

NYSDEC Environmental Restoration Program Remediation Application/State Assistance Contract Amendment Request

**The DeLaval Property
Rinaldi Boulevard
City of Poughkeepsie, New York
Site Number: B00190-3**

CHA Project Number: 14357.1001.1102



Prepared for:

*City of Poughkeepsie
62 Civic Center Plaza
P.O. Box 300
Poughkeepsie, New York 12602-0300*

Prepared by:



CLOUGH HARBOUR & ASSOCIATES LLP

*III Winners Circle
Albany, New York 12205
(518) 453-4500
(518) 453-4773 - Fax*

June, 2005

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us

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② FILE B-00190-3



Denise M. Sheehan
Acting
Commissioner

RECEIVED

JUL 29 2005

Remedial Bureau C
Division of Environmental Remediation

MEMORANDUM

TO: Bob Schick
Mike Ryan
Bradley Brown

FROM: Barb Wolosen

SUBJECT: DeLaval Property ERP B00190-3 Amendment Request

DATE: July 28, 2005

The Site Control Section has performed its review for completeness regarding this ERP Remediation Application/State Assistance Contract Amendment Request for the DeLaval Property in the City of Poughkeepsie.

Per the ERP Handbook guidance, Section 2.2, the Requestor has submitted the Remediation Project Information as well as the SEQRA Compliance, therefore, this is deemed complete. The Class History file in the UIS for B00190 has been updated to reflect this new request.

Site Control will keep one of the four copies we received in our site files.



CLOUGH HARBOUR & ASSOCIATES LLP

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JUL 22 2005

**BUREAU OF
TECHNICAL SUPPORT**

July 21, 2005

Chief, Site Control Section
NYSDEC
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

RE: NYSDEC Environmental Restoration Program Remediation Application/State Assistance Contract Amendment Request for the DeLaval Property in the City of Poughkeepsie; NYSDEC ERP Site Number: B00190-3

Dear Sir,

On behalf of the City of Poughkeepsie, Enclosed, please find one original copy and three copies of the NYSDEC Environmental Restoration Program Remediation Application/State Assistance Contract Amendment Request for the DeLaval Property in the City of Poughkeepsie.

A record of decision (ROD) for the site was issued in March of this year, and the City is eager to complete the required design and remedial construction activities required by the ROD in order to facilitate the development of the site.

If you have any questions regarding this application, please contact the undersigned at (518) 453-2835, or Edmond Murphy, the City's Development Director at (845) 451-4046.

Thank you for your assistance.

Very truly yours,

Clough Harbour & Associates LLP

A handwritten signature in black ink, appearing to read 'Keith J. Ziobron', is written over the company name and extends downwards into the distribution list.

Keith J. Ziobron, P.E.

cc: Bradley Brown - NYSDEC
Michael Ryan - NYSDEC w/out enclosure
Regional Supervisor of Division of Environmental Remediation - NYSDEC Region 3
Edmund Murphy - City of Poughkeepsie w/out enclosure
Stephen Wing, Esq. - City of Poughkeepsie w/out enclosure
Scott Smith, P.E. - CHA w/out enclosure



The City of Poughkeepsie
New York

Nancy J. Cozean
Mayor

June 29, 2005

Chief, Site Control Section
NYSDEC
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

RE: NYSDEC Environmental Restoration Program Remediation Application/State Assistance Contract Amendment Request for the DeLaval Property in the City of Poughkeepsie
NYSDEC ERP Site Number: B00190-3

Dear Sir,

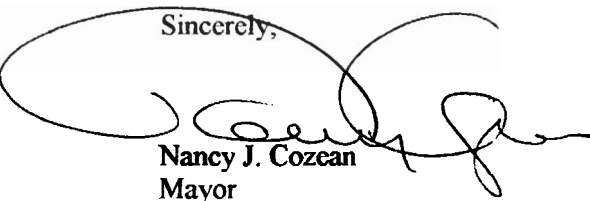
Enclosed, please find three copies of the NYSDEC Environmental Restoration Program Remediation Application/State Assistance Contract Amendment Request for the DeLaval Property in the City of Poughkeepsie.

A record of decision (ROD) for the site was issued in March of this year, and the City is eager to complete the required design and remedial construction activities required by the ROD in order to facilitate the development of the site. Your agency's approval of this remediation application/State assistance contract amendment request will be instrumental to the realization of this goal.

If you have any questions regarding this application, please contact Edmond Murphy, the City's Development Director at (845) 451-4046, or Keith Ziobron, P.E. of Clough Harbour & Associates LLP at (518) 453-2835.

Thank you for your assistance.

Sincerely,



Nancy J. Cozean
Mayor

cc: Bradley Brown - NYSDEC
Michael Ryan - NYSDEC w/out enclosure
Regional Supervisor of Division of Environmental Remediation - NYSDEC Region 3
Edmund Murphy - City of Poughkeepsie w/out enclosure
Stephen Wing, Esq. - City of Poughkeepsie w/out enclosure
Keith Ziobron, P.E. - CHA w/out enclosure

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Appendix A	ERP Application Table 1
Appendix B	SEQRA Findings Statement
Appendix C	Project Cost Estimate

LIST OF ACRONYMS & ABBREVIATIONS

AOC	Area of Concern
CHA	Clough, Harbour & Associates LLP
EC	Engineering Control
ERP	Environmental Restoration Program
FEIS	Final Environmental Impact Statement
IC	Institutional Control
IDA	Industrial Development Agency
NYSDEC	New York State Department of Environmental Conservation
OCC	Ocean and Coastal Consultants Engineering, P.C.
PILOT	Payment In Lieu of Taxes
RAR	Remedial Alternatives Report
RD	Remedial Design
ROD	Record of Decision
SCG	Standard, Criteria, and Guidance
SEQRA	State Environmental Quality Review Act
SMP	Site Management Plan

1.0 INTRODUCTION

The City of Poughkeepsie Common Council and the City of Poughkeepsie Urban Renewal Agency will be undertaking the sale and/or lease of approximately twenty-four acres of land on three parcels to the City of Poughkeepsie Industrial Development Agency (IDA), which will, in turn, sell or lease most of the property to a private developer. The parcels include the DeLaval property, the subject of this application, the City's former sewer treatment plant, and the PURA-14 property, an urban renewal property. The City will retain approximately two acres of land along the Hudson River for use as a public walkway and green space.

The DeLaval Property will be developed to include a sculpture garden and interpretive area, canoe and kayak launch, specialty retail space, an office building, public restroom facilities, a transient marina, a public riverfront walkway, green space, and parking areas for on-site and adjacent developments. A hotel, restaurant, catering facility, office buildings, and parking areas will be located on the two other referenced properties

1.1 PURPOSE & SCOPE OF THE PROJECT

An existing State Assistance Contract (SAC) was established between the City of Poughkeepsie and the New York State Department of Environmental Conservation (NYSDEC) to conduct an investigation and the DeLaval property and develop a Remedial Alternatives Report (RAR). After that work was completed in January 2005, the NYSDEC issued the Proposed Remedial Action Plan (PRAP) for the site in February 2005 and a Record of Decision (ROD) describing the proposed site remedy was issued in March of 2005. The purpose of this application is to request an amendment to the existing investigation-phase SAC to fund the remediation phase of the project.

This application/SAC amendment request has been prepared in accordance with Sections 2.2 and 4.3 of the NYSDEC's July 2004 Municipal Assistance for Environmental Restoration Projects (ERP) Procedures Handbook. Since the City of Poughkeepsie is seeking to amend the existing SAC for the remediation phase of the project, a complete application including copies of tax maps, USGS quadrangle maps, and proof of ownership is not required.

As outlined in Section 2.2 of the ERP Procedures Handbook, Section 2.0 of the application provides information regarding the proposed remediation project at the DeLaval site while Section 3.0 demonstrates the City's compliance with the State Environmental Quality Review Act (SEQRA) for the DeLaval project. Section 4.0 of the application describes the proposed amended scope of work for the remedial project. Section 5.0 summarizes the proposed funding amendments and Section 6.0 provides the anticipated project schedule for the remedial project.

2.0 PROJECT INFORMATION

Table 1 in Appendix A has been included to summarize the remediation phase information for the DeLaval project, as required in Section 2.2 of the ERP Procedures Handbook. The following subsections provide additional detail with respect to the project information.

2.1 PROJECT BENEFIT TO THE ENVIRONMENT

The proposed future use for the DeLaval property is for both commercial and recreational purposes. The remediation goals for this site are to eliminate or reduce to the extent practicable:

- Exposures of persons at or around the site to contaminated soils or groundwater;
- The release of contaminants from soil into groundwater that may create exceedances of groundwater quality standards;
- The possible migration of contamination to off-site media, notably the Hudson River's water and sediments;
- The release of contaminated vapors from subsurface soils into ambient air through excavation;
- The potential for contaminated vapor intrusion into any future buildings constructed at the site; and
- The sources of soil and groundwater contamination.

Further, the remediation goals for the site include attaining, to the extent practicable, the restoration of the subsurface soil to an acceptable standard consistent with the proposed use of the site.

Based upon the March 2005 Record of Decision (ROD) for the DeLaval site, the NYSDEC has proposed the following elements for the site remedy:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program.

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1 Institutional Control/ Engineering
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June, 2005

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The DeLaval Property will be developed to include a sculpture garden and interpretive area, canoe and kayak launch, specialty retail space, an office building, public restroom facilities, a transient marina, a public riverfront walkway, green space, and parking areas for on-site and adjacent developments. A hotel, restaurant, catering facility, office buildings, and parking areas will be located on the two other referenced properties

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Further, the remediation goals for the site include attaining, to the extent practicable, the restoration of the subsurface soil to an acceptable standard consistent with the proposed use of the site.

Based upon the March 2005 Record of Decision (ROD) for the DeLaval site, the NYSDEC has proposed the following elements for the site remedy:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program.

2. A bulkhead consisting of sheet piling will be constructed at the shoreline in AOC-1 and AOC-2/3 to serve as a barrier to preclude contamination in the soils and groundwater from impacting the Hudson River during and following remediation. It is anticipated AOC-1 would require 370 feet of bulkhead, AOC-2/3 would require 720 feet.
3. Approximately 12,900 cubic yards of material representing grossly contaminated soil from AOC-1 and AOC-2/3 will be excavated for off-site for disposal. The UST and buried pipeline will also be removed at this time. Excavations will be backfilled with the material derived from the site grading.. If additional material is necessary to achieve proper grade, clean fill meeting the TAGM 4046 guidance values will be imported to the site.
4. The site will be cleared of heavy vegetation and graded to allow placement of a cover consisting of either a minimum of 12 inches of clean fill or impervious features such as paved parking areas, walkways, and buildings, as appropriate for the planned development. Any surplus surface soil resulting from the grading will be used as backfill for the excavations in AOC-1 and AOC-2/3. Prior to placement of the clean fill, a geotextile fabric would be placed over the areas of the site to be revegetated to serve as a demarcation layer for any future ground-intrusive activities at the site following development. Additionally, a vapor barrier and active sub-slab depressurization system will be constructed beneath any future buildings at the site.
5. Since the remedy results in contamination above unrestricted levels remaining at the site, a site management plan (SMP) will be developed and implemented. The SMP would include the institutional controls and engineering controls necessary to (a) address residual contaminated soils that may be excavated from the site during future redevelopment, including soil characterization and, where applicable, disposal/reuse in accordance with NYSDEC regulations, (b) provide for the operation and maintenance of the components of the remedy, including the active sub-slab depressurization systems required during the construction of future buildings, (c) monitor the groundwater, and (d) identify any restrictions of on-site development to recreational or commercial reuse or groundwater use.
6. The SMP will require the property owner to provide an Institutional Control/ Engineering Control (IC/EC) certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department for a period to be approved by the NYSDEC that would certify that the institutional controls and engineering controls put in place are unchanged from the previous certification and nothing has occurred that will impair the ability of the control to protect public health or the environment or constitute a violation or failure to comply with the operation an maintenance or soil management plan.
7. Imposition of an institutional control in the form of an environmental easement that will (a) require compliance with the approved site management plan, (b) limit the use and development of the property to commercial or recreational uses only, (c) restrict use of groundwater as a source of potable or process water without necessary water quality treatment as determined by the Dutchess County Department of Health, and (d) require the property owner to complete and submit to the NYSDEC an IC/EC certification on a periodic basis determined by the NYSDEC.

This remedy being proposed because it would satisfy the “threshold criteria” established by the NYSDEC (including the protection of human health and the environment and compliance with New York State Standards, Criteria and Guidance) and provides the best overall balance of the remedy evaluation criteria listed below.

1. Protection of human health and the environment
2. Compliance with Standards, Criteria, and Guidance (SCG)
3. Short-term effectiveness
4. Long-term effectiveness and permanence
5. Reduction in toxicity, mobility, and volume
6. Implementability
7. Cost-Effectiveness
8. Community Acceptance

The selected alternative will achieve the remediation goals for the site by removing the most contaminated soils and any existing contamination sources, thus eliminating the most important and immediate hazards to human health and the environment. The capping of AOCs will further reduce exposure to any remaining contaminants, which will be treated in time with natural attenuation to achieve the desired project cleanup goals for soil and groundwater quality.

2.2 ECONOMIC BENEFIT TO THE STATE

In addition to the value brought to the State through the environmental cleanup and redevelopment of the DeLaval property, the project provides several economic benefits to the State. These include:

- Business tax and sales tax revenue from the proposed development on the DeLaval site, and the restaurant, catering business, hotel to be constructed on the City’s former waste water treatment plant site.
- Increased property values and associated tax revenues that may occur as a result of the overall development program
- Several jobs will be created when the waterfront is fully developed. The State will benefit from the additional personal state income tax from these jobs.

When all phases of the riverfront development project are complete, the project will create up to 350 full time equivalent jobs in the City of Poughkeepsie, generate approximately \$1.35 million in sales tax, and generate approximately \$400,000 per year in property taxes for the City. As part of the City's compensation, the developer would pay rent, make PILOT (payment in lieu of taxes) payments, and provide a percentage of gross sales from operations and a percentage of rent.

2.3 POTENTIAL FOR PUBLIC & RECREATIONAL USES

As summarized in Section 2.2, the redevelopment of the DeLaval property will include a number of public improvements to the waterfront, including a public non-motorized boat launch, deep water pier, historical interpretive area, two public restroom facilities, roadways and parking areas, fishing stations, and finally a transient marina.

This proposed development includes easy public access to the Hudson River with adequate public parking and a river walkway. This project provides a significant public recreational facility that will attract the public to the site for boating, fishing, picnicking, and other recreational uses. In addition, the adjacent restaurant and hotel will be open to the public and are anticipated to add another attraction to the riverfront that will draw people to the redeveloped areas.

2.4 BROWNFIELD OPPORTUNITY AREAS

The DeLaval site is located in an area recently designated as a Brownfield Opportunity Area.

2.5 AVAILABILITY OF OTHER FUNDING SOURCES

No other available funding sources have been identified to date to assist the City with implementing the selected remedy City. However, the City is currently considering applying for low or no interest loan(s) to off-set the costs of the remedial and redevelopment programs that will not be covered by the ERP grant.

3.0 SEQRA COMPLIANCE

The City of Poughkeepsie has been designated as the lead agency for reviewing the proposed project in accordance with the State Environmental Quality Review Act (SEQRA). The City issued a positive declaration for the proposed project and has prepared the Findings Statement, a copy of which is included as Appendix B.

4.0 REMEDIAL DESIGN SCOPE OF WORK

The tasks outlined below have been identified to define the scope of work that will be required to complete the design and construction phases of the proposed remedial work for the DeLaval Property.

4.1 ENGINEERING SERVICES

Remedial Design Work Plan & Conceptual Design

The remediation phase of this ERP project will include detailed design and construction of the remedy conceptualized in the ROD. The first step in the design process will be to develop a Remedial Design (RD) Work Plan. The work plan will define the documents that will be prepared as part of the design and establishes a schedule for the submission of these documents to the City and the NYSDEC. In order to streamline the design phase of the project, a 30 percent complete design report (conceptual design) as part of the Work Plan submission to the NYSDEC will be prepared. The RD Work Plan is anticipated to include the following elements:

1. Conceptual plans for the bulkhead system down-gradient of AOC-1 and AOC-2/3.
2. Plans indicating estimated excavation areas for removal of the 6-inch fuel oil pipe, the tank, and grossly impacted soils within AOC-1 and AOC-2/3. The plans will also include appropriate details and cross-sections associated with the closure design.
3. Draft specifications for the imported "clean fill," the demarcation geotextile fabric, and the vapor barrier/sub-slab depressurization systems for the proposed structures.
4. A draft soil and groundwater management plan to be implemented during the remedial construction.
5. A construction cost estimate.
6. An estimated project schedule for the remaining design submittals and remedial construction.
7. A draft site management plan (SMP) that will be utilized to address residual contamination that may be encountered at the site during future redevelopment or construction at the site, to address the operation and maintenance components of the remedy, outline the proposed groundwater monitoring program, and to identify future site use restrictions.

Given that the success of the remediation and development components of this project are interdependent, City, their consultant(s), the developer, and their consultant(s) will meet to ensure

that the concept level design presented in the Design Report will allow for the efficient sequential or eventual redevelopment of the site.

Remedial and Shoreline Stabilization Design

Two rounds of design documents will be prepared as part of this task. After obtaining approval on the RD Work Plan from the NYSDEC, the design documents will be progressed to 95 percent. The 95 percent design will include detailed plan sheets showing the proposed design elements and appropriate details, detailed technical specifications, construction contract documents, a soil and groundwater management plan to be implemented during construction, a post-remedial action SMP, and copies of institutional control documents (e.g. environmental easements on the Property). The specifications and construction contract documents for the project will be combined into a Project Manual that will eventually be provided to contractors for bidding purposes.

In addition to the remedial component of the design which will be outlined in the Design Report, the 95 percent and final design documents will also address the design of the shoreline stabilization program which is not integral to the selected remedy specified in the ROD for both the DeLaval and former Waste Water Treatment Plant sites. Although these activities will not be funded by the NYSDEC's ERP program, it is likely that the integration of these tasks into the remediation project will likely represent a substantial cost savings for the City. The cost of these efforts will be represented as a separate cost on the bid form, and will be tracked as a separate cost during the construction administration phase of the project.

After the City and NYSDEC comments on the 95 percent design submission are addressed, final plans and specifications will be prepared. These documents will serve as the contractual documents between the City and the contractor completing the remedial construction. The City's standard bidding/contractual sections/language will be incorporated into the bid package. It is anticipated that this effort will be coordinated with City's engineering and legal departments/staff.

Given that the success of the remediation and development components of this project are interdependent, the City, their consultant(s), the developer, and their consultant(s) will meet to

ensure that the final design will allow for the efficient sequential or eventual redevelopment of the site.

Bidding Services

After the final contract documents are prepared, the City's consultant(s) will assist with the bidding phase of the project. Specifically, they will complete the following tasks:

1. Distribute contract drawings and project manuals to interested contractors, and will also answer questions concerning technical issues and prepare contract addenda as deemed necessary.
2. Conduct a pre-bid meeting for the purpose of addressing the questions of prospective bidders and conducting a site visit of the DeLaval project site.
3. Evaluate submitted bids and make a recommendation to the City for award of the contract.
4. Assist the City with the assembly of formal contract documents for signature. Bonds and insurance certificates provided by the contractor will also be reviewed.

Contract Administration

The consultant will provide contract administration during the remedial and shore stabilization construction activities, including the following tasks:

1. Arrange and attend the preconstruction meeting, including the preparation of a meeting agenda. Minutes of the meeting will be prepared and distributed to all attendees.
2. Review detailed construction shop drawings and submittals from the contractor for general compliance with the contract drawings and specifications.
3. Make minor design revision as required to accommodate specific site conditions. Major design changes due to unforeseen conditions will be considered as extra work beyond the scope of this proposal. The City and the NYSDEC will be notified immediately should such conditions be identified during construction.

4. Review the contractor's monthly and final payment applications and provide recommendation for payment to the City.
5. Conduct bi-weekly progress meetings at the project site during construction to monitor schedule conformance, and prepare and distribute minutes to attending parties fore ach meeting.
6. Assist with negotiations and implementation of contractor change orders to the City, if necessary to minimize the impact to the City and the NYSDEC. Recommendations and review of costs will be provided by CHA as part of any contractor change order request.
7. Perform a final inspection necessary to prepare a certificate of final completion after the remedial construction is completed.

Construction Observation

In order to ensure that the remedial construction is completed in accordance with the contract drawings and specifications, the consultant will provide an on-site construction inspector to observe the construction work performed by a construction contractor retained by the City. While review the duties of the inspector, please note that the term "Owner" refers to the City of Poughkeepsie, the term "Engineer" refers to consultant and/or subconsultant staff that prepared the construction plans for the work, the term "Contractor" refers to the construction contractor retained by the Owner to perform the construction work, and the term "Inspector" refers to the consultant and/or subconsultant staff that will observe the construction. The inspector will provide the following services:

1. The inspector is to observe, in the Owner's interest, that the materials furnished and the work completed is in general compliance with the construction documents.
2. All communications between the Contractor and the Engineer or the Contractor and the Owner are to be through the Inspector.
3. Duties and Responsibilities of the Inspector:
 - A. Engineer's agent at the site; will act as directed by and under the supervision of the Engineer, and will confer with the Engineer regarding the Inspector's actions. The Inspector's dealings in matters pertaining to the on-site work shall in general be with the Engineer and the Contractor keeping the Owner advised as necessary. The Inspector's dealings with Subcontractors shall only be through or with the full knowledge and approval of the Contractor. The

inspector shall generally communicate with the Owner with the knowledge of and under direction of the Engineer.

- B. Review progress schedule, schedule of Shop Drawing submittals and schedule of values prepared by the Contractor and consult with the Engineer concerning acceptability.
- C. Attend meetings with the Contractor, such as pre-construction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
- D. Serve as the Engineer's and Owner's liaison with the Contractor, working principally through the Contractor's superintendent and assist in understanding the intent of the Contract Documents.
- E. Advise the Engineer and Contractor of the commencement of any work requiring a Shop Drawing or sample if the submittal has not been approved by the Engineer.
- F. Conduct on-site observations of the work in progress to assist the Engineer in determining if the work is in general accordance with the Contract Documents. Report to the Engineer whenever the Inspector believes that any work is unsatisfactory, faulty or defective or does not conform to 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 the Engineer of work that the Inspector believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
- G. Report to the Engineer when clarifications and interpretations of the Contract Documents are needed and transmit to the Contractor clarifications and interpretations as issued by the Engineer.
- H. Consider and evaluate the Contractor's suggestions for modifications in Drawings or Specifications and report with the Inspector's recommendations to the Engineer. Transmit to the Contractor decisions as issued by the Engineer.
- I. Maintain orderly files for correspondence, reports of job conferences, Shop Drawings and samples, reproductions of original Contract Documents including all Work Directive Changes, Addenda, Change Orders, Field Orders, additional Drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the Contract Documents, progress reports, and other Project related documents.
- J. Keep a diary or log book, recording the Contractor's hours on the job site, weather conditions, data relative to questions of Work Directive Changes,

Change Orders or changed conditions, list of job 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 the Engineer.

- K. Record names, addresses and telephone numbers of all Contractors, Subcontractors on the job site and major suppliers of materials and equipment used to complete the construction.
- L. Furnish the Engineer periodic reports as required of progress of the Work and of the Contractor's compliance with the progress schedule and schedule of Shop Drawing and sample submittals.
- M. Draft proposed Change Orders and Work Directive Changes, obtaining backup material from Contractor and recommend to the Engineer and Owner Change Orders, Work Directive Changes, and Field Orders.
- N. Report immediately to the Engineer and Owner upon the occurrence of any accident.
- O. Review applications for payment with the Contractor for compliance with the established procedure for their submission and forward with recommendations to the 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.
- P. During the course of the Work, verify that certificates, maintenance and operation manuals and other data required to be assembled and furnished by the Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have this material delivered to the Engineer for review and forwarding to the Owner prior to final payment for the work.
- Q. Before the Engineer issues a Certificate of Substantial Completion, submit to the Contractor a list of observed items requiring completion or correction.
- R. Conduct final inspection in the company of the Engineer, Owner and Contractor and prepare a final list of items to be completed or corrected.
- S. Observe that all items on final list have been completed or corrected and make recommendations to the Engineer concerning acceptance.

4. Limitations of Authority of Inspector:

- A. The inspector shall not authorize any deviation from the Contract Documents or substitution of materials or equipment, unless authorized by the Engineer.

- B. The inspector shall not exceed limitations of the Engineer's authority as set forth in the Contract Documents.
- C. The inspector shall not undertake any of the responsibilities of the Contractor, Subcontractors or Contractor's superintendent.
- D. The inspector shall not advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of construction unless such advice or directions are specifically required by the Contract Documents.
- E. The inspector shall not advise on, issue directions regarding, or assume control over safety precautions and programs in connection with the Work.
- F. The inspector shall not accept Shop Drawing or sample submittals from anyone other than the Contractor.

Certification Report

A construction certification report will be prepared and submitted to the NYSDEC to certify that the remedial construction was performed and completed in accordance with the NYSDEC approved contract drawings and specifications. The report will contain field observation reports, sampling and testing results, photographs, a description of the sequencing of the construction. In addition any laboratory reports will be attached..

4.2 REMEDIAL CONSTRUCTION

After the design documents are completed and approved, the project will be put out to bid. The City will then select a contractor and the actual implementation of the remedy can begin. The contractor will be required to implement the remedy in accordance with the contract documents. The scope of work for the construction will be based upon the remedy discussed in Section 2.1, and will be consistent with the conditions of the contract documents.

5.0 PROJECT COSTS

5.1 ENGINEERING COSTS

The table below summarizes the anticipated engineering costs associated with each task. The costs have been divided into two categories. The first column represents the costs that are associated with the proposed remedy for the DeLaval site that will be reimbursable at a rate of 90%. The second column represents anticipated costs associated with the design and construction of the rip-rap section of bulkhead on the DeLaval and STP sites that will likely not be reimbursable through the ERP program.

Description	Reimbursable Design Fee	Non- Reimbursable Fee
Remedial Design Work Plan & Conceptual Design	\$45,500	\$5,500
Remedial and Shoreline Stabilization Design	\$133,000	\$25,000
Bidding Services	\$16,000	\$2,000
Contract Administration	\$18,000	\$0
Construction Observation	\$78,000	\$18,000
Certification Report	\$16,000	\$0
Subtotal	\$306,000	\$50,500
Total		\$356,500

It should also be noted that the operation maintenance and monitoring costs associated with the site have not been included, as they are not a reimbursable expense.

5.2 CONSTRUCTION COSTS

As is stated in the January 2005 final Remedial Alternatives Report (RAR), the total estimated remedial construction costs is estimated to be approximately \$7.1 million. A summary of the anticipated construction costs minus the engineering design and construction administration and observation services referenced above is included in Appendix C.

6.0 PROJECT SCHEDULE

The following table provides an estimated schedule for completion of the DeLaval project. The overall progress of the project will be dependent upon a number of factors including, but not limited to, NYSDEC review and approval timeframes, time of year at which the final design documents are complete, preparedness of the developer to begin construction, weather conditions at the time of construction, etc.

Description	Estimated Start	Estimated Finish
Preparation of the ERP Application	June 2005	June 2005
Remedial Design Work Plan & Conceptual Design	June 2005	August 2005
Remedial and Shoreline Stabilization Design	August 2005	November 2005
Bidding Services	December 2005	February 2006
Contract Administration	March 2006	September 2006
Construction Observation	April 2006	September 2006
Certification Report	October 2006	December 2006

APPENDIX A

ERP Application Table 1
Information Required for Remediation-Phase Amendments

Table 1: Information for Remediation-Phase Amendments

Project Information	
1. HAS THE DEC ISSUED A RECORD OF DECISION FOR THE SITE UNDER THE ERP?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. HAS GROUNDWATER OR A SURFACE WATER BODY BEEN CONTAMINATED ABOVE STANDARDS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IF YES, CHECK ALL THAT APPLY:	
<input type="checkbox"/> A. THE INFLUENT TO A PUBLIC OR PRIVATE WATER SUPPLY HAS BEEN CONTAMINATED OR THREATENED.	
<input type="checkbox"/> B. A CLASS A OR AA SURFACE WATER BODY OR A PRIMARY OR PRINCIPAL AQUIFER HAS BEEN CONTAMINATED WITHOUT AFFECTING AN EXISTING WATER SUPPLY.	
<input checked="" type="checkbox"/> C. GROUNDWATER HAS BEEN CONTAMINATED ABOVE STANDARDS OR A SURFACE WATER HAS BEEN IMPACTED.	
3. HAVE ENDANGERED, THREATENED OR RARE SPECIES, STATE PROTECTED STREAMS, OR STATE REGULATED WETLANDS BEEN IMPACTED BY RELEASES FROM THE SITE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. ARE CONTAMINANTS PRESENT IN SOILS/WASTE AT LEVELS THAT EXCEED DEC DIVISION OF ENVIRONMENTAL REMEDIATION GUIDANCE VALUES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. IS THE SITE LOCATED IN A DESIGNATED EMPIRE ZONE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. IS THE SITE LOCATED IN A DESIGNATED EN-ZONE PURSUANT TO TL1 21 (b)(6)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
7. HAS ALL OR PART OF THE SITE BEEN IDLE OR ABANDONED FOR MORE THAN ONE YEAR?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
8. HAS THE APPLICANT SIGNED AN AGREEMENT WITH A PRIVATE PARTY TO REUSE THE SITE ONCE IT IS RESTORED?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
9. HAS THE APPLICANT COMMITTED TO A NEW PUBLIC OR RECREATIONAL USE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
10. HAS THE APPLICANT COMPLIED WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) REGARDING THIS ACTION? IF YES, INCLUDE THE DETERMINATION (NEGATIVE DECLARATION OR FINDINGS STATEMENT) IN THE ATTACHED PROJECT DESCRIPTION AND IDENTIFY ALL INVOLVED AGENCIES IN THE COORDINATED REVIEW.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
11. IS THE APPLICANT AWARE OF OTHER FUNDING SOURCES FOR REMEDIATING THE SITE? IF YES, PROVIDE SOURCE(S) AND DOLLAR AMOUNT IN THE ATTACHED PROJECT DESCRIPTION.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPENDIX B

SEQRA Findings Statement

**RESOLUTION ACCEPTING, AUTHORIZING AND APPROVING STATEMENT OF
FINDINGS REGARDING THE SUPPLEMENTAL FINAL ENVIRONMENTAL
IMPACT STATEMENT REVIEWING PARKLAND EXCHANGE, CHANGES TO
MUNICIPAL ENVIRONMENTAL RESTORATION PROJECTS, OGS CONVERSION
GRANT AND STATUS OF THE ARCHEOLOGY STUDY IN CONNECTION WITH
THE SOUTHERN WATERFRONT DEVELOPMENT PROJECT ALONG THE
HUDSON RIVER IN THE CITY OF POUGHKEEPSIE, NEW YORK, AND RELATED
ACTIONS
(R05-101)**

INTRODUCED BY COUNCIL MEMBER: *TKazyik*

WHEREAS, the City of Poughkeepsie acting through this Common Council is undertaking the Southern Waterfront Development Project which involves the recreational, cultural and commercial development of properties on Rinaldi Boulevard and Hurlihe Streets in the City of Poughkeepsie, County of Dutchess, State of New York known as the DeLaval and STP properties, and Parcel 14, Riverview Urban Renewal Project, located on Pine Street known as the PURA 14 Parcel (collectively, the "Southern Waterfront Development Project"); and

WHEREAS, the City authorized, completed, and, by Resolution R04-20 adopted on February 2, 2004, approved and issued a Final Environmental Impact Statement on the Southern Waterfront Development Project (the "FEIS") and, by Resolution R04-22 adopted on March 1, 2004, approved and issued a Findings Statement thereon (the "Findings Statement"); and

WHEREAS, the City has taken certain steps in connection with the Southern Waterfront Development Project, including, but not limited to: the conveyance of a portion of the STP property to the City of Poughkeepsie Industrial Development Agency (CPIDA), which has, in turn, leased the property to Poughkeepsie Waterfront Development, LLC for commercial development of the property, and this Common Council, acting as the Poughkeepsie Urban Renewal Agency, has conveyed the PURA 14 property to CPIDA, which has entered into a contract of sale with Poughkeepsie Waterfront Development, LLC, and the City has obtained, after consultation with the New York State Office of Parks and Historic Preservation, through a Home Rule Request to the New York State Legislature, Chapter 335 of the Laws of 2004 (the "Act"), which authorizes the City to discontinue as parkland and convey a portion of the DeLaval property to the CPIDA for the purposes of leasing the property for mixed recreational and commercial development as has been studied in the Final Environmental Impact Statement and described in the Findings Statement regarding the Southern Waterfront Development Project, provided that such discontinuance and conveyance is conditioned upon the City's acquisition and dedication of additional waterfront parklands and/or capital improvements to existing waterfront parklands and recreational facilities of equal value (the "Parkland Exchange"); and

WHEREAS, this Council has determined the Parkland Exchange is an action, as that term is defined by SEQRA, and that such Parkland Exchange (hereinafter referred to as the "Action") should be subject to a supplemental environmental review pursuant to §617.9(a)(7)(i)(c); and

WHEREAS, this Council has determined that the Action is a Type 1 Action as defined by §617.4(b)(6) (physical alteration of more than 10 acres) and, upon review of the Action, has determined that the Action may have a significant adverse effect on the environment as defined in §617.7(iv) as it conflicts with the City's goals to develop certain waterfront properties involved in the Action for purposes other than those established, and in consideration of the settlement agreement entered into in the proceeding known as Riverkeeper, Inc. v. City of Poughkeepsie Common Council and Poughkeepsie Landing, LLC, Supreme Court, Westchester County, Index No. 04-17560; and

WHEREAS, this Council, as authorized by Resolution R05-15, made a positive declaration, conducted scoping with regard to the draft supplemental environmental impact statement ("SDEIS"), by Resolution R05-27 approved and issued a Final Scope which addresses the Parkland Exchange, changes to the Municipal Environmental Restoration Project for the DeLaval and PURA 14 properties, the OGS Conversion Grant and the status of the Archeology Study, and authorized the preparation of the SDEIS in accordance with the Final Scope; and

WHEREAS, by Resolution R05-37, the Common Council accepted for review the SDEIS for this Action, and held a public hearing on April 21, 2005, closed the public hearing record on May 6, 2005; extended the public record closing date to June 3, 2005 to permit Riverkeeper time to submit an alternative site development plan for the DeLaval property; and extended the time for completion of the Final Supplemental Environmental Impact Statement ("SFEIS") to not later than July 20, 2005; and

WHEREAS, City staff and consultants prepared and submitted a proposed SFEIS for review by the Common Council, and the Council reviewed the proposed SFEIS, undertook a hard look at the issues raised in the SFEIS by the public, and the response to said issues, and determined that the SFEIS represents a full and fair analysis of the environmental impacts of the Parkland Exchange, revisions to the Municipal Environmental Restoration Project, Conversion Grant and Archeology Study related to the Southern Waterfront Development Project; and

WHEREAS, and by Resolution R05-95 adopted on June 20, 2005, the Common Council accepted, authorized and approved the SFEIS and a Notice of Completion of the SFEIS; and

WHEREAS, more than 10 days has passed since the FEIS was approved, circulated and posted for public view at the Chamberlain's office and Adriance Memorial Library, and

WHEREAS, this Council has been presented with a statement of findings pursuant to 6 NYCRR §617.11(a) (the "Statement of Findings"), and

WHEREAS, this Council has had the opportunity to review the Statement of Findings in detail, and to ask questions and make comments thereon in public session, and

WHEREAS, this Council has determined that the Statement of Findings, in the form and substance presented to this meeting, is fully satisfactory of SEQRA, represents a reasoned consideration of the issues concerning the Action, including the Parkland Exchange, revisions to

the Municipal Environmental Restoration Project, Conversion Grant and Archeology Study related to the Southern Waterfront Development Project, reflects many comments and suggestions made by the public during the SEQRA process and provides for mitigation of the environmental impacts of the Action,

NOW, THEREFORE, BE IT

RESOLVED, by the Common Council of the City of Poughkeepsie as follows:

1. The Statement of Findings is hereby authorized and approved in its entirety.
2. City staff and consultants are hereby directed to file and distribute the Statement of Findings, and to file it and make it available to the public in the Chamberlain's office and the Adriance Memorial Library, in accordance with SEQRA.
3. City staff and consultants are authorized and directed to take such other and further actions deemed necessary and proper to carry out the findings approved hereby, and to effectuate the purpose and intent of this resolution.
4. This resolution shall take effect immediately.

SECONDED BY COUNCIL MEMBER

Bashor

Roll Call Vote:

Councilmember McAlister Aye
Councilmember Lewis Aye
Councilmember Horning Absent
Councilmember Baratta Aye
Councilmember Bashor Aye
Councilmember Lawrence Aye

Councilmember TKazgul Aye
Councilmember Mora Aye

Submitted to Council July 11, 2005

Council Action Approved

Years 1 Days 0

Approved by Mayor on 7/12/05

Institute [Signature]

Councilmember
Horning absent

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted at a regular meeting of the Common Council held July 11, 2005

[Signature] City Chamberlain

**Statement of Findings
Southern Waterfront Development Project
Supplemental Environmental Impact Statement**

Lead Agency: City of Poughkeepsie Common Council

Edmond G. Murphy
Development Director
City of Poughkeepsie
Municipal Building, P.O. Box 300
Poughkeepsie, New York 12602
(845) 451-4046
(845) 451-6152
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SEQR Classification: TYPE 1

July 11, 2005

Introduction

The City of Poughkeepsie, through its Common Council, as Lead Agency (the "City"), completed the environmental review of the Southern Waterfront Development Project in 2004. The Southern Waterfront Development Project (the "Project") consists of the recreational, cultural and commercial development of properties on Rinaldi Boulevard and Hurlihe Streets in the City of Poughkeepsie, County of Dutchess, State of New York known as the DeLaval and STP properties, and Parcel 14, Riverview Urban Renewal Project, located on Pine Street known as the PURA 14 Parcel. After the approval and issuance of the Final Environmental Impact Statement (FEIS) on February 2, 2004, and the Findings Statement on March 1, 2004, the City took certain Actions to implement the Project, including, but not limited to: the conveyance of a portion of the STP property to the City of Poughkeepsie Industrial Development Agency ("IDA"), which has, in turn, leased the property to Poughkeepsie Waterfront Development, LLC for commercial development of the property, and the Common Council, acting as the Poughkeepsie Urban Renewal Agency, has conveyed the PURA 14 property to IDA, which has entered into a contract of sale with Poughkeepsie Waterfront Development, LLC. In order to carry out the portion of the Project involving the private commercial and recreational development on the DeLaval Parcel, the City was required to obtain New York State Legislative approval to discontinue the DeLaval Parcel as parkland in exchange for newly designated waterfront parkland and capital improvements to waterfront parklands in an amount equal to or greater than the fair market value of the DeLaval Parcel (the "Parkland Exchange"). Also, the Municipal Environmental Restoration Project (ERP) to remediate contamination on the DeLaval and PURA 14 properties was subject to several changes after the completion of the environmental review. Therefore, the City determined to perform a supplemental environmental review of the Parkland Exchange and the changes to the ERP. After settlement of litigation with Riverkeeper, Inc., the City issued a positive declaration and held public scoping, which led to the inclusion of two additional issues, the OGS Conversion Grant and the status of the Archeology study reviewed in the prior environmental review. The Supplemental Draft Environmental Impact Statement (SDEIS) studying the impacts of the Parkland Exchange, Municipal Environmental Restoration Project changes, the OGS Conversion Grant and the status of the Archeology study (collectively, the "Action"), was drafted, accepted as complete, and circulated. Public comment was received in the form of written statements and oral comments at a public hearing. Riverkeeper, Inc. was given time to submit an alternate plan for review. The relevant and material public comments were reviewed and responded to in the Supplemental Final Environmental Impact Statement (SFEIS), which was reviewed, accepted, approved and circulated.

The City of Poughkeepsie Common Council, as Lead Agency, is issuing this Supplemental Statement of Findings pursuant to 6NYCRR Part 617.11 of SEQR. Specifically, the Common Council hereby finds:

- a. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable,
- b. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigation measures that were identified as practicable.
- c. The SFEIS is comprehensive and contains the facts and conclusion relied upon to support the Common Council's Statement of Findings, and which avoids or minimizes adverse environmental effects to the maximum extent practicable, and indicates the social, economic and other factors, which formed the basis of its findings.

The Statement of Findings lists the specific conditions or criteria under which future Actions within the Study Area will be undertaken or approved, including requirements for any subsequent SEQR compliance. To the extent that certain impacts may require further analysis, it is recognized that the FEIS or SFEIS may be supplemented pursuant to 6 NYCRR Part 617.10(d). No further SEQR compliance is required if a subsequent proposed Action will be carried out in conformance with the conditions and thresholds established for such Actions in the FEIS, SFEIS or the respective Statements of Findings.

Based upon the analysis and findings set forth herein, the City of Poughkeepsie Common Council hereby concludes and certifies that the requirements of 6 N.Y.C.R.R. Part 617 have been met. It is recommended that the Action and the Project proceed, taking into account the identified areas where mitigative measures will minimize the potential adverse effects upon the environment.

SA. Parkland Exchange and Park Improvements

With respect to implementing Chapter 335 of the Laws of 2004, which permits the discontinuance of a portion of the DeLaval property as parkland, as long as the City provides for the creation of new waterfront parkland and capital improvements to existing waterfront parks of equal value, the City of Poughkeepsie Common Council makes the following findings:

- SA1. The City, in consideration of its obligation under the Public Trust Doctrine to acquire or hold waterfront property in the public trust, shall dedicate the proposed parkland parcels described in the SFEIS as city parks. The public access, use, and enjoyment of these lands shall be protected and preserved. By dedicating Kaal Rock as parkland, the City will be preserving the most prominent part of its waterfront and a unique geologic formation.
- SA2. The market values of the proposed new parkland and the portion of the DeLaval property to be exchanged are found to be reasonably established and documented with comparable sales contained in the summary appraisals prepared for the City by Valuation Consultants, Inc., an MAI real property appraisal firm acceptable to the NYS Office of Parks, Recreation, and Historic Preservation.
- SA3. The cost and scope of proposed capital improvements to existing City waterfront parks, as prepared by the City Engineering Department in consultation with Ocean and Coastal Consultants, Inc., are correct and reasonable capital expenditures fully satisfactory of the requirements of Chapter 335 of the Laws of 2004, and shall be included in the City's Capital Plan for implementation over the next several years.
- SA4. Findings SA2 and SA3 in combination satisfy the New York State Legislature's approval and methodology to discontinue the DeLaval parcel as parkland in exchange for an equal value of new waterfront parkland and/or improvements to waterfront parks.

- SA5. The Riverkeeper argument that the DeLaval parcel is undervalued in the City's appraisal fails to present any documented evidence in support of that position. The hearsay value per acre suggested by Riverkeeper, though not accepted by the Common Council, does not reverse the final result. The City has satisfied the requirement of the park exchange legislation, whether one calculates the value using Riverkeeper's undocumented numbers or the City's documented numbers from the Valuation Consultant's appraisal, presented in the SDEIS.
- SA6. The potential advantages to the City resulting from this waterfront parkland exchange and capital improvements to waterfront parks in conjunction with the limited commercial development of the DeLaval site overshadow the loss of private development on the proposed parkland parcels. The linkage of waterfront parks, a continuous walkway, and complementary private development on DeLaval strengthen the City's economics, provide greater public access and enjoyment of the waterfront, expanding social, cultural, recreational and commercial opportunities. In addition, the introduction of a museum on DeLaval, along with other museums, attractions, and points of interest along the City's river greenway suggest the possibility that the Poughkeepsie waterfront will become a regional destination and a significant economic engine and cultural venue. The Common Council endorses the implementation of the parkland exchange, capital improvements, and development of DeLaval as previously studied.
- SA7. The increased traffic and parking associated with the exchange was adequately studied in the SDEIS, presenting only a minor potential impact to the Long Street area near Kaal Rock.
- SA8. Dedication of the DeLaval and STP shorelines, the Kaal Rock parcel and the Greenway Trail Easement and parcel shall be subject to any easements and rights of way necessary to maintain lawful utilities and access to same.

SB. Environmental Restoration Program (ERP)

With respect to the environmental restoration program currently underway on the DeLaval and PURA 14 sites; the City of Poughkeepsie Common Council makes the following findings:

- SB1. The remediation of these sites involves short-term adverse impacts as studied in the previous statements and findings. However, the goal of safe, usable, productive waterfront lands overrides the costs and risks of the short-term impacts. A study of the investigation documents prepared to date bears out this finding. Left in an unremediated state, the DeLaval site is unusable for any productive purpose, and would pose an ongoing threat to humans and the surrounding environment, most notably, the Hudson River. Preliminary investigations on the PURA 14 site indicate a lower level of concern. In both cases, the productive use of both sites depends on completing the ERP process. The Common Council finds that the ERP shall continue on both properties.

- SB2. The March, 2005 Record of Decision (ROD) issued by NYS DEC selects a remedy that will achieve the remediation goals for the site by removing the grossly contaminated soils from the site along with existing contamination sources. Immediate hazards to human health and the environment will be eliminated. Further, the capping of Areas of Concern (AOC) with clean soil or asphalt paving will reduce exposure to any residual contaminants. Finally, hard-edged bulkheading in certain areas of concern will provide significant protection against any contamination from reaching the Hudson River.
- SB3. The DeLaval remediation will include work precautions, safety plans, and institutional controls, which must be approved by DEC and DOH. These mitigations reduce risks during and after construction to acceptable levels. The City will cooperate and comply with NYS DEC and DOH in the preparation, implementation, and testing associated with safety plans during investigation and remediation activities. Further, the City shall provide ongoing testing, reporting and certification as required by DEC and DOH.
- SB4. The selected remedy stated in the DEC Record of Decision for DeLaval shall be undertaken and an application shall be prepared and submitted to NYS DEC for a remediation grant to defray the cost of the remediation. The Work shall be carried out without unnecessary delay.
- SB5. The City-share of the ERP costs is fiscally manageable, and in the best long term economic interests of the City. Expected revenue from future operations, sale of property (PURA 14), taxation and payments in lieu of taxes on the DeLaval, STP, and PURA 14 sites will provide substantial offsets to the debt service associated with the public investment. The estimate of total project costs as stated in the SFEIS are in line with projections made in the November, 2003 FEIS.
- SB6. The City, in order to carry out the remediation design and construction on DeLaval, and to further the investigations on PURA 14, shall submit appropriate resolutions to the Common Council authorizing the issuance of municipal bonds and/or other funding mechanisms to finance the Work. The Work will benefit the current and future residents and visitors of the City by making the sites safe, usable, and economically viable.

SC. DeLaval Conversion Grant

Under 1971 conditional Letters Patent granted by the People of the State, a portion of the DeLaval and surrounding property is subject to conditions that restrict the Southern Waterfront Development Plan. The conversion grant, which the City has applied for, allows the restrictions to be removed from the land in question, which is described as Parcel A2. The City of Poughkeepsie Common Council finds as follows:

- SC1. The conversion grant is an essential part of the Southern Waterfront Development Plan, in that the conversion of the 1971 conditional Letters Patent will remove a significant restriction on the development of the property known as Parcel A2, and will remove a cloud on legal title.
- SC2. The conversion grant shall be finalized and the conditions on the land known as parcel A2 removed so that the Southern Waterfront Development Plan can move forward.
- SC3. A portion of a parking lot is planned to be located on parcel A2. This parking lot shall be for public parking, and the City shall agree with the State on terms that will ensure the public's rights to the parking lot.
- SC4. Parcel A1, a grant of Letters Patent that consists of lands under water that are not essential to the Southern Waterfront Development Plan, shall be returned to the State under the conversion grant.
- SC5. City staff and consultants are directed to take all steps necessary and proper to effectuate the conversion grant.

SD. Archeological and Cultural Resources

Based on the results and recommendation of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) subsequent to Phase 1A and 1B Archeological Investigations, a Phase II study was commissioned by the City. The field work was conducted in May of this year. In anticipation of the written report and recommendation of OPRHP on the Phase II Archeology Study, and in consideration of the historical and culturally significant aspects of the Poughkeepsie waterfront, the City of Poughkeepsie Common Council makes the following findings:

- SD1. The City shall continue to explore funding for a museum to be located on the DeLaval site. The history and heritage of Poughkeepsie, the Hudson River, and the Hudson River Valley shall guide the concept studies for the museum.
- SD2. Subsequent archeology studies, if required, on the DeLaval and PURA 14 sites shall be coordinated with the work conducted under the ERP. The final work plan for a Phase 3 Data Recovery, if required, shall be developed in consultation with the Office of Parks, Recreation and Historic Preservation and DEC.
- SD3. The City shall arrange for an archeologist to be present on site when excavations related to remediation are underway on the southern end of the DeLaval site. This finding relates to the possibility that a Continental Boatyard or artifacts from the boatyard may be present near that location.

SE. Alternatives

The supplemental environmental review studied three additional alternatives: no Action (leaving the DeLaval site in its present contaminated condition); remediation of DeLaval with no further development; and the Riverkeeper Alternative. The City of Poughkeepsie Common Council makes the following findings on these alternatives:

- SE1. The no Action alternative is found to be not acceptable. Public investment in environmental investigations to date, the real threats to human health and the environment, and the unavailability of this valuable waterfront land to the public advise against no Action.
- SE2. Remediation with no further development is found to be not acceptable. The Common Council can find no argument for the substantial expenditure of public funds to remediate the DeLaval site, only to be followed by no productive economic use of the site or at best, limited public use.
- SE3. The Riverkeeper Alternative is reasonable, but offers little new. This alternative is essentially a restatement of the Scenic Hudson Alternative for the DeLaval site that was studied in the FEIS of February, 2004. While the Common Council supports some of the Riverkeeper/Scenic Hudson recommendations, as it did in the previous Statement of Findings (March 1, 2005), other aspects of the Riverkeeper Alternative are not recommended. The findings on this alternative are:
- a) Clustering of buildings, especially for the purpose of adding a museum shall continue to be explored by the City and the private developer. However, the southernmost building proposed for the DeLaval site shall be remain on the plan. The public safety and security argument for a building at that location outweigh the case for an expansive open space. Further, the location of a building at the southern end of the site in no way precludes the clustering at the mid-section of the property.
 - b) The non-motorized boat launch shall be designed with the least intrusion to the usable land. The deepwater pier shall be designed to accommodate larger vessels. The City and the Developer shall study the location of the pier and the marina during the site plan review process. The Common Council finds that the final location of these site elements is best analyzed as the concept plan matures into a development plan under the purview of the City Planning Board.
 - c) The public walkway shall be constructed entirely on the proposed DeLaval parkland, alongside the bulkhead, and under the control of the City of Poughkeepsie.
 - d) Fishing stations can be added at a future date to meet demand. However, the overall public interest and use of the DeLaval parkland shall be carefully considered and kept in balance when adding park amenities.
 - e) The City shall include vegetation in the design of the shoreline where practicable.

- f) The City and the Developer shall continue to analyze parking demand and seek funding for a parking deck in the interest of further reducing surface parking. Elimination of some parking shall be considered if estimates of demand or actual demand indicate that the City's preferred concept plan overstated demand.

SF. Unavoidable Adverse Environmental Impacts

Potential adverse environmental impacts associated with the ERP, Parkland Exchange and Park Improvements in the Study Area may not be entirely avoided regardless of the proposed mitigation measures. Overall, the Common Council finds that the beneficial aspects of the Action far outweigh potential short-term adverse impacts, including the following findings:

- SF1. Short-term impacts, such as noise, dust, truck traffic, and water turbidity will occur during the remediation and construction periods. The impacts will be mitigated to the fullest extent practicable.
- SF2. The monetary costs of environmental remediation, park creation, and park improvements may result in a short-term burden on the local taxpayer. In the long term, these costs are expected to be covered by the revenue streams associated with the private development of the DeLaval, STP and PURA 14 properties, once they are developed.
- SF3. Creation of parkland is accompanied by the permanent loss of tax revenue from lands that are no longer available for private development.
- SF4. With the extension of the City's waterfront park chain, and the construction of a continuous walkway, usage of these public goods may result in increased demand and costs for parks maintenance and security services.
- SF5. Dedication of Kaal Rock as a City park may result in the loss of some open space to accommodate parking at the end of Long Street.

SG. Consistency with Local Plans

The development of the Project will change land use characteristics of this site from abandoned underutilized industrial areas to public recreation areas and commercial and retail uses. The Project will draw increased amounts of people to the riverfront and therefore the City of Poughkeepsie Common Council makes the following findings:

- SG1. All of the uses studied under this supplemental environmental review are consistent with the policies of the New York State Coastal Management Program and the approved Local Waterfront Revitalization Program (LWRP), consistency having been determined by the Poughkeepsie Waterfront Advisory Committee.

SG2. The uses studied under this supplemental environmental review are permitted uses under the City's Zoning Code, and are consistent with the City's 1998 Comprehensive Plan.

End

APPENDIX C

Project Cost Estimate

Alternative 3 - Source Removal, Soil Cover, Bulkheads Natural Attenuation
Construction Cost Estimate
DeLaval Property

Item No.	Description	Unit Cost	Unit	Quantity	Cost
<u>CAPITAL COSTS</u>					
1	Clear & Grub	\$ 2,000.00	AC	13.2	\$ 26,400
2	Install Silt Fence	\$ 1.50	LF	4,000	\$ 6,000
3	Containment & Decontamination Pads	\$ 2,500	LS	1	\$ 2,500
4	Demolition, Removal and Disposal of Contaminated Concrete	\$ 175	TON	1,000	\$ 175,000
5	Absorbent Booms and Temporary Turbidity Curtain	\$ 10	LF	350	\$ 3,500
6	Ballasted Hardwall Bulkhead	\$ 1,900	LF	1,090	\$ 2,071,000
7	Sub-Slab Depressurization Systems (2 buildings in AOC-2 footprint)	\$ 8,000	EA	2	\$ 16,000
8	Pump & Treat Free Product (AOC-2)	\$ 5	GAL	2,000	\$ 10,000
9	Dust Suppression During Excavations	\$ 5,000	LS	1	\$ 5,000
10	Excavate & Dispose UST & 6" Fuel Oil Pipe	\$ 10,000	LS	1	\$ 10,000
11	Excavate & Dispose Impacted Soil	\$ 70	TON	41,350	\$ 2,894,500
12	Replacement of Clean Soil in Excavations & Cap Installation	\$ 20	TON	37,050	\$ 741,000
13	Seed Green Space after Soil Cap Installation	\$ 3,800	AC	5.1	\$ 19,380
14	Waste Characterization Samples	\$ 500	EA	4	\$ 2,000
15	Extend Monitoring Wells	\$ 300	EA	7	\$ 2,100
16	Institutional Control Administration	\$ 5,000	LS	1	\$ 5,000
Capital Costs Subtotal					\$ 5,989,380
Mob/Demob, General Conditions (4%)					\$ 239,575
Health & Safety (1.5%)					\$ 89,841
Legal and Administrative (8%)					\$ 479,150
Capital Costs Total					\$ 6,797,946