



**Common Council
Meeting
City of Middletown
June 20, 2017**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8
Absent: Ald. Jean-Francois-1
3. Approval of Minutes-On motion of Ald. Masi seconded by Ald. Johnson to accept the minutes of May 2 and May 22, 2017 Common Council meeting

All in favor

4. Correspondence

25 Mills Ave Block Party for August 26th-DPW Committee

Correspondence from NYSDEC re: Plant Score City of Middletown WWTP-
Received & Filed

Correspondence from Village of Port Chester re: Adam McCarey class he gave very
professional-Received & Filed

5. For The Good of The City

Alex Fernandez- Thanked the Council members both Republicans and Democrats it takes tremendous courage to step up and try to do the right thing and run for office. It is hard but more people should try to run for office in that sense. Every single one of you have tremendous courage for taking on the burden of social woes. Thank you.

I also like to thank Shannon Wong he is Director of Lower Hudson Valley Civil Liberties Union for assuring me that my freedom of speech will not being denied by the Council I just think as a citizen of the greatest Country in the World's history that we should demand that economy work for all of us not just the top 1%. We the renters and landowners are suffering from the high rent due to high property taxes that we have to pay. Waste is sick and people are sick and tired of establishment politics and we want real change. How have the Democrats reacted to Republicans as the Mayor's tax return, seriously, regardless median income is \$4,000 less than 1999; yet financial penalties and fees keep rising up? When will enough be enough? No one can have everything but the bottom line is the economy is rigged and what I am about is create a system that works for all us. Big businesses pay their fair share, our President says not paying taxes makes them smart so what does that make us?

As a City we have to stop giving tax breaks to big businesses and focus on people instead. We need paid maternity leave now, not tomorrow. We need a free kindergarten for low income working residents, not this lottery system we now have in place. We as a City has to work with our school board instead of dragging them to court which is extremely wasteful and ... Imagine all the good we could accomplished and put aside our personal businesses and work with our Board of Education. I wish there was a single person we could blame for all the worlds troubles, the noble truth is every single one of us is to blame. Whether it be apathy or ignorance. I know in some levels you can feel the truth of my words, so come out a vote please humbly.

A vote for me is a vote against CPV and I wish.

Pres. Rodrigues-Talk to the Council, leave the campaigning on the Council floor. This is for the Good of the City.

Alexi Fernandez- Then I will talk to them about air quality control when I worked in Revere which is by Middletown. I wish I was allowed to say the things I have seen when I worked there. I am allowed to say the money was amazing and the union was great. Who will step up when the EPA is stepping down? I don't think the union will be able to step up because I just doubt it. But, clean air and clean food is a right we can afford.

Finally as child of a NYPD officer I was always taught to do the right thing even when you are a minority of one. To our police who protects the protectors? Seriously, just look at the deal that Middletown made with our firefighters. Hold off because if you're risking your life on us then we should take care of your health, plain and so simple.

Yet we have more land and courthouses to the City lets manage what we have here.

Thank you.

6. Remarks of Dept. Heads

Police Chief Bethencourt- I have a few issues this evening.

Safe Summer Initiative for our 1st Ward is tomorrow at Sproat St. Park where the public will be able to address the aldermen from that ward along with myself, Council Pres. and Mayor and various dept. heads. To the public please come out and join us. We will do our best to address any concerns that you have and layout our plans for what we are doing for the summer.

We have been having an issue with ATV's and dirt bikes and this message goes out to the parents who may have provided these 2 with their children. We are starting to come into a very dangerous situation where my officers are chasing these ATV's on the street. For your knowledge ATV's and dirt bikes are not permitted on the roadway by NYS law. But my fear is that someone is going to get hurt eventually; so to the parents out there please do your best to make sure that your child is not operating these vehicles on the roadway. It is creating a hazardous and dangerous situation not only for them, my officers and residents who are not involved in these situations.

While I was away the dept. addressed fireworks in the City. This message goes out to the public again. We are going to be very stringent and diligent in our efforts to address fireworks and it is going to be a no-nonsense approach. We will be giving out tickets and making arrests where appropriate.

I received notification from my Bureau Commander Lt. Metakes that he will be retiring effective June 29th, his last day is next Thursday we will be having a luncheon for him at the dept. At the end of the business day we will have our ceremonial walk out and all of you are invited to attend along with the public and anyone who has worked and familiar with Lt. Metakes.

Lastly I would like to thank the family of Police Officer Yanik. You have a resolution to accept a donation from the Yanik family. Remember Mr. Yanik was a police officer in the City of Middletown in the past. The donation is in the amount of \$1,000 and we are going to use that to Adopt Families in Need our 2nd annual program where we buy items for our youth in need in the community during the holiday season.

Ald. Masi-What time is it at Sproat St.?

Chief Bethencourt-It is 5pm-7:30 pm

Ald. Masi-Subsequently you are going to have the other 3 Wards.

Chief Bethencourt-Yes. You can check the City's website and our website for information on Safe Summer Initiative which will be every Wednesday successful Wednesday per Ward. The time is the same the location is different.

Maria Bruni/Economic Development- Tonight you have a resolution of a donation of \$5,000 from ShopRite Supermarkets. That will be going towards the annual Stars & Stripes Celebration which will begin next week. Next Friday we have the kick off Jimmy Sturr and his Orchestra downtown in Festival Square at 7pm. Saturday, July 1st at Fancher Davidge Park we start the day with Party in the Park hosted by Recreation Dept. at 4 pm and followed by live entertainment at 7 and fireworks at dark. Then we wrap up our Stars & Stripes Celebration on Thursday July 6th with the US Army Field Band & Soldiers Quarters at the Paramount Theatre at 7pm. All free events. Please check our websites. MiddletownBid.org, CityofMiddletown-ny.com. MiddletownParamount.com. Come out to these exciting events and we hope to see everybody celebrate our nation's birthday next weekend.

Jacob Tawil/DPW Commissioner-Reminder this Saturday we are going to have electronic drop off. I am sure Ald. Kleiner will be talking about to remind people. Computers, tv's, printers, all electronics will be accepting at DPW Garage on Monhagen Ave. Starting at 8am-3pm. Maximum 4 units per household please.

Update you on our infrastructure projects. DPW has completed the soil remediation which is basically the foundation of the soil under the skate park. The contractor has started working on it.

Milling and paving is going to be starting July 6th. List of streets that we will be milled and paved will be on our website. Please check them out. This year we are doing almost a million dollars milling and paving. It is a huge amount of money, project is huge. Continue to check our website for updates.

Monday we had our EPA Comprehensive Audit of our WWTP and Wastewater Collection system. We hope we are doing okay and will be in good shape there. Just a reminder to the Council and public that when the MS4 program was audited in Middletown. EPA has mentioned that they audited 24 communities over 5 yrs. 23 of them got fines, violations or consent orders except for one community and I did not receive anything.

Mayor DeStefano-Asked who was it?

Jacob Tawil- City of Middletown. That is 5 yrs. of EPA auditing MS4 programs and files. It was really intense. They sat here with us for a week the EPA officers going through our files. Very proud of it.

Infrastructure projects- The Mayor went to the Council it is the Woolworth building. Trying to finalize the insurance with the architect and contractors, so the contract signing will take place if it's been authorized. The Mayor will talk about the funding

later. Great project for the location and very excited about it. Again I just want to repeat it; it came from the Mayor by creating a shopping center and the Heritage Trail going right through it.

Black Dirt Sewer we have lots of problems with that Black Dirt Sewer. Several blockages in there. Our guys worked continuously basically to try to repair and replace pieces of that black dirt sewer. It is about \$3million worth of work, we had one sheet of comments from EFC. Hopefully go out to bid within a month. That is going to be a major project. Just a reminder this is the sewer line that starts from the new school Presidential school (Chorley). Very important project for us; it is going to help us with ionide, help us substantially with blockages and overflows.

Yesterday we had flash flood we had over 3 inches of rain in just over 3 hrs. classic definition of flash flood. It doesn't have enough time to get into the catch basins or where it is suppose to go. It concentrates on the low areas and causes flooding. The Mayor will be addressing our ongoing drainage projects.

Retirement, I want to congratulate Lt. Metakes on his 30 years of service for the City of Middletown. With that I want to add our Deputy Commissioner Doug Hendrickson will be retiring the end of this month as well. He was out there whatever it takes, whenever you call him or whenever he calls me he is always out there trying to do the very best for the City of Middletown. Very proud that he has been a part of our team. I will really, really miss Doug. Faithful person to the City and he did his very best. Very proud of him and wish him the very best. Enjoy your retirement.

Chief Operator at the Sewage Treatment Plant, Ben Brunning will be retiring as well in a couple of months. Ben has been my right hand man in the Waste Water Treatment Plant. Relied on him for many years. I have known him since I use to be a consultant, worked with him as an engineer and he was Chief Operator. He is a tremendous asset. Very proud of him. He is retiring after 30 yrs. working for the City of Middletown. Ben will be missed.

Chief Operator will be taking his place will be starting July 3rd which is next month he will be working with Ben alongside for a couple of months. His name is Pat Rowley, the Mayor and myself interviewed him and he is going to be a great addition to our team at the Waste Water Treatment Plant and we look forward. We have known him for many years; solid person and we look forward for him to join our team.

Ald. Masi-We have a motion from the floor cost saving agreement with O&R.

Jacob Tawil- With our operation a \$million paving -\$261,000 approximately will be paid to us by O&R. Because part of our paving program for this year is to go and mill and pave large quantity of the roads that O&R destroyed. Rather than us ending up with a small trench; O&R was very kind to work with us and he will be paying us

this money so that we will take all the milling and paving of the section of the road. Ald. Masi and Council Pres. they were gracious enough to accept, to have a special resolution from the floor tonight. We need this agreement signed before we start the work in July 6th. We need approval from you to authorize the Mayor to sign the agreement between us and O&R.

Rich Guertin/Corp. Counsel-In connection with the DRI and the report that was given to the State and approval of various projects one of the things our planners suggested was to have a cohesive zoning district for just the downtown area. We have been in a moratorium while we have been crafting that. On your desks tonight is the new proposed downtown Mixed Use Zoning District. Karen has a copy and I am sure it is going to go on the City's website within a matter of a day or two and I know there is going to be a motion from the floor tonight to schedule a public hearing on July 3rd. Any question please let me know. We tried to incorporate not only with what is going on now but we project to go in the downtown area; particularly following the recommendations of our planners and the entire DRI report.

7. Public Hearings and Grievances

Karen Sisco read the following

Public hearing for proposed office and apartments at 12 Washington St. during the BID Moratorium

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, June 20, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 2nd floor, 16 James St. to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed Office and apartments at 12 Washington St., Section 35, Block 4, Section 4.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed special use permit and site plan approval.

Full plans are available in the Office of the Common Council Clerk, City Hall, 16 James St., Rm 12.

By Order of the Common Council
Signed John C. Naumchik
Clerk of the Common Council
City of Middletown
Published: THR 6/12/17 & 6/13/17
City Website

Pres. Rodrigues opened the public hearing 8:15pm

Jenny Lee- representing 12 Washington St. applicant is in Washington and cannot come

Mailings handed into Mary.

Basically the project plan has been approved by the Planning Board previously and the proposal is to have an office in the front on the first floor and have residential in the back of the first floor as it use to be. The second floor will maintain to the commercial space.

Pres. Rodrigues- Any questions from the public? None being
From the Council-None being

On motion of Ald. Masi seconded by Ald. Ramkissoon to close public hearing.
All in favor
Public hearing closed at 8:20 pm

2nd public hearing-Public hearing for proposed Physical Therapy & Wellness practice at 63-67 North St. during the BID Moratorium

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, June 20, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 2nd floor, 16 James St. to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed Physical Therapy & Wellness Practice at 63-67 North St. , Section 31, Block 7, Section 1.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed special use permit and site plan approval.

Full plans are available in the Office of the Common Council Clerk, City Hall, 16 James St., Rm 12.

By Order of the Common Council
Signed John C. Naumchik
Clerk of the Common Council
City of Middletown
Published: THR 6/12/17 & 6/13/17
City Website

Pres. Rodrigues opened the public hearing 8:25pm

Noreen Shimkus-Physical therapist and my proposal is to open up my private practice, physical therapy practice.

Pres. Rodrigues asked for the mailings.
Ms. Shimkus-The mailings have been turned in.

Practice will be at 65 North St. The summary of the practice I will be the sole practitioner there. 75-100% of the time one person will be in the clinic at a time receiving service directly from me. The environment that I am proposing to develop in there will be a very much of a healing and rejuvenating environment. It will be aesthetically pleasing, it will be a peaceful environment and yet it will be energetic. I do a lot of hands on work. I am very, very directed at the person's specific problem, very focused. I do a very thorough evaluation. It will be a fee for service program. So people will be able to come in a physical therapist can have direct access. A person can come in with or without a physician prescription at that time and they can be seen for up to 10 visits or 30 days whichever comes sooner. At that point if a person is not finished with their treatment they can pursue further treatment. I am happy to work with people and provide all the documentation they need to submit to their insurance. My fee will be very reasonable. Much more reasonable than it can be when I have to spend my time on all the hoops for billing. This is becoming more common in my profession. These fees for service because it allows for expert practitioners that really have something to offer.

I am looking to be very much a part of the community. Whatever is going on in the downtown I want to be a part of that, I want to fit with the community, I am interested in all the things I am hearing tonight and in the past. I am here to help build up the atmosphere in the downtown community.

Service I am offering obviously I am not selling a particular product or food. One of the reasons I am at this point I have been at this for 22 years. I am a New York native and it is my patients over the years that have pushed me and they said you should open your own practice. Even when I put that on the back burner they didn't even know it was on my agenda at some point in the future they are the ones that said you have what it takes to have your own practice.

Pres. Rodrigues asked if anyone from the public had any questions. None being. None from the Council.

On motion of Ald. Masi seconded by Ald. Burr to close public hearing

All in favor

Public hearing closed at 8:29pm

3rd public hearing- public hearing for proposed Ice Cream Shop with food for 42 West Main St. during the BID moratorium

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, June 20, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 2nd floor, 16 James St. to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed Ice Cream and Food Shop at 42 West Main St., Section 35, Block 2, Section 2.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed special use permit and site plan approval.

Full plans are available in the Office of the Common Council Clerk, City Hall, 16 James St., Rm 12.

By Order of the Common Council
Signed John C. Naumchik
Clerk of the Common Council
City of Middletown
Published: THR 6/12/17 & 6/13/17
City Website

Pres. Rodrigues opened the public hearing 8:45pm

Mailings handed in.

Richard Peterson-We are proposing an ice cream and popsicle shop at 42 West Main St. objective is to bring authentic Latin culture to the historic business district in Middletown. Not only retailing and delicious homemade Latin treats and food items but also through the design and atmosphere of the facility. To achieve the objective through accomplishing multiple goals including retail and homemade ice cream, Latin popsicles, Latin coffee, retail of selection baked goods sourced from local bakeries and also retail bottled beverage brands. Creating a family friendly environment that accentuates the Latin culture through art work, photographs, décor, building materials and Latin inspired design.

Based on the exterior of the store front of the building to mimic the look and feel of traditional small businesses found on many historic Latin and urban retail centers.

Pres. Rodrigues asked if anyone from the public had questions? None being Council-None being

On motion of Ald. Masi seconded by Ald. Ramkissoon to close public hearing
All in favor
Public hearing closed at 8:46 PM

8. Petitions & Complaints
Karen Sisco-Nothing this evening.
9. Remarks of the Mayor

Mayor DeStefano- I want to begin by congratulating the 3 retirees. Lt. Metakes, Doug Hendrickson and Ben Brunning for many, many years of service. All three excellent employees over the years with the City and we thank them for their many, many years of service.

The fire contract was ratified by the union by 22-1 or 23-1. That contract will go into effect, we are very happy with the settlement and obviously by the vote they had they are also very happy.

One thing on the electronic pick up we did have 2 calls and some elderly people wanted to know if there will be someone at the facility to assist them in removing the tv's. We will, we will have City crews they will be there. Obviously if you are able to do it yourself they are not there to do that, they are there to assist the elderly or those who are physically incapable of doing so. If that is your concern please feel free to ask for assistance when you get to the drop off center.

We are having a DRI meeting this week with the State of NY to finally to get to the drawdown of the cash. How we pull the \$9.7million for the specific projects, they will go further detail with the plan and I will then brief the Council after that meeting on the plans. Obviously the Woolworth's project is the first one to go. That project is already out to bid, the bids have been accepted waiting for the final contracts to be verified; the appropriate insurance has to be put into place. The Woolworth's project and the Orchard St. parking lot will be the first project that will be undertaken. We are utilizing the services of Patterns for Progress and the contract we signed with them for their service in assisting in the creation of a template for following the project and so we met all the government standards that are required by the State. We had a long meeting with Maria, Caitlin along with ...Trinka from Patterns; we think we are a very good position to implement the grant as soon as we can start drawing the money.

You will be voting on the \$83,000 for a design of dam improvements. This is part of increase standards by the State of NY. The dams are not in jeopardy, we did have one person e-mail me and say what is the big deal? Is there something going to happen with the dams? No. The standards change apparently rightly so. What we did we hired a company to do a review which is now required now I believe every 2-3 yrs. to make sure we met the new design standards. This project, this design is only \$83,000 this is for 2 of the dams on Shawangunk Lake; the total project will probably be in the area of \$750,000 just for these 2 dams.

When people ask where their tax money is going this is one of the areas that locally we are responsible for. We have to make sure the dams are in good shape and don't present a danger to anyone downstream. I believe we have a couple more to go on the other lakes and we will be coming back to you for more money on the other lakes.

Jacob congratulations on the EPA.

To touch on what happened yesterday. We did have a horrible storm as Jacob talked about the flash flooding. We were out doing assessments, watching, City crews were out pumping basements, assisting people with whatever issues they had in their neighborhoods. A few areas did have flooding again. One was West Main St. the backyards. We had to close Wisner Ave., closed Aspen, Cty. Rte. 78 by Aspen.

When it came to Aspen the flood diversion wall we put up after Irene did work. If that wall was not in place Aspen would have been flooded out once again. That is one of the infrastructure repairs we made after Irene and Lee certainly did work.

We also were checking out the flow of the streams like the Monhagen Brook. The brooks were not overflowing at least from the sections I saw and Jacob. A lot of the backyard flooding happened because of the flash flooding; 2 inches of rain in 3 hrs. Mostly surface water going to low points. The infrastructure repairs we made to date are working. The brook did not back up under Fulton St. it freely flowed through Fulton. As you recall during the last Irene and Lee they did clog underneath Fulton St. and backed up all the way and create a river like atmosphere. We did have some streets that did have a couple of inches of water running down them. Sterling St. did have a slight discharge but not as bad in the past.

But we had 2 other projects that are very close to going to construction. One is the NY Rising project which is \$3.5million project that will take to completion of the Fulton St. from Academy basically the Monhagen Brook through Genung St. One of the options we had some people here that have come to the meeting, I know Jude and Vanessa had a concern about the daylighting of the brook. Of course that is one of the options the engineers are looking at. This is federal money; they are trying to prevent flooding in the future, no decision has been made. A company called NV5 engineering was the selected engineer on the project. Their design is just about ready to go, we are hoping that within the next couple of months we can begin construction on what their recommendations will be. But that is about \$3.5 million project, secured grants under the NY Rising program. If you recall Wallkill also received a \$3million grant and each of us received an additional half a million.

We also had problems in Wilson St. a little bit with the Miamisburg project. Myself, Ald. Cid, Jude Jean-Francois and Council Pres. Rodrigues along with Jacob we met a group of neighbors on Wilson St. There was flooding in the backyards in the low areas of maybe 2 or 3 of the homes that were there. The homeowners did admit that they had flooding in the past and we also had the engineer from Miamisburg there, the response I got today from the property owners is they were happy with the response and the engineering that has been done and the additional work that is going to be done there to mitigate some of the problems they have had historically in that area.

The engineering plans call for people who live in that area that are not familiar will be a 20% reduction in storm runoff down to the Wilson St. area. Anthony St. is going to be extended by about 1,000 ft. additional retention pond put in there. So there is going to be 3 retention ponds on the property, landscaping of course will be done as the project moves forward also. I think the ending the neighbors felt much better, the developer agreed to raise some of the lawns in the backyards in some of the 2-3 low areas that are there. They appear to be very pleased.

Yesterday was a good test for us. They were all very happy that it down poured the day we were coming so that we could see it first-hand. The end result was that we did get an opportunity to see first-hand what they are experiencing for many, many years. For those of you who live in Middletown your entire life like myself and Mr. Masi we recall what that was. It is a low area, it was drained and house and homes were built. We do have some drainage pipe that goes through, it goes through the Brick pond, it goes out. The developer also put up some additional money I believe for us to look further downstream or agreed to do that. We will continue to do so to make sure that we meet those goals of 20% less runoff into the very dry Wilson St., Beth Place area.

Mr. Couch is here, I know they had a little bit of river and a lot of runoff to their yards also. We are going to continue to monitor that construction site as well. We did meet earlier in the week and were able to remove a group of trees...the developer agreed to remove some trees from the private property in order to make the project more palatable for some of the neighbors there. It was removed at their request and hopefully as the project moves forward we will be able to address their drainage issues also.

The West Main St. and ...issue Ald. Ramkissoon and Ald. Johnson call me constantly on and we try to give them the best and updated information and we are going to give that to the public as well.

This is a \$2.7million project funded by HUD. It has been a long process and I know it was announced probably a couple of years ago at least. 3-4 yrs. ago. We are dealing with federal government folks; we are in a position where if we want the project done we have to go through every hurdle that they put in front of us. On the City side we have submitted the NEPA application which about a week or so ago we were given the order to precede by Orange County Community Development which is the agency the funding is coming through. We have submitted all the NEPA documents which are the federal equivalent to SEQRA. We were notified again this afternoon that they are requesting a little bit more documentation, so we are getting this close to finally closing the deal. They will also build a retention pond, additional retention pond at Maple Hill; will do some additional piping into the Monhagen Brook and should have after \$2.7 million better have a very positive effect on West Main St. and the drainage and flooding problems that they have.

All I can do is apologize to the people, they have been very inconvenience over the last few years but we said it before help is on its way. It is. We appreciate your patience and your understanding and acknowledge your frustration with the process. The City has moved as fast as we possible can, we have instructed our engineer, Clark Patterson Lee on this to make sure they furnish the County and Federal Government with whatever documents they requested today immediately. So that we then can go to contract and put this project out to bid. The goal is to get this project out again and completed hopefully by the end year.

That is my report for this evening.

Ald. Burr-Can you state on the tv pickup it is Middletown residents only.

Mayor DeStefano-Yes, yes Middletown residents only. Limit of 4 items. I did speak we did also have a couple of inquiries about window air conditioners. Although not a part of the program we will also accept window air conditioners. 4 items only. Middletown residents only.

Last year it cost us \$9,000.

10. Remarks of Aldermen

Ald. Masi-All three applicants and all applicants have been before us. They have given their presentation; we have given our input at a committee meeting. When it comes now we have all the input we wanted, they have gotten back to us and this is just dressing it up and passing it. Hopefully the resolution will come later on.

I didn't want the public to think they just come before us and just sit there and don't say anything. We have had the question and answer, they have gotten back to us and I just wanted you to understand the process.

Ald. Burr- On the Safe Summer Initiative- we really appreciate you coming out. It is a great opportunity to speak one on one with all dept. heads. Tomorrow night Ald. Masi and I are going to put on refreshments for our constituents.

I like to recognize, I went to a Fire Police Orange County dinner last Wednesday recognized my father-in-law for ...for over 60 yrs. appreciate that.

Doug, Greg....

Ald. Ramkissoon-First I would like to wish a happy retirement to Lt. Metakes, Ben Brunning, Doug Hendrickson.

Tonight we have a resolution to accept donations for the Neighborhood Watch once again. \$1250 tonight which will go towards National Night Out Against Crime. Thanked the local business community for always stepping up for our community and events we hold.

Yesterday we had quite a storm a lot of water in a very short timeframe. Our systems pretty overwhelmed, I was actually out and about in the 3rd Ward. You could definitely tell our systems were overwhelmed by what is going on. About an hour later pretty much the water had receded. I just want to thank the Mayor for his update tonight on West Main St.

This weekend our pools open up here in Middletown.

Ald. Johnson- Any forecast that includes the word flood watch gets our attention. I would agree that the 3rd Ward is a little bit better.

I want to thank all the administrators for their due diligence.

Retention pond in Maple Hill will be a big step forward for that area.

Also want to thank all of our retirees. To take 30 yrs. of your life and devote it to one particular municipality public service. Remarkable. I want to thank them all for that.

Also I will be out of town on the 3rd of July; I will be missing our meeting on the 3rd of July. I will miss Stars & Stripes and Safe Summer. I will be there in spirit.

Ald. Witt-First thing I would like to do is correct something that was said at the microphone earlier this evening. There is no lottery to enroll in kindergarten in Middletown School District, it is free also. In fact when your child is screened if it is deemed necessary they are allowed to enter a program where they can go for 2 yrs. It was mentioned here there was a lottery and cost money and neither one is accurate.

Graduation is this Friday night at 6pm at the High School stadium complex. Congratulations to everyone who is graduating.

Everyone be aware that there are going to be more people out and about that night. Keep an eye open for anyone who may be walking and cutting through roads.

Ald. Kleiner-I want to thank Ald. Masi for bringing up the point about our public hearings. When we have them it is where the public comes and gives their input. If the public interest in hearing our discussion with the applicant the meetings are posted on the website. You can come to public meetings and we welcome more people to come and take part.

Our Safe Summer Initiative for the 2nd Ward will be June 28th at the YMCA from 5-7:30 pm. I hope a lot of people will come out to that.

This past Saturday I want to thank the Lions Club and the Rec. Dept. for the Fishing Derby. Had a great turnout, a lot of kids. Smiling faces.

Kids Day at Thrall Park. Different agencies that turned for that. Police Dept. did a great job. To see that many families out it is always a great thing.

Next Saturday will be the Latino Festival.

I want to thank Rich Guertin for presenting us with the new Downtown Mixed Use Zoning (DMU). Our moratorium should end on time; I think that is really a good thing.

Hopefully scheduling a public hearing for that tonight.

I thank the retirees. These are hard guys to replace. Lt. Metakes, kind of experience and professionalism he has brought to the job. Not going to be easy.

Doug Hendrickson, having a Deputy Commissioner that is a tough job.

Ben Brunning, he has been amazing at the Waste Water Plant.

I wish them all well.

Noise ordinance in Middletown, you can find it on our website under City Code Section 332-2, SubSection b-5. Any kind of building or excavation, demolition any alteration only between 7am-9pm. Except in the case of public safety emergency situation. If it is before 7am or after 9pm it is in violation of the ordinance.

Operation of Section 6 on any power equipment in a residential zone outdoors allowed 7am-10pm and on weekends between 8am-10pm. Anytime earlier than that or later than if you have power equipment you can call and report it. It is not allowed.

I want to thank the Village of Chester Police, State Police and the FBI. I did go to the service for Mr. Santiago and the Luna brothers; there was an earlier one for Mr. Gutierrez there was some really excellent police work to find the victims and hopefully find the person who is accused of doing it. I thank them for that; we never take that for granted.

See everybody Saturday electronic drop off day from 8am-3pm. Last year we just had a mountain of tv's and monitors.

I never comment on what goes on nationally but bringing healthcare in the hands of 13 men behind closed doors in secret, it is really, really bad idea for public government.

Ald. Cid- Congratulations to the retirees.

In regards to the water damage, I want to thank the residents on Wilson St. for coming together and expressing their concerns.

4th Ward Constituents meeting will be Saturday, July 1 at 10am.

11. Unfinished Business

Karen Sisco-Nothing this evening.

12. New Business

174.17 Resolution to accept a donation of \$1,000.00 from Mrs. Linda Yanik, the widow of retired police officer Mitch Yanik to help fund our 2nd Annual Families in Need Adoption program

On motion of Ald. Masi seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to accept a donation of \$1,000.00 from Mrs. Linda Yanik, the widow of retired police officer Mitch Yanik to help fund our 2nd Annual Families in Need Adoption program during the holidays to adopt 10 families, providing them with warm clothing, food, and toys. This needs to be credited to line T-89.

Ald. Masi-I knew Mitch very well, a good friend of mine. I certainly thank Linda and Yanik family for this donation.

Ald. Burr-I just want to thank the Yanik family for this donation. Appreciate the donation.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

175.17 Resolution to authorize the Mayor to sign an agreement with CDM for an economic analysis for the replacement of LED lights for the existing street lights in the City of Middletown.

On motion of Ald. Burr 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 Mayor to sign an agreement with CDM for an economic analysis for the replacement of LED lights for the existing street lights in the City of Middletown by either Orange & Rockland or stay with our existing contract with ESG for the amount of \$5,000.00 within the DPW 2017 budget.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

176.17 Resolution to authorize the Treasurer to transfer a total of \$5,000.00 within the Recreation and Parks Department 2017 budget for park improvements.

On motion of Ald. Burr 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 a total of \$5,000.00 within the Recreation and Parks Department 2017 budget to replenish our Parks Materials & Supplies line that has been depleted due to our many park improvement projects in the following manner:

FROM	AMOUNT	TO
A.7020.450 General Rec: Materials & Supplies	\$2,000.00	A.7110.450 Parks: Material & Supplies
A.7321.450 Special Programs: Materials & Supplies	\$3,000.00	A. 7110.450 Parks: Materials & Supplies

Roll Call: Aye: Ald. Ramkissoo, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

177.17 Resolution to authorize the Mayor to submit an application to the County of Orange for "Solutions" funding, and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

On motion of Ald. Johnson seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to submit an application to the County of Orange for "Solutions" funding, and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

Roll Call: Aye: Ald. Ramkissoo, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

178.17 Resolution to authorize the Treasurer to accept a donation of \$5,000.00 from ShopRite Supermarkets, to be applied towards the Stars & Stripes Celebration Weekend.

On motion of Ald. Johnson seconded by Ald. Ramkissoo

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to accept a donation of \$5,000.00 from ShopRite Supermarkets, to be applied towards the Stars & Stripes Celebration Weekend.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to authorize the City Treasurer to increase the expense line of City sponsored events, A.7010.800 and add \$5,000.00 to the revenue account A.2705.

Roll Call: Aye: Ald. Ramkissoo, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

179.17 Resolution to authorize the Treasurer to assign account numbers in the general ledger as per the Treasurer to be approved on the capital projects in accordance with GASB.

On motion of Ald. Masi seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to assign account numbers in the general ledger as per the Treasurer to be approved on the projects listed below in accordance with GASB:

H.926.201-Water Department Vehicles
H.927.201-Recreation Department Vehicles
H.928.201-Street Department Vehicles
H.929-201-Fire Inspector Vehicles
H.931-210-Paramount Re-Hab
H.932.210-Archiving Equipment
H.933.210-IT Equipment
H.934.478-Park Improvements
H.935.201-Bob Cat
H.936.900-Street Lighting
H.937.201-Dump Trucks
H.938.201-Front-End Loader

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment that any expenditures prior to the borrowings being completed will be temporarily funded through Fund Balance which is planned to be within 60 days.

Roll Call: Aye: Ald. Ramkissoo, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

180.17 Resolution to authorize a change of the Common Council Meeting from Tuesday, July 4, 2017 to Monday July 3, 2017 due to the 4th of July holiday.

On motion of Ald. Witt seconded by Ald. Masi

RESOLVED; that Common Council of City of Middletown hereby authorizes the change of the Common Council Meeting be changed from Tuesday, July 4, 2017 to Monday July 3, 2017 due to the 4th of July holiday.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

181.17 Resolution to amend the City Code Chapter 460 Vehicles and Traffic, Section 460-11, Through streets; stop streets; yield intersection to add one new stop street.

On motion of Ald. Cid seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown hereby amends the City Code Chapter 460 Vehicles and Traffic, Section 460-11, Through streets; stop streets; yield intersection to add the following a new stop street:

Highview Avenue where the street meets Mountain Ave will be a stop street.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

182.17 Resolution to authorize the Treasurer to transfer \$83,750.00 from the Water Fund Balance for engineering design services for the Shawangunk Reservoir Structures.

On motion of Ald. Cid seconded by Ald. Kleiner

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 \$83,750.00 from the Water Fund Balance for engineering design services for the Shawangunk Reservoir Structures as per the attached proposal from C.T. Male Associates dated June 12, 2017 in the following manner:

FROM	AMOUNT	TO
Water Fund Balance	\$83,750.00	F.8320.512 City Dams

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

183.17 Resolution to provide a Police Escort to the Our Lady of Mt. Carmel Society procession on Sunday, July 17, 2016, commencing at 5:45 PM.

On motion of Ald. Kleiner seconded by Ald. Witt

RESOLVED; that the Common Council of the City of Middletown authorizes the Chief of Police to provide a Police Escort to the Our Lady of Mt. Carmel Society procession on Sunday, July 17, 2016, commencing at 5:45 PM and ending at 8:00 PM in front of St. Joseph Catholic Church, Cottage Street, will proceed through the First Ward and will end back at the church.

ROUTE; Exit St. Joseph Church parking lot to Albert Street, right onto Ogden Street, left on Rowan Street, right on Beattie Ave, left on Railroad Ave, left on East Main Street, left on Grand Ave, left on New Street, right on Broad Street, left on Prince Street, left on Ogden Street, right on Montgomery Street, left on Prince Street, right on Cottage Street and back to St. Joseph Church.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

184.17 Resolution to transfer \$2,244.21 within the 2017 operating budget of the Middletown Recreation & Parks Department to cover overage cost of two vehicles approved in the 2017 Capital Budget.

On motion of Ald. Cid seconded by Ald. Burr

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 \$2,244.21 within the 2017 operating budget of the Middletown Recreation & Parks Department to cover overage cost of two vehicles approved in the 2017 Capital Budget in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.7180.440	\$2,244.21	H.927.201
Pools: Repair to Equipment		Rec. Dept. Vehicles (capital)

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

185.17 Resolution to accept donations in the amount of \$1,250.00 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 authorize the Treasurer to accept donations in the amount of \$1,250.00 in support of the Neighborhood Watch Program and for the Treasurer to credit them to account T-51 as follows:

Star Paint	\$250.00
Healey Ford and Lincoln	500.00
Tony Boffa's Restaurant	250.00
Todd Lyons Paving	<u>250.00</u>
Total	\$1,250.00

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

186.17 Resolution to transfer a total of \$4,000.00 within the 2017 operating budget of the Middletown Recreation & Parks Department to go towards payment of emergency repairs to parks department's garbage truck.

On motion of Ald. Burr 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 a total of \$4,000.00 within the 2017 operating budget of the Middletown Recreation & Parks Department to go towards payment of emergency repairs to parks department's garbage truck totaling \$5,226.60 in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.7020.440 General Rec: Repairs to Equipment	\$2,000.00	A.7110.440 Parks: Repairs to Equipment
A.7180.440 Pools: Repairs to Equipment	\$2,000.00	A. 7110.440 Parks: Repairs to Equipment

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

187.17 Resolution for the approval of a negative declaration under SEQRA and Common Council as lead agency for 12 Washington Street office and apartments during the BID Moratorium.

On motion of Ald. Johnson seconded by Ald. Masi

Whereas, Xiaoyang Gao has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish an office and two apartments on the first floor and open commercial space on the second floor (“the Action”) at property known as 12 Washington Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 4 Lot 4 (“the Property”), and

WHEREAS, the applicant has prepared 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, and the EAF describes the Action in detail and addresses the potential environmental impacts, if any, of the Action, and

WHEREAS, the Common Council of the City, on behalf of the City, acknowledges receipt of the EAF, and the Common Council, on behalf of the City, would be the Lead Agency as the sole Involved Agency in connection with the SEQRA review of the Action.

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

1. The Action is the establishment of an office and two apartments on the first floor and open commercial space on the second floor of the Property.
2. The EAF regarding the Action has been filed with the Common Council.
3. The Action is an Unlisted Action pursuant to SEQRA, and the Common Council is the Lead Agency and the sole Involved Agency in order to make an environmental determination regarding the Action.
4. The review of the Action is not a Coordinated Review.
5. Approval of the Action will allow the applicant to develop the Property, which has been vacant for years, so that the building can become again a viable part of the City’s downtown area. The building on the Property had been used for office and residential space on the first floor and open commercial space on the second floor prior to it becoming vacant, so the proposed use of the Property is consistent with historical uses of the Property. Approval of the Action also will allow the rehabilitation and restoration of the Property and the building on the Property, which presently is in a deteriorated condition which will continue if the Action is not approved.
6. The Action (particularly because it involves the redevelopment of an existing building, without a change in the exterior footprint of the building, and use and improvement of

an existing parking lot, which will remain as such) will not conflict with the City's land use plan or zoning regulations; will not result in a change in the use or intensity of use of land; will not impair the character or quality of the community; will not have any significant impact on existing levels of traffic, the use of energy, public water supplies and wastewater treatment facilities or utilities (and if there is any impact, it will be limited and temporary in connection with development activities); will not result in an adverse change to natural resources such as wetlands, air quality, flora and fauna; will not result in an increase in the potential for erosion, flooding or drainage problems; and will not create a hazard to environmental resources, Critical Environmental areas or human health.

7. The Action will not result in a demand for other actions that exhibit impacts addressed by the Regulations.

8. There will be no changes to multiple elements of the environment that cumulatively would result in substantial or significant adverse impacts.

9. There are no projects which have been approved by the Common Council or which currently are seeking approval from the Common Council which, when taken together with the Action, would cause a significant effect on the environment.

10. 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 with respect to the Action:

The Common Council, as the Lead Agency, following its review of the EAF 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 and/or his agents to issue, file and circulate a Notice of Determination of Non-Significance as the same may be required by the Regulations

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

188.17 Resolution for the approval of 12 Washington Street office and apartments during the BID Moratorium.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

Whereas, Xiaoyang Gao has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish an office and two apartments on the first floor and open commercial space on the second floor (“the Project”) at property known as 12 Washington Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 4 Lot 4 (“the Property”), and

Whereas, the current owner of the Property has authorized the application, and

Whereas, the Planning and Economic Development Committee of the Common Council has reviewed the Project, and

Whereas, the Common Council of the City of Middletown on June 20, 2017 held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

Whereas, the Project is an Unlisted Action under Part 617, 6 NYCRR 617 for purposes of the State Environmental Quality Review Act (“SEQRA”), and the applicant has submitted a Short Environmental Assessment Form (“EAF”) to the Common Council which is the only agency involved with the approval of the Project and therefore is the Lead Agency for purposes of SEQRA review of the Project, and

Whereas, the Common Council issued a Negative Declaration and a Determination of Non-Significance for purposes of SEQRA with respect to the Project, and

Whereas, the Project would be permitted (with Planning Board approval) under the Zoning Law in existence prior to the imposition of the moratorium, and

Whereas, the existing zoning allows residential use on the first floor of buildings only if commercial use on the first floor is waived, and in this case the applicant is seeking both office use and residential use on the first floor of the Property, and

Whereas, the Property historically had been used for office space and residential use on the first floor, so a waiver of the commercial-only use of the first floor would be consistent with prior use of the Property and is unique to this Property because of the configuration of the building on the Property (that is, because of the historical use of a portion of the first floor as a residence and because the second floor of the Property has been used, and realistically only can be used, for commercial purposes due to the structure and configuration of the second floor), and

Whereas, the Project appears to be consistent with the spirit of the intended zoning regulations expected to be implemented for the downtown area, and

Whereas, if the Project were not approved, the owner of the Property would suffer an unreasonable hardship in that the Property would not be fully utilized, would continue to be vacant and its conditions would continue to deteriorate, and would not provide a benefit to the downtown area if it were to remain vacant, and

Whereas, the Common Council believes the Project would enhance the neighborhood and would benefit the City and is consistent with uses the Common Council would like to encourage within the downtown area, and

Whereas, the Common Council believes that all the requirements set forth in Section 3(A) (1-4) of Local Law #1 of 2017 have been addressed and satisfied.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council finds the Project satisfies the requirements contained in Section 3(A) (1-4) of Local Law #1 of 2017.

Be it further resolved, that the Common Council approves the application of Xiaoyang Gao to establish an office and two apartments on the first floor and open commercial space on the second floor at property known as 12 Washington Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 4 Lot 4, due to the unique configuration of the first and second floors of the building on the Property and the historical use of the Property (particularly the mixed office and residential use on the first floor).

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

189.17 Resolution for the approval of Physical Therapy & Wellness practice at 63-67 North Street during the BID Moratorium.

On motion of Ald. Johnson seconded Ald. Ramkissoon

Whereas, Noreen Shimkus has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish a physical therapy and wellness private practice (“the Project”) at property known as 65 North Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 7 Lot 1 (“the Property”), and

Whereas, the current owner of the Property has authorized the application, and

Whereas, the Planning and Economic Development Committee of the Common Council has reviewed the Project, and

Whereas, the Common Council of the City of Middletown on June 20, 2017 held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

Whereas, the Project is a Type II action under 6 NYCRR 617.5 (c) (7) for purposes of the State Environmental Quality Review Act (“SEQRA”), and therefore no action is required to be taken by the Common Council under SEQRA with respect to the Project, and

Whereas, the Project would be permitted (with Planning Board approval) under the Zoning Law in existence prior to the imposition of the moratorium, and

Whereas, the Project appears to be consistent with the spirit of the intended zoning regulations expected to be implemented for the downtown area, and

Whereas, if the Project were not approved, the owner of the Property would suffer an unreasonable hardship in that the Property would not be fully utilized and would not provide a benefit to the downtown area if it were to become or remain vacant, and

Whereas, the Common Council believes the Project would enhance the neighborhood and would benefit the City and is consistent with uses the Common Council would like to encourage within the downtown area, and

Whereas, the Common Council believes that all the requirements set forth in Section 3(A) (1-4) of Local Law #1 of 2017 have been addressed and satisfied.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council finds the Project satisfies the requirements contained in Section 3(A) (1-4) of Local Law #1 of 2017.

Be it further resolved, that the Common Council approves the application of Noreen Shimkus to establish a physical therapy and wellness private practice at property known as 65 North Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 7 Lot 1.

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

190.17 Resolution for the approval of Ice Cream Shop with food for 42 West Main Street during the BID Moratorium.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

Whereas, The Palateria & Coffee Shop, LLC has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish a coffee shop/ice cream and popsicle shop/breakfast and lunch establishment (“the Project”) at property known as 42 West Main Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 2 Lot 2 (“the Property”), and

Whereas, the current owner of the Property has authorized the application, and

Whereas, the Planning and Economic Development Committee of the Common Council has reviewed the Project, and

Whereas, the Common Council of the City of Middletown on June 20, 2017 held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

Whereas, the Project is a Type II action under 6 NYCRR 617.5 (c) (7) for purposes of the State Environmental Quality Review Act (“SEQRA”), and therefore no action is required to be taken by the Common Council under SEQRA with respect to the Project, and

Whereas, the Project would be permitted (with Planning Board approval) under the Zoning Law in existence prior to the imposition of the moratorium, and

Whereas, the Project appears to be consistent with the spirit of the intended zoning regulations expected to be implemented for the downtown area, and

Whereas, if the Project were not approved, the owner of the Property would suffer an unreasonable hardship in that the Property, which is now vacant, would not be fully utilized and would not provide a benefit to the downtown area if it were to remain vacant, and

Whereas, the Common Council believes the Project would enhance the neighborhood and would benefit the City and is consistent with uses the Common Council would like to encourage within the downtown area, and

Whereas, the Common Council believes that all the requirements set forth in Section 3(A) (1-4) of Local Law #1 of 2017 have been addressed and satisfied.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council finds the Project satisfies the requirements contained in Section 3(A) (1-4) of Local Law #1 of 2017.

Be it further resolved, that the Common Council approves the application of The Palateria & Coffee Shop, LLC to establish a coffee shop/ice cream and popsicle shop/breakfast

and lunch establishment at property known as 42 West Main Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 2 Lot 2.

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

191.17 Resolution to authorize the Mayor to sign the attached letter of agreement with Orange and Rockland Utilities with respect to certain utility installation projects.

On motion of Ald. Masi seconded by Ald. Burr

MOTION FROM THE FLOOR

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached letter of agreement with Orange and Rockland Utilities with respect to certain utility installation projects within portions of City roads commonly known as Wickham Ave., Liberty Street., Wallkill Ave., Smith St., Eldred St., Mulberry St., and East Main St.

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

192.17 Resolution to call for a public Hearing on Monday, July 3rd, 2017 as near to 8:00PM as possible regarding a change to the Zoning of the City Code regarding the proposed Downtown Mixed Use (DMU).

On motion of Ald. Ramkissoon seconded by Ald. Johnson

MOTION FROM THE FLOOR

RESOLVED; that the Common Council of the City of Middletown hereby calls for a public Hearing on Monday, July 3rd, 2017 as near to 8:00PM as possible regarding a change to the Zoning of the City Code regarding the proposed Downtown Mixed Use (DMU).

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

13. Local Law

Karen Sisco-Nothing this evening

14. Audit

On motion of Ald. Masi seconded by Ald. Burr

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

Roll Call: Aye: Ald. Ramkissoon, Johnson, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-8

15. Adjournment

There being no further business meeting adjourned at 10:07 PM

Respectfully submitted,

Karen Sisco