

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY (IDA)  
MINUTES OF MEETING  
December 15, 2014

Present

Board Members: Joshua Smith, Chairman  
Richard Bedrosian, Austin DuBois, John Penney, Nancy Thomas  
Absent: Michael Curry, Jimmy Mera  
Counsel: Thomas Whyatt  
CFO: Craig Skelly  
Staff: Theresa Waivada, Executive Director

1. **Roll Call:** Chairman Smith called the meeting to order at 7:04 pm. A quorum is present.
2. **Proof of Notice of Meeting:** Accepted.
3. **Approval of the October 20, 2014 Minutes**

Mr. Penney: Motion to approve the October 20, 2014 minutes as presented  
Mr. DuBois: Motion seconded.  
Discussion: No discussion.  
VOTE: Unanimously passed.

4. **Request for Communications**

Executive Director Teri Waivada advised of correspondence from Habitat requesting disposition, at no cost, of the Agency's Ann Street residential parcel, and that the 2014 Remedial Action Report for 5 Scobie Drive is being revised for re-submission to NYS Dept. of Environmental Conservation.

5. **Request for Bills; Treasurer's Report**

CFO Craig Skelly presented the Treasurer's Report as of December 15, 2014. There are two Treasurer's Reports as we are currently using two banks.

KEY BANK – the beginning balance for the Operating Account \$859,630.22; \$752,124.12 was drawn in November to pay bills and to establish bank accounts with TD Bank; receipts for the time period were \$16,859.28; with a closing balance of \$124,365.38.

The Applicant Funds Account opening balance is \$30,015.20, additional interest of \$1.01, for a closing balance of \$30,016.21.

The Tenant Security (Lessor Deposit) Account has \$6,000., with no changes.

TD BANK – the Operating account has an opening balance of \$150,000.00; drafting six checks (numbered 501-506) and a bank charge of \$25.00, for a total of \$14,865.82; no deposits; with a closing balance of \$135,134.18.

Applicant Funds Account – the opening balance is \$25,000, with no changes taking place with the account, for an ending balance of \$25,000.00.

Tenant Security Account - the opening balance is \$6,000, with no changes taking place with the

account, for an ending balance of \$6,000.00.

Money Market Account - the opening balance is \$569,000; bank fee of \$10.00 charged and then credited; interest of \$65.47, with an ending balance of \$569,065.47.

Mr. Penney: Motion to pay checks numbered 501-506 as presented  
Mr. DuBois: Motion seconded.  
Discussion: No discussion.  
**VOTE: Unanimously carried.**

The Executive Director will close the Key Bank account after the first of the year.

6. **Report from Governance Committee**

The Governance Committee met before the IDA Board meeting and recommends the re-adoption of the agency's policies and by-laws. The policies and by-laws have not changed from what is posted on the web site.

Mr. Penney: Motion to approve Resolution #2014-12-15-1  
Ms. Thomas: Motion seconded  
Discussion: None  
**VOTE: Motion carries, resolution approved.**

7. **5 Scobie Drive LLC**

Resolution No. 2014-12-15-2, Authorizing Retention of Camoin Associates to Prepare Economic Analyses Regarding Agency Financial Assistance for the Scobie Drive Project

Mr. DuBois: Motion to approve Resolution #2014-12-15-2  
Ms. Thomas: Motion seconded  
Discussion: None  
**VOTE: Motion carries, resolution approved.**

Hudson Valley Lighting met with Orange County Executive to determine what assistance could be provided, and he indicated that Orange County IDA Shovel Ready program would be an appropriate fund for the IDA and City for funds not covered by the EDA grant, such as cutting of trees. The Executive Director will prepare the Shovel Ready Application in cooperation with the City's Director of Development. .

Resolution No. 2014-12-15-3, Authorizing Application for Funds to the Orange County IDA's Shovel Ready Program

Mr. Penney: Motion to approve Resolution #2014-12-15-3  
Mr. DuBois: Motion seconded  
Discussion: None  
**VOTE: Motion carries, resolution approved.**

The Executive Director advised that the tree cutting must be accomplished before March 31, 2015 (return of a certain bat population) and while the ground is frozen.

Resolution No. 2014-12-15-5, Authorizing Retention of a Tree Consultant, Publication of a Request for Proposals, Selection of Contractor and Contracting for Tree Cutting on Scobie Drive Parcel

Mr. DuBois: Motion to approve Resolution #2014-12-15-5  
Mr. Penney: Motion seconded  
Discussion: None  
**VOTE: Motion carries, resolution approved.**

8. **Report from the Executive Director**

Executive Director Teri Waivada informed the board that the Foundry attorneys are waiting for responses from the Association, which has not been receptive to some of the requests that have been made pertaining to shared space rehabilitation costs. A meeting will be held before the January IDA meeting in effort to keep the project on track.

9. **Report from Counsel**

IDA Counsel attended a meeting last week with the City Council, CT Male representatives, and the City Engineer. The city has hired an attorney to assist with the workload for this project, George Rodenhausen. He is currently reviewing all of the associated documents.

10. **Report from Chairman**

The Chairman has been attending a number of project meetings on the Scobie Drive Project 3-party agreement, EDA grant, budget, PILOT. The project schedule is extremely aggressive as the Brownfield Cleanup Program will sunset on December 31, 2015.

11. **Committee Reports**

The Audit/Finance Committee did not meet; the Executive Director mentioned that the 2014 annual audit has begun.

The Governance Committee met before the board meeting; their report of the meeting is part of these minutes and attached.

12. **Old Business**

Secretary Jack Penney secured several copies of Robert's Rules of Order. They are for the new members of the board and office use.

Nominating Committee Chairman Jack Penney spoke with the board members regarding their serving in officer positions. Vice Chairman Richard Bedrosian suggested that Austin DuBois become the next Vice Chairman. The following slate of officers is being offered for consideration and election:

Chairman	Joshua L. Smith
Vice Chairman	Austin DuBois
Treasurer	Michael Curry
Secretary	Jack F. Penney

The Chairman asked if there were any nominations from the floor. There were no nominations from the floor.

Move that the Secretary be given one vote.

Motion to give the Secretary one vote and to adopt the slate of officers as presented was seconded and unanimously passed.

13. **New Business**

The January meeting falls on a federal holiday; after some discussion, it was decided to hold the board meeting on Tuesday, January 20. At this time, there may be no February meeting. Suggestion was made that the monthly board meeting schedule be re-visited in 2015 to eliminate meetings where there is no new business.

14. **Adjourn**

There being no further business to come before the board, on a motion made by Mr. Penney and seconded by Ms. Thomas, the board unanimously agreed to adjourn the meeting at 8:24 p.m.

**The next meeting of the agency is tentatively scheduled for January 20<sup>th</sup>.**

City of Newburgh Industrial Development Agency  
83 Broadway, Newburgh NY 12550  
(845) 569-7369

**Governance Committee Meeting**

Location: City Hall, 3<sup>rd</sup> Floor Council Chambers, Newburgh, NY

December 15, 2014

6:30 pm – 7 pm

Present: Chair Joshua Smith, Richard Bedrosian, Austin DuBois, John Penney  
Thomas Whyatt, Counsel, Teri Waivada, Executive Director

The meeting was called to order at 6:45 p.m.

Mr. DuBois advised that he made minor punctuation and typographical corrections in his review of the by-laws.

The Board discussed their reviews of the UTEP, Policies, and By-laws on the Agency's website. No member felt any changes were necessary.

Mr. DuBois moved that Resolution Number 2014-12-15-1 be presented to the Board for re-adoption of the Agency's Investment Policy, Property Disposition Policy, Procurement Policy, Whistleblower Protection Policy, Policies Governing the Use of Authority Discretionary Fund, Strategic Financial Assistance Policy, the Uniform Tax Exemption Policy, Code of Ethics, Code of Conduct for Agency Employees, Internal Control Policy, By-Laws, and Duties and Responsibilities of Board Members. All members present agreed unanimously.

There being no further business, the meeting was adjourned at 7 p.m.

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Joshua L. Smith, Chair, Governance Committee

The City of Newburgh  
Industrial Development Agency

RESOLUTION NO. 2014-12-15-1

Be it resolved, that the Board of Directors of the City of Newburgh Industrial Development Agency, in compliance with transparency requirements of the New York State Authorities Budget Office, does hereby reaffirm policies for 2015 as follows:

1. Upon review and recommendation of the Governance Committee the Board affirms and readopts for 2015 the following policies:

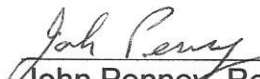
Investment Policy, Property Disposition Policy, Procurement Policy, Whistleblower Protection Policy, Policies Governing the Use of Authority Discretionary Fund, Strategic Financial Assistance Policy and the Uniform Tax Exemption Policy.

2. Further the Agency reaffirms: Code of Ethics, Code of Conduct for Agency Employees, Internal Control Policy, By-Laws, and Duties and Responsibilities of Board Members.

The foregoing resolution was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>	X			
<b>Richard Bedrosian</b>	X			
<b>Michael Curry</b>			X	
<b>Austin DuBois</b>	X			
<b>Jimmy Mera</b>			X	
<b>John Penney</b>	X			
<b>Nancy Thomas</b>	X			

The resolution was thereupon duly adopted.

  
\_\_\_\_\_  
John Penney, Recording Secretary  
December 15, 2014

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION NO. 2014-12-15-2**

**AUTHORIZING RETENTION OF CAMOIN ASSOCIATES  
TO PREPARE ECONOMIC ANALYSES REGARDING  
AGENCY FINANCIAL ASSISTANCE FOR THE SCOBIE  
DRIVE PROJECT**

**WHEREAS:**

By Resolution 2012-12-17-1, adopted December 17, 2012, the City of Newburgh Industrial Development Agency ("IDA") authorized the Chairman to execute a Land Disposition and Access Agreement ("Agreement") with the City of Newburgh (the "City") in connection with a Brownfields Clean-up Program ("BCP") to be undertaken by the IDA and Hudson Valley Lighting, Inc. ("HVL") to secure the remediation and improvement of a parcel of land owned by the IDA and located at 5 Scobie Drive for the purposes of industrial development and creation of jobs in the City of Newburgh (the "Project").

The Agreement was entered into by the City and the IDA on January 29, 2013.

HVL has asked the Agency to provide certain financial assistance to the Project to mitigate HVL's anticipated excessive environmental costs associated with the Project, so as to make the Project economically feasible for HVL.

To assist in determining the appropriate amount of financial assistance, if any, that may be required to render the project economically feasible, the Agency will need the services of a qualified financial consultant. The Executive Director has interviewed a number of prospects and determined that the best qualified consultant capable of performing the work in a timely manner, including provision of a final report in mid-January, is Camoin Associates, located in Saratoga, New York.

A copy of Camoin Associates' proposed Scope of Work is annexed hereto.

**NOW THEREFORE BE IT RESOLVED:**

1. The activity under review, preparation of financial analyses, is a Type II action under the State Environmental Quality Review Act, and no further review pursuant to SEQRA is thus required.

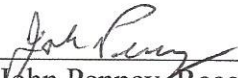
2. The work contemplated is the provision of professional services. Pursuant to the Agency's procurement policy, the Agency is not required to undertake competitive bidding in securing professional services, but may select the provider who the Agency determines to have the best qualifications of those available to meet the Agency's requirements.

3. The Agency authorizes the Executive Director to enter into contract upon terms acceptable to the Executive Director in consultation with Counsel, in an amount not to exceed ten thousand dollars (\$10,000), with Camoin Associates to provide such economic analysis services as shown in the attached Scope of Work and as the Agency shall require for the purposes of determining appropriate economic assistance to the Project.

The foregoing resolution Number **2014-12-15-2** was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>	<b>X</b>			
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>			<b>X</b>	
<b>Austin DuBois</b>	<b>X</b>			
<b>Jimmy Mera</b>			<b>X</b>	
<b>John Penney</b>	<b>X</b>			
<b>Nancy Thomas</b>	<b>X</b>			

This resolution was thereupon duly adopted on December 15, 2014.

  
\_\_\_\_\_  
John Penney, Recording Secretary  
December 15, 2014



**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION NO. 2014-12-15-3**

**AUTHORIZING APPLICATION FOR FUNDS TO THE  
ORANGE COUNTY IDA'S SHOVEL READY PROGRAM**

**WHEREAS:**

By Resolution 2012-12-17-1, adopted December 17, 2012, the City of Newburgh Industrial Development Agency ("IDA") authorized the Chairman to execute a Land Disposition and Access Agreement ("Agreement") with the City of Newburgh (the "City") in connection with a Brownfields Clean-up Program ("BCP") to be undertaken by the IDA and Hudson Valley Lighting, Inc. ("HVL") to secure the remediation and improvement of a parcel of land owned by the IDA and located at 5 Scobie Drive for the purposes of industrial development and creation of jobs in the City of Newburgh (the "Project").

The Agreement was entered into by the City and the IDA on January 29, 2013.

The Orange County Industrial Development Agency maintains a "Shovel Ready Program" fund for the purposes of assisting industrial development, and has informed the Agency certain activities undertaken in the Project may be eligible for grant support from the Shovel Ready Program.

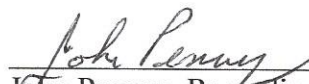
**NOW THEREFORE BE IT RESOLVED:**

1. The activity under review, seeking funding for an already approved project, is a Type II action under the State Environmental Quality Review Act, and no further review pursuant to SEQRA is thus required.
2. The Agency authorizes the Executive Director to submit a grant application to the Shovel Ready Program, on behalf of the IDA alone or in cooperation with the City of Newburgh, for such funds as may be made available.

The foregoing resolution, Number **2014-12-15-3**, was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>	X			
<b>Richard Bedrosian</b>	X			
<b>Michael Curry</b>			X	
<b>Austin DuBois</b>	X			
<b>Jimmy Mera</b>			X	
<b>John Penney</b>	X			
<b>Nancy Thomas</b>	X			

This resolution was thereupon duly adopted on December 15, 2014.

  
\_\_\_\_\_  
John Penney, Recording Secretary  
December 15, 2014

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION NO. 2014-12-15-4**

**AUTHORIZING TRANSFER OF 150 ANN STREET TO  
HABITAT FOR HUMANITY**

**WHEREAS:**

The Agency has been in possession of a vacant lot located at 150 Ann Street, located in a residential section of the City of Newburgh and not eligible for industrial development;

The lot is not on the City of Newburgh taxable rolls and has not contributed to the economic benefit of the City of Newburgh or its residents;

Habitat for Humanity has submitted to the IDA a proposal to take title to and develop the Ann Street lot for residential use, providing construction jobs, an affordable home for Newburgh residents, and providing stability to the local neighborhood;

The Habitat for Humanity proposal is annexed hereto; and

The Agency deems this use to be consistent with its purposes of economic and industrial development within the City of Newburgh;


**NOW THEREFORE BE IT RESOLVED:**

1. The activity under review, transfer of a parcel of land of less than 100 acres, is an Unlisted Action under the State Environmental Quality Review Act, and is governed by the Agency's Disposition Policy.
2. Any such transfer cannot be implemented and completed until the provisions of SEQRA and the Agency's Property Disposition Policy are met.
3. The Executive Director is authorized to enter into negotiations with Habitat for Humanity for transfer of the Ann Street lot in accordance with the conditions set forth above.

The foregoing resolution, Number **2014-12-15-4**, was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>	<b>X</b>			
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>			<b>X</b>	
<b>Austin DuBois</b>	<b>X</b>			
<b>Jimmy Mera</b>			<b>X</b>	
<b>John Penney</b>	<b>X</b>			
<b>Nancy Thomas</b>	<b>X</b>			

This resolution was thereupon duly adopted on December 15, 2014.

  
\_\_\_\_\_  
John Penney, Recording Secretary  
December 15, 2014

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION NO. 2014-12-15-5**

**AUTHORIZING RETENTION OF A TREE  
CONSULTANT, PUBLICATION OF A REQUEST FOR  
PROPOSALS, SELECTION OF CONTRACTOR AND  
CONTRACTING FOR TREE CUTTING ON SCOBIE  
DRIVE PARCEL**

**WHEREAS:**

By Resolution 2012-12-17-1, adopted December 17, 2012, the City of Newburgh Industrial Development Agency ("IDA") authorized the Chairman to execute a Land Disposition and Access Agreement ("Agreement") with the City of Newburgh (the "City") in connection with a Brownfields Clean-up Program ("BCP") to be undertaken by the IDA and Hudson Valley Lighting, Inc. ("HVL") to secure the remediation and improvement of a parcel of land owned by the IDA and located at 5 Scobie Drive for the purposes of industrial development and creation of jobs in the City of Newburgh (the "Project").

The Agreement was entered into by the City and the IDA on January 29, 2013.

Site Plan Approval of the Project by the City of Newburgh Planning Board is anticipated to be granted within six weeks;

An initial step in the Site Plan work is cutting of trees from the area to be developed. The IDA has recently learned from the U.S. Fish & Wildlife Service that for environmental protection purposes, the trees may not be cut in the Project site between April 1 and November 15, during which period the trees would be serving as a habitat and roosting place for the Indiana bat, which is a federally and state-listed endangered species that winters in this region of New York State;

The Project engineers have advised that the Project cannot be completed timely unless the tree removal has been completed prior to March 31, 2015;

The Agency's Procurement Policy provides for entry into professional service contracts, such as a contract to prepare a general tree inventory and estimates of value, with limited competitive bidding requirements;

The Agency's Procurement Policy provides guidelines for competitive bidding that are applicable to the selection of a contractor to conduct the actual tree cutting operation; to allow for such bidding to take place and a contract to be timely entered into so as to complete the work

prior to March 31, 2015, the Agency must advertise for, select and contract with a contractor as soon as possible;

The tree cutting work envisioned for the Project has been reviewed by the City of Newburgh Planning Board as part of its site plan review, and the Planning Board has made a finding that the Project will have no significant environmental impact;

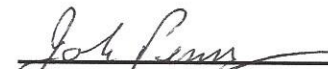
NOW THEREFORE BE IT RESOLVED:

1. The tree cutting contemplated has been reviewed for environmental impact by the City of Newburgh Planning Board as Lead Agency, which has found that the Project including the tree removal will have no significant environmental impact; no further review pursuant to SEQRA is thus required.
2. In order to complete the tree cutting timely the Executive Director is hereby authorized and directed to: (a) proceed in accordance with the Procurement Policy to retain the services of a consultant to inventory and estimate the value of trees to be removed in the Project; (b) publish and circulate a Request for Proposals containing a Scope of Work such as is set forth in the attached draft Scope of Work for actual tree removal; (c) select a contractor with advice of counsel and Project engineers; and (d) enter into contract in accordance with the Provisions of the Agency's Procurement Policy, including provisions exempting the contract from bidding requirements if necessary and appropriate.

The foregoing resolution, Number **2014-12-15-5**, was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>	<b>X</b>			
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>			<b>X</b>	
<b>Austin DuBois</b>	<b>X</b>			
<b>Jimmy Mera</b>			<b>X</b>	
<b>John Penney</b>	<b>X</b>			
<b>Nancy Thomas</b>	<b>X</b>			

This resolution was thereupon duly adopted on December 15, 2014.

  
\_\_\_\_\_  
John Penney, Recording Secretary  
December 15, 2014

DRAFT

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
REQUEST FOR PROPOSALS**

**For**

**Forest Management Services**

*At 5 Scobie Drive, Newburgh, NY 12550*

**Issued: January 26, 2015**

**Submittal Deadline: on or before February 5, 2015**

**Bid opening: February 6, 2015**

**Bid Announcement: February 6, 2015 (Subject to change)**

**Project Start: Upon execution of contract**

**IDA Address etc. officers etc.**

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY**

**REQUEST FOR PROPOSALS**  
**For**  
**Forest Management Services**

**I. Introduction:**

The City of Newburgh Industrial Development Agency (IDA) seeks to hire a forest management company to cut all trees having a diameter at breast height (DBH) of 2-inches and greater from a 15-acre parcel prior to its remediation under a NYS Dept. of Environmental Conservation designated brownfield cleanup program located at 5 Scobie Drive ("the site") in the City of Newburgh, Orange County, New York. The parcel is owned by the City of Newburgh Industrial Development Agency.

To avoid disturbance of potential habitats, in trees, of the endangered Indiana bats, little brown bat and other species as they emerge from hibernation, all work must be done prior to March 31, 2015 and while the ground is frozen. Once remediated the IDA's property will be transferred for development of a warehouse/office/assembly facility.

**II. Background:**

The City of Newburgh Industrial Development Agency (NIDA) is a public benefit corporation of the State of New York created in 1976 pursuant to Article 18A of the General Municipal Law. Industrial Development Agencies are authorized to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, recreational and other facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and improve their recreation opportunities, prosperity and standard of living. The Agency purchased the subject property in 1984 from the New York State Dept. of Transpiration. It is adjacent to a former landfill operated by the City of Newburgh.

In 2013 the IDA and a private developer applied and were approved for remediation assistance under the Brownfield Cleanup Program administered by the NYS Dept. of Environmental Conservation.

IN January 2015, the Orange County Industrial Development Agency approved funding to the City of Newburgh Industrial Development to undertake the tree felling under its Shovel Ready Program. (See resolution attached)

Because of need to complete the scope of work detailed in Request, the NIDA passed a resolution (attached) to fast tract the public bidding process. The RFP is being circulated to a number of forest management firms in the Hudson Valley and a copy of the RFP is available on the Agency's website [www.cityofnewburgh-ny.gov/industrial-development-agency](http://www.cityofnewburgh-ny.gov/industrial-development-agency)



### III. The SITE and PROJECT PARAMETERS:

The site is a 15+/- parcel located at 5 Scobie in the City of Newburgh and owned by the City of Newburgh Industrial Development Agency. It is an approved New York State Brownfield Cleanup Program site. The Boundary between the site and the adjacent City of Newburgh DPW facility will be posted. A one hundred foot deep wetland area paralleling Route 84 will marked and left as is. See attached topographical map.

NOTE: The scope of services must be undertaken while the ground is frozen and before March 31, 2015 when endangered Indiana bats, brown bats and other species emerge out of hibernation and seek habitats in the trees on the project site.

The Project is being funded by Orange County Industrial Development under its Shovel Ready program. The City and the IDA have been awarded a total of \$53,000 to complete the scope of services for tree removal on two parcels. The City's portion of the project will be undertaken on a 100 foot swath along the border between the IDA and City properties. The boundary line will be marked.

### IV. Scope of Services:

- CUT all trees having a diameter at breast height (BHD) of 2-inches and greater
- No stumps will be removed.
- Work will consist of the following silvicultural activities: felling, preparation (e.g., delimiting and trimming); trees will remain and be stacked on site or disposed of by contractor for resale.
- Hard and desirable timber may be harvested for resale by the contractor as a reduction against the project costs
- No ground disturbance activities will be undertaken during the conduct of the work on site which is a Brownfield Cleanup Program site and a portion of the former City of Newburgh Landfill which ceased accepting waste circa 1976-78.
- All residues from activities must be maintained on the site and may not extend on to Scobie Drive.
- Wetlands will be delineated by the IDA on the site and are subject to the jurisdiction of the U.S. Army Corps of Engineers. No work will be done in wetlands or other waters of the U.S., including but not limited to the felling of trees into wetlands or other waters of the U.S.
- All petroleum products utilized by the contractor will be stored in areas with secondary containment a minimum of 100 feet from any delineated wetland or other water of the U.S.
- Accepted timber harvesting "Best Management Practices" (BMP's) will be employed.
- Stabilize site entrance with anti-tracking pad.
- Advise if special hazard materials procedures are required.

### V. Proposal Site Visit:

*January* February 30, 2015 at 9 am. Respondents should call the Offices of the IDA at 845-569-7369 and 434-3275 -- leave a message advising of your attendance. Meet at the Entrance to Newburgh DPW City Yard at 88 Pierces Road, Newburgh, NY.

## VI. CONTACT PERSON

If there are any questions concerning this RFP, please email [ida@cityofnewburgh-ny.gov](mailto:ida@cityofnewburgh-ny.gov) or call Teri Waivada at 845 569-7369.

## VII. Payment schedule

All payments will be made by the Orange County Industrial Development Agency. The payment schedule will require that invoices be submitted by the end of the month, and then submitted to Orange County Industrial Development for approval and Payment by second Thursday of the following month.

## VIII. Service contract.

The proposer chosen is required to provide the IDA with a certification of insurance and endorsement of the IDA, and a service contract to the IDA for review, editing and execution within 2 working days of the making of the award.

## IX. CANCELLATION

Any violation of the terms, conditions, requirements and/or non-performance of the agreement Resulting from this RFP may result in immediate cancellation. The agreement may be cancelled by the IDA for any other reason(s) upon 5 days written notice.

## X. ADDITIONAL TERMS AND CONDITIONS

- a) The successful respondent must comply with all Federal, State, Orange County and City of Newburgh statues and Codes as may be applicable to the scope of work detailed herein, including all labor laws.
- b) All respondents must quote their fees in the proposal response clearly labeled "Project Budget/Cost Summary Section".
- c) Proposals and prices must remain valid for three (3) months.
- d) This contract shall be constituted under the laws of the State of New York

In addition, respondents that are not incorporated in the State of New York shall produce a Certificate to do Business in the State of New York from the New York Secretary of State.

## XI. CONTENTS OF THE PROPOSALS

To be responsive to this RFP, one original and 4 COPIES of this form must be submitted. Use the section headings described below to facilitate a fair and consistent review of your Proposal. Your pages should be numbered consecutively.

In addition to facilitate your review, please email a copy of your proposal to [ida@cityofnewburgh-ny.gov](mailto:ida@cityofnewburgh-ny.gov)

## XII. RFP REVIEW

The RFPs will be reviewed by engineers representing the City and BCP developer, the Executive Director, Agency Council, IDA Chairman and the IDA Treasurer.

Supervision of the Contract and Activities will be by:

Michael B. Curry, Treasurer, City of Newburgh Industrial Development Agency

## Bidders Response

TO: City of Newburgh Industrial Development Agency  
3<sup>rd</sup> floor 83 Broadway, Newburgh, NY 10524  
ida@cityofnewburgh-ny.gov

### FROM:

1. Name, Address, etc.

*The Proposal should set forth the full name, address and telephone numbers, and email of the Respondent.*

2. Description of Organization.

*The Proposal should contain a description of the Respondent's organization, including a history of the organization (when, where and how formed); a listing of all partners; and biographical/professional resume of organization's principals, and Project Contact/Manager*

3. PROJECT BUDGET/Cost Summary

The Budget should include any discount for the value of the harvesting for resale by the proposer.

4. QUALIFICATION REQUIREMENTS

The following lists the minimum qualification requirements of the respondent(s):

At least 5 years' experience providing similar consulting services

At least 3 references of clients currently/previously served;

- A.. Qualification Statement.

The Proposal should demonstrate that the Respondent principal and organization possesses the following minimum qualifications, which will be required of any firm to whom an award is made:

- (a) experience and examples in projects by size and how quickly project was completed.
- (b) experience on publicly owned lands, meeting needs of brownfields, etc.
- (c) familiarity with municipal contracts requirements and relevant laws.

4. Initiatives Statement.

The Proposal should set forth the Respondent's methodology for undertaking the project:

- (a) Meeting the March 31, 2015 deadline or an early thaw and

- (b) Cost reduction from harvesting and resale of timber
- (c) Needs to facilitate ingress to site , contain activities to site and off of Scobie Drive

5. Proof of Insurance

List coverage

6. Additional requirements

Name and required services of any subcontractors

- Project schedule
- Three references from comparable types of projects;

7. ADDITIONAL TERMS AND CONDITIONS

a) The successful respondent must comply with all Federal, State, Dutchess County and City of Newburgh statues and codes as may be applicable to the scope of work detailed herein, including all labor laws.

b) All respondents must quote their fees in the proposal response clearly labeled "Project Budget/ Cost Summary Section".

c) Proposals and prices must remain valid for three (3) months.

d) This contract shall be constituted under the laws of the State of New York

In addition, respondents that are not incorporated in the State of New York shall produce a Certificate to do Business in the State of New York from the New York Secretary of State.