

CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
November 15, 2016

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES (NOTHING THIS EVENING)
4. CORRESPONDENCE, COMMUNICATIONS AND REPORTS (COUNCIL CLERK)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
 - Presentation for Ralph Cheney World Pancreatic Cancer Day on 11/17/16
6. REMARKS OF DEPARTMENT HEADS
7. PUBLIC HEARINGS AND GRIEVANCES
 - Public Hearing for a lot line change for Heritage Restoration Properties.
 - Public Hearing for a lot line change for Keck Properties, LLC.
 - Public Hearing for a lot line change for 14 & 16 Dolson Ave.
8. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
9. REMARKS OF THE MAYOR
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
 - Resolution to authorize Corporation Counsel and the City Treasurer to hold a tax sale on Saturday, December 10, 2016 at City Hall.
 - Resolution to authorize the Treasurer to transfer a total of \$2,000.00 within the Recreation & Parks Department to cover shortage of funds due to the increase of special events and longer seasonal use of ballfields by the public.
 - Resolution to authorize the Mayor to sign a Workers Compensation Services agreement for a one year period from January 1, 2017 through December 31, 2017.
 - Resolution to award the bid for Street Materials.
 - Resolution to schedule a public hearing on a proposed four lot subdivision for 8, 10, 12-14 and 16 Houston Avenue Extension.
 - Resolution to approve SEQRA for Heritage Restoration Properties LLC lot line change.
 - Resolution to approve the lot line change for Heritage Restoration Properties LLC.
 - Resolution to approve SEQRA for Keck Properties LLC a lot line change.
 - Resolution to approve the lot line change for Keck Properties LLC.
 - Resolution to approve SEQRA for 14 & 16 Dolson Ave lot line change.
 - Resolution to approve the lot line change for 14 & 16 Dolson Ave.
 - Resolution to close streets for the annual Tree Lighting Ceremony on November 25, 2016 at 6:00PM.



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
November 15, 2016**

- Resolution to approve and adopt the 2017 Annual 2017 budget for the City of Middletown.
- Resolution to amend and revise Chapter 104, Section 104-11 of the procurement procedures in the City Code to future CDBG-DR procurements.
- Resolution for the City to guarantee a bridge loan totaling \$364,000.00 with Community Capital of New York to pay-construction costs for the rehabilitation of three houses through the CDA.
- Resolution for the City to accept miscellaneous pieces of blue stone as a donation from Kevin Witt with an estimated value of \$2,126.25 to be installed in a place to be determined.
- Resolution to authorize the Mayor to accept "Solutions" funding from the Orange County Youth Bureau and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

13. LOCAL LAWS (NOTHING THIS EVENING)
14. AUDIT OF CLAIMS AND ACCOUNTS (FINANCE COMMITTEE CHAIR)
15. ADJOURNMENT

**The agenda is tentative and established on all accessible information at this time.
Items may be eliminated at any time. Resolutions are added on an emergency basis.**



OFFICE USE ONLY	
<input checked="" type="radio"/> Original	<input type="radio"/> Amended Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice

to a Local Municipality or Community Board

1. Date Notice Was Sent: Nov 1, 2016 1a. Delivered by: Personal Delivery with Proof of Receipt

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

New Application
 Renewal
 Alteration
 Corporate Change
 Removal
 Class Change

RECEIVED
NOV 04 2016

City Clerk
City of Middletown

For **New** applicants, answer each question below using all information known to date.
 For **Renewal** applicants, set forth your approved Method of Operation only.
 For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alterations.
 For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.
 For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.
 For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board:

3. Name of Municipality or Community Board: MIDDLETOWN

4. License Serial Number, if Applicable: _____ Expiration Date, if Applicable: _____

5. Applicant or Licensee Name: PISCO SOUR PERUVIAN RESTAURANT INC

6. Trade Name (if any): _____

7. Street Address of Establishment: 14-18 NORTH ST

8. City, Town or Village: MIDDLETOWN, NY Zip Code 10940

9. Business Telephone Number of Applicant/Licensee: 845-775-4866

10. Business Fax Number of Applicant/Licensee: _____

11. Business E-mail of Applicant/Licensee: _____

12. Type(s) of Alcohol sold or to be sold: Beer & Cider Wine, Beer & Cider Liquor, Wine, Beer & Cider

13. Extent of Food Service: Full food menu; Full Kitchen run by a chef or cook Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: Restaurant (Full Kitchen & Full Menu required)

15. Method of Operation: (Check all that apply)

Seasonal Establishment
 Juke Box
 Disc Jockey
 Recorded Music
 Karaoke
 Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): _____
 Patron Dancing
 Employee Dancing
 Exotic Dancing
 Topless Entertainment
 Video/Arcade Games
 Third Party Promoters
 Security Personnel
 Other (specify): _____

16. Licensed Outdoor Area: (Check all that apply)

None
 Patio or Deck
 Rooftop
 Garden/Grounds
 Freestanding Covered Structure
 Sidewalk Cafe
 Other (specify): _____

OFFICE USE ONLY		
<input checked="" type="radio"/> Original	<input type="radio"/> Amended	Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

RECEIVED

17. List the floor(s) of the building that the establishment is located on: 1ST FLOOR
18. List the room number(s) the establishment is located in within the building, if appropriate: 1
19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No
20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No
21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.
22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

NOV 04 2015
City Clerk
City of Middletown

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name: CHEROKEE NORTH HOLDINGS LLC
24. Building Owner's Street Address: 86 MAIN STREET
25. City, Town or Village: BLOOMINGBURG State: NY Zip Code 12721
26. Business Telephone Number of Building Owner: _____

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this

27. Representative/Attorney's Full Name: AYMEE MINAYA
28. Street Address: 27 CARPENTER AVE
29. City, Town or Village: MIDDLETOWN State: NY Zip Code 10940
30. Business Telephone Number of Representative/Attorney: 845-381-1160
31. Business Email Address: CDRSPROFF@ME.COM

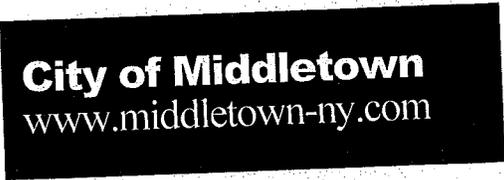
I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations

in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

32. Printed Name: YADIRA JOHNSON Title: PRESIDENT

Signature: *yadira johnson*
X _____

City Clerk's Office
City Hall, 16 James Street
Middletown, NY 10940
(845) 346-4166
(845) 344-5428 FAX
jnaumchik@middletown-ny.com



Fax

To: Sgt. M. Doty **From:** John C. Naumchik

Fax: 342-6721 **Pages:** 3, including cover

Phone: **Date:** 11-04-16

Re: Alcoholic Beverage License New **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

New License

Pisco Sour Peruvian Rest Inc.
14-18 North Street
Middletown NY 10940

Are there any issues from the Police Department for this license?

Thank you,

John C. Naumchik
City Clerk



CITY OF MIDDLETOWN

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, November 15, 2016 on or as near to 8:00 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed lot line change for Heritage Restoration Properties, LLC for Section 31 Block 4 Lot 1.1 and Section 31 Block 4 Lot 1.2.

A full copy of the lot line change plans is available in the City Clerk Office, Room 12 at City Hall 16 James Street, Middletown, New York.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the lot line change.

By the order of the Common Council

John C. Naumchik
Clerk of the Common Council
Publish: 11/9/16 & 11/10/16
City Website

CITY OF MIDDLETOWN

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Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, November 15, 2016 on or as near to 8:00 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed lot line change for Keck Properties, LLC for Section 17 Block 3 Lot 11.111 and Section 17 Block 3 Lot 11.112.

A full copy of the lot line change plans is available in the City Clerk Office, Room 12 at City Hall 16 James Street, Middletown, New York.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the lot line change.

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Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, November 15, 2016 on or as near to 8:00 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed lot line changes for 14 & 16 Dolson Ave. for Section 39 Block 5 Lot 6 and Section 39 Block 5 Lot 7.

A full copy of the lot line change plans is available in the City Clerk Office, Room 12 at City Hall 16 James Street, Middletown, New York.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the lot line change.

By the order of the Common Council

John C. Naumchik
Clerk of the Common Council
Publish: 11/9/16 & 11/10/16
City Website

7

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No:

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED, that the Common Council of the City of Middletown authorizes the Corporation Counsel and the City Treasurer to hold a tax sale on Saturday, December 10 2016, at 10 a.m. in the Common Council Chambers, Second Floor, City Hall, 16 James Street, to offer for sale all properties which have delinquent taxes, assessments, and/or water and sewer rents as of prior October 1, 2015.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

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By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

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Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer a total of \$ 2,000.00 within the Recreation & Parks Department to cover shortage of funds due to the increase of special events and longer seasonal use of ballfields by the public in the following manner:

FROM
A.7140.100
Playgrounds/Personal Services

AMOUNT
\$2,000.00

TO
A.7110.103
Parks/Overtime

MIDDLETOWN
RECREATION & PARKS DEPARTMENT



47 Academy Avenue, Middletown, New York 10940 • Tel: (845) 346-4180 Fax: (845) 344-2918

Thursday, November 3, 2016

RE: 2016 Operating Budget Transfers

Dear President Rodrigues & Council Members:

Please authorize the Treasurer to make the following transfer within the 2016 operating budget of the Middletown Recreation & Parks Department:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.7140.100 Playgrounds/Personal Services	\$2,000.00	A.7110.103 Parks/Overtime

To cover shortage of funds due to the increase of special events and longer seasonal use of ballfields by the public.

Sincerely,

Christine Brinckerhoff, Superintendent
Middletown Recreation Department

RECEIVED

NOV 04 2016

City Clerk
City of Middletown

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

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Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the attached Workers Compensation Services agreement for a one year period from January 1, 2017 through December 31, 2017.

RECEIVED

NOV 04 2016

City Clerk
City of Middletown

PROPOSAL FOR
WORKERS' COMPENSATION ONLY
CITY OF MIDDLETOWN

BY

Marshall & Sterling, Inc.
January 1, 2017

PROPOSAL OVERVIEW

Marshall & Sterling Inc. (MS) is proposing to provide to the City of Middletown (CITY) "Workers' Compensation (WC) Services" for a one year duration from 01/01/2017-12/31/2017.

COMPANY BACKGROUND

Founded in 1864, MS is one the nation's oldest insurance organizations. In 150 years it has grown to be the 34th largest agency in the United States (17th largest among privately held brokers). The 17 locations throughout New York and the three locations in the U.S. Virgin Islands write approximately \$300 million in premiums that produce almost \$30 million in annual revenue. The company's principal ownership rests with the 350 employees through an Employee Stock Ownership Trust. We provide access to all lines of insurance coverages and products through contractual agreements with essentially all of the major insurance carriers and markets.

SCOPE OF SERVICES

Under the broad categories listed below we propose to offer the following services:

I. IDENTIFICATION

- We will review all aspects of the WC insurance program presently in place. We will obtain and review all policies, evaluating the appropriateness, completeness and compliance of coverage.
- We will assist in monitoring the CITY's new WC claims database, including claims needing special attention.
- We will meet with appropriate CITY staff, insurance company staff, safety personnel, legal advisors and other individuals as deemed necessary in order to gain valuable perspective on the present overall program and to prioritize important issues.

II. RISK ANALYSIS

- We will review the operation of the current program from both a cost benefit standpoint, as well as from an operating and administrative basis. We will be looking for efficiency improvements and costs savings.
- We will present, when requested, a determination of the total cost of WC risk for the CITY in a formal report to establish a basis for planning purposes.

- We will, with the assistance of an actuary paid by the CITY, examine WC retention and deductible levels and present our recommendations.
- We will, after understanding the CITY's tolerance for WC risk, review alternative methods of financing WC risk and present appropriate options.

III. RISK ADMINISTRATION

A. General Administration Services

- We will assist with the development of a formal WC Risk Management Policy Statement that will be presented for CITY review and acceptance. This document will establish and state the Risk Management goals of the CITY, set general standards for operating procedures, define responsibilities and outline the requirements for the maintenance of reports and records
- We will undertake to develop procedures to coordinate the flow of information between the CITY and MS.

B. Assistance in Brokerage and Insurance Company Relationships

- Appropriate personnel will be made available within a reasonable time period to meet with the CITY as requested. A senior staff person will be available by phone at any time during regular work hours.

IV. CLAIM SERVICES - NEW WC CLAIMS ONLY

A. MS will monitor data on all new WC claims, including:

- We will review initial new WC claim report from CITY for completeness.
- We will confirm new WC claim report was properly sent to the carrier.
- We will confirm the carrier received the new WC claim report and established a claim.
- We will confirm the carrier's Nurse Advocate made contact with the injured employee.
- We will confirm the Transitional Duty Program form was sent to the injured employee's Medical Provider, as appropriate.
- We will confirm the Medical Provider form has been returned to the CITY to be forwarded to the carrier, as appropriate.

- We will confirm additional indemnity for injured employees subject to S. 207a or S. 207c is being correctly handled.
- We will suggest the carrier initiate surveillance or increase surveillance, as appropriate.
- We will review loss history on a quarterly basis to identify frequency and severity patterns regarding new WC claims only.
- We will research and advise the CITY, when requested, on coverage or coverage issues related to specific new WC claims.

B. On-Line Capabilities

- We will coordinate the use of an on-line Risk Management Information System with your WC carrier. Among the system's capabilities are claims management, litigation management and first report of injury reporting. These are remote access capabilities and we would plan to allow direct access to the proper CITY personnel.
- This system will be utilized to allow us to continually monitor claims for the CITY's Risk Management Program.

FEE PROPOSAL

Marshall & Sterling services for the City of Middletown for one (1) year for the sum of: \$42,000.00, billed in equal quarterly installments.

This contract is effective January 1, 2017 between Marshall & Sterling, Inc. and the City of Middletown.

Respectfully submitted,

Gregory W. Townsend, CPIA
Vice President/Branch Manager
Marshall & Sterling, Inc.

Accepted by Honorable Mayor Joseph M. DeStefano

January _____, 20____

Transitional Duty Program

What is Transitional Duty?

- Transitional Duty is part of your Return-to-Work program.
- It is a temporary work assignment designed to transition the employee back to work as soon as medically reasonable.
- It is a team approach to managing disability and associated costs.
- It is a process that ensures the injured/ill employees are provided with appropriate and expeditious treatment and informed of their benefits
- It is a benefit to the employer and the injured/ill employee. It shows the employees they are valued and involves them in the recovery process.

Why should you provide Transitional Duty?

- To improve the injured worker's status, by avoiding
 - Loss of income
 - Loss of self-esteem
 - Loss of control over one's life
 - Loss of personal and professional relationships
- To decrease workers' compensation, disability and indirect costs, by avoiding:
 - Paid leave accruals
 - Training staff to cover duties
 - Hiring temporary employees and overtime
 - Replacing the injured/ill worker
 - Reduced productivity
 - Poor employee morale

City of Middletown
16 James Street
Middletown, New York 10940

Physician's Name
Address
City/Stats/Zip

Date

Dear <Physician's Name>:

<Municipality> has a program of Transitional Duty Program for qualified persons who have sustained a work related injury as provided for under the State of New York Workers' Compensation Law.

<Employee> is being treated by you for such an injury. If you feel he/she has a minimal work capacity, please indicate which transitional duty assignments may or may not be attempted, and list any work limitations you feel are appropriate.

As the treating physician, your judgments are paramount. You may alter the transitional duty assignments or the hours of activity as you feel appropriate at any time by notifying us.

Attached is a list of transitional duty assignments with a description of each.

Please indicate by initialing those assignments which are acceptable to you and list any limitations or concerns you may have. Please return the attachment to the Chief Administrator of <Municipality>.

Sincerely,

City of Middletown
16 James Street
Middletown, New York 10940

MEDICAL PROVIDER FORM
Job Analysis

<Date>

<Employee>

<Job Title>

The <municipality> requests that the information below be completed by the attending physician pertinent to the capabilities of our employee as a result of his/her accident on <date>.

The employee's job description is attached for you to review and determine if:

- A. The employee can return to work with no restriction to his/her duties on
 __/__/__
- B. The employee can return to work with limited restrictions to his/her duties on
 __/__/__

Limitations: _____

Estimated date to resume full duty: _____

- C. The employee can return to work and perform tasks checked on the form
 "Transitional duty" form.
- D. The employee may not return to work at this time.

Next appt.: _____

If there are any questions please contact <Name> at <Telephone number>.

City of Middletown
16 James Street
Middletown, New York 10940

MEDICAL PROVIDER FORM
Work Status

Employee Name: _____ DOI / /

WORK STATUS:

___ Return to **Full duty without restrictions** on / / .

___ Continue **Current transitional Assignments** without changes.

___ Begin **New Transitional Duty Assignments** based on the restrictions listed below on / / .

Restrictions: _____

Estimated date to return to Full Duty: / /

Next Scheduled Appointment: / /

Comments: _____

Physician signature/date: _____

ATTENTION EMPLOYEE'S DEPARTMENT- Copies of this document should be forwarded to:

PERMA—Nurse Patient Advocate Fax #b 1-877-737-6232

Implementation – Fitting the pieces together

An effective Transitional Duty Program requires a set of policies and procedures that facilitate post-injury management of the injured employee during every step of rehabilitation. It requires excellent communications, cooperation, and coordination between the employee, management, PERMA and medical care providers.

The Following steps are required for implementation of a Transitional Duty Program:

- **Develop and issue a policy statement.** There must be a commitment to the Transitional Duty program at all levels of your management, even individual supervisors, who are key individuals in work assignment. To facilitate the delegation of authority, senior management should issue a statement of policy. Since policy statements can only motivate so far, all levels of management must support the program through demonstration on a continuous basis.

The policy should emphasize that the program is administered on a case – by – case basis and that it is for temporary assignment and it must establish specific maximum timeframes. (Usually 12 weeks is suggested)

- **Appoint a coordinator** to explain the program to management and to get a commitment to change policy, if necessary. This coordinator should interact with PERMA representatives as management, and should be part of the Transitional Duty Team.

Transitional Duty Quick Reference for Designing a Transitional Duty Program

Goals:

- Foster and enhance the physical and psychological recovery process of the injured worker.
- Enhance the injured employee's sense of confidence and well being
- Reduce medical, disability and lost time costs.
- Reduce indirect accident costs.
- Minimize the chance of re-injury.
- Encourage cooperation and communication between the employee and management.

Identify the *Transitional Work Team* and their responsibilities:

- Employee
- Injury Coordinator/Supervisor/Safety Officer
- Patient Advocate
- Medical Care Provider

Employee Responsibilities:

- Immediate reporting of an injury to his/her supervisor.
- Completes all necessary paperwork, including the PERMA *Quick-Fax*.
- Complies with employer's procedures.
- Maintains contact with the employer and provides information regarding the injury/illness and treatment plan on a weekly basis.
- Returns to work in a temporary modified capacity within restrictions that are outlined by a physician.

Responsibilities of the Injury Coordinator / Supervisor / Safety Officer:

- Initiates medical treatment.
- Conducts investigation and corrects hazards.
- Completes and distributes required paperwork and the PERMA *Quick-Fax*
- Reinforces the municipality's disability process and the employee's responsibility
- Maintains and encourages communication with the employee
- Identifies and develops productive *Transitional Work* assignments, and ensures that the employee is working within the prescribed physician's guideline.
- Monitors employees to ensure adherence to the *Transitional Work* assignments and monitors progress.

Responsibilities of the PERMA Patient Advocate (Nurse):

- Communicate with the treating medical providers to coordinate the most appropriate and cost effective care for the employee until maximum medical improvement is achieved.
- Continually evaluate the treatment plan and expectations to coordinate the best possible outcome for the employee.
- Actively communicate with the employee, employer and medical providers.
- Be instrumental in working with the employer in devising early return to work programs, job descriptions and transitional duty assignments.

Sample Transitional Duty Assignments

PUBLIC WORKS EMPLOYEES:

Inventory tool, equipment and parts
Inventory street and traffic signs
Perform clerical duties
Answer telephones, dispatch messages
Perform custodial duties at the garage
Run errands, deliveries, mail runs
Supervise part time or temporary workers
Supervise community service people
Attend safety training programs
Present safety programs, talks
Repair water meters
Inspect roads, streets, culverts, sidewalks
Pothole inspection and reports
Inspect road signs, signals

Light maintenance, housekeeping
Make construction signs
Flagman as needed
Issue trash permits
Record keeping
Painting, light carpentry work
clean vehicles
Routine vehicle maintenance
Litter collections at public properties
Clear brush, branch overhangs
Grass mowing, trimming, weeding
Miscellaneous sweeping, cleaning
Substitute crossing guard
Safety Inspections

CUSTODIAL / MAINTENANCE WORKERS:

Sweep and wash floors
Vacuum rugs
Install shades
Empty wastebaskets
Dust and clean furniture
Clean bathrooms, offices
Outside housekeeping
Wash/clean windows
Painting

Minor electrical work
Minor plumbing work
Cut grass
Substitute crossing guard
Inventory tools, equipment, parts
Attend safety programs
Present safety programs, talks
Conduct safety inspections

OFFICE/ADMINISTRATIVE WORKERS:

Answering phones
Selling, issuing permits
Collect tax bills

Safety training, inspections
Cleaning
Filing

PARKS and RECREATION WORKERS:

Train summer help

Supervise p/t and summer workers

Attend safety training
Provide safety presentations, talk
Painting
General cleaning, sweeping
Answering telephone

Customer service, ticket booth
Direct parking traffic, flagman
Assist residents using parks
Assist residents at Senior Center
Safety inspections, pool inspections

POLICE OFFICERS:

Dispatch, desk assignments
Maintain criminal records
General filing
Records retention compliance
Update emergency contact files
Microfilm documents
Conduct inventories
Process impound vehicles
Perform fingerprinting
Write reports
Research issues
Vehicle transfer for maintenance
Grant proposal research and writing

Telephone investigations
Bad check complaint investigations
Attend training programs
Conduct training programs
Present public safety lectures
Community relations programs
Conduct traffic and speed surveys
Road inspections
Complaint handling
Data entry
Take statements in office
Substitute crossing guard

FIRE DEPARTMENT PERSONNEL:

Test hoses
Inventory equipment, spare parts
Inspect equipment, supplies
Maintain/clean/repair equipment and parts
Present public safety talks at school
Mark and stencil hydrants
Conduct building inspections

Assist in training
Attend training programs
Station housekeeping, maintenance
Clerical, administrative duties
Assist fire marshal's office
Dispatch

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16 _____

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

WHEREAS, bids were opened by the Board of Estimate and Apportionment on October 11, 2016, for Street Materials, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for Street Materials to the following:

Ellenville Sand & Gravel, Route 209, 11 Spring Street, Ellenville, NY 12428:

Screened & Washed Sand: Stockpile @ \$16.48/ton; Plant @ \$7.49/ton

Dick's Concrete Co., Inc., 1053 County Route 37, New Hampton, NY 10958:

Screened Stone Sand: Stockpile @ \$16.95/ton; Plant @ \$14.95/ton
 N.Y.S. Item 304-2.02: Stockpile @ \$15.25/ton; Plant @ \$10.00/ton
 Crushed Stone: 3/8": Stockpile @ \$19.95/ton; Plant @ \$15.45/ton
 Crushed Stone: 5/8": Stockpile @ \$19.00/ton; Plant @ \$14.50/ton
 Crushed Stone: #2 Stockpile @ \$16.75/ton; Plant @ \$13.75/ton
 Crushed Stone: #3 Stockpile @ \$18.45/ton; Plant @ \$14.45/ton
 Run of Bank Gravel delivered to various locations @ \$13.45/cu. yd.
 Run of Bank Gravel loaded on City trucks @ \$10.00/cu. yd.

Callanan Industries, Inc., P. O. Box 15097, Albany, NY 12212-5097:

(Plant in Bridgeville, Monticello)

Asphalt pre-mix for cold patching: Stockpile @ \$117.00/ton; Plant @ \$110.00/ton

E. Tetz & Sons, Inc., 130 Crotty Rd., Middletown, NY 10941:

NYS Item 403.16 Top Course Type 6 Plant @ \$60.00/ton-due to Plant close proximity

NYS Item 403.18 T.C. Type 7 Plant @ \$61.00/ton-due to Plant close proximity

NYS Item 403.14 A.C.B.C. Type 4 Plant @ \$59.00/ton

NYS Item 403.13 A.C.B.C. Type 3 Plant @ \$59.00/ton-due to Plant close proximity

NYS Item 403.11 B.C. Type 1 Plant @ \$58.00/ton-due to Plant close proximity

NYS Item 403.12 B.C. Type 2 Plant @ \$58.00/ton-due to Plant close proximity

Department of Public Works
City of Middletown

Jacob S. Tawil, P.E.
Commissioner of Public Works



16 James Street
Middletown, N.Y. 10940-1587
Tel: (845) 343-3169
Fax: (845) 343-4014

October 31, 2016

Board of Estimate & Apportionment
Honorable Mayor and Members
of the Common Council
City of Middletown, NY

RECEIVED
NOV 02 2016
City Clerk
City of Middletown

RE: Street Materials Bid of October 11, 2016

Gentlemen:

I have reviewed the above captioned bids and respectfully request awarding the lowest qualified bidder the following. (Copy of bid tabulation sheet is attached). Please note, that a recommendation of award is not based on the unit bid price alone, but also on the close proximity of the source to the City).

Ellenville Sand & Gravel, Route 209, 11 Spring Street, Ellenville, NY 12428:
Screened & Washed Sand: Stockpile @ \$16.48/ton; Plant @ \$7.49/ton

Dick's Concrete Co., Inc., 1053 County Route 37, New Hampton, NY 10958:
Screened Stone Sand: Stockpile @ \$16.95/ton; Plant @ \$14.95/ton
N.Y.S. Item 304-2.02: Stockpile @ \$15.25/ton; Plant @ \$10.00/ton
Crushed Stone: 3/8": Stockpile @ \$19.95/ton; Plant @ \$15.45/ton
Crushed Stone: 5/8": Stockpile @ \$19.00/ton; Plant @ \$14.50/ton
Crushed Stone: #2 Stockpile @ \$16.75/ton; Plant @ \$13.75/ton
Crushed Stone: #3 Stockpile @ \$18.45/ton; Plant @ \$14.45/ton
Run of Bank Gravel delivered to various locations @ \$13.45/cu. yd.
Run of Bank Gravel loaded on City trucks @ \$10.00/cu. yd.

Callanan Industries, Inc., P. O. Box 15097, Albany, NY 12212-5097:
(Plant in Bridgeville, Monticello)
Asphalt pre-mix for cold patching: Stockpile @ \$117.00/ton; Plant @ \$110.00/ton

E. Tetz & Sons, Inc., 130 Crotty Rd., Middletown, NY 10941:

NYS Item 403.16 Top Course Type 6 Plant @ \$60.00/ton-due to Plant close proximity
NYS Item 403.18 T.C. Type 7 Plant @ \$61.00/ton-due to Plant close proximity
NYS Item 403.14 A.C.B.C. Type 4 Plant @ \$59.00/ton
NYS Item 403.13 A.C.B.C. Type 3 Plant @ \$59.00/ton-due to Plant close proximity
NYS Item 403.11 B.C. Type 1 Plant @ \$58.00/ton-due to Plant close proximity
NYS Item 403.12 B.C. Type 2 Plant @ \$58.00/ton-due to Plant close proximity

Respectfully submitted,



Jacob S. Tawil, P.E.
COMMISSIONER OF PUBLIC WORKS

mf
Att.

F.O.B.

BID OF October 11, 2016

PRE-MIX MATERIALS NAME OF BIDDERS	Item 403.16 Top Course Type 6	Item 403.18 Top Course Type 7	Item 403.14 Asphalt Concrete Binder Course Type 4	Item 403.13 Asphalt Concrete Binder Course Type 3	Item 403.11 Base Course Type 1	Item 403.1 Base Course Type 2
Ticon New York, Inc. Montgomery & Goshen	\$66.00/ton	\$67.50	-----	\$65.00	\$65.00	-----
Callanan Industries, Inc. @Bridgerville, Monticello	\$59.00	\$62.00	-----	\$58.00	\$57.00	\$57.00
US Concrete, NJ	-----	-----	-----	-----	-----	-----
E. Tetz & Sons, Inc. @Cemetery Rd., Mtn	\$60.00	\$61.00	59.00 \$59.99	\$59.00	\$58.00	\$58.00
Ticon New York, Inc.	COLD PATCH	COLD PATCH				
Callanan Industries, Inc.	Stockpile: \$117.00/ton	FOB Plant: \$110.00/ton				
US Concrete, NJ	-----	-----				
E. Tetz & Sons, Inc.	\$125.00/ton FOB Plant					

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16 _____

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown hereby scheduled a public hearing on Tuesday, December 06, 2016 to close to 8:00PM as possible to hear any and all persons wishing to be heard on a proposed four lot subdivision for 8, 10, 12-14 and 16 Houston Ave Extension, Section 43, Block 5, Section 5, 6, 7, and 51.1.

CITY OF MIDDLETOWN

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, December 06, 2016 on or as near to 8:00 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed four Lot Subdivision for 8, 10, 12-14 and 16 Houston Ave Extension, Section 43, Block 5, Section 5, 6, 7, and 51.1

A full copy of the lot line change plans is available in the City Clerk Office, Room 12 at City Hall 16 James Street, Middletown, New York.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the lot line change.

By the order of the Common Council

John C. Naumchik
Clerk of the Common Council
Publish: 11/21/16 & 11/22/16
City Website

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16 _____

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

WHEREAS, Heritage Restoration Properties, LLC (“Heritage”) is the equitable owner of property known as 22 Cottage Street, Middletown, New York (a portion of the former Clemson Brothers building now known as the Clemson Bros. Brewery), also shown on the tax map of the City as Section 31 Block 4 Lots 1.1 and 1.2 (“the Property”), and

WHEREAS, Heritage has submitted a subdivision application and a proposed subdivision map to the Common Council to change the lot lines of the Property to encompass a “beer garden” area as part of the brewery complex located on the portion of the Property known as Section 31 Block 4 Lot 1.1 (“the Action”), and

WHEREAS, the engineer for Heritage has prepared and submitted a Short Environmental Assessment Form (“EAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and the Regulations of the Commissioner of the Department of Environmental Conservation at 6 NYCRR Part 617 (“the Regulations”), and

WHEREAS, the Common Council is the Lead Agency as the sole Involved Agency in connection with the SEQRA review of the Action, and

WHEREAS, the Common Council, on November 15, 2016, held a public hearing on the Action and all persons who wanted to speak about the Action were able to do so.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Middletown makes the following findings with respect to the potential environmental impact of the Action:

1. The Action includes proposed lot line changes for the Property to encompass a “beer garden”

area as part of the brewery complex presently located on the portion of the Property known as Section 31 Block 4 Lot 1.1.

2. The Action is an Unlisted Action pursuant to SEQRA.
3. The EAF regarding the Action has been filed with the Common Council.
4. The review of the Action is not a Coordinated Review.
5. Approval of the Action will allow the beer garden area to become part of the lot on which the existing brewery and restaurant already are located.
6. The Action will not have a significant negative impact on air or water quality, traffic or noise levels or erosion or drainage conditions.
7. The traffic impacts from the Action are minimal. There is sufficient existing parking in the area, the area is served by existing City streets, and there are plans by Orange County and the City of Middletown to extend the Heritage Trail in and around the area of the Property.
8. There will be limited, if any, effect on surface or subsurface water.
9. There is no evidence that the Action will pose a threat to any threatened or endangered species of plants or animals or the habitats of such species or have any adverse effect on migratory fish or wildlife species.
10. The Action does not appear to impair the character of any historical area or aesthetic resource or negatively impact the character of the neighborhood. The Action will not have a negative impact on the character or quality of the existing community or the character of the neighborhood.
11. No change in energy use will occur as a result of the Action.
12. The Action will not create any hazard to human health.
13. The use of the land will not be substantially changed by the Action and will be consistent with the existing zoning and use of the Property.
14. The Action will not result in demand for other actions that exhibits the impacts addressed by the Regulations.
15. There will be no changes to multiple elements of the environment that cumulatively would result in substantial adverse impacts.
16. There are no projects which have been approved by the Common Council or which are seeking approval from the Common Council which, when taken together with the Action, would cause a significant effect on the environment. In fact, approval of the Action would benefit existing and planned development and the economy of the area.
17. All of the criteria contained in 6 NYCRR Part 617 have been addressed to the satisfaction of the Common Council.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown makes the following determination:

The Common Council, as the Lead Agency and the sole Involved Agency, following its review of the EAF and the proceedings at the public hearing in connection with the Action, hereby determines that the Action will not have a significant impact on the environment and is, by this resolution, making a negative declaration of environmental impact as that term is defined under SEQRA and the Regulations, and the Common Council further directs the Commissioner of Public Works to issue, file and circulate a Notice of Determination of Non-Significance as the same may be required by the Regulations.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: HERITAGE RESTORATION PROPERTIES, LLC			RECEIVED				
Project Location (describe, and attach a location map): CLEMSON BROTHERS BREWERY			SEP 13 2016				
Brief Description of Proposed Action: COTTAGE ST. & RAILROAD AVENUE			City Clerk City of Middletown				
<p>Brief Description of Proposed Action: APPLICANT PROPOSES A LOT LINE CHANGE TO ADD THE BEER GARDEN AS PART OF THE BREWERY (LOT 1) OF THE CLEMSON BROTHERS SITE (HERITAGE RESTORATION PROPERTIES, LLC)</p>							
Name of Applicant or Sponsor: HERITAGE RESTORATION PROPERTIES		Telephone: (845) 987-4337	E-Mail: KEVIN@KPBEV.COM				
Address: 480 LIBERTY CORNERS ROAD							
City/PO: PINE ISLAND	State: NY	Zip Code: 10969					
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: SUBDIVISION APPROVAL FROM COMMON COUNCIL			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<u>0.28</u> acres					
b. Total acreage to be physically disturbed?		<u>0</u> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.69</u> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>JOHN V. NOSER, PE</u> Date: <u>9/9/2016</u></p> <p>Signature: <u>JOHN V. NOSER</u></p>		

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No:

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

Whereas, Heritage Restoration Properties LLC, has submitted a lot line change map for property, which property is shown on the tax map of the City of Middletown as Section 31 Block 4 Lot 1.1 & 1.2, and

Whereas, SJAR Reality LLC is seeking approval of the lot line change from the Common Council of the City of Middletown, and

Whereas, the Common Council of the City of Middletown held a public hearing on the lot line change application on November 15, 2016, and no one at the public hearing objected to the application, and

Whereas, the lot line change application and map and related SEQRA information was submitted to the City of Middletown and hereby determines that the Action will not have a significant impact on the environment and is, making a negative declaration of environmental impact as that term is defined under SEQRA and the Regulations, and

Now, therefore, be it resolved by the Common Council of the City of Middletown that the lot line change application and map submitted by Heritage Restoration Properties LLC is hereby approved for filing upon signatures by the appropriate City officials.

Clerk

SUBDIVISION APPLICATION
CITY OF MIDDLETOWN, NEW YORK

RECEIVED
SEP 13 2016
City Clerk
City of Middletown

Date deemed complete
Accepted by

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property COTTAGE STREET & RAILROAD AVE
Section 31 Block 4 Lot 1.1 Current Zoning District C-3

2. Owner of Property HERITAGE RESTORATION PROPERTIES, LLC
Owner's Address 480 LIBERTY CORNERS ROAD
City PINE ISLAND State NY Zip 10969

Phone numbers _____
Cell phone number _____
E-mail _____

3. Applicant name HERITAGE RESTORATION PROPERTIES, LLC c/o KEVIN PORTER

If different from Owner
Applicant's Address NA (SAME)

City _____ State _____ Zip _____

Phone number (SAME)
Cell phone number _____
E-Mail _____

Application fee

Minor (2-3 lots) \$250 Paid (LOT LINE CHANGE)

Plus escrow if required _____ \$500 Paid _____

Major (over 3 lots) _____ \$500 Paid _____

Plus \$100 per lot for each lot over 10 lots, and \$1,000 escrow (to be replenished as required) Paid _____

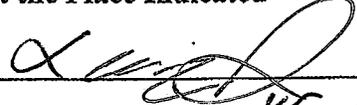
4. **Proposed uses.** List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

APPLICANT WISHES TO CHANGE LOT LINE TO
KEEP BEER GARDEN ON SAME LOT AS
BREWERY.

5. **Zoning.** In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

6. **Non Compliance of Zoning.** In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non compliant and the reasons therefore. Additional sheets may be attached if more space is required.

7. **Sign at the Place Indicated**

Signature 

Printed Name and Title KENAN PORTER, HERITAGE RESTORATION PROPERTIES, LLC

Date ~~X~~ 9/28/16

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

WHEREAS, Keck Properties LLC (“Keck”) is the owner of property known as 307 North Street, Middletown, New York, also shown on the tax map of the City as Section 17 Block 3 Lots 11.111 and 11.112 (“the Property”), and

WHEREAS, Keck has submitted a subdivision application and a proposed subdivision map to the Common Council to change the lot lines of the Property to allow construction of a new storage building on a portion of the Property consistent with existing zoning, lot size and setback requirements (“the Action”), and

WHEREAS, Keck has prepared and submitted a Short Environmental Assessment Form (“EAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and the Regulations of the Commissioner of the Department of Environmental Conservation at 6 NYCRR Part 617 (“the Regulations”), and

WHEREAS, the Common Council is the Lead Agency as the sole Involved Agency in connection with the SEQRA review of the Action, and

WHEREAS, the Common Council, on November 15, 2016, held a public hearing on the Action and all persons who wanted to speak about the Action were able to do so.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Middletown makes the following findings with respect to the potential environmental impact of the Action:

1. The Action includes proposed lot line changes for the Property to allow construction of a new storage building on a portion of the Property consistent with existing zoning, lot size and setback

requirements.

2. The Action is an Unlisted Action pursuant to SEQRA.
3. The EAF regarding the Action has been filed with the Common Council.
4. The review of the Action is not a Coordinated Review.
5. Approval of the Action will allow construction of a storage building on a portion of the Property consistent with existing zoning, lot size and setback requirements.
6. The Action will not have a significant negative impact on air or water quality, traffic or noise levels or erosion or drainage conditions, and if there is any impact, it will be limited and temporary in connection with construction activities.
7. The traffic impacts from the Action are minimal. There is sufficient existing parking in the area and the area is served by existing City streets.
8. There will be limited, if any, effect on surface or subsurface water.
9. There is no evidence that the Action will pose a threat to any threatened or endangered species of plants or animals or the habitats of such species or have any adverse effect on migratory fish or wildlife species.
10. The Action does not appear to impair the character of any historical area or aesthetic resource or negatively impact the character of the neighborhood. The Action will not have a negative impact on the character or quality of the existing community or the character of the neighborhood.
11. No change in energy use will occur other than normal increases associated with any proposed construction and renovation work as a result of the Action.
12. The Action will not create any hazard to human health.
13. The use of the land will not be substantially changed by the Action and will be consistent with the existing zoning and use of the Property.
14. The Action will not result in demand for other actions that exhibits the impacts addressed by the Regulations.
15. There will be no changes to multiple elements of the environment that cumulatively would result in substantial adverse impacts.
16. There are no projects which have been approved by the Common Council or which are seeking approval from the Common Council which, when taken together with the Action, would cause a significant effect on the environment. In fact, approval of the Action would benefit existing and planned development and the economy of the area.
17. All of the criteria contained in 6 NYCRR Part 617 have been addressed to the satisfaction of the Common Council.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown makes the following determination:

The Common Council, as the Lead Agency and the sole Involved Agency, following its review of the EAF and the proceedings at the public hearing in connection with the Action, hereby determines that the Action will not have a significant impact on the environment and is, by this resolution, making a negative declaration of environmental impact as that term is defined under SEQRA and the Regulations, and the Common Council further directs the Commissioner of Public Works to issue, file and circulate a Notice of Determination of Non-Significance as the same may be required by the Regulations.

Short Environmental Assessment Form
Part 1 - Project Information

RECEIVED
OCT 13 2016
City Clerk
City of Middletown

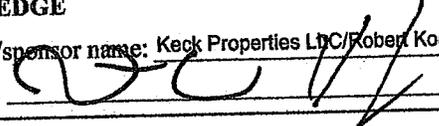
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Lot Line Change For Keck Properties LLC.				
Project Location (describe, and attach a location map): 304 - 307 North St. Middletown NY 10990 Section 17 Block 3 Lots 111/11.11R				
Brief Description of Proposed Action: Change existing lot line to new location.				
Name of Applicant or Sponsor: Keck Properties LLC		Telephone: 973-418-0783		
		E-Mail: keck@warwick.net		
Address: 314 S. Rt. 94 Bldg. 2				
City/PO: Warwick		State: NY	Zip Code: 10990	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.38 acres		
b. Total acreage to be physically disturbed?		0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.38 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES City Catch Basins in street. _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Keck Properties LLC/Robert Koeck Jr., VP Signature: </p>	<p>Date: 10/12/16</p>	

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

Whereas, Keck Properties LLC, has submitted a lot line change map for property, which property is shown on the tax map of the City of Middletown as Section 17 Block 3 Lot 11.111 & 11.112, and

Whereas, Keck Properties LLC is seeking approval of the lot line change from the Common Council of the City of Middletown, and

Whereas, the Common Council of the City of Middletown held a public hearing on the lot line change application on November 15, 2016, and no one at the public hearing objected to the application, and

Whereas, the lot line change application and map and related SEQRA information was submitted to the City of Middletown and hereby determines that the Action will not have a significant impact on the environment and is making a negative declaration of environmental impact as that term is defined under SEQRA, and

Now, therefore, be it resolved by the Common Council of the City of Middletown that the lot line change application and map submitted by Keck Properties LLC is hereby approved for filing upon signatures by the appropriate City officials.

Check

SUBDIVISION APPLICATION
CITY OF MIDDLETOWN, NEW YORK

RECEIVED
OCT 05 2016
City Clerk
City of Middletown

Date deemed complete
Accepted by

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property ³⁰¹ 307 NORTH STREET
Section 17 Block 3 Lots 11.111/11.112 Current Zoning District 1-2 ZONE

2. Owner of Property KECK PROPERTIES LLC
Owner's Address 314 S. RT 94
City WARWICK State NY Zip 10990

Phone numbers _____
Cell phone number _____
E-mail KECK@WARWICK.NET

3. Applicant name ROBERT KOECK

If different from Owner
Applicant's Address _____

City _____ State _____ Zip _____

Phone number _____
Cell phone number _____
E-Mail _____

Application fee
Minor (2-3 lots) _____ \$250 Paid _____
Plus escrow if required _____ \$500 Paid _____
Major (over 3 lots) _____ \$500 Paid _____
Plus \$100 per lot for each lot over 10 lots, and \$1,000 escrow (to be replenished as required) Paid _____

4. **Proposed uses.** List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

LOT LINE CHANGE

CONSTRUCTION OF NEW STORAGE BUILDING
ATTACHED. SEE MAP

5. **Zoning.** In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

NONE

6. **Non Compliance of Zoning.** In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non compliant and the reasons therefore. Additional sheets may be attached if more space is required.

(NONE) - REAR YARDS SET BACK LOT 2

7. **Sign at the Place Indicated**

Signature Robert Koelck

Printed Name and Title ROBERT KOELCK, Pres

Date 10/4/16

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No: _____

NAMES AYES NOES ABSTAIN ABSENT

Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

WHEREAS, Vicki Salamouras (“Salamouras”) is the owner of property known as 14 and 16 Dolson Avenue, Middletown, New York, also shown on the tax map of the City as Section 39 Block 5 Lots 6 and 7 (“the Property”), and

WHEREAS, Salamouras has submitted a subdivision application and a proposed subdivision map to the Common Council to change the lot lines of the Property to allow a preexisting accessory building on a portion of the Property to be consistent with existing zoning, lot size and setback requirements (“the Action”), and

WHEREAS, Salamouras has prepared and submitted a Short Environmental Assessment Form (“EAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and the Regulations of the Commissioner of the Department of Environmental Conservation at 6 NYCRR Part 617 (“the Regulations”), and

WHEREAS, the Common Council is the Lead Agency as the sole Involved Agency in connection with the SEQRA review of the Action, and

WHEREAS, the Common Council, on November 15, 2016, held a public hearing on the Action and all persons who wanted to speak about the Action were able to do so.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Middletown makes the following findings with respect to the potential environmental impact of the Action:

1. The Action includes proposed lot line changes for the Property to allow a preexisting

accessory building on a portion of the Property to be consistent with existing zoning, lot size and setback requirements.

2. The Action is an Unlisted Action pursuant to SEQRA.
3. The EAF regarding the Action has been filed with the Common Council.
4. The review of the Action is not a Coordinated Review.
5. Approval of the Action will allow a preexisting accessory building on a portion of the Property to be consistent with existing zoning, lot size and setback requirements.
6. The Action will not have a significant negative impact on air or water quality, traffic or noise levels or erosion or drainage conditions.
7. The traffic impacts from the Action are minimal. There is sufficient existing parking in the area and the area is served by existing City streets.
8. There will be limited, if any, effect on surface or subsurface water.
9. There is no evidence that the Action will pose a threat to any threatened or endangered species of plants or animals or the habitats of such species or have any adverse effect on migratory fish or wildlife species.
10. The Action does not appear to impair the character of any historical area or aesthetic resource or negatively impact the character of the neighborhood. The Action will not have a negative impact on the character or quality of the existing community or the character of the neighborhood.
11. No change in energy use will occur as a result of the Action.
12. The Action will not create any hazard to human health.
13. The use of the land will not be substantially changed by the Action and will be consistent with the existing zoning and use of the Property.
14. The Action will not result in demand for other actions that exhibits the impacts addressed by the Regulations.
15. There will be no changes to multiple elements of the environment that cumulatively would result in substantial adverse impacts.
16. There are no projects which have been approved by the Common Council or which are seeking approval from the Common Council which, when taken together with the Action, would cause a significant effect on the environment. In fact, approval of the Action would benefit existing and planned development and the economy of the area.
17. All of the criteria contained in 6 NYCRR Part 617 have been addressed to the satisfaction of the Common Council.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown makes the following determination:

The Common Council, as the Lead Agency and the sole Involved Agency, following its review of the EAF and the proceedings at the public hearing in connection with the Action, hereby determines that the Action will not have a significant impact on the environment and is, by this resolution, making a negative declaration of environmental impact as that term is defined under SEQRA and the Regulations, and the Common Council further directs the Commissioner of Public Works to issue, file and circulate a Notice of Determination of Non-Significance as the same may be required by the Regulations.

Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or finding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: LOT LINE CHANGE - LUMPS OF VICKI SACAMOURAS			
Project Location (describe, and attach a location map): 14 & 16 DOLSON AVENUE, CITY OF MIDDLETOWN			
Brief Description of Proposed Action: TRANSFER 0.13 ACRES OF LAND FROM 16 DOLSON AVENUE TO 14 DOLSON AVENUE			
Name of Applicant or Sponsor: VICKI SACAMOURAS		Telephone: 842-3500	
		E-Mail:	
Address: 138 ACADEMY AVENUE			
City/PO: MIDDLETOWN		State: NY	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or finding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>0.27</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.10</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>EXISTING CITY WATER</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>EXISTING CITY SEWER</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Daniel J. Munro SA LLC Date: 9/19/16
 Signature: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No:

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

Whereas, Vicki Salamouras at 138 academy Avenue, has submitted a lot line change map for property located at 14 & 16 Dolson Avenue, which property is shown on the tax map of the City of Middletown as Section 39 Block 5 Lot 6 & 7, and

Whereas, Vicki Salamouras is seeking approval of the lot line change from the Common Council of the City of Middletown, and

Whereas, the Common Council of the City of Middletown held a public hearing on the lot line change application on November 15, 2016, and no one at the public hearing objected to the application, and

Whereas, the lot line change application and map and related SEQRA information was submitted to the City of Middletown and hereby determines that the Action will not have a significant impact on the environment and is making a negative declaration of environmental impact as that term is defined under SEQRA, and

Now, therefore, be it resolved by the Common Council of the City of Middletown that the lot line change application and map submitted by Vicki Salamouras is hereby approved for filing upon signatures by the appropriate City officials.

Clerk

SUBDIVISION APPLICATION
CITY OF MIDDLETOWN, NEW YORK

RECEIVED
OCT 11 2016
City Clerk
City of Middletown

Date deemed complete
Accepted by

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property #14 & #16 DOLSON AVENUE

Section 39 Block 5 Lot 6-7 Current Zoning District C-2

2. Owner of Property VICKI SALAMOURAS

Owner's Address 138 ACADEMY AVENUE

City MIDDLETOWN State NEW YORK Zip 10940

Phone numbers _____

Cell phone number _____

E-mail _____

3. Applicant name VICKI SALAMOURAS

If different from Owner

Applicant's Address SAME

City _____ State _____ Zip _____

Phone number SAME

Cell phone number _____

E-Mail _____

Application fee

Minor (2-3 lots) _____ \$250 Paid _____

Plus escrow if required _____ \$500 Paid _____

Major (over 3 lots) _____ \$500 Paid _____

Plus \$100 per lot for each lot over 10 lots, and \$1,000 escrow (to be replenished as required) Paid _____

4. Proposed uses. List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

LOT LINE CHANGE - 0.01 ACRES
OF LAND FROM 39-5-7 (16 DOLSON AVE)
TO 39-5-6 (14 DOLSON AVE)

5. Zoning. In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

NONE

6. Non Compliance of Zoning. In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non compliant and the reasons therefore. Additional sheets may be attached if more space is required.

TAX LOT 39-5-6	AREA	5,869 sq ft	TAX LOT 39-5-7	AREA	5,782 sq ft
14 DOLSON	WIDTH	49.11 FT *	16 DOLSON	WIDTH	45.21 FT *
	FRONT YARD	15.7 FT *		FRONT YARD	23.4 FT *
	SIDE YARD	2.8 FT *		SIDE YARD	1.7 FT *
	FRONT YARD WIDTH	42.52 FT *		FRONT YARD WIDTH	43.14 FT *

* EXISTING CONDITIONS

7. Sign at the Place Indicated

Signature Vicki Salamouras

Printed Name and Title VICKI SALAMOURAS OWNER

Date 9/16/16

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown authorizes the Chief of Police and/or his designee or the Commissioner of Public Works and/or his designee to close streets at 6:00PM for the Annual Tree Lighting Ceremony to be held on Friday, November 24, 2016. The parade will start at 6:30PM and will continue down North Street where it intersects with West Main Street. At the West Main Street intersection the parade turns right past Festival Square and turns right into James Street in the James Street Parking Lot.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16 _____

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

Whereas, the Board of Estimate and Apportionment has approved and submitted an itemized statement in writing of the estimated revenues and expenditures of the General City Government, the Water Department and the Sewer Department other than amounts to be raised by taxation for County purposes, for the fiscal year January 1, 2017 through December 31, 2017, and,

Whereas, the estimates are entered in full in the minutes as attached to this resolution, and

Now, therefore, be it resolved and ordained that the Common Council of Middletown, NY does hereby approve and adopt the aforesaid amended annual budget presented as follows:

<u>Description:</u>	<u>General Fund:</u>	<u>Water Fund:</u>	<u>Sewer Fund:</u>	<u>Debt Service</u>
Revenue	\$19,499,049	\$6,952,326	\$5,106,727	
Expense	\$38,348,948	\$6,952,326	\$5,106,727	
Fund Balance	\$154,084	-	-	\$400,000
Appropriation:				
Estimated Revenue:	\$19,499,049			
Tax Levy – General City Purposes	\$18,695,815			

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi _____
 Sec'd by Ald. Ramkissoon _____
 Date of Adoption: 12-01-15 _____
 Index No 381-15 _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Kleiner	X			
Ald. Witt	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Sommers	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

Whereas, the Board of Estimate and Apportionment has approved and submitted an itemized statement in writing of the estimated revenues and expenditures of the General City Government, the Water Department and the Sewer Department other than amounts to be raised by taxation for County purposes, for the fiscal year January 1, 201~~6~~⁷ through December 31, 201~~6~~⁷, and,

Whereas, the estimates are entered in full in the minutes as attached to this resolution, and

Now, therefore, be it resolved and ordained that the Common Council of Middletown, NY does hereby approve and adopt the aforesaid amended annual budget presented as follows:

<u>Description:</u>	<u>General Fund:</u>	<u>Water Fund:</u>	<u>Sewer Fund:</u>	<u>Debt Service Fund:</u>
Revenue 19,499,049	\$19,334,598	\$6,734,160	\$4,813,307	
Expense 38,348,948	\$38,085,379	\$6,734,160	\$4,813,307	
Fund Balance 154,084	\$298,511	-	-	400,000
Appropriation:				\$600,000
Estimated Revenue:	\$19,334,598			
	19,499,049			
Tax Levy – General City Purposes	\$18,452,270			
	18,695,815			

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED
2017 CITY GENERAL, WATER AND
SEWER BUDGETS**

NOTICE IS HEREBY GIVEN, that the Board of Estimate and Apportionment of the City of Middletown will hold a Public Hearing on the proposed 2017 City General, Water and Sewer Budgets on Tuesday, November 03, 2016 at 6:00 p.m. in the Common Council Chambers, 2nd floor, City Hall, 16 James Street, Middletown, NY. Said budget is available for inspection at the Office of the City Clerk/Clerk of the Common Council.

By the order of:

Board of Estimate and Apportionment

Publish: 10/28/16 & 10/29/16 in the THR Legal Ads
Posted on the City Website

Minutes of Public Hearing
Board of Estimate and Apportionment

The Board of Estimate and Apportionment held a public hearing regarding the 2017 City Budget at 6:00 PM in the Common Council Chambers on November 3, 2016.

Present at the meeting

Mayor DeStefano
President Rodrigues
Ald. Masi
Ald. Kleiner
J. Tawil
D. Paris
M. Bruni

1. The Mayor read the public hearing notice into the record and discussed aspects of the budget reviewing key revenue and appropriations numbers specifically pointing to one time revenues necessary to balance the budget.

The meeting was closed at 6:10 PM

Respectfully submitted,



Donald J. Paris
Secretary

TIMES HERALD-RECORD

P.O. Box 2046, 40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Elizabeth Rapalo

Being duly sworn deposes and says that the Local Media Group, Inc. is organized under the last of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of the Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan, Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

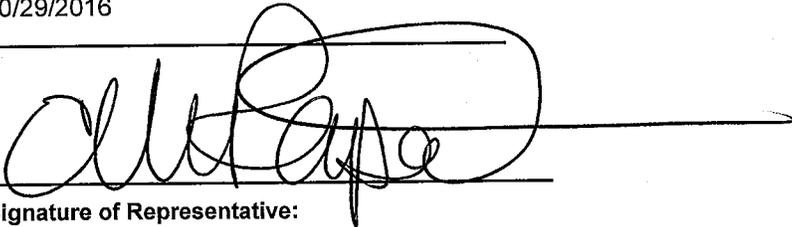
of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is attached, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to with: In its issues of:

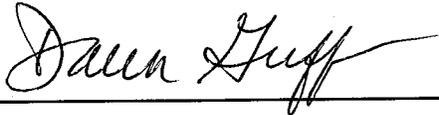
10/28/2016

10/29/2016



Signature of Representative:
Elizabeth Rapalo

Sworn to before me this 31 Day of Oct 20 16



Notary Public, Orange County

DAWN M. GRIFFIN
Notary Public - State of New York
NO. 01GR4832299
Qualified in Orange County
My Commission Expires July 31, 2017

RECEIVED
NOV 09 2016
City Clerk
City of Middletown

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED
2017 CITY GENERAL, WATER AND
SEWER BUDGETS**

NOTICE IS HEREBY GIVEN, that the Board of Estimate and Apportionment of the City of Middletown will hold a Public Hearing on the proposed 2017 City General, Water and Sewer Budgets on Tuesday, November 03, 2016 at 6:00 p.m. in the Common Council Chambers, 2nd floor, City Hall, 16 James Street, Middletown, NY. Said budget is available for inspection at the Office of the City Clerk/Clerk of the Common Council.

By the order of:

Board of Estimate and Apportionment

RECEIVED
NOV 09 2016
City Clerk
City of Middletown

TIMES HERALD-RECORD

P.O. Box 2046, 40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Elizabeth Rapalo

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Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is attached, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to with: In its issues of:

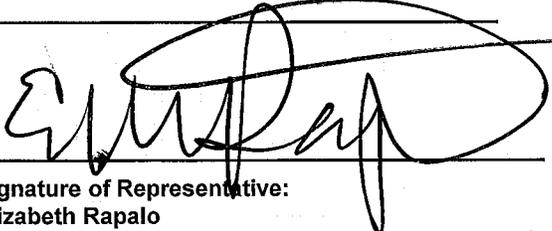
10/28/2016

10/29/2016

RECEIVED

NOV 09 2016

City Clerk
City of Middletown


Signature of Representative:

Elizabeth Rapalo

Sworn to before me this 31 Day of Oct 2016



Notary Public, Orange County

DAWN M. GRIFFIN

Notary Public - State of New York

NO. 01GR4832299

Qualified in Orange County

Mv Commission Expires July 31, 2017

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED
2017 CITY GENERAL, WATER AND
SEWER BUDGETS**

NOTICE IS HEREBY GIVEN, that the Board of Estimate and Apportionment of the City of Middletown will hold a Public Hearing on the proposed 2017 City General, Water and Sewer Budgets on Thursday, November 03, 2016 at 6:00 p.m. in the Common Council Chambers, 2nd floor, City Hall, 16 James Street, Middletown, NY. Said budget is available for inspection at the Office of the City Clerk/Clerk of the Common Council.

By the order of:

Board of Estimate and Apportionment

RECEIVED

NOV 09 2016

**City Clerk
City of Middletown**

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No: _____

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

WHEREAS, the City of Middletown has entered into a subrecipient agreement with the Governor’s Office of Storm Recovery, an office of the New York State Housing Trust Fund Corporation, that provides funds for eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures; and

WHEREAS, the subrecipient agreement requires procurement activities funded in whole or in part with CDBG-DR funds to be conducted in compliance with applicable United States Department of Housing and Urban Development (HUD) procurement regulations as well as applicable state and local law; and

WHEREAS, on December 26, 2013, the Office of Management and Budget (OMB) published (at 78 Federal Register 78608) the “2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” that superseded the HUD procurement provisions of 24 CFR Parts 84 and 85; and

WHEREAS, HUD has issued new procurement standards as set forth in Notice: SD-2015-01: Transition to 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance* and in Notice: CPD-16-04 Additional Transition and Implementation Guidance for Recipients of Community Planning and Development (CPD) Funds for 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; and

WHEREAS, the City of Middletown desires to revise and amend its procurement procedures to be consistent with the HUD Notices on 2 CFR Part 200; and

WHEREAS, the City of Middletown desires to apply the amended and revised procurement procedures to future CDBG-DR procurements.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown, on behalf of the City of Middletown, that for CDBG-DR procurement actions undertaken on or after January 1, 2017, the City of Middletown shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326, as the same may be amended from time to time. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

BE IT FURTHER RESOLVED that Chapter 104: Procurement Policy of the Code of the City of Middletown shall be and is hereby amended by adding the following as a new Section 104-11, to read, in its entirety, as follows:

Section 104-11 Standards for federal CDBG-DR Procurement Actions

Notwithstanding anything else contained in this chapter to the contrary, eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures and procurement actions undertaken on or after January 1, 2017, shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326, as the same may be amended from time to time. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

John Naumchik

From: Richard Guertin
Sent: Tuesday, November 08, 2016 3:10 PM
To: Bennett, David; J Tawil; Joseph DeStefano; Kate Zahorchak; John Naumchik
Cc: lori DuBord
Subject: RE: 2 CFR 200 Procurement Resolutions
Attachments: Resolution for CDBG-DR procurement policy.docx

I've taken the sample resolution and modified it for presentation to the Common Council at its next meeting. A copy is attached for your review and comments.

Richard J. Guertin

Corporation Counsel
City of Middletown
16 James Street
Middletown, NY 10940
(845) 346-4140

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From: Bennett, David [mailto:dbennett@hga-llc.com]
Sent: Tuesday, November 08, 2016 2:45 PM
To: Richard Guertin; J Tawil; Joseph DeStefano; Kate Zahorchak; John Naumchik
Cc: lori DuBord
Subject: RE: 2 CFR 200 Procurement Resolutions

Thanks much. Please also let us know when we can expect the City executed contract to be sent to RBA.

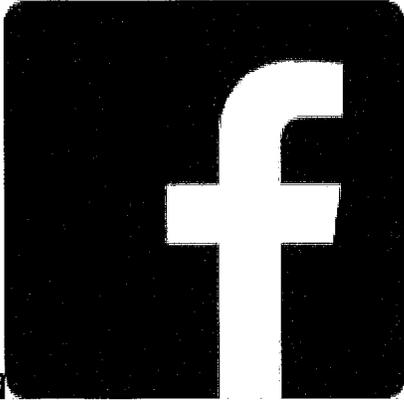
Thanks so much.

David S. Bennett, Senior Grants Manager
New York Rising Community Reconstruction Program
Hunt Guillot & Associates, LLC

185 Green Street, #1 | Kingston, NY 12401
(+1) 845-532-4899 | DBennett@HGA-LLC.com



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<http://www.hga-llc.com/> <https://plus.google.com/104743144104471244697/posts>

From: Richard Guertin [<mailto:rguertin@middletown-ny.com>]
Sent: Tuesday, November 08, 2016 2:40 PM
To: Bennett, David <dbennett@hga-llc.com>; J Tawil <jtawil14@yahoo.com>; Joseph DeStefano <mayordestefano@yahoo.com>; Kate Zahorchak <kzahorchak@middletown-ny.com>; John Naumchik <jnaumchik@middletown-ny.com>
Cc: lori DuBord <lori.dubord@stormrecovery.ny.gov>
Subject: RE: 2 CFR 200 Procurement Resolutions

I have no objection to the proposed resolution.

Richard J. Guertin

Corporation Counsel
City of Middletown
16 James Street
Middletown, NY 10940
(845) 346-4140

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From: Bennett, David [<mailto:dbennett@hga-llc.com>]
Sent: Tuesday, November 08, 2016 2:05 PM
To: Richard Guertin; J Tawil; Joseph DeStefano; Kate Zahorchak; John Naumchik
Cc: lori DuBord
Subject: RE: 2 CFR 200 Procurement Resolutions

All, please see attached FAQs on changes. Any UGLG (unit of government/local government) receiving any federal assistance regardless if grant, loan, or formula entitlement and regardless of federal funding agency, must comply with the changes.

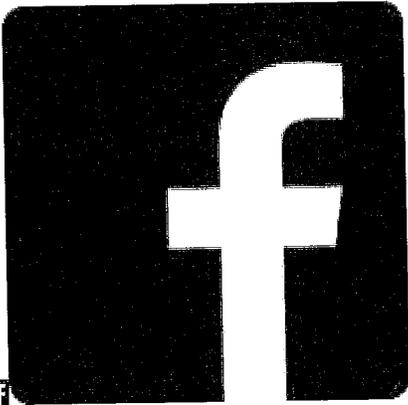
Thanks much.

David S. Bennett, Senior Grants Manager
New York Rising Community Reconstruction Program
Hunt Guillot & Associates, LLC

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<http://www.hga-llc.com/>



<https://plus.google.com/104743144104471244697/posts>

From: Richard Guertin [<mailto:rguertin@middletown-ny.com>]
Sent: Tuesday, November 08, 2016 10:22 AM
To: J Tawil <jtawil14@yahoo.com>; Bennett, David <dbennett@hga-llc.com>; Joseph DeStefano <mayordestefano@yahoo.com>; Kate Zahorchak <kzahorchak@middletown-ny.com>; John Naumchik <jnaumchik@middletown-ny.com>
Cc: Salamack, Laurice (STORMRECOVERY) <Laurice.Salamack@stormrecovery.ny.gov>; Barclay, Suzanne (STORMRECOVERY) <Suzanne.Barclay@stormrecovery.ny.gov>; lori DuBord <lori.dubord@stormrecovery.ny.gov>
Subject: RE: 2 CFR 200 Procurement Resolutions

I don't believe I received the proposed resolution. Could someone send it to me?

Richard J. Guertin

Corporation Counsel
City of Middletown
16 James Street
Middletown, NY 10940
(845) 346-4140

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From: J Tawil [<mailto:jtawil14@yahoo.com>]
Sent: Monday, November 07, 2016 4:03 PM
To: Bennett, David; Richard Guertin; Joseph DeStefano; Kate Zahorchak; John Naumchik
Cc: Salamack, Laurice (STORMRECOVERY); Barclay, Suzanne (STORMRECOVERY); lori DuBord
Subject: Re: 2 CFR 200 Procurement Resolutions

Rich,
David has sent the email below and attachment as a proposed resolution to alter City Procurement Policy as it relates to NY Rising or HUD funded projects. Please review and advise as David is requesting that it be adopted during next Council Meeting 11/15/16. Please advise

David,
How would this proposed resolution change City procurement policy?

Thanks

Jacob S. Tawil, P.E.
Commissioner
Department of Public Works
City of Middletown
16 James Street
Middletown, New York 10940
Tel: 845-343-3169
Fax: 845-343-4014

 Please consider the environment before printing this email.

On Wednesday, November 2, 2016 10:23 AM, "Bennett, David" <dbennett@hga-llc.com> wrote:

Good day to you,

Attached please find a copy of a resolution which must be adopted as soon as possible by your unit of local government as part of its procurement policy. This is a federal requirement change that applies to any entity receiving federal funding (either entitlement or grant funding).

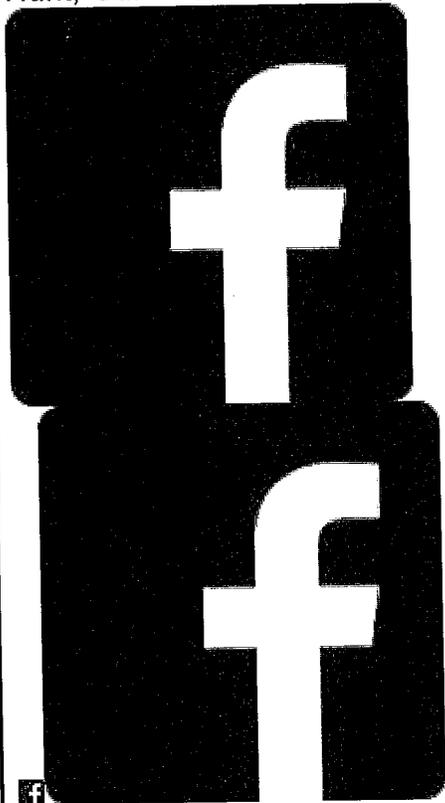
Please let me know the earliest date at which this can be put on your unit of local government's next agenda for adoption. The adopted resolution will constitute part of your requisite core documents.

Thank you and please let me know if you have any questions.

David S. Bennett, Senior Grants Manager
New York Rising Community Reconstruction Program
185 Green Street #2, Kingston, NY 12401
M: +1 (845) 532-4899

HGA

Hunt, Guillot & Associates, LLC



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<http://www.hga-llc.com/>

<https://plus.google.com/104743144104471244697/posts>

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that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No:

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment for the City to guarantee a bridge loan totaling \$364,000.00 with Community Capital of New York to pay construction costs for the rehabilitation of three houses through the CDA at 6 Harrison Street, 182 Cottage Street, and 20 Amchir and authorize the Mayor to sign any and all paperwork related to the guarantee.

CORPORATE GUARANTY OF PAYMENT

GUARANTY OF PAYMENT, made _____, 2016 by The Middletown Community Development Agency, a Municipal Corporation with offices located at 16 James Street, Middletown, New York 10940 ("Borrower"), and the City of Middletown, a Municipal Corporation having offices at 16 James Street, Middletown, NY 10940 ("Guarantor"), to Community Capital New York, Inc. ("Community Capital"), a New York Not-for-Profit Corporation having offices at 7 West Cross Street, Hawthorne, New York 10532.

RECITALS

A. Borrower has requested Community Capital to lend to Borrower the sum of **Three Hundred Sixty Four Thousand (\$364,000.00)** (the "Loan") to assist Borrower in the re development of residences located at 20 Amchir, 6 Harrison Street, and 182 Cottage Street, Middletown, NY (the "Project") pursuant to certain plans approved, or to be approved, by Community Capital;

B. The Loan is being made pursuant to a loan agreement of even date herewith between Community Capital and Borrower (the "Loan Agreement"); and the Loan is evidenced by a note in the principal amount of **Three Hundred Sixty Four Thousand (\$364,000.00)** from Borrower to Community Capital (the "Note"). The Note and the Loan Agreement, and all other documents executed and/or delivered to Community Capital relating to the Loan are hereinafter collectively referred to as the "Loan Documents";

C. Community Capital has declined to make the Loan and to enter into the Loan Documents unless this Guaranty is executed by Borrower and the Guarantor and duly delivered to Community Capital; and

D. As part of the consideration for the making of the Loan and the execution and delivery by Community Capital of the Loan Documents, Borrower has agreed to procure and deliver to Community Capital this Guaranty.

NOW, THEREFORE, as part of the consideration for the making of the Loan and in order to induce Community Capital to execute and deliver the Loan Documents and to make the Loan thereunder, Borrower and the Guarantor hereby unconditionally covenant and agree to and with Community Capital as follows:

(a) Borrower and Guarantor, jointly and severally, unconditionally and absolutely guarantee to Community Capital the due performance and prompt payment, whether at maturity or by acceleration or otherwise, of Borrower's obligations to repay the principal amount of the Loan, all interest accrued thereon, all default interest, late charges, penalties, late fees, prepayment fees and charges if any, fees, charges, and other amounts or sums evidenced and/or secured by the Note, and the other Loan Documents (the "Guaranteed Amount"). It is expressly understood and agreed that this is a continuing Guaranty and that the respective obligations of Borrower and the Guarantor are and shall be absolute under any and all circumstances, without regard to the validity, regularity or enforceability of any of the Loan Documents, a true copy of each of said Loan Documents Borrower and the Guarantor hereby each acknowledges having received, reviewed and approved.

(b) Notwithstanding anything to the contrary contained herein, the Guaranteed Amount shall not be reduced by reason of payments made from time to time by the Borrower or amounts received by Community Capital in respect of the Loan except to the extent that such payments from the Borrower or amounts received by Community Capital reduce the outstanding principal amount of the Loan to less than the Guaranteed Amount.

1. Borrower and Guarantor hereby agree that their respective liability hereunder shall be unaffected by (i) any amendment or modification of the provisions of any of the Loan Documents, (ii) any extension of time for the performance required thereby, (iii) any sale, assignment or foreclosure of the Note, (iv) exculpatory provisions, if any, in any of the Loan Documents limiting Community Capital's recourse to any security or limiting Community Capital's rights to enforce a deficiency judgment against Borrower, (v) the release of the Borrower or any other person or entity from performance or observance of any of the agreements, terms or conditions contained in any of the Loan

Documents by operation of law, whether made with or without notice to Borrower or the Guarantor, (vi) Community Capital's failure to properly file any UCC-1 financing statements or the Loan Agreement or to otherwise perfect, protect, secure or insure any security interest or lien given as security for the Note, (vii) any recovery from Borrower or the Guarantor or any other persons or entities under any other guaranty or indemnity executed in connection with the Loan, (viii) the accuracy or inaccuracy of any representations or warranties made by Borrower, or (ix) or by law or in equity, any recovery as a result of the exercise of any of Community Capital's rights and/or remedies unless Community Capital has been paid the entire amount owed to Community Capital under the Note (hereinafter said obligations owed to Community Capital are referred to as the "Indebtedness").

2. Borrower and Guarantor hereby agree that to the extent that any amounts (i) are collected by Community Capital in connection with any other guaranty or indemnity which are executed by Borrower or the Guarantor or any other persons or entities which may hereafter guarantee all or part of the Indebtedness, and/or (ii) are paid to Community Capital by Borrower or the Guarantor or by any person or entity which may hereafter execute any guaranty or indemnity of all or a portion of the Indebtedness, that regardless of the way such payments and/or amounts are characterized by Borrower or the Guarantor or any other persons or entities, Community Capital shall have the right, but not the obligation, to apply such amounts first to that portion of the Indebtedness, if any, which is not covered by this Guaranty but which is covered by any other guaranty or indemnity of all or a portion of the Indebtedness.

3. Borrower and Guarantor hereby waive any and all legal requirements that Community Capital institute any action or proceeding at law or in equity against Borrower, or anyone else, or exhaust its remedies against Borrower, or anyone else, in respect of the Loan or the obligation evidencing the same or the Loan Agreement, in respect of any other security held by Community Capital as a condition precedent to bringing an action against Borrower or the Guarantor upon this Guaranty. All remedies afforded to Community Capital by reason of this Guaranty are separate and cumulative remedies and it is agreed that no one of such remedies, whether exercised by Community Capital or not, shall be deemed to be an exclusion of any of the other remedies available to Community Capital and shall not limit or prejudice any other legal or equitable remedy which Community Capital may have.

4. It is understood and agreed that until each and every term, covenant and condition of this Guaranty is fully performed, neither Borrower nor the Guarantor shall be released by any act or thing which might, but for this provision of this instrument, be deemed a legal or equitable discharge of a surety or a guarantor, or by reason of any waiver, extension, modification, forbearance or delay or other act or omission of Community Capital or its failure to proceed promptly or otherwise, or by reason of any action taken or omitted or circumstance which may or might vary the risk or affect the rights or remedies of Borrower or the Guarantor or by reason of any further dealings between Borrower and Community Capital, whether relating to the Indebtedness, any of the Loan Documents or otherwise, Borrower and the Guarantor hereby expressly waive and surrender any defense to his liability hereunder based upon any of the foregoing acts, omissions, things, agreements, waivers or any of them and hereby expressly waives and relinquishes all other rights and remedies accorded by applicable law to guarantors and sureties, it being the purpose and intent of this Guaranty that the obligations of Borrower and the Guarantor hereunder are absolute and unconditional under any and all circumstances.

5. Borrower and the Guarantor hereby waive notice of acceptance of this Guaranty by Community Capital and of presentment for payment, demand, protest, notice of protest and of dishonor, notices of default and all other notices of every kind and description now or hereafter provided by any statute or rule of law.

6. In the event that Borrower or the Guarantor shall make any payment hereunder or in the event that for any reason whatsoever Borrower or any subsequent owner of the Project is now, or shall hereafter become, indebted to Borrower or the Guarantor, Borrower and the Guarantor agree that the amount of such sums and of such indebtedness and all interest thereon shall at all times be subordinate as to lien, time of payment and in all other respects to all sums, including principal, interest

and other amounts at any time owing to Community Capital in respect of the Indebtedness as set forth in the Loan Documents, and that neither Borrower nor the Guarantor shall be entitled to enforce or receive payment thereof until such sums owing to Community Capital have been paid. Nothing herein contained is intended or shall be construed to give to Borrower or the Guarantor any right of subrogation in respect of the Indebtedness or in or under any of the Loan Documents, notwithstanding any payments made by Borrower or the Guarantor under this Guaranty, all such rights of subrogation and participation being hereby expressly waived and released.

7. All notices, demands and requests hereunder shall be in writing and shall be deemed to have been sufficiently given or served for all purposes when delivered in person or sent by certified mail, return receipt requested, or by reputable overnight courier, to any party hereto at its address above stated (in the case of the Community Capital, to the attention of the Executive Director and/or any other persons that she may designate); or at such other address of which it shall have notified the party giving such notice in writing as aforesaid. All notices and consents shall be deemed given when tendered for delivery (in the case of hand delivery or overnight courier) or three (3) day after being postmarked (in the case of certified mail).

8. This Guaranty is, and shall be deemed to be, a contract entered into under the laws of the State of New York and shall be in all respects construed and interpreted in accordance with the laws of said State; and no defense shall be interposed in any action or proceeding hereon unless such defense is also given or allowed by the laws of the State of New York. The undersigned agrees to submit to personal jurisdiction in the State of New York in any action or proceeding arising out of this Guaranty.

9. Borrower and the Guarantor hereby represent and warrant that:

(a) There are no actions, suits or proceedings pending or, to the best knowledge of Borrower and the Guarantor, threatened, against or affecting Borrower or the Guarantor or any property of Borrower or the Guarantor before any court, governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign, which, if determined adversely to Borrower or the Guarantor, would have a material adverse affect on the financial condition, properties or operations of Borrower or the Guarantor.

(b) Neither the business nor the property of Borrower or the Guarantor has been affected by a fire, explosion, strike, lockout, other labor dispute, drought, storm, hail, earthquake, embargo, act of God or of the public enemy or other casualty (whether or not covered by insurance) which would have a material adverse affect upon the financial condition of Borrower or the Guarantor.

(c) Neither Borrower nor the Guarantor is a party to any indenture, loan or credit agreement or any lease or other agreement or instrument or subject to any charter or other restriction which would have a material adverse affect on the ability of Borrower or the Guarantor to carry out their respective obligations under this Guaranty.

(d) No information, exhibit or report furnished by Borrower or the Guarantor to Community Capital in connection with the negotiation of this Guaranty contained as of the date thereof, or, if there be no such date, the date of furnishing thereof, any material misstatement of fact or omitted to state a material fact or any fact necessary to make the statements contained therein not misleading.

(e) Neither Borrower nor the Guarantor will take any actions that will cause a material adverse change in their financial conditions under this Guaranty.

10. Borrower and the Guarantor hereby agree to furnish Community Capital with such information respecting the business, property and/or condition, financial or otherwise, of Borrower or the Guarantor as Community Capital may from time to time reasonably request.

11. Should Community Capital be obligated by any bankruptcy or other law to repay to Borrower or to any trustee, receiver or other representative of any of them, any amounts previously paid in respect of and/or pursuant to this Guaranty, then this Guaranty shall be reinstated to include the amount of such repayment. Community Capital shall not be required to litigate or otherwise dispute its

Guarantor: City of Middletown

BY: _____

ITS: _____

STATE OF NEW YORK)
) ss:
COUNTY OF)

On _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

CERTIFICATE OF AUTHORITY

I, _____, certify that I am the _____ of The Middletown Community Development Agency a corporation duly organized and in good standing under the Not for Profit Corporation Law named in the foregoing agreement; that _____ who signed said agreement on behalf of The Middletown Community Development Agency was, at the time of execution, _____, of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Corporate Seal)

(Signature)

STATE OF NEW YORK)

COUNTY OF _____) ss.:

On the _____ day of _____, 2015 before me, the undersigned, a notary public in and for said State, _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he resides at _____, and he is an officer of said corporation; that he is duly authorized to execute said certificate on behalf of said corporation, and that he signed his name thereto pursuant to such authority.

Notary Public

CERTIFICATE OF AUTHORITY

I, _____, certify that I am the _____ of the City of Middletown a corporation duly organized and in good standing under the Not for Profit Corporation Law named in the foregoing agreement; that _____ who signed said agreement on behalf of the City of Middletown was, at the time of execution, _____, of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Corporate Seal)

(Signature)

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

On the _____ day of _____, 2016 before me, the undersigned, a notary public in and for said State, _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he resides at _____, and he is an officer of said corporation; that he is duly authorized to execute said certificate on behalf of said corporation, and that he signed his name thereto pursuant to such authority.

Notary Public

Loan Agreement

Community Capital New York, Inc. (referred to in this agreement as Community Capital, you or your) has approved a loan in the amount of \$364,000 (the "loan") for The Middletown Community Development Agency (referred to in this letter as Middletown CDA, you or your) for the purposes set forth in Exhibit A attached hereto. The Loan is being made in response to, and reliance upon the accuracy of, statements made in your application and submissions to Community Capital. The terms and conditions of the Loan are as follows:

1. Purpose of the Loan. The Loan funds are to be used only in accordance with the purposes and only under the conditions set forth in Exhibit A attached hereto.
2. Repayment of the Loan Funds. This Loan is due and payable (i) six months from the date of this agreement, _____, 2016, or (ii) upon sale of the properties located at 20 Amchir, 6 Harrison Street, and 182 Cottage Street, Middletown, NY, whichever shall occur sooner, with interest in the amount of 6% per annum. Any breach of the conditions or terms herein or misrepresentation or omission in your application or submissions will give Community Capital the right to demand immediate repayment of the Loan in full with interest.
3. Disbursement of the Loan Funds. Community Capital will disburse Loan funds only after its Board of Directors receives fully executed copies of the Loan Agreement, Promissory Note and Corporate Guaranty of Payment.

Initial disbursement of \$125,000 to be made immediately upon receipt of the executed loan documents; with the balance disbursed upon request of Middletown CDA in no more than two installments.

Community Capital shall not make any disbursement of Loan funds unless, at the time of such disbursement, you are in compliance with all the terms and conditions of this Agreement and your application and submissions, and the making of such disbursement of grant funds: (i) will not violate any provision of law, regulation or administrative ruling to which Community Capital is subject; (ii) will not subject Community Capital to any tax, penalty, or fine.

4. Guaranty. The Borrower agrees that payment of the obligations under this Loan Agreement will be guaranteed by the City of Middletown (the "Guarantor"), as a primary obligor and not merely a surety.
5. Additional Restrictions on the Use of the Loan Funds. Loan funds will be disbursed and may be expended only for the project as specified in the application and only for the purposes described in Exhibit A of this agreement.
6. Attorneys Fees. In the event you default in repaying the Loan to Community Capital you agree to reimburse Community Capital for the actual cost and expenses incurred by Community Capital in any attempt to collect the amount due, including reasonable attorney's fees, costs and disbursements.

7. Acceleration of Repayment. Community Capital, may, at its option, accelerate the requirement that you repay the Loan upon the happening of any of the following, in which event the full amount of this Loan with interest, if any, shall immediately become due and payable without further demand or notice:

- (a) Your failure to comply with any of your obligations set forth in this letter,
- (b) You become insolvent or commit any of the following acts:
 - i. You file a petition of bankruptcy, either voluntary or involuntary.
 - ii. The institution of any proceedings by or against you under any bankruptcy or insolvency laws relating to the relief of judgment debtors.
 - iii. The entry of any judgment against you in excess of \$2,500.00.
 - iv. The appointment of a receiver of your assets.
 - v. The issuance of a writ of attachment against you.
 - vi. Your abandonment of the project contemplated in your Loan application and submissions.

8. Reports and Accounting Records. A written report relating the status of the project shall be submitted to Community Capital quarterly during the Loan period on the approved Community Capital report form (which will be sent to you) by the date indicated on the form. A written final report relating to the Loan and covering the entire Loan period shall be sent to Community Capital no later than 30 days after repayment of the Loan. The report shall be signed by an appropriate officer of Middletown CDA and shall contain: (i) a financial statement reflecting all expenditures of Loan funds, according to the purposes of the Loan described in this Agreement, as of the end of the period covered by this report; and (ii) a narrative account of what was accomplished during that period toward achieving the goals of the Loan by your expenditure of Loan funds.

9. Default Interest Penalty. If the Borrower fails to make any required payment when due, or to punctually comply with any of the Borrower's obligations, under the Note and this Loan Agreement, the default interest penalty will apply.

10. Review of Operations. From time to time, Community Capital may monitor and conduct an evaluation of operations facilitated by the Loan. Such evaluation may include a visit from Community Capital personnel to observe your program, to discuss said program with your personnel, and to review financial and other records and materials relating to the activities financed or facilitated by the Loan.

11. Publicity. Community Capital may include information regarding the Loan in its private or public reports. Community Capital may also refer to the Loan in press releases, in which case, a copy of each such release will be sent to you.

Further, Middletown CDA shall acknowledge the participation of Community Capital in any press release or public announcement regarding the project.

12. Principal Contact at Community Capital. Your principal Community Capital contact in connection with the Loan described in this Agreement shall be the Executive Director. All correspondence concerning said Loan should be addressed to the above person and make reference to the project designated on the first page of this Agreement.

13. No Right of Assignment or Delegation. You may not assign or otherwise transfer your rights, or delegate any of your obligations under this Agreement.

14. Countersignature Required. If this letter correctly sets forth your understanding of the terms and conditions of the Loan, please indicate acceptance of and Agreement to said terms and conditions by having the enclosed copy of this letter countersigned and dated by an authorized officer and a representative of the Board of Directors in the spaces provided below and returned to Community Capital.

ACCEPTED AND AGREED:

The Middletown Community Development Agency

Signature: _____

Name: _____

Title: _____

Sworn to me this _____ day of _____ 2015

Notary Public

Signature: _____

Name: _____

Title: _____

Sworn to me this _____ day of _____ 2015

Notary Public

Payment check(s) should be made out to:

Name: _____

EXHIBIT A

Purpose of the Loan

Loan funds in the amount of \$364,000 are extended to The Middletown Community Development Agency for a term of six months at 6% interest for the projects located at 20 Amchir, 6 Harrison Street, and 182 Cottage Street, Middletown, NY.

Funds will be used for work identified in the attached scope of work. There is a .5% origination fee, \$1,820, that is due upon submission of the executed loan documents. Interest payments are due quarterly for periods ending March 31st, June 30th, September 30th and December 31st. Loan fees and interest due can be drawn from the loan proceeds, if available.

PROMISSORY NOTE

AMOUNT: \$364,000

DATE:

1. Promise to Pay. In return for a loan received, The Middletown Community Development Agency, ("Borrower") promises to pay to the order of Community Capital New York, Inc. ("Community Capital"), a New York not-for-profit corporation ("Lender"), at 7 West Cross Street, Hawthorne, NY, or at such other place as Community Capital may designate, the principal sum of \$364,000 or such greater or lesser sum which Community Capital may advance to the Borrower under the Loan Agreement between the Borrower and Community Capital dated _____, 2016 ("Loan Agreement"), for the Borrower's projects located at 20 Amchir, 6 Harrison Street, and 182 Cottage Street, Middletown, NY, and all other sums due from the Borrower to Community Capital under this Note, the Loan Agreement, or any security documents executed in connection with those documents.
2. Standard Interest Rate. 6% interest shall be charged on the unpaid principal balance, with interest payments due quarterly.
3. Default Interest Penalty. If the Borrower fails to make any required payment when due, or to punctually comply with any of the Borrower's obligations, under the Note and this Loan Agreement, interest charged on the loan will be increased by 5%, the default interest penalty, on the outstanding balance for each day the loan is in non-compliance. Once compliance is achieved, the standard interest rate will apply.
4. Origination Fee. An origination fee of 1% of the principal balance will be charged. The origination fee is due upon execution of the loan documents and can be financed as part of the loan.
5. Due Date. All sums due under this Note are due in full six months from the date of this agreement ("Due Date") or upon sale of the property, whichever occurs first. On the Due Date, the Borrower shall pay to Community Capital all outstanding principal and any other unpaid sums due under this Note.
6. Payments. The Borrower agrees to make the following payments to Community Capital:
 - Interest payments are due quarterly for periods ending March 31st, June 30th, September 30th and December 31st and are due by the 15th of the following month.
 - One payment of the entire principal amount drawn plus any other unpaid sums due under this Note on or before the Due Date.
7. Prepayment. The Borrower may completely or partially prepay this Note before the Due Date. The Borrower, however, must continue to make the scheduled monthly payments when due, if any, despite any partial prepayment.
8. Application of Payment. Community Capital shall first apply every payment or prepayment to any fees owed, then to interest owed, then to unpaid principal.
9. Bounced Check Fee. Borrower agrees to pay a \$25.00 fee for each bounced check or returned ACH.

10. Late Fee. Borrowers shall be assessed a late fee of 5% of the current outstanding balance for each and every payment received more than sixty days after the due date under the terms of the Note.
11. Extension Fee. Borrowers shall be assessed an extension fee of .25% of the entire principal balance for each due date extension request approved.
12. Guarantee. This Note and the Obligations shall be unconditionally guaranteed by the City of Middletown (the "Guarantor").
13. Security. This Note is secured as set forth in the Security Agreement, if any. The documents evidencing Community Capital's security interest in the collateral are referred to in this Note as the "Security Documents".
14. Default. Community Capital may declare the Borrower to be in default, and all sums due under this Note immediately due in full, if (a) the Borrower fails to make a payment when it is due on this Note or on any other obligation which the Borrower owes to Community Capital, or (b) the Borrower fails to performs any other of its obligations under the terms of this Note, the Loan Agreement, or the Security Documents, if any. However, Community Capital's failure to exercise any right available to it upon the Borrower's default, or to strictly enforce any term of this Note, the Loan Agreement, or the Security Documents, if any, does not constitute a waiver of that right or term.
15. Waiver of Presentment. The Borrower and all other persons liable or to become liable on this Note waive presentment, demand of payment, notice of dishonor, protest, notice of nonpayment, and all other notices and demands.
16. Applicable Law; Jurisdiction; Venue. This Note shall be governed by, construed, and enforced under the laws of the state of New York. The Borrower submits to the jurisdiction and venue of any court located in Westchester County, New York.
17. Attorney Fees and Costs. The Borrower agrees to pay all of Community Capital's reasonable attorney fees and costs incurred in collecting the sums due under this Note, including attorney fees and costs in the event of default.

Borrower: The Middletown Community Development Agency

Signature: _____

Name: _____

Title: _____

Sworn to me this _____ day of _____ 2015

Notary Public

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No:

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment for the City to accept miscellaneous pieces of blue stone as a donation from Kevin Witt with an estimated value of \$2,126.25 to be installed in a place to be determined.

John Naumchik

From: Donald Paris
Sent: Wednesday, November 09, 2016 4:25 PM
To: John Naumchik
Subject: FW: Bluestone sidewalk slabs

Donald J. Paris
Treasurer
(845) 346-4153
(845) 343-1101 Fax
dparis@Middletown-NY.com

From: Richard Guertin
Sent: Wednesday, November 09, 2016 4:22 PM
To: Kevin Witt; Jacob Tawil; Doug Hendrickson
Cc: Donald Paris
Subject: RE: Bluestone sidewalk slabs

I don't see why not. Don, can you add this issue?

Richard J. Guertin

Corporation Counsel
City of Middletown
16 James Street
Middletown, NY 10940
(845) 346-4140

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From: Kevin Witt
Sent: Wednesday, November 09, 2016 3:59 PM
To: Richard Guertin; Jacob Tawil; Doug Hendrickson
Subject: Re: Bluestone sidewalk slabs

Can this be on tomorrow's BOE agenda, so it can hopefully be approved Tuesday night?

From: Richard Guertin
Sent: Friday, November 4, 2016 2:30:57 PM
To: Kevin Witt; Jacob Tawil; Doug Hendrickson
Subject: RE: Bluestone sidewalk slabs

At this point, it would go to the Board of Estimate and then the Council to accept the donation and the valuation. I also plan to place on the record that I've advised you, Kevin, to recuse yourself but that otherwise I see no conflict of interest on your part.

Richard J. Guertin

Corporation Counsel
City of Middletown
16 James Street
Middletown, NY 10940
(845) 346-4140

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From: Kevin Witt
Sent: Friday, November 04, 2016 1:52 PM
To: Jacob Tawil; Doug Hendrickson
Cc: Richard Guertin
Subject: Re: Bluestone sidewalk slabs

We accept this assessment, and as I mentioned to Doug, we would like the City to have these slabs by the end of the month.

We will clear a path in the driveway, and grant full access to the property when requested.

I will gladly accept Rich's guidance as this draws to a public conclusion.

Kevin

From: Doug Hendrickson <dougph27@yahoo.com>
Sent: Friday, November 4, 2016 1:40:38 PM
To: Jacob Tawil
Cc: Kevin Witt; Richard Guertin
Subject: Re: Bluestone sidewalk slabs

Jacob ,

There's nine Bluestone sidewalk slabs $3.5' \times 4.5' = 15.75 \text{ Sq. Ft. @ } \$15.00 \text{ Sq. Ft} = \$ 236.25 \text{ per slab}$

X

9 slabs

\$

2,126.25 Total

Thanks Doug

On Friday, November 4, 2016 9:03 AM, Doug Hendrickson <dougph27@yahoo.com> wrote:

I will be there at 1 o'clock

Sent from my iPhone

On Nov 4, 2016, at 8:31 AM, Jacob Tawil <jtawil14@yahoo.com> wrote:

Doug,
Please swing by Kevin's house today at one to measure the blue stone. We already have photos for the file. Please take more if needed.
Thank you

Sent from my iPhone
Please excuse any typographical errors.

On Nov 4, 2016, at 8:19 AM, Kevin Witt <kwitt@middletown-ny.com> wrote:

Thank you.....Crazy day yesterday and I just noticed this.

Does 1 p.m. today (Friday) work.....If not, I can arrange my lunch hour around your schedules next week.

Kevin

From: Jacob Tawil <jtawil14@yahoo.com>
Sent: Thursday, November 3, 2016 7:49:40 AM
To: Doug Hendrickson; Kevin Witt
Cc: Richard Guertin
Subject: Re: Bluestone sidewalk slabs

Thanks Doug. Please stop by the Alderman's house and measure the total square footage of the blue stone slabs to come up with total cost. Then we'll discuss how he would like to proceed.

Thanks
Jacob

Sent from my iPhone
Please excuse any typographical errors.

On Nov 3, 2016, at 6:33 AM, Doug Hendrickson <dougph27@yahoo.com> wrote:

Jacob,

Attached is quote from Orange Co. Mason Supply for bluestone sidewalk at \$15 SQ.FT.

Thanks Doug

On Tuesday, November 1, 2016 6:43 AM, Jacob Tawil <jtawil14@yahoo.com> wrote:

Thank you Rich. We will proceed accordingly.

Doug,
Let us talk about the value.

Regards

Sent from my iPhone
Please excuse any typographical errors.

On Nov 1, 2016, at 5:54 AM, Richard Guertin <rguertin@middletown-ny.com> wrote:

As long as Kevin isn't involved in determining the estimate and recuses himself from the vote to accept the donation (and the City can use the slabs), I don't see why the City can't accept the donation. Rich

Get [Outlook for Android](#)

From: Jacob Tawil <jtawil14@yahoo.com>
Sent: Tuesday, November 1, 2016 4:42:22 AM
To: Richard Guertin; mayordestefano@yahoo.com; Doug Hendrickson
Cc: Kevin Witt
Subject: Fwd: Bluestone sidewalk slabs

Rich,
Would you please review the request below from Alderman Witt, including my response and advise if we are permitted to do this.

Doug and I will come up with fair market price if we can proceed.

Thank you

Sent from my iPhone
Please excuse any typographical errors.

Begin forwarded message:

From: Jacob Tawil <jtawil14@yahoo.com>
Date: October 14, 2016 at 1:54:23 PM EDT
To: Kevin Witt <kwitt@middletown-ny.com>
Subject: Re: **Bluestone sidewalk slabs**

Thanks Kevin. These pieces of bluestone sidewalks slabs can really help us when we have to replace one or two.. we often can't find them...

I am copying mayor, Rich and Doug on this email so that Doug can provide us when market price of these slabs.

Mayor and Rich,
Is Kevin's proposed donation is doable?
Thank you
Jacob

Sent from my iPhone
Please excuse any typographical errors.

On Oct 12, 2016, at 9:53 AM, Kevin Witt <kwitt@middletown-ny.com> wrote:

Jacob,
Good morning. We recently replaced our sidewalk with stamped concrete. As a result, we have several nice good-sized pieces of blue stone. (See the attached photo). Does the City have any need for this? If so, perhaps we can donate them and have the City give us some documentation that we can write off on our taxes. Most of the pieces are in the range of 3-3 1/2 feet by 4-4 1/2 feet.
If not, we understand.

Thanks for the consideration,
Kevin
<1012160941a (1).jpg>

<flag stone.pdf>

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 11-15-16

Index No:

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to accept "Solutions" funding from the Orange County Youth Bureau and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

MIDDLETOWN
RECREATION & PARKS DEPARTMENT



47 Academy Avenue, Middletown, New York 10940 • Tel: (845) 346-4180 Fax: (845) 344-2918

Thursday, November 10, 2016

Dear President Rodrigues & Council Members:

On November, 10, 2016 the Orange County Youth Bureau announced they approved the City of Middletown's applications for 2017 "Solutions" funding. The approved \$49,712.00 is to reduce juvenile crime, teen pregnancy and substance use in our youth by developing positive youth programs. The 2017 funding will expand on our Summer Playground/Lunch Program, Teen Center Program, Summer Leadership Academy and Too Good for Drugs/Too Good for Violence through the Middletown Police Department.

In order to accept Orange County Youth Bureau "Solutions" funding, the following Council Resolution is needed:

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to accept "Solutions" funding from the Orange County Youth Bureau and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

Thank you for your consideration and continued support. A similar resolution was passed in 2016.

Sincerely,

A handwritten signature in cursive script that reads "Christine Brinckerhoff".

Christine Brinckerhoff, Superintendent
Middletown Recreation Department



Steven M. Neuhaus
County Executive

ORANGE COUNTY YOUTH BUREAU

38 Years of Promoting Positive Youth Development!
1978-2016



Rachel R. Wilson
Executive Director

November 10, 2016

Mayor Joseph DeStefano
City of Middletown
47 Academy Avenue
Middletown, NY 10940

Dear Mayor DeStefano,

I am pleased to inform you that the Orange County Youth Bureau/Board has approved your application(s) for funding for **2017**.

<u>Program Name(s)</u>	<u>Funding Amount & Type(s):</u>	
City of Middletown Police Dept Too Good for Drugs	\$ 5,000	NYS OCFS Youth Development Program
Middletown Recreation Playground/Lunch Program	\$ 13,970	NYS OCFS Youth Development Program
Middletown Summer Youth Leadership Academy	\$ 8,702	County "Solutions"
Middletown Teen Center	\$ 22,040	NYS OCFS Youth Development Program

A contract package with instructions will be provided to you after the first of the year.

Before you receive your contract package, please be sure to follow up on the following items to assist us with processing your 2017 contract in a timely manner:

Revisions to your 2017 Application(s): If applicable, please submit revised budget paperwork to reflect your final allocation amount(s) to Nancy Bakker. Any revisions on programmatic forms can be submitted to your Youth Program Technician.

Required Insurance Forms (for all) and Resolution (for Municipalities): For the 2017 contract year, the County will require 3 separate updated insurance forms. ALL forms must list the name of your agency/municipality as it appears on your federal identification form. You are asked to submit these insurance forms, even before you receive your contract, to help the process go quicker.

Any Municipality receiving funding will also need a resolution from the municipality accepting the funding.

Please see page two for more details regarding insurance forms.

18 Seward Ave., Suite 102, Middletown, NY 10940
Email: YouthBur@OrangeCountyGov.com

Phone: 845.615.3620 Fax: 845.346.1170
Website: www.OrangeCountyGov.com/YouthBureau



Steven M. Neuhaus
County Executive

ORANGE COUNTY YOUTH BUREAU

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1978-2016



Rachel R. Wilson
Executive Director

The 3 insurance forms you must submit to the Youth Bureau are as follows:

1. Certificate of Liability Insurance Form:

- Under "Description of Operations," the County of Orange must be listed as Additional Insured.
- Under "Certificate Holder," the listing for all Youth Bureau contracts must appear as follows:
The County of Orange
c/o Orange County Youth Bureau
18 Seward Ave.
Middletown, N.Y. 10940

2. Certificate of Workers' Compensation Form: The County is requesting form C-105.2 or U-26.3. The "Certificate Holder" box must also include the same wording as requested above.

3. Workers' Compensation Certificate of Disability Benefits Insurance: The County is requesting form DB-120.1. Under "Name and Address of the Entity Requesting Proof of Coverage," the County of Orange c/o Orange County Youth Bureau, (as above) must be shown.

Please notify your insurance agencies/brokers of this information. NO contracts will be processed by the County for year 2017 UNLESS they comply with these directions. The forms may be e-mailed to lvandunk@orangecountygov.com or mailed to the attention of Linda VanDunk.

Note: If the insurance expires at any time during the year, the Youth Bureau must receive the updated insurance forms. If you have any questions, please call Linda at 845-615-3620.

Municipalities/Agencies receiving NYS OCFS YDP funding, as well as County Solutions funding, submit fiscal claims directly to the Orange County Youth Bureau. Claim forms, along with the Policies & Procedures Manual can be found online at www.orangecountygov.com/youthbureau. Click on the "Funding & Forms" button and follow the prompts for either *Policies & Procedures* or *Fiscal Forms*.

As always, please do not hesitate to contact the Youth Bureau for any assistance, and/or to schedule to review your application(s) and how it/they scored during the Proposal Review Process.

Sincerely,

Rachel R. Wilson
Executive Director

18 Seward Ave., Suite 102, Middletown, NY 10940

Email: YouthBur@OrangeCountyGov.com

Phone: 845.615.3620

Fax: 845.346.1170

Website: www.OrangeCountyGov.com/YouthBureau

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE AUDIT OF THE COMMON COUNCIL

By Alderman Masi

Sec'd by Alderman _____

Date of Adoption: 11-15-16

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Sommers				
Ald. Witt				
Ald. Kleiner				
Ald. Burr				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE TREASURER
BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENT.**