distribute change orders and work change directives as required.

9. Shop Drawings and Samples: Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
10. Substitutes and "or-equal": Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor.
11. Inspections and Tests: Require such special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.
12. Disagreements between Owner and Contractor: Render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by Owner or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if Engineer in its discretion concludes that to do so would be inappropriate. In rendering such decisions, Engineer shall be fair and not show partiality to Owner or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

13. Applications for Payment: Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:

a. Determine the amounts that Engineer recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Contract Documents, and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe Contractor's Work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

b. By recommending any payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain

how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to Owner free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.

14. Contractor's Completion Documents: Receive, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data approved, and transmit the annotated record documents which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment. The extent of such review by Engineer will be limited.
15. Substantial Completion: Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, visit the Project to determine if the Work is substantially complete. If after considering any objections of Owner, Engineer considers the Work substantially complete, Engineer shall deliver a certificate of Substantial Completion to Owner and Contractor.
16. Record Drawings: Provide an electronic copy of record drawings based on marked-up record drawings from the Contractor.
17. Final Notice of Acceptability of the Work: Conduct a final visit to the Project to determine if the completed Work of Contractor is acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice in the form attached hereto as Exhibit E (the "Notice of Acceptability of Work") that the Work is acceptable to the best of Engineer's knowledge, information, and belief and based on the extent of the services provided by Engineer under this Agreement.

- b. Duration of Construction Phase: The Construction Phase will commence with the execution of the first Construction Contract for the Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractors. Construction Phase services will be provided over an anticipated two (2) month contract period.
- c. Limitation of Responsibilities: Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor or Supplier, or other individuals or entities performing or furnishing any of the Work, for safety or security at the Site, or for safety precautions and programs incident to Contractor's Work, during the Construction Phase or otherwise. Engineer shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

6. Duties, Responsibilities, and Limitations of Authority of Resident Project Representative

Resident Project Representative (RPR)

- a. Engineer shall furnish a RPR to assist Engineer in observing progress and quality of the Work. The RPR may provide full time representation or may provide representation to a lesser degree.
- b. Through RPR's observations of Contractor's work in progress and field checks of materials and equipment, Engineer shall endeavor to provide further protection for Owner against defects and deficiencies in the Work. However, Engineer shall not, during such RPR field checks or as a result of such RPR observations of Contractor's work in progress, supervise, direct, or have control over Contractor's Work, nor shall Engineer (including the RPR) have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for security or safety at the Site, for safety precautions and programs incident to any contractor's work in progress, or for any failure of a contractor to comply with Laws and Regulations applicable to such contractor's performing and furnishing of its work. The Engineer (including RPR) neither guarantees the performances of any contractor nor assumes responsibility for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

c. The duties and responsibilities of the RPR are as follows:

1. General: RPR is Engineer's representative at the Site, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding RPR's actions. RPR's dealings in matters pertaining to the Contractor's work in progress shall in general be with Engineer and Contractor. RPR's dealings with Subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with Owner only with the knowledge of and under the direction of Engineer.
2. Schedules: Review the progress schedule, schedule of Shop Drawing and Sample submittals, and schedule of values prepared by Contractor and consult with Engineer concerning acceptability.
3. Conferences and Meetings: Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
4. Liaison:
 - a. Serve as Engineer's liaison with Contractor. Working principally through Contractor's authorized representative or designee, assist in providing information regarding the intent of the Contract Documents.
 - b. Assist Engineer in serving as Owner's liaison with Contractor when Contractor's operations affect Owner's on-Site operations.
 - c. Assist in obtaining from Owner additional details or information, when required for proper execution of the Work.
5. Interpretation of Contract Documents: Report to Engineer when clarifications and interpretations of the Contract Documents are needed and transmit to Contractor clarifications and interpretations as issued by Engineer.
6. Shop Drawings and Samples:

- a. Record date of receipt of Samples and approved Shop Drawings.
 - b. Receive Samples which are furnished at the Site by Contractor, and notify Engineer of availability of Samples for examination.
 - c. Advise Engineer and Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal for which RPR believes that the submittal has not been approved by Engineer.
7. Modifications: Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report such suggestions, together with RPR's recommendations, to Engineer. Transmit to Contractor in writing decisions as issued by Engineer.
8. Review of Work and Rejection of Defective Work:
- a. Conduct on-Site observations of Contractor's work in progress to assist Engineer in determining if the Work is in general proceeding in accordance with the Contract Documents.
 - b. Report to Engineer whenever RPR believes that any part of Contractor's work in progress will not produce a completed Project that conforms generally to the Contract Documents or will imperil the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise Engineer of that part of work in progress that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection, or approval.
9. Inspections, Tests, and System Start-ups:
- a. Consult with Engineer in advance of scheduled inspections, tests, and systems start-ups.

- b. Verify that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate Owner's personnel, and that Contractor maintains adequate records thereof.
- c. Observe, record, and report to Engineer appropriate details relative to the test procedures and systems start-ups.
- d. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections, and report to Engineer.

10. Records:

- a. Maintain at the Site orderly files for correspondence, reports of job conferences, reproductions of original Contract Documents including all change orders, field orders, work change directives, addenda, additional Drawings issued subsequent to the execution of the Construction Contract, Engineer's clarifications and interpretations of the Contract Documents, progress reports, Shop Drawing and Sample submittals received from and delivered to Contractor, and other Project-related documents.
- b. Prepare a daily report or keep a diary or log book, recording Contractor's hours on the Site, weather conditions, data relative to questions of change orders, field orders, work change directives, or changed conditions, Site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to Engineer.
- c. Record names, addresses, fax numbers, e-mail addresses, web site locations, and telephone numbers of all Contractors, Subcontractors, and major Suppliers of materials and equipment.
- d. Maintain records for use in preparing Project documentation.

- e. Upon completion of the Work, furnish original set of all RPR Project documentation to Engineer.

11. Reports:

- a. Furnish to Engineer periodic reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
- b. Draft and recommend to Engineer proposed change orders, work change directives, and field orders. Obtain backup material from Contractor.
- c. Furnish to Engineer and Owner copies of all inspection, test, and system start-up reports.
- d. Immediately notify Engineer of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, damage to property by fire or other causes, or the discovery of any Constituent of Concern.

12. Payment Requests: Review applications for payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to Engineer, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.

13. Certificates, Operation and Maintenance Manuals: During the course of the Work, verify that materials and equipment certificates, operation and maintenance manuals and other data required by the Contract Documents to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have these documents delivered to Engineer for review and forwarding to Owner prior to payment for that part of the Work.

14. Completion:

- a. Participate in visits to the Project to determine Substantial Completion, assist in the

determination of Substantial Completion and the preparation of lists of items to be completed or corrected.

b. Participate in a final visit to the Project in the company of Engineer, Owner, and Contractor, and prepare a final list of items to be completed and deficiencies to be remedied.

c. Observe whether all items on the final list have been completed or corrected and make recommendations to Engineer concerning acceptance and issuance of the Notice of Acceptability of the Work.

d. Resident Project Representative shall not:

1. Authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items).
2. Exceed limitations of Engineer's authority as set forth in this Agreement.
3. Undertake any of the responsibilities of Contractor, Subcontractors or Suppliers.
4. Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work.
5. Advise on, issue directions regarding, or assume control over security or safety practices, precautions, and programs in connection with the activities or operations of Owner or Contractor.
6. Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by Engineer.
7. Accept shop drawing or sample submittals from anyone other than Contractor.
8. Authorize Owner to occupy the Project in whole or in part.

TOWN OF NEWBURGH
TOWN ENGINEER

11C

MEMORANDUM

TO: Supervisor Gilbert Piaquadio and Town Board Members
FROM: Patrick J. Hines *JH*
DATE: 17 March 2021
RE: Roseton Sewer Plant Headwork Modifications – Equipment Bid

Attached under cover of this Memo is a letter recommending the Town authorize MHE Consulting Engineers to advertise for bid the equipment components of the Roseton Sewer Plant Headworks project. Lead time for the equipment has been identified as approximately eighteen (18) weeks. It is intended that the equipment be bid while the publicly bid General Construction contract is put out for bid, review and award. Bidding the equipment separate will reduce the timeframes required for completion of the construction. The project is funded by a Community Development Block Grant with a requirement that funds be expended prior to the end of 2021.

This office recommends bidding the equipment office separate from the general construction package in order to have the equipment manufactured during the time that the project is publicly bid. The general contract will require that the successful contractor assume the Town's contract for the equipment upon award to the general contractor.

A motion from the Town Board is required to authorize MHE to bid the equipment component of the Roseton Sewer Plant Headworks project with bid dates to be determined by MHE in coordination with the Town Clerk's office.

Please feel free to contact the undersigned should you have any questions, comments or require any additional information regarding this matter.

Respectfully submitted,

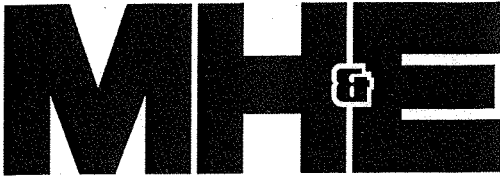
McGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, D.P.C.

Patrick J. Hines

Patrick J. Hines/dns
Principal

Attachment: MHE Recommendation Letter

Cc: Mark Taylor, Town Attorney
Ronald Clum, Town Accountant
Jim Osborne, Town Engineer



CONSULTING ENGINEERS, D.P.C.

MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
LYLE R. SHUTE, P.E., LEED-AP (NY, NJ & PA)
PATRICK J. HINES

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

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

Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)

17 March 2021

Town of Newburgh
1496 Route 300
Newburgh, NY 12550

ATTENTION: SUPERVISOR PIAQUADIO AND TOWN BOARD MEMBERS

**SUBJECT: ROSETON SEWER PLANT HEADWORKS MODIFICATIONS
COMMUNITY DEVELOPMENT BLOCK GRANT (FY2020)**

Dear Supervisor Piaquadio and Town Board Members,

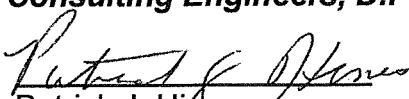
MHE is currently working on contract documents to publicly bid the headwork improvement at the Roseton Sewer Treatment Plant to provide efficient initial solids removal. The Town has received a Community Development Block Grant for the 2020 fiscal year which must be expended before December 31st, 2021.

Preliminary discussions with Duperon (the manufacturer of the proposed headworks removal equipment) identify that it will take approximately eighteen (18) weeks to order and receive shipment of the equipment. Assuming a general construction bid date in April of 2021 and bid opening / award in May 2021, the equipment will likely not be received until middle of October 2021. Our office is concerned with the timing of this receipt of shipment and how it relates to the need to spend the grant money prior to the 12/31 deadline, as such, our office is recommending that the equipment be bid separately via an equipment bid package, and assumed by the general contractor upon awarding the general construction bid. The Town may have to make initial payments to the equipment manufacturer in order to begin the construction of the equipment, however, MHE bid documents would require the general contractor to assume the remaining balance and coordination of the delivery

Please let our office know if you would like to discuss this further and proceed with a separate equipment solicitation and bid document.

Very Truly Yours,

**McGoey, Hauser & Edsall
Consulting Engineers, D.P.C**


Patrick J. Hines
Principal

TOWN OF NEWBURGH
TOWN ENGINEER

IID

MEMORANDUM

TO: Supervisor Gilbert Piaquadio and Town Board Members
FROM: Patrick J. Hines *PJH*
DATE: 17 March 2021
RE: Chadwick Lake Filter Plant – Replacement and Upgrade of Programmable Logic Controllers (PLC)

Attached for the Town Board's approval is a proposal from GHD Engineers for the replacement and upgrade, including necessary programming to integrate the PLC into the SCADA (Supervising Control and Data Acquisition) system. The proposed fee from GHD of \$212,000.00 includes procurement of an Allen Bradley Compact Logic, PLC. The Town previously authorized the creation of a Capital Projects Budget for the project in the amount of \$200,000.00. The balance of the project is intended to be funded in the 2021 budget items.

Approval of the contract with GHD for the replacement and upgrade of the programmable logic controller at the Chadwick Lake Filter Plant in the amount of \$212,000.00 requires Town Board action. A motion to award the contract to GHD in the amount of \$212,000.00 is required.

I have attached the scope for professional services provided by GHD. GHD provides the Town's SCADA programming for the Delaware Aqueduct Water Filter Plant. The installation of the Allen Bradley System along with required programming of the system will allow the Town to have identical SCADA systems at each of the plants. GHD is the Town's current SCADA provider for operation, maintenance and programming of the Town's programmable logic systems.

Please feel free to contact the undersigned should you have any questions, comments or require any additional information regarding this matter.

Respectfully submitted,

McGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, D.P.C.

Patrick J. Hines

Patrick J. Hines/dns
Principal

Chadwick Lake Filter Plant
Replacement and Upgrade of SCADA

-2-

17 March 2021

Attachments – GHD Engineers Proposal

Cc:

Mark Taylor, Town Attorney
Ronald Clum, Town Accountant
Jeff Guido, Water Management Supervisor
Jim Osborne, Town Engineer



Agreement for Professional Services

TASK 1 – SCADA INTEGRATION

GHD will utilize AquaLogics Systems, Inc as a subconsultant to deliver the Task 1 scope of services. Incorporating AquaLogics onto the GHD team will enable us to streamline the engineering, hardware upgrades, and program conversions, while minimizing cost and downtime.

Scope of Services

1. Upgrade the Chadwick Water Filtration Plant's (WFP) main PLC that controls the majority of the WFP's processes from an antiquated and vulnerable GE PLC to an Allen-Bradley CompactLogix PLC. The proposed solution includes a non-redundant CompactLogix-platform, other models or hot-standby CPU solutions are available for an increased fee. PLC is hereinafter referred to as the "Main PLC" due to the purpose of the control panel. Detailed replacement includes:
 - a. Engineering of schedule, conversion plan, and design of existing PLC panel components necessary to achieve the upgrade of the existing GE PLC.
 - b. Develop complete as-built wiring diagrams for all wiring internal to the Main PLC's enclosure. The creation of these as-built wiring diagrams will facilitate future expansion, service, and troubleshooting of the Main PLC.
 - c. Remove and disposal of existing Main PLC panel components.
 - d. Provide new subpanels complete with all new PLC hardware, networking equipment, redundant DC power supplies, surge suppression, terminal blocks, control relays, wiring, wireway/wire trough, and terminal blocks. Subpanels will be custom prefabricated offsite and transported to the WFP for installation.
 - e. Provide a new 1000 VA UPS to provide momentary backup power to the Main PLC and power protection against brown-out and over-voltage conditions.
 - f. Remove existing Main PLC enclosure doors, which have existing abandoned equipment, with new doors. Doors will have three-point latching and locking handles.
2. Prelabel and plan wire transition prior to disconnection from existing subpanels and transition wiring to new subpanels.
3. Perform point to point testing services between new subpanel terminal blocks and upgraded PLC program.
4. Review existing Main PLC program logic and coordinate with plant operations staff to identify existing PLC program logic and replicate existing logic in the new PLC program. Due to the transition between disparate PLC manufacturers, the PLC program may not simply be converted, but rather needs to be recreated.
 - a. Document new program control functionality in a process controls narrative (PCN).
 - b. Update existing Chadwick HMI application to utilize new addressing structure from the new Main PLC program. For the most part, HMI graphics and screen layout will remain as-is, without modification. However, in select cases new arrangements of control and alarm setpoints may be required.



Agreement for Professional Services

- c. Through the program's recreation, additional data will be created to be consistent with the programming methods utilized by GHD at the Delaware Aqueduct Tap (DAT) WTP.
 - d. Existing control logic functionality will be replicated in close approximation to the existing plant's functionality. Equipment that is not currently automated may be automated under this project for an additional fee.
 - e. Update the plant's existing WIN911 alarm notification program to reference the new alarm datapoints. Any newly created alarm conditions will be coordinated with the Owner to ascertain if it is desired for these new datapoints to dial-out.
 - f. Update the plant's existing XLReporter reporting program to reference the new process datapoint addresses/datapoints.
5. Spare Parts Inventory – Uninstalled spare parts are not included in this base proposal but are available for an additional fee. Estimated value of a replacement inventory of one of each type of PLC component and select other devices is \$12,000.
6. Provide one new copy of PLC programming software and license to the Owner for maintenance of the new PLC program.
7. Provide select new program features to create consistency with the DAT WTP SCADA system, including:
 - a. Running, Daily Running, and Yesterday runtimes and start counters for equipment with existing run statuses wired to the Main PLC.
 - b. Running, Daily Running, and Yesterday flow totals for flowmeters with existing flowrate signals wired to the Main PLC.
 - c. Watchdog alarm for the Main PLC.
 - d. Alarm enable/suppression logic for all alarms wired to the Main PLC.
 - e. Provide electronic copies of Main PLC to the Owner.
 - f. Update the DAT iFIX HMI application to facilitate monitoring of the revised Chadwick HMI application.
8. Deliver new equipment to the project site, fully install, and commission.
9. All proposed equipment is warranted against system failure due to defects in workmanship and/or materials for a period of twelve (12) months from equipment start-up, not to exceed eighteen (18) months from date of shipment from our factory. This warranty does not cover failures due to human negligence and/or acts of nature.



Agreement for Professional Services

PROJECT SCHEDULE

The following delivery schedule for this work is anticipated to be completed from the date of the fully-executed Agreement within the number of days outlined below. It is anticipated that the work may be completed concurrently. Work is anticipated to be performed in 2021.

| Task | Anticipated Duration |
|-----------------------------|----------------------|
| Main PLC Upgrade (complete) | 180 Days* |

* Upon receipt of a fully-executed agreement, it is projected to require 16 to 20 weeks for the new subpanel components to be ordered, subpanel fabricated, and subpanel ready for shipment to the project site.