



**Common Council  
Meeting  
City of Middletown  
June 6, 2017**

1. Pledge of Allegiance-Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues- 8 Absent: Ald. Burr-1
3. Approval of Minutes-On motion of Ald. Masi seconded by Ald. Witt to accept the minutes of April 18, 2017

All in favor

4. Correspondence  
John Naumchik-Nothing this evening.
5. For the Good of the City

Dave Madden-Later tonight you will be discussing closing the roads for R4DT. I wanted to say thank you for your past support this is our 12<sup>th</sup> year. Most of you are aware of what we have done and what we are about. I think we share a vision of a revitalized downtown and I just came to say thank you. Invite you all out, August 19<sup>th</sup>. It is a 4 mile walk/run and last year we began a team competition, may be City of Middletown elected officials put a team together and give Val Bruni Plumbing & Heating a run for their money. All you have to do is complete that course. Great morning, August 19<sup>th</sup> is a Saturday and I thank you again.

Merritt Winner-I would like to remind everybody, I am sure you are aware of 73 yrs. ago today we had 1,000's of young Americans and Britain and all their allies dying on D-Day beaches. Remember them.

6. Remarks of Dept. Heads

Maria Bruni/Community Development-Nothing this evening.

Lt. Ewanciw/Police Dept.-I have nothing this evening. Neighborhood Watch meeting next Tuesday, the 13<sup>th</sup> here at 7pm, I will be attending to address any concerns of the residents. I would like to encourage the residents to reach out to us when there is a problem when it is actually going on so that we have a better response to it.

Pres. Rodrigues-Asked for the hotline.

Lt. Ewanciw-343-3151, main number.

Jacob Tawil/DPW- Remind everybody to recycle. Very important.

The street paving project list is out. We are looking at almost a \$million worth of paving. It is a huge amount of money and work. We have coordinated with the Town of Wallkill. Hopefully the Town of Wallkill will be doing, we are not going to be stopping at City line. The Town of Wallkill will pick up where we stop at City line. The list should be out tomorrow on the website for all the roads that are going to be milled/paved. We stretched our dollars substantially this time. O&R will be doing all their paving as well; to take care of all the roads that they disturbed. Their paving is well over ¼million dollars themselves. So this is our annual street/milling and paving and if there are remaining streets obviously there are we are an old city we need to fix the potholes and repairs as needed after the paving is completed.

We have it on our website we have spare time the water/sewer dept. we go at night; they shut certain sections of the water distribution system off. Replace some of the inoperable valves in there so we can have more reliable water distribution system. By 6 am we usually have water restored.

Ald. Kleiner-I just want to mention that we are going to schedule an electronics drop off for tv's, monitors. Since it will come up fairly quickly, June 24<sup>th</sup> Saturday, DPW Garage on Monhagen Ave. We will try to get that on the website and may be in the paper as soon as we can.

Commissioner Tawil- I was hoping the Chairman...

Ald. Kleiner- From 8am-3pm.

Don Paris/Treasurer-You will be voting this evening, there is \$1.860 million borrowing resolutions they are broken up in different pieces rather than one total. Because this supports Capex plan we put together. Because the assets have different life's they have to go out and get different bonding. What it does is it supports the KafEx plan that we approved for 2017, 18, 19.

Chris Brinkerhoff/Superintendent Rec. - This Saturday at Fancher Davidge Park will be Afternoon in the Park. Youth art show. Our students will be show casing their art and bring back Art in the Park with a little bit of a spin to it.

Recreation Summer Basketball League is something new. We will be using our facility at Academy Ave. as well as Fancher Davidge. Register now, we are taking registration up until the 16<sup>th</sup>. Filling up very fast.

Summer is 3 weeks away if you have not registered for summer programs. We have a lot out there for all ages and interests.

Police Academy is filling up fast. Very interesting to read why the children want to be picked and go to the Police Academy. We have some lovely kids that have high aspirations; they all want to be police officers.

There is a transfer today of some money into park improvements. You can go by Maple Hill Park you will see a lot of time and effort in there. New fountain in the pound has really cleaned that up. New pavilion is now being rented out. Great addition, you will be seeing some new playground equipment really soon. As well as the support you guys have given us we will be able to resurface the tennis courts and resurface the pool.

Thanked the PBA, they reached out and our helping our boxing program a little bit for kids that can't afford boxing. They have given us some money to cover that as well as the equipment and it is definitely a community effort to take care of the kids that have a hard time taking care of themselves. We have 3 more belts.

Ald. Witt- What is age for basketball?

Chris Brinkerhoff- Basketball is K-12. K-3 will be using our gym on Saturday mornings; the older groups will be using Davidge Park basketball court.

Rich Guertin/Corp. Counsel-Nothing this evening.

John Naumchik/City Clerk- July our first meeting will be on the 4<sup>th</sup> of July. We will have to change that date. Asked Pres. Rodrigues-

Pres. Rodrigues-July 3<sup>rd</sup>.

John Naumchik- That will be a resolution for the next meeting so we can change that.

Tonight's agenda there are two resolutions for Keck Enterprise for a lot line change. This was done about 5-6 months ago, the County requires him to bring the plans to the County and it was 90 days and he waited until after the 90 days. We have to redo the resolution. We don't need a public hearing, no changes.

This Sunday is the Ruthie Run for the YMCA, Sunday, June 11<sup>th</sup> and the roads will be closed. You have already approved that, it has been on the website.

7. Public Hearings & Grievances

John Naumchik-Nothing this evening.

8. Petitions & Complaints

John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor DeStefano-This past week we lowered the flags at half-staff in honor of the former Middletown Paid Fireman, Joseph Weissert. I had some phone calls people asking why we lowered the flags, in honor of Joseph Weissert who passed away.

Also had the opportunity last week to attend the stage dedication of the R4DT Park. Dave & Anna Madden and the R4DT committee invested several thousands of dollars into the stage area there. It is a welcome addition, completed late last year and the park area was dedicated this year. I want to say thank you to them it is timely with Dave's announcement this evening about the race starting August 19<sup>th</sup>. No, I'm not going to be part of the team that will be running. I know that was the next question.

Maria and I also had the opportunity Friday; we were requested to go down to Westchester to appear in front of the Regional Economic Development Council to give an update on the status of the DRI. Also 2 additional plans, part of the DRI process was to take that plan and also to expand upon it. Not all the things in the plan were funded; I think we did a pretty good presentation. There were some questions and we also advised them of a resolution that is coming up tonight which focuses on the tourism part. Which is identifying part of the process that we went through was identifying our assets and one of the assets we did identify through the process was Davidge Park and how under-utilized the park is. Not in the area of recreation but in the fact that Jeff Chumard who is our house bird man it is the most popular destinations for bird watching in Orange County. The State is actually starting a new program called I Bird NY and we advised them with the Trail coming through and the acquisition of the 13 acres where the CPV siting's is, that is going to be coming over to the City as part of the park. The trail is going through. We are purchasing 50 acres that are contiguous through Davidge Park; which is the marsh area and some dry area. 40 on this side of Ingrassia Rd. and 10 across Ingrassia Rd. So they are excited to see that we are moving ahead with, not just relying on their investment into the City, they

are very excited about coming into Middletown for the groundbreaking which we hope will be a few weeks on the Woolworth's building. It is money that will be coming into our City. \$10 million there, but we need to also recognize that over the 18-24 months we are going to be spending about \$40million, majority of it grant money through NYS. We have had great success over the past few years. Remember the DRI is \$10million; the Trail is about \$12million project, \$2.7million is the court, \$4million is CoachUSA Terminal, \$7.5million is the transportation on the intersections, handicap accessibility, \$2.7million through Sen. Schumer is the sidewalk and the walkable high foot traffic areas. That comes up to about \$40 million. We are going to see a significant difference in downtown Middletown and surrounding community. Also as I mentioned the sidewalk money we are focusing on Dolson Ave. where the old I guess it is called the goat trail on the right side of Dolson as you are heading out of town. We have the cheese factory, not cheesecake factory everyone. If you go on Facebook you will see a lot of people confuse the headline thought it was Cheesecake Factory. It is a cheese factory that will be coming to the Planning Board I believe tomorrow night to make a presentation. Some of the other renovations done on Dolson and we are going to be making a major Economic Development push on Dolson Ave. The housing development there is really, really huge with Southgate. We have a bunch of housing on Cty. Rte. 78 corridor and High Barney Rd. We need to focus, major focus on how we are going to address issues over that end of the City.

Chris had mentioned Maple Hill and I think majority of that was done in-house. They did an excellent job, myself and Jacob where over there yesterday with Mr. Bianchi, the foreman for Parks and the park does look beautiful. Tying in with that Ald. Johnson and Ald. Ramkissoon were requesting an update on the Maple Hill Park project. The storm retention project. We did speak with Mr. Mayfield by this Friday we will have the letter to proceed. He promised, Maria was on the phone call, had him on speaker phone; he promised by this Friday at the latest the order to proceed will be signed by the County Executive and sent to the City. We hope to move that project very quickly. We believe it is going to have some real positive impact on that side of the City where flooding has been predominant for many, many years.

You will be voting today on the fire contract. For the public's purposes the contract expired on 12/31/12. So we are into our 5<sup>th</sup> year, the Union and I had many, many years of discussion obviously. We finally reached an agreement at the Board of Estimate today in which the press attended both appreciated the long process but we did come out with the best deal for not only City residents; but also for the Union. They are sort of paying for their own increases indirectly; there are some benefits of the contract. 2013-14, 15, 16 are all 1.5% raises. Then I believe it goes up to 2 ¼, then 2 ½, 2 ¾, back down to 2 for the 8<sup>th</sup> year. So it is an 8 year contract. The benefits to the City are where the self- pay comes in a little bit is currently Professional Firefighters pay 15% contribution to their health care plan and for the first 5 yrs., year 6 they pay 10% and then after that it is free through retirement. The average 20 yr. career they are getting 14 yrs. of health care with no contribution and then of course for the rest of their lives through retirement. Any new hires after

January 1, 2015 will now pay 15% contribution and that will extend through retirement that is a major, major long term savings for the city.

We also have been able to reduce the co-pay, I mean the buy out on the insurance from 50% buyout which this year for a family plan almost \$13,000 down to \$6500 for anyone hired after January 1, 2015. From our perspective some short term gains with the ability to move men from station to station, saving on overtime. We also have a very important thing that was very near and dear to my heart many, many years ago but was given away when I was out of office; is the residency requirement. Something that we will be pursuing with all unions for new hires, we did get it in this contract through the FD they were willing to give that up.

People ask why you want it, why you insist upon it because every conference I have attended in my entire career at City Hall this is something that communities live and die for. It gives the opportunity for your community the emergency services in your community be it police, fire, DPW and office workers to better reflect your community. More opportunity to people that live in your community to score on the job/testing and get jobs.

It builds a middle class in your community. Where community of 28,000 people and if you look at the number of full time employees we have which is well over 200 full time employees in the City, calculate that with their families staying here and you can see how you are building a middle class in cities where people normally, historically middle class has fled.

There are many, many benefits to residencies requirement, you will see them over a period of years. We will be asking for it in CSEA agreement again and we will be asking for it in the next round with the PBA. Once that is done we will impose it on all non-union employees also. Of course not retro-active so it is for new hires so that we are not putting any burden on any one person, dictating where they have to live. We will dictate if you are willing to accept the job here in the City of Middletown you will have to live here in the City of Middletown. We would welcome you and it is not punishment you are going to enjoy living here.

One issue Don touched on about the \$80,000 on the pool. Chris did. That is a special resolution you have today that is about \$70,000 left over from the Davidge Park pool project. So it is just a re-appropriation of that money that was left over plus a few extra dollars to do the Maple Hill Park. I believe she also mentioned the equipment the new playground equipment and that is part of the Capital Budget that we are adopting this evening.

Two issues I want to introduce and ask be placed into committee; both are older issues. Both relevant this time. One is Council President you have always been a supporter of I believe it is called reversal notification. For example: there is technology out there where we can purchase where people can sign up. If there is a street closure we can send them a text message. Jacob touched on tonight about the

water shut off, we can either send them a text message or e-mail; instant notification rather than having people go to the website. It is not convenient. During the closing of 211W although it was advertised really, really well we still got a lot of complaints from people. Not everybody goes on their phone like some of us do. There is technology that is available to do that. I think we should revisit that. If you could put that into committee I know you have more information on it than I do. That would be appreciated.

The other is ID cards, City ID cards. Town of Monroe I believe does it. We have a tiered paying system in our City for City residents' not everybody has ID cards to identify themselves as City residents. So I would like to place into committee the production of City ID cards. Where someone could come into the City Clerk's Office produce the documentation that they are residents of the City of Middletown. Its not a binding card with police or with banks, it deals with identification for city services. I would like to place that into committee also.

Pres. Rodrigues-We will put them both in Communications.

Mayor DeStefano-Asked who is Chairman?

Pres. Rodrigues-Ald. Kleiner.

#### 10. Remarks of Aldermen

Ald. Masi- Safe Summer Initiative in the 1<sup>st</sup> Ward is Wednesday, June 21<sup>st</sup>; 5pm-7:30 pm at Sproat St. Park. It will give residents of the 1<sup>st</sup> Ward they will be going to each ward on successive Wednesday's. It will give you an opportunity to meet with the elected officials, PD, FD, EMS, everything that we have with Dept. Heads. Come down to Sproat St. at 5pm-7:30pm, Wednesday the 21<sup>st</sup>.

Civil Service-John will put this on the website. Our Civil Service Commission meetings were always held on the 3<sup>rd</sup> Wednesday of every month we have now changed that to the 3<sup>rd</sup> Tuesday and we will begin on June 20<sup>th</sup> at 4pm.

Highland Ave. had several calls and I have been promising people certain things and unfortunately was not able to deliver until I think tomorrow. It won't be everything you want, it will be a beginning and I think if you will watch in the next very short near future some additional items will happen on Highland Ave. looking to reduce the speeding up there. I realize it wasn't brought up when Lt. Ewanciw was here the speeding tickets have increased immeasurably and we are grateful for that. Evidently there is still a lot of it going on and I know they are speeding all over. Starting tomorrow there will be something going on; I think you will be happy with it. It is not the end there will be other things in the next week or two.

Ald. Ramkissoon-I wanted to start off this evening there is a resolution on the agenda this evening to accept donations for Neighborhood Watch. Night Out Against Crime

which will be August 3<sup>rd</sup>. I just want to thank our local businesses for supporting this event. I think we build a relationship with our Police Dept. and the community they serve at this event. It draws thousands of people but I appreciate the businesses that help make it happen.

Neighborhood Watch, Lt. Ewanciw touched on this but I will repeat it again. Next Tuesday, the 13<sup>th</sup> here in this room at 7pm. The Neighborhood Watch Meeting has a special guest appearance by Mayor DeStefano, Officer Bailey, Lt. Ewanciw, to help address concerns. We have been promoting on Facebook, trying to spread the word just hoping a lot of people will attend to bring their concerns.

The Memorial Day Services were held at the American Legion. We were forced inside again, 2<sup>nd</sup> year in a row because of the weather. I thought it was a great service this year. Thanked Commander Wahl and the outstanding job he did as guest speaker. I thought it was very moving and powerful. I want to thank him for doing it, it was great.

The Rec. Dept. the fountains, pavilion everything that is happening at Maple is really great. I appreciate all the hard work and I know a lot that is done in house. Great job.

I mention Ruthie; I will be attempting it this year.

Ald. Johnson-With respect to the Mayor's remarks, \$40million coming to town, kudos to government officials, local officials.

Thank you to the Maddens for R4DT and contribution to our community. We appreciate it.

With respect to Jacob's remark about coordinating paving. I am sure the residents in both municipalities will appreciate that.

I share with Kate, Maple Hill great. Especially in the 3<sup>rd</sup> Ward, everything is happening in the parks we thank all.

If Mr. Mayfield comes through with the retention pond and flood mitigation that will be ..

I did make remarks about Lyme disease. Why the human Lyme disease does not have a vaccine? Veterinarians started vaccinating dogs probably more than 15 yrs. ago. At the time we got our vaccine there was a 7 yr. lag before the human vaccine was developed and approved. There are lots of glitches with respect to the organism and how it functions. It turned out the human vaccine required 3 doses instead of 2. Was not as affective with all due respect as the veterinary product was and actually today's product veterinary medicine is probably the 4<sup>th</sup> mutation of the product itself. Frankly on the market scale it did not apparently meet the anticipated need or desire to be vaccinated. Yes there is a treatment for Lyme disease. There were two articles

in the local press since I last spoke. One was a cover story about a person in our area who unfortunately was infected in the '70's but not really diagnosed till the '80's. There was a subsequent article talking about tick prevention. Same story, there is no vaccine for humans, vigilance is the case. Since I have talked about it, every day I hear stories about people diagnosed with anaplasma, Rocky Mount fever, there are other diseases that you can contract with tick bites other than Lyme. Hopefully you and your health care provider would be aware of those ideas.

Ald. Witt-First off congratulate everybody involved in getting the fire contract resolved. I think that is a very good thing for a lot of people. Congratulations on that.

Our ward meeting for the 2<sup>nd</sup> Ward is next Monday, June 12<sup>th</sup>, at 7pm.

Ald. Kleiner-I want to thank American Legion Post 151 for Memorial Day Remembrance. Bob Haywood, Lou Morse and others involved. Congratulate Grand Marshall Charles Smith, Sr. They also honored Marty Kuhl. Marty has been there every year; it was a great thing. We had the Barber Shop singers. Commander Wahl spoke about a particular group who were involved in landing on Omaha Beach and the horrific price they paid. As Chief Winner said, remember this is the 73<sup>rd</sup> anniversary of that invasion. We won't forget.

Historical note yesterday was the 100<sup>th</sup> anniversary of Registration Day. Middletown had huge registration day parades. What that was, was after the institution of the draft and selective service system by Pres. Wilson and the Congress. That was the day that every male 21-31 had to register at their local draft board. Patriotic spirit was amazing. A lot of those guys did not make it back. Remember them too.

Classic 10K was Sunday. I thank Frank Giannino who keeps that going. I thank Frank Shorter who comes back; international athlete comes back to Middletown, for Middletown. This year it was sponsored by Crystal Run and it was a benefit for Safe Homes.

I want to congratulate Sgt. Khalil, MPD, DPW and Parks. They went through, the race ended in front of our house in about an hour. Fantastic job.

The R4DT ribbon cutting was great. The kids from the Y, they were a riot. I do thank the Maddens the stage is wonderful. Marshall & Sterling are sponsoring this year. Of course ShopRite and everyone involved.

There was a ribbon cutting we went to; Tea Garden. Have been open for a while they finally had the ribbon cutting since the last meeting. There was one 87 yr. old senior citizen who asked me to please tell people how positive a thing that is and how good Jillian has been for Middletown. I wanted to pass that along.

Electronic drop off June 24<sup>th</sup>. We need to get that word out. If you have old tv's and monitors they don't go out in bulk clean-up.

Starting today this is how the politic process works in NYS. There will be people knocking on your door. Because the way you get on the ballot, whatever party the only way you get on the ballot is to get your petition signed.

Ald. Jean-Francois-DPW committee met this evening. We discussed about installing a Stop sign on Highland View Ave. and Mountain Ave. Resolution to be forthcoming at our next meeting.

Also we had our 4<sup>th</sup> Ward meeting on Saturday. I know that a lot of you who lives on Genung St. and Sprague Ave. I know you have a lot of concern that was expressed to us.

The culvert on Sprague and Genung, the engineer like the Mayor mentioned and the Commissioner; the engineer is still collecting data. Once we have that information, there will be a public hearing and also the Mayor will make an announcement. As of right now we don't have that information. We are still waiting for the engineer.

As far as the drop off there should be a minimum. Last year I was there we had people that showed up with truckloads of electronics. So Commissioner I don't know is the minimum (maximum) requirement is? But we have a gentleman, a few people who showed up with truckloads of televisions.

Commissioner Tawil-We don't check for id's. I think what is reasonable probably 3 units of each. Not pick up loads.

Pres. Rodrigues- Is that an issue. I don't want to see them on the side of the roads, by railroad tracks. If it's not an issue just take them.

Commissioner Tawil-It is up to you guys you tell me.

Ald. Jean-Francois- The issue is people could be running a business on the side. They could go around and pick up 50 tv's and get paid for them and drop them off.

Ald. Masi-What is the alternative?

Ald. Jean-Francois-Maximum I think should be 3.

Ald. Masi-Let's assume that they may do what you just suggested and someone has 10 of them and we don't take them. We take 3, what do you think they are going to do with the others?

Was there a problem last year?

Commissioner Tawil-There were a few.

Ald. Masi-Did it hamper the day?

Commissioner Tawil-Up to you?

Pres. Rodrigues-You're the Dept. Head.

Commissioner Tawil-I just said 3 units. I just said that. I started my conversation 3 units. That is my recommendation to you guys. Then you tell me what you want.

Pres. Rodrigues-We will talk.

Ald. Cid-We have a lot going on in Middletown with the Heritage Trail. When you support your local businesses you supporting your neighbor. That is really important to me.

#### 11. Unfinished Business

John Naumchik-Nothing this evening.

#### 12. New Business

149.17 Resolution to authorize the reassignment of two vehicles to the City of Middletown Department of Public Works.

On motion of Ald. Cid seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the reassignment of the following two vehicles to the City of Middletown Department of Public Works which no longer serves our needs and DPW could benefit from the use of both vehicles:

2004 Ford Crown Victoria 2FAHP71W04X138872

2005 Ford Crown Victoria 2FAHP71W35X126779

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

150.17 Resolution to authorize the Treasurer to accept a donation in the amount of \$250.00 for the Young Warriors Boxing Program.

On motion of Ald. Jean-Francois seconded by Ald. Ramkissoon

WHEREAS; The Middletown Recreation Department Young Warriors Boxing Program was given a donation in the amount of \$250.00 from the Middletown Police Benevolent Assoc.; and,

WHEREAS; The Middletown Recreation & Parks Department is requesting that the Common Council accept this donation and authorize the Treasurer to deposit the donation into the existing Special Programs: Materials & Supplies account; and,

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Treasurer to accept the donation and deposit it into the Special Programs: Material & Supplies account 7321.450 for the amount of \$250.00 for the Young Warriors Boxing Program.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

151.17 Resolution to approve the acceptance of offer of dedication of Underhill Road extension, Sutton Hill.

On motion of Ald. Jean-Francois seconded by Ald. Johnson

Whereas, Sutton Hill II, LLC (“the Developer”), in connection with the completion of the Sutton Hill residential complex, has offered to dedicate the extension of Underhill Road to the City of Middletown, and

Whereas, the Developer has provided to the City a preliminary title insurance report and other documents required to convey the road extension to the City, and

Whereas, the Board of Estimate and Apportionment has recommended that the Common Council accept the offer of dedication.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council hereby accepts the offer of dedication of the Underhill Road extension, subject to the Commissioner of Public Works and the Corporation Counsel’s approval of all conveyance documents.

Be it further resolved that the Common Council authorizes the Mayor to sign all documents required to transfer ownership of the road extension to the City, at the Developer’s expense.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

152.17 Resolution to approve SEQRA for Keck Properties LLC a lot line change.

On motion of Ald. Johnson seconded by Ald. Masi

**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.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

153.17 Resolution to approve the lot line change for Keck Properties LLC.

On motion of Ald. Johnson seconded by Ald. Jean-Francois

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.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

154.17 Resolution to close streets for the Run 4 Downtown, Saturday, August 19, 2017 beginning at 8:00 a.m. and lasting until such time as it is no longer needed.

On motion of Ald. Witt seconded by Ald. Kleiner

RESOLVED, that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close any and all streets and intersections necessary and at their discretion, for the Run 4 Downtown, Saturday, August 19, 2017 beginning at 8:00 a.m. and lasting until such time as it is no longer needed.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close North Street from Franklin Square to Orchard Street until 2:00pm and East Main Street at Franklin Square to Williams Street till 11:00am for after the race activities.

LET IT BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown hereby grants the Annual Run 4 Downtown application to sell beer and wine, conditioned upon the execution of the attached agreement by the applicant and the fulfillment of all requirements set forth in the agreement by the applicant.

ROUTE: Map attached to this Resolution.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

155.17 Resolution to concur with the Mayor's appointment of Alan Lewis to serve on the Shade Tree Committee term expiring December 31, 2017.

On motion of Ald. Kleiner seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's appointment of Alan Lewis to serve on the Shade Tree Committee term expiring December 31, 2017.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

156.17 Resolution to declare two DPW vehicles surplus and authorize the Commissioner of DPW to dispose of them by inviting sealed bids.

On motion of Ald. Masi seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to declared surplus and authorize the Commissioner of DPW to dispose of them by inviting sealed bids. They have been taken out of service and can no longer be used by the City of Middletown for any governmental purpose.

1. 1999 Jeep Cherokee VIN# 1J4FF68S6XL587339
2. 2003 Chevy Pick-up VIN#1GCDDT19X538246482

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

157.17 Resolution to accept a total of \$2,450.00 in donations in support of the Neighborhood Watch Program.

On motion of Ald. Masi seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to accept for the Treasurer to accept a total of \$2,450.00 in donations in support of the Neighborhood Watch Program and credit the amount to account T-5:

- |                      |            |
|----------------------|------------|
| 1. Wayne Hawkins     | \$200.00   |
| 2. Mid-City Transit  | \$250.00   |
| 3. Steve Dodd        | \$250.00   |
| 4. Fusco Engineering | \$250.00   |
| 5. Middletown F.F.   | \$250.00   |
| 6. Clark Patterson   | \$1,000.00 |
| 7. Middletown Honda  | \$250.00   |

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

158.17 Resolution to authorize the Treasurer to transfer \$2,204.00 within the 2017 Finance budget to cover expenses that came in higher than anticipated.

On motion of Ald. Ramkissoon seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$2,204.00 within the 2017 budget to cover expenses that came in higher than anticipated in the following manner:

<u>FROM:</u>	<u>AMOUNT:</u>	<u>TO:</u>
A.1325.100 Finance-Personal Services	\$2,204.00	A.1325.400 Finance-Contractual Exp

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

159.17 Resolution to authorize the Treasurer to transfer \$10,000.00 within the Recreation and Parks Department 2017 budget for Maple Hill Park and Fancher Davidge Park improvements.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$10,000.00 within the Recreation and Parks Department 2017 budget to pave new pavilion at Maple Hill Park, purchase grills for pavilion, supplies to build new picnic tables, run electric to new aeration fountain in Maple Hill Park, and towards materials for Disc Golf Course in Fancher Davidge Park in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.8060.470 Academy Ave. Building: Repairs	\$10,000.00	A.7110.478 Parks: Park Improvements

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

160.17 Resolution in support for the effort Clearwater is leading to carry our concerns and concerns of many New Yorkers for clean water and other environmental protections.

On motion of Ald. Kleiner seconded by Ald. Witt

WHEREAS in 1970 Pete Seeger and the Hudson River Sloop *Clearwater* helped turn the tide in favor of enacting the 1972 Clean Water Act by sailing the *Clearwater* to Washington, DC and organizing an historic Capitol Hill forum on the need for federal clean water protections, where Seeger said,

***“The problems of the American Rivers can’t be solved by people . . . who live on them. Only the Federal Government has the power to enact and enforce the laws that are needed;”*** and

WHEREAS the Hudson River and many American waterways are much cleaner and safer as a result of the implementation of the Clean Water Act, as well as other state and national environment protection legislation and regulations; and

WHEREAS issues of serious water pollution still plague communities from Flint, Michigan to the City of Newburgh or the Village of Hoosic Falls in New York; and

WHEREAS a clean, safe and healthy environment is foundational for a strong economy; and

WHEREAS existing federal clean water protections, have recently been rolled back or are coming under threat from many quarters, including:

- Using the Congressional Review Act to undo the Stream Protection Rule, which previously protected waterways from surface coal mining pollution;
- Using the EPA rulemaking process to “repeal and replace” the Waters of the United States Rule, which extended Clean Water Act protections to 60% of U.S. streams and 20 million acres of wetlands, and these waters and wetlands will soon lose those protections if the Rule is undone;
- Proposed 31% cuts to EPA funding, including, among other things: a 45% cut in Categorical Grants to states for water protection programs; elimination of the \$427 million funding of the Great Lakes Restoration Initiative and other regional programs; a total estimated cut of \$1 billion in Office of Water programs; and
- 

WHEREAS proposed cuts to Superfund would undermine Superfund cleanup in 85 sites across New York State; and

WHEREAS federal water protections and robust EPA regulation and enforcement are vital to the environmental health of New York’s waterways and to the safety of its drinking water; and

WHEREAS climate change is also a water quality issue and already impacts New York’s waterways and drinking waters through more frequent and severe droughts and storms; and

WHEREAS many water quality issues, such as phosphorus loading of our lakes and streams, directly impact aquatic life and recreation, and will require increases in Federal funding for stormwater infrastructure; and

WHEREAS drinking water contaminants which jeopardize public health and safety are just being uncovered in many existing water systems, flat-funding Federal grants will not allow States and municipalities to implement drinking and waste water infrastructure projects needed for their prevention or remediation; and

WHEREAS these issues and threats affect not only all New Yorkers, but all Americans; and

WHEREAS the Sloop *Clearwater* will carry to Washington and deliver to federal officials a “cargo of concern” documenting the broad-based concerns of citizens, public interest groups, and municipal and state officials throughout New York about growing threats to our water and to federal clean water protections, and the need for sound, science-based water policy;

THEREFORE, BE IT RESOLVED that the Common Council of the City of Middletown New York hereby registers its deep concern over current rollbacks and threats to federal clean water

protections as described above, affirms the need for sound, science-based water policy and for adequate regulation, enforcement and funding as pressure on water quality and safety continue to mount. We also wish to express our support for the effort Clearwater is leading to carry our concerns and concerns of many New Yorkers for clean water and other environmental protections directly to Washington.

Ald. Kleiner-I just want to mention this is the Clearwater repeating their 1970...

COMMON COUNCIL  
CITY OF MIDDLETOWN  
CERTIFICATION OF RESOLUTION

I, John C. Naumchik, Common Council Clerk of the City of Middletown, hereby certify that I have compared the attached resolution with the original on file in my office and adopted by the Common Council on \_\_\_\_\_ and that the same is a true copy thereof and the whole of such original resolution.

\_\_\_\_\_  
John C. Naumchik  
Clerk of the Common Council  
City of Middletown, NY

\_\_\_\_\_  
Date

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

161.17 Resolution to support the New York State Legislature and the New York Senate bills that would extend the authority of the City of Middletown to sell, or pledge as collateral for a loan, some or all of the delinquent tax liens held by the City until December 31, 2019.

On motion of Ald. Cid seconded by Ald. Masi

Whereas, per previous agreement, Assemblywoman Gunther and Senator Bonacic have introduced legislation in the New York State Legislature and the New York Senate that would extend the authority of the City of Middletown to sell, or pledge as collateral for a loan, some or all of the delinquent tax liens held by the city until December 31, 2019, and

Whereas, the Assembly bill is listed as bill number A.7851, and the Senate bill is listed as bill number S.6129.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council supports the approval of A.7851 and S.6129 by the New York State Legislature and Senate and authorizes the appropriate City officials to sign, seal and transmit to the Assembly and the Senate the necessary home rule request forms regarding the proposed legislation.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

162.17 Resolution to concur with the Mayor's re-appointment of Shawna Strenfel to serve on the Recreation Commission term expiring March 23, 2022.

On motion of Ald. Kleiner seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Shawna Strenfel to serve on the Recreation Commission term expiring March 23, 2022.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

163.17 Resolution authorizing the issuance of \$190,500.00 serial bonds to pay the cost of the purchase of vehicles for the City.

On motion of Ald. Masi seconded by Ald. Johnson

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The purchase of vehicles for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$190,500.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$190,500 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is three years, pursuant to subdivision 77 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents

for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner,  
Masi, Pres. Rodrigues-8

164.17 Resolution authorizing the issuance of \$1,315,000.00 serial bonds to pay the cost of the purchase of heavy equipment for the City.

On motion of Ald. Masi seconded by Ald. Ramkissoon

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The purchase of heavy equipment for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$1,315,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$1,315,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are

reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner,  
Masi, Pres. Rodrigues-8

165.17 Resolution authorizing the issuance of \$42,900.00 serial bonds to pay the cost of the renovations to the Paramount for the City.

On motion of Ald. Cid seconded by Ald. Kleiner

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. Renovations to the Paramount in and for the City of Middletown, Orange County, New York, including incidental costs and expenses, is hereby authorized at a maximum estimated cost of \$42,900.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$42,900 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual

countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

166.17 Resolution authorizing the issuance of \$89,908.00 serial bonds to pay the cost of the purchase various office equipment for the City.

On motion of Ald. Johnson seconded by Ald. Masi

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The purchase of various office equipment in and for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$89,908.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$89,908 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner,  
Masi, Pres. Rodrigues-8

167.17 Resolution authorizing the issuance of \$150,000.00 serial bonds to pay the cost of the purchase of decorative street lighting in and for the City.

On motion of Ald. Witt seconded by Ald. Jean-Francois

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The purchase of decorative street lighting in and for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$150,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$150,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any

charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoo, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

168.17 Resolution amending the bond resolution dated August 20, 2013 in connection with renovations to the War Veteran's Memorial Pool.

On motion of Ald. Witt seconded by Ald. Kleiner

WHEREAS, on August 20, 2013, the Common Council of the City of Middletown, Orange County, New York, adopted a resolution authorizing the issuance of \$600,000 serial bonds to finance costs of renovations to the War Veteran's Memorial Pool, including incidental improvements and expenses in connection therewith; and

WHEREAS, Section 3 of the aforesaid bond resolution stated such project to be a specific object or purpose; and

WHEREAS, it is now necessary to amend the bond resolution to permit the proceeds of such bonds to be used for renovations to any City pool; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The caption of the August 20, 2013 bond resolution is amended to read as follows:

“RESOLUTION AUTHORIZING THE ISSUANCE OF \$600,000 SERIAL BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY COSTS OF RENOVATIONS TO POOLS.”

Section 2. Section 1 of the bond resolution is amended to read as follows:

“Section 1. Renovations to pools, including incidental improvements and expenses in connection therewith, in and for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$1,375,750.”

Section 3. Section 3 of the bond resolution is amended to read as follows:

“Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 61 of paragraph (a) of Section 11.00 of the Local Finance Law.”

Section 3.

This resolution takes effect immediately.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

### **Following resolutions from the floor**

169.17 Resolution to approve the terms of the settlement regarding a new collective bargaining agreement between the City and the Firefighters Union effective January 1, 2013 and continuing to December 31, 2020.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

Whereas, the City’s negotiating team and representatives of the Middletown Professional Firefighters Association, Inc. (“the Union”) have reached a settlement regarding a new collective bargaining agreement between the City and the Union effective January 1, 2013 and continuing to December 31, 2020, and

Whereas, the terms of the settlement are contained in a memorandum dated June 5, 2017 from the Corporation Counsel to the Mayor, and a copy of that memorandum is attached, and

Whereas, the Board of Estimate and Apportionment has recommended that the Common Council approve the settlement.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council approves the terms of the settlement regarding a new collective bargaining agreement between the City and the Union effective January 1, 2013 and continuing to December 31, 2020.

Be it further resolved that the Mayor is authorized to sign a new collective bargaining agreement between the City and the Union encompassing the settled terms.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

170.17 Resolution to purchase vacant land on Ingrassia Road in the Town of Wallkill.

On motion of Ald. Johnson seconded by Ald. Kleiner

Whereas, the owner of property located on Ingrassia Road in the Town of Wallkill, consisting of approximately 55.4 acres of vacant land and shown on the tax map of the Town as Section 49 Block 1 Lot 4.22 ("the Property"), has offered to sell the Property to the City for \$210,000.00, and

Whereas, the Property is adjacent to City-owned property which is part of Fancher Davidge Park as well as City-owned property that is expected to be part of a future Heritage Trail extension, and

Whereas, the City has obtained an analysis of the Property's value, and the analysis indicates that the price requested by the owner is reflective of and consistent with fair market value, and

Whereas, the purchase of the Property would be in the City's interest because of the Property's proximity to existing City-owned property as described above, and

Whereas, a copy of the proposed contract of sale is attached to this resolution, and

Whereas, the Board of Estimate and Apportionment has recommended that the City purchase the Property on the terms outlined in the proposed contract of sale.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council approves the purchase of the Property and authorizes the Mayor to sign the contract of sale and all closing documents required for the City to purchase the Property in accordance with the contract of sale, subject to the approval of the Corporation Counsel.

Be it further resolved, that the sum of \$215,000.00 is hereby transferred from the City's fund balance to the following budget line: A.1940.900 to cover the purchase price, title insurance and related purchase costs.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

171.17 Resolution to schedule a public hearing on Bid Moratorium for 63-67 North Street.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown will schedule a public hearing on Tuesday, June 20, 2017, 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 an appeal of the BID Moratorium for a proposed Physical Therapy and Wellness practice at 63-67 North Street, Section 31, Block 7, Lot 1.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

172.17 Resolution to schedule a public hearing on Bid Moratorium for 12 Washington Street.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown will schedule a public hearing on Tuesday, June 20, 2017, 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 an appeal of the BID Moratorium for a proposed Office with apartments at 12 Washington Street, Section 35, Block 4, Lot 4.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

173.17 Resolution to schedule a public hearing on Bid Moratorium for 42 West Main Street

On motion of Ald. Johnson seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown will schedule a public hearing on Tuesday, June 20, 2017, 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 an appeal of the BID Moratorium for a proposed Ice Cream Shop with food at 42 West Main Street, Section 35, Block 2, Lot 2.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

### 13. Local Laws

John Naumchik-Nothing this evening

14. Audit

On motion of Ald. Masi seconded by Ald. Ramkissoon

I move that the accounts be audited the claims be adjusted and the Treasurer be authorized to issue warrants for their payment.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Masi,  
Pres. Rodrigues-8

15. Adjournment

There being no further business meeting adjourned at 8:55 PM

Respectfully submitted,

Karen Sisco